



Uinta Basin Railway

Final Environmental Impact Statement

STB Docket No. FD 36284

Volume III: Appendix T

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Project Applicant:
Seven County Infrastructure Coalition

Lead Agency:
Surface Transportation Board
Office of Environmental Analysis

Cooperating Agencies:
Department of the Army, U.S. Army Corps of Engineers
State of Utah Public Lands Policy Coordinating Office
U.S. Department of Agriculture, Forest Service
U.S. Department of the Interior, Bureau of Indian Affairs
U.S. Department of the Interior, Bureau of Land Management

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Acronyms

Board	Surface Transportation Board
CEQ	Council on Environmental Quality
EIS	Environmental Impact Statement
FR	Federal Register
MST	Mountain Standard Time
NEPA	National Environmental Policy Act
NOA	Notice of Availability of the Uinta Basin Railway Draft EIS
NOI	Notice of Intent to Prepare an Environmental Impact Statement
OEA	Office of Environmental Analysis
USEPA	U.S. Environmental Protection Agency

Chapter 1

Introduction

On October 30, 2020, the Surface Transportation Board’s (Board) Office of Environmental Analysis (OEA) issued a Draft Environmental Impact Statement (EIS) for the proposed Uinta Basin Railway for public review and comment. Release of the Draft EIS initiated a public comment period that was extended twice and ended on February 12, 2021. During the comment period, OEA conducted six online public meetings. These meetings were held online due to OEA’s concerns for public safety during the COVID-19 pandemic and COVID-19-related restrictions on large gatherings and travel.

OEA received comments on the Draft EIS orally during each online public meeting, electronically through the Board-sponsored project website (www.uintabasinrailwayeis.com) and by mail and email. OEA received a total of 869 unique comment submissions during the course of the public comment period and 1,065 form letters. Comments covered a wide spectrum of thoughts, opinions, ideas, and concerns. OEA recognizes that commenters invested considerable time and effort to submit comments on the Draft EIS and developed a comment analysis methodology to ensure that all comments were reviewed and considered, as directed by National Environmental Policy Act of 1969 (NEPA) regulations.

This report includes the comments received during the comment period and OEA’s responses to the comments. The remainder of this report is organized as follows.

- **Public Involvement.** Describes the online public meetings and how OEA notified the public of the release of the Draft EIS and the comment period.
- **Comment Analysis Process.** Describes how OEA received, recorded, and categorized comment documents and individual comments.
- **Comments Received.** Describes the public comments received including number of comments or comment submissions by submittal method, category, and affiliation of commenters.
- **Responses to Comments.** Provides summary responses and individual responses to comments.

OEA published a Notice of Intent to Prepare an Environmental Impact Statement (NOI), Notice of Availability of the Draft Scope of Study, Notice of Scoping Meetings, and Request for Comments (84 *Federal Register* [FR] 28611) on June 19, 2019. Publication of the NOI initiated a public scoping period that commenced on June 19, 2019. After OEA extended the scoping comment period for an additional 30 days, the public scoping comment period ended on September 3, 2019. During this scoping comment period, OEA held six public scoping meetings in the vicinity of the proposed rail line and in Salt Lake City, Utah. OEA considered all of the comments received during the scoping comment period and revised the Draft Scope of Study in response to public and agency input. On December 13, 2019, OEA published the Final Scope of Study in the *Federal Register* (84 FR 68274). Chapter 5, *Consultation and Coordination*, provides more details on public involvement throughout development of this EIS.

2.1 Public Notification of the Draft EIS Availability

On October 30, 2020, the U.S. Environmental Protection Agency (USEPA) published a Notice of Availability of the Uinta Basin Railway Draft EIS (NOA) in the *Federal Register*. OEA conducted extensive notification about the NOA, the online public meetings, and the two public comment period extensions, including by emailing the Board's announcements to the project distribution list; emailing community flyers to organizations near the proposed rail line, such as libraries and chambers of commerce; emailing a Public Service Announcement and Media Release to media outlets covering the vicinity of the proposed rail line; placing a legal notice in area newspapers of record; and including information on the Board-sponsored project website (www.uintabasinrailwayeis.com). Public notification efforts included the dates and times of online public meetings and instructions on how to register for the online public meetings. OEA also conducted a zip code-targeted digital campaign advertising the availability of the Draft EIS and linking to the project website and meeting registrations.

2.2 Public Meetings

During the public comment period on the Draft EIS, OEA hosted six online public meetings to provide information to the public and to solicit comments. These meetings were held online due to OEA's concerns for public safety during the COVID-19 pandemic and COVID-19-related restrictions on large gatherings and travel. The online public meetings were held at the following dates and times; all times are in Mountain Standard Time (MST).

- Monday, November 16, 2020, 2:00–4:00 p.m.
- Wednesday, November 18, 2020, 9:00–11:00 a.m.
- Thursday, November 19, 2020, 6:00–8:00 p.m.
- Monday, November 30, 2020, 6:00–8:00 p.m.

- Tuesday, December 1, 2020, 2:00–4:00 p.m.
- Thursday, December 3, 2020, 6:00–8:00 p.m.

Over the course of the six online public meetings, 209 persons registered to attend, and 55 persons registered in advance to make oral comments. Persons who did not register in advance were able to participate in any of the meetings by following the instructions on the project website or by dialing the telephone number that OEA made available on the public website. When time permitted during an online public meeting, the meeting facilitator called upon persons desiring to make an oral comment, but who had not registered in advance to do so. OEA also posted the oral presentation that was shared at each online public meeting to the project website to make it available for viewing at any time. A court reporter recorded the oral comments, and OEA made the meeting transcripts available on the project website after the meetings.

Chapter 3

Comment Analysis Process

The Council on Environmental Quality (CEQ) regulations implementing NEPA require OEA to consider substantive comments that are timely submitted during the Draft EIS comment period. OEA used a systematic process for responding to comments to ensure all comments were identified, tracked, and responded to. All submissions were entered into the comment analysis software platform CommentWorks and automatically assigned an identification number in that platform. OEA reviewed all comment submissions and coded topics from each submission to appropriate categories based on the content of the submissions. This process allowed OEA to organize, categorize, and respond to comments.

Categories used for comment coding included the following.

- Purpose and Need
- Proposed Action and Alternatives
- Vehicle Safety and Delay
- Rail Operations Safety
- Water Resources
- Land Use and Recreation
- Visual Resources
- Socioeconomics
- Environmental Justice
- Environmental Justice-Tribal Coordination and Consultation
- Biological Resources
- Geology, Soils, Seismic Hazards, and Hazardous Waste Sites
- Cumulative Impacts
- Mitigation
- Noise and Vibration
- Air Quality and Greenhouse Gases
- Consultation and Coordination
- Additional Topics Required by NEPA
- Energy
- Cultural Resources
- General
- Paleontological Resources
- Support and Opposition

Many comments received throughout the process expressed personal opinions or preferences; provided broad input without specific actionable information; did not contain information relevant to the adequacy or accuracy of the Draft EIS; represented commentary regarding impacts without substantive connection to the document being reviewed; or discussed issues outside of the scope of OEA's environmental review of the proposed rail line, such as other projects or existing laws, rules, regulations, or policies. OEA categorized the majority of nonsubstantive comments to the Support and Opposition category. In an effort to be as responsive as possible, OEA has provided responses to all comments received on the Draft EIS. OEA read, analyzed, and considered all opinions, feelings, and preferences for a particular Action Alternative or the No-Action Alternative. However, these comments did not provide specific information to assist with making changes to the alternatives or impact analysis in the Draft EIS.

Analyzing demographic information allows OEA to form an overall picture of the comments received and a better understanding of who submitted comments and their affiliation, what issues were commented on the most, and the methods used by the public to provide comments.

4.1 Comment Submissions

During the public comment period, OEA received a total of 1,934 comment document submissions. Of these comment submissions, 869 were unique submissions and 1,065 were form letters associated with one of two form letter campaigns. Form letters are standardized letters that are typically submitted on behalf of an organization. The organization arranging a form letter campaign usually provides individual commenters the opportunity to submit a standard letter prepared by the organization or to modify the letter to add new information or emphasize their main concern. Because form letters contain duplicative text, OEA treated each form letter campaign as one submission. In addition to the 1,065 identical form letters, OEA received 184 submissions of form letters with some unique text. OEA treated these 184 form letters as unique submissions.

4.2 Comment Submissions by Submittal Method

OEA received comment submissions through a variety of delivery methods, as listed in Table T-1. OEA received the majority of comment submissions electronically on the project website at www.uintabasinrailwayeis.com.

Table T-1. Number of Comment Documents by Method of Delivery

Method of Delivery	Number of Comment Submissions
Electronic	1,744
Email	89
Mail	32
Oral comments at online public meetings	68
Telephone message	1
Total	1,934

4.3 Comment Submissions by Affiliation

OEA received comment submissions from various entities as listed in Table T-2.

Table T-2. Number of Comment Submissions by Affiliation

Affiliation	Number of Comment Submissions
Federal government	2
State government	4
Local government	9
Tribal government	2
Elected officials	8
Individuals, businesses, nongovernmental organizations	1,909
Total	1,934

4.4 Comments by Category

From the comment submissions, OEA identified 1,685 individual comments that required responses. OEA counted duplicate comments in form letters once. The 1,685 individual comments OEA identified cover a broad range of topics. Table T-3 presents the number of individual comments submitted by category. The greatest number of comments was associated with support and opposition, cumulative impacts, and biological resources.

Table T-3. Number of Comments by Category

Category	Number of Comments by Category
Support and Opposition	840
Cumulative Impacts	146
Biological Resources	124
General	106
Water Resources	70
Air Quality and Greenhouse Gases	69
Rail Operations Safety	57
Proposed Action and Alternatives	54
Land Use and Recreation	35
Socioeconomics	34
Vehicle Safety and Delay	19
Cultural Resources	18
Purpose and Need	17
Visual Resources	16
Mitigation	14
Geology, Soils, Seismic Hazards, and Hazardous Waste Sites	13
Consultation and Coordination	13
Environmental Justice	12
Energy	9
Noise and Vibration	8
Environmental Justice-Tribal Coordination and Consultation	7

Category	Number of Comments by Category
Paleontological Resources	3
Additional Topics Required by NEPA	1
Total	1,685

Chapter 5 Responses to Comments

This chapter contains OEA’s responses to public comments received on the Draft EIS. Commenters can find their comments and OEA’s responses using the comment submissions index in Table T-4. Table T-4 identifies commenter names, submission numbers, and the tables within this chapter that contain the comments and responses associated with each submission. OEA has listed individual commenters in Table T-4 alphabetically for easy identification.

OEA’s responses to each of the 1,685 individual comments are included in Tables T-5 through T-27 in Chapter 5, Section 5.2, *Individual Responses*. Commenter names and submission numbers are identified above each individual comment in Tables T-5 through T-27. For certain comment topics, OEA prepared summary responses to allow for more detailed information to be provided to address the topics. The summary responses are included in Chapter 5, Section 5.1, *Summary Responses*. If OEA felt an individual comment was best addressed by a summary response, the appropriate summary response is noted in the comment response location in Tables T-5 through T-27.

OEA reviewed all comments and, if necessary or to provide clarity, OEA made additions or specific text changes within the Draft EIS. If a comment resulted in a change, the change is shown in blue text in the Final EIS. In some cases, commenters offered statements with regard to the importance or relevance of a topic, but with no recommendation about revisions to the Draft EIS. OEA has responded to these comments in Tables T-5 through T-27, but these comments did not warrant any changes to the Draft EIS text.

Table T-4. Comment Submissions Index

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
3rd East Auto Parts NAPA and Echo and mud flats car washes (Orme, Chad)	UBR-DEIS-00577	T-27 Support and Opposition
Abbott, Austin	UBR-DEIS-00589	T-27 Support and Opposition
Abeles, David	UBR-DEIS-00550	T-27 Support and Opposition
Adair, Laine	UBR-DEIS-00019	T-6 Proposed Action and Alternatives
Adler, Frederick	UBR-DEIS-00326	T-6 Proposed Action and Alternatives, T-27 Support and Opposition
Adler, Lezlie	UBR-DEIS-00451-0052	T-27 Support and Opposition
Albury, Kathryn	UBR-DEIS-00464	T-27 Support and Opposition
Alexander, Becca	UBR-DEIS-00153	T-27 Support and Opposition
Allen, Jacqueline	UBR-DEIS-00451-0170	T-27 Support and Opposition
Allen, Reid	UBR-DEIS-00416	T-6 Proposed Action and Alternatives, T-27 Support and Opposition
Allison, Kimberly	UBR-DEIS-00266	T-26 General
Allred, Ben	UBR-DEIS-00089	T-27 Support and Opposition
Allred, John and Patty	UBR-DEIS-00079	T-27 Support and Opposition
Allred, Mike	UBR-DEIS-00088	T-27 Support and Opposition

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
Allridge, Brian	UBR-DEIS-00631	T-27 Support and Opposition
Alvarado, Jose C.	UBR-DEIS-00451-0201	T-27 Support and Opposition
Alvarez, Marissa	UBR-DEIS-00451-0158	T-27 Support and Opposition
Ambler, Susan	UBR-DEIS-00451-0070	T-27 Support and Opposition
American Whitewater (Kunz, Kestrel)	UBR-DEIS-00651	T-17 Land Use and Recreation, T-26 General
Andersen, Glenn	UBR-DEIS-00451-0179	T-27 Support and Opposition
Anderson, Brandon	UBR-DEIS-00304	T-27 Support and Opposition
Anderson, Darren	UBR-DEIS-00107	T-27 Support and Opposition
Anderson, Dianne	UBR-DEIS-00329	T-27 Support and Opposition
Anderson, LeRoy	UBR-DEIS-00346	T-27 Support and Opposition
Andrews, Rick	UBR-DEIS-00451-0025	T-27 Support and Opposition
Annoni, Pat	UBR-DEIS-00042	T-27 Support and Opposition
Annoni, Patricia	UBR-DEIS-00341	T-27 Support and Opposition
Anonymous	UBR-DEIS-00452	T-27 Support and Opposition
Anson, David	UBR-DEIS-00070	T-27 Support and Opposition
Argyle Wilderness Preservation Alliance (Fordham, Darrell)	UBR-DEIS-00057	T-26 General
Argyle Wilderness Preservation Alliance (Fordham, Darrell)	UBR-DEIS-00228	T-26 General
Argyle Wilderness Preservation Alliance (Fordham, Darrell)	UBR-DEIS-00288	T-26 General, T-27 Support and Opposition
Argyle Wilderness Preservation Alliance (Fordham, Darrell)	UBR-DEIS-00291	T-5 Purpose and Need, T-23 Mitigation, T-27 Support and Opposition
Argyle Wilderness Preservation Alliance (Fordham, Darrell)	UBR-DEIS-00302	T-7 Vehicle Safety and Delay, T-27 Support and Opposition
Argyle Wilderness Preservation Alliance (Fordham, Darrell)	UBR-DEIS-00386	T-5 Purpose and Need, T-7 Vehicle Safety and Delay, T-23 Mitigation, T-26 General
Argyle Wilderness Preservation Alliance (Fordham, Darrell)	UBR-DEIS-00399	T-26 General, T-27 Support and Opposition
Argyle Wilderness Preservation Alliance (Fordham, Darrell)	UBR-DEIS-00591	T-5 Purpose and Need, T-6 Proposed Action and Alternatives, T-7 Vehicle Safety and Delay, T-8 Rail Operations Safety, T-9 Water Resources, T-10 Biological Resources, T-11 Geology, Soils, Seismic Hazards, and Hazardous Waste Sites, T-12 Noise and Vibration, T-13 Air Quality and Greenhouse Gases, T-16 Paleontological Resources, T-17 Land Use and Recreation, T-18 Visual Resources, T-19 Socioeconomics, T-22 Cumulative Impacts, T-24

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
		Consultation and Coordination, T-26 General, T-27 Support and Opposition
Arnold, Trever	UBR-DEIS-00125	T-27 Support and Opposition
Artio, Alex	UBR-DEIS-00451-0123	T-27 Support and Opposition
Ashley Communications Inc (Evans, Steven)	UBR-DEIS-00040	T-27 Support and Opposition
Astin, Daniel	UBR-DEIS-00270	T-19 Socioeconomics
Atwood, Skyler	UBR-DEIS-00092	T-27 Support and Opposition
Ayers, Robin	UBR-DEIS-00451-0045	T-27 Support and Opposition
B&B Roustabout, Inc. (Birchell, Justin)	UBR-DEIS-00220	T-27 Support and Opposition
Bachman, Fritz	UBR-DEIS-00451-0210	T-27 Support and Opposition
Badger, Lee	UBR-DEIS-00503	T-27 Support and Opposition
Ball, Connie	UBR-DEIS-00451-0047	T-27 Support and Opposition
Ballard, Julia	UBR-DEIS-00451-0188	T-27 Support and Opposition
Ban, Joel	UBR-DEIS-00429	T-6 Proposed Action and Alternatives, T-9 Water Resources, T-10 Biological Resources, T-17 Land Use and Recreation, T-22 Cumulative Impacts, T-27 Support and Opposition
Barber, James	UBR-DEIS-00451-0151	T-27 Support and Opposition
Barbero, Cris	UBR-DEIS-00359	T-27 Support and Opposition
Barnard, Michele	UBR-DEIS-00451-0082	T-27 Support and Opposition
Barnes, Janine	UBR-DEIS-00672	T-27 Support and Opposition
Barnes, Tonya	UBR-DEIS-00604	T-27 Support and Opposition
Barone, Mark	UBR-DEIS-00320	T-27 Support and Opposition
Bartleson, Jeff	UBR-DEIS-00451-0062	T-27 Support and Opposition
Bastian, Annette	UBR-DEIS-00566	T-27 Support and Opposition
Bateman, Stephanie	UBR-DEIS-00514	T-27 Support and Opposition
Batty, Mandi	UBR-DEIS-00659	T-27 Support and Opposition
Batty, Marcus	UBR-DEIS-00688	T-27 Support and Opposition
Beach, Bonnie	UBR-DEIS-00451-0011	T-27 Support and Opposition
Beal, Whit	UBR-DEIS-00521	T-27 Support and Opposition
Beck, Kimberly	UBR-DEIS-00342	T-27 Support and Opposition
Behrman, Kelly	UBR-DEIS-00139	T-27 Support and Opposition
Bell, David	UBR-DEIS-00451-0061	T-27 Support and Opposition
Belton, Lorien	UBR-DEIS-00692	T-9 Water Resources, T-10 Biological Resources, T-23 Mitigation, T-24 Consultation and Coordination
Bennett, David	UBR-DEIS-00379	T-27 Support and Opposition
Bennion, Quinn	UBR-DEIS-00370	T-27 Support and Opposition

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
Benton, Pamela	UBR-DEIS-00451-0006	T-27 Support and Opposition
Bernhard, Joshua	UBR-DEIS-00533	T-27 Support and Opposition
Berry Petroleum Company, LLC (Burke, Stephen)	UBR-DEIS-00434	T-14 Energy, T-17 Land Use and Recreation
BHI (Haslem, Brett)	UBR-DEIS-00643	T-27 Support and Opposition
BHI (Ulm, Derek)	UBR-DEIS-00653	T-27 Support and Opposition
Biedermann, Laurel	UBR-DEIS-00307	T-26 General
Biedermann, Will	UBR-DEIS-00557	T-26 General
Bijolle, Alesha	UBR-DEIS-00652	T-27 Support and Opposition
Bills, Douglass	UBR-DEIS-00669	T-27 Support and Opposition
Blakney, Karen	UBR-DEIS-00451-0195	T-27 Support and Opposition
Blankenagel, Jason	UBR-DEIS-00215	T-27 Support and Opposition
Boggs, Duane	UBR-DEIS-00200	T-27 Support and Opposition
Bolyard, Dan	UBR-DEIS-00529	T-27 Support and Opposition
Bomer, Francie	UBR-DEIS-00254	T-27 Support and Opposition
Bone, Trevor	UBR-DEIS-00617	T-27 Support and Opposition
Bonetti, Ken	UBR-DEIS-00261	T-27 Support and Opposition
Borg, Carolyn	UBR-DEIS-00451-0162	T-27 Support and Opposition
Borg, Carolyn	UBR-DEIS-00479	T-5 Purpose and Need, T-27 Support and Opposition
Borges, Kent	UBR-DEIS-00451-0013	T-27 Support and Opposition
Borton, Stephen	UBR-DEIS-00519	T-27 Support and Opposition
Bottagaro, Andy	UBR-DEIS-00451-0157	T-27 Support and Opposition
Bottorff, Virginia	UBR-DEIS-00517	T-27 Support and Opposition
Bowden, Joseph	UBR-DEIS-00582	T-27 Support and Opposition
Boyer, Richard	UBR-DEIS-00467	T-27 Support and Opposition
Brady, Bo	UBR-DEIS-00111	T-27 Support and Opposition
Brady, Doug	UBR-DEIS-00451-0209	T-27 Support and Opposition
Branch, Angie	UBR-DEIS-00451-0100	T-27 Support and Opposition
Braymen, Elizabeth	UBR-DEIS-00451-0103	T-27 Support and Opposition
Briggs, Sandra	UBR-DEIS-00334	T-27 Support and Opposition
Bringhurst, Margaret	UBR-DEIS-00041	T-27 Support and Opposition
Bringhurst, Margaret	UBR-DEIS-00296	T-27 Support and Opposition
Brinkerhoff, Russell	UBR-DEIS-00143	T-27 Support and Opposition
Brister, Bob	UBR-DEIS-00451-0126	T-27 Support and Opposition
Broadbent, Mitchell	UBR-DEIS-00451-0044	T-27 Support and Opposition
Broken Pipe Ranch (Young, Tyler)	UBR-DEIS-00016	T-17 Land Use and Recreation
Brooksby, Denise	UBR-DEIS-00082	T-27 Support and Opposition

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
Brookshire, Blaire	UBR-DEIS-00650	T-27 Support and Opposition
Brookshire, Blaire	UBR-DEIS-00665	T-27 Support and Opposition
Brown, Diane	UBR-DEIS-00451-0081	T-27 Support and Opposition
Brown, Jim & Kim	UBR-DEIS-00065	T-27 Support and Opposition
Bubar, Marc	UBR-DEIS-00430	T-10 Biological Resources, T-22 Cumulative Impacts, T-27 Support and Opposition
Budig, Michael	UBR-DEIS-00063	T-22 Cumulative Impacts
Budig, Michael	UBR-DEIS-00241	T-6 Proposed Action and Alternatives, T-22 Cumulative Impacts, T-27 Support and Opposition
Bullriver Ranch (Beal, Thad)	UBR-DEIS-00072	T-27 Support and Opposition
Bur, Cindy	UBR-DEIS-00451-0132	T-27 Support and Opposition
Burke, Meghann	UBR-DEIS-00451-0071	T-27 Support and Opposition
Burnett, John	UBR-DEIS-00451-0092	T-27 Support and Opposition
Burton, Jan	UBR-DEIS-00391	T-10 Biological Resources, T-27 Support and Opposition
Burton, Roger	UBR-DEIS-00187	T-27 Support and Opposition
Butler, Molly	UBR-DEIS-00451-0063	T-27 Support and Opposition
C&T Construction (Taylor, Mondi)	UBR-DEIS-00146	T-27 Support and Opposition
Caiazza, Anissa	UBR-DEIS-00331	T-27 Support and Opposition
Caldwell, Devin	UBR-DEIS-00093	T-27 Support and Opposition
Callantine, Tyler	UBR-DEIS-00039	T-26 General
Cammack, Alan	UBR-DEIS-00451-0136	T-27 Support and Opposition
Campbell, James	UBR-DEIS-00451-0087	T-27 Support and Opposition
Canyon Fork Ranch (Nielsen, Geri)	UBR-DEIS-00435	T-27 Support and Opposition
Capitol Hill Action Group (Holmes, Stanley)	UBR-DEIS-00609	T-22 Cumulative Impacts, T-26 General, T-27 Support and Opposition
Carbon County Commissioners (Thorne, Todd)	UBR-DEIS-00544	T-27 Support and Opposition
Carlson, Allan	UBR-DEIS-00642	T-27 Support and Opposition
Carlson, Brittany	UBR-DEIS-00648	T-27 Support and Opposition
Carlson, Brittany	UBR-DEIS-00662	T-27 Support and Opposition
Carlson, Brittany	UBR-DEIS-00664	T-27 Support and Opposition
Carlson, Matt	UBR-DEIS-00599	T-27 Support and Opposition
Carney, Dick	UBR-DEIS-00280	T-26 General
Carr, Richard	UBR-DEIS-00451-0002	T-27 Support and Opposition
Carter, Dorothy	UBR-DEIS-00085	T-27 Support and Opposition
Case, Jill	UBR-DEIS-00492	T-27 Support and Opposition
Casper, BobbiJo	UBR-DEIS-00172	T-27 Support and Opposition

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
Castendyk, Devin	UBR-DEIS-00364	T-26 General
Caswell, Larry	UBR-DEIS-00451-0072	T-27 Support and Opposition
Cedar Bear Naturales (Remington, Kevin)	UBR-DEIS-00199	T-6 Proposed Action and Alternatives, T-27 Support and Opposition
Cedra Bear Naturales, Inc. (Remington, Kevin)	UBR-DEIS-00005	T-6 Proposed Action and Alternatives
Center for Biological Diversity (Olvera, Griselda)	UBR-DEIS-00451	T-27 Support and Opposition
Center for Biological Diversity (Olvera, Griselda)	UBR-DEIS-00607	T-27 Support and Opposition
Center for Biological Diversity, et al. (Park, Wendy)	UBR-DEIS-00683	T-6 Proposed Action and Alternatives, T-7 Vehicle Safety and Delay, T-8 Rail Operations Safety, T-9 Water Resources, T-10 Biological Resources, T-11 Geology, Soils, Seismic Hazards, and Hazardous Waste Sites, T-13 Air Quality and Greenhouse Gases, T-17 Land Use and Recreation, T-20 Environmental Justice, T-22 Cumulative Impacts, T-23 Mitigation, T-26 General, T-27 Support and Opposition
Center for Biological Diversity, Western Resource Advocates, Mountain Lion Foundation, Utah Physicians for a Healthy Environment, WildEarth Guardians (Park, Wendy)	UBR-DEIS-00043	T-26 General
Chamberlain, Jacob	UBR-DEIS-00673	T-26 General
Chilcoat, Rose	UBR-DEIS-00451-0187	T-27 Support and Opposition
Chiles, Joshua	UBR-DEIS-00317	T-27 Support and Opposition
Chivington, Ruth Ann	UBR-DEIS-00190	T-27 Support and Opposition
Chouinard, Kathryn	UBR-DEIS-00451-0073	T-27 Support and Opposition
Christensen, Taylor	UBR-DEIS-00499	T-27 Support and Opposition
Christopherson, Barbara	UBR-DEIS-00451-0034	T-27 Support and Opposition
CKC Operations LLC (Hamilton, Charles)	UBR-DEIS-00613	T-27 Support and Opposition
Clark, Bonnie	UBR-DEIS-00668	T-27 Support and Opposition
Cleveland, JD	UBR-DEIS-00451-0105	T-27 Support and Opposition
Climate Health Now Physicians (Mann, Jeffrey)	UBR-DEIS-00581	T-22 Cumulative Impacts
Clower, Randy	UBR-DEIS-00059	T-27 Support and Opposition
Clower, Randy	UBR-DEIS-00208	T-27 Support and Opposition
Cluff, Connie	UBR-DEIS-00667	T-27 Support and Opposition
Cluff, Russell	UBR-DEIS-00676	T-27 Support and Opposition

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Cole, Stacey	UBR-DEIS-00319	T-27 Support and Opposition
Coles-Ritchie, Marc	UBR-DEIS-00451-0175	T-27 Support and Opposition
Collett, Karen	UBR-DEIS-00451-0014	T-27 Support and Opposition
Colorado Department of Public Health and Environment (Coffin, Richard)	UBR-DEIS-00188	T-8 Rail Operations Safety, T-13 Air Quality and Greenhouse Gases, T-26 General
Common Sense Inspection (Karren, Robert)	UBR-DEIS-00568	T-27 Support and Opposition
Cook, Bryan	UBR-DEIS-00076	T-27 Support and Opposition
Cordova, Laura	UBR-DEIS-00451-0113	T-27 Support and Opposition
Cordray, Raphael	UBR-DEIS-00284	T-27 Support and Opposition
Cordray, Raphael	UBR-DEIS-00293	T-6 Proposed Action and Alternatives, T-27 Support and Opposition
Cordray, Raphael	UBR-DEIS-00299	T-26 General, T-27 Support and Opposition
Cordray, Raphael	UBR-DEIS-00389	T-24 Consultation and Coordination, T-26 General
Corth, Susan	UBR-DEIS-00462	T-27 Support and Opposition
Costello, James	UBR-DEIS-00123	T-27 Support and Opposition
Costello, James	UBR-DEIS-00571	T-27 Support and Opposition
Coulter, Sara	UBR-DEIS-00451-0060	T-27 Support and Opposition
Cox, Dan	UBR-DEIS-00281	T-27 Support and Opposition
Craddock, Tom	UBR-DEIS-00451-0037	T-27 Support and Opposition
Crimmel, Hal	UBR-DEIS-00458	T-27 Support and Opposition
Crown Compliance Advisors, LLC (Bruch, John)	UBR-DEIS-00516	T-27 Support and Opposition
Curtis, Cody	UBR-DEIS-00451-0133	T-27 Support and Opposition
Dal Vera, Anne	UBR-DEIS-00451-0159	T-27 Support and Opposition
Dall, Amy	UBR-DEIS-00318	T-27 Support and Opposition
Daly, Glenn	UBR-DEIS-00451-0041	T-27 Support and Opposition
Dandy, Walter	UBR-DEIS-00421	T-9 Water Resources, T-26 General
Danford, Mark	UBR-DEIS-00451-0211	T-27 Support and Opposition
Daniels, Mark	UBR-DEIS-00585	T-27 Support and Opposition
Dans Tire (Karren, Shannon)	UBR-DEIS-00515	T-27 Support and Opposition
Daugherty, Herb	UBR-DEIS-00451-0122	T-26 General
Davidson, Robin	UBR-DEIS-00004	T-27 Support and Opposition
Davis, Brady	UBR-DEIS-00114	T-27 Support and Opposition
De la Torre, Alberto	UBR-DEIS-00311	T-27 Support and Opposition

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Dean, Larry	UBR-DEIS-00422	T-27 Support and Opposition
Decker, Fred	UBR-DEIS-00445	T-27 Support and Opposition
DeFrancia, Edward	UBR-DEIS-00451-0010	T-27 Support and Opposition
Degiorgio, Joan	UBR-DEIS-00246	T-9 Water Resources, T-10 Biological Resources, T-22 Cumulative Impacts
Deppe, William	UBR-DEIS-00197	T-27 Support and Opposition
deVall, S	UBR-DEIS-00468	T-27 Support and Opposition
Devana, Bharat	UBR-DEIS-00260	T-27 Support and Opposition
Devaud, Aline	UBR-DEIS-00011	T-27 Support and Opposition
Dickens, Jeremy	UBR-DEIS-00277	T-27 Support and Opposition
Dillman, Ray	UBR-DEIS-00022	T-10 Biological Resources
Dillman, Ray	UBR-DEIS-00283	T-27 Support and Opposition
Dillman, Ray	UBR-DEIS-00608	T-27 Support and Opposition
Dils, Karen	UBR-DEIS-00279	T-8 Rail Operations Safety, T-17 Land Use and Recreation, T-20 Environmental Justice, T-26 General, T-27 Support and Opposition
Dils, Reed	UBR-DEIS-00262	T-26 General, T-27 Support and Opposition
Doebele, Amy	UBR-DEIS-00459	T-27 Support and Opposition
dos Santos, Cynthia	UBR-DEIS-00451-0097	T-27 Support and Opposition
Downs, Skoby	UBR-DEIS-00084	T-27 Support and Opposition
Doyle, Kathleen	UBR-DEIS-00451-0004	T-27 Support and Opposition
Drake, Bobby	UBR-DEIS-00493	T-27 Support and Opposition
Dresher, Mary Ann	UBR-DEIS-00451-0124	T-27 Support and Opposition
Droitsch, Danielle	UBR-DEIS-00339	T-22 Cumulative Impacts, T-27 Support and Opposition
Duchesne City (Rowley, Mayor Rodney)	UBR-DEIS-00624	T-19 Socioeconomics
Duchesne County (Hyde, Mike)	UBR-DEIS-00436	T-6 Proposed Action and Alternatives, T-7 Vehicle Safety and Delay, T-8 Rail Operations Safety, T-9 Water Resources, T-10 Biological Resources, T-11 Geology, Soils, Seismic Hazards, and Hazardous Waste Sites, T-12 Noise and Vibration, T-13 Air Quality and Greenhouse Gases, T-15 Cultural Resources, T-16 Paleontological Resources, T-17 Land Use and Recreation, T-18 Visual Resources, T-19 Socioeconomics, T-20 Environmental Justice, T-22 Cumulative Impacts, T-24 Consultation and Coordination, T-25 Additional Topics Required by NEPA, T-27 Support and Opposition
Duchesne County Library (Mauchley, Daniel)	UBR-DEIS-00583	T-27 Support and Opposition
Duchesne County School District (Brotherson, David)	UBR-DEIS-00645	T-19 Socioeconomics, T-27 Support and Opposition

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Dugan, Dan	UBR-DEIS-00451-0208	T-27 Support and Opposition
Dulen, Don	UBR-DEIS-00151	T-27 Support and Opposition
Duncan, Daryl	UBR-DEIS-00101	T-27 Support and Opposition
Durant, William Preston	UBR-DEIS-00441	T-27 Support and Opposition
Durfee, Teri	UBR-DEIS-00403	T-22 Cumulative Impacts, T-27 Support and Opposition
Durrant, Michael	UBR-DEIS-00014	T-27 Support and Opposition
E&B Oilfield Services Inc. (Abegglen, Danny)	UBR-DEIS-00182	T-27 Support and Opposition
Eagle County, Colorado (Fultz, Allison)	UBR-DEIS-00450	T-26 General
Eaton, Nicholas	UBR-DEIS-00567	T-27 Support and Opposition
Eberle, Vickie	UBR-DEIS-00451-0050	T-27 Support and Opposition
Eichner, Stacey	UBR-DEIS-00451-0190	T-27 Support and Opposition
Elison, Alfred	UBR-DEIS-00236	T-27 Support and Opposition
Ellingford, Carolyn	UBR-DEIS-00159	T-27 Support and Opposition
Ellingford, Glenn	UBR-DEIS-00144	T-27 Support and Opposition
Embleton, Kendra	UBR-DEIS-00176	T-27 Support and Opposition
Engles, Diane	UBR-DEIS-00451-0173	T-27 Support and Opposition
English, Kathleen	UBR-DEIS-00451-0086	T-27 Support and Opposition
Entwistle, Joan	UBR-DEIS-00607-0001	T-27 Support and Opposition
EP Energy E&P Company, L.P. (England, Chad)	UBR-DEIS-00615	T-5 Purpose and Need, T-27 Support and Opposition
Erickson, Linda	UBR-DEIS-00268	T-26 General
Espinoza, Stephanie	UBR-DEIS-00110	T-27 Support and Opposition
Evans, Chris	UBR-DEIS-00451-0020	T-27 Support and Opposition
Evans, Steve	UBR-DEIS-00412	T-27 Support and Opposition
Fabrizio, Morgan	UBR-DEIS-00154	T-27 Support and Opposition
Falconer, Kate	UBR-DEIS-00451-0160	T-27 Support and Opposition
Farkas, Sandra	UBR-DEIS-00451-0185	T-27 Support and Opposition
Farley, Linda	UBR-DEIS-00451-0161	T-27 Support and Opposition
Farrer, Glenn	UBR-DEIS-00213	T-27 Support and Opposition
Farrer, Kenneth	UBR-DEIS-00126	T-27 Support and Opposition
Farrer, Kerry	UBR-DEIS-00407	T-7 Vehicle Safety and Delay, T-27 Support and Opposition
Farrer, Kerry	UBR-DEIS-00472	T-27 Support and Opposition
Feld, Judy	UBR-DEIS-00675	T-27 Support and Opposition
Feld, Todd	UBR-DEIS-00674	T-27 Support and Opposition
Fenn, Scott	UBR-DEIS-00522	T-27 Support and Opposition
Fillingim, Gwen	UBR-DEIS-00306	T-27 Support and Opposition

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Fillion, Jacob	UBR-DEIS-00451-0090	T-27 Support and Opposition
Firmage, Gertrud	UBR-DEIS-00451-0205	T-27 Support and Opposition
Fleming, Susan F	UBR-DEIS-00328	T-27 Support and Opposition
Fleming, Susan F	UBR-DEIS-00451-0029	T-27 Support and Opposition
Foley, Greg	UBR-DEIS-00693	T-27 Support and Opposition
Forbis, Kristin	UBR-DEIS-00055	T-27 Support and Opposition
Frame, Barbara	UBR-DEIS-00451-0058	T-27 Support and Opposition
Framme, Larry	UBR-DEIS-00397	T-22 Cumulative Impacts
Frates, Alison	UBR-DEIS-00607-0003	T-27 Support and Opposition
Freston, Aimee	UBR-DEIS-00165	T-27 Support and Opposition
Friends of Browns Canyon (Stone, Joe)	UBR-DEIS-00272	T-26 General
Friends of Browns Canyon (Stone, Joe)	UBR-DEIS-00677	T-26 General, T-27 Support and Opposition
Frisby, David	UBR-DEIS-00602	T-27 Support and Opposition
Frisby, Nikki	UBR-DEIS-00601	T-27 Support and Opposition
Galen, Candace	UBR-DEIS-00451-0017	T-26 General
Ganesh Parvati IX, LLC. (Jain, Anshu)	UBR-DEIS-00242	T-27 Support and Opposition
Gardner, Barb	UBR-DEIS-00562	T-27 Support and Opposition
Gardner, Ron	UBR-DEIS-00520	T-27 Support and Opposition
Garlo, Dolly	UBR-DEIS-00451-0102	T-27 Support and Opposition
Garrett, Madelyn	UBR-DEIS-00451-0027	T-27 Support and Opposition
Gary's Insulation Inc. (Scholes, Jason)	UBR-DEIS-00147	T-27 Support and Opposition
Gaschler, Dianne	UBR-DEIS-00338	T-27 Support and Opposition
Gibson, Bradley	UBR-DEIS-00451-0146	T-27 Support and Opposition
Gibson, Carole	UBR-DEIS-00006	T-27 Support and Opposition
Gibson, Harold	UBR-DEIS-00180	T-27 Support and Opposition
Gift, Christopher	UBR-DEIS-00264	T-26 General
Gildea, Jessica	UBR-DEIS-00202	T-27 Support and Opposition
Gilfillan, Terri	UBR-DEIS-00432	T-27 Support and Opposition
Gills, John	UBR-DEIS-00383	T-27 Support and Opposition
Gingell, Wayne	UBR-DEIS-00198	T-27 Support and Opposition
Gingell, Wayne	UBR-DEIS-00575	T-27 Support and Opposition
Ginrich, Jay	UBR-DEIS-00463	T-8 Rail Operations Safety, T-22 Cumulative Impacts, T-26 General, T-27 Support and Opposition
Gooding, Aaron	UBR-DEIS-00134	T-27 Support and Opposition
Gorbald, Paul	UBR-DEIS-00540	T-26 General
Gorum, Brian	UBR-DEIS-00025	T-27 Support and Opposition

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Grabowski, Steve	UBR-DEIS-00451-0076	T-27 Support and Opposition
Grainger, David	UBR-DEIS-00058	T-27 Support and Opposition
Grainger, David	UBR-DEIS-00451-0055	T-27 Support and Opposition
Grant, Samantha	UBR-DEIS-00451-0067	T-27 Support and Opposition
Gray, Dale	UBR-DEIS-00451-0164	T-27 Support and Opposition
Greater Salt Lake (Dove, Heather)	UBR-DEIS-00377	T-27 Support and Opposition
Green, Eric	UBR-DEIS-00627	T-10 Biological Resources
Green, Jack	UBR-DEIS-00385	T-27 Support and Opposition
Greene, Jack	UBR-DEIS-00451-0193	T-27 Support and Opposition
Gregory, Roderick	UBR-DEIS-00340	T-22 Cumulative Impacts
Greiner, Susan	UBR-DEIS-00275	T-10 Biological Resources, T-22 Cumulative Impacts, T-26 General, T-27 Support and Opposition
Grella, Brian	UBR-DEIS-00451-0093	T-27 Support and Opposition
Grieve, Jean	UBR-DEIS-00451-0089	T-27 Support and Opposition
Griffith, Jay	UBR-DEIS-00381	T-27 Support and Opposition
Grimes, Catherine	UBR-DEIS-00451-0001	T-27 Support and Opposition
Grossman, Marina	UBR-DEIS-00378	T-27 Support and Opposition
Guymon, Janice	UBR-DEIS-00612	T-27 Support and Opposition
Haas, Gwendy	UBR-DEIS-00451-0152	T-27 Support and Opposition
Hadlock, Kathy	UBR-DEIS-00169	T-27 Support and Opposition
Hafen, Brad	UBR-DEIS-00015	T-27 Support and Opposition
Hall, Don	UBR-DEIS-00633	T-27 Support and Opposition
Hamann, Elise	UBR-DEIS-00549	T-27 Support and Opposition
Hamblin, Chad	UBR-DEIS-00691	T-13 Air Quality and Greenhouse Gases, T-17 Land Use and Recreation, T-27 Support and Opposition
Hamblin, Delmer	UBR-DEIS-00698	T-27 Support and Opposition
Hamblin, Steven	UBR-DEIS-00117	T-27 Support and Opposition
Hamme, Dan	UBR-DEIS-00273	T-26 General
Hansen, Francesca	UBR-DEIS-00029	T-27 Support and Opposition
Hansen, Irene	UBR-DEIS-00351	T-27 Support and Opposition
Hansen, Steven	UBR-DEIS-00230	T-27 Support and Opposition
Hansen, William	UBR-DEIS-00480	T-27 Support and Opposition
Hardebeck, Larry	UBR-DEIS-00451-0059	T-27 Support and Opposition
Hardy, Greg	UBR-DEIS-00161	T-27 Support and Opposition
Hardy, Greg	UBR-DEIS-00658	T-27 Support and Opposition
Hardy, Mary	UBR-DEIS-00451-0150	T-27 Support and Opposition

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Hargis, Wendy	UBR-DEIS-00173	T-27 Support and Opposition
Harlan, Jack	UBR-DEIS-00607-0002	T-26 General
Harmer, David	UBR-DEIS-00532	T-27 Support and Opposition
Harrington, Michael	UBR-DEIS-00179	T-27 Support and Opposition
Harrison, Anne	UBR-DEIS-00451-0202	T-27 Support and Opposition
Hartman, George	UBR-DEIS-00451-0036	T-27 Support and Opposition
Hartman, Nancy	UBR-DEIS-00451-0023	T-27 Support and Opposition
Hartman, Scott	UBR-DEIS-00586	T-27 Support and Opposition
Harvey, Ann	UBR-DEIS-00607-0004	T-27 Support and Opposition
Harvey, David	UBR-DEIS-00300	T-7 Vehicle Safety and Delay
Haskins, Brandy	UBR-DEIS-00142	T-27 Support and Opposition
Haslem, Krayden	UBR-DEIS-00415	T-27 Support and Opposition
Hatch, Zach	UBR-DEIS-00136	T-27 Support and Opposition
Hatch, Zack	UBR-DEIS-00122	T-27 Support and Opposition
Hatzidakis, Steve	UBR-DEIS-00237	T-27 Support and Opposition
Hawks, Brian	UBR-DEIS-00495	T-27 Support and Opposition
Hayes, Chance	UBR-DEIS-00145	T-27 Support and Opposition
Heaton, Kelly	UBR-DEIS-00191	T-27 Support and Opposition
Hedin, Trisha	UBR-DEIS-00115	T-27 Support and Opposition
Hedlund, Karen	UBR-DEIS-00400	T-24 Consultation and Coordination, T-26 General
Helbling, Josiah	UBR-DEIS-00350	T-27 Support and Opposition
Helper City (Peterman, Lenise)	UBR-DEIS-00576	T-27 Support and Opposition
Hemmert, Lance	UBR-DEIS-00625	T-27 Support and Opposition
Hemphill, Amy	UBR-DEIS-00417	T-27 Support and Opposition
Henderson, Stephen	UBR-DEIS-00563	T-27 Support and Opposition
Henley, Courtney	UBR-DEIS-00437	T-27 Support and Opposition
Herrera, Alfonso	UBR-DEIS-00118	T-27 Support and Opposition
Hicks-Hamblin, Kristina	UBR-DEIS-00451-0200	T-27 Support and Opposition
High Country Pizza & Deli (Newsome, Russ)	UBR-DEIS-00178	T-27 Support and Opposition
Hilding, Monica	UBR-DEIS-00374	T-27 Support and Opposition
Hill, Duane	UBR-DEIS-00513	T-6 Proposed Action and Alternatives
Hillegeist, Melody	UBR-DEIS-00160	T-27 Support and Opposition
Holmes, Stanley	UBR-DEIS-00373	T-6 Proposed Action and Alternatives, T-22 Cumulative Impacts, T-27 Support and Opposition

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Hornbeck, Janice	UBR-DEIS-00451-0168	T-27 Support and Opposition
Horrocks, Cole	UBR-DEIS-00245	T-27 Support and Opposition
Hossan, Carole	UBR-DEIS-00451-0043	T-27 Support and Opposition
Houdashelt, Mark	UBR-DEIS-00451-0147	T-27 Support and Opposition
House, Michael	UBR-DEIS-00451-0206	T-27 Support and Opposition
Houtz, Janet	UBR-DEIS-00451-0079	T-27 Support and Opposition
Howcroft, Karen	UBR-DEIS-00026	T-27 Support and Opposition
Huber, Barch	UBR-DEIS-00500	T-27 Support and Opposition
Huber, Barch	UBR-DEIS-00508	T-27 Support and Opposition
Huber, Brett	UBR-DEIS-00201	T-27 Support and Opposition
Huber, Dawn	UBR-DEIS-00132	T-27 Support and Opposition
Huber, Heather	UBR-DEIS-00244	T-27 Support and Opposition
Huber, Jake	UBR-DEIS-00130	T-27 Support and Opposition
Huberty, B	UBR-DEIS-00010	T-6 Proposed Action and Alternatives, T-10 Biological Resources, T-11 Geology, Soils, Seismic Hazards, and Hazardous Waste Sites
Hudson, Denise	UBR-DEIS-00605	T-27 Support and Opposition
Hummel, Cathy	UBR-DEIS-00661	T-26 General
Hummel, Ron	UBR-DEIS-00660	T-27 Support and Opposition
Hunt, Ken	UBR-DEIS-00361	T-27 Support and Opposition
Hunter, Katherine	UBR-DEIS-00046	T-9 Water Resources, T-22 Cumulative Impacts, T-27 Support and Opposition
Hurley, LaRee	UBR-DEIS-00060	T-27 Support and Opposition
Hyde, Mike	UBR-DEIS-00285	T-6 Proposed Action and Alternatives, T-26 General, T-27 Support and Opposition
Hyde, Mike	UBR-DEIS-00395	T-27 Support and Opposition
Ingalls, William	UBR-DEIS-00074	T-27 Support and Opposition
Ingals, William	UBR-DEIS-00394	T-22 Cumulative Impacts
Inouye, David	UBR-DEIS-00451-0145	T-27 Support and Opposition
Ivie, Cody	UBR-DEIS-00163	T-27 Support and Opposition
Ivie, Liz	UBR-DEIS-00155	T-27 Support and Opposition
Ivins, Lynnette	UBR-DEIS-00646	T-27 Support and Opposition
Ivins, Mark	UBR-DEIS-00614	T-27 Support and Opposition
Jackson, Andrew	UBR-DEIS-00158	T-27 Support and Opposition
Jackson, Jared	UBR-DEIS-00195	T-27 Support and Opposition
James, Gordon	UBR-DEIS-00451-0131	T-27 Support and Opposition
Jay, Nalani	UBR-DEIS-00451-0115	T-27 Support and Opposition
Jennings-Fader, Mana	UBR-DEIS-00451-0128	T-27 Support and Opposition

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Jensen Ranches LLC (Jensen, LD)	UBR-DEIS-00232	T-19 Socioeconomics
Jensen, Alexandra	UBR-DEIS-00327	T-27 Support and Opposition
Jensen, Jill	UBR-DEIS-00274	T-27 Support and Opposition
Jex, Donald	UBR-DEIS-00405	T-9 Water Resources, T-10 Biological Resources, T-24 Consultation and Coordination, T-26 General, T-27 Support and Opposition
Jex, Jonathan	UBR-DEIS-00622	T-27 Support and Opposition
Jex, Jordan	UBR-DEIS-00619	T-27 Support and Opposition
Jex, Julie	UBR-DEIS-00411	T-6 Proposed Action and Alternatives, T-27 Support and Opposition
Jex, Julye	UBR-DEIS-00616	T-27 Support and Opposition
John, Sarah	UBR-DEIS-00542	T-27 Support and Opposition
Johnaon, Yankton	UBR-DEIS-00536	T-27 Support and Opposition
Johnson, Carmen	UBR-DEIS-00451-0199	T-27 Support and Opposition
Johnson, Catherine	UBR-DEIS-00451-0141	T-27 Support and Opposition
Johnson, Eric	UBR-DEIS-00301	T-26 General
Johnson, Margaret	UBR-DEIS-00451-0207	T-27 Support and Opposition
Jones, Christopher	UBR-DEIS-00332	T-13 Air Quality and Greenhouse Gases, T-27 Support and Opposition
Jones, Debbie	UBR-DEIS-00600	T-27 Support and Opposition
Jones, Rick	UBR-DEIS-00451-0048	T-27 Support and Opposition
Jordan, Tressa	UBR-DEIS-00483	T-15 Cultural Resources
Judd, Dennis	UBR-DEIS-00496	T-27 Support and Opposition
Justice, Wayne	UBR-DEIS-00097	T-27 Support and Opposition
Karren, Jake	UBR-DEIS-00565	T-27 Support and Opposition
Karren, Mindy	UBR-DEIS-00253	T-27 Support and Opposition
Karschner, Dave	UBR-DEIS-00035	T-27 Support and Opposition
Karthan, Sam	UBR-DEIS-00451-0204	T-27 Support and Opposition
Kaulbach, Katharine	UBR-DEIS-00451-0186	T-27 Support and Opposition
Keel, Shawn	UBR-DEIS-00207	T-27 Support and Opposition
Keller, Annette	UBR-DEIS-00030	T-27 Support and Opposition
Kelsey, Craig	UBR-DEIS-00580	T-27 Support and Opposition
Kendall, AJ	UBR-DEIS-00409	T-27 Support and Opposition
Kent-Jensen, Laura	UBR-DEIS-00323	T-22 Cumulative Impacts, T-27 Support and Opposition
Keyser, Diana	UBR-DEIS-00451-0177	T-27 Support and Opposition
Killian, Karissa	UBR-DEIS-00451-0155	T-27 Support and Opposition
Kilmer, D.K.	UBR-DEIS-00358	T-27 Support and Opposition
Kimball, Larry	UBR-DEIS-00451-0084	T-27 Support and Opposition

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Kindred, Rebecca	UBR-DEIS-00451-0066	T-27 Support and Opposition
King, William	UBR-DEIS-00696	T-10 Biological Resources
Kious, Jennifer	UBR-DEIS-00510	T-27 Support and Opposition
Kious, Jennifer	UBR-DEIS-00518	T-27 Support and Opposition
Klaus, Marion	UBR-DEIS-00451-0189	T-27 Support and Opposition
Knowles, Cybele	UBR-DEIS-00451-0240	T-27 Support and Opposition
Koon, Casey	UBR-DEIS-00185	T-27 Support and Opposition
Kopischke, Amy	UBR-DEIS-00348	T-27 Support and Opposition
Kovac, Adair	UBR-DEIS-00051	T-27 Support and Opposition
Kowallis, Cade	UBR-DEIS-00204	T-27 Support and Opposition
Krch, Pamela	UBR-DEIS-00451-0143	T-27 Support and Opposition
Krizan, Weldon	UBR-DEIS-00133	T-27 Support and Opposition
Kuehler, Thomas	UBR-DEIS-00451-0192	T-27 Support and Opposition
Kuehn, Susan	UBR-DEIS-00504	T-22 Cumulative Impacts, T-27 Support and Opposition
Kumar, Yogesh	UBR-DEIS-00243	T-27 Support and Opposition
La Point, Peggy	UBR-DEIS-00451-0191	T-27 Support and Opposition
LaMar, Karli	UBR-DEIS-00623	T-27 Support and Opposition
Law, Idaho	UBR-DEIS-00371	T-26 General
Law, Idaho	UBR-DEIS-00393	T-11 Geology, Soils, Seismic Hazards, and Hazardous Waste Sites, T-26 General
Law, M	UBR-DEIS-00315	T-27 Support and Opposition
Lawless, Julie	UBR-DEIS-00451-0110	T-27 Support and Opposition
Lawrence, Julia	UBR-DEIS-00451-0114	T-27 Support and Opposition
Laws, Miki	UBR-DEIS-00451-0005	T-27 Support and Opposition
Lawyer, Brent	UBR-DEIS-00031	T-27 Support and Opposition
Lawyer, Brent	UBR-DEIS-00295	T-27 Support and Opposition
Lazar, Elise	UBR-DEIS-00427	T-27 Support and Opposition
Lazar, Sage	UBR-DEIS-00490	T-27 Support and Opposition
Lee, Virginia	UBR-DEIS-00451-0135	T-27 Support and Opposition
Lefevre, Joel	UBR-DEIS-00251	T-27 Support and Opposition
Lehr, Sandy	UBR-DEIS-00451-0130	T-27 Support and Opposition
Leonhard, Joseph	UBR-DEIS-00423	T-26 General
Liddiard, Paul	UBR-DEIS-00530	T-27 Support and Opposition
Lippman, Robert	UBR-DEIS-00451-0057	T-27 Support and Opposition
Littig, Pam	UBR-DEIS-00451-0127	T-27 Support and Opposition
Litton, Ronald	UBR-DEIS-00687	T-27 Support and Opposition
Living Rivers (Stock, Sarah)	UBR-DEIS-00388	T-27 Support and Opposition

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Living Rivers/ Colorado Riverkeeper (Stock, Sarah)	UBR-DEIS-00023	T-26 General
Lobrot, Ben	UBR-DEIS-00451-0096	T-27 Support and Opposition
Logan Welding Inc. (Logan, Mark)	UBR-DEIS-00008	T-27 Support and Opposition
Long, Casey	UBR-DEIS-00121	T-27 Support and Opposition
Long, Ed	UBR-DEIS-00075	T-27 Support and Opposition
Long, Lance	UBR-DEIS-00451-0134	T-27 Support and Opposition
Lott, Michael	UBR-DEIS-00451-0139	T-27 Support and Opposition
Love, Dan	UBR-DEIS-00636	T-27 Support and Opposition
Loveless, Jodi	UBR-DEIS-00621	T-27 Support and Opposition
Luxury Homes (Palmer, Steve)	UBR-DEIS-00196	T-27 Support and Opposition
Lyle, Mckenzie	UBR-DEIS-00271	T-26 General, T-27 Support and Opposition
Lyman, Jacob	UBR-DEIS-00523	T-27 Support and Opposition
Lyon, Danny	UBR-DEIS-00451-0094	T-27 Support and Opposition
Macalpine, Barbara	UBR-DEIS-00451-0031	T-27 Support and Opposition
MacAulay, Suzanne	UBR-DEIS-00451-0033	T-27 Support and Opposition
MacBryde, Bruce	UBR-DEIS-00451-0074	T-27 Support and Opposition
Mackay, Jeremy	UBR-DEIS-00209	T-27 Support and Opposition
Madan, Ion	UBR-DEIS-00525	T-27 Support and Opposition
Mader, Thomas	UBR-DEIS-00451-0118	T-27 Support and Opposition
Maderspacher, Florian	UBR-DEIS-00465	T-26 General, T-27 Support and Opposition
Magee, Johnetta	UBR-DEIS-00131	T-27 Support and Opposition
Magnuson, Barbara	UBR-DEIS-00451-0149	T-27 Support and Opposition
Mallory, Judy	UBR-DEIS-00034	T-27 Support and Opposition
Marquardt, Michael	UBR-DEIS-00451-0129	T-27 Support and Opposition
Marriott, Willard	UBR-DEIS-00263	T-27 Support and Opposition
Marshall, Harold	UBR-DEIS-00240	T-27 Support and Opposition
Martell, Susan	UBR-DEIS-00345	T-27 Support and Opposition
Martin, Jordan	UBR-DEIS-00091	T-27 Support and Opposition
Martin, Paul	UBR-DEIS-00635	T-26 General
Martin, Ronald	UBR-DEIS-00451-0212	T-27 Support and Opposition
Mastaloudis, Angela	UBR-DEIS-00451-0163	T-27 Support and Opposition
Mauchley, Daniel	UBR-DEIS-00298	T-27 Support and Opposition
May, Jeffery	UBR-DEIS-00606	T-27 Support and Opposition
May, Lorie	UBR-DEIS-00603	T-27 Support and Opposition
Maylett, Chris	UBR-DEIS-00303	T-27 Support and Opposition
Maylett, Kris	UBR-DEIS-00166	T-27 Support and Opposition

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Maylett, Kris	UBR-DEIS-00248	T-27 Support and Opposition
Maylett, Kris	UBR-DEIS-00541	T-27 Support and Opposition
Maylett, Kris	UBR-DEIS-00588	T-27 Support and Opposition
Maylett, Tara	UBR-DEIS-00369	T-27 Support and Opposition
McAinsh, Mike	UBR-DEIS-00282	T-6 Proposed Action and Alternatives, T-26 General, T-27 Support and Opposition
McBeth, Kristin	UBR-DEIS-00325	T-27 Support and Opposition
McCleary, Marcie	UBR-DEIS-00322	T-27 Support and Opposition
McClellan, Lila	UBR-DEIS-00257	T-26 General
McClure, James	UBR-DEIS-00451-0042	T-27 Support and Opposition
McCord, Marilyn	UBR-DEIS-00451-0065	T-27 Support and Opposition
McCormick, Karen	UBR-DEIS-00451-0107	T-27 Support and Opposition
McCoy, Katherine	UBR-DEIS-00256	T-27 Support and Opposition
McCoy, Victoria	UBR-DEIS-00451-0008	T-27 Support and Opposition
McCurdy, Cheri	UBR-DEIS-00024	T-27 Support and Opposition
McCurdy, Dan	UBR-DEIS-00489	T-27 Support and Opposition
McCurdy, Torr	UBR-DEIS-00205	T-27 Support and Opposition
McCurdy, Torr	UBR-DEIS-00233	T-27 Support and Opposition
McDonald, Lori	UBR-DEIS-00451-0019	T-27 Support and Opposition
McDonald, Tim	UBR-DEIS-00119	T-13 Air Quality and Greenhouse Gases, T-27 Support and Opposition
McFarlane, Kurt	UBR-DEIS-00064	T-27 Support and Opposition
McHarg, Melissa	UBR-DEIS-00451-0028	T-27 Support and Opposition
McHenry, Sue	UBR-DEIS-00451-0180	T-27 Support and Opposition
McKee, Jeff	UBR-DEIS-00418	T-27 Support and Opposition
McKee, Steven	UBR-DEIS-00129	T-27 Support and Opposition
McKenna, Rhonda	UBR-DEIS-00534	T-27 Support and Opposition
Mecham, Ben	UBR-DEIS-00189	T-27 Support and Opposition
Mecham, Kim	UBR-DEIS-00193	T-27 Support and Opposition
Mecham, Lonnie	UBR-DEIS-00507	T-27 Support and Opposition
Mecham, RaeAnn	UBR-DEIS-00157	T-27 Support and Opposition
Mendenhall, Kirk	UBR-DEIS-00451-0053	T-27 Support and Opposition
Mendoza, Catherine	UBR-DEIS-00451-0016	T-27 Support and Opposition
Merrell, Stephanie	UBR-DEIS-00210	T-27 Support and Opposition
Merrill, Lutisha	UBR-DEIS-00611	T-27 Support and Opposition
Merritt, Jill	UBR-DEIS-00050	T-27 Support and Opposition
Meyer, Jed	UBR-DEIS-00108	T-27 Support and Opposition
Michaelson, Marlin	UBR-DEIS-00226	T-27 Support and Opposition
Miles, Curtis	UBR-DEIS-00287	T-27 Support and Opposition

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Miles, Dee	UBR-DEIS-00227	T-27 Support and Opposition
Miles, Michelle	UBR-DEIS-00086	T-27 Support and Opposition
Miller, CK	UBR-DEIS-00686	T-27 Support and Opposition
Miller, Jeff	UBR-DEIS-00009	T-27 Support and Opposition
Millsap, Michael	UBR-DEIS-00258	T-26 General
Millstein, Amanda	UBR-DEIS-00451-0101	T-27 Support and Opposition
Miska, James	UBR-DEIS-00460	T-27 Support and Opposition
Mistry, Anil	UBR-DEIS-00054	T-6 Proposed Action and Alternatives
Mitchell, Jacie	UBR-DEIS-00309	T-27 Support and Opposition
Mitchell, Tyson	UBR-DEIS-00509	T-27 Support and Opposition
Moen, Georgia	UBR-DEIS-00255	T-27 Support and Opposition
Mohar, Meagin	UBR-DEIS-00356	T-27 Support and Opposition
Mold, Jean	UBR-DEIS-00408	T-6 Proposed Action and Alternatives, T-10 Biological Resources, T-27 Support and Opposition
Monks, Dusty	UBR-DEIS-00216	T-27 Support and Opposition
Monney, Taylor	UBR-DEIS-00506	T-27 Support and Opposition
Monsen, Mark	UBR-DEIS-00310	T-27 Support and Opposition
Montague-Judd, Danielle	UBR-DEIS-00451-0197	T-27 Support and Opposition
Montgomery, Kebbie	UBR-DEIS-00168	T-27 Support and Opposition
Moon, Stephen	UBR-DEIS-00078	T-27 Support and Opposition
Moran, Mary	UBR-DEIS-00140	T-9 Water Resources, T-22 Cumulative Impacts
Morgan, Conner	UBR-DEIS-00596	T-27 Support and Opposition
Morton, Clint	UBR-DEIS-00214	T-27 Support and Opposition
Mountain Lion Foundation (Boyle, Diana)	UBR-DEIS-00494	T-10 Biological Resources
Muench, Kristen	UBR-DEIS-00451-0003	T-27 Support and Opposition
Mullins, Chad	UBR-DEIS-00362	T-27 Support and Opposition
Multiple County Governments in Colorado (Fultz, Allison)	UBR-DEIS-00703	T-5 Purpose and Need, T-6 Proposed Action and Alternatives, T-8 Rail Operations Safety, T-10 Biological Resources, T-13 Air Quality and Greenhouse Gases, T-22 Cumulative Impacts, T-24 Consultation and Coordination, T-26 General
Multiple Individual Commenters	UBR-DEIS-00485	T-27 Support and Opposition
Munger, Will	UBR-DEIS-00384	T-27 Support and Opposition
Murray, Janece	UBR-DEIS-00104	T-27 Support and Opposition
Murray, Janece	UBR-DEIS-00113	T-27 Support and Opposition
Naiman, Karen	UBR-DEIS-00451-0083	T-27 Support and Opposition
Nakagiri, Margaret	UBR-DEIS-00453	T-27 Support and Opposition
Negus, Tim	UBR-DEIS-00073	T-27 Support and Opposition

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Neisler, Erica	UBR-DEIS-00451-0166	T-27 Support and Opposition
Nelson, Chamaine	UBR-DEIS-00330	T-27 Support and Opposition
Nelson, Nicola	UBR-DEIS-00324	T-27 Support and Opposition
Newman, Jason	UBR-DEIS-00020	T-27 Support and Opposition
Newman, Jason	UBR-DEIS-00150	T-27 Support and Opposition
Newmark, William	UBR-DEIS-00451-0012	T-22 Cumulative Impacts, T-26 General, T-27 Support and Opposition
Newton, Karen	UBR-DEIS-00451-0172	T-27 Support and Opposition
Nicholls, William	UBR-DEIS-00321	T-27 Support and Opposition
Nicholson, Todd	UBR-DEIS-00276	T-17 Land Use and Recreation
Nielsen, Derek	UBR-DEIS-00149	T-27 Support and Opposition
Nielsen, Geri	UBR-DEIS-00455	T-27 Support and Opposition
Nielson Construction & Materials (Nielson, John)	UBR-DEIS-00235	T-27 Support and Opposition
Nielson, Dustin	UBR-DEIS-00657	T-27 Support and Opposition
Nine Mile Canyon Coalition (Willis, Dennis)	UBR-DEIS-00486	T-5 Purpose and Need, T-6 Proposed Action and Alternatives, T-9 Water Resources, T-12 Noise and Vibration, T-15 Cultural Resources, T-17 Land Use and Recreation, T-18 Visual Resources, T-22 Cumulative Impacts, T-23 Mitigation
Noonan Heale, Rebecc	UBR-DEIS-00357	T-27 Support and Opposition
Norton, Sonja	UBR-DEIS-00420	T-27 Support and Opposition
Nygaard, Ingrid	UBR-DEIS-00637	T-27 Support and Opposition
OBrien, Edith	UBR-DEIS-00451-0054	T-27 Support and Opposition
ODell, Cherree	UBR-DEIS-00449	T-27 Support and Opposition
O'Dell, Dustin	UBR-DEIS-00448	T-27 Support and Opposition
Olk, Todd	UBR-DEIS-00451-0109	T-27 Support and Opposition
Olsen, Braden	UBR-DEIS-00128	T-27 Support and Opposition
Olsen, Kathy	UBR-DEIS-00451-0069	T-27 Support and Opposition
O'Malley, Daniel	UBR-DEIS-00312	T-22 Cumulative Impacts, T-27 Support and Opposition
Orr, Nancy	UBR-DEIS-00052	T-27 Support and Opposition
O'Sullivan, Brett	UBR-DEIS-00451-0038	T-27 Support and Opposition
Ott, James	UBR-DEIS-00451-0140	T-27 Support and Opposition
Packard, Ralph and Kay	UBR-DEIS-00451-0075	T-27 Support and Opposition
Page, Reed	UBR-DEIS-00404	T-27 Support and Opposition
Pallow, Jim	UBR-DEIS-00531	T-27 Support and Opposition
Pappas, Katie	UBR-DEIS-00290	T-27 Support and Opposition
Parker, Edward	UBR-DEIS-00120	T-27 Support and Opposition
Parkin, Angie	UBR-DEIS-00349	T-27 Support and Opposition

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Patel, Chetan	UBR-DEIS-00152	T-6 Proposed Action and Alternatives, T-27 Support and Opposition
Patel, Harshadrai	UBR-DEIS-00047	T-27 Support and Opposition
Patel, Krishn	UBR-DEIS-00067	T-6 Proposed Action and Alternatives
Patel, Roy	UBR-DEIS-00033	T-27 Support and Opposition
Paul, Mary	UBR-DEIS-00451-0169	T-27 Support and Opposition
Peck, Karley	UBR-DEIS-00632	T-27 Support and Opposition
Peck, Melissa	UBR-DEIS-00380	T-9 Water Resources, T-10 Biological Resources, T-11 Geology, Soils, Seismic Hazards, and Hazardous Waste Sites, T-27 Support and Opposition
Peck, Melissa	UBR-DEIS-00402	T-6 Proposed Action and Alternatives, T-9 Water Resources, T-10 Biological Resources, T-11 Geology, Soils, Seismic Hazards, and Hazardous Waste Sites, T-17 Land Use and Recreation, T-27 Support and Opposition
Peck, Missy	UBR-DEIS-00670	T-27 Support and Opposition
Pedersen, David	UBR-DEIS-00428	T-13 Air Quality and Greenhouse Gases, T-22 Cumulative Impacts, T-27 Support and Opposition
Pegasus, Marcus	UBR-DEIS-00451-0165	T-27 Support and Opposition
Perkins, Jane	UBR-DEIS-00451-0121	T-27 Support and Opposition
Perkins, Jane	UBR-DEIS-00538	T-27 Support and Opposition
Perry, Cody	UBR-DEIS-00438	T-10 Biological Resources, T-22 Cumulative Impacts
Perry, Greg	UBR-DEIS-00628	T-27 Support and Opposition
Peterson, Joel	UBR-DEIS-00597	T-27 Support and Opposition
Peterson, Nancy	UBR-DEIS-00451-0040	T-27 Support and Opposition
Peterson, Susie	UBR-DEIS-00641	T-27 Support and Opposition
Petrik, Shelley	UBR-DEIS-00629	T-27 Support and Opposition
Pettingill, Sam	UBR-DEIS-00644	T-27 Support and Opposition
Pierce, Martin	UBR-DEIS-00308	T-27 Support and Opposition
Piquet, Tebeau	UBR-DEIS-00138	T-27 Support and Opposition
Plenk, Bruce	UBR-DEIS-00451-0068	T-27 Support and Opposition
Pope, John	UBR-DEIS-00461	T-27 Support and Opposition
Potter, Eileen	UBR-DEIS-00231	T-17 Land Use and Recreation, T-22 Cumulative Impacts, T-23 Mitigation
Poulson, Marv	UBR-DEIS-00365	T-6 Proposed Action and Alternatives, T-9 Water Resources, T-10 Biological Resources, T-22 Cumulative Impacts, T-26 General, T-27 Support and Opposition
Poulson, Marv	UBR-DEIS-00451-0064	T-10 Biological Resources, T-13 Air Quality and Greenhouse Gases, T-27 Support and Opposition
Prehn, John	UBR-DEIS-00387	T-27 Support and Opposition

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Prehn, John	UBR-DEIS-00451-0183	T-27 Support and Opposition
Price River Watershed Conservation District (Pressett, Jake)	UBR-DEIS-00398	T-27 Support and Opposition
Pritchett, Barry	UBR-DEIS-00610	T-27 Support and Opposition
Prows, Rodney	UBR-DEIS-00018	T-27 Support and Opposition
Pullin, Andrew	UBR-DEIS-00087	T-27 Support and Opposition
Qualls, Chelsea	UBR-DEIS-00344	T-27 Support and Opposition
Quick, Shanna	UBR-DEIS-00095	T-27 Support and Opposition
RainDance (Goodspeed, Keith)	UBR-DEIS-00638	T-27 Support and Opposition
Rasmussen, Dustin	UBR-DEIS-00247	T-27 Support and Opposition
Ratieta, Tamra	UBR-DEIS-00695	T-27 Support and Opposition
Raven, Anna	UBR-DEIS-00038	T-27 Support and Opposition
Ray, Linda	UBR-DEIS-00451-0174	T-27 Support and Opposition
Raymond, Jeremy	UBR-DEIS-00382	T-27 Support and Opposition
Rea, David and Linda	UBR-DEIS-00451-0181	T-27 Support and Opposition
Red Rock Extended Stay (McDowell, Sharon)	UBR-DEIS-00368	T-27 Support and Opposition
Red Rock Extended Stay (Thompson, Kori)	UBR-DEIS-00352	T-27 Support and Opposition
Redmond, Cambria	UBR-DEIS-00098	T-27 Support and Opposition
Redmond, Cambria	UBR-DEIS-00410	T-27 Support and Opposition
Redwood, Leah	UBR-DEIS-00451-0099	T-27 Support and Opposition
Reed, Nancy	UBR-DEIS-00451-0153	T-27 Support and Opposition
Reetz, Pauline	UBR-DEIS-00451-0018	T-27 Support and Opposition
Reeves, Casey	UBR-DEIS-00127	T-27 Support and Opposition
Reeves, Peggy	UBR-DEIS-00451-0091	T-27 Support and Opposition
Rehmel, D.	UBR-DEIS-00451-0119	T-27 Support and Opposition
Reinstadtler, Melissa	UBR-DEIS-00451-0035	T-27 Support and Opposition
Reiser, Reba	UBR-DEIS-00451-0085	T-27 Support and Opposition
Repp, Susan	UBR-DEIS-00451-0078	T-27 Support and Opposition
Richardson, Leah	UBR-DEIS-00225	T-27 Support and Opposition
Richardson, Philip	UBR-DEIS-00639	T-27 Support and Opposition
Richins, Todd	UBR-DEIS-00286	T-26 General
Riffe, Adele	UBR-DEIS-00451-0009	T-27 Support and Opposition
Rimmasch, Alec	UBR-DEIS-00578	T-27 Support and Opposition
Rio Grande Pacific Corporation (Morell, Karl)	UBR-DEIS-00447	T-26 General

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Roberts, Douglas	UBR-DEIS-00355	T-27 Support and Opposition
Robinson, Alan	UBR-DEIS-00451-0112	T-26 General
Robinson, Cameron	UBR-DEIS-00141	T-27 Support and Opposition
Robinson, James	UBR-DEIS-00406	T-27 Support and Opposition
Robinson, L. Carl	UBR-DEIS-00473	T-27 Support and Opposition
Roen, Nancy	UBR-DEIS-00451-0148	T-27 Support and Opposition
Rogers, Kevin	UBR-DEIS-00066	T-27 Support and Opposition
Rogers, Paul	UBR-DEIS-00061	T-27 Support and Opposition
Rogers-Iversen, Kristen	UBR-DEIS-00354	T-27 Support and Opposition
Rojas, Maria	UBR-DEIS-00278	T-27 Support and Opposition
Romero, Lisa	UBR-DEIS-00367	T-27 Support and Opposition
Rooney, Peg	UBR-DEIS-00451-0039	T-27 Support and Opposition
Roosevelt City (Bird, Mayor JR)	UBR-DEIS-00701	T-27 Support and Opposition
Roosevelt Economic Development Committee (Goodrich, Kason)	UBR-DEIS-00007	T-27 Support and Opposition
Roosevelt Golf Course (Brown, Aaron)	UBR-DEIS-00269	T-27 Support and Opposition
Roosevelt Vision Clinic (Kowallis, Jason)	UBR-DEIS-00203	T-27 Support and Opposition
Rosa, Nicole	UBR-DEIS-00259	T-27 Support and Opposition
Rose, Cami	UBR-DEIS-00175	T-27 Support and Opposition
Rose, Jackie	UBR-DEIS-00229	T-27 Support and Opposition
Rose, Kathryn	UBR-DEIS-00451-0184	T-27 Support and Opposition
Ross, Gerald	UBR-DEIS-00100	T-27 Support and Opposition
Ross, Tracy	UBR-DEIS-00080	T-27 Support and Opposition
Ross, Tracy	UBR-DEIS-00512	T-27 Support and Opposition
Rowser, Brad	UBR-DEIS-00171	T-27 Support and Opposition
Rudin, David	UBR-DEIS-00451-0022	T-27 Support and Opposition
Rushforth, Sam	UBR-DEIS-00336	T-27 Support and Opposition
Ruth, Ella	UBR-DEIS-00511	T-27 Support and Opposition
Salzman, Virgil	UBR-DEIS-00451-0032	T-27 Support and Opposition
San Pedro, Jimmy	UBR-DEIS-00451-0030	T-27 Support and Opposition
Sandbeck, Sheri	UBR-DEIS-00649	T-27 Support and Opposition
Sanyer, Mathias	UBR-DEIS-00012	T-27 Support and Opposition
Save Not Pave (Birrell, Ellen)	UBR-DEIS-00335	T-22 Cumulative Impacts, T-27 Support and Opposition
Scarborough, Robert	UBR-DEIS-00443	T-27 Support and Opposition
Schellenger, John	UBR-DEIS-00451-0051	T-27 Support and Opposition
Schmidt, Alex	UBR-DEIS-00451-0144	T-27 Support and Opposition

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Schmidt, Joshua	UBR-DEIS-00584	T-27 Support and Opposition
Schneider, Dwight	UBR-DEIS-00294	T-26 General, T-27 Support and Opposition
Schoch, Elaine	UBR-DEIS-00439	T-26 General
Scholes, Brandon	UBR-DEIS-00170	T-27 Support and Opposition
Scholes, Kristy	UBR-DEIS-00249	T-27 Support and Opposition
Schow, Ken	UBR-DEIS-00671	T-27 Support and Opposition
Schow, Sherolyn	UBR-DEIS-00681	T-27 Support and Opposition
Schutt, Paul	UBR-DEIS-00451-0108	T-27 Support and Opposition
Serio, Linda	UBR-DEIS-00451-0194	T-27 Support and Opposition
Seven County Infrastructure Coalition (Floyd, Kathryn)	UBR-DEIS-00446	T-26 General
Seven County Infrastructure Coalition (McKee, Mike)	UBR-DEIS-00666	T-7 Vehicle Safety and Delay, T-9 Water Resources, T-10 Biological Resources, T-13 Air Quality and Greenhouse Gases, T-19 Socioeconomics, T-22 Cumulative Impacts
Sherwood, Amy	UBR-DEIS-00451-0026	T-27 Support and Opposition
Short, Yvonne	UBR-DEIS-00451-0196	T-27 Support and Opposition
Shuput, Steve	UBR-DEIS-00314	T-27 Support and Opposition
Siddoway, Charmian	UBR-DEIS-00524	T-27 Support and Opposition
Siddoway, Lance	UBR-DEIS-00527	T-27 Support and Opposition
Siebach, Sarah	UBR-DEIS-00343	T-27 Support and Opposition
Silverstone, Naomi	UBR-DEIS-00337	T-6 Proposed Action and Alternatives, T-22 Cumulative Impacts
Slack, Sean	UBR-DEIS-00347	T-27 Support and Opposition
Slack, Sean	UBR-DEIS-00539	T-27 Support and Opposition
Slauson, Ceil	UBR-DEIS-00451-0137	T-27 Support and Opposition
Smith, Tony	UBR-DEIS-00177	T-27 Support and Opposition
Soldier Summit Estates; Board of Directors (Stewart, Michelle)	UBR-DEIS-00017	T-7 Vehicle Safety and Delay
Solorzano, Chelsea	UBR-DEIS-00037	T-27 Support and Opposition
Sorensen, Keldon	UBR-DEIS-00219	T-27 Support and Opposition
Sorensen, Russell	UBR-DEIS-00217	T-27 Support and Opposition
South Valley UU Society (Scarborough, Ann)	UBR-DEIS-00442	T-27 Support and Opposition
Spackman, Dennis	UBR-DEIS-00194	T-27 Support and Opposition
Spehler, John and Monica	UBR-DEIS-00572	T-27 Support and Opposition
Spotts, Richard	UBR-DEIS-00396	T-9 Water Resources, T-10 Biological Resources, T-22 Cumulative Impacts, T-27 Support and Opposition
Spotts, Richard	UBR-DEIS-00451-0049	T-27 Support and Opposition

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St Thayne, Shelby	UBR-DEIS-00184	T-27 Support and Opposition
Stacey, Clark	UBR-DEIS-00590	T-27 Support and Opposition
Stangel, Mike	UBR-DEIS-00414	T-26 General, T-27 Support and Opposition
Stanley, Kelvin	UBR-DEIS-00106	T-27 Support and Opposition
State of Utah School and Institutional Trust Lands Administration (SITLA) (Ure, Dave)	UBR-DEIS-00702	T-27 Support and Opposition
Steckler, Allen	UBR-DEIS-00678	T-27 Support and Opposition
Stengel, Mike	UBR-DEIS-00036	T-27 Support and Opposition
Stengel, Mike	UBR-DEIS-00297	T-27 Support and Opposition
Stensaas, Suzanne	UBR-DEIS-00027	T-27 Support and Opposition
Stevens, Mitchell	UBR-DEIS-00451-0178	T-27 Support and Opposition
Stevenson, Casey	UBR-DEIS-00174	T-27 Support and Opposition
Stewart, Terri	UBR-DEIS-00451-0080	T-27 Support and Opposition
Stewarts Investments (Stewart, Tyson)	UBR-DEIS-00234	T-27 Support and Opposition
Stock, Sarah	UBR-DEIS-00292	T-5 Purpose and Need, T-22 Cumulative Impacts
Straley, Jerry	UBR-DEIS-00451-0106	T-27 Support and Opposition
STRATA Networks (Todd, Bruce)	UBR-DEIS-00062	T-27 Support and Opposition
Stuart, Holly	UBR-DEIS-00451-0203	T-27 Support and Opposition
Svoboda, Sheri	UBR-DEIS-00451-0024	T-27 Support and Opposition
Szwedko, Jason	UBR-DEIS-00595	T-27 Support and Opposition
T, J	UBR-DEIS-00451-0046	T-27 Support and Opposition
Tarbet, Sheila	UBR-DEIS-00451-0095	T-27 Support and Opposition
Taylor, Art	UBR-DEIS-00250	T-8 Rail Operations Safety, T-10 Biological Resources, T-17 Land Use and Recreation, T-23 Mitigation, T-26 General
Taylor, Buck	UBR-DEIS-00630	T-27 Support and Opposition
Taylor, Emma	UBR-DEIS-00593	T-27 Support and Opposition
Taylor, Lauri	UBR-DEIS-00316	T-22 Cumulative Impacts, T-27 Support and Opposition
Taylor, Virgil	UBR-DEIS-00594	T-27 Support and Opposition
The Church of Jesus Christ of Latter-Day Saints (Newbold, M. Scott)	UBR-DEIS-00221	T-17 Land Use and Recreation
Theodore Roosevelt Conservation Partnership (Arnett, Ed)	UBR-DEIS-00497	T-10 Biological Resources

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
This is our life plus 5	UBR-DEIS-00156	T-27 Support and Opposition
Thomas, Natalie	UBR-DEIS-00305	T-27 Support and Opposition
Thompson, Baylee	UBR-DEIS-00478	T-27 Support and Opposition
Thompson, Brady	UBR-DEIS-00162	T-27 Support and Opposition
Thompson, Linda	UBR-DEIS-00451-0111	T-27 Support and Opposition
Thompson, Louise	UBR-DEIS-00167	T-27 Support and Opposition
Thompson, Nadja	UBR-DEIS-00451-0125	T-27 Support and Opposition
Tiffany, Miles	UBR-DEIS-00454	T-27 Support and Opposition
Timothy, Bruce	UBR-DEIS-00223	T-27 Support and Opposition
Timothy, Clark	UBR-DEIS-00218	T-27 Support and Opposition
Timothy, Craig	UBR-DEIS-00164	T-27 Support and Opposition
Todd, Brandon	UBR-DEIS-00077	T-27 Support and Opposition
Todd, Tyson	UBR-DEIS-00289	T-27 Support and Opposition
Tolman, Douglas	UBR-DEIS-00501	T-27 Support and Opposition
Toppin, Steffany	UBR-DEIS-00451-0104	T-27 Support and Opposition
Torres, Robert	UBR-DEIS-00451-0077	T-27 Support and Opposition
Toth, Carolyn	UBR-DEIS-00634	T-27 Support and Opposition
Touchette, Elke	UBR-DEIS-00451-0138	T-27 Support and Opposition
Townshend, Elisa	UBR-DEIS-00451-0015	T-27 Support and Opposition
Traeger, Diana	UBR-DEIS-00090	T-27 Support and Opposition
Trawick, Trey	UBR-DEIS-00647	T-27 Support and Opposition
Tribe, Heidi	UBR-DEIS-00505	T-27 Support and Opposition
Tripp, Tom	UBR-DEIS-00451-0007	T-27 Support and Opposition
Trouberman, Bethany	UBR-DEIS-00488	T-27 Support and Opposition
Trouberman, Bethany	UBR-DEIS-00543	T-27 Support and Opposition
Tuke, Carla	UBR-DEIS-00451-0116	T-27 Support and Opposition
U.S. Army Corps of Engineers, Sacramento District (Gipson, Jason)	UBR-DEIS-00481	T-6 Proposed Action and Alternatives, T-9 Water Resources, T-22 Cumulative Impacts, T-24 Consultation and Coordination
U.S. Environmental Protection Agency, Region 8, NEPA Branch (Hubner, Matt)	UBR-DEIS-00431	T-6 Proposed Action and Alternatives, T-9 Water Resources, T-13 Air Quality and Greenhouse Gases, T-20 Environmental Justice
UELS, LLC (Doebele, Amy)	UBR-DEIS-00457	T-27 Support and Opposition
Uinta Valley Shoshone Tribe (Van, Dora)	UBR-DEIS-00484	T-27 Support and Opposition
Uintah Basin Medical Center (Marshall, Jim)	UBR-DEIS-00222	T-27 Support and Opposition
Uintah County Commission (Watkins, Ross)	UBR-DEIS-00440	T-7 Vehicle Safety and Delay, T-8 Rail Operations Safety, T-13 Air Quality and Greenhouse Gases, T-

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
		19 Socioeconomics, T-22 Cumulative Impacts, T-27 Support and Opposition
Uintah County Commissioners (Horrocks, Brad)	UBR-DEIS-00561	T-7 Vehicle Safety and Delay, T-8 Rail Operations Safety, T-13 Air Quality and Greenhouse Gases, T- 19 Socioeconomics, T-22 Cumulative Impacts, T- 27 Support and Opposition
Uintah Valley Shoshone Tribe (Rock, Michael)	UBR-DEIS-00094	T-26 General
Uintah Valley Shoshone Tribe (Rock, Michael)	UBR-DEIS-00212	T-26 General
Uintah Valley Shoshone Tribe (Rock, Michael)	UBR-DEIS-00682	T-9 Water Resources, T-10 Biological Resources, T-13 Air Quality and Greenhouse Gases, T-14 Energy, T-24 Consultation and Coordination
Underwood, Pamela	UBR-DEIS-00413	T-5 Purpose and Need, T-6 Proposed Action and Alternatives, T-27 Support and Opposition
Underwood, Pamela	UBR-DEIS-00469	T-27 Support and Opposition
Upyirs, Irene	UBR-DEIS-00013	T-27 Support and Opposition
Uresk, Annie	UBR-DEIS-00579	T-27 Support and Opposition
Uresk, Brandon	UBR-DEIS-00535	T-27 Support and Opposition
Utah Department of Transportation (Braceras, Carlos)	UBR-DEIS-00564	T-27 Support and Opposition
Utah Petroleum Association (King, Jennette)	UBR-DEIS-00574	T-10 Biological Resources, T-19 Socioeconomics, T-27 Support and Opposition
Utah Physicians for a Healthy Environment (Moench, Brian)	UBR-DEIS-00375	T-22 Cumulative Impacts, T-27 Support and Opposition
Utah Physicians for a Healthy Environment (Moench, Brian)	UBR-DEIS-00685	T-5 Purpose and Need, T-22 Cumulative Impacts, T-26 General
Utah Physicians for a Healthy Environment (Moench, Malin)	UBR-DEIS-00401	T-22 Cumulative Impacts, T-27 Support and Opposition
Utah Royalty Owners Association (Smith, Allan)	UBR-DEIS-00048	T-6 Proposed Action and Alternatives, T-27 Support and Opposition
Utah State Legislature (Buxton, Senator David)	UBR-DEIS-00620	T-19 Socioeconomics
Utah State Legislature (Hinkins, David)	UBR-DEIS-00655	T-19 Socioeconomics, T-27 Support and Opposition
Utah State Legislature (Winterton, Ron)	UBR-DEIS-00679	T-27 Support and Opposition
Utah Tar Sands Resistance (Cordray, Raphael)	UBR-DEIS-00044	T-26 General
Utah Tar Sands Resistance (Cordray, Raphael)	UBR-DEIS-00045	T-26 General

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
Utah Tar Sands Resistance (Trepanire, Lionel)	UBR-DEIS-00392	T-26 General, T-27 Support and Opposition
Utah, Office of the Governor (Johnson, Redge)	UBR-DEIS-00663	T-9 Water Resources, T-10 Biological Resources, T-13 Air Quality and Greenhouse Gases, T-17 Land Use and Recreation, T-19 Socioeconomics, T-22 Cumulative Impacts, T-27 Support and Opposition
Ute Indian Tribe (Wilson, Rollie)	UBR-DEIS-00049	T-21 Environmental Justice-Tribal Coordination and Consultation
Ute Indian Tribe of the Uinta and Ouray Reservation	UBR-DEIS-00471	T-21 Environmental Justice-Tribal Coordination and Consultation, T-24 Consultation and Coordination
Vaccaro, Shawn	UBR-DEIS-00069	T-9 Water Resources
Valentine, Michael	UBR-DEIS-00528	T-27 Support and Opposition
Valentine, Michael	UBR-DEIS-00570	T-27 Support and Opposition
VanDenzen, Elizabeth	UBR-DEIS-00451-0898	T-27 Support and Opposition
Vernal City (Hammond, Doug)	UBR-DEIS-00096	T-27 Support and Opposition
Vernal City (Munford, Ted)	UBR-DEIS-00105	T-27 Support and Opposition
Vukin, Matt	UBR-DEIS-00470	T-27 Support and Opposition
Wagstaff, Lawrence	UBR-DEIS-00071	T-6 Proposed Action and Alternatives
Wallentine, Craig	UBR-DEIS-00424	T-6 Proposed Action and Alternatives, T-7 Vehicle Safety and Delay, T-8 Rail Operations Safety, T-10 Biological Resources, T-11 Geology, Soils, Seismic Hazards, and Hazardous Waste Sites, T-22 Cumulative Impacts, T-27 Support and Opposition
Wallentine, Craig	UBR-DEIS-00425	T-6 Proposed Action and Alternatives, T-10 Biological Resources, T-13 Air Quality and Greenhouse Gases, T-22 Cumulative Impacts, T-27 Support and Opposition
Wallentine, Craig	UBR-DEIS-00426	T-6 Proposed Action and Alternatives, T-19 Socioeconomics, T-26 General, T-27 Support and Opposition
Wasatch Clean Air Coalition/Dlbsigma Consulting (Burney- Sigman, Deborah)	UBR-DEIS-00548	T-22 Cumulative Impacts
Wasatch Energy Management (Brinkerhoff, Riley)	UBR-DEIS-00267	T-27 Support and Opposition
Washington, Jane	UBR-DEIS-00433	T-27 Support and Opposition
Waters, Robert	UBR-DEIS-00451-0088	T-27 Support and Opposition
Watterson, Ruth	UBR-DEIS-00137	T-27 Support and Opposition
Weber, Michael	UBR-DEIS-00148	T-27 Support and Opposition
Weed, Carol	UBR-DEIS-00451-0176	T-27 Support and Opposition

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
Weigel, Sally	UBR-DEIS-00032	T-27 Support and Opposition
Weight, Carrie	UBR-DEIS-00694	T-27 Support and Opposition
Weight, Elizabeth	UBR-DEIS-00372	T-5 Purpose and Need
Weight, James Lee	UBR-DEIS-00689	T-27 Support and Opposition
Weight, John	UBR-DEIS-00083	T-27 Support and Opposition
Weight, Sommer	UBR-DEIS-00081	T-27 Support and Opposition
Weir, Craig	UBR-DEIS-00451-0156	T-27 Support and Opposition
Weiser, Nancy	UBR-DEIS-00444	T-27 Support and Opposition
Weldon, Eric	UBR-DEIS-00363	T-27 Support and Opposition
Weldon, Mike	UBR-DEIS-00102	T-27 Support and Opposition
Westergard, Cameron	UBR-DEIS-00592	T-27 Support and Opposition
Western Energy Alliance (Parks, Tripp)	UBR-DEIS-00466	T-10 Biological Resources, T-13 Air Quality and Greenhouse Gases, T-15 Cultural Resources, T-19 Socioeconomics, T-23 Mitigation
Whiting, Lezlee	UBR-DEIS-00456	T-27 Support and Opposition
Wilcox, Sylvia	UBR-DEIS-00451-0098	T-27 Support and Opposition
Wild Idaho Rising Tide (Yost, Helen)	UBR-DEIS-00690	T-26 General
Wild Idaho Rising Tide (Yost, Helen)	UBR-DEIS-00704	T-9 Water Resources, T-10 Biological Resources, T-19 Socioeconomics, T-22 Cumulative Impacts, T-26 General, T-27 Support and Opposition
Wilkins, Nate	UBR-DEIS-00419	T-27 Support and Opposition
Williams, Robert	UBR-DEIS-00451-0120	T-27 Support and Opposition
Williamson, Kirt	UBR-DEIS-00028	T-27 Support and Opposition
Willis, James	UBR-DEIS-00700	T-27 Support and Opposition
Wilson, Jon	UBR-DEIS-00186	T-27 Support and Opposition
Wilz, Addy	UBR-DEIS-00587	T-27 Support and Opposition
Winterton, Devan	UBR-DEIS-00482	T-27 Support and Opposition
Winterton, Mark	UBR-DEIS-00056	T-27 Support and Opposition
Winterton, Mark	UBR-DEIS-00376	T-27 Support and Opposition
Winterton, Thomas	UBR-DEIS-00239	T-27 Support and Opposition
Woffinden, Eileen	UBR-DEIS-00598	T-27 Support and Opposition
Wohldmann, Erica	UBR-DEIS-00265	T-26 General
Wolfer, Anne	UBR-DEIS-00353	T-27 Support and Opposition
Wolff, Elaine	UBR-DEIS-00491	T-27 Support and Opposition
Wood, Dustin	UBR-DEIS-00099	T-27 Support and Opposition
Wright, Armin	UBR-DEIS-00451-0142	T-27 Support and Opposition
Wright, MaryAnn	UBR-DEIS-00360	T-27 Support and Opposition
Wright, Ms.	UBR-DEIS-00390	T-27 Support and Opposition

Commenter Name (alphabetical)	Submission Number	Comment and Response Table Numbers and Categories
Wright, Will	UBR-DEIS-00211	T-27 Support and Opposition
Yager, Richard	UBR-DEIS-00124	T-6 Proposed Action and Alternatives, T-27 Support and Opposition
Yates, Angie	UBR-DEIS-00333	T-27 Support and Opposition
Yeates, Tyler	UBR-DEIS-00313	T-27 Support and Opposition
Yoder, Paul	UBR-DEIS-00103	T-27 Support and Opposition
Young, Troy	UBR-DEIS-00109	T-27 Support and Opposition
Zamantakis, George	UBR-DEIS-00181	T-27 Support and Opposition
Zamantakis, Mike	UBR-DEIS-00183	T-27 Support and Opposition
Zuckerman, Paul	UBR-DEIS-00053	T-27 Support and Opposition
Zufelt, Justin	UBR-DEIS-00569	T-27 Support and Opposition

5.1 Summary Responses

5.1.1 Summary Response 1: Downline Impacts Analysis Methods

OEA received comments suggesting that OEA incorrectly defined the study area for downline impacts. Downline impacts are impacts that could occur along existing rail lines as a result of increased rail traffic due to the addition of new trains originating or terminating on the proposed rail line. In the Draft EIS, OEA analyzed potential downline impacts associated with vehicle safety and delay (Section 3.1, *Vehicle Safety and Delay*), rail operations safety (Section 3.2, *Rail Operations Safety*), noise and vibration (Section 3.6, *Noise and Vibration*), and air quality and greenhouse gases (Section 3.7, *Air Quality and Greenhouse Gases*). Because the Coalition does not and would not operate existing rail lines downline of the proposed rail line, the Coalition cannot control how trains would be routed on those existing rail lines. Although some downline impacts are reasonably foreseeable, the Board cannot impose mitigation on the Coalition that would address downline impacts because the Coalition does not and would not operate the downline segments and because the operators of the downline segments do not and would not need to seek Board authority to handle trains originating or terminating on the proposed rail line.

As described in Appendix C, *Downline Analysis Study Area and Train Characteristics*, the Board's regulations at 49 C.F.R. § 1105.7(e)(11)(v) establish thresholds for environmental review of potential downline impacts. The threshold for analysis of potential air quality impacts at 49 C.F.R. § 1105.7(e)(5) is generally an increase of at least eight trains per day in areas designated as in attainment under the Clean Air Act, or three trains per day in nonattainment areas. The threshold for analysis of potential noise impacts at 49 C.F.R. § 11-5.7(e)(6) is generally an increase of at least eight trains per day combined with an incremental increase in noise levels, as measured by a day-night average noise level, of 3 A-weighted decibels or more and an increase to a noise level of 65 DNL or more. The thresholds for analysis of potential energy impacts at 40 C.F.R. § 1105.7(e)(4) are specific to diversion of freight shipments from rail to motor carriage; therefore, they are not relevant in this case. Based on its experience applying the thresholds for air and noise on freight rail construction and operation projects, OEA has determined that these thresholds should also apply to

freight rail safety and grade-crossing safety and delay and has regularly applied the thresholds to define downline study areas for rail line construction and operation proposals. See Tongue River Railroad Company—Construction and Operation—in Custer, Powder River, and Rosebud Counties Mont., FD 30186.

Pursuant to the Board's regulations, OEA identified existing rail lines that could experience an increase in rail traffic of three trains per day or more for areas in nonattainment under the Clean Air Act or eight trains per day or more in attainment areas, pursuant to the thresholds at 49 C.F.R. § 1105.7(e)(5). To identify those existing rail lines, OEA first identified potential destinations for crude oil produced in the Uinta Basin. Because it is not possible to identify the specific refineries that would receive shipments of crude oil from the Uinta Basin, OEA used a regional market-centered approach for considering the potential destinations for Uinta Basin crude oil. OEA identified the following specific geographic refining market centers that could receive Uinta Basin crude oil: the Houston/Port Arthur area, the Louisiana Gulf Coast area, the Puget Sound area, and refineries in Kansas and Oklahoma. Based on the existing capacity of those geographic refining market centers and data trends in crude oil movements from the Energy Information Administration (EIA), OEA estimated that approximately 50 percent of crude oil would move to the Houston/Port Arthur market center, 35 percent would move to the Louisiana Gulf Coast, 10 percent would move to Puget South, and 5 percent would move to PADD 2 refineries. These estimates correspond to average daily train traffic of 1.84 to 5.26 trains for Houston/Port Arthur, 1.29 to 3.68 trains for the Louisiana Gulf Coast, 0.37 to 1.05 trains for Puget Sound, and 0.18 to 0.53 trains for PADD 2 refineries, including loaded and unloaded trains.

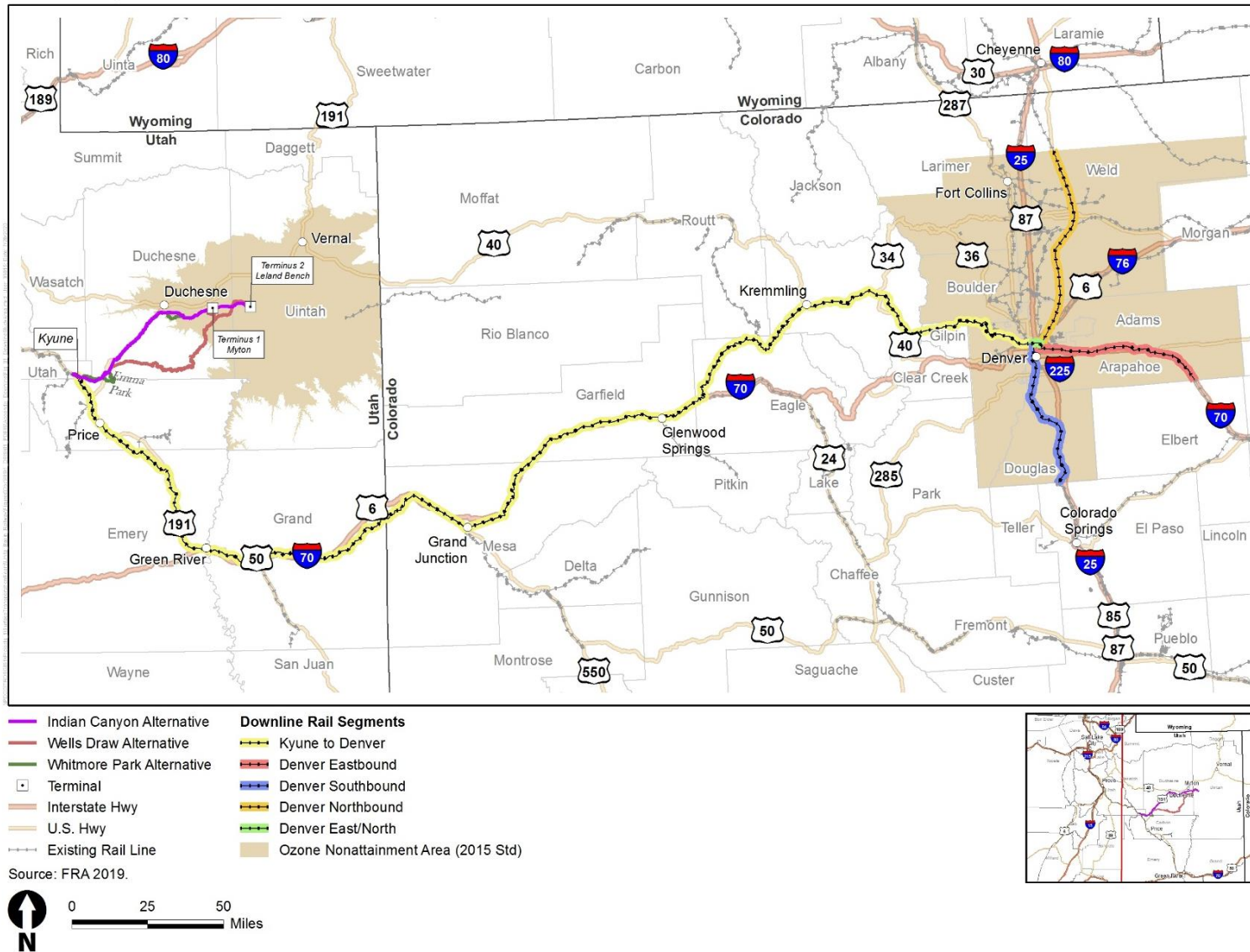
Because no more than 1.05 trains per day, on average, are expected to head west from the proposed rail line to the regional refining market center at Puget Sound and because 1.05 trains per day is below OEA's analysis thresholds for downline analysis, OEA did not conduct any downline analysis for westbound train traffic. For eastbound traffic, OEA used the PC Rail Miler computer program to calculate the most practical routes between the proposed rail line terminus near Kyune, Utah and the Houston/Port Arthur area, the Louisiana Gulf Coast, and PADD 2 refineries in Kansas and Oklahoma. The PC Rail Miler program considers the capacity of rail lines over which freight would move and can be used to identify the shortest route in terms of mileage and the most practical route in terms of mileage and capacity. The model results identified the Union Pacific Railroad Company (UP) mainline from Kyune to Denver, Colorado as the only practical route for all rail traffic moving eastward from the Uinta Basin Railway to the Houston/Port Arthur area, the Louisiana Gulf Coast, and PADD 2 refineries. Therefore, OEA concluded that all rail traffic heading east would use this route.

Within the Denver metropolitan area, there are three practical routes that trains could follow. These are the northbound UP mainline, the southbound BNSF Railway Company (BNSF) mainline, and the eastbound BNSF mainline. Based on the estimated rail traffic on the proposed rail line and the potential destinations for that traffic, OEA predicted that two of the practical routes in the Denver metropolitan area could experience an increase in rail traffic of less than three trains per day and one (the northbound UP mainline) could experience an increase in rail traffic of more than three but fewer than eight trains per day. Because the Denver metropolitan area is classified as a nonattainment area under the Clean Air Act, OEA concluded that increased traffic on the northbound UP mainline could exceed OEA's thresholds for downline analysis. Because there is some uncertainty associated with the estimated distribution of rail traffic, OEA included the southbound BNSF mainline, and the eastbound BNSF mainline in the downline study area in addition to the northbound UP mainline even though OEA believes it is unlikely that traffic on those lines would

exceed OEA's analysis thresholds. This is a conservative approach that resulted in a larger downline study area than is warranted under either the Board's regulations or under NEPA. Accordingly, as discussed in the Draft EIS and shown in Figure T-1, the downline study area extends eastward from Kyune to the northern, southern, and eastern edges of the Denver Metro/North Front Range air quality nonattainment area.

Outside of this downline study area, there are many potential final destinations for trains originating on the proposed rail line and many practical routes that trains could take to reach those destinations. For example, trains travelling to refineries in the Houston/Port Arthur area could follow UP mainlines from Denver north to Cheyenne, Wyoming, then east to Topeka, Kansas, and then through Oklahoma to Houston, Texas. Alternatively, trains could follow BNSF mainlines south from Denver to Amarillo, Texas and then travel to Houston via Dallas, Texas. In addition to these practical routes, there are also other routes that trains could take to reach Houston/Port Arthur. Within the Houston/Port Arthur market center, OEA identified 15 different refineries that could be interested in receiving crude oil from the Uinta Basin, and there are multiple possible routes within the area to reach each of those different refineries. Other refineries in the region may also accept trains originating on the proposed rail line. Because of the many different potential destinations and the many different practical routes available to reach those destinations, OEA concluded that rail traffic outside of the downline study area would be dispersed and that no individual rail lines outside of the downline study area can reasonably be expected to experience an increase in rail traffic in excess of OEA's analysis thresholds. Therefore, analysis of downline impacts on existing rail lines outside of the downline study area would not be appropriate.

Figure T-1. Downline Study Area



5.1.2 Summary Response 2: Rail Accident Analysis Methodology

OEA received comments requesting clarification of the methods that OEA used to assess impacts related to rail operations safety. As discussed in the Draft EIS, operation of the proposed rail line would introduce the possibility of a rail-related accident in the project study area and increase the likelihood of a rail-related accident in the downline study area due to the increased rail traffic on existing rail lines in the downline study area. As discussed in Section 3.2, *Rail Operations Safety*, OEA conducted a rail accident analysis to assess rail safety impacts that would allow a comparison of the Action Alternatives and inform the Board's decision on whether to authorize the proposed rail line. The analysis focuses on the likelihood and size of accidents, which informs the assessment of consequences should there be accidents and spills along the proposed rail line or downline routes, such as an oil spill near a water body. OEA did not conduct a quantitative risk assessment, and NEPA does not require such an assessment.

As presented in Subsection 3.2.13, *Analysis Methods*, OEA identified potential accidents that could occur during rail operations and estimated both the likelihood of occurrence (the frequency) and the potential impacts of potential accidents, including spills of crude oil or other bulk liquids. OEA conducted a separate analysis for each of the Action Alternatives to develop representative frequencies and potential impacts associated with a set of representative release scenarios in the study area and the selected downline areas. The resulting estimates are most meaningful when compared to each other, as opposed to considering them as predicting absolute frequencies or potential impacts. Likewise, the examination of consequences was focused on the size of potential releases and the identification of the types of consequences including spills and fires. The purpose of the analysis is to estimate the relative likelihood of different types of potential accidents, not to make predictions of the potential for various impacts or outcomes occurring in specific locations; this level of detail is more commonly found in detailed quantitative risk assessments.

Train accident rates available from the Federal Railroad Administration generally only distinguish between freight and passenger service, not by specific cargoes or designations of manifest versus unit trains. In conducting its analysis, OEA considered accident rates on mainlines and sidings accounting for track class on the Action Alternatives and downline segments in the project study area. OEA's use of track classes to develop accident rates accounts for both train speed (because different track classes have different speed limits) and segment-specific factors, such as curvature, grade, the presence of signaling equipment, track condition, and the presence of at-grade road crossings (because these factors are used to determine the track class). Appendix E, *Rail Accident Rates*, provides the estimated accident rates, as well as descriptions of some large historical rail accidents for context.

Analyses of site-specific track conditions for the proposed rail line is not possible during the EIS phase because the actual track location has not yet been specified and the track has not been designed or constructed. Analyses of local geographical conditions and features would be part of the final engineering and design phase. OEA is recommending a new mitigation measure (ROS-MM-2) that would require the Coalition inspect, as part of routine rail inspections or at least twice annually, both track geometry (using appropriate technology) and local terrain conditions. Implementation of this measure would minimize the potential for problems with the track or track bed that could lead to accidents. Insufficient data were found on accident rates for unit trains carrying crude oil,

particularly trains carrying waxy crude oil, to allow these factors to be explicitly analyzed for changes in accident rates; however, such changes would be common to all of the Action Alternatives.

Because the proposed rail line is anticipated to primarily transport crude oil, OEA focused on this commodity in its analysis of potential spills. OEA estimated the probability of crude oil releases (spills) and the amount of crude oil that could be released based on the anticipated rail car types and numbers of cars per train, as well as previous studies and models of spill probabilities for other rail projects in a number of industries. OEA did not assess the possibility of releases of other commodities in detail because OEA anticipates that the volumes of commodities other than crude oil would be low. As described in Chapter 2, *Proposed Action and Alternatives*, other commodities would be transported in manifest rail cars added to the oil trains and would not require dedicated trains.

5.1.3 Summary Response 3: Consideration of Impacts from Oil and Gas Development as Cumulative Impacts

During the public comment period for the Draft EIS, OEA received comments suggesting that OEA should have treated potential environmental impacts that could result from potential future, as yet unplanned, oil and gas development projects in the Basin as direct or indirect impacts of the proposed rail line, rather than treating those oil and gas development projects as reasonably foreseeable future actions that could contribute to cumulative impacts, as was done in the Draft EIS. OEA notes that the proposed action before the Board is the Coalition's proposal to construct and operate a new common-carrier rail line in Carbon, Duchesne, Uintah, and Utah Counties, Utah. The Coalition does not propose to undertake any oil and gas development projects, and the Board would have no role in assessing, authorizing, or regulating any such projects. However, because oil and gas development has the potential to affect some of the same resources as the proposed rail line near in time to the construction and operation of the proposed rail line, OEA appropriately assessed future oil and gas development projects as part of the cumulative impacts analysis in the Draft EIS. After reviewing the comments on the Draft EIS, OEA continues to believe that future oil and gas development projects should be included only as part of the analysis of cumulative effects, for the following reasons.

First, the Coalition has sought Board authority only to construct and operate the proposed rail line, not for any oil and gas development projects. Therefore, treating future oil and gas development projects as part of the proposed action, or impacts from those projects as impacts of the proposed action, would not inform the Board's decision on the Coalition's petition to construct and operate the proposed rail line. The purpose of OEA's environmental review process is to ensure the Board's compliance with NEPA, 42 U.S.C. § 4321 et seq. and related environmental laws and regulations, as specified in the Board's rules at 49 C.F.R. Part 1105. The purpose of NEPA is to focus the attention of the government and the public on the likely environmental consequences of a proposed agency action by disclosing potential environmental impacts before an action is implemented in order to minimize or avoid potential negative environmental impacts. See Marsh v. Oregon Natural Resources Council, 490 U.S. 360, 371 (1989). NEPA's EIS requirement has two purposes: "First, 'it ensures that the agency, in reaching its decision, will have available, and will carefully consider, detailed information concerning significant environmental impacts.' ...Second, it 'guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision.'" Department of Transp. v. Public Citizen, 541 U.S. 752, 768 (2004) (Public Citizen) (quoting Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989)). Thus, information that does not inform the agency's

decision need not be included in an EIS. “NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail. Ultimately, of course, it is not better documents but better decisions that count. NEPA’s purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action.” 40 C.F.R. §§ 1500.1 (b)-(c). The Board has jurisdiction over rail transportation by rail carriers. *See* 49 U.S.C. § 10501. In the case at hand, the Coalition has petitioned the Board, under 49 U.S.C. § 10502, for authority to construct and operate a new rail line in Carbon, Duchesne, Uintah, and Utah Counties in Utah. After completion of the environmental review process, the Board will decide whether to authorize, deny, or authorize with conditions the Coalition’s proposal. Thus, the EIS must include information that the Board needs to issue an informed decision on the Coalition’s proposal to construct and operate the proposed rail line. Oil and gas development is not part of the Coalition’s proposed action before the Board, and is subject to the approval processes of other federal, state, local, and tribal agencies, not the Board.

Second, the Board has no authority or control over potential future oil and gas development in the Basin. According to court decisions, the degree of legal or factual control over an action or project asserted by an agency is an important factor in determining whether to consider that action in the environmental review process. The courts have stated that an agency exercises control over a project when: “(1) it exercises discretion over the project; (2) has given any direct financial aid to the project; and (3) the overall Federal involvement with the project is sufficient to turn essentially private action into Federal action.” *See Citizens Against Rails-to-Trails v. STB*, 267 F.3d 1144 (D.C. Cir, 2001); *Goos v. ICC*, 911 F.2d 1283 (8th Cir. 1990); *NAACP v. Medical Center, Inc.*, 584 F.2d 619, 629 (3d Cir. 1978). Applying these standards here, it is clear that the Board lacks sufficient control over future oil and gas development projects to make those projects part of the proposed action assessed in the EIS. The only action before the Board is the construction and operation of the proposed rail line, which is not a condition precedent to future oil and gas development in the Basin, and the proposed rail line and any future oil and gas development projects are not two phases of a single action. The Board has given and would give no financial aid to any future oil and gas development projects and lacks regulatory authority over those potential future projects.

Third, the Board has no authority to prevent or mitigate potential harms from potential future oil and gas development in the Basin. While OEA believes that the availability of a rail transportation option would benefit the oil and gas industry in the Basin, that industry is already well-established and would continue regardless of whether the Coalition were to construct and operate the proposed rail line. Thus, the proposed rail line and any future oil and gas development projects are separate, independent projects. The Board can only impose conditions that are consistent with its statutory authority over rail transportation by rail carriers under the Interstate Commerce Act, as amended by the ICCTA. Accordingly, any conditions the Board imposes must relate directly to the project before it, must be reasonable, and must be supported by the record before the Board. In this proceeding, the Board’s power to impose mitigation extends only to the Coalition, as the railroad applicant, and to potential impacts that could be caused by the Coalition’s proposed rail line. The Board does not have authority to regulate oil and gas development projects and thus could not impose mitigation to reduce potential harms resulting from those projects. Therefore, an environmental analysis of the potential impacts of oil and gas development projects beyond that presented in the cumulative impacts analysis is not properly part of the EIS in this rail construction case. *See Public Citizen*, 541 U.S. at 769.

Fourth, OEA’s analysis of cumulative impacts contains an appropriate assessment of the impacts from potential future oil and gas development in the Basin that are relevant to the Board’s decision-

making. NEPA requires that agencies consider direct, indirect, and cumulative impacts in their environmental documents (CEQ 1997, 40 C.F.R. §§ 1508.7, 1508.8, and 1508.25). The cumulative impacts analysis provides information to decision makers about the potential incremental effects of its actions in conjunction with other reasonably foreseeable actions that may affect the same resources. In other words, the analysis allows the decision maker to see how much the proposed action before its agency would contribute to the cumulative impacts on a particular resource. Cumulative impacts result when the impacts of different actions combine to cause greater impacts on a particular resource than the impacts that would be caused solely by the proposal before the agency. See Considering Cumulative Effects under the National Environmental Policy Act, p. 7 (CEQ 1997). The analysis of cumulative impacts focuses on effects on specific resources. Thus, two actions that have different types of impacts, but affect one or more of the same resources, need to be considered together in a cumulative impacts assessment. See Considering Cumulative Effects under the National Environmental Policy Act, p. 8 Table 1-2 (CEQ 1997). For example, construction of the Coalition's proposed rail line and potential future oil and gas development in the Basin would each result in impacts on vegetative communities and on wildlife habitat that, when combined, could have a cumulatively greater impact on vegetation and wildlife in the region. Therefore, OEA assessed the combined impacts on vegetation and wildlife of the Coalition's proposed rail line project with the other identified cumulative impact actions in the cumulative impacts analysis. The cumulative impacts assessment sets forth information regarding the combined environmental impacts of the Coalition's proposed rail line and the other identified cumulative projects. OEA notes that the environmental impact assessment of the identified cumulative impact actions was based on currently available information. In most instances, OEA was only capable of presenting cumulative environmental impacts from a qualitative perspective because most of the identified cumulative projects are speculative or are in the planning phase of project development. Without detailed construction plans or limits of disturbance, quantitative impact calculations are not possible.

Fifth, Board and judicial precedent support OEA's conclusion that potential future oil and gas development should not be viewed as part of the proposed action and that potential impacts of future oil and gas development projects should not be viewed as direct or indirect impacts of the proposed rail line. Information that does not inform the agency's decision need not be included in an EIS. Moreover, courts defer to agency determinations on what the appropriate scope of the environmental review should be in particular cases. See Sylvester v. U.S. Army Corps of Engineers, 884 F.2d 394, 399 (9th Cir. 1989). The Board's environmental regulations do not set forth a specific test for determining whether and how to consider particular related actions in the environmental review process. However, the Supreme Court's decision in Public Citizen clarifies that under NEPA a "but for" causal relationship is not enough to make an agency responsible for a particular effect under NEPA and the relevant regulations. See Public Citizen, 541 U.S. at 767; National Committee for the New River v. FERC, 373 F.3d 1373 (D.C. Cir 2004) (rejecting argument that "but for" test requires EIS on a proposed pipeline extension to consider the impacts of two non-jurisdictional generating plants). Rather, NEPA requires analysis of an effect only where there is a reasonably close causal relationship between the environmental effect and the alleged cause, analogous to the doctrine of proximate cause from tort law. See Public Citizen, 541 U.S. at 767 (citing Metropolitan Edison Co. v. People Against Nuclear Energy, 460 U.S. 766, 774 (1983)). Furthermore, the Supreme Court has ruled that agencies may reasonably limit their analysis to issues within the agency's own decision-making process. See Public Citizen, 541 U.S. at 768. The Court has held that where an agency has no ability to prevent a certain effect due to its limited statutory authority over the relevant actions, the agency cannot be considered a legally relevant "cause" of the effect, and such effects need not be studied in the agency's environmental review document. See Public Citizen, 541 U.S. at 770. Based

on Public Citizen and other relevant precedent, OEA believes that, apart from analysis as a cumulative impact, the effects of related actions need only be considered in the environmental review process if the action for which agency approval is sought can reasonably be said to cause the related actions and the agency has the authority to prevent the related actions (and thus any effects caused by the related actions) from taking place. OEA does not believe that potential future oil and gas development projects meet this two-part test. The Coalition's proposed rail line is not a proximate cause of oil and gas development in the Basin, because such development may occur, and is already taking place, without the proposed rail line. More importantly, the Board has no regulatory authority over oil and gas development and, therefore, cannot control whether such development occurs and cannot mitigate any effects from such actions if they do.

Finally, commenters' arguments for treating potential impacts of future oil and gas development as direct or indirect impacts of the proposed rail line are not supported by the facts or the relevant case law. Commenters suggest that the purpose of the Coalition's proposal is to expand oil production in the Basin and that oil production would not increase if the Coalition did not construct the proposed rail line. However, as stated in the Draft EIS, the Coalition's purpose is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. The Coalition's proposed rail line and any future oil and gas development projects are separate and independent projects that each have independent utility. If the rail line were not built, oil production in the Basin would continue and could increase in the future, depending on market conditions, including local, regional, national, and global demand for crude oil. As discussed in the Draft EIS, crude oil produced in the Basin is currently transported by truck to refineries in the Salt Lake City area and to an existing rail terminal near Wellington, Utah. While there are currently limitations on the volume of crude oil that refineries in the Salt Lake City area can accept, it is possible that additional capacity could be added at those refineries in the future. If oil production in the Basin were to increase in the future in response to changes in oil prices, rail transportation of crude oil from the existing rail terminal near Wellington or other existing rail terminals within trucking distance of the Basin could also increase to handle the additional production. Such outcomes would be outside of the Board's authority to regulate and would depend on future market conditions, not the construction and operation of the proposed rail line.

Further, oil and gas development, as discussed in the EIS, does not refer to a single project, but rather to many separate and independent projects that have not yet been proposed or planned. Those projects could occur on private, state, tribal, or federal land and could range in scale from a single vertical oil well to a large lease involving many horizontal wells. The entities that would undertake the projects are also unknown, but could include local privately owned companies, tribal interests, oil producers from outside of the Basin, or other parties. Because it would not be possible to determine which of these as yet unproposed, unplanned, and unsponsored projects would or would not proceed if the proposed rail line were or were not constructed, it is also not possible to conclude that any specific project would be proximately caused by the proposed rail line. OEA notes that, where an agency does not have jurisdiction over another project and the other project could proceed without the agency's approval of the project over which it does have jurisdiction, it is appropriate to limit the scope of the EIS to the project over which the agency does have jurisdiction. See Native Ecosystem Council v. Dombeck, 304 F.3d 886, 894-95 (9th Cir. 2002); Wetlands Action Network v. U.S. Army Corps of Engineers, 222 F.3d 1105, 1117 (9th Cir. 2000); Highway Citizens Group v. Mineta, 349 F.3d 938, 962-63 (7th Cir. 2003). Therefore, OEA cannot concur with commenters that environmental impacts that could potentially result from potential future oil and

gas development projects should be treated as either direct or indirect impacts of the Coalition's proposal.

5.1.4 Summary Response 4: Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals

OEA received comments requesting that the Final EIS include an analysis of specific impacts from potential future oil production in the Basin. OEA notes that the Draft EIS included an analysis of impacts from future oil and gas development projects in Section 3.15, *Cumulative Impacts*. Please refer to Summary Response 3, *Consideration of Impacts from Oil and Gas Development as Cumulative Impacts*, for an explanation of why OEA's inclusion of oil and gas development projects in the cumulative impacts discussion is appropriate. This summary response provides an additional explanation of OEA's approach to analyzing the cumulative impacts of the proposed rail line and other reasonably foreseeable future actions, such as oil and gas development projects and future rail terminals for loading and unloading trains.

As discussed in Section 3.15, *Cumulative Impacts*, OEA followed the guidelines outlined in the Council on Environmental Quality (CEQ) handbook, *Considering Cumulative Effects under the National Environmental Policy Act* (CEQ 1997) to evaluate whether cumulative impacts could result from adding the impacts of constructing and operating the proposed rail line to impacts of past, present, and reasonably foreseeable future projects. To be included as a cumulative project, planning and permitting for other actions should be advanced to the point that the action is reasonably foreseeable, which typically means that projects that have been generally discussed but for which no specific plans have been developed would not be included in the cumulative impacts analysis. However, OEA expanded the cumulative impacts analysis to also include potential future oil and gas development projects in the Basin and future rail terminals near the terminus points of the proposed rail line because, although there are currently no specific plans to undertake those projects, OEA believes they are reasonably foreseeable based on the projections of future rail traffic on the proposed rail line that the Coalition provided to OEA.

As discussed in the Draft EIS, the Coalition estimates that rail traffic on the proposed rail line would range from 3.68 trains per day (low rail traffic scenario) to 10.52 trains per day (high rail traffic scenario), on average, depending on future market conditions. These future market conditions would include market conditions for Uinta crude oil, specifically, and any change in the current discount on Uinta crude oil prices.

To provide a framework for the analysis of potential cumulative impacts, OEA developed two potential scenarios for future oil and gas development in the Basin that correspond to the Coalition's estimated range of rail traffic. Under the low oil production scenario, total oil production in the Basin would increase by an average of 130,000 barrels per day compared to historical production levels. Under the high oil production scenario, total oil production in the Basin would increase by an average of 350,000 barrels per day. These scenarios are based on the Coalition's estimates of potential rail traffic on the proposed rail line. The scenarios are not based on any specific oil development proposals. While oil and gas development is considered reasonably foreseeable and, therefore, is included in the cumulative impacts analysis, details to inform the scenarios needed to analyze potential cumulative impacts are not a prediction of what may or may not happen.

For the purpose of the cumulative impacts analysis, OEA assumed that all oil transported on the proposed rail line would come from new production that would involve well drilling and

construction and operation of related facilities in the Basin. This a conservative assumption that may tend to overstate impacts because it is possible that the proposed rail line would displace truck transportation for at least some existing oil production. OEA estimated the number of oil wells that would need to be constructed and operated to satisfy the expected increased oil production low and high volume scenarios of 130,000 or 350,000 barrels per day, respectively, and the number of truck trips per day that would be needed to transport oil from oil fields to the terminals under those scenarios. In addition, OEA assumed that oil and gas operators would construct and operate any needed ancillary facilities, such as access roads, electric power distribution lines, well pads, surface or subsurface pipelines, and storage tanks to support oil field development. OEA also assumed that private sector terminal developers would construct any rail terminal facilities at the terminus points near Myton and Leland Bench to transfer commodities between trucks and rail cars.

The analysis of cumulative impacts considers the impact of other past, present, and reasonably foreseeable future actions in combination with impacts of the proposed rail line. These impacts may be additive or offsetting. Because the cumulative impacts analysis considers impacts that may add to or offset impacts of the proposed rail line, the scope of the cumulative impacts analysis is limited to those direct and indirect resource impacts that would be generated by construction and operation of the proposed rail line. Impacts of other past, present, and reasonably foreseeable future actions that do not interact with impacts of the proposed rail line are not within the scope of the cumulative impacts analysis for an EIS.

For example, OEA considered the cumulative impact of vehicle trips related to construction and operation of the proposed rail line in combination with vehicle trips for transporting oil from future oil and gas development projects to the future rail terminals because both the proposed rail line and future oil and gas development projects would involve new vehicular traffic that could affect safety and delay on local roads (Subsection 3.15.5.1, *Vehicle Safety and Delay*). To assess cumulative impacts on air quality and greenhouse gases, OEA added the estimated emissions from operation of the proposed rail line to estimated emissions from other reasonably foreseeable projects, including the oil and gas development that would be needed to meet the oil production scenarios, and estimated emissions from operation of the rail terminals (Subsection 3.15.5.7, *Air Quality and Greenhouse Gases*). The air quality analysis is inherently cumulative in nature; OEA used foundational information from the low and high oil production scenarios to inform the cumulative analysis. However, OEA did not assess cumulative groundwater impacts specifically because, as described in Section 3.3, *Water Resources*, OEA expects that the proposed rail line would not result in impacts on groundwater use (i.e., supply/drawdown), groundwater recharge, or groundwater quality. Therefore, the proposed rail line would not contribute to cumulative impacts on groundwater when combined with impacts from oil and gas development. The scope of the cumulative impacts analysis is described for each resource topic in Subsections 3.15.5.1 through 3.15.5.14.

This approach to the cumulative impacts analysis is consistent with the CEQ regulations that were in place at the time the Notice of Intent (NOI) for this EIS was published in the Federal Register. Per Section 1506.13 of the updated CEQ regulations, the new regulations apply to any NEPA process begun after its effective date of September 14, 2020. An agency may apply the regulations to ongoing activities and environmental documents that began before September 14, 2020. However, OEA has determined that the agency will not apply the updated CEQ regulations to this EIS that had an NOI publication date of June 19, 2019.

5.1.5 Summary Response 5: Tennessee Pass Line

OEA received comments regarding potential downline impacts on an existing rail line in Colorado known as the Tennessee Pass Line, which extends approximately 163.1 miles from Sage, Colorado to Parkdale, Colorado. The Tennessee Pass Line is owned by Union Pacific Railroad Company (UP) and has been out of service for many years. Commenters expressed concern that trains originating on the Coalition's proposed rail line and transporting crude oil produced in the Uinta Basin could travel on the Tennessee Pass Line and that this increased rail traffic could result in environmental impacts, including impacts related to noise, air quality, rail safety, vehicle safety, water resources, biological resources, and protected areas. In particular, commenters expressed concerns about potential downline impacts from increased rail traffic along the Tennessee Pass Line on Browns Canyon National Monument and the Arkansas River and the Eagle River in Colorado.

As discussed in the Draft EIS and in detail in Appendix C, *Downline Analysis Study Area and Train Characteristics* and in Summary Response 1: *Downline Impacts Analysis Methods*, OEA identified routes that trains from the proposed rail line could take using the PC Rail Miler computer program. The Tennessee Pass Line was included as a potential route in the computer model, and the results indicated that the Tennessee Pass Line would not be a practical route for trains moving from the Uinta Basin to refineries on the Gulf Coast or any other potential destinations. Therefore, the Tennessee Pass Line was appropriately not included in the downline study area in the Draft EIS.

To the extent that comments may be referring to a proceeding that was previously before the Board and that was separate from the Uinta Basin Railway proposal, OEA notes that the notice in Docket No. FD 36471 has been rejected and the proceeding is no longer active. In that proceeding, Colorado, Midland, and Pacific Railroad Company (CMP) filed a verified notice of exemption under 49 C.F.R. § 1150.31 requesting Board authority to lease the Tennessee Pass Line from UP. Commenters noted that CMP is a subsidiary of Rio Grande Pacific Corporation (RGP), which is the proposed rail operator of the Uinta Basin Railway. On March 25, 2021, the Board issued a decision rejecting CMP's notice of exemption. See [Colorado, Midland & Pacific Railway Company—Lease & Operation Exemption Containing Interchange Commitment—Union Pacific Railroad Company, FD 36471, \(served March 25, 2021\)](#).

On January 26, 2021, OEA received a verified statement from Mark Hemphill of RGP stating that RGP and CMP have no plans to transport oil originating from the Uinta Basin Railway along the Tennessee Pass Line, that it would not be practical or economical to transport oil on the Tennessee Pass Line, that the Tennessee Pass Line would be the highest-cost option for moving oil from the Uinta Basin to destination refineries anywhere east of Utah in terms of capital expenditures and operating expenditures, and that RGP's primary interest in leasing the Tennessee Pass Line was to provide passenger rail service (see Comment UBR-DEIS-00447-2). Based on information provided by the RGP and OEA's independent analysis, OEA has concluded that it is not reasonably foreseeable that oil trains originating on the proposed Uinta Basin Railway would travel over the Tennessee Pass Line. OEA understands that the Tennessee Pass Line has grades up to or in excess of three percent, which means that train would have to use more locomotives and consume more fuel to use that route compared to the UP mainline between Kyune and Denver. OEA believes that these high grades make this line an impractical and unlikely route for unit oil trains to use. OEA's computer modelling results and the verified statement from GRP support this conclusion. Accordingly, downline impacts on areas adjacent to the Tennessee Pass Line are not reasonably foreseeable and it would not be appropriate to analyze any such impacts in the Final EIS.

5.2 Individual Responses

Tables T-5 through T-26 include all comments and OEA’s associated responses to each comment. OEA has corrected minor typographical and formatting errors from the comment submissions and online public meeting transcripts. The corrections are reflected in the comment tables below.

Table T-5. Comments and Responses—Chapter 1, Purpose and Need

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00291-1)	
Comment	Response
<p>Good morning, my name is Darrell Fordham.- - - - - As a landowner in Argyle Canyon area, I'm opposed to the project, as are hundreds of landowners in the area.- We are the ones whose lives and properties and community will be directly and permanently damaged and negatively affected by the construction of the proposed railway.- Much of our frustration, anger and opposition comes from the fact that we have been deliberately excluded from virtually all of the Coalition's planning for the project. - - - - - Despite attending nearly every public Board meeting of the Coalition and every public meeting held specifically for the railway project, the Coalition and other project proponents have willfully and intentionally excluded us property owners from all planning discussions relative to the project. - - - - - Rather than discussing the project in detail in public meetings, the Coalition has instead met behind closed doors in subcommittees, where a quorum was intentionally not present so that they could exclude the public and specifically project opponents like us land owners.- It is my opinion that the Coalition has acted in bad faith through all aspects of this project planning. - - - - - Rather than being open and honest with the public regarding the financial feasibility of the project, route planning, and true purpose for the railway, the Coalition has instead forced us to obtain project information through laborious, time-consuming government record access management requests, which have been answered in nearly every case with redacted documents and missing information, which renders the requested documents useless in the public's desire to form an informed decision regarding the project that is based on facts and supporting documentation.- - - - - Instead, the Coalition has chosen to spew rhetoric and make false claims in order to garner public and Utah governmental support, rather than presenting projects that is transparent and based on verifiable facts and data.- - - - -</p>	<p>OEA notes the commenter’s concerns about transparency on the part of the Coalition. In preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, and operational plans. The Coalition responded appropriately to OEA’s requests and provided sufficient information for OEA to assess the environmental impacts of the proposed rail line. The Coalition also provided OEA with information that the Coalition collected on baseline environmental conditions in the project area, which OEA independently reviewed and verified. OEA made all of the information that the Coalition provided available to the public on the Board’s website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com. Please refer to Section 3.11, <i>Land Use and Recreation</i>, and Section 3.12, <i>Socioeconomics</i>, for information about impacts on private property and landowners. Chapter 4, <i>Mitigation</i>, sets forth the Coalition’s voluntary mitigation measures and OEA’s additional mitigation measures for addressing impacts on private property and landowners, including requiring that the Coalition consult with private landowners. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00291-3)

Comment	Response
<p>If this project is going to be so beneficial and if the benefit to the public, not the benefit to the private investment firms and private oil producers, is going to be so great and outweighs the devastation to private landowners, then why the secrecy? Why has the Coalition intentionally and deliberately withheld relevant information from the public?- Why has the Coalition met and deliberated and planned this project in secret in meetings and planning sessions, from which the public and affected stakeholders are intentionally excluded? - - - - - In my opinion, based on my continued witnessing of such actions over the past 19 months, the only conclusion that can be drawn is that the project is not financially viable and truly is not going to function and operate as a common carrier railway.- - - - - There are no provisions in the current planning for this railway for transloading facilities for shipping goods, other than crude oil, frac sand and other products directly related to oil extraction. - - - - - The rest of the public, whom the Coalition deceived with claims the railway will serve, will not have the millions of dollars required to construct transloading facilities required to ship the public goods on this railway. - - - - - The Coalition deceptively claims that the railway will be a common carrier, but in reality, it will function and operate as a private railway, which exclusively serves the private interest of private oil producers.- This demonstrate that the Uinta Basin Railway project does not in actuality fulfill the stated purpose and need of the project. - - - - -</p>	<p>Please refer to response to Comment 00291-1 above concerning the Coalition’s transparency. As discussed in Chapter 1, <i>Purpose and Need</i>, if the Board were to authorize the Coalition’s petition, the proposed rail line would be operated as a common carrier rail line. The Coalition has stated that it expects the proposed rail line would primarily transport crude oil produced in the Uinta Basin to markets elsewhere in the country. However, because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. Section 3.15, <i>Cumulative Impacts</i>, describes the new rail terminals that OEA anticipates would be constructed by third parties to transfer crude oil onto the proposed rail line for transportation to refineries outside the Basin. At this time OEA is not aware of any specific plans by shippers of other commodities to request rail service on the proposed rail line. To the extent that other commodities could be shipped on the rail line in the future, OEA anticipates other parties would develop the facilities needed to transload these commodities. OEA notes that the analysis of the economic feasibility of and financing for this or any rail construction project is outside of the scope of OEA’s review under NEPA. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Sarah Stock (UBR-DEIS-00292-1)

Comment	Response
<p>Okay.- Thank you.- My name is Sarah Stock, and I also plan on submitting some written comments. - - - - - And I wasn't exactly prepared to speak today but I would like to highlight one -- one issue in particular, and I want to thank everyone else who has commented.- I think the landowner perspective, Darrell, is really important, and also Katie for bringing up climate change and the CIB. - - - - - But my concern here today is that the purpose and the need of the project is not fully transparent and straightforward.- And by this, I mean that the Seven County Infrastructure Coalition has, over and over again, talked about the purpose of this railway being to unlock the oil that is trapped in the Uinta Basin due to limitations on transportation capacity.- - - - - - What I mean by this, I guess, is that the waxy crude in the basin sets up after a few hours in the tanker truck, and right now, those tanker trucks are going</p>	<p>Please refer to responses to Comment UBR-DEIS-00291-1 and Comment UBR-DEIS-00291-3 above.</p>

<p>to Salt Lake City and they can't go much farther than that.- And Salt Lake City is taking as much Uinta Basin crude as they can handle right now, so there's effectively a limitation on how much oil they can sell. - - - - -</p>	
<p>Utah House of Representatives, Representative Elizabeth Weight (UBR-DEIS-00372 -1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am Representative Elizabeth Weight.- I represent in District 31, which is in West Valley City and I am with, of course, the -- the Utah House of Representatives.- But I did want to clarify that I am speaking as a state representative, not as a voice of the body of the legislature or the house of representatives.- So in that respect, it's a somewhat independent expression. My expressions and my comments have primarily to do with my appreciation for the environmental impact statement process.- I am seeing that -- well, and I just want to -- to comment on how much value I believe there is in the process of completing the entire impact analysis.- I've looked through the table of contents.- I have not had a chance to review the entire analysis, but I can see the extent.- And I was aware of how extensive and inclusive it was with different government agencies at the federal level and the state level and including other entities including sovereign nation entities and local input.- And so I appreciate all of the steps in that process. For that reason, I'm looking at a page or two from the request for -- the petition for exemption from the prior approval requirements submitted by the Seven County Infrastructure Coalition.- My comment to that is that I -- I understand that they're making this request on the condition that the -- the Board grant the request, subject to the completion of its environmental review process.- But I can't see anything in the request that would exempt it from waiting for the entire process, including the prior approval requirements to be entirely met. So I -- I guess what I'm -- what I'm expressing is that in this process where there are so many considerations, where there is so much potential for disruption of environment and different elements in the environment as well as potential for and need to really consider all of the -- the hazards, including the whole concept of possibility of denial of the permit.[pause]Okay.- I urge the board to deny the request for the waiver of the filing fee and for the exemption from the prior approval requirements.- I would like to see the whole process proceed as outlined, regardless of this request.</p>	<p>OEA notes the commenter's appreciation for the environmental impact statement process. OEA further notes that it is the responsibility of the Board, not OEA, to waive filing fees, to apply the agency's statute at 49 U.S.C. § 10502, and to consider the transportation merits under the exemption criteria in that statutory provision. The Board here must grant an exemption if it finds that the application of § 10901(in whole or in part) is not necessary to carry out the Rail Transportation Policy contained in § 10101 and either the rail construction and operation is of limited scope or the application of § 10901 is not needed to protect shippers from the abuse of market power. On January 5, 2021, the Board issued a preliminary decision on the transportation merits of the proposed construction and operation and concluded that, subject to completion of the ongoing environmental review, the transportation aspects of the proposed construction met the statutory exemptions standard. <u>Seven County Infrastructure Coalition – Rail Constr. and Oper. Exemption – In Utah, Carbon, Duchesne, and Uintah Counties, Utah</u>, FD 36284 (Jan. 5, 2021). After the Final EIS is issued and the environmental review process is complete, the Board will consider the potential environmental impacts associated with the proposal and weigh those potential impacts along with the transportation merits and issue a final decision either granting the exemption, granting the exemption with conditions, or denying the exemption. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary. Please also refer to response to Comment UBR-DEIS-00703-16 below.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00386-2)	
Comment	Response
<p>The planning for this project and the Draft EIS also failed to address the need for transloading roadway to serve the railway.- The cost for transloading facilities for crude oil and for the public's goods are not included in the project planning, project cost estimates or environmental impact studies. The Coalition and other government officials have repeatedly claimed the railway will be a common-carrier railway, but they have no money and no plans for transloading facilities for commodities other than oil and supplies related directly to oil and gas production.- In fact, even the oil producers have not yet put any money towards planning, designing and building the required transloading facilities to serve their own interests of shipping crude oil, which is the obvious purpose of this railway. It is ludicrous to suggest or believe that the oil companies are going to spend their own money to build facilities or lumber, agricultural products, steel or other goods that will allegedly be shipped on this railway.- The oil companies haven't spent a penny of their own money to plan and support the project.- So why should the public believe that they will spend the money on transloading facilities that do not reflect their own interests?[pause]The fact is that this project is so speculative that private investors have refused to invest their own money in the planning, permitting and preliminary engineering of the project. These private investors instead relied on the public money that has been misappropriated by the Coalition and the Utah Permanent Community Impact Fund Board that is, essentially, being gambled on the railway project. The fact that private investors and private oil companies have, to date, refused to invest their own money speaks volumes about the precarious nature of this project and its questionable financial viability.</p>	<p>Please refer to response to Comment UBR-DEIS-00291-3 above. OEA notes that the analysis of the economic feasibility of and financing for this or any rail construction project is outside of the scope of OEA's review under NEPA.</p>
Pamela Underwood (UBR-DEIS-00413-3)	
Comment	Response
<p>The last thing I oppose, the petition for exemption and the request for a refund for filing fees. The SCIC has not been transparent about this railway and have shown how deceitful they are and therefore they should be required to meet or exceed all requirements.- In fact, since they are requesting to destroy forest, endanger wildlife, contaminate water and destroy people's property all in the name of oil, they should be held to a higher standard.</p>	<p>Please refer to responses to Comment UBR-DEIS-00372-1 and comment UBR-DEIS 0291-1 above.</p>

Carolyn Borg (UBR-DEIS-00479-2)	
Comment	Response
<p>The federal decisions during the Trump administration to proceed with this project and to prepare the DEIS should be thoroughly investigated under new Executive Order 13990. And because BLM approvals would be needed, this project may also fall under the new Interior Secretarial Orders 3394 and 3395. It is imperative that new Biden administration officials take a "fresh look" at this project and the adequacy of the DEIS. In my view, the best outcome to save further staff time and public expense would be to simply deny this application. Public funds should be spent to advance clean alternative energy sources, not to promote regressive projects that would harm the public. We must not waste more time or money on repeating past mistakes.</p>	<p>Please refer to Chapter 1, <i>Purpose and Need</i>, for a discussion of Cooperating Agencies, their roles, and the processes relating to any potential agency permitting and approval decisions. Please also see Chapter 5, <i>Consultation and Coordination</i>, for a summary of public, agency, and tribal involvement during the environmental review process. Any decisions by the Board and Cooperating Agencies would follow any applicable orders and regulations, including Executive and Secretarial Orders.</p> <p>The Notice of Intent for the proposed project was published in the <i>Federal Register</i> on June 19, 2019. Therefore, the analysis follows the CEQ's regulations for implementing NEPA that were in effect as of that date. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-1a)	
Comment	Response
<p>Section 2.1 Purpose and Need The Purpose and Need section is unduly constrained and limiting the alternatives. It is clear the real purpose of this project is to ship crude oil out of the Uinta Basin, not to build a railroad for the sake of building a railroad. Over the years we have seen many different proposals for moving crude oil out of the Uinta Basin. These have included: -Improvement of US Hwy. 40 to better accommodate truck traffic. - Improvement of US Hwy 191 over Indian Canyon to facilitate trucking. -Refining the product within the Uinta Basin so only finished products are shipped. - Construction of the Book Cliffs road to I-70. -Various pipeline proposals to the Wasatch Front, Carbon County and I-70, with heated pipelines, and partial refining in the Basin to lower the flow point temperature. Several of these have been proposed by the Seven County Infrastructure Coalition or individual member counties. We have attended numerous presentations on these various proposals and been lobbied to support them. All of these proposals were lower cost than the proposed railroad. This EIS should be the opportunity to determine the optimal solution to the problem of shipping more crude oil from the Uinta Basin. All of these would seem to be reasonable alternatives for consideration in this EIS. There are multiple ways to move crude oil from the Basin yet this EIS' strict focus is only on a railroad. This seems to be bucking a trend. Nationwide there are over a hundred thousand miles of abandoned or inactive railroad. Carbon and Emery County have an abundance of</p>	<p>Please see Chapter 1, <i>Purpose and Need</i>, for a discussion of the project purpose and need. As described in that chapter, the purpose and need concerning the proposed rail line is informed by both the goals of the Coalition, as the project applicant, and the Board's enabling statute, specifically 49 U.S.C. § 10101 (the Rail Transportation Policy provision), § 10502 (the Board's exemption provision), and § 10901 (the Board's rail construction licensing provision).</p> <p>The Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. Therefore, other modes of transporting crude oil, such as pipelines, would not meet the project purpose and need and it would not be appropriate to analyze those other transportation modes in the EIS. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p> <p>Please also refer to response to Comment UBR-DEIS-00703-16 below.</p>

<p>abandoned miles of track and railheads. It appears the mere presence of a railroad does not guarantee community prosperity. Trucking, piping and refining may be outside the jurisdiction of the Surface Transportation Board, but under NEPA the Board has the ability and obligation to consider reasonable alternatives outside of agency authority.</p>	
<p>Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-1b)</p>	
<p>Comment</p>	<p>Response</p>
<p>B. There is a glaring failure to make a business case for this railroad. It appears to be taking the approach of "if we build it, they will come." There is no analysis of the costs and returns associated with the railroad. How would shipping cost of a barrel of oil on the railroad compare with producers' shipping costs of the existing trucking? Will the railroad cash flow and provide a return on investment? How much volume would need to be shipped and at what cost for the railroad to break even? How does the market price of a barrel of Uinta Basin crude oil affect the viability of the railroad? Is there a commitment from the Uinta Basin oil producers to ship exclusively by rail if it is constructed? The need for the railroad is predicated on massive expansion of drilling and production of waxy crude in the Uinta Basin. The EIS at 2.4.1 projects shipping 130,000 to 350,000 barrels per day. In 2016, the Basin produced 66,000 barrels per day and has never produced anything close to 130,000 barrels in a day. Given current economics in the oil business with record numbers of bankruptcy, lack of cash flow, high debt, and investors fleeing the oil and gas sector generally, is a massive expansion of production a realistic expectation? The lack of interest in BLM oil and gas lease sales indicates the industry does not have optimistic outlook. Even with an economically healthy oil industry, it is likely other limiting factors in the Uinta Basin such as air quality, volume of produced water, could prevent even the minimum projected production and daily shipping from being reached. The Uinta Basin is already in non-attainment status for air quality, primarily due to oil and gas extraction. It is hard to imagine tripling the production of oil and meeting Clean Air Act standards.</p>	<p>The analysis of the economic feasibility or merits of this or any rail construction project is outside of the scope of OEA's review under NEPA. Please refer to Section 3.15, <i>Cumulative Impacts</i>, for information on how OEA developed production scenarios to inform the cumulative impacts analysis. Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>, also includes an additional explanation of how OEA developed and applied production scenarios. Section 3.13, <i>Socioeconomics</i>, explains how OEA analyzed the socioeconomic impacts that could result from construction and operation of the proposed rail line. Please also see Section 3.7, <i>Air Quality and Greenhouse Gases</i>, for a discussion of the air quality analysis.</p>
<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-27)</p>	
<p>Comment</p>	<p>Response</p>
<p>The Coalition falsely claims that the purpose of the proposed rail line would be to provide common carrier rail service connecting the Uintah Basin to the interstate common carrier rail network that would provide shippers with a viable alternative to</p>	<p>Please refer to response to Comment UBR-DEIS-00291-3 above.</p>

<p>trucking. The fact is that the proposed railway would truly serve one interest, that of shipping crude oil. The Coalition has failed repeatedly to identify specific companies and market sectors that would utilize the railway to ship goods into and out of the Uintah Basin. No plans currently exist to design or construct transloading facilities that would serve industries other than mineral extraction. The location of the proposed terminals in Myton and Leland Bench are not convenient to or centrally located for other industries or companies who might wish to utilize the railway. Further, the Coalition has failed to demonstrate that the proposed railway would provide potential shippers with an alternative to trucking that would be economically feasible. Without such information, the Coalition's claim that the proposed railway would fulfill the stated purpose and need is unsubstantiated and invalid.</p>	
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-28)

Comment	Response
<p>I submit that the first consideration which the Surface Transportation Board must undertake is to determine the economic feasibility of the project. I am extremely concerned and disturbed by the Coalition's deliberate and intentional withholding of any and all relevant information regarding the economic and financial feasibility of the project. The Coalition cites Section 305(3)&(4) of the Government Records Access and Management Act as justification to withhold all information from the public which would provide sufficient and necessary proof that the project is in fact financially viable, and that the Coalition and its private partners have sufficient financial resources and applicable knowledge and experience to construct, operate, and maintain the proposed railway. I have reviewed all of the documents currently available on the STB's website and, in my opinion, the Coalition has failed to comply with 49 C.F.R. § 1150.4 regarding the public need for the new line as well as 49 C.F.R. § 1150.6 regarding the Coalition's financial ability to undertake the project and provide rail service. The Coalition has virtually no assets of its own, and to date has put none of its own money or resources into the project, instead relying on illegal grants from the Utah Permanent Community Impact Fund Board to fund the work on the project, which are currently being challenged in Court.</p>	<p>Please refer to response to Comment UBR-DEIS-00291-1 above regarding the Coalition's transparency.</p> <p>The transportation merits and analysis of the economic feasibility of or funding for this or any rail construction project is outside of the scope of OEA's review under NEPA. OEA notes that the Coalition has sought an exemption, under 49 U.S.C. § 10502, from the regulatory requirements of 49 U.S.C. § 10901; therefore, the public convenience and necessity standard in § 10901 does not directly apply to this case. Because the Coalition is seeking an exemption under 49 U.S.C. § 10502, the referenced regulations at 49 C.F.R. § 1150.4 and 49 C.F.R. § 1150.6 do not apply. After the Board has considered the potential environmental impacts associated with the proposal, and weighed those potential impacts with the transportation merits, it will issue a final decision authorizing the proposed construction and operation with conditions, or denying authority to construct and operate the proposed rail line. Please also refer to response to Comment UBR-DEIS-00703-16 below regarding the public convenience and necessity standard.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-29)	
Comment	Response
I further assert that the Coalition has failed to comply with 49 C.F.R. § 1150.4(g)(2) which requires the applicant to submit information regarding [italics: "The nature or type of existing and prospective industries (e.g., agriculture, manufacturing, mining, warehousing, forestry) in the area, with general information about the age, size, growth potential and projected rail use of these industries."] The Coalition has submitted only broad generalities to support and substantiate the public need for the project.	Please refer to responses to Comment UBR-DEIS-00291-1 and Comment UBR-DEIS-00591-28 above.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-30)	
Comment	Response
The Coalition has further failed to produce any substantive data regarding other existing and prospective industries who might utilize the proposed railway, thereby proving that the proposed Uinta Basin Railway is not consistent with the public convenience and necessity, rather it will serve one primary industry only, crude oil production, which is chronically cyclical and ever-dependent on global market conditions. I submit that the proposed Uinta Basin Railway will be grossly under-utilized during periods when oil prices are low - producers will simply slow or stop production for months or years at a time. How will the Coalition pay for the railway during these times?	Please refer to responses to Comment UBR-DEIS-00291-1 and Comment UBR-DEIS-00591-28 above. Please also refer to response to Comment UBR-DEIS-00703-16 below regarding the public convenience and necessity standard.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-59)	
Comment	Response
In conclusion, it should be clear to OEA and all government agencies having jurisdiction that the proposed Uinta Basin Railway is fraught with unanswered questions due to both a lack of information and deliberate withholding of critical information by the Coalition and its consultants. In my opinion, the Coalition has intentionally deliberated in secret and has kept and continues to keep the public in the dark. I believe that the Coalition has knowingly and intentionally underestimated the true costs of construction and operation of the railway, and has utilized biased selection criteria and weighting in their route selection processes. It is my belief that the Coalition's preferred route, Whitmore Park, was chosen in order to solicit and entice participation and cooperation from the Ute and Ouray Indian Tribes, as this route crosses tribal land. OEA has a duty and responsibility to ensure that the project will not be inconsistent with public convenience and necessity. I firmly believe that the proposed	Please refer to responses to Comment UBR-DEIS-00291-1 and Comment UBR-DEIS-00591-28 above. Please also refer to response to Comment UBR-DEIS-00703-16 below regarding the public convenience and necessity standard.

<p>Uinta Basin Railway is nothing more than a government-backed boondoggle which will not benefit the public or provide any convenience or satisfy any public necessity.</p>	
EP Energy E&P Company, L.P., Chad England (UBR-DEIS-00615-1)	
Comment	Response
<p>With respect to Purpose and Need, producing the Uinta Basin's waxy crude oil is constrained by the ability of the five refineries in Salt Lake City to process the approximate 80,000 barrels of oil per day received by tanker trucks from the Basin. There is no pipeline alternative and trucking the oil to a Class 1 railhead over approximately eighty-five miles of steep, narrow roads, including a 9,100-foot elevation summit crossing, does not significantly change the constraints on production. The Salt Lake City refineries will not expand their capacity due to air quality issues. Therefore, any significant increase in oil production will require a route to alternative refining markets, which access to a Class 1 railroad will provide. Oil in the Uinta Basin is produced from leases on lands belonging to the Ute Indian Tribe, the Utah School and Institutional Trust Lands Administration (SITLA), the federal government and private mineral owners. We believe that most of the potential production increase that the Uinta Basin Railway would enable will come from leases on tribal and private land. These lands, approximately one-third Ute Tribe and two-thirds private (with lesser amounts of SITLA acreage), are located in and around Duchesne County in a large "sweet spot" defined by favorable geology and unusually high reservoir pressures.</p>	<p>Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-4)	
Comment	Response
<p>As a general matter, the Board has discretion to take into account its broad rail transportation policy mandates when making its "build/don't build" decisions. These broad policy mandates are, primarily, to foster the building and operating of an economically sound rail infrastructure and, secondarily, to ensure that that infrastructure is used in a way that protects public health and safety. The basic rail transportation policies that the Board was established to implement are found in in 49 U.S. Code § 10101 Rail transportation policy. They include mandates * * * (5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes; * * * (8) to operate transportation facilities and equipment without detriment to the public health and safety; * * * These goals would seem to provide the Board with ample discretion in</p>	<p>Please refer to response to Comment UBR-DEIS-00703-16 below. Please also see Section 3.7, <i>Air Quality and Greenhouse Gases</i>, which includes a discussion of air quality impacts.</p> <p>OEA notes that the analysis of the economic and transportation merits of this or any rail construction project is outside of the scope of OEA's review under NEPA. OEA further notes that, on January 5, 2021, the Board issued a preliminary decision on the transportation merits of the proposed construction and operation and concluded that, subject to completion of the ongoing environmental review, the transportation aspects of the proposed construction met the statutory exemptions standard. <u>Seven County Infrastructure Coalition – Rail Constr. and Oper. Exemption – In Utah, Carbon, Duchesne, and Uintah Counties, Utah</u>, FD 36284 (Jan. 5, 2021). After the Final EIS is issued</p>

<p>its "build/don't build" decisions to consider whether it serves the public interest to construct a rail line that runs a considerable risk that it will go bankrupt and become a stranded asset (policy 5). It would also seem that the Board has some discretion as well to consider whether operating that rail line protects public health if it fosters a huge degradation of the quality of the air in the region that the train is being built to serve, especially where the air already violates multiple EPA health standards (policy 8).</p>	<p>and the environmental review process is complete, the Board will consider the potential environmental impacts associated with the proposal and weigh those potential impacts along with the transportation merits and issue a final decision either granting the exemption, granting the exemption with conditions, or denying the exemption.</p>
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Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-15)

Comment	Response
<p>Purpose and need conclusions are unsupported in the record OEA fails adequately to justify its statement of the purpose and need for the Project. In particular, the alleged need for the Project - to provide an alternative means to transport crude oil from the Basin to markets across the United States - is unsupported. While an agency may not completely ignore a project proponent's stated objectives, Colo Env'tl. Coalition v. Dombeck, 185 F. 3d 1162, 1175 (10th Cir. 1999), it also may not simply accept a proponent's stated objectives. Id. Rather, an agency must develop its own purpose and need based on the agency's independent review of the underlying problem or opportunity, informed by the goals of the applicant and the agency's authority. 40 C.F.R. § 1502.13. Here, OEA fails to provide a justification for its acceptance of the asserted need for alternative transportation modes into and from the Uinta Basin. OEA does not analyze whether opportunities for highway transport of crude oil from the Uinta Basin are currently inadequate, whether a pipeline exists or might be constructed to transport crude oil from the Basin, or whether markets exist for any increased crude oil that development of this proposed rail line might facilitate or make more likely. On the contrary, OEA seems simply to accept that the absence of a railroad in this area demonstrates the need for one.</p>	<p>Please refer to response to Comment UBR-DEIS-00486-1a above and Comment UBR-DEIS-00703-16 below.</p>

Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-16)

Comment	Response
<p>The DEIS suggests without support that the public convenience and necessity supports the purpose and need of the Project OEA states that the Coalition's purpose appears to be consistent with the public convenience and necessity contained in 49 U.S.C. § 10901 and the Rail Transportation Policy contained in 49 U.S.C. § 10101, without explaining how the public convenience and necessity analysis actually fits into the Project's purpose and need. In authorizing construction of a rail line, the STB is</p>	<p>As an initial matter, OEA notes that comment raises issues that are outside of the scope of OEA's environmental review process. It is the responsibility of the Board, not OEA, to apply the agency's statute at 49 U.S.C. § 10502 and to consider the exemption criteria concerning the transportation merits in making a final decision regarding the proposed rail line. The proposed Uinta Basin Railway project involves a petition by the Coalition for a license or approval.</p>

<p>required to grant authorization unless it would be inconsistent with the public convenience and necessity. 49 U.S.C. § 10901(c). See also <i>Alaska Survival v. STB</i>, 705 F.3d 1073, 1085 (9th Cir. 2013). To determine public convenience and necessity, the STB looks at a "variety of circumstances" surrounding the proposed action. <i>Northern Plains</i>, 668 F.3d at 1078. In the context of an authorization to construct or operate a rail line, the factors commonly cited by the STB have been "whether: (1) the applicant is financially fit to undertake the construction and provide service; (2) there is a public demand or need for the proposed service; and (3) the construction project is in the public interest and will not unduly harm existing services. Public convenience and necessity is also evaluated in light of the rail transportation policy of 49 U.S.C. § 10101." <i>Dakota, Minnesota and Eastern R.R. Corp. Construction Into the Powder River Basin</i>, STB Finance Docket No. 33407, slip op. at 16 (Service Date Dec. 10, 1998). See also <i>Northern Plains</i>, 668 F.3d at 1092. While the statutory language has been read to emphasize the interests of private parties, particularly shippers, some broader consideration of the public interest must still be considered. See <i>Alaska Survival</i>, 705 F.3d at 1085. Exemption from the application process under 49 U.S.C. § 10502 requires a finding, in part, that the procedures are not necessary to carry out the rail transportation policy set forth in 49 U.S.C. § 10101. Aside from quoting the policy statements provided in 49 U.S.C. § 10101 and noting the benefit to certain shippers, the DEIS contains no analysis or assessment of the public convenience and necessity. DEIS at 1-3 to 1-4. In fact, several of the federal policy objectives in Section 10101, such as promotion of a safe, efficient, and competitive rail transportation system, may be hindered by limitations in the economic situation or market positioning of the Project proposal. 49 U.S.C. § 10101(3), (4), (5). The Project's consequences will likely also detract rather than encourage and promote energy conservation, 49 U.S.C. § 10101(14), while there is also serious concern that construction and operation will be to the detriment of public health and safety, 49 U.S.C. § 10101(8). Rather than considering the public convenience and necessity standard, OEA attempts to boot the issue over to the Board, stating that "[w]hile the Board will ultimately determine whether to authorize or deny the petition, the Coalition's stated purposes appear to be consistent with the PC&N contained in § 10901 and the Rail Transportation Policy contained in § 10101." DEIS at 1- 3. Yet in its January 5, 2021 decision granting exemption status</p>	<p>It is not a federal government-proposed, sponsored, or funded project. In cases like this, courts have held that an EIS's purpose and need statement should explain the project goals of the applicant and the statutory framework that the regulatory agency will apply to the project. <i>Alaska Survival v. STB</i>, 705 F.3d 1073, 1085 (9th Cir. 2013); <i>Citizens Against Burlington, Inc. v. Busey</i>, 938 F.2d 190, 199 (D.C. Cir. 1991) ("Congress did not expect agencies to determine for the applicant what the goals of the applicant's proposal should be.") As OEA explained in the purpose and need statement in the Draft EIS, in this case, the Coalition has stated that the purpose of the proposed rail line would be to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. The Coalition states that the proposed rail line would provide customers in the Basin with multimodal options for the movement of freight to and from the Basin; promote a safe and efficient system of freight transportation in and out of the Basin; further the development of a sound rail transportation system; and foster sound economic conditions in transportation and effective competition and coordination between differing modes of transportation.</p> <p>OEA explained in the Draft EIS that construction and operation of new rail lines require prior authorization by the Board either through a certificate under 49 U.S.C. § 10901, or an exemption from the formal requirements of § 10901 under § 10502. Also as stated in the Draft EIS, § 10901(c) directs the Board to grant construction proposals "unless" the Board finds the proposal "inconsistent with the public convenience and necessity (PC&N)." This is a permissive licensing standard that presumes that rail construction projects are in the public interest unless shown otherwise. <i>N. Plains Res. Council, Inc. v. STB</i>, 668 F.3d 1067, 1091-92 (9th Cir. 2011); <i>Mid States Coal. for Progress v. STB</i>, 345 F.3d 520, 552 (8th Cir. 2003). Here, however, the Coalition is seeking an exemption under 49 U.S.C. § 10502 from even the permissive requirements of § 10901, and therefore, while instructive, the public convenience and necessity standard does not directly apply to this case. See <i>Alaska Survival</i>, 705 F.3d at 1082. Instead, under § 10502, the Board here must grant an exemption if it finds that the application of § 10901 (in whole or in part) is not necessary to carry out the Rail Transportation Policy contained in § 10101 and either the rail construction and operation is of limited scope or the application of § 10901 is not needed to protect shippers from the abuse of</p>
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<p>and "preliminarily" determining the "transportation merits" of the proposed construction, the Board suggests the opposite, stating that "[t]he decision issued today is a preliminary determination that does not prejudice the Board's final decision, nor diminish the agency's environmental review process concerning the proposed Line's construction." Seven County Infrastructure Coalition-Rail Construction & Operation Exemption- In Utah, Carbon, Duchesne, and Uintah Counties, Utah, STB Docket No. FD 36284, slip op. at 10 (Service Date Jan. 5, 2021). Unfortunately, the Board's January 5th decision does exactly that by suggesting that the Board's public convenience and necessity standard has been met without engaging in by far the most important public engagement component that is part of the approval process. As a result, the OEA and the full Board can each refer to the other while neither actually does the work of considering the public interest component that both federal statute and the STB's own precedent states is required. Two incomplete and insufficient analyses of the public convenience and necessity do not add up to a complete and sufficient analysis under this standard.</p>	<p>market power. Ultimately, however, as OEA explained, it is the responsibility of the Board, not OEA, to apply the agency's statute at 49 U.S.C. § 10502 and to consider the transportation merits under the exemption criteria in that statutory provision in making a final decision regarding the proposed rail line. Thus, while it appears that the commenter does not believe that the § 10502 exemption criteria are satisfied in this case, such transportation merit comments should be filed in the Board's online docket for this proceeding (for the Board's consideration) and not submitted to OEA in response to the Draft EIS. As the commenter noted, the Board issued a preliminary decision on the transportation merits under the § 10502 exemption criteria in this proceeding on Jan. 5, 2021. <u>Seven County Infrastructure Coalition – Rail Constr. and Oper. Exemption – In Utah, Carbon, Duchesne, and Uintah Counties, Utah</u>, FD 36284 (Jan. 5, 2021). Once OEA has completed the environmental review process by issuing a Final EIS, the Board will weigh the transportation merits along with the environmental impacts and issue a final decision determining whether to grant, grant with conditions, or deny the requested exemption. Id., slip op. at 10-11. In response to this comment, OEA has revised Section 1.2, <i>Purpose and Need</i>, to clarify that, because the Coalition has sought an exemption, under 49 U.S.C. § 10502, from the regulatory requirements of 49 U.S.C. § 10901, the public convenience and necessity standard in § 10901 is not directly at issue before the Board in this proceeding.</p>
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Notes:

OEA = Office of Environmental Analysis; EIS = environmental impact statement; Board = Surface Transportation Board; CEQ = Council on Environmental Quality; NEPA = National Environmental Policy Act; U.S.C. = United States Code; NAAQS = National Ambient Air Quality Standards

Table T-6. Comments and Responses—Chapter 2, Proposed Action and Alternatives

Cedra Bear Naturales, Inc., Kevin Remington (UBR-DEIS-00005-1)	
Comment	Response
<p>When the railroad was first proposed, it extended the line between Vernal and Roosevelt. This plan would allow the opportunity to many businesses in Vernal and Roosevelt and allow for other products to be shipped closer to where the businesses were. I understand having it in Myton puts it closer to the oil/gas fields but if the project is intended to help more than just the oil field in the Basin can you explain why the decision was made to shorten the line. I run a natural supplement company and getting product shipped out of the basin is a big part</p>	<p>OEA notes that any of the three Action Alternatives considered in the Draft EIS would extend between a connection with an existing Union Pacific rail line near Kyune, Utah and two terminus points in the Uinta Basin near Myton, Utah and Leland Bench, Utah. Please refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i>, which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because the routes would be logistically infeasible or unreasonable to construct and operate. Several</p>

<p>of my business and I am hoping the railroad will open other opportunities. Will you please provide me with clarification on the decisions to stop the line in the Myton area.</p>	<p>routes that OEA considered but did not analyze in detail in the EIS, including the Craig Route, the Craig City Route, and the Axial-Meeker Route, would have extended eastward from Myton and Leland Bench to an existing rail line near Craig, Colorado and would have been located closer to Vernal, Utah than the Action Alternatives. OEA reviewed the available information and concluded that the Craig Route, Craig City Route, and Axial-Meeker Route, were not reasonable alternatives. The routes were considered unreasonable because they might not provide shippers with a viable alternative to trucking and would have the potential for disproportionately significant environmental impacts, including visual, noise, and air quality impacts on Dinosaur National Monument and water quality impacts on the Green River related to the proposed crossing of that river.</p> <p>As discussed in Chapter 1, <i>Purpose and Need</i>, if the Board were to authorize the Coalition’s petition, the proposed rail line would be operated as a common carrier rail line. The Coalition has stated that it expects the proposed rail line would primarily transport crude oil produced in the Basin to markets elsewhere in the country. However, because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. Therefore, no changes to the Draft EIS are warranted.</p>
<p>B Huberty (UBR-DEIS-00010-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>Major Comment: STB should also include the Highway transportation options because over time, those impacts will be significantly greater over time. The footprint of roads are at least twice as much as railroads and the long term impacts of pollution and permanent loss of habitat are exponentially higher for most categories.</p>	<p>Please see Chapter 1, <i>Purpose and Need</i>, for a discussion of the project purpose and need. As described in that chapter, the purpose and need of the proposed rail line is informed by both the goals of the Coalition, as the project applicant, and the Board’s enabling statute, specifically 49 U.S.C. § 10101 (the Rail Transportation Policy provision), § 10502 (the Board’s exemption provision), and § 10901 (the Board’s rail construction licensing provision).</p> <p>The Coalition’s purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. Therefore, other modes of transporting crude oil, including highway transportation via trucking, would not meet the project purpose and need, and it would not be appropriate to analyze those other transportation modes in the EIS.</p>

	To the extent that the commenter may be suggesting that OEA consider the cumulative impacts of the proposed rail line along with the impacts of new road construction in the Basin, please refer to Section 3.15, <i>Cumulative Impacts</i> , which discusses the cumulative impacts on the proposed rail line and other reasonably foreseeable future actions. No changes to the Draft EIS are warranted in response to this comment.
Laine Adair (UBR-DEIS-00019-1)	
Comment	Response
Why don't they go to Wellington Utah where the rail yard and connection to the Union Pacific line all ready exist? This would avoid disturbing all the people in the Argyle Canyon area and operating a rail yard at the high elevation of the Kyung site. Access to Wellington through Nine Mile or Coal Creek Canyons is all ready disturbed with a paved road, oil trucks and private vehicles and do not have so many private land owners to disturb. They could also pick up the Nine mile Canyon oil truck loads and reduce truck traffic in Nine Mile canyon	Please refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i> , which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because the routes would not meet the project purpose and need or would be logistically infeasible or impractical to construct and operate. OEA reviewed several conceptual routes through Nine Mile Canyon, which were also analyzed in previous studies. These conceptual routes were determined to not be reasonable because, in order to maintain a safe maximum grade, the routes would require extensive tunneling, extensive embankment construction on steep slopes, and numerous stream crossings in narrow canyons, all of which would substantially increase the risk of derailment and accidents, the costs associated with construction and operation, and the potential for significant environmental impacts.
Utah Royalty Owners Association, Allan Smith (UBR-DEIS-00048-2)	
Comment	Response
We favored the Indian Canyon Alternative, but now we favor the Whitmore Park Alternative because the OEA, through the scoping meetings and consultation with public, government agencies, tribes, affected farmers, ranchers, and private residences has addressed many of the noted adverse impacts, such as impacts to some sensitive habitats and residential areas.	OEA acknowledges the commenter's preference for the Whitmore Park Alternative. Please refer to Subsection 2.2.3.3, <i>Whitmore Park Alternative (Coalition's Preferred Alternative)</i> , which indicates that the Whitmore Park Alternative is the Coalition's Preferred Alternative, and Section 2.6, <i>Environmentally Preferred Alternative</i> , which indicates that OEA concludes that the Whitmore Park Alternative would result in the fewest significant impacts on the environment. Should the Board decide to authorize construction and operation of the proposed rail line, OEA recommends that the Board authorize the Whitmore Park Alternative to minimize impacts of construction and operation on the environment.
Anil Mistry (UBR-DEIS-00054-1)	
Comment	Response
Preferred Whitmore park route.	Please refer to response to Comment UBR-DEIS-00048-2 above.

Krishn Patel (UBR-DEIS-00067-1)	
Comment	Response
Whitmore Park, by far, is the most efficient, economically beneficial, and environmental impacts are to a minimum. This alternative will better boost the market when compared to the other two, and it'll be best for our future generation. I say go to Whitmore Park.	Please refer to response to Comment UBR-DEIS-00048-2 above.
Lawrence Wagstaff (UBR-DEIS-00071-1)	
Comment	Response
I am the owner of 10 acres of recreation property in Argyle Canyon Estates, lot 298. As you are probably aware, this private land is adjacent to one of your proposed routes for the Uinta Basin Railroad project, Indian Canyon. My deceased parents bought the property in 1975 because they could see it was truly a place to recreate. Not much has changed in all that time, and for 45 years, our family has enjoyed all that nature has to offer. Construction of a railroad through nearby Indian Canyon would disrupt the tranquil nature of this land through both noise and environmental pollution. Therefore, I respectfully request that the board select one of the other two alternative routes being considered, either of which would result in a reduced impact on privately owned lands of not only this generation but those yet to come.	OEA acknowledges the commenter's preference for a route that would avoid impacts on private lands in and around the Argyle Canyon area. Please refer to Section 2.6, <i>Environmentally Preferred Alternative</i> , which indicates that OEA's analysis and consultation with government agencies, the Ute Indian Tribe, other interested stakeholders, and the public concludes that, among the three Action Alternatives, the Whitmore Park Alternative would result in the fewest significant impacts on the environment. The Whitmore Park Alternative would avoid impacts on subdivided residential areas, as well as visual and other impacts on residential areas in Argyle Canyon. For the reasons stated in Section 2.6, should the Board decide to authorize construction and operation of the proposed rail line, OEA recommends that the Board authorize the Whitmore Park Alternative to minimize impacts of construction and operation on the environment.
Richard Yager (UBR-DEIS-00124-2)	
Comment	Response
If the Uintah Basin is to be connected to the interstate rail network, the less costly and minimal impact alternative would be eastward through Craig, Colorado, in the direction of the ultimate destination for crude oil on the Gulf Coast. The misuse of Community Impact Board funds for this project in Utah, along with the over \$50 million of public funds similarly earmarked for an export terminal in Oakland California, is troubling.	Please refer to Subsection 2.2.2.1, <i>Craig Route</i> , which describes how OEA considered but did not analyze the Craig Route in detail in the Draft EIS. OEA carefully considered the Craig Route, carried it into scoping and determined through scoping that it does not meet the project purpose and need. OEA also concluded that the Craig Route would not be a reasonable alternative because it would have the potential for disproportionately significant environmental impacts, including visual, noise, and air quality impacts on Dinosaur National Monument and water quality impacts on the Green River. OEA notes that issues related to funding for construction and operation of the proposed rail line are outside of the scope of OEA's environmental review under NEPA. OEA also notes that the export terminal in Oakland, California referenced by the commenter is also outside of the scope of OEA's environmental review of the Coalition's proposed rail line in Utah. Accordingly, no changes to the Draft EIS are warranted in response to this comment.

Chetan Patel (UBR-DEIS-00152-2)	
Comment	Response
The use of Whitmore Park as the preferred recommendation, rather than the alternatives is highly preferable. Whitmore Park reduces the impact compared to the other alternatives, thereby protecting water resources and the sage grouse population. Please approve the project as recommended.	Please refer to response to Comment UBR-DEIS-00048-2 above.
Cedar Bear Naturales, Kevin Remington (UBR-DEIS-00199-2)	
Comment	Response
The Current proposal ends the line at Leland Bench which is further away from the existing highway and other infrastructure. Would it not be more prudent to bring the rail line closer to Hwy 40 at the point of Halfway Hollow, the endpoint that was proposed in 2018? The advantage also is that it puts the end of the line closer to where future business could grow.	In its submission to OEA in response to Information Request #1, the Coalition stated that it believes the proposed terminus locations at Myton and Leland Bench, Utah would provide access to areas of freight shipper and/or receiver interest. Shippers and receivers may determine that other locations for transload facilities are more suitable for their needs and may choose to construct facilities at any location alongside the proposed routes, or at a separate location connected to the proposed routes by a private industrial spur track. The Coalition identified the proposed terminus points based on proximity to primary traffic source, topography and location, and surrounding land uses.
Michael Budig (UBR-DEIS-00241-3)	
Comment	Response
The DEIS also fails to adequately consider the No-Action Alternative and compare its lack of negative impacts to the adverse impacts of completing the railway. In conclusion, I believe that the \$1.5 billion would be more properly spent by directing the funds to rural community development projects. And this would be much more beneficial to economic and environmental quality off the communities and should be directed to sustain their economies.	OEA analyzed the impacts of the No-Action Alternative and compared it to the impacts of the Action Alternatives for each resource area in Chapter 3, <i>Affected Environment and Environmental Consequences</i> . OEA notes the commenter's preference that the funding for the proposed rail line be used for community development projects instead of constructing and operating the proposed rail line. Such alternative uses of funding would not meet the project's purpose and need as stated in Chapter 1, <i>Purpose and Need</i> , and were not analyzed in the EIS. OEA did analyze the socioeconomic impacts of the proposed rail line and found that construction and operation of the Action Alternatives would create new employment opportunities and contribute to the regional economic activity. As stated in Chapter 3, Subsection 3.13.3.3, <i>No-Action Alternative</i> , there would be no impacts related to socioeconomics under the No-Action Alternative.
Mike McAinsh (UBR-DEIS-00282-1)	
Comment	Response
Yes, I find it strange that the fourth possibility was not discussed in this EIS, and that is going east into	Please refer to response to Comment UBR-DEIS-00124-2 above.

<p>Colorado.- There's less of a chance of disturbing any land that would be useful as undisturbed forest land, lands that have environmental consequences for wildlife, and any wilderness lands. - - - - - I find that the argument that it's a little farther to connect with the railway out east in Colorado is not a logical argument.- With the amount of disruption of the lands that the three alternatives that were presented would cause, it would be much better if we went east into Colorado. - - - - - And that is why I'm opposed to these three alternatives.- I go through that area quite often. I know that once you get into the areas where the oil, the petroleum products would be uploaded to trains and any supplies would be downloaded, that the land is relatively flat.- There is very little that would be disrupted. - - - - - And I find it disingenuous that that fourth possibility was not discussed, and I would like to make my displeasure known.</p>	
Mike McAinsh (UBR-DEIS-00282-3)	
Comment	Response
<p>Now I would like to ask that man from Duchesne to, again, explain to us why the alternative of going east was not presented in these proposals.- It was dismissed out of hand.- So it makes me wonder what they are trying to hide.- It makes me wonder what they are trying to hide. - - - - - That seems to be the most logical way, the least ecologically destructive way of dealing with this whole problem.- And if that gentleman from Duchesne County would come back and explain why this is such a bad idea, I would like to hear what he has to say.</p>	<p>Please refer to response to Comment UBR-DEIS-00124-2 above. Please also refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i>, which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because they would be logistically infeasible or unreasonable to construct and operate. Additional detail is provided in the 2014–2015 UDOT Studies and the 2019–2020 Coalition Reports, which are publicly available on the Board's website (www.stb.gov) and on the Board-sponsored project website (www.uintabasinrailwayeis.com). Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Mike Hyde (UBR-DEIS-00285-3)	
Comment	Response
<p>I think based on some of the comments today, perhaps there should be some more explanation in the Environmental Impact Statement as to why that Colorado alternative was not put forward.- I know there are some very good reasons for that, and, at least, one commenter today apparently is not aware of that, so that could be helpful for the public.</p>	<p>Please refer to responses to Comment UBR-DEIS-00124-2 and Comment UBR-DEIS-00282-3 above.</p>
Raphael Cordray (UBR-DEIS-00293-1)	
Comment	Response
<p>Hi, my name is Raphael Cordray.- I would like to make a comment about the railroad. - - - - - I feel that it needs to be reiterated that the Seven County Coalition is being deceptive about this railroad and the true purpose for the railroad because they are saying confusing things to the public. - - - - -</p>	<p>OEA notes the commenter's concerns about transparency on the part of the Coalition. When preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential</p>

<p>Yesterday, in a hearing before the Utah State Legislative Public Utilities Committee, Mike McKee stated that this railroad could be used for any types of commodities, and Mark Hemphill, they keep saying that any commodities can use this railroad. - - - - But, in fact, like, you cannot show up at the oil transloading place with your bails of alfalfa and expect to put it on the railroad. - So every single type of thing that gets on this railroad has to have a specially designed location where it would access the railroad and enter and use the railroad. - And people aren't going to be able to use the railroad, the public is not going to have access to participate in using this railroad. - - - - - The people -- the expensive transloading facility that would need to be built, if it is going to be coal or oil and fracking materials to go on the train, will have to -- will be very expensive. - And only those who can, you know, build the access point for that will get to use this railroad. I also read in one of the comments from the commissioner that they want to put natural gas on the railroad. - Liquefied natural gas is very dangerous and isn't allowed on regular railroads. - The public doesn't know these things.</p>	<p>alternatives, and operational plans. The Coalition responded appropriately to OEA's requests and provided sufficient information for OEA to assess the environmental impacts of the proposed rail line. The Coalition also provided OEA with information that the Coalition collected on baseline environmental conditions in the area, which OEA independently reviewed and verified. OEA made all of the information that the Coalition provided available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com. As discussed in Chapter 1, <i>Purpose and Need</i>, if the Board were to authorize the Coalition's petition, the proposed rail line would be operated as a common carrier rail line. The Coalition has stated that it expects the proposed rail line would primarily transport crude oil produced in the Basin to markets elsewhere in the country. However, because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. Section 3.15, <i>Cumulative Impacts</i>, describes the new rail terminals that OEA anticipates would be constructed by third parties to transfer crude oil onto the proposed rail line for transportation to refineries outside of the Basin. At this time, OEA is not aware of any specific plans by shippers of other commodities to request rail service on the proposed rail line. To the extent that other commodities could be shipped on the rail line in the future, OEA anticipates other parties would develop the facilities needed to transload these commodities. OEA notes that analysis of the economic feasibility of and financing for this or any rail construction project is outside of the scope of OEA's review under NEPA. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Raphael Cordray (UBR-DEIS-00293-3)	
Comment	Response
<p>Hi, my name is Raphael Cordray. - I would like to correct the previous caller. - - - - - I stated that liquid natural gas is not allowed on a normal train, and let me just be more specific. - Under current federal law, it is considered too dangerous to carry liquid natural gas in tank cars. - - - - - Liquefied natural gas can only be transported by ships, truck, and with special approval by the Federal Railroad Administration. - It can be transported by rail in approved United Nations portable tanks. - - - - - So to state that we are going to be able to put liquid natural gas on the Uinta Basin Railway is incorrect. - It is considered a bomb train. - Liquefied natural gas</p>	<p>Chapter 3, Section 3.15, <i>Cumulative Impacts</i>, describes the new rail terminals that OEA anticipates would be constructed by third parties to transfer crude oil onto the proposed rail line for transportation to refineries outside of the Basin. At this time OEA is not aware of any specific plans by shippers of other commodities to request rail service on the proposed rail line. To the extent that other commodities could be shipped on the rail line in the future, OEA anticipates other parties would develop the facilities needed to transload these commodities. Regarding LNG specifically, OEA is not aware of any proposals by any other entities to</p>

<p>from just one rail tank's car, without even considering a whole train, could be enough to destroy a city. - - - - - It would only take 22 tank cars to hold the equivalent energy of the Hiroshima bomb.- A train of 110 tank cars filled with liquified natural gas would have five times the energy of the Hiroshima bomb. - - - - - There is -- if it was allowed to transport liquid natural gas on the Uinta Basin Railway, this would be a whole different level of special tank cars and loading docks that would have to be built and paid for, and would -- and there would have to be a special approval to even transport liquified natural gas on the railroad. - - - - - So that needs to be clarified in the record.</p>	<p>develop facilities to facilitate the transportation of natural gas on the proposed rail line. OEA also believes that the transportation of natural gas on the proposed rail line would be unlikely because sufficient pipeline capacity already exists for the transportation of natural gas out of the Basin. If authorized, the proposed rail line would generally be subject to applicable federal regulations related to rail transportation safety, including addressing transportation of hazardous materials by rail. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>Frederick Adler (UBR-DEIS-00326-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>I support the No Action alternative as the wise choice.</p>	<p>OEA notes the commenter's preference for the No-Action Alternative. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
<p>Naomi Silverstone (UBR-DEIS-00337-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>We urge you to choose the no action alternative for the proposed UBR. It would do irreparable harm to the air, water, land and wildlife in the region and should not be built.</p>	<p>Please refer to response to Comment UBR-DEIS-00326-2 above.</p>
<p>Marv Poulson (UBR-DEIS-00365-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>There is only one clear option. The no-action alternative must be the out come for the proposed Uinta Basin Railway to prevent devastation to critical plant habitat for at least 2 species of great concern not specifically reported inventoried in this shallowly executed process that fail to meet the essentials under NEPA. It only requires a look at how the proponents describe the right-of-way for their proposed rail road. There's no clear centerline for the route which would have to be the center of their proposed 1000 foot wide right-of-way. With such a nebulously wide route with now defined centerline from witch to measure, it is impossible to know exactly what impact could or will be. The ill-defined right-of-way as it is proposed could actually result in ruinous land clearing and slope impacts across an area well beyond the noted 10,000 by opponents. In reality, allowing for a 1000 wide right-of-way could impact 10x the worst case described.</p>	<p>OEA notes the commenter's preference for the No-Action Alternative. Please refer to Chapter 3, Section 3.4, <i>Biological Resources</i>, and Appendix I, <i>Biological Assessment</i>, which describe the potential impacts on plant species listed under the ESA. OEA also consulted with USFWS as part of its obligations under the ESA Section 7 to address potential impacts on ESA-listed plant species. OEA relied on best available information regarding the distribution of plant species in conducting the environmental review, including the results of the field surveys referenced in Section 3.4, <i>Biological Resources</i>.</p> <p>Please refer to Appendix A, <i>Action Alternatives Supporting Information</i>, which shows the proposed rail centerline for each of the Action Alternatives in relation to the project footprint and the surrounding area. Subsection 2.3.1, <i>Rail Line, Temporary, and Project Footprints</i>, defines the footprints that OEA used to analyze impacts from construction and operation of the proposed rail line. The project footprint includes the area where both temporary construction disturbance (temporary</p>

	<p>footprint) and permanent disturbance to support operation of the rail line (rail line footprint) would occur. The rail line footprint is an approximation of the rail right-of-way. The width of the rail line footprint varies depending on site-specific conditions, such as topography, soil slope stability, and other geotechnical conditions. It extends approximately 50 feet from the centerline along much of the proposed rail line but is much wider in some locations. The area of the rail line footprint is approximately 3,808 acres for the Indian Canyon Alternative, approximately 7,655 acres for the Wells Draw Alternative, and approximately 4,518 acres for the Whitmore Park Alternative. The rail line footprint is not 1,000 feet wide in any location for any of the Action Alternatives.</p> <p>In referring to the 1,000-foot-wide study area, OEA believes the commenter may be referring to the biological resources field survey study area. As described in Subsection 3.4.1.1, <i>Study Areas</i>, the Coalition designed the field survey study area, where the Coalition surveyed for biological resources, to encompass the rail line footprint and temporary footprint. The field survey study area consists of a 1,000-foot-wide corridor along the rail centerline (500 feet on either side of the centerline) for each Action Alternative. The field survey study area is wider than 1,000 feet in a few areas where permanent or temporary disturbance would extend further than 500 feet from the rail centerline. The impact discussions in Subsection 3.4.3, <i>Environmental Consequences</i>, include impacts in the project footprint, including the permanent removal and temporary disturbance to federally listed plant species suitable habitat in Table 3.4-19 (previously Table 3.4-14 in the Draft EIS). Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Marv Poulson (UBR-DEIS-00365-2)	
Comment	Response
<p>Further, the extremely arbitrary nature of a 1000 wide right-of-way could actually result in impacting populations of sensitive plant species and natural ephemeral springs and seeps vital for serving the micro habitats supporting rare plants and wildlife. The proposed railway would do irreparable harm to our region's air, water, land, wildlife and vulnerable plant species and must not be built. This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife, vulnerable plant species, and nearby communities.</p>	<p>Please refer to response to Comment UBR-DEIS-00365-1 above. In addition, please refer to Chapter 3, Section 3.3, <i>Water Resources</i>, for the analysis of impacts on surface water, including impacts on natural springs. Section 3.4, <i>Biological Resources</i>, discusses impacts on wildlife and plant species. Section 3.7, <i>Air Quality and Greenhouse Gases</i>, discusses impacts on regional air quality. No changes to the Draft EIS are warranted in response to this comment.</p>

Marv Poulson (UBR-DEIS-00365-9)	
Comment	Response
<p>This Draft Environmental Impact statement is one of the most shallow, incomplete, and factually deficient I have ever encountered. That alone should disqualify the project on its face. It's as though the principals pushing this economically flawed rail project assume some right to proceed in spite of its gross deficiencies. This project is an unacceptable threat to the health, safety and well-being of wildlife, vulnerable plant species, humans and the planet. The careless approach of this DEIS fails even the most basic requirements of environmental and cultural analysis. This fact alone disqualifies the proposed project. It's as though the proponents haven't even walked a mile of either proposed route. On its face, the proposed, arbitrarily wide right-of-way threatens the natural environment, specific critically important habitat and water resources vital to wildlife and microclimate plant habitats over a wide area. Further, the proposed expansive, ill-defined right-of-way exceeds any reasonable interpretation of qualifying as reasonable under NEPA. The only viable option is the no-action alternative.</p>	<p>OEA notes the commenter's concern about impacts of the proposed rail line on environmental resources and the commenter's preference for the No-Action Alternative. Please refer to response to Comment UBR-DEIS-00365-1 above regarding the definition of the project footprint. Chapter 3, Section 3.4, <i>Biological Resources</i>, discusses impacts on wildlife and plant species. Section 3.7, <i>Air Quality and Greenhouse Gases</i>, discusses impacts on regional air quality. Section 3.9, <i>Cultural Resources</i>, discusses impacts on cultural resources. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Stanley Holmes (UBR-DEIS-00373-3)	
Comment	Response
<p>Let me wrap up.- The DEIS failed to give consideration to the No-Action Alternative.- All that we see is that under the No-Action Alternative, the Board would not license the Coalition to construct and operate the proposed rail line.- The Coalition would not support the rail line and the human environment would not change from the current conditions. Complicit here is --[pause]Thank you.- No action, please.</p>	<p>OEA and the cooperating agencies prepared this EIS in accordance with NEPA, the CEQ regulations, and the Board's environmental regulations (49 C.F.R. Part 1105). This EIS is intended to provide the Board; the cooperating agencies; other federal, state, and local agencies; federally recognized tribes; and the public with clear and concise information on the potential environmental impacts of the proposed rail line and the No-Action Alternative.</p> <p>Chapter 3, <i>Affected Environment and Environmental Consequences</i>, describes the current conditions and environmental consequences for each resource of concern for the proposed rail line and the contribution of the proposed rail line to cumulative impacts on each resource section. OEA compared all potential impacts of the Action Alternatives and the No-Action Alternative throughout each resource section contained in Chapter 3. Under the No-Action Alternative, the proposed rail line would not be constructed or operated. As a result, the No-Action Alternative would not change the quality of the human environment, or change the current conditions of any resource analyzed in the EIS.</p>

Melissa Peck (UBR-DEIS-00402-4)	
Comment	Response
<p>Anyway, one of the reasons that they didn't do the -- that they didn't do the Craig Colorado route, yes they said it was because of sage grouse, but the Whitmore and the Emma Park area down there also has sage grouse, and it is a nesting ground down there.- So whoever did that research botched that. The reason that they do that is because the (inaudible) board, the transportation board was going to lean toward that one because the people in Colorado wanted it.- And because it was supposed to be a dummy route.- They have always wanted Argyle Canyon route. And now, a Whitmore is -- they want to attach to the rail line on Highway 6, because they don't just want to send the oil out of state, they want to send it to the Gulf Coast.- They want to send it out of the country. So, why is it a good idea economically or environmentally that the U.S. is purchasing oil from other countries?</p>	<p>The Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. Please refer to Subsection 2.2.2.1, <i>Craig Route</i>, which describes how OEA considered but did not analyze in detail, the Craig Route in the Draft EIS. OEA carefully considered the Craig Route, carried it into scoping and learned through scoping that the route would not meet the purpose and need. OEA also concluded that the Craig Route would not be a reasonable alternative because it would have the potential for disproportionately significant environmental impacts, including visual, noise, and air quality impacts on Dinosaur National Monument and water quality impacts on the Green River. OEA fully assessed potential impacts from construction and operation of the proposed rail line on greater sage-grouse in the Emma Park area, as discussed in Section 3.4, <i>Biological Resources</i>.</p> <p>Regarding potential origins and destinations of the trains that could move on the proposed rail line, please refer to Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>. OEA notes that analysis of the economic feasibility or merits of this or any rail construction project is outside of the scope of OEA's review under NEPA. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Melissa Peck (UBR-DEIS-00402-6)	
Comment	Response
<p>I'm worried that the reason they got rid of the Craig route is because it was not a real legitimate route to begin with and they just really -- oh, and the last thing is the reason that the oil companies are not putting any money into this, is because this has been attempted with the highway and they run out of money.</p>	<p>Please refer to response to Comment UBR-DEIS-00402-4 above.</p>
Jean Mold (UBR-DEIS-00408-1)	
Comment	Response
<p>I understand that we need long-term solutions.- I understand all of that because I live here.- And I've work closely with the oil and gas industry over the years, and so I understand those dynamics.- But as a property owner in Argyle, I have a lot of concerns about the routes being proposed.- So I am not opposed to the railway per se, but I am opposed to the routes.- Because, you know, I hear comments</p>	<p>OEA notes the commenter's concern about the routes for the proposed rail line. Chapter 2, <i>Proposed Action and Alternatives</i>, discusses the process that was used to develop the alternatives considered in the EIS, routes that were considered but were not analyzed in detail, and the final set of reasonable alternatives that were carried forward for detailed review. Please also refer to Section 3.12,</p>

<p>that they are just weekend cabin places or they are wilderness area or they are unusable land.- But coming through Indian Canyon and up into Argyle is a beautiful ride and a drive and that will be all disturbed and that will all change.- And then as you come up into the Argyle area, it is a heavily-wooded area with a lot of springs and ponds and water wells.</p>	<p><i>Visual Resources</i>, which discusses impacts from construction and operation on viewsheds and Section 3.13, <i>Socioeconomics</i>, which discusses impacts from construction and operation of the proposed rail line on land acquisition, displacement, non-market values, and quality of life. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
<p>Jean Mold (UBR-DEIS-00408-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>I would just like to echo Darrell's last comments and that, you know, in the Uinta Basin, you know, people are wondering why we are so passionate about Argyle.- And this would be similar, and it's not the same.- But it would be similar to trying to propose a railway up through Diamond Mountains where it has been in families for generation and generations and properties are worth millions of dollars, but more importantly they are important part of properties to the landowners and to the families. And, you know, it's important. So I -- my point is the same as Darrell's last comments is that what if we could find a better route, a route that wouldn't affect over 300 landowners, you know?- And I know that some are -- not all are affected directly, but all are affected up in that area.- That's a lot of property owners affected by some -- by this decision. So, again, I am very pro economic development for the Uinta Basin.- I am not opposed to the railway; I am opposed to these routes.-</p>	<p>Please refer to response to Comment UBR-DEIS-00408-1 above. Please also refer to Section 3.13, <i>Socioeconomics</i>, which describes potential impacts from construction and operation of the proposed rail line on private landowners.</p>
<p>Julie Jex (UBR-DEIS-00411-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I would like to go on record as opposing the current three lines that are suggested, especially the Whitmore and the Indian Canyon and the Wells Draw.- It's been my observation as a long-term resident of Utah.- And I must say I grew up in southern Utah where water is scarce.- And we -- I lived in an area where they thought that they -- if they brought in a pig farm, it was going to solve everybody's problems, but there were many, many unintended consequences from that.- And the pig farm isn't doing quite as well as they thought it was going to do. I need to go also on record as stating that we do not oppose the railway.- We just don't like it going through any part of Argyle Canyon. Private property in Utah is at ten percent the last report I saw.- Everything else is owned by state and federal governments.- And so, this is a very high commodity to have any type of private property. And so those of us who have scrimped and saved to have a little piece in Argyle Canyon feel very</p>	<p>Please refer to responses to Comment UBR-DEIS-00408-1 and Comment UBR-DEIS-00408-4 above.</p>

<p>passionate about this.- We paid just as many taxes for the library and the schools in Duchesne as the good folks in Duchesne County, but we get no services for those taxes. I have to also agree with Mr. Moench, I guess, that the EIS study is very inadequate.- You're willing to go around the Mini Ranches but not any other private property.</p>	
<p>Pamela Underwood (UBR-DEIS-00413-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>I would like to see the Whitmore route removed from consideration because it was the last-minute route added to the paperwork that was submitted to the STB.- We did not get an opportunity to comment on that route during public comments. Now, that Drexel and Hamilton has agreed to finance the railway, they should return the \$28 million to the CIB so they can put the Colorado route back on the table since it does make the most logical and economical sense.</p>	<p>OEA notes the commenter’s concern. Please refer to Subsection 2.2.3.3, <i>Whitmore Park Alternative (Coalition’s Preferred Alternative)</i>, which describes how the Coalition developed the Whitmore Park Alternative during the scoping process in response to comments that OEA received from federal, state, and local agencies; tribes; other affected stakeholders; and the public, as well as additional outreach and consultation that the Coalition conducted. According to the Coalition, the Whitmore Park Alternative was developed specifically to avoid or minimize impacts on the natural and built environments, including residences in the Mini Ranches area near Duchesne and known greater sage-grouse leks in the Carbon Sage-Grouse Management Area. Although it would entail a construction cost of approximately 1.35 billion dollars, which is approximately 60 million dollars higher than the Indian Canyon Alternative, the Coalition identified the Whitmore Park Alternative as its preferred alternative.</p> <p>Please refer to Subsection 1.3.4, <i>Public Comment Period for the Draft EIS</i>, which afforded the public opportunity to comment on the Whitmore Park Alternative. As indicated in Subsection 1.3.5, <i>Public Meetings</i>, OEA hosted six public online meetings during which interested parties provided oral comments in addition to written comments received on the Draft EIS.</p> <p>As stated in Section 2.6, <i>Environmentally Preferred Alternative</i>, OEA’s analysis and consultation with appropriate government agencies, the Ute Indian Tribe, other interested stakeholders, and the public, OEA concludes that, among the three Action Alternatives, the Whitmore Park Alternative would result in the fewest significant impacts on the environment.</p> <p>Please also refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i>, which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because they would not meet the project purpose and need or would be logistically infeasible or impractical to construct and operate, including several routes that</p>

	would terminate in Colorado. The transportation merits and analysis of the economic feasibility of, or funding for, this or any rail construction project is outside of the scope of OEA's review under NEPA. Therefore, no changes to the Draft EIS are warranted in response to this comment.
Reid Allen (UBR-DEIS-00416-2)	
Comment	Response
There's a lot of other ways they could take that railroad.- They could take it even off of the Soldier Summit and go down.- It's just not feasible in our area or even when they follow even the 191 Highway all the way just off the side of it. I just don't see it, and it will ruin the wildlife up there.	Please refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i> , which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because they would not meet the project purpose and need or would be logistically infeasible or impractical to construct and operate. Additional information regarding the conceptual routes that OEA did not analyze in detail is provided in the 2014–2015 UDOT Studies and the 2019–2020 Coalition Reports, which are publicly available on the Board's website (www.stb.gov) and on the Board-sponsored project website (www.uintabasinrailwayeis.com). As described in Chapter 2, <i>Proposed Action and Alternatives</i> , the main reason that conceptual routes were found to be infeasible is the prevailing, challenging topography (e.g., mountain elevations, steep grades) surrounding the Basin.
Craig Wallentine (UBR-DEIS-00424-10)	
Comment	Response
9) EIS Fails to Discuss Safety Risks of LNG and LPG Transport: An SCIC partner (the Roosevelt Utah Economic Development Council) has suggested that LPG and even LNG may eventually be transported by the UIB. These are specialized fuels that require even more reliable handling by a trained workforce than waxy crude oil. All the issues with the non-existent UIB emergency response plan are made dramatically worse by the presence of these dangerous materials. The added risk of these products show that the UIB is clearly not a transportation proposal for the public convenience or a necessity for the state of Utah, the state of Colorado or America.	Chapter 3, Section 3.15, <i>Cumulative Impacts</i> , describes the new rail terminals that OEA anticipates would be constructed by third parties to transfer crude oil onto the proposed rail line for transportation to refineries outside of the Basin. At this time, OEA is not aware of any specific plans by shippers of other commodities to request rail service on the proposed rail line. To the extent that other commodities could be shipped on the rail line in the future, OEA anticipates other parties would develop the facilities needed to transload these commodities. Regarding LPG and LNG specifically, OEA is not aware of any proposals by any entities to develop facilities to facilitate the transportation of natural gas or specialized fuels on the proposed rail line. OEA also believes that the transportation of natural gas on the proposed rail line would be unlikely because sufficient pipeline capacity already exists for the transportation of natural gas out of the Basin. OEA notes that the Coalition has sought an exemption, under 49 U.S.C. § 10502, from the regulatory requirements of 49 U.S.C. § 10901; therefore, the public convenience and necessity standard in § 10901 is not directly at issue before

	<p>the Board. OEA additionally notes that it is the responsibility of the Board, not OEA, to apply the agency’s statute at 49 U.S.C. § 10502 and to consider the transportation merits under the exemption criteria contained in that statutory section. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Craig Wallentine (UBR-DEIS-00424-13)

Comment	Response
<p>There is a far superior alternative economic development strategy for the Uinta Basin that the Coalition has completely missed which includes a much safer and economically superior fuels transportation system. This alternative would offer significantly more benefits to Northeastern Utah if implemented and would also minimize negative impacts in Western Colorado and the rest of the country. As responsible public officials with a fiduciary duty to the citizens, of the US, please tell the Seven County Infrastructure Coalition to go back and engage a broader set of Utah constituents beyond their oil & gas industry sponsors in order to identify and build out a superior Uinta Basin economic strategy that would achieve higher crude oil production with much less collateral damage to everyone else.</p>	<p>Please see Chapter 1, <i>Purpose and Need</i>, for a discussion of the project purpose and need. As described in that chapter, the purpose and need concerning the proposed rail line is informed by both the goals of the Coalition, as the project applicant, and the Board’s enabling statute, specifically 49 U.S.C. § 10101 (the Rail Transportation Policy provision), § 10502 (the Board’s exemption provision), and § 10901 (the Board’s rail construction licensing provision). The Coalition’s purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. Therefore, other modes of transporting crude oil or other commodities would not meet the project purpose and need and it would not be appropriate to analyze those other transportation modes in the EIS. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Craig Wallentine (UBR-DEIS-00425-10)

Comment	Response
<p>I respectfully request that the STB exercise wise stewardship in denying this permit as currently formulated. There is a far superior alternative economic development strategy that the SCIC has failed to develop, discuss or present which would offer far more benefits to the Uinta Basin and Western Colorado than their current proposal. Asking the SCIC to go back to the drawing board and develop that superior economic strategy which allows for higher crude oil production with appropriate safety & environmental safeguards and produces much better health outcomes is the only responsible thing to do.</p>	<p>Please refer to response to Comment UBR-DEIS-00424-13 above. Further, the transportation merits and analysis of the economic feasibility of, or funding for, this or any rail construction project is outside of the scope of OEA’s review under NEPA.</p>

Craig Wallentine (UBR-DEIS-00426-10)

Comment	Response
<p>I respectfully request that the STB exercise wise stewardship in denying this project permit as currently formulated since there is a far superior alternative economic development strategy that the</p>	<p>Please refer to response to Comment UBR-DEIS-00424-13 above. Further, the transportation merits and analysis of the economic feasibility of or</p>

<p>SCIC has failed to present which would offer far more benefits to Northeast Utah and Western Colorado when implemented than the UIB Railway. Asking the SCIC to go back to the drawing board and develop a new economic strategy which allows for higher crude oil production with all appropriate safety & environmental safeguards in parallel with developing a sustainable Uinta Basin economy with superior health outcomes is the only responsible thing to do. Thank you for your consideration.</p>	<p>funding for this or any rail construction project is outside of the scope of OEA’s review under NEPA.</p>
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Joel Ban (UBR-DEIS-00429-6)

Comment	Response
<p>Frequently the DEIS describes impacts as "unknown" such as the exact locations of construction activities and the precise extent of a disturbed area are unknown. DEIS 3.3-1. The final analysis will only come if one of the action alternatives is chosen. Id. The point of NEPA however is to study the impacts of any proposed alternative before a selected alternative is chosen. As the Supreme Court has held, an EIS must take a "hard look" at the environmental consequences of a proposed action. <i>Kleppe v. Sierra Club</i>, 427 U.S. 390, 410, n. 21 (1976). By deferring the analysis part of the process until after an alternative is chosen entirely defeats the purpose of NEPA. Selection of an alternative is only proper if each alternative is rigorously studied so the public, stakeholders, and decision makers can make an informed decision based on good data and thorough analysis of each alternative’s impacts on the environment. This cannot be done if the analysis occurs after selection of an action alternative. Please include complete and thorough analysis that NEPA requires [bold and underline: before] an action alternative is selected. The planning and study of the alternatives is incomplete, inconclusive and very preliminary and therefore gives the public and stake holders an insufficient understanding of the alternatives. For instance, siting of the communication towers or access roads is currently unknown. Again, this deferral of decision making to a later period of time is improper as it doesn't provide sufficient understanding of each action alternative and how it will impact the quality of the environment as is required under NEPA.</p>	<p>Please refer to Section 2.3, <i>Construction and Design Features</i>, which provides the Seven County Infrastructure Coalition’s plans for constructing the proposed rail line. As described in Chapter 3, <i>Affected Environment and Environmental Consequences</i>, OEA relied on the best available data and project plans, as well as conservative assumptions, to inform its analysis. However, the final design and precise locations of project-related features and specific construction activities would not be known until the final engineering and design phase, which would occur if the Board were to authorize construction and operation of one of the Action Alternatives. If the mitigation measures set forth in Chapter 4, <i>Mitigation</i>, are imposed, the Coalition would be required to consult with appropriate the federal, state, tribal, and local agencies during the final engineering and design phase to ensure that impacts would be minimized.</p>

Joel Ban (UBR-DEIS-00429-14)

Comment	Response
<p>For all these reasons the Surface Transportation Board should select the no action alternative as this is the only one that would sufficiently protect the resources mentioned above. None of the action</p>	<p>OEA notes the commenter’s preference for the No-Action Alternative. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

alternatives will protect these resources in any reasonable or meaningful way.	
U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-24)	
Comment	Response
<p>Alternatives screening and the Least Environmentally Damaging Practicable Alternative (LEDPA): The STB and (primarily) the Coalition, as the applicant, are currently working with the U.S. Army Corps of Engineers (Corps) to obtain the necessary CWA Section 404 permits necessary for the project. EPA and the Corps have shared authority under Section 404, and we are pleased that the Coalition and STB are working with the Corps concurrently during the NEPA process on 404 permitting. We would, however, recommend for future projects integrating the full planning, information and analysis requirements of Section 404 permitting within the NEPA document consistent with the intent of One Federal Decision. In this case, we recommend that the STB consider completing Section 404 permitting work prior to making a decision to authorize a specific alternative. Unlike NEPA, CWA Section 404 requires that the project select the LEDPA. We have previously commented that some of the screened-out alternatives in the NEPA document may be considered practicable under Section 404 and we recommend working with the Corps to make practicability determinations. We provide these recommendations with the intent that STB can make a timely decision with all Section 404 analyses completed versus making an authorization decision based on the Final EIS alone. We understand that the STB considers the Draft EIS sufficient for Section 404, but if the Corps identifies Section 404 permitting issues after authorization, it could result in further delays for the Coalition. We therefore recommend STB continue working with Corps to ensure all 404 permitting conditions have been met prior to authorization.</p>	<p>OEA acknowledges and appreciates USEPA’s comments and suggestions. Please refer to Subsection 2.2.1, <i>Alternatives Development</i>, which explains that OEA recognizes other agencies may have the responsibility to assess the feasibility of potential alternatives under regulations other than NEPA, including CWA Section 404 (33 U.S.C. § 1344). Section 404 requires that the applicant consider all practicable alternatives and demonstrates the proposed action is the Least Environmentally Damaging Practicable Alternative (LEDPA). Although it is beyond the scope of the Board’s environmental review under NEPA to present a full analysis for the purposes of Section 404, OEA believes that the information summarized in Chapter 2, <i>Proposed Action and Alternatives</i>, and discussed in in detail in the 2014–2015 UDOT Studies, the 2019–2020 Coalition Reports, and other sources referenced in the Draft EIS section should be reasonably sufficient to support the identification of practicable alternatives per the Section 404(b)(1) guidelines. OEA also believes that the information provided in Chapter 3, <i>Affected Environment and Environmental Consequences</i>, is reasonably sufficient to support the selection of the LEDPA.</p> <p>OEA has and will continue to consult closely with the Corps throughout the environmental review process. OEA notes that EO 13807, which directed federal agencies to implement One Federal Decision, did not apply to Board decisions. Further, OEA notes that EO 13807 has been revoked. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Duchesne County, Mike Hyde (UBR-DEIS-00436-4)	
Comment	Response
<p>Page 2-31 Construction Staging Areas: To receive construction materials by rail, the Coalition would use existing permanent rail-to-truck transload facilities located in Salt Lake City, Ogden, Provo, [strike through: Help], [Bold and underline: Helper], Price, and other locations in Utah, and would transfer the materials to trucks for final delivery to the project footprint.</p>	<p>In response to this comment, OEA has revised the sentence to correct the typographical error.</p>

Duchesne County, Mike Hyde (UBR-DEIS-00436-6)	
Comment	Response
Page 2-36 Maintenance: Maintenance activities on the tracks would include rail surfacing, ballast cleaning and tamping, and rail grinding. Other maintenance activities would include maintaining rail sensors; lubricating rails; replacing rail, ties, and ballast; and inspecting track. In addition, any tunnels would need regular inspections and maintenance. [Bold: Comment: Isn't snow removal also a major maintenance activity? The route is located in a high elevation area that usually receives several feet of snow each winter.]	OEA anticipates that snow removal would be conducted as part of regular maintenance by the Coalition or any operator with whom they have maintenance arrangements. No changes to the Draft EIS are warranted in response to this comment.
Duchesne County, Mike Hyde (UBR-DEIS-00436-7)	
Comment	Response
Page 2-47 Environmentally Preferred Alternative: [Bold: Comment: We agree that the Whitmore Park Alternative should be the preferred alternative as it would have the fewest significant impacts on the environment, compared to the other alternatives studied.]	OEA acknowledges the commenter's preference for the Whitmore Park Alternative. Please refer to Subsection 2.2.3.3, <i>Whitmore Park Alternative (Coalition's Preferred Alternative)</i> , which indicates that the Whitmore Park Alternative is the Coalition's Preferred Alternative, and Section 2.6, <i>Environmentally Preferred Alternative</i> , which indicates that OEA concludes that the Whitmore Park Alternative would result in the fewest significant impacts on the environment. Should the Board decide to authorize construction and operation of the proposed rail line, OEA recommends that the Board authorize the Whitmore Park Alternative to minimize impacts of construction and operation on the environment.
U.S. Army Corps of Engineers, Sacramento District, Jason Gipson (UBR-DEIS-00481-1)	
Comment	Response
Although NEPA requires discussion of a reasonable range of alternatives and the effects of those alternatives, under EPA's Section 404(b)(1) CWA Guidelines (Guidelines), practicability of alternatives is taken into consideration and no alternative may be permitted by the Corps if there is a less environmentally damaging practicable alternative (LEDPA) unless there are other significant environmental consequences associated with the alternative. It is also important to recognize that determining the LEDPA cannot include any aspect of compensatory mitigation. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose. Information regarding direct and indirect effects to the aquatic environment is necessary to make the selection of the LEDPA. The selection criteria used in Chapter 2 of the draft EIS may narrow the range of	Please refer to response to Comment UBR-DEIS-00431-24 above.

<p>alternatives carried forward. Based on the current analysis in this Chapter, the Corps would not be able to evaluate the practicability of these alternatives or determine the LEDPA. For example, several alternatives were not carried forward because each one of these alternatives would create disproportionately significant environmental impacts due to a greater number of water body crossings than other proposed alternatives, and/or would affect a greater area of wetlands. Factors such as "disproportionate environmental impacts" should not be used as screening criteria for alternatives since actual data was not specifically identified for each of the 27 original alternatives and the potential effects were evaluated from a desktop review which would not allow for an objective analysis of each alternative. This type of evaluation may be considered speculative and/or pre-decisional. If these alternatives cannot be dismissed based on other criteria, then they should be carried forward for detailed analysis. Because the 404 b1 Guidelines are a more stringent set of criteria in which to identify a reasonable/practicable range of alternatives, the Corps requests that the criteria used to determine a reasonable range be couched in terms of practicability (i.e. availability and cost, logistic and existing technological constraints). This will ensure STB and the Corps can agree on the alternatives dismissed and those carried forward for detailed review. This will eliminate the potential of the Corps having to supplement STB's analysis if alternatives are later determined to be practicable as a result of comments from the STB's draft EIS or the DA permit application associated with this proposed project currently under review by the Corps. As part of the DA permit application, the Corps is in the process of reviewing the applicant's practicability analysis that could be incorporated in Chapter 2 or be included as appendix to the EIS once the Corps review is complete. Not incorporating an alternatives practicability analysis in the EIS could result in the STB and the Corps coming to different decisions regarding the project, which we hope to avoid.</p>	
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U.S. Army Corps of Engineers, Sacramento District, Jason Gipson (UBR-DEIS-00481-2)

Comment	Response
<p>Environmentally Preferred Alternative: Information for the Environmentally Preferred Alternative in the draft EIS Summary and Chapter 2 indicate that, based on OEA's analysis and consultation with appropriate government agencies, the Whitmore Park Alternative would result in the fewest significant impacts on the environment. At this time, the Corps has not made a determination regarding</p>	<p>Please see response to Comment UBR-DEIS-00431-24 above.</p>

<p>least damaging alternatives for this project. The Corps would like to reiterate that in order to address 404 b1 Guideline requirements, the applicants must demonstrate that the preferred alternative, (i.e. Whitmore Park) is the LEDPA as part of the DA permit process.</p>	
<p>Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>2.1 Proposed Action "The total volume of rail traffic would depend on future markets for crude oil, which is driven by global demand and capacity at oil refineries. Depending on those future market conditions, the Coalition estimates that as few as 3.68 or as many as 10.52 trains could operate on the proposed rail line each day, on average. 2....Footnote quote: 2 In its petition, the Coalition has stated that projections of future rail traffic are based on conditions existing before the ongoing COVID-19 pandemic, and that it anticipates these conditions caused by the pandemic will be temporary in nature." The current crude-oil context combines supply shock with an unprecedented demand drop situated within a larger global humanitarian crisis. The sector's financial and structural health at the close of the pandemic is worse now than in previous crises. The advent of shale, excessive supply, and generous financial markets that overlooked the limited capital discipline have all contributed to poor returns. Today, with prices touching 30-year lows, and accelerating societal pressure, change is inevitable. The COVID-19 crisis accelerates what was already shaping up to be one of the industry's most transformative moments. this is based on pre-COVID conditions. A post-COVID market and cost-analysis to revisit these predications is necessary to confirm that this effort is worth the long-term and permanent change to our finite natural and cultural resources in the Basin. Given current economics in the oil business with record numbers of bankruptcy, lack of cash flow, high debt, and investors fleeing the oil and gas sector generally, is a massive expansion of production a realistic expectation? The lack of interest in BLM oil and gas lease sales indicates the industry does not have optimistic outlook. Even with an economically healthy oil industry, it is likely other limiting factors in the Uinta Basin such as air quality, volume of produced water, could prevent even the minimum projected production and daily shipping from being reached. The Uinta Basin is already in non-attainment status for air quality, primarily due to oil and gas extraction. It is hard to imagine tripling the production of oil and meeting Clean Air Act standards.</p>	<p>OEA notes the commenter's statements about the potential for long-term changes in market conditions. OEA believes it is still reasonably foreseeable that the economic conditions caused by the COVID-19 pandemic to be temporary in nature. OEA also notes that the transportation merits and analysis of the economic feasibility of, or funding for, this or any rail construction project is outside of the scope of OEA's review under NEPA. Please also refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gas Emissions</i>, OEA's analysis of cumulative impacts of air quality impacts that could result from the combination of impacts of the proposed rail line and any additional oil production. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Duane Hill (UBR-DEIS-00513-1)	
Comment	Response
<p>Putting a railroad up and over Indian Canyon is totally absurd. There has to be an easier route like down through nine mile. To go up over that steep canyon will take more energy than it saves.</p>	<p>Chapter 2, <i>Proposed Action and Alternatives</i>, discusses the process that was used to develop the alternatives considered in the EIS, routes that were considered but were not analyzed in detail, and the final set of reasonable alternatives that were carried forward for detailed review. Please also refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i>, which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because they would not meet the project purpose and need or would be logistically infeasible or impractical to construct and operate. OEA reviewed several conceptual routes through Nine Mile Canyon, which were also analyzed in the 2014–2015 UDOT Studies. These conceptual routes were determined to not be reasonable because, to maintain a safe maximum grade, the routes would require extensive tunneling, extensive embankment construction on steep slopes, and numerous stream crossings in narrow canyons, all of which would substantially increase the risk of derailment and accidents, the costs associated with construction and operation, and the potential for significant environmental impacts. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-1)	
Comment	Response
<p>The public was not afforded the opportunity to comment on the Whitmore Park alternative - the Coalition's preferred alternative - during the scoping period, as the Coalition deceptively withheld the Whitmore Park alternative until after the scoping period had ended. Section S.3 Alternatives falsely claims that [italics: "The three Action Alternatives examined in this Draft EIS - the Indian Canyon Alternative, the Wells Draw Alternative, and the Whitmore Park Alternative - [bold: were developed over the course of several years of analysis] by the Utah Department of Transportation (UDOT) and the Coalition, and later OEA"] [Footnote 1: DEIS at S-3] (emphasis added). If this was a true statement then the Coalition would have submitted the Whitmore Park alternative prior to scoping so that the public would have had the opportunity to comment on it. Instead, the Coalition clearly submitted the Craig alternative as a dummy route during scoping in an attempt to make it appear that they were considering alternatives outside of the Indian Canyon and Argyle Canyon areas, knowing full-well that the Craig alternative</p>	<p>Please refer to Subsection 2.2.3.3, <i>Whitmore Park Alternative (Coalition's Preferred Alternative)</i>, which indicates that the Coalition developed the alternative during the scoping process in response to comments that OEA received from federal, state, and local agencies; tribes; other affected stakeholders; and the public, as well as additional outreach and consultation that the Coalition conducted. According to the Coalition, the Whitmore Park Alternative was developed specifically to avoid or minimize impacts on the natural and built environments, including residences in the Mini Ranches area near Duchesne and known greater sage-grouse leks in the Carbon Sage-Grouse Management Area. Although it would entail a construction cost of approximately 1.35 billion dollars, which is approximately 60 million dollars higher than the Indian Canyon Alternative, the Coalition has identified the Whitmore Park Alternative as its preferred alternative.</p> <p>Refer to Chapter 1, Subsection 1.3.4, <i>Public Comment Period for the Draft EIS</i>, which afforded the public opportunity to comment on the</p>

<p>was the least feasible and least desirable of all of the previously considered Colorado routes, so that it could be easily and succinctly removed from consideration, leaving all three routes - Whitmore Park, Indian Canyon, and Wells Draw - as the only routes carried forward for consideration. The Whitmore Park and Indian Canyon alternatives are nearly identical with very minor differences. The Wells Draw alternative also shares a significant portion of commonality with the other two alternatives. It is clear that the Coalition deceptively proposed three very similar routes and falsified estimated construction costs, construction challenges, and other factors to effectively steer the OEA away from consideration of a myriad of alternatives that would have had far less environmental and social impacts than the alternatives studied and evaluated in the DEIS.</p>	<p>Whitmore Park Alternative. As indicated in Subsection 1.3.5, <i>Public Meetings</i>, OEA hosted six public online meetings during which interested parties provided oral comments in addition to written comments received on the Draft EIS. Please refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i>, which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because they would be logistically infeasible or unreasonable to construct and operate, including several routes that would terminate in Colorado. Additional detail is provided in the 2014–2015 UDOT Studies and the 2019–2020 Coalition Reports, which are publicly available on the Board’s website (www.stb.gov) and on the Board-sponsored project website (www.uintabasinrailwayeis.com). OEA notes the commenter’s concerns about actions on the part of the Coalition. In preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, construction costs, and construction and operational plans. The Coalition responded appropriately to OEA’s requests and provided sufficient information for OEA to assess the environmental impacts of the proposed rail line. OEA made all of the information that the Coalition provided available to the public on the Board’s website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-26)

Comment	Response
<p>MITIGATION DEIS S.6 indicates that [italics: “The Coalition has proposed 56 voluntary mitigation measures to address the environmental impacts of construction and operation of the proposed rail line”] [Footnote 15: DEIS S-23] OEA then preliminarily recommends an additional 73 mitigation measures. It is critically important to recognize that the Coalition was grossly inadequate in their evaluate of the impacts of the project, volunteering less than 44% of the mitigation measures outlined in the DEIS. This clearly demonstrates the Coalition's lack of concern for the true impacts of this project, and further demonstrates the fallacy and inadequacy of the Coalition's estimates for costs of construction of the various alternatives. The selection of the three Action Alternatives evaluated in the DEIS were heavily influenced by the Coalition's own estimates of construction and mitigation costs. Clearly the Coalition is severely deficient in their identification,</p>	<p>Please see Chapter 4, <i>Mitigation</i>, for a list of all mitigation measures proposed to address impacts of the proposed rail line. The Coalition has volunteered certain mitigation and OEA is recommending other mitigation measures. OEA is recommending that, should the Board authorize an alternative, that all of the Coalition’s voluntary mitigation measures and all of OEA’s recommended mitigation measures be conditions of any Board authorization. OEA notes the commenter’s concerns about transparency on the part of the Coalition. In preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, construction costs, and construction and operational plans. The Coalition responded appropriately to OEA’s requests and provided</p>

<p>engineering, planning, and mitigation expectations for the proposed rail line, which casts further doubt and suspicion on the Coalition's construction cost estimate for each of the Action Alternatives as well as the many alternatives that were removed from consideration due to projected high costs of construction.</p>	<p>sufficient information for OEA to assess the environmental impacts of the proposed rail line. OEA made all of the information that the Coalition provided available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com. Further, the range of alternatives include those reasonable alternatives that are technically and economically practical or feasible and meet the purpose and need of the proposed action. Analysis of the economic feasibility of or funding for this or any rail construction project is outside of the scope of OEA's review under NEPA.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-32)

Comment	Response
<p>I firmly believe that the Coalition and its engineers have maliciously and fraudulently deflated the anticipated costs of construction of all of the Action Alternatives in an attempt to bias and thwart the route selection process. For example, prior to 2019, when the Coalition was asking the Utah Permanent Community Impact Fund Board (CIB) for the \$27.9 million dollars required to illegally fund the project, the Coalition had proposed 3 routes - all going to Colorado - the Craig, Rifle, and Mack Routes. At that time, per item #2 of a Coalition-provided Summary of RL Banks rail study, [Footnote 17: Summary of RL Banks rail study] [Italics: "Rail to Rifle from Myton/Leland Bench [underline: plus transloading] is roughly estimated to cost \$1.4 Billion. Various Route alternatives, etc. may reduce the final cost."] (emphasis added) Per Item #3 of the referenced Summary of RL Banks rail study, [Italics: "Rail to Rifle is the preferred route because it allows shipping on two major rail carriers, Union Pacific and Burlington Northern."] Why then, a few months later, was the Rifle route completely scrapped from consideration? Logic and reason would suggest that if the Rifle Route was the Coalition's original preferred route, it would have remained as one of the 3 current proposed routes. Instead, the Coalition chose the Craig Route in addition to the Indian Canyon and Wells Draw Routes. I believe that this was intentional, since the Coalition knew and had already identified that the fatal flaw for the Craig Route was that there is only a single Class 1 rail carrier in Craig, CO. In addition, it is my belief based on the Draft Route Selection Technical Memorandum, Revision 1, dated March 14, 2019 [Footnote 18: Draft Route Selection Technical Memorandum, Revision 1, dated March 14, 2019] that HDR, Inc. and the Coalition artificially inflated the cost for both the East Rifle and West Rifle Routes from the \$1.4 Billion noted above (which</p>	<p>Please refer to responses to Comment UBR-DEIS-00591-26 and Comment UBR-DEIS-00124-2 above. Please also refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i>, which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because they would be logistically infeasible or unreasonable to construct and operate. Additional detail is provided in the 2014–2015 UDOT Studies and the 2019–2020 Coalition Reports, which are publicly available on the Board's website (www.stb.gov) and on the Board-sponsored project website (www.uintabasinrailwayeis.com). Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

<p>included transloading) to \$2.63 Billion and \$2.67 Billion respectively in order to artificially remove the Craig routes from evaluation and consideration.</p>	
<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-33)</p>	
<p>Comment</p>	<p>Response</p>
<p>One must also consider the vast discrepancy between the cost estimates for the Coalition-preferred Indian Canyon Route that was studied in 2014 for the Utah Department of Transportation. [Footnote 19: Uinta Basin Railroad Feasibility Study Summary Report] The UDOT Study consisted of a Cost Estimating Validation Process (CEVP) [Footnote 20: Appendix J Uinta Basin Rail CEVP Report] wherein a 4-day workshop was held with a "team of top engineers and risk managers from local and national private firms and public agencies" who reviewed the cost estimate for the Indian Canyon Route. The CEVP concluded that the "base" cost estimate for the project was \$2.665 Billion in 2014 dollars, which was the estimate assuming that everything would go according to plan, [italics: "without risk, opportunity, contingency, or inflation"]. The Year-of-Expenditure estimate ranged between \$3.338 Billion and \$4.801 Billion - which now, 5 years later, appear to be much more realistic estimates. The CEVP further concluded that construction would take an estimated 11 years as opposed to the Coalition's current estimate of 2 years. Consider further that HDR, Inc. performed the 2014 UDOT Study as well as the current studies and estimates for the Coalition. How does the same engineering firm, even with significant changes to alignment, tunnel length, highway realignment and reconstruction, etc. come up with a revised estimate for the Indian Canyon Route of \$1.2 Billion dollars 5 years later, when inflation and construction costs have increased considerably? Considerably more research, study, and independent verification of the actual project costs and the actual, factual costs of each alternative route need to be conducted. The Coalition is relying on cost estimates from HDR, Inc. which are unsubstantiated and which vary considerably with little-to-no explanation or justification.</p>	<p>Please refer to responses to Comment UBR-DEIS-00591-26 and Comment UBR-DEIS-00124-2 above. Please also refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i>, which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because they would be logistically infeasible or unreasonable to construct and operate. Additional detail is provided in the 2014–2015 UDOT Studies and the 2019–2020 Coalition Reports, which are publicly available on the Board’s website (www.stb.gov) and on the Board-sponsored project website (www.uintabasinrailwayeis.com). Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-34)</p>	
<p>Comment</p>	<p>Response</p>
<p>I firmly believe that better, more suitable routes exist for the UBR that were unfairly and irresponsibly removed from the running by the Coalition and its engineers. Ultimately proposed rail line distance, artificial cost estimating, and perceived respective route opposition led to the selection of the Indian Canyon route specifically, as</p>	<p>Please refer to response to Comment UBR-DEIS-00591-1 above.</p>

<p>well as the Wells Draw route, and now the Whitmore Park Route. I have requested detailed information regarding the route selection processes, including drawings, details, engineering calculations, takeoff quantities, unit costs, proposed route alignments, vertical profiles, Engineering Basis of Design, Operating Basis of Design, Environmental fatal flaws analysis of proposed routes, and any and all other data used to perform conceptual engineering of selected routes from the Coalition, beginning May 21, 2019. To date very little other than cursory, redacted information has been provided by the Coalition's Legal Counsel, suggesting that the Coalition is fully aware that their discussions and deliberations regarding route selection have not been done in the light of day, and have not been conducted in compliance with Utah State Law, a fact which is currently being contested in Court. I therefore request that the OEA and STB forthwith deny the Coalition's Indian Canyon, Wells Draw, and Whitmore Park Routes since complete and relevant documentation which would qualify these routes as the most economical, least environmentally impactful routes either does not exist or has not been made public for the analysis and review of all who may be affected by these proposed routes.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-7)

Comment	Response
<p>I. The EIS's Range of Alternatives Is Inadequate. As an initial matter, the DEIS does not analyze an adequate range of alternatives. All alternatives analyzed in the DEIS result in the destruction of wetland habitat near and along the Price River [Footnote 2: Center for Biological Diversity, Aquatic Resources Map (2021).] and all alternatives come within less than one mile of Greater sage-grouse leks or mating grounds. The EIS should consider more protective alternatives of these important and highly sensitive resources, including an alternative that completely avoids wetlands along the Price River and an alternative that does not come within at least three miles of the leks in Emma Park. Nat. Res. Def. Council v. U.S. Forest Serv., 421 F.3d 797, 813 (9th Cir. 2005) (holding that the Forest Service unlawfully failed to consider an alternative to a timber program that would have provided greater protection for old-growth habitat); N.M. ex rel. Richardson v. BLM, 565 F.3d 683, 711 (10th Cir. 2009) (faulting EIS for failing to consider alternative that would have closed sensitive area to oil and gas leasing). Instead of formulating an alternative that avoids sage-grouse abandonment of lek habitat, however, the alternatives seem to have</p>	<p>Please see Chapter 1, <i>Purpose and Need</i>, for a discussion of the project purpose and need. As described in that chapter, the purpose and need concerning the proposed rail line is informed by both the goals of the Coalition, as the project applicant, and the Board's enabling statute, specifically 49 U.S.C. § 10101 (the Rail Transportation Policy provision), § 10502 (the Board's exemption provision), and § 10901 (the Board's rail construction licensing provision). The Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. The Action Alternatives analyzed in the EIS represent reasonable alternatives that are technically and economically practical or feasible and meet the purpose and need. OEA did consider other alternatives that would avoid greater sage-grouse habitat in the Emma Park area, such as the Craig Route. However, as described in Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i>, OEA did not carry these</p>

<p>been modified with only an eye toward avoiding BLM land, to avoid stronger federal protections for sage-grouse.</p>	<p>alternatives forward for detailed analysis because they would not meet the project purpose and need or would be logistically infeasible or impractical to construct and operate.</p> <p>Please refer to Subsection 2.2.3.3, <i>Whitmore Park Alternative (Coalition's Preferred Alternative)</i>, which indicates that the Coalition developed the alternative during the scoping process in response to comments that OEA received from federal, state, and local agencies; tribes; other affected stakeholders; and the public, as well as additional outreach and consultation that the Coalition conducted. According to the Coalition, the Whitmore Park Alternative was developed specifically to avoid or minimize impacts on the natural and built environments, including known greater sage-grouse leks in the Carbon Sage-Grouse Management Area. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-8)

Comment	Response
<p>In addition, conservation groups suggested a "solutionary alternative" or electrified rail in their scoping comments. The EIS fails to analyze this alternative or explain why it should not be considered. The rail industry is advancing toward electrification in Europe, including battery-operated rail, and General Electric is currently working on a battery. [Footnote 3:] Halvorson, Bengt, Battery-powered electric trains will soon bring cleaner air - especially in Europe, Green Car Reports (March 29, 2020), https://www.greencarreports.com/news/1127629_battery-powered-electric-trains-will-soon-bring-cleaner-air-especially-in-europe.] Electrified rail is feasible. The EIS should consider this alternative to reduce the project's impacts on energy consumption, air quality, and climate change</p>	<p>The Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. The Action Alternatives analyzed in the EIS represent reasonable alternatives that are technically and economically practical or feasible and that meet the project purpose and need. An electrified rail line would not meet the purpose and need because the capital costs associated with electrification—which would involve installing overhead powerlines for the entire length of the rail line, as well as power-generating stations and associated infrastructure—would not allow the Coalition to provide shippers with a viable alternative to trucking. OEA did not assess the potential impacts associated with battery-powered locomotives because that technology is not yet available. If battery-powered locomotives become available in the future, the operator of the proposed rail line could use those locomotives, which would result in lower air emissions and less adverse noise impacts than those reported in the Draft EIS. No changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-38)

Comment	Response
<p>Any Forest Service Approval of a Right-of-Way Over Ashley National Forest Lands, Including Roadless Areas, Is "Connected" to the Proposed Project. Any</p>	<p>Please refer to Section 2.1, <i>Proposed Action</i>, and Section 2.2, <i>Alternatives</i>, which describe the right-of-way approvals, including from the Forest Service,</p>

<p>approval of the rail line right-of-way over National Forest lands is an action inexorably connected to the proposed project and its alternatives - neither the Indian Canyon nor the Whitmore Park alternatives is feasible without Forest Service approval.</p>	<p>that would be necessary for construction and operation of the proposed rail line. The Forest Service and OEA consider the Coalition's right-of-way application to cross the Ashley National Forest to be part of the proposed action because approval of the proposed rail line is a required component of the Coalition's proposed rail line. Because the issuance of a right-of-way by the Forest Service is part of the proposed action, it is not necessary to treat the issuance of the right-of-way as a connected action. Please also see response to comment UBR-DEIS-00683-41 in Table T-17.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-39)

Comment	Response
<p>Here, neither the proposed project, particularly the Indian Canyon and Whitmore Park alternatives, nor the right-of-way approval have any independent utility. Any proposal to approve a right-of-way for the rail line over forest lands would not be considered except in the context of the rail line project proposal. Similarly, the preferred alternative and the Indian Canyon Alignment cannot proceed without a right-a-way approval. Said another way, without the right-of-way, the two alternatives cannot be built and without the two proposed rail line alternatives, the right-of-way serves no purpose. Thus, because any right-of-way approval and the rail line proposal are connected actions, the DEIS must disclose and evaluate the impacts of the combined actions on Roadless Areas and Roadless values.</p>	<p>Please refer to comment UBR-DEIS-00683-38 above.</p>

Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-25)

Comment	Response
<p>THE DEIS FAILS TO ADEQUATELY CONSIDER REASONABLE ALTERNATIVES SUCH AS A PIPELINE. Federal agencies must "study, develop, and describe appropriate alternatives to recommended courses of action." 42 U.S.C. § 4332(2)(E). CEQ Regulations require that an EIS shall "[e]valuate reasonable alternatives to the proposed action, and, for alternatives that the agency eliminated from detailed study, briefly discuss the reasons for their elimination." 40 C.F.R. § 1502.14(a). Reasonable alternatives are those that constitute "a reasonable range of alternatives that are technically and economically feasible, meet the purpose and need for the proposed action, and, where applicable, meet the goals of the applicant." 40 C.F.R. § 1508.1(z). Each reasonable alternative discussed must be "considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits." 40 C.F.R. § 1502.14(b). "[A]n EIS need not include every available</p>	<p>Please see Chapter 1, <i>Purpose and Need</i>, for a discussion of the project purpose and need. As described in that chapter, the purpose and need concerning the proposed rail line is informed by both the goals of the Coalition, as the project applicant, and the Board's enabling statute, specifically 49 U.S.C. § 10101 (the Rail Transportation Policy provision), § 10502 (the Board's exemption provision), and § 10901 (the Board's rail construction licensing provision). The Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. Therefore, other modes of transporting crude oil, such as pipelines, would not meet the project purpose and need and it would not be appropriate to analyze those other transportation modes in the EIS. Accordingly, no</p>

<p>alternative where the consideration of a spectrum of alternatives allows for the selection of any alternative within that spectrum." 85 Fed. Reg. at 43,330. As discussed supra at Section III.D.1, there is no adequate basis provided in support of the purpose and need of the Project beyond the stated desire of the Coalition. To the extent a purpose and need is demonstrated in the DEIS, it reflects providing oil extraction companies located in "an isolated geographical region" with an alternative to trucking oil to outside markets. DEIS at 1-3. Although the DEIS discusses other shippers besides oil producers, the Coalition's assertions reflect that the overwhelming majority of shipments would be for crude oil and oil extraction-related materials, and the proposed alternatives are only evaluated in terms of the shipment of crude oil. DEIS at 1-3 to 1-4. To address this purpose and need, the DEIS considered three action alternatives involving the construction of rail lines-the Indian Canyon Alternative, the Wells Draw Alternative, and the Whitmore Park Alternative-which the DEIS states were developed over the course of several years of analysis by the Utah Department of Transportation (UDOT), the Coalition, and OEA. DEIS, at S-5. All other alternatives explored similarly involved the construction of rail lines. DEIS at 2-2.</p>	<p>changes to the Draft EIS are warranted in response to this comment. The range of alternatives include those reasonable alternatives that are technically and economically practical or feasible and meet the purpose and need of the proposed action.</p>
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Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-26)

Comment	Response
<p>The DEIS fails to demonstrate consideration of the full spectrum of potentially reasonable alternatives. Most glaringly, and perhaps reflecting the failure to include other key federal agencies with jurisdiction such as PHMSA, the DEIS does not even mention, let alone consider, a pipeline alternative to transporting crude oil by rail. DEIS at 2-2. This is so even though elsewhere in the DEIS's impact analysis there are references to crude oil and natural gas pipelines that run through the area. DEIS at 3.5-18. There is nothing in the DEIS's stated purpose and need for the Project that suggests that a pipeline alternative would not be a reasonable alternative to consider even at a preliminary stage. While the proposed rail line is expected to ship other products and commodities besides oil, the overwhelming majority of shipments will be crude oil. The statements of the Coalition, if taken at face value, make clear that the economic feasibility is centered on transporting oil alone. Accordingly, it is reasonable to consider a pipeline as a transportation alternative. Indeed, it appears that the Coalition and others have in fact considered a pipeline alternative in the past, making its absence in the DEIS alternatives analysis even more curious.</p>	<p>Please refer to response to Comment UBR-DEIS-00703-2 in Table T-24 regarding involvement of PHMSA and other federal agencies in the EIS process. Please also refer to response to Comment UBR-DEIS-00703-25 above regarding why OEA did not consider a pipeline alternative.</p>

<p>For instance, in 2017 the Coalition published an oil pipeline study analyzing the prospects for such a pipeline. See Seven County Infrastructure Coalition, Uinta Basin Oil Pipeline Study, Final Report (2017), available at: https://scicutah.org/storage/app/uploads/public/5d0/27e/9ad/5d027e9ad1453049115378.pdf. In addition, in 2014 a company with an oil refinery in Salt Lake City initiated a study regarding connecting the Uinta Basin to Salt Lake City via a pipeline specially designed to accommodate the waxy character of crude produced from the Uinta Basin. See Uinta-Wasatch-Cache National Forest; Utah; Uinta Express Pipeline Project, 79 Fed. Reg. 4657 (Jan. 29, 2014) (US Forest Service notice of intent to prepare an environmental impact statement). The prospects identified in these evaluations and their comparison with rail alternatives are unknown because the DEIS does not make the comparison, even though a pipeline appears to meet the purpose and need of the Project.</p>	
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Notes:

OEA = Office of Environmental Analysis; EIS = Environmental Impact Statement; U.S.C. = United States Code; UDOT = Utah Department of Transportation; C.F.R. = Code of Federal Regulations; NEPA = National Environmental Policy Act; USEPA = U.S. Environmental Protection Agency; CWA = Clean Water Act; Corps = U.S. Army Corps of Engineers; Board = Surface Transportation Board; LNG = Liquefied natural gas; LPG = Liquefied petroleum gas; EO = Executive Order; PHMSA = Pipeline and Hazardous Materials Safety Administration; USFWS = U.S. Fish and Wildlife Service; ESA = Endangered Species Act; CEQ = Council on Environmental Quality

Table T-7. Comments and Responses—Section 3.1, Vehicle Safety and Delay

Soldier Summit Estates; Board of Directors, Michelle Stewart (UBR-DEIS-00017-1)	
Comment	Response
<p>Concerning the increased rail traffic on the Whitmore route and onto the mainline UPRR, these trains will be passing through the soldier summit pass/ UPRR maintenance yard at the top and surely many longer waits will be incurred to enter the subdivision currently there is a 3 track at grade crossing to the west of UPRR yard. To date every building lot is owned and used for permanent homes and RV's including year around winter access. Soldier summit Estates provides 153 lots, 8 to 15 acre recreational parcels of permanent water/power /phone services including full time access for grazing land sheep. access is critical for all our residents /continuing residential construction and wild land fire mitigations access. safety is our utmost concern to our homes and property in the event that trains, bulk cars will be block our access is of great concern including the increased noise of the trains to our Estates. A mitigation plan needs to be addressed/developed</p>	<p>This comment refers to Soldier Summit Pass, which is located on the existing UP rail line approximately 10 miles west of where the proposed rail line would connect to the existing UP rail line near Kyune, Utah. OEA did not analyze downline impacts on the existing UP rail line west of Kyune because OEA estimated that project-related traffic on this downline route would be approximately one train per day or less, which is lower than the Board's downline analysis thresholds (49 C.F.R. § 1105.7(e)(11)(v)). Please refer to Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>, for additional information regarding how OEA identified the downline study area. OEA notes that the Board can only impose mitigation conditions that are consistent with its statutory authority over rail transportation by rail carriers under the Interstate Commerce Act, as amended by the ICCTA. Accordingly, any conditions the Board imposes must relate directly to the transaction</p>

<p>for noise pollutions and continuous access in the event of any emergency this is our only entrance</p>	<p>before it, must be reasonable, and must be supported by the record before the Board. In this proceeding, the Board’s power to impose mitigation extends only to the Coalition, as the railroad applicant, and to potential impacts that could be caused by the Coalition’s proposed rail line. Therefore, the Board cannot impose mitigation on owners or operators of existing rail lines downline of the proposed rail line as part of the Board’s decision on the Coalition’s proposed construction and operation. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Soldier Summit Estates; Board of Directors, Michelle Stewart (UBR-DEIS-00017-2)

Comment	Response
<p>also of concern is the amount of construction traffic noted to be introduced onto US 6 the entrance both east and west bound there is not a deceleration lane or acceleration lane to mitigate safety of home owners turning onto or off of US 6 safely with trailers/ construction material and ranchers this include rocky mountain power sub station access and UPRRs access needs. this is very dangerous now / UDOT has not addressed this but should with increased traffic volumes and safety needs of the community at soldier summit 39 deg 55'39.59" North 111 deg 05'06.35 West Web Site soldiersummitstates.com Thank You [See original attachment for a map identifying the location of Soldier Summit and the Solider Summit at grade crossing.]</p>	<p>Please refer to Subsection 3.1.3.2, <i>Impact Comparison between Action Alternatives, Project Study Area, Construction</i>, which describes impacts from construction vehicles on roadway safety and the roadway capacity of US 6 during peak hour traffic. As shown in Table 3.1-8, OEA anticipates that there would be adequate remaining roadway capacity on US 6 during each year of construction. In addition, OEA’s recommended mitigation measure VSD-MM-2 would require the Coalition comply with speed limits and applicable laws and regulations on public roadways, which would minimize the potential safety impacts on US 6 and other roadways in the study area. Concerns regarding the design of existing public road intersections are outside the Board’s authority to mitigate. The Board can only impose mitigation conditions that are consistent with its statutory authority over rail transportation by rail carriers under the Interstate Commerce Act, as amended by the ICCTA. Accordingly, any conditions the Board imposes must relate directly to the transaction before it, must be reasonable, and must be supported by the record before the Board. In this proceeding, the Board’s power to impose mitigation extends only to the Coalition, as the railroad applicant, and to potential impacts that could be caused by the Coalition’s proposed rail line. Concerns regarding existing public road intersections would be more appropriately addressed through consultation with state and local transportation agencies. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

David Harvey (UBR-DEIS-00300-1)

Comment	Response
<p>So I’m a landowner in the Uinta Basin.- I come from a family that was raised in the Uinta Basin. I still have family out there.- - - -I just wanted to bring up</p>	<p>Please refer to Section 3.1, <i>Vehicle Safety and Delay</i>, regarding the changes in vehicle traffic resulting from construction and operation of the proposed</p>

<p>the point that highway traffic on Highway 40 will not decrease due to this railway.- The refineries in Salt Lake City are not closing down.- So the oil still has to be shipped to Salt Lake City for the refineries.- The refineries do not have a transloading facility to offload from the railroad.- So when they talk about reducing truck traffic, they're talking about reducing truck traffic potentially on Highway 191. - - - -Highway 40 truck traffic will probably not decrease.- So I just wanted to point that out.- I don't see it in your impact, your environmental impact statement about a reduction in truck traffic on Highway 40, but I've heard a lot of talk about that, including the person who just commented that said truck traffic will decrease because of this railroad.- And that's just not true in my opinion.-</p>	<p>rail line. Currently, trucks transport crude oil from production areas in the Basin to refineries in Salt Lake City and to the Price River Terminal in Wellington, Utah. OEA does not expect that the proposed rail line would divert truck transportation of crude oil on US 40 to refineries in Salt Lake City. However, OEA anticipates that the proposed rail line would eliminate the existing tanker truck traffic transporting crude oil from production areas in the Basin to the Price River Terminal in Wellington because the terminus points of the proposed rail line would be much closer than the Price River Terminal to oil production areas in the Basin. OEA estimates that operation of the proposed rail line would result in a reduction of approximately 17,464 tanker trucks per year on US 191 and on other roadways along the route from the Basin to the Price River Terminal. While tanker truck traffic would be reduced, operation of the proposed rail line would result in an overall increase in vehicle trips associated with commuting employees and operations and maintenance activities. Although the distribution of operational vehicle traffic is unknown, OEA estimates the used roadway capacity on roads in the study area would increase by less than 1 percent under all Action Alternatives. As part of the cumulative impact analysis, OEA assessed the cumulative change in vehicle traffic resulting from the proposed rail line combined with increased oil and gas development and construction and operation of the rail terminals. As shown in Subsection 3.15.5.1, <i>Cumulative Impacts, Vehicle Safety and Delay, Oil and Gas Development</i>, OEA estimates there would be substantial increases in traffic on roadways in the study area. Although the distribution of traffic on roadways is not known, the impact on some local roadways could be significant. Due to their larger capacity, OEA does not anticipate there would be significant impacts on roadway delay on the major roadways in the study area, including US 40, US 191, and US 6. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00302-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>You know, there's been tons of misinformation and lies thrown about regarding this project to garner public support.- Taking trucks off the road is one of them. - - - -Like the previous commenter said, it's not going to remove trucks from Highway 40.- They're going to continue to roll.- And the potential is that this railway will quadruple oil production in the basin.- So you may take a few trucks off of Highway 191, but you're going to increase</p>	<p>Please refer to response to Comment UBR-DEIS-00300-1 above.</p>

exponentially the number of trucks on the local roads and highways out in the basin.- It's going to contribute to pollution, it's going to contribute to traffic safety issues.-	
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00386-1)	
Comment	Response
<p>While I understand and empathize with the desire to spur job creation and economic growth in the Uinta Basin, I feel that the Seven County Infrastructure Coalition and other government officials who are in support of the project have lied to the public and deliberately misled them in order to garner public support for the project. We have heard claims that the railway will take trucks off of the highway.- Most of the public has interpreted this to indicate that the railway would eliminate the tankers hauling crude oil on Highway 40 from the Basin to Salt Lake City.- This is categorically false.- Salt Lake City refineries do not have the capabilities to off load crude oil shipped via rail.- Nor do they have the space to construct one or the appetite to invest in one. The fact is that the railway will result in an exponential increase in heavy truck traffic in local highways throughout the Basin, which will be a significant impact on local residents and county governments tasked with road maintenance and repair. Instead of alleviating the impacts of mineral extraction on the community, this project will instead place significant budgetary burdens on the city and county governments. Who will pay for the required road maintenance, road improvements, new road construction and additional traffic lights and other safety measures that will be required to keep the public safe?- The Draft EIS mentions none of these impacts and makes no provisions for mitigation of them.- This is but one example of how the Coalition has misused federal mineral use money for planning this project, a project which will expand negative impacts on Uinta Basin communities instead of lessening them, a direct violation of the Mineral Lease Act</p>	<p>Please refer to response to Comment UBR-DEIS-00300-1 above. Please also refer to Section 3.15, <i>Cumulative Impacts</i>, which discusses the potential for significant impacts on traffic on local roadways, in the absence of roadway improvements, and the potential for road damage on roads associated with the increased vehicle trips from construction and operation of new rail terminals in the Basin. As noted in that section, damage to local roads because of construction equipment could be addressed through road use or easement agreements between the rail terminal developers, local government agencies, and landowners. To provide additional clarity, OEA has revised Subsection 3.15.5.1, <i>Vehicle Safety and Delay</i>, in the Final EIS to explain that traffic generated during operation of the proposed rail line and other reasonably foreseeable future actions could contribute to wear and tear on roads or the need for roadway improvements, which would be paid for by federal, state, and local taxes. The Mineral Leasing Act (30 U.S.C. § 181 et seq.) is a federal law that authorizes the leasing of public lands for mining and is not related to the regulation of rail transportation.</p>
Kerry Farrer (UBR-DEIS-00407-1)	
Comment	Response
<p>I would like to elaborate on this as far as the truck traffic goes. You know, where these proposed rails are, a lot of the oil fields are already out there.- So as far as the truck pollution the people might be worried about, a lot of that truck pollution stays off the main roads.- In the last couple of years, we have numerous trucks wreck spilling oil all across the basin.- And why anybody wouldn't want a safer means of transportation to get the oil out of here, for one.</p>	<p>OEA notes the commenter's concern regarding transportation safety. Please refer to Section 3.1, <i>Vehicle Safety and Delay</i>, which includes information regarding vehicle and roadway safety impacts from the proposed rail line. Please also refer to Subsection 3.15.5.1, <i>Cumulative Impacts, Vehicle Safety and Delay</i>, which includes a discussion of the cumulative impacts that could result from the addition of vehicle and roadway safety impacts from the proposed rail line to impacts of other past,</p>

	present, and reasonably foreseeable future projects and actions. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Craig Wallentine (UBR-DEIS-00424-2)	
Comment	Response
1) EIS Fails to Address Current Trucking Hazards: The public in Utah is badly misinformed in believing that oil trucking along US40 and I-80 will decrease if railway is built. As stated deep in the EIS, the 90,000 BPD of current oil Uinta Basin production will continue to cause road safety issues in Utah whether or not the railway is built because the EIS does not include a plan to rail crude oil to Salt Lake City. Therefore, this project has minimal public benefit. Having been nearly killed twice by crude oil trucks on I-80, the SCIC proposal does not serve "public convenience and necessity" because it fails to address the most obvious existing traffic safety problems that a superior transportation alternative would.	Please refer to response to Comment UBR-DEIS-00300-1 above. OEA notes that the Coalition has sought an exemption, under 49 U.S.C. § 10502, from the regulatory requirements of 49 U.S.C. § 10901; therefore, the public convenience and necessity standard in § 10901 is not directly at issue before the Board. OEA additionally notes that it is the responsibility of the Board, not OEA, to apply the agency's statute at 49 U.S.C. § 10502 and to consider the transportation merits under the exemption criteria contained in that statutory section. Therefore, no changes to the Draft EIS are warranted in response to this comment.
Craig Wallentine (UBR-DEIS-00424-3)	
Comment	Response
2) EIS Understates Future Trucking Hazards: The public in Utah is badly misinformed if they think that local traffic safety in the Uinta Basin will improve if oil production increases by 350,000 BPD on top of the current production. This will be almost unimaginable increase in actual road traffic (not paper studies by hired consultants) as trucks move crude oil to the two proposed rail terminals. In no way can this huge new public safety danger be presented as an improvement in "public convenience and necessity".	Please refer to response to Comment UBR-DEIS-00424-2 above.
Duchesne County, Mike Hyde (UBR-DEIS-00436-8)	
Comment	Response
Page 3.1-9 Grade Crossing Safety and Delay: The Coalition would install grade-separated crossings at major public roadways, such as US 191 and Pariette Road,... [Bold: Comment: Figure 3.1-1 seems to show an at-grade crossing at US 191; perhaps the grade-separated crossing symbol is obscured on the map?]	To address this comment, OEA has revised Figure 3.1-1 in the Final EIS, to show the locations of grade-separated public road crossings.
Duchesne County, Mike Hyde (UBR-DEIS-00436-61)	
Comment	Response
Page 4-3 Grade Crossing Safety: [Bold: Comment: Should it be stated here where grade- separated crossings will be required to be constructed (i.e. Highway 191, Pariette Road, Wells Draw Road, etc...)?]	This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to the voluntary mitigation measures proposed by a railroad applicant. However, to address this comment, OEA

	revised Figure 3.1-1 in the Final EIS to show the locations of grade-separated public road crossings.
Uintah County Commission, Ross Watkins (UBR-DEIS-00440-2)	
Comment	Response
<p>Each of the proposed routes would enter Uintah County: the Wells Draw Alignment; the Whitmore Park Alignment, which is the OEA's preferred alternative; and the Indian Canyon Alignment. None of these alternatives would have a significant impact on vehicle transportation or delays in Uintah County. Each of these alternatives would fall within a fairly remote part of the county. There are no major roads in this area. However, the Wells Draw Alignment may cross a newly reconstructed road in T3S R1E Sec. 31, and T3S R1W Sec. 35. This road primarily provides oilfield access on the south side of the Duchesne River. In the case of significant delays, traffic may be rerouted to 8250 S, which provides access in the same area. Both proposed routes may also cross several unmaintained Class D County Roads, including Chevron Pipeline Road and Sand Pass Road. These roads are lightly trafficked, and any crossings would likely not pose any risk or significant delay to the existing traffic patterns. While the exact starting point for the railway is unclear, it appears to be located on or near Leland Bench Road. This road provides an important transportation route within the Leland bench oilfield. However, it may be possible to reroute this road to extend eastward, around the terminus of the railway so as to avoid any disturbances on this relatively busy oilfield road. In regards to traffic throughout Uintah County, it is expected that a railway would significantly decrease the amount of heavy truck transportation on our local roads. This, in turn, would improve safety, especially during the winter months when traffic speeds are often decreased due to snow and ice. Transporting hazardous materials on the railway would also protect drivers from spills that could pose a threat to human life on our local roads and highways.</p>	<p>OEA notes the commenter's conclusion that the proposed rail line would improve transportation safety. Please refer to Section 3.1, <i>Vehicle Safety and Delay</i>, for a discussion of potential impacts from the proposed rail line on vehicle safety and delay at road crossings in the study area. OEA calculated the vehicle delay for each proposed public at-grade crossing under the Action Alternatives, which is presented in Appendix D, <i>Grade-Crossing Safety and Delay Analysis</i>.</p> <p>OEA reviewed each of the at-grade road crossings identified in the comment as described below.</p> <ul style="list-style-type: none"> • Newly constructed road. The Wells Draw Alternative would cross the newly constructed road twice. This road is listed in Appendix D as an Unnamed Road with crossings at mileposts at 89.1 and 90.98. OEA calculated that the new at-grade crossings would result in delays of up 7.39 minutes per day at each crossing. • Leland Bench Road. Each Action Alternative would cross Leland Bench Road once, near the proposed rail line terminus at Leland Bench. OEA calculated that the new at-grade crossing would result in delays of up to 22.22 minutes per day. • Class D County Roads. OEA did not quantitatively analyze vehicle delay at the crossings of Chevron Pipeline Road, which would be crossed once by all three Action Alternatives, and Sand Pass Road, which would be crossed once by the Indian Canyon Alternative and Whitmore Park Alternative (in Duchesne County), as those crossings were considered equivalent to private road crossings due to the low volume of traffic and lack of road maintenance. Unsurfaced public roadway crossings and all private roadway crossings would be equipped with passive warning devices (stop signs and crossbucks). OEA anticipates vehicle delay on Class D County Road crossings would be similar to other low volume public road crossings analyzed in Appendix D but that the impact would be lower because fewer vehicles would be affected. <p>OEA determined that impacts related to vehicle delay at at-grade road crossings would not be significant with implementation of the Coalition's voluntary mitigation measures and OEA's recommended mitigation. However, some minor increase in vehicle delay at new at-grade road crossings would be unavoidable.</p>

	Regarding changes in vehicle traffic resulting from construction and operation of the proposed rail line, please refer to response to Comment UBR-DEIS-00300-1 above.
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Uintah County Commissioners, Brad Horrocks (UBR-DEIS-00561-2)

Comment	Response
Section 3.1, Vehicle Safety and Delay Each of the proposed routes would enter Uintah County: the Wells Draw Alignment; the Whitmore Park Alignment, which is the OEA’s preferred alternative; and the Indian Canyon Alignment. None of these alternatives would have a significant impact on vehicle transportation or delays in Uintah County. Each of these alternatives would fall within a fairly remote part of the county. There are no major roads in this area. However, the Wells Draw Alignment may cross a newly reconstructed road in T3S R1E Sec. 31, and T3S R1W Sec. 35. This road primarily provides oilfield access on the south side of the Duchesne River. In the case of significant delays, traffic may be rerouted to 8250 S, which provides access in the same area. Both proposed routes may also cross several unmaintained Class D County Roads, including Chevron Pipeline Road and Sand Pass Road. These roads are lightly trafficked, and any crossings would likely not pose any risk or significant delay to the existing traffic patterns. While the exact starting point for the railway is unclear, it appears to be located on or near Leland Bench Road. This road provides an important transportation route within the Leland bench oilfield. However, it may be possible to reroute this road to extend eastward, around the terminus of the railway so as to avoid any disturbances on this relatively busy oilfield road. In regards to traffic throughout Uintah County, it is expected that a railway would significantly decrease the amount of heavy truck transportation on our local roads. This, in turn, would improve safety, especially during the winter months when traffic speeds are often decreased due to snow and ice. Transporting hazardous materials on the railway would also protect drivers from spills that could pose a threat to human life on our local roads and highways.	Please refer to response to Comment UBR-DEIS-00440-2 above.

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-12)

Comment	Response
VEHICLE SAFETY AND DELAY The DEIS indicates that added construction and maintenance vehicles on public roadways will not significantly affect vehicle safety on public roadways. I believe this assertion is false. Construction of the proposed railway through Indian Canyon and Argyle Canyon will require the excavation and removal of millions	Please refer to Section 3.1, <i>Vehicle Safety and Delay</i> , which describes the potential impacts on vehicle safety from the increase in vehicle traffic associated with construction and operation of the proposed rail line and identifies mitigation measures that would minimize the safety impacts.

<p>of tons of earth from cut and fill operations. Such activities, performed in steep, rugged, mountainous, isolated terrain are fraught with safety risks and challenges. OEA should detail and document the applicable mitigation measures and requirements so that the public can evaluate them, and so that there is a clear record and expectation that the Coalition and its contractors must follow. The DEIS is wholly inadequate in this regard.</p>	<p>Section 3.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste Sites</i>, includes a discussion of geologic hazards, such as avalanches and landslides, that may pose a safety risk to workers during construction and railroad employees during operations. These safety risks are associated with the proposed rail line and would not affect the safety of vehicles on public roadways due to the distance between construction areas and roadways. The Coalition’s voluntary mitigation measure (VM-1) and OEA’s recommended mitigation measures (GEO-MM-1 through GEO-MM-7) would minimize or avoid the potential impacts from geologic hazards associated with construction and operation of the proposed rail line. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-36)

Comment	Response
<p>Another area of significant concern is the high number of at-grade rail crossings that will be constructed in the South Argyle Community Area between railway mileposts MP-12 and MP-17. The Indian Canyon and Wells Draw Routes share common alignments between these mileposts and cross private roads in this area no less than 14 times. Approximate locations are 39.84397, -110.77271; 39.84587, -110.76749; 39.84606, -110.76619; 39.84518, -110.76507; 39.84343, -110.76650; 39.84076, -110.77109; 39.84010, -110.76925; 39.84151, -110.76634; 39.84168, -110.75865; 39.84799, -110.74861; 39.86130, -110.74363; 39.86567, -110.74045; 39.86779, -110.73976; 39.86981, -110.73859; 39.87141, -110.73767; These routes present an extreme risk of death due to train/vehicle/pedestrian/OHV collisions. Given the absence of any electric utilities in this area, rail crossing arms and warning lights and sounds would not be possible, nor would they be acceptable within the South Argyle Off-Grid Cabin Community. The proposed Indian Canyon and Wells Draw Routes in these areas between MP-12 and MP-17 zig-zag through numerous private properties, and directly affect access to 100 or more private properties not directly traversed. The associated safety concerns from these numerous rail crossings cannot be adequately mitigated in order to protect the residents in this area, and are grounds for STB denial of the Indian Canyon and Wells Draw Routes</p>	<p>Please refer to Section 3.1, <i>Vehicle Safety and Delay</i>, for a discussion of potential impacts from the proposed rail line on vehicle safety at public at-grade road crossings in the study area, including in the South Argyle Community Area. The Coalition’s voluntary mitigation measure VM-2 would minimize potential safety impacts at public at-grade crossings by requiring the Coalition consult with federal, state, and local agencies to implement at-grade crossing warning devices in accordance with industry standards.</p> <p>OEA has revised Subsection 3.1.3.1, <i>Impacts Common to All Action Alternatives, Project Study Area, Operations, Grade-Crossing Safety and Delay</i>, in the Final EIS to specifically discuss impacts on vehicle safety and delay at private road crossings, which OEA expects would be lower than at public road crossings due to lower vehicular traffic. The Coalition’s voluntary mitigation measure VM-4 would minimize potential safety impacts on private road crossings by requiring the Coalition consult with private landowners to determine the final details and reasonable signage for grade crossings on private roads.</p> <p>As described in Subsection 2.3.9, <i>Grade Crossings</i>, the Coalition has stated that unsurfaced public roadway crossings and all private roadway crossings, if not grade-separated, would be equipped with passive warning devices (stop signs and crossbucks). For public roads located in remote areas that lack suitable electrical utility tie-ins, the Coalition would use solar-powered applications.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-37)	
Comment	Response
<p>EMERGENCY ACCESS/ EVACUATION In addition to risks of death from collisions with trains, the proposed routing between MP-12 and MP-17 of the Indian Canyon and Wells Draw Routes poses significant safety issues for South Argyle Community residents during emergency and evacuation scenarios. Residents will be cut off, and in some cases, trapped between railway loops in this area when trains are present on the track. Were a mechanical breakdown, wildfire, train derailment, toxic train spill, or other issue to occur, residents would be unable to escape by vehicle, and likely, even on foot. Emergency vehicles would also be cutoff from being able to access many of the residences in this area.</p>	<p>To address concerns regarding impacts on emergency access and evacuation, OEA has revised Subsection 3.1.3.1, <i>Impacts Common to All Action Alternatives, Project Study Area, Operations, Grade-Crossing Safety and Delay</i>, to describe the potential impacts on emergency response and evacuation routes in communities with limited options for ingress and egress options, including the South Argyle Community. OEA is recommending a new mitigation measure (VSD-MM-6) that would require the Coalition consult with private landowners and communities affected by new at-grade crossings to identify measures to mitigate impacts on emergency access and evacuation routes and incorporate the results of this consultation into the emergency response plan identified in mitigation measure VM-11. These measures may include identifying new ingress/egress routes that can be used in the event of an emergency.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-40)	
Comment	Response
<p>The Coalition has also attempted to mislead Uintah and Duchesne County residents and the general public by stating that current long-haul trucking on U.S. Highway 40 and U.S. Highway 191 will be replaced by the proposed UBR.</p>	<p>Please refer to response to Comment UBR-DEIS-00300-1 above.</p>
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-29)	
Comment	Response
<p>Ultimately, it may be reasonable for OEA to make conservative assumptions regarding potential impacts from the proposed Uinta Basin Railway. However, the final EIS should clearly explain why such assumptions are conservative and, where possible, place those assumptions into context. This is important so that a reader can properly understand the scope of potential impacts, the likelihood of those potential impacts, and where potential impacts are overstated.</p>	<p>OEA notes the commenter's concern that potential impacts may be overstated in the Draft EIS. In several sections of the EIS, OEA acknowledges that certain estimates may be conservative, including in Sections 3.1, <i>Vehicle Safety and Delay</i>, 3.3, <i>Water Resources</i>, 3.7, <i>Air Quality and Greenhouse Gases</i>. 3.9, <i>Cultural Resources</i>, and 3.15, <i>Cumulative Impacts</i>. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-17)	
Comment	Response
<p>The EIS Must Clarify How the Project Will Affect Trucking to Salt Lake City and Salt Lake Oil Refineries The EIS's assumptions regarding how the railway would affect trucking from the Uinta Basin to Salt Lake City refineries are unclear. On the one hand, the DEIS's socioeconomic impacts section suggests that trucking along this route would continue indefinitely and would not be affected by the railway: OEA expects that trucks would</p>	<p>Please refer to response to Comment UBR-DEIS-00300-1 above. To clarify OEA's assumption in the cumulative impact analysis regarding crude oil transportation between the Basin and Salt Lake City refineries, OEA has revised the cumulative impacts discussion in Subsection 3.15.5.8, <i>Energy</i>, in the Final EIS to delete "in the short-term" in the sentence referenced in the comment. OEA does not anticipate that the proposed rail line would displace</p>

continue to transport crude oil to refineries in Salt Lake City, so jobs associated with long-haul trucking of crude oil from the Basin to refineries in Salt Lake City would not be affected. DEIS 3.13-12. On the other hand, the DEIS's cumulative impacts section suggests that trucking between the Uinta Basin and Salt Lake City refineries would only continue in the "short-term": OEA does not anticipate that crude oil transported via the Action Alternatives would directly serve the existing oil refineries in Salt Lake City [bold and italics: in the short-term] because those refineries do not currently have the facilities to accept trains carrying crude oil. OEA anticipates that the crude oil would be transported by rail to other states. Therefore, the additional production of crude oil would contribute to the national supply of crude oil but would not directly affect petroleum refining in Utah or directly contribute to petroleum-product production in Utah. OEA expects that the direct impacts from the proposed rail line would not result in cumulative impacts on petroleum refining or petroleum production in Utah. DEIS 3.15-36 (emphasis added). While overall this passage suggests that the railway would not have any effect on Salt Lake refineries (or trucking to Salt Lake refineries), it also suggests that could change over the "long-term." The EIS must clarify whether the cumulative impacts analysis or any other analyses in the EIS assume that the railway would eventually transport oil to Salt Lake City refineries beyond the "short-term," and if so, it should clarify how this assumption is used in the EIS's analysis (e.g., whether in assessing cumulative air quality impacts, the EIS assumes that rail will eventually displace trucking to Salt Lake refineries after a certain number of years). The EIS, however, must use consistent assumptions throughout the entire document. The most reasonable assumption is that the rail will not displace trucking to Salt Lake City. A Rio Grande Pacific representative (the proposed operator) has publicly stated that building new rail offloading facilities at the Salt Lake refineries would be cost-prohibitive, [Footnote 34: Stop the Uinta Basin, Frequently Asked Questions, <https://www.stopuintabasinrailway.com/faq> (last accessed on Jan. 26, 2021).] and therefore shipping oil by rail to these refineries is not likely to occur. [Footnote 35: The R.L. Banks Study projects that refined oil products (but not raw crude) from the planned Uinta Advantage Refinery would be shipped by rail to Salt Lake City under the "high" oil transport scenario. Because this would be an entirely new product that would be shipped to Salt Lake, existing truck traffic to Salt Lake City would not be affected by rail shipping of this product.]

trucking between the Basin and refineries in Salt Lake City for the foreseeable future because those refineries currently do not have rail access. Therefore, OEA assumed in its analysis of vehicle and truck trip impacts throughout the EIS that the trucking of crude oil would continue between the Basin and refineries in Salt Lake City at current levels.

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-35)	
Comment	Response
<p>The DEIS's Analysis of Traffic Safety Impacts Is Flawed The DEIS's comparison of the no-action alternative and action alternatives with respect to traffic safety risks is irrational. The DEIS concludes that vehicle accidents would decline under any of the action alternatives in comparison to the no-action alternative because truck traffic between oil fields and the existing Price River Rail Terminal would be eliminated due to construction of the rail. DEIS at 3.2-8 ("OEA anticipates that the proposed rail line would eliminate the existing tanker truck traffic transporting crude oil from production areas in the Basin to the Price River Terminal in Wellington, Utah. Under the No-Action Alternative, crude oil that currently moves to the Price River Terminal from the Basin by truck would continue to move by truck and the benefits of the proposed rail line in terms of prevented vehicular accidents would not be realized.") However, the DEIS ignores the increased risks of traffic accidents that would be caused by the significant increase in truck traffic on local roads to bring crude oil from oil fields to the rail terminal. See DEIS 3.2-8. This new traffic would not occur but for the new rail construction and is a reasonably foreseeable effect of the rail. The DEIS discounts this increase in local truck traffic by claiming that any such increase would be attributable to an increase in Uinta crude production and not the rail. See section II above. But, elsewhere, when considering the no-action alternative, the DEIS has no problem considering how vehicle accident rates would be affected under the no-action alternative if oil production were to increase in the future: If oil production in the Basin were to increase in the future in response to market conditions, truck traffic on local roadways could increase under the No-Action Alternative because there would be no alternative transportation option available. This potential future increase in truck traffic would result in a greater number of vehicular accidents and decreased transportation safety under the No-Action Alternative relative to any of the Action Alternatives. DEIS 3.2-8. The DEIS's consideration, on the one hand, of how the no-action alternative would affect truck traffic and road accidents "if oil production in the Basin were to increase in the future," but on the other hand, its refusal to consider how any of the action alternatives would affect local truck traffic with increased oil production, is arbitrary. This is especially because, as noted in section II, the railway is specifically geared toward increasing</p>	<p>Please refer to response to Comment UBR-DEIS-00300-1 above. OEA analyzed the impacts associated with increased oil and gas development in the Basin as a cumulative impact associated with construction and operation of the proposed rail line. Subsection 3.15.5.1, <i>Vehicle Safety</i>, describes the cumulative impacts associated with increased vehicle traffic from the proposed rail line combined with oil and gas development and other reasonably foreseeable future actions. In Section 3.1, <i>Vehicle Safety and Delay</i>, OEA's analysis of vehicle safety and delay impacts from construction and operation of the proposed rail line considers the changes in vehicle traffic directly resulting from implementation of the Action Alternatives compared to existing conditions. Baseline traffic conditions include existing tanker truck traffic transporting crude oil from production areas in the Basin to the Price River Terminal. OEA estimated that the proposed rail line would divert this existing traffic and, therefore, reduce potential impacts on vehicle safety and delay on roadways between oil production areas in the Basin and the Price River Terminal. OEA did not discuss changes in local vehicular traffic that could be associated with potential future oil and gas development in Section 3.1, <i>Vehicle Safety and Delay</i>, because those impacts are appropriately discussed in Section 3.15, <i>Cumulative Impacts</i>. OEA's analysis of vehicle safety and delay impacts under the No-Action Alternative is consistent with this approach. Under the No-Action Alternative, OEA assumes existing crude oil production in the Basin would continue at current levels as would truck trips transporting the crude oil to the Price River Terminal. Accordingly, no changes to the EIS are warranted in response to this comment.</p>

<p>Uinta crude production, and because the DEIS assumes that the rail will transport significant quantities of crude oil (at rates up to quadruple existing production levels), which trucks will have to bring to the rail terminal.</p>	
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Notes:

UP = Union Pacific; OEA = Office of Environmental Analysis; C.F.R. = Code of Federal Regulations; ICCTA = Interstate Commerce Commission Termination Act; Board = Surface Transportation Board; Coalition = Seven County Infrastructure Coalition; EIS = Environmental Impact Statement; US = U.S. Highway; U.S.C. = United States Code

Table T-8. Comments and Responses—Section 3.2, Rail Operations Safety

<p>Colorado Department of Public Health and Environment, Richard Coffin (UBR-DEIS-00188-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>Based on the estimated distribution of project-related rail traffic described in the DEIS, STB anticipates that project related rail traffic could exceed the Board's downline analysis threshold of eight trains per day for project-related rail traffic between Kyune and Denver. Because the Denver metropolitan area is an air quality nonattainment area where the analysis threshold is three trains per day, the Board's downline analysis threshold would also be exceeded for the high rail traffic scenario within the Denver Metro/North Front Range (DM/NFR) air quality nonattainment area. Because the projected level of rail operations will determine the level of potential impacts, the EIS should provide additional information to support rail traffic projections put forth in the proposal. We question if the Kyune to Denver route can accommodate the projected increase in rail traffic from a logistical capacity standpoint. If not, and rail traffic is expected to increase on other routes, additional downline analysis may be required.</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>.</p>
<p>Art Taylor (UBR-DEIS-00250-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>My education was in construction engineering with a specialty as a construction foreman. I have real concerns as I studied the route and design of this proposed railroad, especially the loaded downgrade side of Argyle and entering the Whitmore Park area. Close to 90 % of the loss of a loaded train is on the downhill grade. With the maxed-out down hill grade and then the double-S curve (I call it the Spaghetti Bowl) the risk is too great for an accident and the loss of life, equipment, and the pollution of a 100 car trainload of oil, all in the beautiful Whitmore Park area. A spill that large would be practically impossible to clean up and dispose of, with all the sagebrush, shadscale, grass and weeds, and soil. It can't be burned or buried, but will have to be</p>	<p>OEA notes the commenter's concern regarding rail safety. Please refer to Section 3.2, <i>Rail Operations Safety</i>, which describes the potential likelihood and consequences of train accidents, including oil spills, on the proposed rail line. Section 3.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste Sites</i>, discusses potential geologic hazards, including areas prone to landslides, mass movement, and seismic hazards that could affect the proposed rail line. Chapter 4, <i>Mitigation</i>, identifies mitigation measures that would minimize the likelihood of train accidents and oil spills, including adhering to FRA, PHMSA, and TSA safety regulations (VM-1, VM-15). This would include designing the proposed rail line to comply with applicable FRA</p>

<p>scooped up and hauled away, but where? Remember the Indian Canyon area is all above 6000 ft elevation, so it is all very mountainous. The mountains are not solid terrain, but fractured and broken. Even the sheer cliffs are fractured shale.</p>	<p>track safety standards (49 C.F.R. Part 213). Chapter 4 also identifies mitigation measures that would address engineering vulnerabilities associated with geologic hazards along the proposed rail line (GEO-MM-2 through GEO-MM-5).</p> <p>To minimize the potential consequences associated with a derailment or oil spill, the Coalition has committed to developing a hazardous materials response plan and complying with regulatory notification requirements in the event of a spill (VM-11, VM-14). The hazardous materials response plan would comply with PHMSA and FRA requirements (49 C.F.R. Part 130) for comprehensive oil spill response plans, which include identifying resources (e.g., personnel and equipment) and procedures for responding to a worst-case discharge of oil. The procedures would address oil spill removal. In accordance with 49 C.F.R. § 130.150, the Coalition would submit the plan to PHMSA for review and approval. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Karen Dils (UBR-DEIS-00279-6)

Comment	Response
<p>5 - The dangerous mountain passes this train will have to negotiate year-round and potential for accidents, spills and fires. Previously sparks from trains ignited fires here and now the potential is even greater with the drought and increased development. The potential damage to our public lands, scenery, soundscape, waters, etc. is far greater than the need for more money for this company's owner who wants to more cheaply refine it in the Gulf to be shipped to other countries with less stringent pollution standards thus increasing climate impact. Please deny this.</p>	<p>OEA notes the commenter's concern regarding rail safety. Please refer to Section 3.2, <i>Rail Operations Safety</i>, which describes the potential likelihood of and impacts from train accidents on the proposed rail line and in the downline study area. Section 3.4, <i>Biological Resources</i>, describes the potential impacts associated with wildfire. Section 3.11, <i>Land Use and Recreation</i>, discusses impacts on public land resources. Section 3.12, <i>Visual Resources</i>, discusses impacts on scenery. Section 3.3, <i>Water Resources</i>, describes impacts on water resources. Section 3.7, <i>Air Quality and Greenhouse Gases</i>, discusses impacts on climate change. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Craig Wallentine (UBR-DEIS-00424-4)

Comment	Response
<p>3) EIS Understates Catastrophic Rail Accident Risk: The SCIC proposal does not effectively address the risk of a catastrophic rail accident on the single line railway. The four page Appendix on Rail Safety acknowledges the dramatic, recent increase in major crude oil rail accidents since oil production in remote regions without a modern fuel transportation system increased. The EIS then goes on to say that the risk of this type of well-documented accident occurring is essentially zero - which is ridiculous for anyone familiar with "black swan" events. A Union Pacific rail engine just</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>, which describes how OEA defined the downline study area. Section 3.2, <i>Rail Operations Safety</i>, Tables 3.2-1 to 3.2-3 include information regarding the predicted numbers of train accidents along each of the Action Alternatives and for existing rail lines in the downline study area. Please also refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, which describes the methods OEA used to analyze risk of rail accidents. OEA did not analyze rail operations impacts at refineries that could receive trains originating on</p>

<p>exploded during in the past few weeks near the Utah/Wyoming border - what happens when there a thousand + rail cars stranded by such an event? The "No Action" proposal is by far the safest option for the citizens of Northeast Utah and Western Colorado. Responsible transport officials must also consider the 1500 miles the rail cars will have to travel to get to the "Cancer Alley" refining network on the US Gulf Coast.</p>	<p>the proposed rail line because those refineries are outside of the downline study area, as defined by the Board's downline analysis thresholds. Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>, provides additional information regarding how OEA identified the downline study area.</p> <p>OEA did not assess the potential impacts that could be associated with "black swan events," which are worst-case scenarios that have a very low probability of occurring, as such an analysis would be unnecessary and inappropriate under NEPA. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Craig Wallentine (UBR-DEIS-00424-5)

Comment	Response
<p>4) EIS is Deficient in terms of Emergency Response Planning: The EIS is deficient in that it simply states that the SCIC sponsors will produce an "emergency response plan" as if that will somehow mitigate the fundamental risk of executing a badly designed project. The oil & gas industry had a "emergency response plan" for the BP oil spill in the Gulf of Mexico that mentioned wildlife only present in the Arctic and called for response materials to come from Asia rather than local Gulf ports. How do transportation response teams get to the site? Where will the skilled responders come from? How fast can they get to the site with the necessary equipment to resolve the issues? How much will it cost to maintain effective response teams? What if the massive accident occurs in the mountains of Colorado or in a populated area in Texas or Louisiana? The quality and effectiveness of a SCIC "emergency response plan" must not be taken for granted. The lives of rail workers, emergency responders and those of track side communities are at stake.</p>	<p>As set forth in Chapter 4, <i>Mitigation</i>, the Coalition's voluntary mitigation measure VM-11 would commit the Coalition to developing a hazardous materials emergency response plan, which would need to comply with PHMSA and FRA requirements for comprehensive oil spill response plans and would be provided to federal, state, local, and tribal emergency response agencies during rail operations. The Coalition would identify the specific details of the emergency response plan should the Board authorize the proposed rail line, including identifying specific emergency response providers, emergency response routes, and the location of equipment. Under VM-12 and VM-13, the Coalition has committed to working with affected communities to identify emergency service providers for the service areas along the proposed rail line and to conduct emergency response drills with local emergency response providers. As described in Section 3.2, <i>Rail Operations Safety</i>, OEA anticipates that implementation of the Coalition's voluntary mitigation measures and adherence to applicable federal requirements would minimize impacts on safety. However, rail operations inherently involve the potential for accidents, and even with a well-designed emergency response plan, the potential for impacts from a rail accident would be unavoidable.</p> <p>Regarding the potential for impacts in Colorado, please refer to Section 3.2, <i>Rail Operations Safety</i>, which describes the potential for rail accidents and the consequences of those actions on the downline rail segments within the state. OEA did not analyze downline impacts in Texas or Louisiana because rail lines in those states that may carry commodities originating on the proposed rail line are outside of the downline study area, as defined by the Board's downline analysis thresholds. Please refer to</p>

	<p>Summary Response 1: <i>Downline Impacts Analysis Methods</i>, and Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>, for additional information regarding how OEA identified the downline study area. While mitigation measures in Chapter 4, <i>Mitigation</i>, related to the emergency response plan would not apply to downline routes, the operators of the existing rail lines in the downline study area are and would continue to be required to comply with all applicable FRA and PHMSA safety regulations for transportation of hazardous materials. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>Craig Wallentine (UBR-DEIS-00424-6)</p>	
<p>Comment</p>	<p>Response</p>
<p>5) EIS is Deficient as it Fails to Discuss Disaster Recovery Plans: The EIS does not explain what happens after an accident on the single line track shuts down the line. What happens to the crude production that is far greater than the average [underline: available] surge capacity in the proposed rail terminals? What happens with the stranded empty rail cars and the full rail cars on either side of the rail line? How long can the rail cars full of waxy crude be maintained at heat especially in the mountain in the winter when such events are most likely? What is the plan for dealing if a two mile long wax candle is created? Who pays the demurrage on the thousands of rail cars put out of action? How will the pollution caused by the train accident be handled? How will wildlife be protected and helped to recover? What happens if a major wildfire closes the line? Who will pay? SCIC is avoiding any discussion of important financial risks to this project. For the sake of the American public, please chose the "No Action" alternative until the superior plan for UIB energy transport is brought forward.</p>	<p>OEA notes the commenter’s concerns about the potential for a rail accident and the commenter’s preference for the No-Action Alternative. Please refer to Section 3.2, <i>Rail Operations Safety</i>, which describes the potential likelihood and consequences of train accidents, including oil spills and fires, on the proposed rail line. Chapter 4, <i>Mitigation</i>, identifies mitigation measures that would minimize the likelihood of train accidents and oil spills, including adhering to FRA, PHMSA, and TSA safety regulations (VM-1, VM-15). To minimize the potential consequences associated with a derailment or oil spill, the Coalition has committed to developing a hazardous materials response plan and complying with regulatory notification requirements in the event of a spill (VM-11, VM-14). The hazardous materials response plan would comply with PHMSA and FRA requirements (49 C.F.R. Part 130) for comprehensive oil spill response plans, which include identifying resources (e.g., personnel and equipment) and procedures for responding to a worst-case discharge of oil. The procedures would address oil spill removal. Section 3.4, <i>Biological Resources</i>, discusses the potential impacts of oil spills on wildlife and mitigation measures to respond to and minimize impacts of a spill.</p> <p>OEA anticipates that in the event of an oil spill or other major incident, the proposed rail line in the vicinity of the incident would be temporarily out of service until it is considered safe for trains to resume service. The business costs associated with a train accident, oil spill, or temporary closure of a rail line (such as due to wildfire), including the cost of responding to and cleaning up an oil spill and costs associated with delayed shipments (such as demurrage charges) while the rail line is temporarily out of service would be borne by the</p>

	<p>railroad operators, shippers, terminal operators, and other related parties. Such business costs are not considered environmental impacts and are outside the scope of OEA’s review under NEPA.</p> <p>As described in Section 3.15, <i>Cumulative Impacts</i>, OEA anticipates that if the proposed rail line is constructed, new rail terminals would be constructed by third parties to facilitate the transfer of oil from truck to trains. In the event crude oil production exceeds the available capacity of rail terminals, OEA anticipates other transportation options, including trucking, could transport excess crude oil to refineries. The volume of crude oil produced in the Basin and the mode of transportation to refineries will be driven by market conditions and would likely fluctuate over time. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Craig Wallentine (UBR-DEIS-00424-11)	
Comment	Response
<p>10) EIS Fails to Address Increased Occupational Health and Safety Risks: The SCIC proposal does not address occupational health and safety to risks to the transportation workers exposed to hydrocarbons during normal operation or during an emergency event. Given the massive increase in local trucking, rail car loading and unloading, EIS fails to discuss how transport workers will be protected from well know health risks from handling hydrocarbons. In addition to failing to address the health and safety of transport workers, EIS is silent about the health impacts on refining workers in the "Cancer Alley" refining network along the US Gulf Coast further proving that this project is neither a public convenience nor a necessity.</p>	<p>Section 3.2, <i>Rail Operations Safety</i>, discusses the potential for crude oil spills from train accidents on the proposed rail line and the potential consequences of such a spill, including exposure of the public and railroad workers to spilled crude oil. The Coalition has proposed voluntary mitigation measures that would minimize the chance of a spill and the health and safety impacts in the event of a spill (Chapter 4, <i>Mitigation</i>). These measures commit the Coalition to adhere to applicable OSHA regulations, develop an emergency response plan for operations, notify local agencies in the event of a spill, and comply with federal regulations and tribal ordinances applicable to the transportation of hazardous materials (VM-1, VM-11, VM-14, VM-15). OEA notes that, during normal rail operations, rail workers would not be directly exposed to crude oil carried on the proposed rail line because oil would be contained in rail cars.</p> <p>As described in Section 3.15, <i>Cumulative Impacts</i>, OEA anticipates that new rail terminals would be constructed at the terminus points of the proposed rail line near Myton and Leland Bench, Utah to transfer crude oil or other commodities between trucks and rail cars. The Coalition anticipates that third parties would construct and operate the new rail terminals if the proposed rail line is authorized. Subsection 3.15.5.2, <i>Rail Operations Safety</i>, describes the industry practices and local, state, and federal standards and guidelines that terminal operators would follow to protect workers and minimize risks associated with hazardous material exposure. Federal requirements would include</p>

	<p>adhering to OSHA guidelines for exposure of workers to hazardous materials.</p> <p>Unloading crude oil would occur at refineries downline of the proposed rail line. OEA did not analyze rail operations impacts at refineries that could receive trains originating on the proposed rail line because those refineries are outside of the downline study area, as defined by the Board’s downline analysis thresholds. Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>, and Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>, for additional information regarding how OEA identified the downline study area. Similar to the rail terminal operators, refinery operators would be required to adhere to federal, state, and local safety regulations, including OSHA guidelines regarding exposure of workers to hazardous materials.</p> <p>Regarding public convenience and necessity, OEA notes that the Coalition has sought an exemption, under 49 U.S.C. § 10502, from the regulatory requirements of 49 U.S.C. § 10901; therefore, the public convenience and necessity standard in § 10901 is not directly at issue before the Board. OEA additionally notes that it is the responsibility of the Board, not OEA, to apply the agency’s statute at 49 U.S.C. § 10502 and to consider the transportation merits under the exemption criteria contained in that statutory section. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Duchesne County, Mike Hyde (UBR-DEIS-00436-62)

Comment	Response
<p>Page 4-4 Hazardous Materials Transport and Emergency Response: VM-14. In the event of a reportable hazardous materials release, the Coalition will notify appropriate federal, state, [bold and underline: county] and tribal environmental agencies as required under federal, state, and tribal law. [Bold: Comment: Hazmat incidents must be reported to the Duchesne County Fire and Emergency Management Department and the TriCounty Health Department.]</p>	<p>This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to the voluntary mitigation measures proposed by a railroad applicant. However, in response to comments, OEA has added a new mitigation measure (ROS-MM-1), which would require the Coalition report releases of hazardous materials during rail operations to local agencies.</p>

Uintah County Commission, Ross Watkins (UBR-DEIS-00440-3)

Comment	Response
<p>Section 3.2, Rail Operations Safety Section 3.2.3.1 Impacts Common to All Action Alternatives On the rare occasion that an accident caused a crude oil spill, it is unlikely that any of the alternatives in Uintah County would affect any major waterways. The Whitmore Park and Indian Canyon Alternatives are not located near any streams or bodies of water in Uintah County. The Wells Draw Alternative is</p>	<p>OEA acknowledges the commenter’s statements that the potential is low for crude oil spills to affect waterbodies in the vicinity of the proposed rail line. Section 3.2, <i>Rail Operations Safety</i>, and Section 3.3, <i>Water Resources</i>, describe the potential number of rail accidents involving loaded trains that may result in a release of crude oil, and the potential effects of a release on waterbodies. Therefore, no</p>

located near the Myton Townsite Canal, and appears to cross it in two spots, but this is not a major waterway.	changes to the Draft EIS are warranted in response to this comment.
Jay Ginrich (UBR-DEIS-00463-3)	
Comment	Response
The Downline Segment Analysis, Traffic and Predicted Accidents per Year tables do not consider the full routing to reach destinations along the Gulf Coast. It also greatly understates the probable number and consequences of accidents.	Please refer to response to Comment UBR-DEIS-00424-4 above regarding the downline analysis study area.
Uintah County Commissioners, Brad Horrocks (UBR-DEIS-00561-3)	
Comment	Response
Section 3.2, Rail Operations Safety Section 3.2.3.1 Impacts Common to All Action Alternatives. On the rare occasion that an accident caused a crude oil spill, it is unlikely that any of the alternatives in Uintah County would affect any major waterways. The Whitmore Park and Indian Canyon Alternatives are not located near any streams or bodies of water in Uintah County. The Wells Draw Alternative is located near the Myton Townsite Canal, and appears to cross it in two spots, but this is not a major waterway.	Please refer to response to Comment UBR-DEIS-00440-3 above.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-13)	
Comment	Response
RAIL OPERATIONS SAFETY The DEIS glosses over the very real possibilities of rail related accidents including collisions, derailments, wildfires, and spills. The only mitigation measures noted in the DEIS are for the Coalition to prepare a hazardous materials emergency response plan. The reality is that due to the remoteness of the area where the proposed railway will be built, emergency response teams will almost always be a minimum of 30 to 45 minutes away. In that amount of time a spill or a wildfire sparked by a passing train could trap and kill hundreds of people who are recreating or are part-time residents in the area. No utilities exist in the Argyle Canyon and Indian Canyon areas and cellular reception is spotty at best, and consequently, there is no emergency warning system available to warn residents in the canyons of a wildfire, explosion, or train derailment. As residents we will be left totally unprotected.	To address concerns about impacts on emergency access and evacuation in the event of a train accident, OEA is recommending a new mitigation measure (VSD-MM-6) that would require the Coalition consult with private landowners and communities affected by new at-grade crossings to identify measures to mitigate impacts on emergency access and evacuation routes and incorporate the results of this consultation into the Coalition's emergency response plan. For example, these measures may include identifying new ingress/egress routes that can be used in the event of an emergency to improve safety.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-24)	
Comment	Comment
DOWNLINE IMPACTS It is clear that OEA did not go far enough in evaluating the downline impacts of the proposed rail line. OEA arbitrarily confined the downline study area to extend only to the outer edge of the Denver Metro/North Front Range area,	Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i> .

and only studied the downline impacts associated with air quality, completely ignoring rail safety impacts.	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-2)	
Comment	Response
The draft EIS's discussion of the railway's operations and downline effects is also severely deficient. It arbitrarily confines its analysis of downline operational impacts to only as far as the Denver Metro area, although crude oil would be destined for refineries many hundreds of miles further east, including Gulf Coast refineries. The analysis of derailment and spill risks does not take into account various risk factors, including the increased danger posed by unit crude oil trains and unique local factors that could increase the chance of derailment. It also fails to conduct meaningful analysis of the consequences of derailment and their potential severity.	Please refer to response to Summary Response 1: <i>Downline Impacts Analysis Methods</i> , and response to Comment UBR-DEIS-00424-4 above regarding the downline analysis study area. Please also refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i> , regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences.
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-21)	
Comment	Response
The DEIS Fails to Adequately Analyze Transportation Safety Issues. The DEIS's analysis of the risks of derailment and other transportation hazards is seriously flawed. The EIS must expand the STB's "study area" of the likely main unit train transportation routes for Uinta crude cargoes beyond "the outskirts of Denver" to consider the risks of all the routings likely to be traversed by Uinta crude unit trains. Further, the EIS must consider any special environmental and geologic hazards for each route and unique risk factors to crude unit trains, in analyzing the chances of a derailment. It must also perform a robust analysis of the consequences of derailment, with attention to risks to densely populated areas.	OEA notes this comment. Please refer to response to Summary Response 1: <i>Downline Impacts Analysis Methods</i> regarding the downline analysis study area. Please also refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i> , regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences.
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-22)	
Comment	Response
The Downline Study Area Is Arbitrarily Limited The EIS confines the "downline study area" to "segments of existing rail lines outside of the Basin that could experience an increase in rail traffic above OEA's thresholds at 49 C.F.R. § 1105.7(e)(5) if the proposed rail line were constructed." DEIS at 3.2-1. This area "extends from the proposed connection near Kyune to the northern, eastern, and southern edges of the Denver Metro/North Front Range air quality nonattainment area (Appendix C, Downline Analysis Study Area and Train Characteristics, Figure C-1)." Id. OEA's thresholds under 49 C.F.R. § 1105.7(e)(5), however, appear to only limit the area of analysis for air quality impacts. There is nothing	Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i> . OEA has consistently applied its analysis thresholds at 49 C.F.R. §§ 1105.7(e)(5) and 1105.7(e)(6) to identify rail lines that could experience environmental impacts as a result of Board actions. In this case, OEA used a computer model to identify practical routes that trains could take from Kyune, Utah to various potential destinations. Through this analysis, OEA identified a downline study area comprising several existing rail lines that could experience an increase in rail traffic that would exceed OEA's analysis thresholds. OEA concluded that, outside of that downline study area, rail traffic would be diffused,

<p>in the regulation to suggest that it was intended to limit the STB's review of downline public safety impacts. The STB merely states in conclusory fashion: "Based on its experience applying the thresholds for air and noise on freight rail construction and operation projects, OEA has determined that these thresholds should also apply to freight rail safety and grade-crossing safety and delay." DEIS at C-1. It is unclear why this should be the case. OEA cannot limit NEPA review in this manner where NEPA requires the disclosure of indirect effects of a proposed action so long as they are reasonably foreseeable. Limiting the downline study area for rail safety impacts to only those particular segments where train traffic is likely to increase by eight trains per day (or three trains per day in nonattainment areas) without explanation is arbitrary and unsupported. At a minimum, the EIS should analyze the overall risk of an accident along the entire route between the Uinta Basin and eastern refineries. Focusing on limited segments of the rail between and within the Uinta Basin and the Denver nonattainment area ignores the vast majority of the downline rail route along which an accident or derailment could occur.</p>	<p>and it is not reasonably foreseeable that any rail lines outside of the downline study area would experience an increase of rail traffic of three trains per day or more. Therefore, OEA concluded that rail operations safety impacts outside of the downline study area would be negligible.</p> <p>OEA has determined that application of the thresholds in 49 §§ 1105.7(e)(5) & 1105.7(e)(6) is appropriate for assessing downline rail safety and grade crossing safety and delay impacts, in addition to air and noise impacts. All of these downline impacts are being assessed because they could result from rail operations potentially caused by the increase in rail traffic on existing lines over which there is already rail traffic. As with air and noise, OEA has reasonably determined that an increase of less than 8 trains per day on those existing rail lines would not have a significant impact on rail safety and grade crossing safety and delay.</p> <p>No changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-23)

Comment	Response
<p>The DEIS's Rail Safety Risk Analysis Must Be Revised. The DEIS's risk analysis analyzes both the probability and consequences of derailment using a quantitative risk assessment. As explained in Attachment A, risk assessments are notoriously flawed because they rely on shoddy and incomplete data and unreliable assumptions, and recent risk assessments of crude by rail accident risks have been discredited by real-world historical data. Instead of performing a risk assessment based on irrelevant data, the EIS should look at real-world and site-specific local conditions and use real world data specific to crude oil trains in analyzing both the chances and consequences of a rail derailment, as further explained in Attachment A. In any case, the DEIS's quantitative risk assessment contains major flaws, which must be corrected.</p>	<p>See Summary Response 2: <i>Rail Accident Analysis Methodology</i>. OEA did not conduct a quantitative risk assessment as part of its environmental review as NEPA does not require such an assessment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-24)

Comment	Response
<p>The DEIS's projection of accident rates is flawed. The DEIS does not consider local site-specific factors in assessing the risk of accidental derailment. Instead the DEIS merely takes into account the national average of derailment accidents, multiplied by an accident rate factor for the specific track class at issue (e.g., a factor of 2 for</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>. In addition, please refer to Section 3.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste Sites</i>, which discusses potential geologic hazards, including areas prone to landslides, mass movement, and erosion, that could affect the proposed rail line. Section 3.3, <i>Water</i></p>

lower quality Class III tracks and a factor of 0.5 for higher quality tracks-meaning that accidents are twice as likely to occur on Class III tracks compared to the national average for all tracks classes, and half as likely to occur for higher class tracks compared to the national average for all tracks overall). DEIS at E-2. Numerous local factors can increase the risk of derailment including climate, local geological conditions, and condition of tracks. The DEIS notes that the proposed rail will be built in areas prone to landslides and soil erosion by wind and water, while substantial portions of the project area's landslide potential soil characteristics are unknown. For example: In some locations, the weak and weathered Green River Formation has failed, resulting in mass movement. Approximately 2,200 acres in the study area have been mapped as landslide, debris flow, and rockslide areas (Utah Geological Survey 2010a). These include deep or unclassified landslides that are generally more than 10 feet thick and deep, as well as shallow landslides from talus, colluvial, rock-fall, glacial, or soil-creep deposits (Utah Geological Survey 2010b) (Figure 3.5-2). Mapped landslides lie primarily in the southwestern portion of the study area underlain by the Green River Formation. However, this portion of Utah has not undergone an extensive landslide mapping; accordingly, this mapped acreage likely represents only a small proportion of areas affected by mass movement. DEIS at 3.5-7. Landslides can and have caused train derailments. [Footnote 37: Washington State Energy Facility Site Evaluation Council, Adjudication Findings of Fact, Conclusions of Law, and Order to Proceed to Recommendation to the Governor, In the Matter of: Application No. 2013-01 Tesoro Savage, LLC, Vancouver Energy Distribution Terminal, Case No. 15-001 at 37, 39, 43, 62-63 (Dec. 19, 2017) (hereafter "Washington EFSEC 2017").] Flooding could also increase the risk of derailment. [Footnote 38: Chavez, Nashelly, Flooding likely factor in train derailment, Union Pacific says, Sacramento Bee (Feb. 11, 2017), <https://www.sacbee.com/news/local/transportation/article132227414.html>.] Given the hundreds of stream crossings and stream realignments required for the project and proposed development in floodplains, derailment caused by flooding could be a real risk. Further, the Canada National Transportation Safety Board has stated that unit trains, made up entirely of tank cars, could make tracks more susceptible to failure. [Footnote 39: Martell, Allison, Exclusive: CN Rail derailment numbers soared before recent crashes, Reuters (Mar. 23, 2015) [*Resources*, describes impacts from flooding, including the risk of cloudburst floods that could damage the proposed rail line, as well as potential impacts related to stream crossings and stream realignments. Chapter 4, *Mitigation*, identifies mitigation measures that would minimize the risks of accidents associated with geologic hazards along the proposed rail line \(GEO-MM-2 through GEO-MM-5\). In addition, the Coalition's voluntary mitigation measure VM-1 would require adherence to FRA safety regulations to minimize the risk of track failure. This would include designing and maintaining the proposed rail line in conformance with FRA track safety standards at 49 C.F.R. Part 213. Therefore, no changes to the Draft EIS are warranted in response to this comment.](https://www.reuters.com/article/instant-</p>
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<p>article/idUSKBNOMJ0AZ20150323.] The frequent running of crude unit trains on the proposed railway may increase the risk of track failure.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-25)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS should consider all site-specific conditions and hazards that may increase the risk of track weakening and/or derailment. In addition, the DEIS fails to consider the unique derailment risks posed by heavy, long unit trains that would exclusively transport crude oil. The DEIS's statement that "the specific cargo type does not determine the chance of a train accident" is incorrect. DEIS at E-4. According to the Pipeline and Hazardous Materials Safety Administration (PHMSA), such carloads tend to be heavier and thus more susceptible to derailment: There is reason to believe that derailments of [High-Hazard Flammable Trains] will continue to involve more cars than derailments of other types of trains. There are many unique features to the operation of unit trains to differentiate their risk. The trains are longer, heavier in total, more challenging to control, and can produce considerably higher buff and draft forces which affect train stability. In addition, these trains can be more challenging to slow down or stop, and can be more prone to derailments when put in emergency braking, and the loaded tank cars are stiffer and do not react well to track warp, etc., which when combined with high buff/draft forces can increase the risk of derailments. [Footnote 40: U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Draft Regulatory Impact Analysis for Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains; Notice of Proposed Rulemaking, July 2013 ("Draft RIA PHMSA-2012-0082") at 24.]</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding how OEA analyzed the potential for rail accidents and the new mitigation measure OEA is recommending to minimize the potential for train accidents associated with problems with the track and localized conditions. As discussed in Subsection 3.2.3, <i>Environmental Consequences</i>, OEA considered train length and composition in identifying the potential impacts of an accident during rail operations. However, insufficient data exist on accident rates for unit trains carrying crude oil in general, or trains carrying waxy crude oil in particular, to allow OEA to calculate commodity-specific accident rates. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-26)</p>	
<p>Comment</p>	<p>Response</p>
<p>The length of crude unit trains proposed here-up to almost two miles long-would also affect the risk of derailment. Including all freight train data in the accident rate analysis is unsupported. The DEIS should analyze the rate of crude oil unit train derailments, not that of freight trains generally. The DEIS's analysis of the risk of derailment also assumes that loaded and empty cars would have an equal risk of derailment. DEIS at 3.2-5 ("Because OEA predicts that accidents would be equally likely to occur for loaded trains leaving the Basin and empty trains entering the Basin, only half of the predicted accidents would involve loaded trains with the potential to release any quantity of crude</p>	<p>As noted in the comment, there is insufficient unit train rail traffic data to support unit train specific accident rates, whether for loaded or unloaded unit trains. Therefore, in the absence of such data and consistent with past OEA analyses, OEA assumed that accidents would be equally likely to occur for loaded and unloaded trains.</p>

<p>oil."). This assumption is not backed by any evidentiary support or fact-based reasoning. A study analyzing derailment data from the Federal Railroad Administration's database found: "Approximately five times more loaded unit train derailments were recorded in the database than empty unit trains... ," but the study could not compare the [italics: rate] of derailments for loaded versus unloaded trains in the absence of rail traffic data. [Footnote 41: Li, Weixi, Quantitative Analysis of the Derailment Characteristics of Loaded and Empty Unit Trains, Journal of the Transportation Research Board (Nov. 2018), https://doi.org/10.1177/0361198118810780.] Still, the assumption that loaded and empty cars have an equal chance of derailment seems highly questionable given that loaded trains are heavier and would take longer to decelerate. The EIS must justify this assumption with reasoned analysis and data.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-27)

Comment	Response
<p>The DEIS also attempts to minimize the increased risk of a derailment by stating that the probability of an accident of unit crude trains between the Uinta Basin and Denver is lower than the current baseline probability of an accident along this route. DEIS at 3.2-7. ("Table 3.2-2 shows that the predicted accident risk involving trains coming from or heading to the proposed rail line would be lower than the baseline accident risk on all downline segments except for the Kyune to Denver segment."). But the new rail line would [italics: add to] the overall risk of train derailment along this route by increasing overall traffic levels, not reduce the overall chance of a derailment as the DEIS misleadingly suggests. The DEIS must also consider the safety record of Rio Grande Pacific in its analysis of accident rates. The STB requires the applicant to submit in its environmental report for the proposed action "the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills." 49 CFR 1105.7(7)(e)(ii). This real-world historical data should be taken into account in analyzing the project's chances of derailments, accidents, and hazardous spills. Further discussion of flaws in the STB's accident probability analysis is provided in Attachment A.</p>	<p>OEA notes that the Draft EIS does not state that the number of accidents would decrease on the downline routes. Table 3.2-2 shows predicted accidents for loaded and unloaded trains separately, along with those for baseline (existing) traffic. This format allows readers to compare the magnitude of the additional accident risk that could be associated with operation of the proposed rail line to the existing accident risk on downline segments. Similarly, the comparative statement referenced by the commenter is intended to provide context for the magnitude of the increase in predicted accidents. Accident rates specific to Rio Grande Pacific are not available for analysis. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-28)

Comment	Responses
<p>The DEIS minimizes the consequences of derailment. The DEIS also downplays the consequences of derailment and fails to reliably and</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>.</p>

<p>meaningfully analyze the consequences of a crude train accident. An EIS's analysis of "reasonably foreseeable" impacts should include impacts "which have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason." 40 C.F.R. § 1502.22(b)(1). As an initial matter, the DEIS's methodology for determining the probability and frequency of release of crude oil cargo is entirely opaque. The DEIS merely cites to various data that it relies on (e.g., accidental releases in Utah, average number of cars derailed in a crude by rail derailment, volumes of oil released in select major spill releases) and vaguely refers to "other" unidentified data without explaining how this data was weighted in its quantitative analysis or its method of determining the probability of a spill or release. DEIS at E-2 to E-4. The EIS must disclose all data and the methods used to make these projections. It is also unclear whether in determining the probability of a release, the DEIS considered data or factors unique to crude oil unit trains. In a nine-year period between 2006 and 2016, almost two-thirds of crude and ethanol accidents (16 out of 24) spilled more than a quarter of the derailed tank car contents. [Footnote 42: Washington EFSEC 2017 at 52; Prefiled Testimony of Robert Chipkevich Filed by the City of Vancouver, In the Matter of Application No. 2013-01, Tesoro Savage, LLC, Vancouver Energy Distribution Terminal, Case No. 15-001 at 13 (May 9, 2016) (hereafter "Chipkevich Testimony").] The average release from a crude oil or ethanol train derailment was 270,000 gallons, which is equivalent to about 30 gasoline cargo tank trucks. [Footnote 43: Id.] However, the DEIS suggests that if any spills were to occur they would likely be minor releases "equivalent to one car or less." DEIS E-4. The STB's quantitative analysis limits the consideration of consequences to only the occurrence and frequency of spills, presented in a chart showing small probabilities. DEIS at E- 4.</p>	<p>Regarding the reference to "other data" in Appendix E, <i>Rail Accident Rates</i>, page E-4, OEA was referring to the referenced distribution of spills on page E-3 that was extrapolated to also address an extreme collision/derailment case drawing on the sources of data presented in Appendix E. OEA revised the text in Appendix E in the Final EIS to clarify that it used data and approaches summarized previously in the appendix to determine release sizes.</p>
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<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-29)</p>	
<p>Comment</p>	<p>Response</p>
<p>The same expert whose work the DEIS relies on for its rail safety risk analysis has attested that if crude oil is spilled in derailment "there's a fair chance that there's going to be an ignition source which will lead to a fire." [Footnote 44: Id. at 53.] But the DEIS fails to estimate the likelihood, nature, size, or effects of potential fire/explosion impacts of any of the potential release volumes (e.g., area of impact</p>	<p>Please refer to Summary Responses 1: <i>Downline Impacts Analysis Methods</i>, and Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences, including oil spills and fires.</p>

<p>and evacuation, number of people/homes evacuated, number of fatalities, hours or days burning, emergency response costs). Moreover, the DEIS fails to discuss these impacts in the context of the local environment along the proposed rail routes and representative downline and local communities that could be affected, and how they would be impacted</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-30)

Comment	Response
<p>The DEIS downplays the risks of spills and fires from releasing Uinta Basin crudes without citing any evidence or analysis on the properties of waxy crude, oil shale, or bitumen. It also does not acknowledge the potential for spills and release of a number of other products, including refined oil products and fracking chemicals, which the railway is likely to transport. The DEIS also minimizes the risks of a spill accident by assuming that new federal oil tanker standards, once fully in effect, will effectively reduce risks, when these regulations are only marginally more effective in reducing the risk of a spill given the compromise that regulators and rail shippers have struck: every additional layer of protection required to improve safety reduces the amount of cargo that can be transported given the constraints of train weight restrictions. The PHMSA estimates that the DOT-117 will only provide a 21% risk reduction over the unjacketed CPC-1232 and only a 10% risk reduction over the jacketed CPC-1232. [Footnote 45: Draft RIA PHMSA-2012-0082, p. 120.] Evidence demonstrates that even the latest generation DOT-117 cars-which all oil tankers must upgrade to by 2025-puncture at speeds lower than the speed at which derailments occur. [Footnote 46: Id. at 52.] DOT-117 cars have a puncture velocity of only 12.3 miles per hour and are designed to withstand pool fires for only up to 100 minutes and torch fires for up to 30 minutes. [Footnote 47: Id. at 39-40, 346.] Chlorine tank cars with 3/4-inch shells similar to the DOT-117 model punctured in accidents in South Carolina and Texas. [Footnote 48: Id.]</p>	<p>Because the proposed rail line is anticipated to primarily transport crude oil, OEA focused on this commodity in its analysis of potential spills. OEA did not assess the possibility of releases of other commodities in detail because OEA anticipates that the volumes of commodities transported other than crude oil would be low. OEA estimated the probability of crude oil releases (spills) and the amount of crude oil that could be released based in part on the anticipated rail car types, which are described in Appendix E, <i>Rail Accident Rates</i>. OEA used the most relevant data available on the probabilities of release for rail cars of different designs to inform its analysis. Based on the data cited in Appendix E, OEA assumed that all rail cars have the potential to result in a crude oil release as a result of an accident, but that better-protected cars, including DOT-117 cars, reduce the chance of release. The purpose of designing, and then requiring the use of, new rail cars was to improve the safety of the rail cars and, thus, reduce the chance of releases in accidents. The statements by PHMSA referenced in the comment support OEA’s assumption. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-34)

Comment	Response
<p>The DEIS assumes that local emergency responders along the routes will have the capability to respond to serious derailments and crude rail disasters (e.g., training, manpower, access to high volumes of water/foam, communication/notification systems), without evidentiary support. In addition, once a fire occurs, there are "low odds of being able to actively fight and extinguish such a fire"; as of 2017, "no</p>	<p>Please refer to response to Comment UBR-DEIS-00424-5 above. Please also refer to Section 3.13, <i>Socioeconomics</i>, which identifies the providers of fire protection and emergency services responsible in each of the local jurisdictions in the study area. OEA notes that, because the proposed rail line has not been constructed, the emergency response capabilities related to train operations cannot be</p>

<p>High Hazard Flammable Trains fire has been controlled by using an offensive strategy during Phase I and... fire fighters typically use either a defensive or non-intervention strategy." [Footnote 49: Id. at 54-55, 203.] The DEIS must address the limitations of federal oil train regulations, and local emergency response. Additional explanation of the flaws in the STB's accident consequences analysis is provided in Attachment A.</p>	<p>evaluated at this time. The preparedness of local emergency response providers is the responsibility of local and state officials, and it is beyond the scope of OEA's environmental review under NEPA to further assess the capabilities of local emergency responders. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-159)

Comment	Response
<p>Damage to water systems can be mitigated by reducing the likelihood of oil spills in the first place. Notably, spills from train derailment have been on the rise and the results can be catastrophic. Spills from train derailment have been on the rise, with a higher volume of oil spilled from 2013-2015 than had occurred in the 37 years previous. [Footnote 300: RSC Panel 2015 at 41.] In fact, a total of 1.13 million gallons of oil spilled as a result of train derailments in 2013 alone. [Footnote 301: Edwards, Andrea, Mitigating the Risk of Crude Oil Transport by Rail, Zurich (no date) ("Zurich Mitigating Crude Oil Transport Report") at 2.] Individual train derailments can result in the release of large amounts of oil. Recent major spills include a 2013 spill of approximately 750,000 gallons of crude oil in Alabama, a 2014 spill of 400,000 gallons of crude oil in North Dakota, and a 2014 spill of 50,000 gallons spilled in Virginia. [Footnote 302: Zurich Mitigating Crude Oil Transport Report at 2.] In many cases derailments can result in fire. [Footnote 303: RSC Panel 2015 at 41.] Cleanup costs of individual spills can reach 25 million dollars. [Footnote 304: Zurich Mitigating Crude Oil Transport Report at 2.] Despite these obvious risks, the DEIS does not disclose them or consider mitigation measures to reduce the likelihood or severity of train derailment. For instance, train derailments are frequently a result of broken rails and welds. [Footnote 305: Id. at 5; see also Federal Railway Administration, Train Accident Reports (no date).] A study examining train derailments and mitigating oil spills from Zurich suggests additional inspections than what is required under the Federal Railroad Administration requires to reduce the likelihood of oil spills, including two annual high-tech track geometry inspections. [Footnote 306: Zurich Mitigating Crude Oil Transport Report at 5.] Also, the Zurich study suggests the use of predictive technology when a rail is carrying 20 cars of crude oil or more including track-side heat detectors that can predict potential future failures. [Footnote 307: Id.] None of these additional precautions intended to</p>	<p>OEA acknowledges the commenter's concern about the general increase in the number and volume of oil spills from rail accidents in North America in recent years. OEA agrees with the commenter that as more oil is moved by rail, more spills may involve oil. Appendix E, <i>Rail Accident Rates</i>, provides brief summaries of recent oil spills associated with rail accidents, including both the North Dakota and Virginia accidents cited in the comment. Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding how OEA analyzed the potential for rail accidents and the new mitigation measure OEA is recommending to minimize the potential for train accidents associated with problems with the track and localized conditions, which is consistent with the intent of the Zurich report referenced by the commenter.</p>

reduce the unique risks associated with transporting oil by rail and reducing contamination of the waterways are examined by the DEIS.	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-209)	
Comment	Response
<p>The US Surface Transportation Board's (STB) 2020 Draft Environmental Impact Statement (henceforth "DEIS") for the Uinta Basin Rail does not adequately consider [underline: public safety] risks. The professional formula in risk assessment is Risk = Consequence x Probability. The EIS must consider rigorously both major factors for a valid overall assessment result. The quantitative risk assessment (QRA) prepared for the DEIS is seriously flawed. The DEIS expends much effort on analyzing the [underline: probabilities side] of the equation without scientific basis that could produce credible risk assessment results. Most important, the DEIS neglects important [underline: risk factors] that would impact the [underline: consequences] (e.g., fires, explosions) of a crude oil release and fails to discuss potential consequences and their severity in meaningful terms.</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences. OEA did not conduct a quantitative risk assessment as part of its environmental review as NEPA does not require such an assessment.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-210)	
Comment	Response
<p>QUANTITATIVE RISK ASSESSMENT IS INHERENTLY PROBLEMATIC. As an initial matter, quantitative risk assessment (QRA) is a highly controversial tool that is easily manipulated to downplay high-consequence risks with assertions of low probability; this is the wrong approach.</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences. OEA did not conduct a quantitative risk assessment as part of its environmental review as NEPA does not require such an assessment.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-211)	
Comment	Response
<p>A recent critique of QRA methodology is the Washington State Energy Facility Siting Evaluation Council's (EFSEC) rigorous and highly critical analysis of the QRA approach adopted by proponents of a proposed crude oil terminal. [Footnote 3: Washington State Energy Facility Site Evaluation Council, Adjudication Findings of Fact, Conclusions of Law, and Order to Proceed to Recommendation to the Governor, In the Matter of: Application No. 2013-01 Tesoro Savage, LLC, Vancouver Energy Distribution Terminal, Case No. 15-001 (Dec. 19, 2017) (hereafter "Washington EFSEC 2017").] The agency adopted a more reliable approach utilizing real-world evidence. EFSEC made a detailed critique in this proceeding of the probabilistic modeling presented in support of the safety of crude by rail transportation to the proposed crude oil terminal by University of Illinois</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences. OEA did not conduct a quantitative risk assessment as part of its environmental review as NEPA does not require such an assessment. OEA used approaches consistent with numerous previous studies of rail safety within environmental studies. The dataset cited in the comment includes information on accidents that have occurred. The dataset, however, does not include data on accident rates per year or per mile that would allow for the potential accidents to be put into context and compared to the baseline traffic on the existing routes, nor does it include more minor accidents and accidents without releases.</p>

<p>Urbana-Champaign's researchers Dr. Chris Barkan and his team. EFSEC, in its analyses of crude oil train risks, adopted instead the "real- world historical risk" approach of former National Transportation Safety Board expert Robert Chipkevich-which uses data from a robust database of actual historical crude rail accidents. The terminal project was subsequently rejected as too risky on various grounds by Washington Governor Jay Inslee. The Uinta Railway Project DEIS has adopted the same QRA methodologies rejected by EFSEC and cited the same experts whose assertions are effectively discredited by the WA EFSEC statement. In the present case, the lack of a historical record specifically of waxy crude oil rail shipper and carrier operations and traffic records, and of accident rates and release behaviors of the specific crude cargoes, renders impossible any definitive assessment by concerned citizens of the likely consequences of a serious oil unit train release involving the crude oils at issue here (i.e., waxy crude and oil shale). But the information gaps also undermine the DEIS's pretense of a reliable QRA, which requires robust and relevant data as opposed to the DEIS's dubiously relevant, cobbled-together data from "all rail operations" and lumping together of data from many kinds of hazardous railcars, routings, and cargoes in various kinds of trains.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-212)

Comment	Response
<p>THE DEIS QRA'S ACCIDENT RATES ARE FLAWED. To calculate the probability of accidents on the proposed rail and downline routes, the DEIS assumes that the specific route hazards on the likely "downline" routes (outside the Uinta Basin vicinity) to major crude oil markets nationwide are accounted for by merely taking into account the national average accident rate data and an accident rate factor for each track class (which indicates the quality of the track). For example, lower class tracks (Class 3), which would be used for the Uinta Basin Railway, are purportedly twice as likely to involve accidents than the national average for all tracks. Accordingly, the DEIS multiplies the national accident rate by an accident rate factor of "2" to determine the accident rate for the Uinta Basin Railway. However, this approach lumps together recent accident rates data for all localities and types of trains and cargo, despite the fact that this kind of non-relevant data will not support a valid probabilistic risk assessment. The STB's OEA DEIS did look more carefully with comparative analyses at some local and geological or infrastructure</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>, and response to Comment UBR-DEIS-00424-4 above regarding the downline analysis study area. Please also refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences, including on downline routes.</p>

<p>characteristics of the rail routes that would likely be used by the main few Action Alternatives being considered from the Uinta Basin to nearby junctures with mainline rail tracks. But the DEIS did not extend such analysis to the "downline" routes nationally.</p>	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-213)	
Comment	Response
<p>The DEIS IGNORES SITE-SPECIFIC RISK FACTORS The DEIS neglects to analyze "downline" route-specific risk factors for the Uinta Basin Railway and "downline" routes to distant refineries that could contribute to the risk of derailment or accidents. Instead, it attempts to estimate the probability of derailment in a specific local area by in opaque fashion [underline: combining] the local track class data of tracks within the Study Area, extending as far as the outskirts of Denver, with generic national data on derailment rates derived from previous accidents of [underline: all] kinds</p>	<p>Please refer to the response to Comment UBR-DEIS-00683-212 above. As discussed in Section 3.2, <i>Rail Operations Safety</i>, OEA based its analysis of train accidents on FRA data. The FRA data include accident rates for passenger rail service and freight rail service generally and cannot be used to identify accidents rates for specific cargo types. OEA's analysis of accident rates took into consideration the track class of the proposed rail line and the track class of existing rail lines in the downline study area and included both mainlines and sidings. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-214)	
Comment	Response
<p>But track class (which indicates the quality of the track) is not the only factor that should be analyzed in the risk of derailment. The DEIS contains no discussion of the many other potential segment-specific infrastructure risk issues associated with the track structures and roadbed present, such as dangerous curves, washout potentials, trestles or tunnels, or migratory wildlife. A closer look at specific infrastructure features of the planned downline routes is required to reach any fair estimate of probability of derailments and accidental crude oil releases, especially given possible operational challenges caused by the expected heavy volumes of unit trains.</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences. Please also refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>, and response to Comment UBR-DEIS-00683-224 regarding potential impacts in the downline study area. Consistent with NEPA, the purpose of OEA's analysis is to estimate the relative likelihood of different types of potential accidents, not to make predictions of the potential for various impacts or outcomes occurring in specific locations. That type of analysis would be more appropriate as part of detailed quantitative risk assessment, which is not appropriate or required as part of the NEPA process. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-215)	
Comment	Response
<p>The DEIS's reliance on data from the accident history [underline: along all tracks] is especially puzzling, given that the past work of one of the EIS's main sources, Dr. Chris Barkan of the University of Illinois Urbana-Champaign (UIUC), acknowledges the importance of looking at local features when assessing risk. [Footnote 4: Barkan, Christopher, et al., <i>Railroad Derailment Factors Affecting Hazardous Materials Transportation Risk</i>, Transportation Research Record 1825, Paper No.</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding the data OEA used to analyze the likelihood of rail accidents for the proposed rail line and on downline routes.</p>

03-4429 at 67 (2003) (hereinafter "Barkan 2003"), available at <https://railtec.illinois.edu/wp/wp-content/uploads/pdf-archive/Barkan-et-al-2003.pdf>.] Dr. Barkan's work also highlights that the top risk factors in rail accident causation on a given stretch of track is broken rails and welds and buckled track-the data for neither of which the DEIS analyzes for the downline transcontinental rail network its shipments will traverse. NTSB accident investigations will frequently take account of the possibility that local route conditions can be a causal factor in serious derailments. For example, it is clear that specific route characteristics were centrally important in the Lac-Mégantic, Quebec crude oil train derailment and fire on July 2, 2013. Although the draft EIS dismisses the cause of the Lac-Mégantic accident as "human error," (DEIS at 4.7-19), the disaster was also the result of infrastructure issues involving downhill grades and the presence of curves/switches in the downtown area. Local conditions are a potential factor that experts suggested may have caused or influenced the derailment and oil spill in Lynchburg, Virginia on April 20, 2014. Grady Cothen, a former Federal Railroad Administration official, said "given the recent wet weather in Virginia and the accident's location near a river, it's possible that soft subsoil may have weakened the track." [Footnote 5: CBS/AP, Oil Tankers Fall into James River (May 1, 2014), http://www.pennlive.com/midstate/index.ssf/2014/05/oil_tankers_fall_into_james_ri.html.] Local geological conditions, including landslide hazards are another significant factor to consider. Landslides can and have caused train derailments. [Footnote 6: Washington EFSEC 2017 at 37, 39, 43, 62-63.] The DEIS should conduct site specific analysis to determine whether local factors could increase the risk of accidents and derailment along the Uinta Basin Rail or the routes downline.

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-216)

Comment	Response
<p>THE DEIS IGNORES CARGO AND UNIT TRAIN SPECIFIC FACTORS IN CALCULATING ACCIDENT RATES. In Appendix E's section on "Rail Accident Rates" the DEIS estimates probabilities for [<u>underline: rail accident rates for all cargoes per year</u>] along the main three proposed Uinta Railway routes. The analysis shows very low expected probabilities of future Uinta crude oil unit train accidents. The DEIS, however, does not rely on data from the most recent historical crude by rail (CBR) accidents, but on "<u>data for [underline: all] railroads</u>" (DEIS at E-1) and all types of track, and for a much</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences. In calculating estimated accident rates, OEA was unable to assess the particular operations, behaviors, and risks associated with accidents involving unit trains carrying crude oil trains because the data that would be necessary for such an assessment does not exist.</p>

<p>larger range of freight cargoes in commerce instead of for crude oil cargoes overall. The DEIS makes a crucial methodological decision to base its analyses on "a larger set of accidents" than on the recent record of several major crude oil accidents (DEIS at E-4). The DEIS defends this choice only summarily, with the unsupported assertion that "the specific cargo type does not determine the chance of a train accident." (DEIS at E-4.) The DEIS must examine the specific risks of the planned unit train operational business plan for the Uinta Basin Rail cargoes. As explained by the Pipeline Hazardous Material and Safety Administration, crude oil unit trains (i.e., trains exclusively carrying crude oil, which the project proposes, as opposed to "manifest" (mixed cargo) trains) have a higher risk of derailment: There is reason to believe that derailments of [High-Hazard Flammable Trains] will continue to involve more cars than derailments of other types of trains. There are many unique features to the operation of unit trains to differentiate their risk. The trains are longer, heavier in total, more challenging to control, and can produce considerably higher buff and draft forces which affect train stability. In addition, these trains can be more challenging to slow down or stop, and can be more prone to derailments when put in emergency braking, and the loaded tank cars are stiffer and do not react well to track warp, etc., which when combined with high buff/draft forces can increase the risk of derailments. [Footnote 7: Dept. of Transportation, Pipeline and Hazardous Materials Safety Administration, Draft Regulatory Impact Analysis for Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains; Notice of Proposed Rulemaking, July 2014 ("Draft RIA") at 24.]</p>	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-217)	
<p>Comment</p> <p>Unit trains pose more of the risk of what the report terms High Consequence Low Probability derailment releases. Adequately predicting the probability of accidental release of crude oil from a rail line would require an assessment of the particular operations, behavior, and risk of unit trains made up entirely of flammable crude oil cars, especially given their recent history and demonstrated potential for multi-car derailments. However, the DEIS's analysis of probability of derailment (and release) is based on examining the accident history of freight trains generally and not on crude oil trains, which are proposed to make up the vast majority of traffic along the rail line.</p>	<p>Response</p> <p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences. In calculating estimated accident rates, OEA was unable to assess the particular operations, behaviors, and risks associated with accidents involving unit trains carrying crude oil because the data that would be necessary for such an assessment does not exist.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-218)	

Comment	Response
<p>The DEIS fails to explain its methods and assumptions for determining the probability of a range of volume of spills that could occur in a derailment and fails to demonstrate that those methods are sound and rational. Appendix E simply summarizes several datasets that the DEIS appears to rely on, including: (1) historical data regarding train accidents in Utah in 2019, a very narrow sample which DEIS does not try to argue is representative of a larger range of years or states, including number of derailments, mainline accidents, and collisions; (2) five large-release rail accidents involving crude oil or other hazardous materials which occurred between 2013 and 2015 in the U.S. and Canada, including the amount of crude oil released; (3) data from the Washington State 2014 Marine and Rail Oil Transportation Study reporting the number of derailed tank cars per major crude oil accidents in 2013 and 2014; and (4) data from the RPI-AAR Railroad Tank Car Safety Research and Test Project on the probabilities of release for rail cars of different designs and analyzing the chance of different numbers of cars derailing and releasing different quantities of the product carried.</p>	<p>OEA estimated the probability of crude oil releases (spills) and the amount of crude oil that could be released based on the anticipated rail car types and numbers of cars per train, as well as previous studies and models of spill probabilities for other rail projects in a number of industries. OEA did not base calculations of the probability of a spill on the historical data for train accidents in Utah. Rather, OEA referred to train accident data in Utah to provide context for the potential history and severity of train accidents during rail operations. Appendix E, <i>Rail Accident Rates</i>, provides an overview of the approach used to predict the distribution of spill sizes. Please see OEA’s revisions to the appendix for clarity on the data and methods applied.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-219)

Comment	Response
<p>The DEIS then states without explanation and with little transparency regarding its numerous engineering judgments that it used in combining this data and "other" unidentified data to determine the probability of releases as follows: OEA used a combination of [bold and underline: these and other data] to determine representative distributions of release sizes for the types of rail cars addressed in the assessment of the Action Alternatives, given that a derailment or collision has occurred on the proposed rail line. -Minor spill from collision/derailment (1,000 gallons): 7 percent - Collision/derailment release of 30,000 gallons: 17 percent -Collision/derailment release of 90,000 gallons: 2 percent -Collision/derailment release of 150,000 gallons: 0.07 percent -Extreme collision/derailment release of 450,000 to 900,000 gallons: 0.005 percent Taken together, this distribution suggests that 26 percent or roughly one in four accidents, most of which would be derailments, would have some sort of release, and most of the time the release would be equivalent to one car or less. (DEIS at E-4.) Release size is in effect the end point of the DEIS probabilistic analysis.</p>	<p>Regarding the reference to “other data” in Appendix E, <i>Rail Accident Rates</i>, please refer to response to Comment UBR-DEIS-00683-28 above.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-220)	
Comment	Response
<p>[Underline: How the DEIS weighted and factored in the above summarized data and "other" unidentified data] to determine these probabilities is entirely [underline: opaque], illustrating the problems with QRA analysis described above. The EIS must disclose all data sources and the details of combining them. The DEIS also fails to consider or disclose whether some risk factors should be weighted more heavily than others in assessing the probability of hazardous impact.</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>. OEA's analysis focuses on the likelihood and sizes of accidents from rail operations and does not represent a full quantitative risk analysis. OEA did not conduct a quantitative risk assessment as part of the EIS as NEPA does not require such an assessment.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-221)	
Comment	Response
<p>THE DEIS FAILS TO CONSIDER AND WEIGH FACTORS THAT COULD PRODUCE POTENTIALLY HIGH RELEASE PUBLIC SAFETY [underline: CONSEQUENCES]. According to recent risk discussions from the Federal Railroad Administration and PHMSA (tellingly, both agencies here are relying on a "real world" approach to risk analysis versus a QRA), factors that "have given rise to [underline: both higher expected damages and probability of a catastrophic event]" from an oil train derailment in recent years include: (1) "the volumes of crude oil and ethanol carried by rail are relatively large when compared to rail shipments of other flammable liquids. In particular, the volume of crude oil shipped by rail has been increasing rapidly during the past several years; and (2) "crude oil and ethanol are shipped in [high hazard flammable trains], compounding the risk when an accident does occur." [Footnote 11: Draft RIA at 20.] Rail safety expert Robert Chipkevich's "real world" analysis of what accidents have occurred has also highlighted important factors contributing to increased risk of train derailments today: (3) larger blocks of tank cars are being grouped in trains in large numbers; and (4) the larger sizes of oil tank cars. [Footnote 12: See Prefiled Testimony of Robert Chipkevich Filed by the City of Vancouver, In the Matter of Application No. 2013-01, Tesoro Savage, LLC, Vancouver Energy Distribution Terminal, Case No. 15-001 at 10 (May 9, 2016) (hereafter "Chipkevich Testimony").] Chipkevich underscores the basic professional critique of defective QRA analyses: "To use... [data from] all variety of freight trains to characterize the [high hazard flammable train] experience, creates a [underline: fundamentally flawed risk picture]." [Footnote 13: Id.] The railroads' and carriers' specific use of unit train configuration for crude by rail shipment (as planned for the project here) contributes</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, regarding OEA's approach to analyzing the likelihood of rail accidents and potential consequences.</p>

significantly to fire and explosion events. Since 2006, train derailments have experienced a high rate of failure of crude oil and ethanol tank cars in accidents. Below are examples: -New Brighton, Pennsylvania, 20 of 23 tank cars failed (86.9%); -Cherry Valley, Illinois, 15 of 19 tank cars failed (78.9%); -Arcadia, Ohio, 31 of 31 tank cars failed (100%); -Plevna, Montana, 12 of 17 tank cars failed (70.5%); -Aliceville, Alabama, 25 of 26 tank cars failed (96.1 %); -In two separate accidents in Gogama, Ontario, 19 of 29 tank cars failed (65.5%) and 36 of 39 tank cars failed (92.3%); -Mount Carbon, West Virginia, 20 of 27 tank cars failed (74%); and, -Casselton, North Dakota, 18 of 20 tank cars failed (90%). [Footnote 14: Id. at 8-9.] Further, a 2016 analysis performed by Chipkevich showed that, based on 24 derailments, 442 tank cars derailed and 314 tank 9 cars released cargo (71 %). (See Table 1 below.) The average number of cars derailed in the 24 accidents is 18.4 and the average number of cars that breached is 13. [Footnote 15: Id. at 13.] [See original attachment for "Table 1 - Crude Oil and Ethanol Train Derailments."] The average spill size releases were 270,775 gallons, which is equivalent to about 30 gasoline cargo tank trucks. Further, ten of the 24 accidents had releases of 245,336 gallons or greater, the equivalent of 27 gasoline cargo tank trucks. [Footnote 16: Id.] The Washington EFSEC, in considering an application for a crude rail terminal in 2017, similarly observed that since 2006 releases from actual crude oil derailments have averaged 270,000 gallons. [Footnote 17: Washington EFSEC 2017 at 51.] In doing so, the EFSEC rejected Dr. Barkan's alternative QRA approach, which downplays the CBR risk and consequences of a derailment, when compared against Chipkevich's more robust use of real-world historical data. EFSEC instead adopted the "real world" historical data analysis: Dr. Barkan's projection of the amount of crude oil would be released from derailed cars is unreasonable. He projected that a derailment in Washington would spill 92,000 or larger gallons only once in 110 years or in one out of 17 future spills. However, almost two-thirds of recent crude and ethanol accidents (16 out of 24) spilled more than a quarter of the derailed tank car contents. By this measure, Dr. Barkan projected future tank cars will perform ten times better than they have actually performed in recent incidents. Dr. Barkan also projects DOT-117 tank cars are 83 percent less likely to release crude oil than unjacketed DOT-111s and 35 percent less likely to release than jacketed CPC-1232s, but PHMSA and FRA assume risk reductions of 50 percent and 16 percent,

<p>respectively. The Council believes there are more defensible alternative estimates that are supported by the record. For example, one method is to apply the average of 51 percent of derailed tank car contents being released to Dr. Barkan's estimated average derailment of 12.7 tank cars. This yields an average spill of 165,013 gallons. A further reduction of 50 percent to account for safety improvements attributable to use of DOT-117 tank cars, as estimated by PHMSA, results in a projected average spill of 82,500 gallons, which is similar to PHMSA's projected average spill size of 83,602 gallons per mainline derailment. Consideration of tank car releases in North America since 2006 suggests that actual releases could average 270,000 gallons. [Footnote 18: Washington EFSEC 2017 at. 51. See also id. at 44-46.]</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-222)

Comment	Response
<p>Furthermore, Table 1 above also shows that crude oil disasters sometimes occurred [underline: at quite low train speeds], which the DEIS fails to acknowledge. According to Chipkevich: "Many of the catastrophic crude oil and ethanol train accidents between 2006 and 2015 were operating at speeds below maximum speeds established by PHMSA in the [2015] rulemaking; in fact, 17 of 24 serious accidents that I reviewed happened at speeds of 40 mph or less and 8 of those accidents occurred at speeds of 25 mph or less." [Footnote 19: Chipkevich Testimony at 16.]</p> <p>A recent 2018 "preliminary" paper co-authored by Dr. Barkan confirmed that unit crude trains present higher risks. The paper concluded on the basis of abstract modeling that general hazmat unit train derailments, which could produce much larger total releases in a serious event, presented a higher risk per trip than "manifest" (mixed cargo) trains, i.e., higher annual risk of "high consequence" events due to more tank cars per train. [Footnote 20: Li and Barkan 2018. See also Chapter 3 of Dr. Li's previous thesis at UIUC under Dr. Barkan's supervision: Li, Weixi, Quantitative Analyses of Unit Train Safety and Railroad Tank Care Implementation Policy, Thesis, University of Illinois at Urbana-Champaign (2018), https://www.ideals.illinois.edu/bitstream/handle/2142/101380/LI-THESIS-2018.pdf?sequence=1&isAllowed=y.]</p>	<p>Please refer to Appendix E, <i>Rail Accident Rates</i>, and Summary Response 2: <i>Rail Accident Analysis Methodology</i>, which describe how OEA's use of track-class-based accident rates accounted for train speed in the analysis, as well as how OEA considered the number of rail cars per train in estimating the predicted distribution of crude oil release sizes.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-223)

Comment	Response
<p>The DEIS FAILS TO MEANINGFULLY CONSIDER THE POTENTIAL CONSEQUENCES OF DERAILMENT</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>. Section 3.2, <i>Rail Operations</i></p>

<p>The DEIS's quantitative analysis of the "consequences" of derailment narrowly limits the analysis to their selected end points of predicted "spill" sizes and frequency. As a result, the DEIS's quantitative analysis as to the consequences of a rail accident is risk-minimizing and limits the consideration of consequences to only the occurrence of spills, presented in a chart showing quite small probabilities. (DEIS at E-4.) The DEIS offers no quantitative indications or estimations of the range of [underline: fire/explosion impacts] that representative crude releases could produce nor of the fatalities/injuries that could be correlated with each size of release generically (e.g., area of evacuation), much less a range of the potential Worst Case Scenario public safety fire/explosion impacts along specific routes with their differing hazards regarding trackside populations, buildings nearby, etc.</p>	<p><i>Safety</i>, discusses the potential consequences of train accidents and hazardous material releases, including the potential for fires, contamination of water bodies, and injuries and fatalities. The predicted sizes and frequency of spills disclosed in that section also inform the analysis of impacts on other resources along the rail line, such as the potential impacts of a spill in water bodies, as described in Section 3.3, <i>Water Resources</i>. OEA notes that the analysis of worst-case scenarios is not appropriate or required as part of the environmental review process under NEPA.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-224)

Comment	Response
<p>Further, the DEIS fails to disclose or analyze the reasonably foreseeable local consequence impacts of a comparable release accident in areas of very different population densities along the far-flung transcontinental routes for crude oil unit trains stretching from the Uinta Basin to the most likely national markets. It does not consider either the absolute or relative public safety risks of the different routings. In 2013, in the small town of Lac-Mégantic, Canada, 63 tank cars derailed at night, releasing 1.6 million gallons of crude oil, which then ignited, killing 47 people. Some cities on the downline routes for the rail project would no doubt have populations many times greater than Lac-Mégantic, and much denser populations especially during daytime hours. The FEIS must disclose what impacts on public safety a high impact crude unit train release could have in representative urban areas along the transcontinental "downline" routes to US coastal refineries. In addition, the EIS must consider the crude unit train risks to public safety from releases caused by terrorism, particularly in high population areas.</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. OEA did not analyze impacts on urban areas along rail lines outside of the downline study area. The downline study area encompasses rail line segments from Kyune, Utah to the outskirts of the Denver metropolitan area, the geographic extent of which is based on the Board's environmental regulations and the routes OEA anticipates crude oil trains are likely to take to refineries. Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>, provides additional information on how OEA defined the downline study area.</p> <p>Within the downline study area, OEA estimated the potential for train accidents along downline rail segments, including in populated areas like the Denver metropolitan region. The predicted accident rates for each downline segment (provided in Section 3.2, <i>Rail Operations Safety</i>, Table 3.2-2) describe the general likelihood of an accident on the entire downline segment, irrespective of urban or rural setting. The consequences of a train accident or spill on a downline route would depend on many factors, similar to those described for the proposed rail line in Subsection 3.2.3.1, <i>Impact Common to All Action Alternatives, Project Study Area, Accident Consequences</i>, and are impossible to predict.</p> <p>OEA notes the commenter's concerns about the risks to public safety associated with terrorism incidents involving crude oil unit trains. Freight rail transportation safety and security is the purview of FRA and TSA, which work with industry leaders and other government partners to reduce threats to the</p>

	<p>freight rail network by producing security actions, procedures, and informational materials for the rail industry. Adherence to FRA and TSA regulations and guidelines for railroad safety and security, which the Coalition has committed to doing under voluntary mitigation measure VM-15, would reduce terrorism and other security threats. OEA considers a release of crude oil due to terrorism to be a worst-case scenario, and NEPA does not require the analysis of worst-case scenarios. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-225)

Comment	Response
<p>The DEIS highlights only the largest five of the dozen significant CBR North American derailment releases in the traumatic 2013-2016 era, but cherry-picks the data mainly to support a minimization of CBR derailment risks. (DEIS E-2-E-3.) The DEIS makes no mention, for example, of the public evacuations seen in these emergencies. Nor does the DEIS consider the emergency response decisions made by the responding fire services which mainly involved [underline: not] trying to "mitigate" the ongoing fires and explosions, but (as advised by the US DOT Emergency Response Guidebook) mounting only "defensive firefighting", i.e., expeditiously getting residents and fire service personnel away from the scene. Emergency response experts note that not a single historical example exists in which the fire service succeeded in "suppressing" a serious crude oil derailment fire event. In discussing the five historical accidents, the DEIS makes risk- minimizing conclusions. The DEIS cites the five CBR cases as having only one with public safety disaster impacts (Lac-Mégantic), [underline: while neglecting to estimate what could have happened in different CBR accident conditions] (e.g., if the April, 30 2014 Lynchburg CBR train or the 2016 Mosier, OR train had derailed into the city instead of on the other side into the river). Shaken local fire chiefs and other officials and the public were quick to express in the media after several of the classic CBR derailment disasters how "lucky" the spared populations had been. The DEIS also suggests that these accidents were in a distant early era, "involving tank cars that do not meet present-day standards," but admits that the earlier defective tank cars will remain in service into the future until 2025. (DEIS at E-3.) These tank cars could also remain in service longer if the crude oil industry wins another delay from Congress for updating tank car standards.</p>	<p>The description of five major historical accidents in Appendix E, <i>Rail Accident Rates</i>, is intended to provide historical context and provide real-world examples of accidents involving trains carrying crude oil that resulted in serious consequences, including loss of property and loss of life. The purpose of OEA's environmental analysis under NEPA is to provide information to decision-makers and the public regarding the potential environmental impacts of the Coalition's proposed rail line, not to provide a comprehensive discussion of past accidents on unrelated rail lines or to speculate on what could have occurred during those past accidents under different conditions. The Draft EIS correctly stated that the historical accidents described in Appendix E, <i>Rail Accident Rates</i>, involved tank cars that did not meet the design standards of the 2015 PHMSA and FRA rule <i>Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains</i>. By 2025, tank cars will need to comply with that rule, which means that newer tank car designs would be used for most, if not all, of the operational life of the proposed rail line. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-226)	
Comment	Response
<p>The DEIS also implies without evidence that new federal regulations (presumably from the 2015 High Hazard Flammable Train regulations which DEIS does not cite explicitly nor evaluate rigorously) [<u>underline: will be effective</u>] in reducing future crude oil accidents. (DEIS at E-3.) As discussed further below (section VI), upgraded DOT-117 tank car standards are only marginally better in preventing releases. The PHMSA prediction of a significant risk reduction due to the use of the new DDOT-117 standard cars cannot be relied upon in the absence of an adequate historical record of CBR movements using that car, which in any case has released its contents in actual derailments subsequent to the optimistic PHMSA prediction.</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>.</p> <p>OEA believes it is appropriate and necessary to assume that rail safety regulations, including the PHMSA and FRA 2015 rule on tank car standards <i>Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains</i>, will be complied with and will achieve their intended purpose of reducing safety impacts. The purpose of this EIS is to analyze the potential impacts from construction and operation of the Coalition's proposed rail line, and it is outside the scope of OEA's analysis under NEPA to assess the effectiveness of existing rail safety regulations. For clarity, OEA has revised Appendix E, <i>Rail Accident Rates</i>, to include a citation to the PHMSA and FRA 2015 rule on tank car standards <i>Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains</i>.</p> <p>OEA estimated the probability of crude oil releases (spills) and the amount of crude oil that could be released based in part on the anticipated rail car types, which are described in Appendix E, <i>Rail Accident Rates</i>. OEA has used the most relevant available data to predict accidents, including data on rail car types. OEA acknowledges that OEA was unable to consider historical data on accident rates for specific rail car designs because such historical data does not exist.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-227)	
Comment	Response
<p>THE DEIS DOWNPLAYS THE RISK OF UINTA BASIN CRUDE OILS. The specific rail [<u>underline: cargo</u>] type (e.g., in a tank car derailment, crude oils vs. syrup) clearly impacts the consequences of an accident. But the DEIS fails to analyze the risks of transporting the specific crudes at issue, including Uinta Basin waxy crude and oil shale/kerogen, as well as the risks of the other major flammable rail cargoes that may travel by rail from the Basin (e.g., refined oil products). Presumably the latter will travel in manifest trains and will not be mixed in with the waxy crude railcars, but close encounters between these products and other hazmat cargoes (including crude oil) in rail siding areas is possible. [<u>Underline: The DEIS slips in an important conclusory statement, without evidence</u>], that because Uinta waxy crude is less volatile than crudes involved in previous high-consequence derailments, "explosions are much less likely even</p>	<p>Please refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>.</p> <p>Because the proposed rail line is anticipated to primarily transport Uinta Basin waxy crude oil, OEA focused on this commodity in its analysis of potential environmental impacts. OEA did not assess the impacts of other commodities in detail because OEA anticipates that the transported volumes of commodities other than crude oil would be low.</p> <p>OEA used the most relevant data available to estimate the likelihood of accidents to allow a comparison of the Action Alternatives and to inform the Board's decision on whether to authorize the proposed rail line. The EIS does not assess absolute</p>

<p>in the event of large spills." (DEIS at E-3.) But the DEIS has neither produced nor cited any rigorous or comprehensive research report or historical data about the fire or explosion risks specifically of waxy crude or oil shale in unit train rail transportation. And the DEIS lacks any evaluation of the public safety of the proposed Uinta shipments based on: (a) the chemical characteristics of waxy crude or oil shale (b) expert analysis of how these characteristics lead to various flammable and/or explosive behavior consequences. Indeed, [underline: very little information on the risks of the specific crude oils being widely transported in North America has been publicly available]. Railroads' historical secrecy regarding their own data on high-risk operations has hampered assessment of risks by public agencies, the media and the at-risk public. The belated US DOT/DOE-commissioned Sandia National Labs Report to Congress on Crude Oil Characterization Research Study analyzes a wide range of US crude oils in commerce, and it does provide research on (a) and (b) above. [Footnote 21: See generally, Department of Energy, Report to Congress on Crude Oil Characterization Research Study, https://www.energy.gov/fe/report-congress-crude-oil-characterization-research-study.] The Sandia Literature Survey Executive Summary outlines authoritatively the kinds of significant information gaps researchers found regarding risks even with the long-transported lighter types of tight crude oils and what kinds of future research is vitally needed to fill the gaps.</p>	<p>risk for an accident because such an analysis is not appropriate or required under NEPA. To inform its analysis of the potential consequences of an accidental release of oil, OEA reviewed relevant literature about waxy crude oil and its potential effects if released into the environment. Specifically, in Section 3.3, <i>Water Resources</i>, and Section 3.4, <i>Biological Resources</i>, OEA discusses the properties of waxy crude oil, its effects if released on land or in water, and previous oil spills involving waxy crude oil in Utah. As the commenter notes, there is limited information on the specific explosion risks of different types of crude oils that are transported by rail. OEA appropriately used existing, publicly available data to inform its analysis of oil train accidents. It is beyond OEA's analysis requirements under NEPA to fill gaps in scientific research regarding the specific risks associated with the transportation of specific commodities by rail. OEA reviewed the referenced study and found that it was not applicable to the analysis in the Draft EIS given its focus on identifying gaps in the available information rather than filling them. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-228)

Comment	Response
<p>In their initial Literature Survey Report, the researchers found that there was virtually no comprehensive historical research for US crude oils on their features and fire/fireball behaviors in a release. [Footnote 22: Sandia National Laboratories, Literature Survey of Crude Oil Properties Relevant to Handling and Fire Safety in Transport (March 2015), available at https://doi.org/10.2172/1177758 ("Sandia Literature Survey").] The researchers noted: Relationships between crude oil properties and probability or severity of combustion events in rail car spill scenarios have not been established. Although it is likely that a combination of crude oil properties- especially those associated with potential for flammable vapor formation-could be used to predict combustibility, no specific, objective data were found that correlated known crude oil properties with the likelihood or severity of rail</p>	<p>Please refer to response to Comment UBR-DEIS-00683-227 above.</p>

transport-related combustion events. While industry groups actively working on this problem have been identified, their progress and results have not yet been released to the public. [Footnote 23: Id. at 12.] While not directly dealing with waxy crude, the report strongly suggests that even the most basic and widely accepted data on crude oil characteristics generally, including of waxy crude oil, is lacking. In a matter of considerable high-level debate, the Literature Survey also suggested that the volatility of the crude oil involved may not be as important as previously thought. The Sandia reports on crude oils' characteristics and flammability impacts indicates that the energy created in an accident may contribute more significantly to the flammability impact of an accident: No single parameter defines the degree of flammability of a fuel; rather, multiple parameters are relevant. While a fuel with a lower flashpoint, wider range of flammability limits, lower auto-ignition temperature, lower minimum ignition energy, and higher maximum burning velocity is generally considered more flammable, the energy generated from an accident has the potential to greatly exceed the flammability impact of these and any other crude oil property-based criteria. [Footnote 24: Sandia Literature Survey at 13-14.] The Sandia report notes other key factors that may operate in determining fire event outcomes from crude oil derailments: Numerous combustion events can occur from an accident involving hydrocarbons and hydrocarbon mixtures including crude oils, with severity dependent on the amount of fuel involved, surrounding infrastructure, and [the particular accident] environment. [Footnote 25: Id. at 13.] In light of the existing information gaps, the Sandia researchers performed the most basic research, rigorously analyzing various crude oils' features and assessing their relation to fire and fireball outcomes with relatively small-scale field experiments. Sandia studied three selected types of "representative" US crudes (including "light" crude oil from tight shale formations and conventional crude oil), but (it is important to note) [not waxy crude]. Waxy crude has been only a minor player in the overall North American energy picture. The Sandia "Characterization" survey of the available research on crude oils generally indicates that there has been [no rigorous established research in the public domain providing a scientific basis] for an acceptable safety level of crude oil transportation generally. [Footnote 26: Sandia National Laboratories, Pool Fire and Fireball Experiments in Support of the US DOE/DOT/TC Crude Oil Characterization Research Study (Aug. 2019),

<p>https://doi.org/10.2172/1557808.] The Sandia researchers concluded that volatility alone is not a sufficient basis for regulation of crude oil cargoes, a finding seized upon by opponents of the volatility regulations enacted by Washington State. [Footnote 27: Id.] The current situation with waxy crude and shale oil research is therefore similar to the earlier history with the 2013-2020 North American Bakken crude oil unit train (and ethanol railcar) disaster era. The Sandia public domain federal crude oils characterization research was done only after the 2013-2014 spate of fiery derailments roused media and public concerns. While waxy crude behavior (solidification potential) in pipelines has been studied, even the most basic steps in waxy crude rail safety research have apparently not been planned nor conducted, much less any later stage actual field tests which FRA might conduct with waxy crude-loaded railcars which should be tested for collision and fire survivability.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-229)

Comment	Response
<p>THE NEW TANK CAR STANDARDS WILL BE ONLY MARGINALLY EFFECTIVE. The DEIS downplays the potential for future CBR high-consequence events by suggesting that new safety standards requiring DOT-117 cars or retrofits by 2025 will effectively reduce release risks significantly. (DEIS at E-3.) The DEIS fails to analyze how effective these new standards will be or disclose the uncertainty of their effectiveness. The DEIS omits to mention that the DOT-117 design (and other features of the Obama Administration's 2015 Final Rule on "High Hazard Flammable Trains" which covers crude oils) will provide only marginal disaster risk-reduction improvements. The PHMSA estimates that the DOT-117 will only provide a 21% risk reduction over the unjacketed CPC-1232 and only a 10% risk reduction over the jacketed CPC-1232. [Footnote 28: Draft RIA at 120.] And DOT-117s reportedly have an estimated puncture velocity of only miles per hour and are designed to withstand pool fires for only up to 100 minutes and torch fires for up to 30 minutes. [Footnote 29: Washington EFSEC 2017 at 39-40, 346.] Chlorine tank cars with 3/4-inch shells similar to the DOT-117 model punctured in accidents in South Carolina and Texas. [Footnote 30: Id.] Thus, there will be substantial risks of releases, even if the new requirements can be fully implemented.</p>	<p>Please refer to response to Comment UBR-DEIS-00683-226 above.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-230)

Comment	Response
<p>Further, experts have questioned whether <u>any</u> train traveling at the speed of 30</p>	<p>Please refer to Appendix E, <i>Rail Accident Rates</i>, which describes OEA's assumption that rail</p>

<p>mph could withstand the impact from derailment: "When you begin to look at cars that are derailing at speeds of 30, 40 miles an hour, it's very difficult, it's a big ask, to expect that a tank car get hit [and] not be breached," Karl Alexy, staff director of the Federal Railroad Administration's Office of Safety, bluntly stated in a 2014 forum convened by the National Transportation Safety Board. [Footnote 31: Ailworth, Erin, Local fuel distributor to require safer rail cars at its terminals, Boston Globe (May 8, 2014), available at https://www.bostonglobe.com/business/2014/05/08/local-fuel-distributor-require-safer-rail-cars-its-terminals/QfkKMDa2NmE6OC0tUpWWiK/story.html.] The DEIS should consider the effectiveness of the existing tank car safety requirements at these higher speeds, and that crude oil unit trains from the Uinta Basin will certainly be traveling on the downline transcontinental routes at the railroads' current standard of 50 mph. In any case, DOT-117 tank car design standards will not fully take until effect for crude oil tankers until May 2025. [Footnote 32: Pub. L. 114-94, div. A, title VII, §7304, Dec. 4, 2015, 129 Stat. 1596 (codified at 49 USC 20155(b)).] Even then, the deadline for compliance could be extended by Congress, as that body has seen fit to do before. [Footnote 33: Id.] Until these new standards take effect, the admittedly defective CPC- 1232 cars will be allowed to remain in service.</p>	<p>operations would use the 117 or 117R (retrofit) tank cars, with a limited number of CPC-1232 cars until May 2025. This assumption is reasonable because PHMSA and FRA 2015 rule <i>Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains</i> requires rail operators to use new tank car designs by 2025. Because OEA expects that construction of the proposed rail line would not begin until 2022 and would take approximately 2 years to complete, newer tank car designs would be in use for most, if not all, of the life of the proposed rail line.</p> <p>OEA believes it is appropriate and necessary to assume that rail safety regulations, including rail tank car standards, will be complied with and will achieve their intended purpose of reducing safety impacts. The purpose of this EIS is to analyze the potential impacts from construction and operation of the proposed rail line. It is outside the scope of OEA's analysis under NEPA to assess the effectiveness of rail safety regulations.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-231)

Comment	Response
<p>THE DEIS LACKS ADEQUATE DISCUSSION OF EMERGENCY RESPONSE CAPABILITIES. The DEIS proposes a Mitigation Measure that involves the local SCIC staff preparing a voluntary emergency response plan, while proposing no other significant mitigation for potential crude oil release events, but the DEIS does not assess how effective such a plan could be. The most important and sobering evidence from the historical crude by rail derailment disasters is that "offensive firefighting" emergency response was never successful in preventing often repeated hours-long fire/explosion consequences. The DEIS lacks any discussion of this issue. The DEIS should discuss the capabilities of local emergency responders in difficult-to-evacuate populated cities as well as in rural counties, both types of at-risk communities with limited resources to respond to disasters.</p>	<p>Please refer to response to Comment UBR-DEIS-00424-5 above. In response to comments, OEA is adding a new mitigation measure (ROS-MM-1) that would, along with the Coalition's voluntary mitigation measure VM-14, require the Coalition report a hazardous materials release to appropriate federal, state, local, and tribal environmental agencies should one occur.</p> <p>Please also refer to Section 3.13, <i>Socioeconomics</i>, which identifies the providers of fire protection and emergency services responsible in each of the local jurisdictions in the study area. OEA notes that, because the proposed rail line has not been constructed, the emergency response capabilities related to train operations cannot be evaluated at this time. The preparedness of local emergency response providers is the responsibility of local and state officials, and it is beyond the scope of OEA's environmental review under NEPA to further assess the capabilities of local emergency responders. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-232)	
Comment	Response
<p>CONCLUSION: THE FEIS NEEDS ROBUST DATA, PARTICULARLY ON POTENTIAL CONSEQUENCES OF RELEASES, AND A MORE RELIABLE RISK ANALYSIS METHODOLOGY. As suggested by the discussions in the Sandia reports, a very long list of information is needed when raising questions to assess risk. And as this report has shown, most of the needed data is completely unavailable for Uinta waxy crude oils or of dubious reliability. This information includes: -Inherent properties of the cargo - vapor pressure, flash point, pour point, etc. - Unit train operations and safety protocols for shippers loading the cargoes and for carrier railroads -Unit train handling and behavior in various terrains and weather (railcar cargo sloshing, tracks losing integrity in very cold or hot weather, trains leaving the tracks under unit train force stresses, etc.) -Railcar behaviors in potential multi-car derailments in some representative rail cargo environments -Derailment crush and puncture forces -Potential kinds of releases from collision; puncture, thermal tears of railcars, BLEVE explosions in long-lasting fire involvement of tank cars -Cargo behavior (size, intensity, ability to be extinguished) in representative derailments: release-correlated ignition, fires, "rivers of fire," fireballs, pool fires, explosions if in confined space - Railcar and cargo behaviors in potential multi-car events -Possible mitigation strategies -Guidance for emergency response agencies -Information available for emergency response in emergencies - Government reactions towards reducing disaster risks: targeted research, proposed regulations or voluntary guidance for shippers and carriers, enforcement</p>	<p>Please refer to response to Comment UBR-DEIS-00683-227 above.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-233)	
Comment	Response
<p>The STB FEIS should adopt a valid risk assessment methodology which would, among other things: (a) Take account of potential [<u>underline: consequences</u>] of serious derailment releases with Uinta waxy crude and shale oil shipments, including a presentation of representative potential Worst Case Scenarios (b) Abandon the reliance on dubious Quantitative Risk Assessment (QRA) methodologies and on dubiously relevant generalized data vs. data on waxy crude and shale oil cargoes (c) Instead utilize "real world" assessment of derailment disaster risks, as superior to dubious QRA methodologies, as seen in the recent WA State EFSEC Adjudication decision documents assessing</p>	<p>Regarding item (a), OEA notes that NEPA does not require the analysis of worst-case scenarios and that Section 3.2, <i>Rail Operations Safety</i>, Section 3.3, <i>Water Resources</i>, and Section 3.4, <i>Biological Resources</i> discuss the potential consequences of releases of crude oil from rail cars. Regarding item (b), OEA notes that OEA did not conduct a quantitative risk assessment, and NEPA does not require such an assessment. Regarding item (c), please refer to Appendix E, <i>Rail Accident Rates</i>, and Summary Response 2: <i>Rail Accident Analysis Methodology</i>, which describe the methods OEA used to identify potential impacts related to rail operations safety, justify the reasonableness of</p>

<p>the risks of a proposed hazardous facility in that state (d) Expand the STB's "study area" of the likely main unit train transportation routes for Uinta waxy crude cargoes beyond "the outskirts of Denver" to consider the risks of all the routings likely to be traversed by Uinta waxy crude unit trains, with any special environmental and geologic hazards, etc. for each route and with attention to risks to densely populated areas (e) Assess the limitations and inadequacies of current federal and state regulations and the preemption impact of the federal regulatory regime on state or local regulation (f) Assess the [underline: capabilities] of local emergency responders along the routes to deal with serious derailments (g) A technical appendix at the end of this comment cites transportation release-related information sources on waxy crude oil, which sources have not specifically been considered by the DEIS.</p>	<p>OEA's approach, and explain the limitations of the available data that OEA used in the analysis. Regarding item (d), please refer to response to Comment UBR-DEIS-00683-224 above. Regarding item (e), OEA believes it is appropriate and necessary to assume that rail safety regulations will be complied with and will achieve their intended purpose of reducing safety impacts. The purpose of this EIS is to analyze the potential impacts from construction and operation of the proposed rail line, and it is outside the scope of OEA's analysis under NEPA to assess the effectiveness of rail safety regulations. Regarding item (f), please refer to response to Comment UBR-DEIS-00683-231 above. Regarding item (g), please refer to response to Comment UBR-DEIS-00683-227 above. No changes to the Draft EIS are warranted in response to this comment.</p>
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Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-9)

Comment	Response
<p>THE DEIS'S EXISTING DOWNLINE IMPACT ANALYSIS IS INSUFFICIENT Among other requirements for environmental reporting, the STB's environmental regulations require rail construction proposals to "[d]escribe the effects, including indirect or downline impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§ 1105.7(e)(4), (5), or (6) are met." 49 C.F.R. § 1105.7(e)(11)(v).</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>.</p>

Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-10)

Comment	Response
<p>The downline impact analysis inappropriately omits consideration of other hazardous or dangerous commodities and of the uniquely hazardous character of crude oil shipments In addition to conventional crude oil, the Coalition admits that other commodities, including natural gas and coal, may also be shipped over the constructed rail line to other markets. DEIS at 2-1. Indeed, in addition to some of the largest oil shale deposits in the world, the Uinta Basin is also home to some of the largest natural gas fields in Utah, as well as marginal coal deposits. See Michael D Vanden Berg, Utah's Energy Landscape, Circular 121, Utah Geological Survey, Utah Department of Natural Resources, 16, 29, 34 (2016), available at: https://ugspub.nr.utah.gov/publications/circular/c-121.pdf. However, although shipment of these commodities is expressly contemplated, the DEIS analysis of downline impacts focuses exclusively on oil shipments, based on the assertions of the</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. OEA estimated potential future rail traffic on the proposed rail line based on information provided by the Coalition about operational plans, OEA's independent analysis, and consultation with appropriate federal, state, local, and tribal agencies. Based on its analysis and consultation, OEA agrees with the Coalition and with the public commenters who have stated that the primary use of the proposed rail line would be to transport crude oil produced in the Basin to destinations outside of the Basin. OEA expects that the rail line would also be used to transport frac sand into the Basin. Therefore, OEA analyzed the environmental impacts associated with the transportation of reasonably foreseeable volumes of crude oil and of frac sand. While it is possible that commodities other than oil and frac sand could be transported on the proposed rail line, OEA concluded that the volumes of those commodities</p>

<p>Coalition that the primary commodity expected to be transported over the constructed rail lines will be crude oil. DEIS at 2-1; App. C, at C-1. Accordingly, expected shipping routes for crude oil have informed the downline study area, excluding routes that are likely to serve markets for other commodities, including oil shale, natural gas, coal, and other mineral deposits. Id. For instance, the OEA's analysis eliminated westward routes from consideration under its downline impact analysis due to its market analysis for crude oil, even though West Coast ports may very well serve as the logical rail destination for expanding international markets for other commodities such as natural gas. Many of the additional non-oil commodities that are explicitly identified as potentially transported have particular impacts that cannot be properly assessed by merely looking at the shipment of oil. To take but two examples, the unique and dangerous aspects of coal (e.g. impacts of fugitive coal dust and combustion) and natural gas (e.g. vaporization and flammability) require specific consideration. See PHMSA, Risk Assessment of Surface Transport of Liquid Natural Gas, Final Report, 92 (March 20, 2019), available at: https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/research-and-development/hazmat/reports/71651/fr2-phmsa-hmtrns16-oncall-20mar2019-v3.pdf (noting the particular difficulty in cleaning up an LNG incident); Robert Kotchenruther, Fugitive Dust from Coal Trains. Factors Effecting Emissions & Estimating PM2. 5, EPA Region 10, NW- AIRQUEST (2013). Changing market factors and transportation dynamics, as well as the effects of induced demand, discussed below at Section III.E, suggest that even if current expected volumes of non- oil shipments are low, they may not remain that way. This is particularly so considering the significance of resources in the Uinta Basin and the long-term presence and operability of rail infrastructure. Yet no explanation is provided for why the impacts from shipment of these other commodities, which are clearly reasonably foreseeable, are not or should not be considered in assessing downline impacts. The complete reliance on oil shipments in considering downline impacts reflects the same sort of shortcut analysis used in applying air quality standards to rail safety impacts, discussed further below at III.C.2.</p>	<p>would be low and would not support the use of dedicated trains. OEA is unaware of any plans by shippers of coal, natural gas, or oil shale to request rail service on the proposed rail line. Therefore, OEA is unable to estimate volume of those commodities that could be shipped, the potential destinations for those commodities, or the routes that trains carrying those commodities could take. It would be speculative for OEA to conduct an analysis of transportation of those commodities, which would be inconsistent with NEPA and would not provide useful information about the potential environmental impacts of the proposed rail line to the decision-makers or the public. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-11)	
Comment	Response
The threshold for assessing air quality issues is inadequate to analyze safety issues particular to	Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i> , which discusses the

shipping oil. The OEA states that "[b]ased on its experience applying the thresholds for air and noise on freight rail construction and operation projects, OEA has determined that these thresholds should also apply to freight rail and safety and grade-crossing safety and delay." DEIS App. C, at C-1. Unless OEA "describes its basis for applying the standard under which it has arrived at this conclusion, supported by plausible explanation," there is no basis for determining whether the decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law. See *Ober v. Whitman*, 243 F.3d 1190, 1195 (9th Cir. 2001). A review of STB decisions indicates no explanation of why OEA could use the threshold for air for freight rail and safety and grade-crossing safety and delay. Even if OEA may have applied these thresholds for safety-related issues in other cases, simply relying on prior use is not sufficient because "[e]ach project is different, and the agency is required to rationally explain its decision in the context of project-specific effects." *Northern Plains Resource Council, Inc. v. Surface Transp. Bd.*, 668 F.3d 1067, 1078 (9th Cir 2011). The particularly hazardous nature of crude oil makes air quality standards inadequate for analyzing the safety issues presented by these trains throughout their trip from the Uinta Basin to their likely destinations, including Houston/Port Arthur, Louisiana, Puget Sound, Kansas, and Oklahoma. DEIS App. C, at C-3 to C-4. As the Congressional Research Service recently noted, "[u]nit trains of crude oil concentrate a large amount of potentially environmentally harmful and flammable material, increasing the probability that, should an accident occur, large fires and explosions could result." John Frattelli et al., *U.S. Rail Transportation of Crude Oil: Background and Issues for Congress*, Congressional Research Service, 12 (2014), available at: <https://fas.org/sgp/crs/misc/R43390.pdf>. The risks involved with crude oil accidents are arguably less about volume of oil and more about where a spill occurs; a spill near a sensitive ecosystem, such as a river, will have a greater impact and cost more to clean up than a larger spill in a less sensitive area. *Id.* at 11. OEA attempts to downplay the downline safety risks of the Project by focusing on the "waxy" semisolid character of Uinta Basin crude oil at room temperatures, which makes it potentially easier to contain event of a spill. DEIS at 3.3-29. However "cleanup friendly" it may be compared to other crude oils, waxy crude remains a highly flammable commodity whose dangers should not be underestimated or considered through the rubric of an air quality standard. Furthermore, waxy crude

Board's regulations establishing thresholds for environmental review of potential downline impacts and OEA's experience applying these thresholds for rail line construction and operation proposals. Please also refer to Section 3.1, *Vehicle Safety and Delay*, and Section 3.2, *Rail Operations Safety*, for information on accident consequences and consequences of a potential release of crude oil, as well as impacts related to safety during rail operations, including downline impacts related to safety.

<p>presents its own unique logistical challenges and impacts, including, for instance, the need to heat it at various stages to enhance its fluidity. Accordingly, it is therefore in error to use air quality limits completely unconnected to the risks associated with waxy crude oil to establish the standard for evaluating the downline impacts envisioned under the Project.</p>	
<p>Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-12)</p>	
<p>Comment</p>	<p>Response</p>
<p>The OEA incorrectly limits analysis to contiguous rail segments where an applicable regulatory threshold is reached, rather than to anticipated routes serving a project that has reached the applicable regulatory threshold(s) OEA does not explain why it does not consider all downline impacts for the entire journey to expected refining destinations, rather than focus only on individual segments over which the increase in traffic is expected to exceed the regulatory threshold provided in the STB's regulations for air quality impacts. In its methodology, OEA apparently limited the scope of the downline study area by only including contiguous [Footnote 12: As discussed below, OEA does not mention or explain why only contiguous segments of rail line that meet the regulatory thresholds are included in the downline study area, even though OEA's own analysis indicates that this threshold may be met in other areas of the country as a result of the project.] segments of rail connected to the Project that were themselves expected to see an increase of traffic. DEIS App. C. at C-1. However, the STB's regulations require rail construction proposals to "describe the downline impacts if the thresholds governing energy, noise and air impacts in § 1105.7(e)(4), (5), or (6) are met." 49 C.F.R. § 1105.7(e)(11)(v). The regulations do not limit the evaluation of downline impacts only to segments where thresholds are met; rather they logically require downline impacts to be considered when the thresholds are met [italics: by the project]. Otherwise, it would be possible to completely discount all downline impacts if routes connecting to the Project were numerous enough to diffuse the average number of trips per route. This would certainly undermine the purpose of 49 C.F.R. § 1105.7(e)(11)(v). Here, according to the proponent's and OEA's own analysis, the regulatory thresholds are met by the Project, both on the line to be constructed and on existing segments, particularly the segments between Kyune and Denver. No explanation is given as to why it is appropriate to completely ignore downline impacts over the great majority of the routes that the</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. OEA appropriately considered downline impacts for those segments that could exceed the regulatory thresholds as provided for in the Board's regulations. See 49 C.F.R. §§ 1105.7(e)(5); 1105.7(e)(6); 1105.7(e)(11).</p>

<p>project-generated traffic would use; rather doing so would conflict with the requirement of 49 C.F.R. § 1105.7(e)(11)(v) to "describe the effects... of the new or diverted traffic over the line."</p>	
<p>Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-13)</p>	
<p>Comment</p>	<p>Response</p>
<p>The scope of the downline study area does not include analysis of segments of rail line outside of Utah and Colorado that may or will likely exceed the regulatory thresholds that OEA uses. Even if OEA were correct in the manner in which it applied the regulatory thresholds to define the downline impact study area, the resulting study area does not reflect OEA's own methodology. In establishing the downline study area OEA relies on the thresholds provided in 49 C.F.R. § 1105.7(e)(5) relating to air impacts, i.e. an increase in eight trains a day on average, or three trains a day on average in air quality non-attainment areas. See DEIS at 3.1.-1 to 3.1-2; 3.2- 1; 3.7-3; App. C, at C-1). Nothing in the threshold or methodology suggests that segments of rail line, yards, or terminals that meet the threshold but are non-contiguous with other lines that meet the threshold, should be excluded. OEA does not mention or explain why segments of rail lines outside of Utah and Colorado that may meet the regulatory thresholds are not included in the downline study area, even though OEA's own analysis indicates that the increased traffic may result in exceeding the threshold there. OEA's analysis clearly establishes the expectation that Uinta Basin crude oil will likely end up in only a few places, mostly in Houston/Port Arthur and Louisiana. Although OEA does not share the specific routing data it used, the routes owned by the two railroads analyzed (BNSF and UP), and the incentive to route efficiently, would suggest that much or all of this traffic would likely take the same limited number of routes and pass through the same yards, some of which may be within nonattainment areas. Not considering the impacts in these areas, let alone not including them in the downline study area, is irrational. For instance, the greater Houston metropolitan area, through which traffic between Houston and the Uinta Basin is expected to be the greatest, and through which through traffic to Louisiana appears likely to travel, is identified as a nonattainment area. See EPA, Green Book, https://www3.epa.gov/airquality/greenbook/map/mapnpoll.pdf (EPA Green Book) (visited Jan. 21, 2021); Texas Department of Transportation, Texas Non-Attainment Areas, https://gis-txdot.opendata.arcgis.com/datasets/texas-nonattainment-areas (visited Jan. 21, 2021). Areas</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. As discussed in that response, OEA concludes that rail traffic outside of the downline study area would be dispersed and that no individual rail lines outside of the downline study area, including existing rail lines in the Houston/Port Arthur area and Louisiana, can reasonably be expected to experience an increase in rail traffic in excess of OEA's analysis thresholds. OEA appropriately considered downline impacts for those segments that could exceed the regulatory thresholds as provided for in the Board's regulations. See 49 C.F.R. §§ 1105.7(e)(5); 1105.7(e)(6); 1105.7(e)(11).</p>

in Kansas and Louisiana through which Uinta Basin-related trains might travel may also qualify under the established regulatory air thresholds for non-attainment areas. See EPA Green Book. OEA estimates in the high rail traffic scenarios that 5.26 additional trains per day on average will travel between Houston/Port Arthur and Uinta Basin, and that 3.68 additional trains per day on average will travel between Uinta Basin and Louisiana. DEIS, App. C, Table C-4, at C-5. Averaging the high and low rail traffic scenarios for traffic to Houston/Port Arthur also results in an average that exceeds the threshold for nonattainment areas (3.55 trains per day on average), indicating that the range of expected increased traffic to this destination is above the regulatory threshold OEA uses. OEA does not even mention these expected exceedances, let alone explain why they would not qualify to be included in the downline study area.

Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-14)

Comment	Response
<p>The OEA incorrectly excludes multiple routes that in aggregate would meet the regulatory thresholds that OEA uses to identify the scope of the downline impacts. Even if specific routes east of the Denver metropolitan area individually would not experience expected increases in traffic that would reach the regulatory threshold cited by OEA, OEA's data clearly shows that in the aggregate routes to some of the destinations for traffic would exceed thresholds under the high rail traffic scenario. Specifically, Houston/Port Arthur and Louisiana would see 5.26 and 3.68 more trains per day on average, respectively, under the high rail traffic scenario. Combined, these two destinations would also see 3.13 more trains per day on average under the low rail traffic scenario, and 8.94 more trains per day on average under the high rail traffic scenario. These increases would all exceed the threshold for nonattainment areas, such as the Houston metropolitan area, and the combined high rail traffic scenario would exceed the eight trains per day threshold applicable for all rail lines in aggregate along all of the potential routes to Houston. OEA does not explain how the aggregate impact of these trains would not result in comparable impacts that should be taken into account as downline impacts. This is particularly the case with rail-related accidents, which will still have the same likelihood of occurring whether they are calculated along one or several lines. Increased downline impacts do not vanish or decrease merely because there are two or three routes to the same destination, rather than one.</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. As discussed in that response, OEA concludes that rail traffic outside of the downline study area would be dispersed and that no individual rail lines outside of the downline study area, including existing rail lines in the Houston/Port Arthur area and Louisiana, can reasonably be expected to experience an increase in rail traffic in excess of OEA's analysis thresholds. OEA appropriately considered downline impacts for those segments that could exceed the regulatory thresholds as provided for in the Board's regulations. See 49 C.F.R. §§ 1105.7(e)(5); 1105.7(e)(6); 1105.7(e)(11).</p>

Notes:

OEA = Office of Environmental Analysis; FRA = Federal Railroad Administration; PHMSA = Pipeline and Hazardous Materials Safety Administration; C.F.R. = Code of Federal Regulations; EIS = Environmental Impact Statement; OSHA = Occupational Safety and Health Administration; U.S.C. = United States Code; Board = Surface Transportation Board; NEPA = National Environmental Policy Act; TSA = Transportation Security Administration

Table T-9. Comments and Responses—Section 3.3, Water Resources

OKOKOK Productions, Katherine Hunter (UBR-DEIS-00046-2)	
Comment	Response
Concerning Water - The project would run almost the entire length of Indian Canyon Creek, with 443 stream crossings, impacting over 61 miles of streams and 26 acres of floodplains. All the alternative routes connect to the existing railroad at the same spot: directly adjacent to important wetlands along the Price River. These are detrimental impacts to the more valuable perennial waterways in our semi-arid state.	Please refer to Section 3.3, <i>Water Resources</i> , which includes information regarding streams, floodplains, and wetlands along the Action Alternatives, including along the Indian Canyon Alternative and Whitmore Park Alternative in Indian Canyon. OEA recognizes that the proposed rail line would affect wetlands around the Price River at the connection point with the existing UP line near Kyune, Utah. Construction of any Action Alternative would permanently affect approximately 0.30 acre of wetlands along the Price River. Construction of the Indian Canyon Alternative and Wells Draw Alternative would temporarily affect 1.9 acres of wetlands along the Price River, while the Whitmore Park Alternative would temporarily affect 2.8 acres of wetlands along the Price River. OEA notes that meeting the purpose and need of the proposed rail line requires the construction of a connection to the existing interstate rail network and that the location of such a connection is limited by engineering and safety considerations. Because the existing UP rail line parallels the Price River for its entire length within the study area, it would not be feasible to connect to the existing UP rail line and completely avoid impacts on the Price River or wetlands along the river. Impacts on wetlands around the Price River would be addressed during the Section 404 permit process, (see mitigation measures VM-21, VM-25, and WAT-MM-3 in Chapter 4, <i>Mitigation</i>). Because the comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Shawn Vaccaro (UBR-DEIS-00069-1)	
Comment	Response
I would like to express concern around the Uinta Basin Railway project and the potential environmental impact to water resources along the identified rail route(s). In general, my concern is the proximity to streams and springs at a number of points along the proposed 85 mile route. This is arid, high-desert terrain with very limited water	Please refer to Section 3.3, <i>Water Resources</i> , which includes information regarding streams and springs along the Action Alternatives. OEA cannot comment specifically on the spring referenced in the comment because the specific location is not disclosed. However, Table 3.3-18 in Subsection 3.3.3.2, <i>Impact Comparison between Action</i>

<p>resources. The small streams and springs along the proposed routes are critical to wildlife and livestock habitat and watering. I fear that the proposed rail will alter these limited water sources, and potentially cause natural springs to be damaged or to go dry. Specifically, my family owns 3 land parcels in Argyle Canyon that appear to be very close to the proposed rail routes (from the EIS interactive map). One 40-acre parcel has a free-flowing spring and is the only surface water source for several miles in the canyon. The spring and point of rail crossing is at a delicate 9000' elevation. The spring is used by free-range livestock for watering, by native wildlife for watering, and by area cabin owners that don't have water to their properties and fill containers at this spring. Additionally, Duchesne County has buried two below-ground water tanks that catch surplus water from our spring for water storage and firefighting purposes. Once these tanks are filled, the water flows back into the natural drainage. Again, our concern is the rail construction could alter or damage these vital natural springs, or cause them to go dry, in this arid, high elevation environment. Out of this concern, we are opposed to the construction of the Uinta Basin Railway project.</p>	<p><i>Alternatives</i>, of the Final EIS shows that no more than two springs would be permanently affected along any of the Action Alternatives. OEA is recommending that the Board impose mitigation measure WAT-MM-11, which would require the Coalition consult with owners of springs affected by the proposed rail line to mitigate the water rights associated with springs. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Mary Moran (UBR-DEIS-00140-1)

Comment	Response
<p>the route of the railroad will impact hydrology of Indian Canyon Creek, if this preferred route is chosen. Even if another potential route is chosen, the proposed connection point to the existing railroad is adjacent to wetlands near Price. It seems very unwise to propose any further impacts to our natural hydrologic systems in view of our current likely preview of our climate future. The Colorado River is currently running at lower than the tenth percentile for this early December date; the Green River is only slightly higher. Rainfall has been almost non-existent since March 2020, except for a couple of downpours. This may be our new normal. We need our intact and rare wetlands and streams. Thank you for the opportunity to comment.</p>	<p>Please refer to Section 3.3, <i>Water Resources</i>, which includes information regarding streams and wetlands along the Action Alternatives, including along the Indian Canyon Alternative and the Whitmore Park Alternative in Indian Canyon. OEA recognizes that the proposed rail line would affect wetlands around the Price River at the connection point with the existing UP rail line near Kyune, Utah. OEA also notes that meeting the purpose and need of the proposed rail line requires the construction of a connection to the existing interstate rail network and that the location of such a connection is limited by engineering and safety considerations. Because the existing UP rail line parallels the Price River for its entire length within the study area, it would not be feasible to connect to the existing UP rail line and completely avoid impacts on the Price River or wetlands along the river. Impacts on wetlands around the Price River would be addressed during the Section 404 permit process. Should the Board authorize an Action Alternative, the Coalition, during the Section 404 permit process, would develop final engineering and design plans and would be required to follow the standard Section 404 mitigation sequence of first avoiding, then minimizing, and finally compensating all wetland</p>

	impacts. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Joan Degiorgio (UBR-DEIS-00246-3)	
Comment	Response
WATER: As the second driest state in the Union and with a large percentage of Utah's wildlife depending on stream, riparian and wetland resources; plus, the impacts these systems have already endured, the permanent disturbances on water resources caused by the railroad are concerning. What are the losses to these resources that have occurred already statewide? At this point, even small losses are meaningful.	Please refer to Section 3.3, <i>Water Resources</i> , which includes information regarding streams and wetlands along the Action Alternatives. Please refer to Section 3.4, <i>Biological Resources</i> , for information regarding riparian areas along the Action Alternatives. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Marv Poulson (UBR-DEIS-00365-6)	
Comment	Response
The preferred project route would run almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River - harming the semi-arid state's precious perennial waterways.	Please refer to response to Comment UBR-DEIS-00046-2 above.
Melissa Peck (UBR-DEIS-00380-2)	
Comment	Response
And two, I don't know if they're taking into effect all of the vibration that is going to ruin not only my spring that we rely on there for water -- we would have to probably pack our water in if something happens to our spring. That's our only source of water.- And the vibration from the train being so close will ruin that.	Please refer to Section 3.3, <i>Water Resources</i> , which includes information regarding springs and vibration. Table 3.3-18 in the Final EIS shows that no more than two springs would be permanently affected along any of the Action Alternatives. As described in Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i> , train-generated ground vibration would be relatively low, and the damage contour for buildings would extend only 5 feet from the proposed rail line. Therefore, vibration impacts would be extremely localized. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Richard Spotts (UBR-DEIS-00396-6)	
Comment	Response
Water - The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the entire area with 443 stream crossings, impacting over 61 miles of streams and 26 acres of floodplains. All the alternative routes connect to the existing railroad at the same spot: directly adjacent to important wetlands along the Price River. These are unacceptable impacts to the precious perennial waterways in our semi-arid state.	Please refer to response to Comment UBR-DEIS-00046-2 above.

Melissa Peck (UBR-DEIS-00402-7)	
Comment	Response
We have -- a lot of our water in that area is very scarce already.- And so we have a few springs and small creeks, and those will be affected.	Please refer to Section 3.3, <i>Water Resources</i> , which includes information regarding streams and springs along the Action Alternatives. However, Table 3.3-18 in Section 3.3 in the Final EIS shows that no more than two springs would be permanently affected along any of the Action Alternatives. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Donald Jex (UBR-DEIS-00405-3)	
Comment	Response
Thirdly, the impact on the ground water and -- by the way, my wife and I are property owners in upper Argyle Canyon.- Our property is located about a mile below where the rail line would be run on the Whitmore route.- The ground water up there is going to be substantially affected by the drilling of the tunnel through that part of the canyon.- Because not only the winter runoff but the spring rains and so on feed Argyle Creek, which goes all the way down to 9-Mile Highway.- And if that moisture stream is interrupted, that's going to have a disastrous effect of the ecology of the canyon.	Please refer to Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i> , which includes information regarding the potential impact of tunnel construction on groundwater and springs. Streams above the locations of the proposed tunnel would not be disturbed by the proposed rail line, as no construction would occur in these areas. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Walter Dandy (UBR-DEIS-00421-1)	
Comment	Response
Does any information exist on how waxy crude, if spilled into mountain streams in carload quantities, would behave in fast cold water and what the short and long term impacts would be? I'm picturing flow as it raises the river temp, and while it retains enough of its own heat for fluidity. Then it will gradually resume a waxy solid consistency. Is the density above or below 1.0? So will it sink or float? It won't all do the same thing at the same time. If it is dense enough, some will probably get anchored on the bottom and on boulders. Some will respond to the strong currents and go a long way. Seasonal considerations will be immensely important. Imagine complexity of recapture during spring runoff. So once it is solid, it will stay solid. Will there be mechanical erosion from fast water and suspended sand, etc.? Water is a universal solvent, and we know in a hundred or five hundred years the hydrocarbons will be gone. But what will the interim interactions be with the sensitive organisms of these riparian biomes. What is the complete chemical profile? How are the requirements for filtering river water to make it potable going to be altered?	This comment requests additional information related to the potential impacts of a large spill of crude oil from rail cars on the proposed rail line into waterbodies along the rail line. Section 3.3, <i>Water Resources</i> , and Section 3.4, <i>Biological Resources</i> , provide information regarding the properties, potential chance of a spill, and potential impact of a spill of waxy crude oil on water resources and biological resources. It is not possible to further quantify those impacts because the type and severity of impacts from a spill would depend on unknowable factors, including the location of the spill, the size of the release of crude oil, and the effectiveness of the cleanup effort. The proposed rail line would be designed and operated in compliance with applicable federal regulations for the rail transportation of crude oil, and large spills of crude oil from rail cars are very infrequent events on rail lines that are in compliance with such regulations. Therefore, OEA does not consider a large spill of waxy crude oil into surface waters along the proposed rail line to be reasonably foreseeable under NEPA. OEA considers a large spill of crude oil to be a worst-case scenario for the proposed rail line, and NEPA does not require

	<p>agencies to assess potential environmental impacts that could result from a worst-case scenario. Moreover, the Coalition’s voluntary mitigation measures set forth in Chapter 4, <i>Mitigation</i>, would minimize the likelihood of a spill during rail operations and would minimize the severity of impacts in the unlikely event that a spill would occur. These measures include a commitment to prepare a hazardous materials emergency response plan to address potential derailments or spills (VM-11); work with the affected communities to facilitate the development of cooperative agreements with other emergency service providers to share service areas and emergency call response (VM-12); implement a desktop simulation of its emergency response drill procedures with the voluntary participation of local emergency response organizations (VM-13); notify appropriate federal, state, and tribal environmental agencies as required under federal, state, and tribal law in the event of a reportable spill (VM-14); and comply with FRA, Pipeline and Hazardous Materials Safety Administration, Transportation Security Administration regulations and tribal ordinances or plans applicable to the safe and secure transportation of hazardous materials (VM-15). Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Joel Ban (UBR-DEIS-00429-5)

Comment	Response
<p>Water Impacts. In terms of water impacts where in the EIS is it described how and on what basis surface water impacts will be temporary? How can these alleged temporary impacts be assured through mitigation measures? Please describe these measures in detail and how the temporary nature of these impacts can be proven. The preferred alternative of Indian Canyon presents an unacceptable level of surface water impacts for perennial streams. These proposed impacts are unacceptable based on limitations that are required under the Clean Water Act.</p>	<p>Please refer to Section 3.3, <i>Water Resources</i>, which includes information regarding both the permanent and temporary impacts on water resources. Impacts in the permanent and temporary footprints for the Action Alternatives are disclosed in various tables in Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i>, (e.g., Table 3.3-10), and temporary impacts on water resources are described as part of the construction impacts discussed in Subsection 3.3.3, <i>Environmental Consequences</i>. As stated in the Draft EIS, the Coalition would need to obtain an NPDES permit from the state of Utah to ensure it does not exceed water quality standards for all surface waters, including Section 303(d) impaired waters (with or without TMDLs). The Coalition would also need to obtain a Section 401 water quality certification from UDWQ before issuance of a Section 404 permit and an NPDES permit. Specific details on BMPs cannot be developed until the permit process and final engineering and design are complete. The EIS is not a permit document and these permits are not required for OEA to complete the NEPA process. The Board would not issue any permits related to</p>

	<p>water resources as part of its decision denying or granting construction and operation authority for the proposed rail line. The Coalition would need to obtain these permits prior to construction should the Board decide to authorize an Action Alternative. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>Joel Ban (UBR-DEIS-00429-7)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS concedes that "it is not possible to determine the extent of, not to quantify, the actual impact on these adjacent wetlands because there is no way to predict how a wetland adjacent to the project footprint would react to construction". DEIS p. 3.3-9. There is no indication as to why this is the case as the DEIS doesn't say whether there is any published literature that has studied this issue, modeling, or other experiences where wetlands were impacted by development such as train line construction. This assertion is hard to take at face value as in fact there are published studies on how wetlands are impacted by development. [Footnote 1: Railroad impacts on wetland habitat: GIS and modeling approach; 10.5198/jtlu.v0i0.181; Journal of Transport and Land Use.]</p>	<p>Please refer to response to Comment UBR-DEIS-00429-12 above. The Draft EIS discloses the potential impacts on adjacent wetlands in Subsection 3.3.3, <i>Environmental Consequences</i>, and quantifies those potential impacts in what is now Table 3.3-17 of the Final EIS in terms of the area of wetlands adjacent to the project footprint for each Action Alternative. To address this comment, OEA reviewed the study in the published literature that the commenter referenced on railroad impacts on wetland habitat. That study used GIS methods to attempt to quantify the indirect impacts of an existing railroad on elephant habitats in a large wetland complex in India. OEA notes that the ecological conditions in the study area in India are different from those in the study area for the proposed rail line and that the available methods for quantifying impacts on wetlands are different for an existing rail line than for a proposed rail line that has not been constructed. Moreover, the referenced study appears to support the conclusions of the Draft EIS because it finds that the primary indirect impacts of the existing rail line in India on wetlands were similar to the impacts discussed in the Draft EIS for the proposed rail line. The impacts described in the referenced study included fragmentation of wetlands and the resulting alterations and degradation to hydrology, vegetation, and habitats. The Draft EIS disclosed similar types of indirect impacts on wetlands. For example, the Draft EIS states on pages 3.3-32 to 3.3-33, "If a wetland were partially filled and fragmented or if wetland vegetation were trimmed or cleared, vegetation and habitat would be altered and degraded. Any fragmentation or interruption of wetland habitat and vegetation could affect wildlife use of the wetland." To quantify the potential extent of these potential indirect effects on wetlands, the Draft EIS reported the acreage of wetlands adjacent to the Action Alternatives that would be subject to these potential effects. The extent of these effects could range from no impact to more extensive impacts, depending on the site-specific circumstances. Action Alternatives with more wetland area adjacent to the project footprint</p>

	<p>would result in a greater wetland area that could be susceptible to indirect impacts from construction and operation when compared to Action Alternatives with fewer acres of wetlands adjacent to the project footprint. In the absence of available methods and studies for more precisely quantifying indirect impacts of the proposed rail line on wetlands, OEA’s approach is reasonable and sufficient. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Joel Ban (UBR-DEIS-00429-8)

Comment	Response
<p>The DEIS also concedes that although many portions of the streams are in good condition, but some segments are heavily disturbed by oil and gas development. DEIS, 3.3-12. Please specify the exact streams and sections that are in this condition and how these areas would be impacted by the proposed project and other cumulative impacts such as oil/gas and/or livestock.</p>	<p>Please refer to Section 3.3, <i>Water Resources</i>, which includes information regarding water quality impacts on all streams, including impaired streams listed under Clean Water Action Section 303(d). Subsection 3.3.2, <i>Affected Environment</i>, discusses the baseline conditions of streams in the study area and includes qualitative descriptions of the condition of particular segments of major surface water features, including the Price River, Indian Canyon Creek, and Argyle Creek. Please also refer to Section 3.15, <i>Cumulative Impacts</i>, for the cumulative impacts discussion on surface waters (including impacts from oil and gas development). OEA notes that impacts on disturbed and undisturbed surface waters are subject to the same permitting requirements for protection of the resource and water quality. As stated in the Draft EIS, the Coalition would need to obtain an NPDES permit to ensure water quality standards for all surface waters, including Section 303(d) impaired waters (with or without TMDLs), are not exceeded. The Coalition would also need to obtain a Section 401 water quality certification from UDWQ before issuance of a Section 404 permit and an NPDES permit. Compliance with those permitting requirements would minimize potential environmental impacts. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Joel Ban (UBR-DEIS-00429-9)

Comment	Response
<p>The DEIS indicates that degradation of water quality would be temporary, and only to occur during construction. DEIS 3.3-26. Even if this were true, which is never explained, the DEIS also concedes that impaired waters under section 303(d) exist within the project area. The coalition also proposes obtaining a 401 water quality certification and a NPDES permit before construction begins. This would involve development of a stormwater pollution prevention plan so as to avoid/minimize</p>	<p>Please refer to response to Comment UBR-DEIS-00429-10 above.</p>

<p>erosion/sedimentation from petrochemical spills that would cause water quality impacts. The DEIS acknowledges that sediment transport, deposition, modification of channel configuration could occur as well as release of pollutants into these waters. Before any construction began however the agency must ensure that the permit effluent limits are consistent with the requirements of the TMDL. 40 C.F.R. 122.44(d)(1)(vii)(B). If the TMDL is more than five years old a site-specific analysis should be conducted before a discharge permit is issued.</p>	
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Joel Ban (UBR-DEIS-00429-10)

Comment	Response
<p>If a new discharge is allowed into an impaired water the TMDL must make an allowance for it through a WLA. 40 C.F.R. 122.4(i)(1). Where there is a new discharge into an impaired water that does not have an established TMDL the discharge must ensure compliance with the WQS. 33 U.S.C. 1311(b)(1)(C). Courts have held that a new permit may not be issued to an impaired water body where the requirements of 40 C.F.R. 122.4 were not met first. <i>Friends of Pinto Creek v. EPA</i>, 504 F. 3d. 1007, 1012-13 (9th Cir. 2007). There would have to be sufficient load capacity for the pollutant and/or a compliance schedule. There is some indication as to which water bodies would be potentially subject to increased pollution from the proposed project, however whether it would be in compliance with the Clean Water Act based on the already impaired water status of a number of water bodies is unclear. Efforts to minimize (or to only create "short term impacts") impacts to these water bodies as explained above is insufficient, and in this case a permit may not be issued if the requirements of 40 C.F.R. 122.4 are not first met.</p>	<p>Please refer to Section 3.3, <i>Water Resources</i>, which includes information regarding potential impacts on listed Section 303(d) impaired waters, including impaired waters that have a TMDL. As stated in the Draft EIS, the Coalition would need to obtain an NPDES permit to ensure water quality standards for all surface waters, including Section 303(d) impaired waters (with or without TMDLs), are not exceeded. The Coalition would also need to obtain a Section 401 water quality certification from UDWQ before issuance of a Section 404 permit and an NPDES permit. The EIS is not a permit document and these permits are not required for OEA to complete the NEPA process. The Board would not issue any permits related to water resources as part of its decision denying or granting construction and operation authority for the proposed rail line. The Coalition would need to obtain these permits prior to construction should the Board decide to authorize an Action Alternative. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Joel Ban (UBR-DEIS-00429-11)

Comment	Response
<p>The idea that ongoing impacts to surface waters could be avoided since the impacts would mostly be temporary is unexplained in the DEIS. This is due to stormwater runoff from the railbed and road surfaces would result in sediments to surface waters. DEIS, p. 3.3-28. The study also indicates that fugitive dust and maintenance related pollution would be created and be deposited into these waters. Other toxic chemicals and PAHs could drip directly into surface waters.</p>	<p>As discussed in the Draft EIS, the proposed rail line would result in both temporary and permanent impacts on water resources. Please refer to Section 3.3, <i>Water Resources</i>, which provides information regarding both permanent and temporary impacts on water resources, including surface waters, floodplains, and wetlands. For example, Table 3.3-16 in Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i>, of the Final EIS shows both the permanent and temporary impacts on wetlands. The Draft EIS notes that fugitive dust could be generated both during construction activities and during rail operations and that fugitive dust could affect water quality by depositing fine sediments into surface waters. The</p>

	Draft EIS also concludes that PAHs and other pollutants could be deposited directly into surface waters during rail operations. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
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Joel Ban (UBR-DEIS-00429-12)

Comment	Response
<p>In terms of wetlands the DEIS appears to understate impacts as it concludes that there would be no construction in wetlands or portions of wetlands adjacent to the project, and that there could be indirect impacts. DEIS 3.3-9. This portion of the DEIS is missing significant analysis due to the fact that the final construction plans and predicted impacts are largely unknown until the final design stage. This process however doesn't allow stake holders to understand the proposed impacts before any particular alternative is selected. Please provide the details as to these impacts in a new DEIS so the public can properly comment on the impacts to wetlands. This would be required under NEPA. It is clear that stream realignments that will be done in conjunction with the Army Corps of Engineers is a part of the 404 process. DEIS 3.3-25. These stream re alignments are impacts to wetlands and must be studied in a separate NEPA process with public notice.</p>	<p>The Draft EIS contains sufficient information to identify significant and unavoidable potential environmental impacts of the proposed rail line and to inform the Board's decision on whether to authorize the proposed rail line. The Draft EIS acknowledged that wetlands adjacent to the project footprint could be indirectly affected by construction and operation of the proposed rail line. Please refer to Subsection 3.3.3.1, <i>Impacts Common to All Alternatives</i>, for information regarding impacts on wetlands adjacent to the project footprint. Table 3.3-17 in Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i>, of the Final EIS quantifies the potential indirect impacts of each Action Alternative on wetlands adjacent to the project footprint. OEA notes that the project footprint represents the area in which all construction-related activities would occur, so construction-related activities would not occur in wetlands outside of the project footprint. The potential indirect impact on these adjacent wetlands does not include permanent placement of fill and would not require a Section 404 permit. However, should the Board authorize an Action Alternative, the Coalition, during the Section 404 permitting process, would develop final engineering and design plans and would be required to follow the standard Section 404 mitigation sequence of first avoiding, then minimizing, and finally compensating for all wetland impacts. The Draft EIS also disclosed potential impacts related to proposed stream realignments in Subsection 3.3.3, <i>Environmental Consequences</i>. The locations of proposed stream realignments are shown in the detailed project maps in Appendix A, <i>Action Alternatives Supporting Information</i>. Accordingly, no changes to the Draft EIS are warranted in response to this comment and preparation of a new Draft EIS would be unnecessary and inappropriate.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-22)

Comment	Response
<p>Study area: We recommend that the Final EIS would benefit from an analysis within a 300 ft. buffer from the projected edge of disturbance rather than a 500 ft. buffer from the rail centerline. This would be</p>	<p>Prior to preparing the Draft EIS, OEA consulted with appropriate agencies, including the Corps, in establishing the wetlands and surface waters study area for the Action Alternatives. Moreover, the</p>

<p>more appropriate for mitigation and avoidance and impact disclosure given the projected impact footprint takes up nearly the entire 500 ft. buffer in some locations. For example, in some areas, the right of way (ROW) for temporary and permanent impacts is wider, and, in such cases, the 1000 ft. wide study area does not extend 300 ft. beyond the edge of the impact footprint. In these areas, we continue to recommend the study corridor be widened so it captures all aquatic resources extending 300 ft. from the edge of the ROW and fill slopes. Additionally, we recommend increasing the study area in the Final EIS where there may be potential for additional minimization through alignment adjustments.</p>	<p>Corps' comment on the Draft EIS indicates that the established study area for water resources is sufficient (see Comment UBR-DEIS-00481-6). OEA does not believe that defining the water resources study area to extend 300 feet from the edge of the project footprint, rather than 500 feet from the centerline, would provide additional information that could affect the conclusions of the Draft EIS or better inform decision-makers or the public about the impacts of constructing and operating the proposed rail line. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-25)</p>	
<p>Comment</p>	<p>Response</p>
<p>We appreciate the efforts made by STB to identify the impacts of this project on waterbodies within the project area. Our review of the Draft EIS indicates that most of our comments from scoping and preliminary draft EIS development were adequately addressed. Because the Draft EIS concludes the preferred alternative would likely result in significant impacts to water quality, we reiterate our recommendation that the STB and Coalition work to avoid or minimize impacts to surface waterbodies and groundwater adjacent to or in the vicinity of the preferred alternative during construction and operational phases of the preferred alternative, should the project be authorized. We also recommend that both STB and the Coalition work to develop robust mitigation to achieve the objectives above, but also to offset any unavoidable impacts resulting from the project.</p>	<p>Impacts on surface waters and wetlands would be avoided and mitigated pursuant to Section 401, 402, and 404 permitting requirements. All terms and conditions of these permits would be implemented by the Coalition. Specific details on mitigation measures and BMPs would be developed in consultation with the Corps, the Ute Indian Tribe, and UDWQ during the permit process and final engineering and design phase if an Action Alternative is authorized. Additional measures to minimize and avoid construction and operation impacts on water resources developed by OEA are included in Chapter 4, <i>Mitigation</i>.</p>
<p>Duchesne County, Mike Hyde (UBR-DEIS-00436-9)</p>	
<p>Comment</p>	<p>Response</p>
<p>Page 3.3-7 Impacts on Surface Water Quality and Hydrology: The Coalition would design culverts and bridges located in FEMA-mapped floodplains to meet the required floodplain development regulations. [Bold: Comment: FEMA has not mapped floodplains in Duchesne County except for the municipalities of Duchesne City and Myton City (which lie outside of the project area). Culverts and bridges would need to be designed to meet the requirements of the Utah State Engineer's office for a stream alteration permit and of Duchesne County for a flood zone development permit.]</p>	<p>Please refer to response to Comment UBR-DEIS-00436-10 above. In addition, OEA has added a reference to Utah State Engineer's office to the surface waters section in Subsection 3.3.1.3, <i>Analysis Methods</i>. Rule R655-13 for stream alteration permits is referenced in Appendix B, <i>Applicable Regulations</i>, as a regulation and permitting requirement for the proposed rail line.</p>

Duchesne County, Mike Hyde (UBR-DEIS-00436-10)	
Comment	Response
Page 3.3-30 Floodplains: Any part of the proposed rail line within FEMA-mapped 100-year floodplains would be designed to meet the required floodplain development regulations. [Bold: Comment: FEMA has not mapped floodplains in Duchesne County except for the municipalities of Duchesne City and Myton City (which lie outside of the project area). However, Duchesne County does have a floodplain development ordinance and permit requirement.]	The footnote on Draft EIS page 3.3-7 indicates that FEMA has not mapped floodplains on large portions of the study area, including Duchesne County. For clarity, OEA has added local floodplain ordinances and permitting reference to Subsection 3.3.1.3, <i>Analysis Methods</i> .
Duchesne County, Mike Hyde (UBR-DEIS-00436-11)	
Comment	Response
Page 3.3-25 Surface Water Hydrology: This could cause increased streambed erosion and sediment loads, changes [bold and underline: to] stream structure, and increased transport of nutrients and other pollutants (USEPA 2007).	OEA has corrected the typographical error identified by the commenter by adding the word "to" to the sentence in the Final EIS.
Duchesne County, Mike Hyde (UBR-DEIS-00436-64)	
Comment	Response
Page 4-6 Water Resources: VM-32. For streams and rivers with a floodplain regulated by the Federal Emergency Management Agency, [bold and underline: the State of Utah, local counties] or the Ute Indian Tribe, the Coalition will [bold and underline: obtain a flood zone development and] design the stream crossing with the goal of not impeding floodwaters and not raising water surface elevations to levels that would change the regulated floodplain boundary.	This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to the voluntary mitigation measures proposed by a railroad, but notes that Appendix B, <i>Applicable Regulations</i> , includes all applicable regulations to construct and operate the rail line that the Coalition would be required to follow, including floodplain development ordinances of all four counties crossed by the proposed rail line.
Duchesne County, Mike Hyde (UBR-DEIS-00436-72)	
Comment	Response
Page 4-9 Water Resources: WAT-MM-3. The Coalition shall design all stream realignments in consultation with the Corps and Utah Division of Water Rights as part of the Section 404 permit mitigation plan development and Utah Stream [strike through: Alternation] [bold and underline: Alteration] Program, respectively, to ensure effects on stream functions are taken into account and minimized.	OEA has corrected the typographical error identified by the commenter by changing the word "alternation" to "alteration" in the Final EIS.
Duchesne County, Mike Hyde (UBR-DEIS-00436-73)	
Comment	Response
Page 4-10 Water Resources: WAT-MM-7. During project-related construction, the Coalition shall use temporary barricades, fencing, and/or flagging around sensitive habitats (e.g., wetlands, streams) to contain project-related impacts [strike through: on] [bold and underline: within] the construction area.	To correct the Final EIS, OEA made the changes recommended in this comment. OEA has adopted the commenter's recommendation by changing the word "on" to "within" in the referenced sentence in the Final EIS.

Duchesne County, Mike Hyde (UBR-DEIS-00436-74)	
Comment	Response
Page 4-10 Water Resources: WAT-MM-11. To address the closing of active groundwater wells and permanent impacts on springs, the Coalition shall consult with the owner [bold: and the Utah Division of Water Rights] to attempt to replace each active well closed with a new well and to mitigate the water rights associated with springs, as practicable.	For clarity, OEA added the Utah Division of Water Rights to WAT-MM-11.
U.S. Army Corps of Engineers, Sacramento District, Jason Gipson (UBR-DEIS-00481-6)	
Comment	Response
Water Resources - Field Data: The draft EIS indicates that field data has been collected for the majority of the field study area for the Indian Canyon, Wells Draw, and Whitmore Park alternatives. The field study area consists of a 1,000-foot-wide corridor along much of the rail centerline for each alternative. In general, the field data to identify aquatic resources within the survey study area appears to be sufficient for planning purposes for these three alternatives. If additional alternatives are later determined to be practicable, additional field data should be collected to confirm the extent of aquatic resources in those rights-of-way.	OEA has reviewed all public comments received on the Draft EIS and has not identified any additional reasonable or practicable alternatives that would require additional data collection or detailed analysis in the Final EIS. Following the end of the environmental review process, the Board will decide which, if any, Action Alternative to authorize.
U.S. Army Corps of Engineers, Sacramento District, Jason Gipson (UBR-DEIS-00481-7)	
Comment	Response
Water Resources - Project Impacts: Information for impacts associated with the project should clearly specify the miles of stream lost compared to the length of realigned streams. Information that accounts for the reduction in sinuosity when the meandering streams are realigned/straightened should also be included to appropriately determine the stream losses associated with the project.	To address this comment, OEA has added Table 3.3-13 to Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i> , in the Final EIS to describe impacts on sinuosity. OEA used preliminary information provided by the Coalition to estimate the distance of stream miles affected at realignments and the distance of new stream channels that may be created for each Action Alternative. OEA compared these distances to determine the potential loss in sinuosity. The Whitmore Park Alternative would result in the greatest loss in sinuosity (1.0 mile), followed by the Indian Canyon Alternative (0.8 mile). The Wells Draw Alternative would have a net zero sinuosity impact. Should the Board authorize an Action Alternative, the length of realigned streams would be determined during final permitting and design and in consultation with the Corps during the Section 404 permit process.
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-5)	
Comment	Response
Cloudburst Floods and Mud-Rock Flows (P. 3.3-18) Correctly points out it is difficult to predict a flash flood or debris flow event on any given drainage,	Please refer to Subsection 3.3.2.2, <i>Floodplains</i> , which describes cloudburst floods as common to the region and, therefore, to the Action Alternative

<p>however it is possible to predict those events happening within a region. The West Tavaputs Plateau is a very active area for debris flows and flash floods. Given several hundred individual drainages being crossed by the railway, these events are almost a certainty, somewhere along the line on almost a yearly basis. Our personal observations in Nine Mile Canyon is that one of the side canyons draining from the north will experience a flash flood or debris flow every year. Some years several drainages will be so affected. These events should be anticipated, planned for and analyzed rather than being ignored as a rare event. It may be rare at any given location, but they are regular events somewhere in the region.</p>	<p>study areas. While the occurrence of repeated cloudburst floods in the same area would be rare, the Draft EIS does not discount or ignore their occurrence. Construction and operation of the proposed rail line would not cause cloudburst floods. Cloudburst floods are addressed because material moved with a cloudburst flood could reach the proposed rail line and impede or alter flows at culverts and bridges. OEA is recommending mitigation to minimize this potential impact, including mitigation measures WAT-MM-1, WAT-MM-2, and WAT-MM-10. If those mitigation measures are imposed, the Coalition would design the rail line to ensure adequate hydrologic connectivity and flow across the rail line so the integrity of the rail line would not be compromised if such an event were to occur.</p>
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Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-6)

Comment	Response
<p>Table 3.3.5 Section 303(d) Impaired Waters Status of Surface Waters in the Field Survey Study Area: Why is there no discussion about how the project would affect water quality on these waters which are already degraded and not meeting standards? No specific mitigation for these waters is identified other than acquiring permits. Another reason to commit to short and long term monitoring.</p>	<p>Please refer to Subsection 3.3.3, <i>Environmental Consequences</i>, which includes information regarding impacts on Section 303(d) listed impaired surface waters. In response to this comment, OEA has added language to Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, clarifying that impacts on Section 303(d) listed impaired streams would be the same impacts as described in the same section for surface waters generally. As stated in the Draft EIS, the Coalition would need to obtain an NPDES permit to ensure water quality standards for all surface waters, including Section 303(d) impaired waters (with or without TMDLs), are not exceeded. The Coalition would also need to obtain a Section 401 water quality certification from UDWQ before issuance of a Section 404 permit and an NPDES permit. If an Action Alternative is authorized, the Coalition would develop specific details on measures and BMPs related to these permits in consultation with the Corps, UDWQ, and other appropriate federal, state, and tribal agencies during the permit process and final engineering and design.</p>

Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-7)

Comment	Response
<p>3.3.3.1 Impacts Common to All Action Alternatives Surface Waters Designing culverts and bridges for 50 and 100 year events is totally inadequate. With several hundred individual drainages and the highly localized nature of these events, a 100 year event could be anticipated somewhere along the railway every year. Our experience in Nine Mile Canyon is culverts designed for 50-100 year events fail repeatedly. Also, the design should demonstrate</p>	<p>Based on project information provided by the Coalition, as well as the Coalition’s voluntary mitigation measures and OEA’s additional recommended mitigation measures, OEA concludes that the proposed rail line would be designed to meet or exceed local, state, federal, and railway industry standards for the design of surface water crossings. The Coalition’s commitment to design all culverts and bridges so as to clear the predicted 50-</p>

<p>adaptation to climate change. The standard 50-100 year calculations do not work in a modified climate. We know for example that we can expect less precipitation in the form of snow and more as rain. Even though the climate is drying, greater storm intensity is anticipated. This will lead to more frequent extreme events like flash floods and debris flows. Just the nature of the railway, a berm laid across the slope with drainage focused in bridge and culvert locations will lead to increased flood damage downstream, even if the bridges and culverts remain intact. These will cause great damage when they arrive downstream in places like Nine Mile Canyon.</p>	<p>year flood event water elevation without causing a backwater increase and such that the 100-year flood event would cause no more than a 1-foot backwater increase are consistent with the objective of meeting or exceeding applicable design standards. As stated in Section 3.3, <i>Water Resources</i>, OEA’s analysis in the Draft EIS is based on preliminary design and engineering information provided by the Coalition. If the Board were to authorize one of the Action Alternatives, the Coalition would determine the final design and placement of conveyance structures during the final permitting and design phase, in consultation with the Corps, the Utah State Engineer’s office, and other appropriate agencies. In addition, OEA is recommending mitigation that would require the Coalition design the rail line and associated features to maintain existing drainage patterns, maintain existing water patterns and flow conditions, and provide long-term hydrologic stability (see mitigation measures WAT-MM-1, WAT-MM-3, and WAT-MM-4 in Chapter 4, <i>Mitigation</i>).</p> <p>To address the commenter’s concerns regarding the discussion of climate change in the Draft EIS, OEA has added language to Section 3.7, <i>Air Quality and Greenhouse Gases</i>, and Section 3.15, <i>Cumulative Impacts</i>, acknowledging that the climate in the study area may change in the future as a result of increasing global concentrations of greenhouse gases and that these changes could include more frequent extreme events. In addition, OEA is recommending an additional mitigation measure that would require the Coalition consider potential future changes in precipitation patterns when designing stream crossings and other project features (WAT-MM-12).</p>
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<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>In S.4.1 OEA uses terms such as [italics: "unavoidable impacts", "loss of wetland habitat", and "permanent changes"], [Footnote 3: DEIS S-7] to summarize the impacts that the UBR will inflict on Water Resources. While OEA subsequently attempts to quantify the anticipated impacts for each of the three Action Alternatives in later sections of the DEIS, OEA simply uses the data to rank each alternative respective to the others, and provides no data to indicate whether such unavoidable impacts represent an acceptable level or not. The DEIS is grossly negligent by failing to make such a determination. Reliance upon Coalition-proposed voluntary mitigation measures and OEA's recommended additional measures is insufficient in ensuring that such mitigation</p>	<p>During the environmental review for the EIS, OEA identified the level of potential impact from construction and operation of the proposed rail line on each resource of concern. After the Final EIS is issued and the environmental review process is complete, the Board will consider the potential environmental impacts associated with the proposal and weigh those potential impacts along with the transportation merits and will issue a final decision either granting the exemption, granting the exemption with conditions, or denying the exemption. Therefore, the Board is responsible for determining whether the environmental impacts are acceptable for this project.</p> <p>As described in Chapter 4, <i>Mitigation</i>, if the Board authorizes an Action Alternative and the Coalition</p>

<p>measures adequately address and offset the anticipated impacts, thereby failing to substantiate a full and complete and acceptable mitigation of the project's impacts. OEA further fails to detail how such mitigation measures will be implemented, monitored, and verified. There will clearly be no accountability for the Coalition or its contractors for violation of these [<u>proposed</u>] mitigation measures. As private citizens and affected landowners we will be left to our own limited financial resources to enforce compliance with the suggested mitigation measures through litigation, which will prove unsustainable. Without enforcement and accompanying civil and criminal penalties such recommended mitigation measures are rendered utterly useless.</p>	<p>constructs the rail line, the Board's final environmental mitigation measures, which could include the Coalition's voluntary mitigation measures and OEA's recommended mitigation measures, would become binding measures as they would be conditions of the authorization of an Action Alternative included in the Board's final decision. Any action or plan developed to address the requirements of the Board's final environmental conditions would be required to be implemented, and the Board, through OEA, would ensure that all of the voluntary mitigation and additional mitigation imposed by the Board is implemented in an appropriate and timely manner. To clarify for all parties regarding the Board's ongoing authority over the implementation of mitigation measures, OEA is recommending an additional mitigation measure that would require the Coalition submit quarterly reports to OEA regarding the status of construction activities and of mitigation measure implementation (MC-MM-1). OEA will review the reports and consult with the Coalition and appropriate federal, state, local, and tribal agencies, as necessary, to ensure that the Coalition is complying with all mitigation measures.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-52)

Comment	Response
<p>Less-discussed and frequently overlooked are the subsurface water resources that stand to be disrupted and impacted by the construction and operation of the railway. Many landowners in the Argyle Canyon community own wells and water rights to springs. The geology is such that any significant disturbance, vibration, excavation, boring, blasting, etc. will likely disrupt the shale layers that contain this water, resulting in wells that go dry and springs that no longer flow. Community residents will undoubtedly be expected to suffer these expensive and irreparable losses, with no responsibility taken and no compensation provided from the companies and government entities who cause such harm, unless residents have the requisite time and financial resources to pursue remedies in Court. Such negative impacts on area landowners should be viewed as absolutely abhorrent, yet I suspect that they will be brushed aside and trampled underfoot/underrail of the multi-billion dollar oil train.</p>	<p>Please refer to responses to Comments UBR-DEIS-00405-3 and UBR-DEIS-00380-2 above. Subsection 4.4.2, <i>Water Resources</i>, sets forth OEA's final recommended mitigation for impacts on groundwater wells and springs. No additional mitigation has been shown to be warranted.</p>

Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-5)

Comment	Response
<p>The DEIS supports OEA's conclusions that the Whitmore Park Alternative would permanently affect the smallest total area of surface waters and</p>	<p>To address concerns regarding impacts on surface waters with more limited flow (e.g., ephemeral streams), OEA has revised Subsection 3.3.3.1,</p>

<p>wetlands, while the Wells Draw Alternative would affect the largest area. However, the OEA may want to take another look at the potential impacts that the project may have on water resources. Some of the impacts to waterways may have been overstated. After reviewing the DEIS, it appears there is an assumption that impacts from the project on waterways are the same regardless of whether or not the waterway is a perennial river, an intermittent stream, or a man-made canal. The OEA should revise the DEIS to clearly distinguish the impacts the project will have on different waterways. For example, Table 3.3-12 implies that all surface water crossing will increase flow and down cuts and increase erosion. Yet, the impacts on water flows and the potentials for increase erosion are very different for an ephemeral wash versus the impacts on a year around stream.</p>	<p><i>Impacts Common to All Action Alternatives</i>, in the Final EIS to clarify that the extent of impacts on surface waters with more limited flows may be different than surface waters with perennial or higher frequency flows. In addition, OEA has revised the text preceding Table 3.3-12 to indicate the higher percentage of crossing structures at ephemeral streams for all Action Alternatives (>70%): the Indian Canyon Alternative is 72%, Wells Draw Alternative is 71%, and Whitmore Park Alternative is 78%.</p>
<p>Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-6)</p>	
<p>Comment</p>	<p>Response</p>
<p>Further, failing to distinguish between impacts to different types of surface water will create severe overestimates of potential impacts. Table 3.3-12 identifies the number of surface water crossing structures that will likely be needed. When looking closer at most crossing, it appears that a majority of crossing will be over small ephemeral washes and will have little to no downstream impacts. Though, as written, the DEIS places all crossings together based on culvert size which drastically overestimates potential environmental impacts.</p>	<p>Please refer to response to Comment UBR-DEIS-00663-5 above.</p>
<p>Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-7)</p>	
<p>Comment</p>	<p>Response</p>
<p>Not only will separating out waterways allow for a more specific impact analysis, it will also help in developing more specific recommendations for mitigation measures. The State believes there may be different mitigation measures needed to offset impacts to flows and surface hydrology based on the actual impact to a waterway. For example, mitigation may not be recommended for de-minimus impacts to minor ephemeral streams, while impacts that severely impact flows, drainage patterns, and long-term hydrology of an area may require a different mitigation approach, as noted in Chapter 3, 3-25. The specifics behind what type of mitigation may be recommended to offset a certain type of waterbody or waterway should be more clearly identified in the Final EIS.</p>	<p>As stated in Subsection 3.3.1.3, <i>Analysis Methods</i>, the list of culverts and bridges is preliminary. If the Board were to authorize one of the Action Alternatives, the Coalition would determine the final design and placement of conveyance structures during the final permitting and design phase, in consultation with the Corps, the Utah State Engineer’s office, and other appropriate agencies. Specific details on BMPs or mitigation measures to address potential impacts at stream crossings, including ephemeral streams would be determined during the permitting process, but cannot be developed until an Action Alternative is authorized and final engineering and design are complete. The Coalition would need to obtain these permits prior to construction should the Board authorize an Action Alternative.</p>

Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-8)	
Comment	Response
Table 3.3-13 should be clarified to show that water quality may be potentially impacted only within flowing waterways. The OEA should remove the reference that the entire acreage within the watershed boundary will be impacted by impaired waterways since the metric is misleading.	While many states list individual water bodies on their Section 303(d) impaired list, Utah lists entire assessment units, which are equivalent to watersheds. Due in part to the presentation of these data for Utah, OEA quantified impacts on Section 303(d) impaired water bodies in terms of linear distances and areas of disturbances within impaired assessment units for each Action Alternative, as shown in what is now Table 3.3-14 in the Final EIS. OEA believes that the total linear distance and total area affected within an impaired assessment unit is a useful metric for quantifying potential impacts on impaired waters because disturbances within an impaired assessment unit, such as runoff from a construction site or from the rail line itself, can affect impaired waterways within that assessment unit. Therefore, the metrics used by OEA properly allow for comparison of each Action Alternative's potential impact on 303(d) impaired waters from the proposed construction and operations. To clarify the metric that OEA used to quantify impacts on impaired waters, OEA has revised Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i> , in the Final EIS to include an additional explanation that the numbers reported in what is now Table 3.3-14 refer to total disturbances within impaired assessment units, not only disturbances to impaired water bodies. OEA acknowledges that some streams may not have flow (e.g., ephemeral streams) at the time of construction or operations and, therefore, would be less susceptible to water quality impacts. OEA has added a note to Table 3.3-14 to state that Utah's Integrated Report does not include ephemeral streams.
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-9)	
Comment	Response
The project crosses flood plains in Uintah and Duchesne counties that could be impacted. The DEIS states that the Coalition will design culverts and bridges in FEMA mapped floodplains. The State requests that language is added to the DEIS to note that the Coalition will also consult with local counties and the State engineer to avoid and minimize impacts from the project and comply with any local development and permit requirements at the local and state level.	To address concerns regarding state and local county permit and development requirements, OEA has revised Subsection 3.3.1.3, <i>Analysis Methods</i> , in the Final EIS to clarify that the Coalition would consult with state and local entities during final permitting and design of culverts and bridges.
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-10)	
Comment	Response
STB should clarify the impacts that the project will have on wetlands. As written, the DEIS states that	Please refer to Section 3.3, <i>Water Resources</i> , and Chapter 4, <i>Mitigation</i> , which states that mitigation

<p>the project will indirectly fragment wetlands. Chapter 3, page 3-33 should clarify that any fragmentation will be minimal because the surface wetlands will remain connected through installing culverts and ensuring wetlands stay intact. The DEIS should be modified to clearly note that impacts to wetlands will be updated when the Section 404 Clean Water Act permitting process is finalized. The State looks forward to continuing to work with OEA and other cooperating agencies to clarify the analysis in this section.</p>	<p>would be implemented to maintain existing wetland hydrology to minimize impacts. OEA acknowledges that wetland impact areas may be refined during the Section 404 permitting process, and that some surface waters may not be considered jurisdictional under the Clean Water Act. However, the EIS discloses the most current information on all known wetland impacts. Under NEPA, all surface waters and wetlands, regardless of jurisdiction, are part of the “human environment” and impacts on those surface waters must be assessed and disclosed. The EIS here includes all of the information on wetlands available to OEA at this point.</p>
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Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-1)

Comment	Response
<p>While the Coalition generally agrees that the DEIS provides a sound and thorough scientific analysis, there are certain places within the document where OEA has inaccurately overstated impacts of the Project, particularly the potential impacts to water resources and biological resources. This is primarily due to the apparent assumption that impacts are the same regardless of whether the surface water is a perennial stream, intermittent stream, ephemeral stream, pond, playa, or ditch/canal. In addition, OEA has improperly included mitigation measures for impacts to agricultural lands that are more appropriately handled under Utah state law. These and other issues are further addressed below.</p>	<p>To address concerns regarding impacts on surface waters with varying flows, OEA has revised Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, in the Final EIS to clarify that the extent of impacts on surface waters with more limited flows (e.g., ephemeral streams) may be different than surface waters with perennial or higher frequency flows. Additionally, in response to comments, OEA has revised mitigation measure SOCIO-MM-1 in the Final EIS to acknowledge applicable state law. Please also refer to response to Comment UBR-DEIS-00666-29 below.</p>

Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-2)

Comment	Response
<p>The Coalition appreciates OEA's recognition that the Coalition's proposed rail design and mitigation measures will offset the potential surface water hydrology impacts. However, [italics: the potential] for increased velocities and erosion (as well as the number of crossings [which are mostly ephemeral washes] is used in the DEIS to characterize the impacts to water resources as significant and unavoidable. The Coalition believes this conclusion in the DEIS is inaccurate and unsupported. The Coalition's rail line design would minimize impacts because perennial and intermittent streams would be crossed with bridges or culverts that span the entire stream channels where practical, and energy dissipation features would be incorporated at culvert outlets for ephemeral stream crossings. In addition, the proposed voluntary mitigation, OEA's recommended mitigation, and the conditions of a CWA § 401 certification will further reduce any potential impacts to surface water hydrology. Further, any minor increases in erosion will not contribute sediment at levels that would lead to</p>	<p>Please refer to response to Comment UBR-DEIS-00663-5 above.</p>

<p>water quality degradation. The DEIS should distinguish between the type of surface water impacted when discussing potential impacts. For example, Table 3.3-12 highlights surface water crossings by crossing structure. But the vast majority of these crossings are over ephemeral washes and would be expected to have minimal downstream impacts. Lumping all crossings together based on culvert size results in an overestimate of potential impacts.</p>	
<p>Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS should also explicitly distinguish between the type of surface water impacted when discussing mitigation measures. For example, on page 3.3-25, the DEIS discusses mitigation to maintain existing surface water hydrology patterns, flow conditions, and long-term hydrologic stability. While the Coalition's goal will be to maintain existing surface water drainage patterns for perennial waters, to the extent practical, the same degree of mitigation will not be needed for smaller intermittent streams or ephemeral washes without riparian habitat or adjacent aquatic habitats. For ephemeral washes, energy dissipation at the culvert outlets will reduce velocities and not significantly increase erosion potential downstream. The DEIS should be clear that specific mitigation measures needed, if any, depend on the type of surface waterbody.</p>	<p>OEA's recommended mitigation measures for surface waters are typical measures OEA recommends for avoiding and minimizing these impacts and would be applicable to all streams regardless of flow regime. For example, mitigation measure WAT-MM-8 recommends requiring the Coalition remove construction debris from surface waters. If this occurred in an ephemeral stream that was dry at the time, debris should still be removed because, at some point, flow would occur and could mobilize debris downstream. Similarly, mitigation measure WAT-MM-10 recommends requiring the Coalition ensure culverts and bridges are free of debris. This proposed requirement would be as applicable to ephemeral streams as to other streams because hydrologic connectivity and flow should be maintained as much as possible, even if flows are intermittent or occur for short periods of time. To address this comment and recognize the ecological differences between different types of waterbodies, OEA has revised OEA's recommended mitigation measure WAT-MM-7, which would require the Coalition to use temporary barricades, fencing, and/or flagging around sensitive habitats during construction. As revised, the mitigation measure lists wetlands and flowing streams, rather than streams in general, as an example of sensitive habitat where temporary barricades, fencing, and/or flagging should be implemented. These measures would not be necessary for streams that are not flowing during construction. If an Action Alternative is authorized, the Coalition would develop specific details on measures and BMPs for protection of surface waters in consultation with the Corps and other appropriate federal, state, local, and tribal agencies during the permit process and final engineering and design phase, as required by the mitigation measures for water resources set forth in Chapter 4, <i>Mitigation</i>.</p>

Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-4)	
Comment	Response
Similarly, when discussing stream channel realignments (see page 3.3-25), the DEIS should distinguish between jurisdictional and non-jurisdictional surface waters. The Coalition will coordinate with the U.S. Army Corps of Engineers and the Utah Division of Water Rights for realigning Waters of the U.S. and Waters of the State of Utah, respectively. However, such coordination is not required for ephemeral streams if they are not jurisdictional.	Please refer to Subsection 3.3.2.1, <i>Surface Water</i> , which includes information regarding Section 404 jurisdictional status and permitting. OEA must address impacts on all surface waters regardless of jurisdictional status under the CWA because, under NEPA, all surface waters are part of the "human environment." Therefore, the impacts described for surface waters in Section 3.3, <i>Water Resources</i> , appropriately include impacts on ephemeral streams, and no changes to the Draft EIS are warranted in response to this comment.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-5)	
Comment	Response
In addition, after summarizing mitigation measures for stream relocations, the DEIS concludes that "mitigation measures would offset the impact of stream realignments, but some impacts would be unavoidable." Page 3.3-25. However, additional compensatory mitigation will be incorporated into the project's CWA § 404 permit mitigation plan to ensure that such impacts are fully mitigated. The DEIS should take this compensatory mitigation into account.	The same paragraph referred to on Draft EIS page 3.3-25 includes a statement that Section 404 compensatory mitigation plan development would ensure that affected stream functions are adequately mitigated. Similar to unavoidable wetlands impacts from permanent fill placement, filling a stream channel is an unavoidable impact.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-6)	
Comment	Response
The DEIS acknowledges that there are highly erodible soils throughout the watershed and many of the streams, particularly the ephemeral washes, are highly incised. Yet, the DEIS concludes that "fugitive dust generated by rail operation and maintenance vehicles could also affect water quality by depositing fine sediments into surface waters." Page 3.3-28. This conclusion is not supported. With VM 23, the Applicant commits to implementing fugitive dust controls during construction. Therefore, any sediment loading from fugitive dust would be de minimis compared to other sediment loading from the natural condition of the watershed and is therefore unlikely to affect water quality.	The discussion of fugitive dust impacts on page 3.3-28 of the Draft EIS refers to impacts from rail operations, rather than construction activities. The Coalition's commitment to implement fugitive dust controls during construction, as set forth in voluntary mitigation measure VM-23, would not prevent fugitive dust impacts resulting from rail operations or maintenance activities. As stated in the Draft EIS, OEA expects that any impacts of fugitive dust from rail operations or maintenance activities would be limited to those areas near surface waters. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-7)	
Comment	Response
In addition, the DEIS concludes that releases of Polycyclic Aromatic Hydrocarbons (PAHs) from rail operations could degrade surface water quality. Page 3.3-28. This conclusion is based on the possibility of PAHs being depositing onto the rail bed, where they could be exposed to precipitation and storm flows that would carry them into adjacent surface waters. This is unlikely. As the	The Draft EIS concluded that any releases of PAHs associated with fluids for operating the proposed rail line could degrade surface water quality in the immediate vicinity of the rail line. As discussed in Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i> , PAHs are found in diesel fuel, oils, grease, and other fluids required for the operation and maintenance of railroad locomotives and rail

<p>DEIS itself acknowledges, PAHs stick to solid particles and are not easily dissolved. See page 3.3-28. This means that runoff from the rail bed is not likely to contribute PAHs to adjacent surface water. Because the vast majority of the rail line is over uplands, and the amount of PAHs directly discharged to surface waters would be minor, there is no support for the conclusion that PAHs from rail operations may degrade surface water quality.</p>	<p>cars. The Draft EIS concluded that these fluids could drip or leak directly into surface waters through the openings on bridges and trestles or could be deposited onto the rail bed where precipitation and storm flows could carry them into adjacent surface waters. OEA agrees with the commenter that the movement of PAHs from the rail bed in stormwater runoff is unlikely because PAHs adhere to solid particles and are not easily dissolved in water. In addition, OEA expects that the discharge of PAHs from drips or leaks from locomotives or rail cars would be minor because the rail line would be operated in compliance with applicable standards, and that the movement of PAHs and other pollutants in stormwater runoff would be limited due to the relatively low precipitation and dry conditions in the study area. Nevertheless, OEA considers pollution from stormwater runoff and the leaking of directly into waterways at waterbody crossings to be a potential environmental impact of the proposed project. OEA continues to believe that any releases of PAHs associated with fluids for operating the proposed rail line could degrade surface water quality in the immediate vicinity of the proposed rail line, even if the amounts released were minor. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-8)

Comment	Response
<p>Stormwater is more likely to infiltrate into the soil than to run-off into surface waters. For this reason, rail lines do not generate stormwater runoff for most storm events. And to the extent run-off is generated, these flows will not be concentrated and instead will sheet flow off the right of way where it will infiltrate into adjacent lands. For these reasons, no pollutant loadings would be expected from the rail line itself. Therefore, the recommended post-construction BMPs (WAT-MM-9) are not needed.</p>	<p>Please refer to response to Comment UBR-DEIS-00666-7 above.</p>

Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-9)

Comment	Response
<p>Table 3.3-13 shows rail line distances and impact areas for each action alternative within Section 303(d) impaired assessment units. Page 3.3-40. The numbers provided in this chart are misleading. Water quality regulations apply to flowing waters, not the entire watershed boundary. Representing the total acreage of the rail alignment within the various watershed boundary does not provide a useful metric for measuring potential impacts to impaired surface waters.</p>	<p>Please refer to response to Comment UBR-DEIS-00663-7 above.</p>

Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-10)	
Comment	Response
The DEIS states that the Coalition would build [italics: all] culverts and bridges to clear the predicted 50-year flood event water elevation without causing a backwater increase. Page 3.3-30. The Coalition would like to clarify that this commitment is only intended for streams within a regulatory floodplain or larger perennial or intermittent streams. This design measure is not needed for ephemeral washes, streams without a regulatory floodplain, or streams without sensitive adjacent land use.	The Coalition withdrew this comment by email to OEA on April 2, 2021. As stated in the Coalition's response to Information Request 3, the Coalition would design all culverts and bridges to clear the predicted 50-year flood event water elevation without causing a backwater increase. Therefore, no changes to the Draft EIS are necessary.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-11)	
Comment	Response
The DEIS discusses the potential indirect impacts from fragmentation of wetlands. Page 3.3-33. However, the DEIS should clarify that any such impacts are expected to be minimal. This is because crossing culverts would be installed to connect wetlands to the source of hydrology, where practical. The Coalition will work with the USACE to identify the potential for indirect impacts due to wetland fragmentation, and if unavoidable, the Coalition will mitigate for the additional impact.	Please refer to Subsection 3.3, <i>Water Resources</i> , and Chapter 4, <i>Mitigation</i> , which states that mitigation would be implemented to maintain existing wetland hydrology to minimize impact and that, if an Action Alternative is authorized, the Coalition would obtain a Section 404 permit from the Corps prior to construction. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-12)	
Comment	Response
The DEIS also rightly concludes that it is not possible to quantify the extent of potential indirect impacts to wetlands at this point in time and that, instead, a methodology for determining such impacts will be addressed as part of the CWA Section 404 permitting process. Unavoidable impacts will be appropriately mitigated. In light of this, the DEIS should be clear that the quantification of wetlands adjacent to the rail line is not a determination that such wetlands will be impacted. In particular, Table 3.3-11, which quantifies the acreage of wetlands adjacent to the rail line, should be modified to make this explicit.	Table 3.3-17 in the Final EIS discloses the area of wetland in the study area adjacent to the project footprint, as indicated in the table title. The text preceding the table states that these wetlands could be affected and could be susceptible to the impacts described in Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i> , not that the impacts are certain to occur. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-13)	
Comment	Response
The DEIS concludes that, even with the proposed voluntary and recommended mitigation measures, adverse impacts to surface waters and wetlands would be unavoidable. It then states that these unavoidable impacts would be significant for any Action Alternative "due to the large number of surface water crossings and the large area of potentially affected wetlands." For the reasons discussed above, this conclusion is not supported.	In determining whether a potential environmental impact of Board decision is significant under NEPA, OEA considers the totality of the circumstances, including existing ecological conditions and the extent and severity of project-related impacts. Both direct and indirect impacts can be significant impacts and significant impacts may be temporary or permanent. In this case, the proposed rail line would involve numerous waterbody crossings and

<p>First, most surface water crossings are deeply incised ephemeral washes.</p>	<p>the placement of fill in wetlands in an area with relatively few natural wetlands and waterbodies. Although many of the waterbodies that the proposed rail line would cross are ephemeral streams, those streams still fill an important ecological function in the arid environment of the Uinta Basin and the surrounding areas. OEA agrees with the commenter that impacts on water resources would be minimized by implementation of the Coalition’s voluntary mitigation measures, OEA’s additional recommended mitigation measures, and the terms and conditions of required permits that the Coalition would obtain if the Board authorized the proposed rail line. If all of the measures and conditions referenced in the Final EIS were implemented, OEA concludes that adverse impacts on water quality and the provision of ecological services at the watershed or regional level would not be significant. However, local impacts on waterbodies and wetlands in the study area, including unavoidable changes in local hydrology, would be significant. OEA has revised the language in Subsection 3.3.4, <i>Mitigation and Unavoidable Environmental Impacts</i>, to clarify these conclusions.</p>
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Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-14)

Comment	Response
<p>Second, the DEIS shows only 3 acres of permanently impacted wetlands. Third, there are highly erodible soils throughout the watershed that contribute sediment to the streams and affect water quality. While OEA is unable to quantify indirect impacts to wetlands at this point, such impacts are not likely to be significant for the reasons discussed above. Finally, the mitigation measures proposed by the Coalition and those recommended by OEA are more than sufficient to substantially reduce any of these identified potential impacts. OEA should conclude that there are not likely to be significant adverse impacts to water resources.</p>	<p>Please refer to response to Comment UBR-DEIS-00666-13 above.</p>

Uintah Valley Shoshone Tribe, Michael Rock (UBR-DEIS-00682-2)

Comment	Response
<p>The Uintah Basin has always had issues with water, specifically, not having enough. There is limited storage capacity for surface water in the Uintah Basin. (Colorado River Basin Ten Tribes Partnership Tribal Water Study, 2018, Sec. 5.1-11). Water availability is primarily dependent on climate factors, and flows vary considerably from year-to-year, and month-to-month. Drought is already a common occurrence within the Uintah Basin, and there are already current water shortages. Water shortages within the Basin are only projected to</p>	<p>OEA notes the commenter’s concern regarding the availability of surface water resources in the Basin and impacts from potential stream realignments. Please refer to Subsection 3.3.3, <i>Environmental Consequences</i>, which includes information regarding impacts on water resources from stream crossings and stream channel realignments. To avoid and minimize impacts on water resources, OEA is recommending mitigation measure WAT-MM-3, which would require the Coalition design all stream realignments in consultation with the Corps to</p>

<p>increase over time. (Colorado River Basin Ten Tribes Partnership Tribal Water Study, 2018, Sec. 5.1-6). Due to the already limited water available for residents of the Uintah Basin, any change in the surface water poses dramatic downstream consequences. Each of the three Action Alternatives will have numerous water crossings and will require stream re-alignments, any of which may cause changes in waterflow to a community that is in desperate need of water resources. Stream realignments often cause water to move downstream faster, something that can both increase flooding and decrease downstream water quality as it can increase sediment deposits. Both of these negatively impact an already fragile hydrological system. More so than the stream realignment, downstream water quality is likely to decrease during at a minimum the construction period. For an area with water insecurity, having any decrease in waterflow, even if only during the building period can have lasting economic impacts. The Tribe believes these risks are unacceptable in pursuit of the construction of a railroad for the transport of petroleum products that will only further cause drought conditions in the Basin through additions to global climate change.</p>	<p>ensure that affected stream functions are adequately mitigated. OEA is also recommending WAT-MM-4, which would require the Coalition design the proposed rail line to maintain existing water patterns and flow conditions to the extent practicable. In response to comments, OEA has also revised Section 3.7, <i>Air Quality and Greenhouse Gases</i>, in the Final EIS to include additional information on climate change and anticipated impacts of climate change in Utah.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-4)

Comment	Response
<p>And its discussion of water resources lacks meaningful quantitative analysis of how streams would be polluted by runoff, spills and leaks, and sedimentation from stream crossings and realignments, and lacks meaningful evaluation of the severity of these effects.</p>	<p>Please refer to Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, which includes information regarding impacts (qualitative) on water resources for all Action Alternatives. Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i>, provides the quantitative information that complements the qualitative discussion, which allows for comparison of the Action Alternatives. The potential severity of impacts on water resources can be inferred from the quantified information shown in the tables provided in that subsection. For example, if a greater number and area of surface waters are affected, then there is potential for a greater (more severe) impact on the hydrologic system of the watershed. OEA believes there is a sufficient level of impact detail to inform the Board and the public and for the Board to compare the Action Alternatives.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-153)

Comment	Response
<p>The DEIS Fails to Adequately Describe and Analyze the Direct, Indirect and Cumulative Impacts of the Railway on Water Resources The DEIS fails to disclose and analyze all reasonably foreseeable</p>	<p>OEA fully analyzed direct, indirect, and cumulative impacts on water resources, including surface waters, floodplains, wetlands, and groundwater. Subsection 3.3.2, <i>Affected Environment</i>, describes</p>

<p>impacts to the water resources from the construction and operation of the Railway. Under NEPA, the DEIS must take a "hard look" at the significance of direct, indirect, and cumulative impacts from all proposed activity. [Footnote 277: Baltimore Gas & Electric Company v. Natural Resources Defense Council, 462 U.S. 87, 97 (1983); See 40 C.F.R. § 1508.7 (defining cumulative impacts); 40 C.F.R. § 1508.8 (defining direct and indirect impacts)] In the case of water, a hard look requires that the agency examine "the current state of water, potential risks associated with its... decision, mitigation measures, and prospective monitoring of water quality." [Footnote 278: San Juan Citizens Alliance v. United States Bureau of Land Management, 326 F.Supp.3d 1227, 1255 (D.N.M 2018).] As noted in the DEIS, the construction, operation and maintenance of the Uinta Railway will have "unavoidable" direct, indirect, and cumulative impacts on the water resources in the project area. [Footnote 279: DEIS at S7, 3.15-18.] Notably, the project will permanently impact 13.6 acres of surface waters, 5.9 acres of floodplains, 3.6 acres of wetlands, two groundwater springs, and the project will require 55 total stream realignments and over 400 stream crossings under the preferred Whitmore Park alternative. [Footnote 280: DEIS at 2-38-2-39 (Summary of Impacts).] However, the DEIS fails to take a "hard look" at these "major" water impacts, including their severity and significance.</p>	<p>the existing conditions of water resources in the study area. Subsection 3.3.3, <i>Environmental Consequences</i>, identifies the potential direct and indirect impacts of the construction and operation of the proposed rail line on water resources. Section 3.15, <i>Cumulative Impacts</i>, describes cumulative impacts on water resources that could result from the proposed rail line and other reasonably foreseeable projects and actions in the study area. Subsection 3.3.3, <i>Mitigation and Unavoidable Environmental Impacts</i>, and Chapter 4, <i>Mitigation</i>, set forth the Coalition's voluntary mitigation measures and OEA's additional recommended mitigation measures related to water resources. Additional information regarding water resources in the study area, including field survey results, can be found in the Coalition's <i>Final Waters of the United States Baseline Environment Technical Memorandum</i> and other supporting documents referenced in the EIS and available on the project website at www.uintabasinrailwayeis.com and the Board's website at www.stb.gov. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-155)

Comment	Response
<p>Additionally, the DEIS fails to provide a quantitative assessment of likely impacts to water resources. NEPA requires the agency to ensure the "scientific integrity" of the EIS, [Footnote 281: 40 C.F.R. § 1500.1(b).] and ensure that it is "supported by evidence that agencies have made the necessary environmental analyses." [Footnote 282: 40 C.F.R. § 1502.2.] The DEIS does not analyze impacts using available scientific tools. The EIS should rely on the best available science when possible. However, despite the "major impacts" to water resources, the DEIS avoids providing quantitative assessments of the current state of each individual water resource and relevant watershed or water system. Nor does it quantitatively forecast effects on water quality from likely impacts like contamination, erosion, and loss of stream biodiversity and wetland productivity.</p>	<p>Please refer to Section 3.3, <i>Water Resources</i>, for information regarding analysis methods, affected environment, environmental consequences, and mitigation and unavoidable environmental impacts of water resources (surface waters, floodplains, wetlands, and groundwater). Impacts are described qualitatively in Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, for all Action Alternatives, and the quantitative impacts that relate to the qualitative analyses are disclosed in Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i>, specifically in Tables 3.3-10 through 3.3-18. Contamination, erosion and sedimentation, and permanent and temporary loss of stream and wetland resources are described in these sections of the Draft EIS. OEA relied on best available sources in identifying water resources, including a ground-based stream and wetland delineation based on Corps criteria, water quality conditions based on published information from UDEQ, current floodplain information from FEMA and NRCS, and</p>

	<p>available groundwater information and data from various agency reports and databases. OEA used GIS methods to quantify impacts on water resources in terms of the linear distance and area of surface waters and wetlands that would be temporarily or permanently affected, the total linear distance and total area of temporary and permanent disturbance in impaired assessment units, the area of mapped floodplains and flood-prone soils that would be temporarily and permanently affected, and the number of groundwater wells and springs that would be affected. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-156)

Comment	Response
<p>The DEIS Fails to Adequately Describe and Analyze Likely Impacts to Water Quality from Contamination. Contamination of Utah waterways from both the construction and the operation of the Uinta railway is foreseeable and would harm water quality in the Basin. Therefore, these impacts should be fully analyzed in the DEIS. [Footnote 283: See 40 C.F.R. §§ 1508.8, 1508.7 (definition of both indirect and cumulative impacts includes the impacts that are "foreseeable")] This includes contamination from chemical and oil spills and contamination from sediment. [Footnote 284: See DEIS at 3.3-26]</p>	<p>OEA fully analyzed potential impacts on water quality that could result from construction and operation of the proposed rail line. Please refer to Section 3.3, <i>Water Resources</i>, and Section 3.15, <i>Cumulative Impacts</i>, for information regarding impacts on water quality from construction and operation of the proposed rail line. The analyses include impacts of foreseeable construction and operations impacts related to chemical spills, oil spills, and sedimentation.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-157)

Comment	Response
<p>Contamination from the release of chemicals into the water from oil spills and leakage. The DEIS notes that chemicals may be released into waterways (either through surface water or groundwater) through potential oil spills, [Footnote 285: DEIS at 3.3-26.] leaks and spills from maintenance, [Footnote 286: DEIS at 3.3-28] the use of herbicides, [Footnote 287: Id] through rail-induced wildfires, [Footnote 288: Id] and drippings from openings on bridges and trestles. [Footnote 289: Id] The DEIS points out that petroleum and pollutants known as polycyclic aromatic hydrocarbons (PAHs), found in asphalt, oil, coal and creosote, and fluids used in the operation and maintenance of railroads, are the major sources of water degradation likely to be associated with the project. [Footnote 290: Id] The DEIS notes that contamination from oil spills as a result of transporting via rail is a possible impact to waterways. [Footnote 291: DEIS at 3.3-29.] The DEIS further states that the impacts of spilling the waxy crude oil of the Uinta Basin is less</p>	<p>Please refer to Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, which includes information regarding the characteristics and potential impact of waxy crude oils. As stated in the Draft EIS, the predicted occurrence of a rail derailment is low, and the potential release of oil from a rail derailment is lower still. In the unlikely event a spill of waxy crude oil would reach a surface water, OEA does not anticipate significant long-term effects on the aquatic environment for the reasons explained in the Draft EIS. This is based on the characteristics of the waxy oil, the oil's physical reaction in water, and the documented cleanup of this oil and post-spill, water-quality testing of actual spills in Utah by state agencies. Therefore, longevity of waxy crude oil in the aquatic environment after a spill is not anticipated to be an issue because most of the waxy oil would be removed from the environment. In addition, mitigation measure VM-11 would require the Coalition develop a hazardous materials emergency response plan to address derailments and spills. Nevertheless, in response to</p>

<p>environmentally damaging because it is "cleanup friendly." [Footnote 292: Id] While waxy crudes may have a lower chemical toxicity to the environment, they "may persist in the environment longer than non-waxy crudes." [Footnote 293: Boufadel, M. et al., The Behaviour and Environmental Impacts of Crude Oil Released in Aqueous Environments, The Royal Society of Canada Expert Panel (2015) ("RSC Panel 2015") at 71.] Plus, the time of exposure has been shown to be an important factor in how an oil spill would impact a fresh water environment. [Footnote 294: Great Lakes Science Advisory Board, Potential Ecological Impacts of Crude Oil Transport in the Great Lakes Basin, at 23 (Oct. 2018) ("Great Lakes Science Advisory Board 2018").] However, the DEIS is silent about the longevity of waxy crude oil and the potential impacts that a spill would have as a result of this longevity.</p>	<p>the studies provided by the commenter, OEA has added language to the Final EIS clarifying that waxy crude oil may persist in the environment for a longer time relative to non-waxy crudes.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-158)

Comment	Response
<p>Additionally, the planned railway will not only carry waxy crudes in and out of the Basin. Along with crude oils, commodities likely to be transported via the Uinta Railway include shale oil, refined oil, and fly ash, [Footnote 295: R.L. Banks Study at 17-28.] along with tar sands, and chemicals related to hydraulic fracturing in the Basin. If spilled, these products would cause environmental impacts to fresh water systems. For instance, tar sands, both through increased production and through direct contamination, have the potential to harm water quality in the Uinta Basin. [Footnote 296: Struzik, Ed, With Tar Sands Development, Growing Concern on Water Use, Yale Environment 360 (2013) ("Struzik 2013").] The introduction of tar sands into an aquatic environment can increase the acidity of the waterway. [Footnote 297: Id] The impacts of a spill of oil in water systems has been shown to impact the entire ecosystem, starting with microbes and plankton to larger vertebrates like amphibians and birds. For instance, after the Deepwater Horizon oil spill, studies revealed a permanent decrease in the diversity of bacteria species present, which impacts the health of the entire water system. [Footnote 298: Great Lakes Science Advisory Board 2018 at 25.] Additionally, oil spills have a great impact on levels of metallic components in the waterway. However, much still needs to be researched and understood about the impacts of oil spills on freshwater environments. [Footnote 299: Id] The DEIS should quantitatively assess baseline markers of aquatic health like bacteria levels and diversity, metallic components, and resiliency of aquatic organisms before the construction of the</p>	<p>OEA estimated potential future rail traffic on the proposed rail line based on information provided by the Coalition about operational plans, including estimates of daily and annual train traffic for crude oil and frac sand, as well as OEA's independent analysis, and consultation with appropriate federal, state, local, and tribal agencies. Based on its analysis and consultation, OEA agrees with the Coalition and with the many public commenters who have stated that the primary use of the proposed rail line would be to transport crude oil produced in the Uinta Basin to destinations outside of the Uinta Basin. OEA expects that the rail line would also be used to transport frac sand into the Uinta Basin. Therefore, OEA analyzed the environmental impacts associated with the transportation of reasonably foreseeable volumes of crude oil and of frac sand. Although commodities other than oil and frac sand could be transported on the proposed rail line, the Coalition has stated that the volumes of those commodities would likely be low and, therefore, would not support the use of dedicated trains. OEA is unaware of any specific plans by shippers of coal, natural gas, oil shale, fly ash, tar sands, or other commodities to request rail service on the proposed rail line. Because OEA is unable to estimate the volume of those commodities that could be shipped, the potential destinations for those commodities, or the routes that trains carrying those commodities could take, it would have been speculative for OEA to conduct an analysis of transportation of those commodities. Any such analysis would not provide useful information about the potential environmental impacts of the proposed rail line to</p>

<p>rail to better understand the likely impacts that could arise from a potential oil spill or chemical leaks in the project area.</p>	<p>the decision-makers or the public. Therefore, the scope of the analysis in the Draft EIS is reasonable and appropriate.</p> <p>Please refer to Subsection 3.3.2, <i>Affected Environment</i>, for information about baseline conditions of surface waters in the study area. OEA’s analysis of baseline conditions relied, in part, on data obtained from UDWQ, which takes into consideration indicators such as macroinvertebrate diversity, metal concentrations, and bacteria levels as indicators of surface water health in the state, as part of the CWA 305(b) and 303(d) requirements. This information is reflected in the UDWQ 2016 Integrated Report, which details the state’s surface water conditions, including the list of 303(d) impaired Assessment Units (see Table 3.3-5 for list of impaired Assessment Units along the Action Alternatives). Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-160)

Comment	Response
<p>Besides the release of oil and chemicals that could result from a potential train derailment, chemicals routinely leak and/or runoff into water bodies as a result of construction activities and operation of the railway. The DEIS notes that PAHs "could leak or drip directly into surface waters through openings on bridges and trestles and could also be deposited on the rail bed," which could make its way into water bodies from rainfall or stormflow. [Footnote 308: DEIS at 3.3-28.] Although the DEIS notes this contamination could occur, it does not quantify or discuss baseline PAHs in the soil and/or surrounding water bodies, how much PAHs would likely be emitted into water resources, or the possible impacts from PAH contamination. Studies have shown that PAHs are omnipresent in the soil and even found in plant life around railways. [Footnote 309: Wilkomirski, B. et. al., <i>Railway Transport as a Serious Source of Organic and Inorganic Contamination</i>, 218 <i>Water Air Soil Pollut.</i> 333 (2011) at 347.] As was done in these studies, collecting soil samples of soil around the water system prior to construction and considering the known increase levels associated with train activity could help the Surface Transportation Board develop a model for evaluating the potential contamination from the railway. In terms of their impact to water resources, PAHs are generally insoluble in water and are usually absorbed by particulate matter at the bottom of streams. [Footnote 310: Ukaogo, P.O. et al, <i>Environmental Effects of Polycyclic Aromatic Hydrocarbons</i>, 5 <i>Journal of Natural Sciences Research</i>, 117 (2015)</p>	<p>Please see response to Comment UBR-DEIS-00666-7 above. To address this comment, OEA reviewed the study referenced in the comment regarding the presence of PAHs in soil and plant life near rail lines. That study involved collecting samples within the footprint of an existing rail junction in Poland that has been heavily used for passenger and freight transportation for more than 150 years. The study did not attempt to measure or model the transportation of PAH or other contaminants in the soil or in waterways and did not involve soil sampling outside of the existing rail junction. OEA notes that modern standards related to contaminant discharges from locomotives and railcars in the United States are significantly more effective at preventing discharges than those that have existed in Poland during the operation of the rail junction where the study was conducted. Therefore, the results of the referenced study are not applicable to the proposed rail line. Moreover, OEA is unaware of any established methods for modeling the movement of PAHs or other contaminants from proposed rail lines. OEA believes that preconstruction soil sampling would not provide useful information regarding the movement of PAHs or other contaminants in the soil during rail operations because the soil within the rail right-of-way, and where PAHs would be deposited, would be substantially altered during construction by regrading, compaction, and the placement of ballast material on the soil surface. Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i> discloses the potential impact of drips</p>

<p>("Ukaogo 2015") at 121.] This class of chemical is known to have a middling to high toxicity impact on aquatic life, including impacts to reproduction and the development of young. [Footnote 311: Id] PAHs are known to bioaccumulate, meaning that they remain in the food cycle over time. [Footnote 312: Guarino, Carmine et. al., Investigation and Assessment for an Effective Approach to the Reclamation of Polycyclic Aromatic Hydrocarbon (PAH) Contaminated Site, Nature Scientific Reports (Jan. 30 2019) at 1.] The DEIS should disclose these impacts and set forth mitigation to reduce leakage of PAHs and plan for the cleanup of contaminated soils. Additionally, PAHs are well studied and there are known methods to reduce contamination. [Footnote 313: Amolegbe, Sara, PAH Cleanup May Worsen Toxicity (Oct. 2018), https://factor.niehs.nih.gov/2018/10/science-highlights/pah/index.html] However, the cleanup process can be a lengthy and can sometimes result in even worse contamination. [Footnote 314: Id] The DEIS should consider these cleanup methods and find the most effective method.</p>	<p>and leaks of train operations and the potential for such drips and leaks to affect surface waters. This potential impact is anticipated to be limited to the immediate area of the rail bed footprint (i.e., ballast and subballast area) and not the wider right-of-way. OEA has revised that subsection in the Final EIS to note that PAHs have a middling to high toxicity impact on aquatic life and are known to bioaccumulate. It is not possible to quantify those potential impacts as they relate to the proposed rail line, but any such impacts could be minimized through the implementation of OEA's recommended mitigation measures. These measures include the requirement that the Coalition implement BMPs to convey, filter, and dissipate runoff (see WAT-MM-9 in Chapter 4, <i>Mitigation</i>).</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-161)

Comment	Response
<p>Contamination from sediment and invasive species through construction and erosion. Construction of the railway would introduce sediment and create conditions that introduce invasive species into the aquatic environment. As noted in the DEIS, clearing, excavation, and fill-placement activities would likely result in erosion that deposits sediment in the water system and would ultimately have an impact on the stream morphology and flow. [Footnote 315: DEIS at 3.3-24.] Mitigation measures include designing stream crossings to maintain drainage patterns and flow conditions, constructing stream crossings at low flow periods, and developing supporting structures to mitigate erosion. [Footnote 316: DEIS at 3.3-25.] However, despite identifying the issue and establishing some mitigation measures, the DEIS fails to quantify the likely impacts of erosion. The overall effect of the project cannot be fully known without a "relatively complete picture of each construction activity." [Footnote 317: Darnell, Rezneat, Impacts of Construction Activities in Wetlands of the United States, at 75A (Apr. 1976).] The EIS must describe engineering plans, quantitative pictures of the status of affected waterways and how severely they could be impacted.</p>	<p>Please refer to Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, which describes potential impacts related to erosion and sedimentation for all Action Alternatives. Please also refer to Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i>, which provides the quantitative impact information that complements the qualitative discussion and allows for comparison of the Action Alternatives.</p> <p>In Section 3.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste</i>, OEA quantified the severity of erosion impacts in terms of the area of land susceptible to erosion that each Action Alternative would disturb. As stated in that section, only a small portion of the study area for each Action Alternative is rated as having high risk for wind and water erosion, and all of the Action Alternatives would have similar areas of susceptibility to wind erosion and water erosion. Section 3.3, <i>Water Resources</i>, quantifies the severity of impacts, including impacts related to erosion and sedimentation, on surface waters in terms of the area of surface waters that would be directly affected and the area of surface disturbance within watershed units that would be disturbed. For example, Table 3.3-14 in the Final EIS shows the area of land that each Action Alternative would disturb within 303(d) impaired assessment units. To address this comment, OEA has revised the section in the Final EIS to clarify that OEA expects</p>

	<p>that an Action Alternative with a larger area of disturbance within impaired assessment units would result in more severe impacts related to sedimentation.</p> <p>Further, the Coalition would need to obtain an NPDES permit to ensure water quality standards for all surface waters, including Section 303(d) impaired waters, are not exceeded. The Coalition would also need to obtain a Section 401 water quality certification from UDWQ before issuance of a Section 404 permit and an NPDES permit. The Coalition would need to obtain these permits prior to construction should the Board decide to authorize an Action Alternative. Specific details on measures and BMPs cannot be developed until the permit process and final engineering and design are complete.</p> <p>Please refer to response to Comment UBR-DEIS-00683-163 below regarding impacts related to invasive species in the aquatic environment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-162)

Comment	Response
<p>In addition, the EIS should propose erosion monitoring throughout the construction period. For instance, the STB could require the use of erosion pins or photo-electronic erosion pins. [Footnote 318: Zaines, George N. et. al., Riparian Land-Use Impacts on Stream Banks and Gully Erosion in Agricultural Watersheds: What We Have Learned, 11 Water (June 2019) at 5.] These sensors are burrowed into the bank face to track the rate of erosion. This is especially important when considering the "naturally erosive soil" present in the project area. [Footnote 319: DEIS at 3.3-12.] One potential impact of erosion is an increase of the already elevated levels of minerals in the water system as a result of soils being deposited in streams and rivers. Currently, the Colorado River watershed does not meet the water quality standards for selenium and deposits of the mineral must comply with a total maximum daily load (TMDL). [Footnote 320: Utah Division of Environmental Quality Division of Water Quality, TDML for Selenium in the Colorado River Watershed (June 14, 2014) at 1.] Additionally, the Price River has high concentrations of total dissolved solids (TDS) and are also subject to TMDLs. [Footnote 321: Id] However, the DEIS fails to address the likelihood that erosion and sediments will likely result in new deposits of selenium and TDS in these already encumbered waterways and quantify potential sediment and mineral loads at the individual stream or watershed</p>	<p>As stated in Section 3.3, <i>Water Resources</i>, prior to construction of any authorized Action Alternative, the Coalition would need to obtain an NPDES permit to ensure water quality standards for all surface waters, including Section 303(d) impaired waters (with or without TMDLs), are not exceeded. The Coalition would also need to obtain a Section 401 water quality certification from UDWQ before issuance of a Section 404 permit and an NPDES permit. Specific details on measures and BMPs cannot be developed until an Action Alternative is authorized and the permit process and final engineering and design are complete. Various methods of avoiding and minimizing erosion and sedimentation into surface waters could be required as part of the terms and conditions of the permits and BMPs that would be required, including erosion monitoring. In response to the comment, OEA has revised Chapter 4, <i>Mitigation</i>, mitigation measure WAT-MM-6, in the Final EIS. As revised, the mitigation measure specifically includes erosion monitoring as an example of a BMP that could be implemented during construction in consultation with appropriate agencies, landowners, and the Ute Indian Tribe.</p> <p>OEA notes that quantifying sediment and mineral loads at individual streams or at the watershed level is not possible during the EIS phase because the locations and durations of specific construction activities would not be known until the final engineering and design phase, which would occur if</p>

level.	the Board were to authorize one of the Action Alternatives. Those activities would also be subject to the terms and conditions of applicable permits that the Coalition would obtain after the issuance of a Board decision authorizing an Action Alternative.
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-163)

Comment	Response
<p>Besides sediment, the construction of the railway has the potential to introduce invasive species in the stream environment. Construction creates an environment conducive to the introduction of invasive species. [Footnote 322: California Invasive Plant Council, Preventing the Spread of Invasive Species: Best Management Practices (2012) at 2.] Despite this risk, the DEIS fails to address the increased likelihood of invasive species in streams because of construction practices. Nor does it establish sufficient mitigation or monitoring programs to weed out the invasive species before they can have a debilitating impact on the aquatic environment. The DEIS proposes dust control to prevent the spread of invasive species. [Footnote 323: DEIS at 3.3-33.] However, invasive species can be introduced in a variety of ways through the construction period. According to the California Invasive Species Council, some of the best ways to prevent the spread of invasive species from construction are planning, maintaining equipment to avoid moving invasive species from site to site, reducing soil disturbance, maintaining native plant species, and early detection and monitoring. [Footnote 324: Id. at 4.] The DEIS should consider and analyze these mitigation strategies.</p>	<p>To address concerns regarding invasive species in aquatic environments, OEA has revised Subsection 3.4.2.3, <i>Vegetation</i>, in the Final EIS to state that invasive and noxious weeds can grow in upland, wetland, and aquatic environments (e.g., streams). This does not change the overall analysis of invasive and noxious weed impacts from construction and operation of the proposed rail line that are addressed in Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives</i>, as the general impact types and mechanisms related to establishment and spread of noxious and invasive species is generally the same in any environment. To avoid and minimize impacts of the establishment and spread of noxious and invasive plants, the Coalition would develop a detailed noxious and invasive weed control plan that would address aquatic, as well as other relevant environments (see VM-38 in Chapter 4, <i>Mitigation</i>). Should the Board authorize an Action Alternative, the Coalition would develop this plan and include the policies and strategies in Utah’s Strategic Plan for Managing Noxious and Invasive Weeds. Mitigation measure BIO-MM-15 would also require the Coalition consult with county weed boards/departments in development of the noxious and invasive weed control plan, which would include ensuring equipment is free of noxious and invasive plants. Please also refer to mitigation measures VM-16, VM-22, and BIO-MM-5, which would require the Coalition to limit soil disturbance to areas necessary for project-related construction activities and to revegetate areas cleared for construction with native vegetation.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-164)

Comment	Response
<p>The effect of any contamination in one part of the water system could have far reaching impacts throughout the region from traveling downstream. [Footnote 325: Leibowitz, Scott G. et. al., Connectivity of Streams and Wetlands to Downstream Water: An Integrated Systems Framework, 54 Journal of American Water Resources Association 298 (Aug. 2018) ("Leibowitz 2018") at 302.] There are methods to quantify the connectivity of water systems and thereby determine the likely downstream impact from</p>	<p>The surface waters and wetlands study area is described in Subsection 3.3.1.1, <i>Study Area</i>. The study area includes a watershed study area and a field survey study area that was established in consultation with the Corps. OEA identified total stream distances and wetland areas on a watershed level, as well as within the field survey study area through on-the-ground detailed wetland and stream delineations per the Corps’ requirements. Impaired surface waters are also disclosed at the watershed level in the Draft EIS. The field survey study area is</p>

<p>contamination. [Footnote 326: Id. at 312-15.] For instance, analyzing the movement of nontoxic chemical concentrations upstream and downstream can help develop a better picture of the region's hydrology. [Footnote 327: Id. at 313.] However, there is no attempt in the DEIS to quantify the indirect downstream impacts of contamination upstream and establish the reach of the environmental impact.</p>	<p>the impact envelope in which the permanent and temporary construction and operation impacts are generally anticipated to occur, and those impacts are quantified. Subsection 3.3.3.1, <i>Impacts Common to all Action Alternatives</i>, describes what the impacts would mean in the context of the watershed. As stated in the EIS, OEA expects that contamination of waterways immediately adjacent to the proposed rail line would be limited to surface waters in the immediate vicinity of the proposed rail line. The contamination would not be significant if the voluntary mitigation measures proposed by the Coalition and the additional mitigation measures recommended by OEA in the Final EIS are imposed and implemented. Therefore, further study and quantification of stream connectivity in the study area would not provide information that would be useful to the public or decision makers regarding the potential environmental impacts of the proposed rail line. For clarity, OEA has added language to Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, in the Final EIS explaining that impacts on water quality downstream of the proposed rail line would not be significant. As stated in the Draft EIS, prior to construction of any Action Alternative that might be authorized, the Coalition also would need to obtain an NPDES permit to ensure water quality standards for all surface waters, including Section 303(d) impaired waters (with or without TMDLs), are not exceeded (see voluntary mitigation measures VM-19 and VM-20 in Chapter 4, <i>Mitigation</i>). The Coalition would also need to obtain a Section 401 water quality certification from UDWQ before issuance of a Section 404 permit and an NPDES permit (see voluntary mitigation measures VM-21 and VM-26 in Chapter 4, <i>Mitigation</i>). Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-167)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS Fails to Describe and Analyze Likely Impacts to Wetlands and Adjacent Water Bodies. Wetlands would be severely impacted from fill required to complete the project as planned. [Footnote 341: DEIS at 3.3-9.] Wetlands are "among the most productive ecosystems in the world" because they produce habitat and great volumes of food for a variety of species, prevent flooding, removing pollutants from the water, and provide nutrients throughout the entire water system. [Footnote 342: U.S. Environmental Protection Agency, <i>Why are Wetlands Important?</i>, https://www.epa.gov/wetlands/why-are-wetlands-</p>	<p>Please refer to Section 3.3, <i>Water Resources</i>, which includes information regarding wetland impacts. Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, qualitatively describes the direct and indirect wetland impacts from construction, and Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i>, quantifies those impacts. Specifically, Table 3.3-16 and Table 3.3-17 in the Final EIS present the area of wetlands that could be directly or indirectly affected, respectively, by each Action Alternative. Please refer to response to Comment UBR-DEIS-00429-12 above for additional information regarding indirect impacts on wetlands</p>

<p>important (last accessed Jan. 26, 2021).] Filling a wetland would deny the ecosystem of these benefits. Despite this fact, the DEIS fails to propose and analyze adequate mitigation measures or alternatives to prevent fill, fails to describe all likely impacts, and fails to meaningfully quantify and analyze the severity of impacts.</p>	<p>adjacent to the permanent and temporary disturbance area. In the Draft EIS, OEA concluded that the proposed rail line would result in impacts on wetlands, including the filling of wetlands. As stated in the Draft EIS, OEA has concluded that the Whitmore Park Alternative would affect the smallest area of wetlands. OEA also recommended mitigation measures that would address impacts on wetlands, including a requirement that the Coalition obtain a Section 404 permit from the Corps. During the Section 404 permit process, the Coalition would develop final engineering and design plans and will be required to follow the standard Section 404 mitigation sequence of first avoiding, then minimizing, and finally compensating, all remaining wetland impacts.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-168)

Comment	Response
<p>The degradation of wetlands can have various impacts to the aquatic ecosystem not described in the EIS. For instance, plant life diversity in wetlands decreases when nearby land is used and indigenous plants decline while invasive species flourish. [Footnote 343: Center for Watershed Protection, Direct and Indirect Impacts of Urbanization on Wetland Quality (2006) at 51.] Additionally, the development of wetlands has been shown to decrease the number of invertebrate and most vertebrate species, where the abundance decreases directly as the amount of development increases. [Footnote 344: Id. at 52-54.] The degradation of wetlands also results in a greater number of pollutants and sediment present in the water system, even compared with areas where there was an attempt to restore wetlands. [Footnote 345: Id. at 7.] Wetlands can remove sediments such as phosphorous and nitrogen, which could ultimately reduce the likelihood of destructive occurrences elsewhere in the water system like algal blooms, anoxia, and fish kills. [Footnote 346: Id. at 6] Studies have demonstrated that watersheds with wetlands have about 90 percent less sediment than watersheds without wetlands [Footnote 347: Id. at 6.]-which could be particularly important as sediment is likely to be deposited in the watershed as a result of this project. However, wetland restoration has not produced the same water quality that naturally occurring wetlands are able to produce. [Footnote 348: Id. at 7 (table 7).] Despite these impacts, the DEIS fails to disclose the impact of the filling of these important ecosystems in the project area. First, there is no quantified analysis of the current quality of the wetlands in the project</p>	<p>Please refer to Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, which includes information regarding impacts on wetlands, including impacts on species composition in wetland habitat and impacts on water quality. Section 3.3.3.2, <i>Impact Comparison between Action Alternatives</i>, quantifies impacts in terms of the area of wetlands that would be permanently or temporarily affected. OEA consulted closely with the Corps, USEPA, and other cooperating and consulting agencies conducting the analysis presented in the Draft EIS. As stated in Subsection 3.3.1.1, <i>Study Area</i>, the Corps confirmed that an approved quantitative functional assessment model currently does not exist for Utah. OEA and the Corps determined that it would be appropriate to describe general functions and conditions of wetlands and other aquatic resources qualitatively, as in Subsection 3.3.2.3, <i>Wetlands</i>. Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, describes impacts on wetlands in the context of the three main functions that wetlands provide—habitat, water quality, and hydrology functions (i.e., stormwater and flood capacity). Table 3.3-16 in Subsection 3.3.3.2, <i>Impact Comparison between Action Alternatives</i>, of the Final EIS quantifies impacts on wetlands for the three Action Alternatives. Please refer to response to Comment UBR-DEIS-00429-12 above regarding indirect impacts on wetlands adjacent to the permanent and temporary disturbance area. OEA recognizes that the proposed rail line would affect wetlands around the Price River at the connection point with the existing UP rail line near</p>

<p>area nor any attempt to quantify the impacts to wetland function, much less at the site-specific level for each wetland that will be filled. Further, the DEIS claims that there is no way to determine how wetlands that are adjacent to the project area would be impacted by the project (either qualitatively or quantitatively). [Footnote 349: DEIS at 3.3-9] However, research in connectivity of wetlands has demonstrated this analysis is feasible, [Footnote 350: Leibowitz 2018 at 302.] and the DEIS should provide this analysis. Additionally, the DEIS fails to consider any alternative that would reduce the amount of fill in wetlands (or wetland loss) around Price River, as none of the alternatives limit the fill in this area. Finally, the DEIS fails to analyze all impacts likely to result from the loss of wetlands, including the exacerbation of sediment loads and other pollutants in the watershed as a result of the project.</p>	<p>Kyune, Utah. OEA notes that meeting the purpose and need of the proposed rail line requires the construction of a connection to the existing interstate rail network and that the location of such a connection is limited by engineering and safety considerations. Because the existing UP rail line parallels the Price River for its entire length within the study area, it would not be feasible to connect to the exiting UP rail line near Kyune and completely avoid impacts on the Price River or wetlands along the river. The Action Alternatives that OEA considered in the Draft EIS would affect different areas of wetlands along the Price River as a result of different designs of the connection to the existing UP rail line (see Appendix F, <i>Water Resources Figures</i>). Construction of any Action Alternative would permanently affect approximately 0.30 acre of wetlands along the Price River. Construction of the Indian Canyon Alternative and Wells Draw Alternative would temporarily affect 1.9 acres of wetlands along the Price River, while the Whitmore Park Alternative would temporarily affect 2.8 acres of wetlands along the Price River. However, the Indian Canyon Alternative and the Wells Draw Alternative would affect larger areas of wetlands in other locations along the proposed rail corridor compared to the Whitmore Park Alternative. Wetlands around the Price River would be further addressed during the Section 404 permit process. Should the Board authorize an Action Alternative, the Coalition, during the Section 404 permit process, would develop final engineering and design plans, and would be required to follow the standard Section 404 mitigation sequence of first avoiding, then minimizing, and finally compensating, all wetland impacts. Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>, states that wetland loss can have an effect on water quality and stormwater and floodwater control on a watershed level. This wetland loss and the resulting indirect effects on the watershed would be addressed through Section 404 permit requirements to ensure no net loss of wetland functions as a result of the proposed rail line.</p>
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<p>Lorien Belton (UBR-DEIS-00692-10)</p>	
<p>Comment</p>	<p>Response</p>
<p>For example: Mitigation: 4.3.7 VM-30, regarding constructing stream crossings during low flow periods "when practical." It is unclear whose determination of practicality would be used: a construction contractor, a stream hydrologist, or some other entity?</p>	<p>As part of the environmental review process, railroad applicants are encouraged to submit voluntary mitigation measures. OEA also develops and recommends additional appropriate mitigation measures. OEA recognizes, however, that issues may arise during final engineering or construction that may make a particular mitigation measure</p>

	<p>unnecessary or impractical. Ultimately, the Board has the authority to decide whether mitigation measures have been implemented appropriately. To provide additional clarity for all parties regarding the Board’s ongoing authority over the implementation of mitigation measures, OEA is recommending an additional mitigation measure that would require the Coalition submit quarterly reports to OEA regarding the status of construction activities and of mitigation measure implementation for the duration of the reporting period imposed by the Board (MC-MM-1). OEA will review the quarterly reports and consult with the Coalition and appropriate federal, state, local, and tribal agencies as necessary to ensure that the Coalition is complying appropriately with all environmental mitigation measures that the Board might impose in a decision authorizing an Action Alternative.</p>
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Lorien Belton (UBR-DEIS-00692-11)

Comment	Response
<p>In other areas of the mitigation section, such as 4.3.7 VM-27, however, there is an agreement to prepare a plan, but no parallel commitment to actually implementing it.</p>	<p>If the Board authorizes an Action Alternative and the Coalition constructs the rail line, the Board’s final environmental mitigation measures, which could include the Coalition’s voluntary mitigation measures and OEA’s recommended mitigation measures, would become binding measures as they would be conditions of the authorization of an Action Alternative included in the Board’s final decision. Any plan developed to address the requirements of the Board’s final environmental conditions would be required to be implemented, and the Board, through OEA, would ensure that all of the voluntary mitigation and additional mitigation imposed by the Board is implemented in an appropriate and timely manner. To clarify for all parties regarding the Board’s ongoing authority over the implementation of mitigation measures, OEA is recommending an additional mitigation measure that would require the Coalition submit quarterly reports to OEA regarding the status of construction activities and of mitigation measure implementation (MC-MM-1). OEA will review the reports and consult with the Coalition and appropriate federal, state, local, and tribal agencies as necessary to ensure that the Coalition is complying with all mitigation measures.</p>

Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-6)

Comment	Response
<p>Water: The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the entire area with 443 stream crossings, and impacting over 61 miles of streams and 26</p>	<p>Please refer to response to Comment UBR-DEIS-00046-2 above.</p>

acres of floodplains. All of the draft EIS alternative routes connect to the existing railroad at the same location: directly adjacent to significant wetlands along the Price River. These plans present unacceptable impacts to the precious, perennial waterways of the semi-arid state of Utah	
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Notes:

UP = Union Pacific Railroad Company; NEPA = National Environmental Policy Act; FRA = Federal Railroad Administration; TMDL = total maximum daily load; CWA = Clean Water Act; NPDES = National Pollutant Discharge Elimination System; UDWQ = Utah Division of Water Quality; BMPs = best management practices; GIS = geographic information system; Corps = U.S. Army Corps of Engineers; PAH = polycyclic aromatic hydrocarbon; UDEQ = Utah Department of Environmental Quality; FEMA = Federal Emergency Management Agency; NRCS = Natural Resources Conservation Service

Table T-10. Comments and Responses—Section 3.4, Biological Resources

B Huberty (UBR-DEIS-00010-1)	
Comment	Response
Overall the EIS is one of the more comprehensive ones I have seen. Minor Comment: The vegetation sections are very weak. They should include species, size and density descriptions. Also keep in mind the NWI maps are generally 35 years old and should be noted a little more but kudos to doing a more intensive survey as described.	OEA notes the commenter's support of the EIS. Please refer to Subsection 3.4.2.3, <i>Vegetation</i> , which states that 261 plant species were recorded during field surveys and provides reference to Appendix E of the Coalition's <i>Biological Resources Baseline Environment Technical Memorandum: Uinta Basin Railway</i> , for the complete list of plants. In addition, vegetation communities were mapped along each Action Alternative with descriptions of mapping provided in the referenced field survey report. The descriptions of the mapped vegetation communities in the Draft EIS and the referenced field survey report incorporate information regarding the distribution and density of potentially affected plant species. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Ray Dillman (UBR-DEIS-00022-1)	
Comment	Response
My name is Ray Dillman, I own 160 acres with a cabin on it. The proposed Indian Canyon railway would cross my property and enter a tunnel close to my cabin. My family and I have observed an abundance of wildlife on our property including black bears, deer, elk, owls, golden eagles, sage grouse, and mountain lion. We have seen a beaver that lives in a stream near our property recently in the zone that would be directly intersected by the proposed railway. We are very concerned that the noise from construction and then from railcars would greatly impact the local wildlife and result in permanent changes to the richly diverse habitat we have come to know and love.	OEA notes the commenter's concerns regarding impacts on wildlife. Please refer to Section 3.4, <i>Biological Resources</i> , which includes information regarding biological resources (including wildlife). Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.

Joan Degiorgio (UBR-DEIS-00246-1)	
Comment	Response
<p>I am opposed to this project for many reasons including: 1) RARE PLANTS For a number of years I worked in the Uinta Basin for a conservation organization working specifically on rare plant conservation. The impacts from this project on these plants, which occur nowhere else in the world, from oil and gas development is concerning. In reality, we barely know where these plants exists, much less what they need to survive. In reality the only mitigation strategy is to avoid. But even this may not be enough as we really don't know how they interact with the environment. These plants are an incredible heritage that we are losing. While they are often regarded as the "last of the least", I encourage you to give serious consideration to any loss of these species.</p>	<p>Please refer to Section 3.4, <i>Biological Resources</i>, and Appendix I, <i>Biological Assessment</i>, of the Final EIS, which include information regarding special status species, including sensitive plants. As stated in Section S.4.1, <i>Major Impacts</i>, OEA considers the potential impacts on special status species, including impacts on ESA-listed plant species, to be significant impacts of the proposed rail line. OEA is recommending appropriate measures to ensure that those impacts are avoided, minimized, or mitigated during construction and operation. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Art Taylor (UBR-DEIS-00250-5)	
Comment	Response
<p>In the EIS, states that the Whitmore Park Alternative was chosen to avoid impact on sage grouse, but that is the area where there are sage grouse! I plead with you to deny this alternative or any other except the No Action Alternative. In so doing, you will resolve the problem of the taking of private property, policing, restoring, penalizing, and all the extra environmental problems.</p>	<p>Please refer to Section 3.4, <i>Biological Resources</i>, which includes information regarding impacts on greater sage-grouse. As discussed in that section, OEA concludes that any of the Action Alternatives would affect greater sage-grouse, but those impacts would be minimized if the Whitmore Park Alternative were authorized because the Whitmore Park Alternative would be located further away from leks and summer brood-rearing habitat compared to the Indian Canyon Alternative and the Wells Draw Alternative.</p>
Susan Greiner (UBR-DEIS-00275-6)	
Comment	Response
<p>- Environmental impacts from the rail line itself are significant. Potential routes for the line could cut through Native American reservation land and fragile roadless areas, impacting wildlife populations and ecosystem integrity, including protected wildlife like Canada Lynx, Spotted Owls and Sage Grouse. It was not clear that mitigation for these populations would be adequate.</p>	<p>Please refer to Chapter 2, <i>Proposed Action and Alternatives</i>, for information regarding land ownership and status, including tribal land. Please refer to Section 3.4, <i>Biological Resources</i>, which includes information regarding special status species, including Canada lynx, Mexican spotted owl, and greater sage-grouse. Please also refer to Chapter 4, <i>Mitigation</i>, which sets forth mitigation measures to address impacts on special status species. In addition, OEA appended a draft BA to the Draft EIS as Appendix I, <i>Draft Biological Assessment</i>. After considering comments on the draft BA, OEA prepared a final BA, which is appended to the Final EIS as Appendix I, <i>Biological Assessment</i>. The draft BA and the final BA also address potential impacts on threatened and endangered species, including Canada lynx and Mexican spotted owl, as well as mitigation to avoid and minimize impacts. Because this comment does not raise any specific concern</p>

	regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Marv Poulson (UBR-DEIS-00365-4)	
Comment	Response
Traversing roadless areas, steep canyons and rugged terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cress. There is no specific inventory reported in this Draft EIS, representing a fatal deficiency for the accuracy of the document.	Please refer to Section 3.4, <i>Biological Resources</i> , which includes information regarding wildlife and habitat and greater sage-grouse and Barneby ridge-cress. Please also refer to Appendix I, <i>Biological Assessment</i> , which addresses potential impacts on threatened and endangered species, including Barneby ridge-cress. OEA worked with greater sage-grouse experts at BLM and UDWR to assess impacts on the species. OEA also consulted with USFWS as part of its obligations under the ESA Section 7 to address potential impacts on Barneby ridge-cress and other ESA-listed plant species. OEA relied on best available information regarding the distribution of wildlife, plant, and fish species in conducting the environmental review, including the results of the field surveys referenced in Section 3.4, <i>Biological Resources</i> . Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Melissa Peck (UBR-DEIS-00380-1)	
Comment	Response
I've checked out this -- this project and they're going to come right across the bottom of our driveway going from one tunnel to the next to get down to the flat that runs along Emma Park and all that.- Well, there is sage-grouse all over down through there.- And so I don't know how come they don't take that into consideration when they took it into consideration with the Craig route.	Please refer to Section 3.4, <i>Biological Resources</i> , which includes information regarding impacts on greater sage-grouse for the three Action Alternatives that OEA considered in detail in the Draft EIS. Please also refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i> , which includes information regarding potential routes that OEA considered but did not analyze in detail in the Draft EIS because they were determined to be logistically infeasible or unreasonable to construct and operate. That subsection discusses the Craig Route and the reasons, after consideration, OEA determined it would not be a reasonable alternative. Those reasons included potential impacts on sage-grouse in Colorado, but also included other environmental considerations, as well as financial, logistical, and operational factors that would make the Craig Route infeasible as an alternative.
Melissa Peck (UBR-DEIS-00380-3)	
Comment	Response
Also, the rails in the summertime, it gets very dry through this area. And I worry about fires being sparked and started. That will box hundreds of people in that are there all summer long, and it could kill people.- There won't be enough time and	OEA notes the commenter's concerns regarding wildfire. Please refer to Section 3.4, <i>Biological Resources</i> , which includes information regarding wildfire impacts. Please also refer to mitigation measure BIO-MM-7, which would require the Coalition develop and implement a wildfire

<p>places to get out if that were to start a fire in that canyon.</p>	<p>management plan to avoid and minimize impacts of wildfires. To address concerns about impacts on emergency access and evacuation in the event of a wildfire or other emergency event, OEA is recommending a new mitigation measure (VSD-MM-6) that would require the Coalition consult with private landowners and communities affected by new at-grade crossings or that are adjacent to the rail line to identify measures to mitigate impacts on emergency access and evacuation routes and incorporate the results of this consultation into the Coalition’s emergency response plan. For example, these measures may include identifying new ingress/egress routes that can be used in the event of an emergency to improve safety.</p>
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Jan Ellen Burton (UBR-DEIS-00391-1)

Comment	Response
<p>I was blind-sided by this audacious plan to build the Uinta Basin railway.- The EIS for the railway contains a myriad of aspects which are of concern, including impacts to surface water, wetlands, wildlife and noise, much of which have already been discussed by others. Given the range of known and potential problems, the plan to mitigate problems as they occur, appears weak at best. In 1989, I bought land above Argyle Canyon right near the juncture of Highway 191 because of the relatively wild lands.- Cabins in the area were small and there were elk, deer, bear, hawks and owl and coyote in residence.- I could hear the birds in the bushes as I walked along the Forest Service Road and passed in the Ashley National Forest. In a time in which many species are endangered, the destruction of an expanse of this habitat and water sources seemed unimaginable, let alone the estimated cost of \$1.5 to \$4.5 billion to destroy these lands. The March 3, 2020, contribution to a compilation of articles accessible on the Utah and Native Plant Society's website, indicates that there are at least six sensitive plant species in Argyle Canyon.- I personally have seen two of these.- And I would regularly search for a good rich columbine beneath a particular tree when I go to my property. This article written by Brian Beam, the Center for Biological Diversity, and Tony Flats, the Utah Native Plant Society, also shows a picture of a fire.- Of course, all of these native plants are at risk in the event of a fire as is the wildlife.- This fire occurred in Argyle Canyon in 2012.- The same fire burned in Indian Canyon threatening the closing of Highway 191.- It wasn't closed, and it wasn't the first fire to burn in this area. The Whitmore Alternative is preferred for a number of seemingly good reasons.-</p>	<p>OEA notes the commenter’s concerns regarding the sufficiency of the EIS. Please refer to Section 3.3, <i>Water Resources</i>, and Section 3.4, <i>Biological Resources</i>, which include information regarding impacts on water resources and biological resources (including wildfires). Please also refer to mitigation measure BIO-MM-7, which would require the Coalition develop and implement a wildfire management plan in consultation with appropriate agencies, including local fire departments. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

Specifically, it reportedly minimizes impacts to wetlands to the extent that is practical, whatever that means, creates fewer impacts to the sage-grouse and avoids more of the residential areas.- And I would add that the land on either side of Route 191 is also less forested than much of Argyle Canyon and it might not burn as easily. However, it is not denuded land and the potential of fire is not at all well addressed in this document. Safety is considered in terms of minimizing train derailments or spills, but the risk for significant wildfire is rated as low, as mitigating emergency plans will be put in place.- We have all seen evidence that the effects of wildfires are not easily negated.- This area of Utah has been incredibly dry for a number of years and it will likely continue to be. I no longer own property there, but it's my former neighborhood, and the question is not whether there will be a big fire, but when?- That is why the Forest Service has been actively cutting dead wood. Our billions of dollars for a railway may lead to greater costs for repairs for the railway and in the event of a spark or another event --[pause]-- triggering a fire.

Richard Spotts (UBR-DEIS-00396-5)

Comment	Response
Wildlife - The proposed route of the Uinta Basin Railway traverses roadless areas, steep canyons, and rugged terrain. Over 10,000 acres of big game habitat will be affected by the railroad. Some of this area has been designated as crucial big game habitat by the U.S. Forest Service. The route also impacts the 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cross.	Please refer to response to Comment UBR-DEIS-00704-7 above.

Melissa Peck (UBR-DEIS-00402-1)

Comment	Response
My name is Melissa Peck, and I am a member of the off grid-gated community in Argyle Canyon.- We've been an off-grid gated community for over 50 years.- It's a private area. None of us are wealthy people up there, but we do really love our peace and quiet and nature and everything.- We have five game cameras, and we capture everything from bears, deer, elk, moose.- We had a neighbor even capture a picture of wandering Buffalo, if you can believe that.- But we've had forest grouse and sage-grouse.- And that threatens them because I know they -- they got rid of the -- the route that was going through Colorado because of their sage-grouse breeding grounds.- Well, the Whitmore and Emma Park area is the same -- the Craig South, and there is sage-grouse down there, too.- So I don't know where the study got that from that they are going to	Please refer to response to Comment UBR-DEIS-00380 above regarding concerns about the Craig Route. Please also refer to Section 3.13, <i>Socioeconomics</i> , which discusses potential impacts on private property owners for each of the Action Alternatives. As discussed in that section, OEA concludes that construction and operation of any of the Action Alternatives would adversely affect the enjoyment of private property. For information about impacts on greater sage-grouse, please refer to Subsection 3.4.3.1, <i>Impact Comparison between Action Alternatives</i> , which concludes that any of the Action Alternatives would affect greater sage-grouse in the Carbon SGMA, but that the Whitmore Park Alternative would minimize those impacts. Accordingly, no changes to the Draft EIS are warranted in response to this comment.

be impacting less sage-grouse because that's not true.	
Donald Jex (UBR-DEIS-00405-5)	
Comment	Response
Thank you.- Lastly, my last concern with the effects of the Church Camp Fire set six or seven or eight years ago.- We are still recovering from the effects of that fire.- Introducing a spark-generating rail line in the top part of that canyon is going to be disastrous.- And there is no way that anybody can guarantee that fires will not be an issue with the route that the rail line is taking through the foliage in that canyon.	OEA notes the commenter's concerns regarding wildfires. Please refer to Section 3.4, <i>Biological Resources</i> , which includes information regarding wildfire impacts. Please also refer to mitigation measure BIO-MM-7, which would require the Coalition develop and implement a wildfire management plan in consultation with appropriate agencies, including local fire departments. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Jean Mold (UBR-DEIS-00408-5)	
Comment	Response
I'm very concerned about the fire potential because it is a heavily-wooded area.- And I've not seen any plans or comments on the mitigation of fire prevention.- And because it is so heavily wooded, that when fires have started in the past, they do a lot of damage in a short amount of time.- So I am very concerned about that with the railway.	OEA notes the commenter's concerns regarding wildfires. Please refer to Subsections 3.4.2.3, <i>Vegetation</i> , and 3.4.3, <i>Affected Environment</i> , and Chapter 4, <i>Mitigation</i> , which include information regarding wildfire potential and impacts, and a mitigation measure to develop a wildfire management plan. Please also refer to mitigation measure BIO-MM-7, which would require the Coalition develop and implement a wildfire management plan in consultation with appropriate agencies, including local fire departments. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Craig Wallentine (UBR-DEIS-00424-8)	
Comment	Response
7) EIS Does Not Address Dramatically Increased Risk of Wildfires: The SCIC proposal fails to recognize the "new normal" of large seasonal wildfires in Utah and Colorado caused by global and regional climate change. Having a two mile long train stranded in the mountains during a large wildfire would certainly qualify as a "black swan" but EIS fails to address this obvious risk. Massive wildfires in Colorado almost shut down the state in 2020. The amount of greenhouse gases emitted by the increased oil production in the Uinta Basin will only extend the existing long term drought in Utah and Colorado caused by climate change. How is increasing the severity of massive wildfires in the Utah and Colorado mountains by lighting off a two mile long crude oil train a "public convenience and necessity"?	To address this comment, OEA has revised Section 3.4, <i>Biological Resources</i> , in the Final EIS, to include the most current (2020) data regarding wildfire impacts and risk along the Action Alternatives and additional language acknowledging that conditions have been, and potentially will become, dryer in the future. OEA notes that analysis of worst-case scenarios, such as the scenario described by the commenter, would not be appropriate under NEPA.

Craig Wallentine (UBR-DEIS-00425-11)	
Comment	Response
EIS also does not address fundamental native plant issues brought forward by the Utah Native Plant Society, the acknowledged expert on Utah wild plants. Bottom line, this special interest project is not a public convenience or a necessity.	Please refer to Section 3.4, <i>Biological Resources</i> , which includes information regarding vegetation and special status species, including plants. OEA is not aware of issues related to native plants raised by the Utah Native Plant Society that were not addressed in the Draft EIS. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Joel Ban (UBR-DEIS-00429-3)	
Comment	Response
Biological Resources The alternative would also have apparent effects on Sage Grouse, a threatened but not endangered species. Sage Grouse habitat has experienced tremendous reduction from its historic range somewhere around 56% loss of historic range. All action alternatives would pass through or near known leks. Although USFWS found that the species warranted an endangered listing in 2010 it was found to not warrant listing in 2015 due to voluntary conservatory measures by the states. Unfortunately, these state measures are voluntary and because they do not bind any particular parties, they are not particularly effective in terms of protection of the species. There are currently no binding measures to protect their habitat, and in 2019, millions of acres of sagebrush focal areas were eliminated from protection. The development of oil and gas is particularly detrimental to their success since loss of habitat reduces their chance of survival.	Please refer to Section 3.4, <i>Biological Resources</i> , of the Final EIS, which includes information regarding impacts on greater sage-grouse, that was provided previously in the Draft EIS. To avoid and minimize impacts on greater sage-grouse, OEA is recommending mitigation measure BIO-MM-13, which would require the Coalition comply with the <i>Utah Conservation Plan for Greater Sage Grouse</i> . In addition, the Coalition has committed to executing a Mitigation Agreement with UDWR to offset any impacts on greater sage-grouse and their habitats (see VM-35 in Chapter 4, <i>Mitigation</i>). Further, OEA is recommending mitigation requiring the Coalition avoid construction in the Carbon SGMA during the nesting and breeding season (BIO-MM-19 in Chapter 4, <i>Mitigation</i>). These measures would become binding if the Board authorizes an Action Alternative and imposes OEA's recommended mitigation.
Joel Ban (UBR-DEIS-00429-4)	
Comment	Response
The multitude of impacts from the construction and operation of this train line would be devastating to a multitude of species--including endangered species. This is the conclusion within the Draft Biological Assessment. Several of the endangered plant and animal species discussed within the BA and EIS include the Colorado pikeminnow, humpback chub, bonytail, and also include other species that are not endangered. These species that are likely to be "adversely affected" would be subject to a Biological Opinion under the ESA. The BO would ensure that the proposed action will not reduce the likelihood of survival of the endangered species, include recommendations that will help recover the species, including "reasonable and prudent" measures to minimize harmful effects such as monitoring and reporting. This however is insufficient as the project's action alternatives would definitively	Please refer to Appendix I, <i>Biological Assessment</i> . As required under Endangered Species Action Section 7, OEA initiated formal consultation with USFWS on the Upper Colorado River Basin fish species and all threatened and endangered plants. USFWS will evaluate OEA's BA and issue a BO, which will state whether or not the proposed rail line would jeopardize the continued existence of federally listed threatened and endangered species.

reduce the chances of success for several endangered species as is conceded in the Biological Assessment.	
Marc Bubar (UBR-DEIS-00430-5)	
Comment	Response
Wildlife? ?-? The proposed route of the Uinta Basin Railway traverses roadless areas, steep canyons, and rugged terrain. Over 10,000 acres of big game habitat will be affected by the railroad. Some of this area has been designated as crucial big game habitat by the U.S. Forest Service. The route also impacts the 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cross. ?	Please refer to response to Comment UBR-DEIS-00704-7 above.
Duchesne County, Mike Hyde (UBR-DEIS-00436-12)	
Comment	Response
Page 3.4-7 Table 3.4-2: [Bold: Comment: It seems odd that the USFWS would list the Clark's Grebe as potentially present in the Wells Draw Alternative study area when the table also states that there is no suitable habitat for this species in any of the study areas.]	Table 3.4-4 (previously Table 3.4-2 in the Draft EIS) lists the Birds of Conservation Concern species that are potentially present based on publicly available information provided by the USFWS, cited in the table as USFWS 2020a, 2020b, 2020c (see table note "a"). Although the information provided by USFWS identified Clark's grebe as potentially present in the study area for the Wells Draw Alternative, field surveys conducted for the proposed rail line found no potentially suitable habitat along any of the alternatives (see last table column and table note "b").
Duchesne County, Mike Hyde (UBR-DEIS-00436-2)	
Comment	Response
Page S-9 Fish and Wildlife:... the mitigation set forth in this Draft EIS would require the Coalition to work with landowners to define areas of the right-of-way that can be left without fences to maintain big game migration [strike through: measures] [bold and underline: corridors.]	To address this comment, OEA has revised the <i>Summary</i> , Subsection S.4.2, <i>Minor Impacts</i> , in the Final EIS to correct the editorial error identified by the commenter by changing the word "measures" to "corridors."
Duchesne County, Mike Hyde (UBR-DEIS-00436-13)	
Comment	Response
Page 3.4-10 Fish: UDWR has since stocked Colorado River cutthroat trout in Indian Canyon Creek [strike through: by UDWR], and the species were observed in Indian Canyon Creek by Forest Service biologists in fall of 2019 (Brunson pers. comm.).	OEA has revised Subsection 3.4.2.2, <i>Fish</i> , in the Final EIS to remove "by UDWR."
Duchesne County, Mike Hyde (UBR-DEIS-00436-14)	
Comment	Response
Page 3.4-11 Vegetation Communities (Table 3.4-4): [Bold: Comment: It seems odd that this table shows no acreage of vegetation disturbed by oil wells in the Indian Canyon and Whitmore Park alternatives when it appears that there are a number of oil wells	OEA notes that the numbers provided in Table 3.4-14 (previously Table 3.4-11 in the Draft EIS) are based on USGS Gap Analysis Project GIS land cover data, as reported in the Coalition's <i>Final Biological Resources Baseline Environment Technical</i>

within 500 feet of the railway centerline; especially within Indian Canyon.]	<i>Memorandum.</i> It is possible that the disturbed oil well areas in Indian Canyon are too small to be detected by the methodology that USGS used to develop the dataset. Because OEA's analysis of potential environmental impacts takes into account oil wells in Indian Canyon, even though they are not specifically identified in the USGS data used to generate the numbers in Table 3.4-14 (previously Table 3.4-11 in the Draft EIS), no changes to the Draft EIS are warranted in response to this comment.
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Duchesne County, Mike Hyde (UBR-DEIS-00436-15)

Comment	Response
Page 3.4-13 Wildfire Ecology: One of Utah's largest wildfires, the Neola North Fire, occurred in Duchesne County and burned about 43,800 acres in 2007 (Utah Division of Emergency Management 2019). [Bold: Comment: Two larger wildfires have burned in Duchesne County since then. In July of 2018, the Dollar Ridge Fire burned 68,869 acres of land in western Duchesne County and in August-October of 2020, the East Fork Fire burned 89,463 acres of land in northern Duchesne County. The Church Camp Fire burned about 7,100 acres of land near the summit of Indian Canyon in July, 2012.]	To address concerns regarding more recent wildfire information, OEA has revised Subsection 3.4.2.3, <i>Vegetation</i> , in the Final EIS to include some of the suggested information.

Duchesne County, Mike Hyde (UBR-DEIS-00436-16)

Comment	Response
Page 3.4-37 Noxious and Invasive Weeds: To minimize impacts related to noxious and invasive weeds, the Coalition has proposed voluntary mitigation that would commit the Coalition to preparing a noxious and invasive weed control plan, in consultation with the Ute Indian Tribe, that will include the policies and strategies in Utah's Strategic Plan for Managing Noxious and Invasive Weeds, where practical (VM-38). [Bold: Comment: Duchesne County has a Weed Board and a Weed Department. The Coalition should also consult with the County Weed Department as they develop a noxious and invasive weed control plan.]	This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to voluntary mitigation measures proposed by a railroad applicant. To address concerns regarding entities consulted for the development of an invasive weed control plan, OEA is recommending an additional mitigation measure (BIO-MM-15) in the Final EIS to address invasive weed control, which includes consulting with county weed boards, the Ute Indian Tribe, and federal and state agencies, as appropriate.

Duchesne County, Mike Hyde (UBR-DEIS-00436-17)

Comment	Response
Page 3.4-37 Dust Deposition: However, any dust accumulation on vegetation would be temporary and would last only for the duration of construction [bold and underline: or a lesser amount of time if sufficient precipitation falls to wash away the dust.]	OEA has revised Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives, Vegetation, Construction, Dust Deposition</i> , in the Final EIS to indicate that dust could be washed away by a precipitation event.

Duchesne County, Mike Hyde (UBR-DEIS-00436-65)

Comment	Response
Page 4-7 Biological Resources: VM-38. The Coalition will prepare a noxious and invasive weed control	Please refer to response to Comment UBR-DEIS-00436-16 above.

plan in consultation with the [bold and underline: County Weed Control Departments and the] Ute Indian Tribe as applicable.	
Duchesne County, Mike Hyde (UBR-DEIS-00436-66)	
Comment	Response
Page 4-7 Biological Resources: VM-40. The Coalition will work with UDWR, the Ute Indian Tribe, and adjacent landowners to define areas of the right-of-way that can be left without fences [bold and underline: or provided with underpasses] to maintain big game migration corridors [bold and underline: (see also LUR-MM- 11).]	This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to voluntary mitigation measures proposed by a railroad applicant. Please refer to OEA's recommended mitigation measure LUR-MM-11, which would require the Coalition consider installing underpasses along the rail right-of-way that could be used by livestock or wildlife. In addition, please refer to OEA's recommended mitigation measure BIO-MM-18, which would require the Coalition develop a big game movement corridor crossing plan in consultation with Ute Indian Tribe, UDWR, OEA, and appropriate land management agencies.
Duchesne County, Mike Hyde (UBR-DEIS-00436-67)	
Comment	Response
Page 4-7 Biological Resources: VM-41. Where practical and necessary, the Coalition will install wildlife-safe fences to confine livestock within grazing allotments. [Bold and underline: Comment: Who decides where such fences will be required? In consultation with landowners, land management agencies and UDWR?]	This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to the voluntary mitigation measures proposed by a railroad applicant. Please refer to mitigation measures VM-40, VM-45, and VM-46 in Chapter 4, <i>Mitigation</i> , which discuss how consultation regarding fencing would proceed. OEA notes that the Coalition does not propose to construct fencing unless requested by a landowner to do so. In addition, please refer to OEA's recommended mitigation measure BIO-MM-18, which would require the Coalition to develop a big game movement corridor crossing plan in consultation with Ute Indian Tribe, UDWR, OEA, and appropriate land management agencies.
Cody Perry (UBR-DEIS-00438-1)	
Comment	Response
The Uinta Basin Railway's analysis does not adequately consider impacts to more than 400 streams and thousands of acres of wildlife habitat, including crucial areas that pronghorn and mule deer migration and seasonal habitat. Mitigation plans for greater sage-grouse and other wildlife must be further analyzed. The study fails to acknowledge the devastation the Uinta Basin Railway will inflict on air, water and wildlife by the cumulative impacts of the associated extraction process. The plan lacks adequate recognition and meaningful mitigation measures.	OEA fully considered impacts on water resources (including perennial, intermittent, and ephemeral streams), biological resources, and air quality, as well as mitigation to address those impacts. Please refer to Section 3.3, <i>Water Resources</i> , Section 3.4, <i>Biological Resources</i> , Section 3.7, <i>Air Quality and Greenhouse Gases</i> , Section 3.15, <i>Cumulative Effects</i> , and Chapter 4, <i>Mitigation</i> , which include information regarding water resources, biological resources (including wildlife, habitat, mule deer, pronghorn, and greater sage-grouse), air quality, cumulative impacts, and big game mitigation, respectively. Accordingly, no changes to the Draft EIS are warranted in response to this comment.

Marv Poulson (UBR-DEIS-00451-0064-2)	
Comment	Response
The no-action alternative must be the out come for the proposed Uinta Basin Railway to prevent devastation to critical plant habitat for at least 2 species of great concern not specifically reported inventoried in this shallowly executed process that fail to meet the essentials under NEPA.	Please refer to response to Comment UBR-DEIS-00365-4 above and response to Comment UBR-DEIS-00683-107 below.
Marv Poulson (UBR-DEIS-00451-0064-4)	
Comment	Response
Traversing roadless areas, steep canyons and rugged terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cress. There is no specific inventory reported in this Draft EIS, representing a fatal deficiency for the accuracy of the document. The complete lack of documenting cumulative local and regional impacts represents a deficiency that unless fully addressed must result in the no-action alternative.	Please refer to response to Comment UBR-DEIS-00365-4 above and response to Comment UBR-DEIS-00683-107 below. For information regarding cumulative environmental impacts of the proposed rail line and other relevant reasonably foreseeable future activities, please refer to Section 3.15, <i>Cumulative Impacts</i> .
Western Energy Alliance, Tripp Parks (UBR-DEIS-00466-3)	
Comment	Response
The draft EIS includes a review of potential impacts to local species such as the Greater Sage-Grouse and the Hookless Cactus, and places restrictions on the project that comply with the Bureau of Land Management's resource management plans and the U.S. Fish & Wildlife Service's (FWS) Endangered Species Act regulations. Although the project would disturb some habitat for these species, the draft EIS properly requires mitigation actions that will offset this disturbance. While we generally believe those mitigation requirements are consistent with governing regulations, one reference should be updated in the final EIS. Specifically, STB states "The Coalition shall also follow the guidelines for avoiding and minimizing impacts set out in the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances for the protection of bald and golden eagles, as applicable." The guidelines referenced in this section are no longer FWS policy, so an updated reference is necessary.	In response to this comment, OEA contacted the USFWS Utah Ecological Services Field Office regarding the referenced raptor guidelines. USFWS confirmed that the <i>Utah Field Office Guidelines for Raptor Protection from Human and Land Disturbances</i> are the Utah Ecological Services Field Office recommended guidelines for raptor conservation, and USFWS continues to recommend use of these guidelines for projects in Utah. USFWS did note that because the guidelines were published in 2002, portions of the section on Regulatory Authority may be out of date.
Mountain Lion Foundation, Diana Boyle (UBR-DEIS-00494-1)	
Comment	Response
We are concerned that the DEIS does not address the negative effects that the construction and operation of the proposed UBR would have on Utah's cougar (<i>Puma concolor</i>) population. Effects to Utah's cougar population are not considered in	The impact types and mechanisms discussed in Section 3.4, <i>Biological Resources</i> , apply to and cover all wildlife species that could be affected by construction and operations of the proposed rail line, including cougars. Because there are likely

<p>the DEIS and, in fact, cougars are only referenced once in the entire 580 pages of the DEIS, as part of a list of "Common Wildlife" (Ch. 3.4.2.1 Wildlife). Additionally, cougars are not mentioned at all in the 2,211 pages of the Appendices to the DEIS. It is shocking to us, that effects to Utah's cougars would not be considered for such a big project that will decimate Utah's Uinta Basin ecosystem.</p>	<p>hundreds of wildlife species present in the Action Alternative study areas, it would not be feasible or appropriate to discuss each individual species in detail. Therefore, the EIS focuses on species with special status designations or management concerns (e.g., federally listed threatened and endangered species, greater sage-grouse). Utah's cougar population is actively managed by UDWR. The goal of the current cougar management plan is to maintain healthy populations while considering human safety, economic concerns, other wildlife species, and maintaining hunting through 2025 (UDWR undated). Since 1967, cougars have been considered a game species in Utah, where harvesting is an important factor in population management, as well as management of other species on which cougars prey (e.g., deer). The Action Alternatives fall within three cougar management units: Nine Mile, North; Wasatch Mountains, Avintaquin; and Central Mountains, Northeast Manti. Currently, cougar harvest is "open" with "unlimited" harvest quotas in these two management units (UDWR 2021a). Also, UDWR recently issued an emergency change to increase cougar harvest to help the struggling deer populations in Utah (UDWR 2021b). Cougar habitat is mapped across a significant portion of Utah, including the Action Alternative study areas (UDWR undated; USGS 2018). The area of cougar habitat that would be removed from construction of the rail line would be very small (less than 0.5% for any Action Alternative in any management unit) compared to all available cougar habitat in the management units. Therefore, impacts on cougars would not be significant and no changes to the Draft EIS are necessary.</p>
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Mountain Lion Foundation, Diana Boyle (UBR-DEIS-00494-2)

Comment	Response
<p>Cougars are a keystone species and play an important role in maintaining ecosystem health, diversity, and integrity. In fact, cougars contribute a disproportionate amount of carrion to the landscape, supporting as many as 39 species of scavenging birds and mammals. [Footnote 1: Elbroch, L. M., C. O'Malley, M. Peziol, and H. B. Quigley. 2017. Vertebrate diversity benefiting from carrion provided by pumas and other subordinate, apex felids. <i>Biological Conservation</i> 215: 123-131.] Additionally, recent research also found that cougars act as ecosystem engineers, providing habitat to as many as 215 different species of beetles, including the federally endangered American burying beetle (<i>Nicrophorus americanus</i>). [Footnote 2: Barry, J. M., L. M. Elbroch, M. E. Aiello-</p>	<p>Please refer to response to Comment UBR-DEIS-00494-1 above. Please refer to Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives</i>, for information regarding potential construction impacts on wildlife, including the loss of wildlife habitat and noise impacts.</p>

<p>Lammens, R. J. Sarno, L. Seelye, A. Kusler, H. B. Quigley, and M. M. Grigione. 2019. Pumas as ecosystem engineers: ungulate carcasses support beetle assemblages in the Greater Yellowstone Ecosystem. <i>Oecologia</i> 189: 577-586.] Furthermore, in addition to helping regulate herbivore numbers through predation, the mere presence of cougars on the landscape can help to reduce over-browsing of plants and shrubs by herbivores, such as deer (<i>Odocoileus hemionus</i>), elk (<i>Cervus canadensis</i>) and moose (<i>Alces alces</i>). [Footnote 3: Beschta, R. L. and W. J. Ripple. 2012. The role of large predators in maintaining riparian plant communities and river morephology. <i>Geomorphology</i> 157-158: 88-98.] It is, therefore, highly concerning to us that the DEIS mentions cougars only once in the entire document and fails to consider the negative effects cougars and other wildlife species would face from the construction and use of the proposed UBR. What the DEIS [italics: does] mention is the heavy machinery that would be required to build and maintain the UBR, including the use of bulldozers, front end loaders, dump trucks, cranes, as well as "mining and blasting methods". Bringing such heavy equipment into and out of the Uinta Basin, and mining and blasting the area, will destroy pristine habitat and disrupt wildlife populations that call the Uinta Basin their home.</p>	
<p>Mountain Lion Foundation, Diana Boyle (UBR-DEIS-00494-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>Utah's cougar population already faces a myriad of threats, including, but not limited to, heavy hunting pressures, habitat loss and fragmentation, trapping, poaching, retaliation to livestock depredation, cougar-vehicle collisions, and poisoning. Additionally, the Utah State Legislature passed a bill last year, HB 125, which instructs the Utah Division of Wildlife Resources to reduce predator numbers when big game populations decline below a certain threshold. Habitat that is lost as a result of the construction and operating of the UBR will negatively affect cougars and their prey, and cougars will ultimately pay the price when ungulate populations decline as a result. Therefore, we are deeply concerned of the negative effects the construction and operating of the UBR would have on Utah's prized game species populations, such as elk (<i>Cervus canadensis</i>) and mule deer (<i>Odocoileus hemionus</i>), as cougars will likely be persecuted as a result.</p>	<p>Please refer to response to Comment UBR-DEIS-00494-1 above. Please also refer to Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives</i>, which qualitatively describes potential impacts on big game species and Subsection 3.4.3.2, <i>Impacts Comparison between Action Alternatives</i>, which quantifies potential impacts on big game species for each Action Alternative in terms of habitat loss.</p>

Mountain Lion Foundation, Diana Boyle (UBR-DEIS-00494-5)	
Comment	Response
<p>If approved, this project will destroy habitat and may lead to an increase in human-cougar conflict, as cougars are pushed out of the wilderness and into developed areas looking for new habitat. Additionally, this project could lead to kitten orphaning and death of young cougars, as mothers may be separated from their young, or killed on the UBR during construction and/or upon completion of the UBR, as it is operated. We urge you to include an assessment of the negative effects that the construction and operating of the proposed UBR could have on Utah's cougar population in the Final Environmental Impact Statement. Additionally, we ask that you include a requirement of the installation of wildlife underpasses and/or wildlife overpasses with the appropriate fencing to direct wildlife during construction in order to reduce wildlife mortalities and the negative impacts of habitat fragmentation.</p>	<p>Please refer to response to Comment UBR-DEIS-00494-1 above. Please also refer to Chapter 4, <i>Mitigation</i>, which includes measures to avoid and minimize impacts on animal migration and fencing (LUR-MM-1, VM-40, VM-41, BIO-MM-18).</p>
Theodore Roosevelt Conservation Partnership, Ed Arnett (UBR-DEIS-00497-2)	
Comment	Response
<p>Greater sage-grouse As described in the DEIS, all three Action Alternatives would cross areas containing mapped greater sage-grouse habitat and in close or immediate proximity to active leks in priority habitat. Our understanding, through consultation with the Utah Division of Wildlife Resources (UDWR), is that these are some of the last remaining leks known for this population of sage-grouse. Figure 3.4-2 shows three alternative routes - the chosen upper route should maximize avoidance of priority and general habitat and minimize disturbance as much as possible. For the lower portion of the route, the Whitmore Park alternative appears to be the furthest distance from active leks, but still well within a distance likely to disturb grouse. Given the extensively documented sensitivity of sage-grouse to ground disturbance and noise, impacts and perhaps even lek abandonment should be anticipated. The Western Association of Fish and Wildlife Agencies and USGS scientists now estimate sage-grouse populations continue to decline at ~3% annually, and further loss of priority habitat and grouse does not comport with retaining the 2015 "not warranted" finding for this species by the US Fish and Wildlife Service. Should the project proceed, we suggest exhausting all options for moving the rail line as far from active leks as possible. While we appreciate the likely extensive costs of re-routing the rail line, loss of any sage-grouse leks in priority habitat at this point in</p>	<p>As stated in Subsection 3.4.1.3, <i>Analysis Methods</i>, OEA convened an interagency working group to address potential construction and operations impacts on greater sage-grouse and their habitats. The working group included state and federal staff with expertise on the species, their habitats, potential impacts, and implementation of applicable greater sage-grouse management plans. One outcome of the interagency working group was the conclusion in the Draft EIS that the Whitmore Park Alternative would minimize impacts on greater sage-grouse relative to the Indian Canyon Alternative and the Wells Draw Alternative because it would be located as far away from greater sage-grouse leks and summer brood rearing habitat as is feasible given engineering and logistical constraints. Because the Whitmore Park Alternative would still result in impacts on sage-grouse, the interagency working group also discussed potential mitigation strategies. As discussed in Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives</i>, if the Board authorizes construction and operation of the proposed rail line, the Coalition would enter into an agreement with UDWR that would specify the actions that the Coalition would take to avoid and minimize impacts on greater sage-grouse habitat during construction and operation of the proposed rail line, as well as strategies for compensatory mitigation (see mitigation measure VM-35 in Chapter 4, <i>Mitigation</i>). In addition, OEA is</p>

time threatens sage-grouse more broadly than just this project area.	recommending mitigation requiring the Coalition avoid construction in the Carbon SGMA during the nesting and breeding season (BIO-MM-19). Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Theodore Roosevelt Conservation Partnership, Ed Arnett (UBR-DEIS-00497-4)	
Comment	Response
Even with a modified location, residual impacts to sage-grouse should be expected. Given the likelihood of lost occupied priority sage-grouse habitat from direct (i.e., the actual footprint of lost habitat) and indirect (i.e., the avoidance of otherwise suitable and occupied habitat due to disturbance) impacts, we would argue that additionality (or sometimes referred to as conservation gain) should be considered when addressing compensatory mitigation. The State of Utah's mitigation program should be employed, and expectations coordinated with the UDWR, federal agencies and the proponent to ensure requirements for mitigation are achieved. Importantly, indirect impacts should be factored into mitigation requirements and not just the lost habitat from the project's footprint.	Please refer to response to Comment UBR-DEIS-00497-2 above. All potential greater sage-grouse impacts would be factored into the Coalition's greater sage-grouse mitigation plan that would be executed if the Board authorizes an Action Alternative.
Theodore Roosevelt Conservation Partnership, Ed Arnett (UBR-DEIS-00497-6)	
Comment	Response
The rail line should not cross any State Wildlife Management Areas, easements established for big game, or other lands open to public access for hunting and fishing. Any known migration corridors - and especially stopover habitats or pinch points (also called bottlenecks) should be avoided. If the project proceeds and any of the alternatives bisect migration or other high use areas, wildlife crossing structures and adequate fencing to funnel animals to safety should be required, per recommendations from the UDWR. However, we point out the lack of evidence to support the use of compensatory mitigation to offset impacts to a big game migration corridor. Avoiding impacts - the first and most critical step in the mitigation hierarchy - at the onset is critical for the maintenance of migratory movement and use of corridors. Importantly, there is no empirical evidence supporting whether measures to minimize or mitigate unavoidable impacts are effective to conserve migration corridors considering many big game species' fidelity to these routes. Habitat conditions on winter range and within migration corridors can be improved through restoration projects, but migration routes of large mammals are generally traditional, and spatial memory provides knowledge where seasonal ranges and migratory	To address concerns regarding big game migration, OEA has revised Subsection 3.4, <i>Biological Resources</i> , in the Final EIS to include additional information on big game movement corridors along the Action Alternatives. OEA worked with UDWR wildlife staff to map the general locations of big game movement corridors along the Action Alternatives, as shown in Final EIS Appendix G, <i>Biological Resources Figures</i> . OEA and UDWR also determined the number of big game movement corridor crossings along each Action Alternative (see Final EIS Table 3.4-16). This is the best available information on big game migration in this region of Utah, and the information is based on the expertise and knowledge of local UDWR biologists. To address impacts on big game migration, OEA is recommending mitigation measure BIO-MM-18, which would require the Coalition to develop a big game movement corridor crossing plan in consultation with Ute Indian Tribe, UDWR, OEA, and appropriate land management agencies.

<p>routes. Learning and cultural transmission are the primary mechanisms by which ungulate migrations evolve. Impacts that result in alterations or outright avoidance of traditional migrations could therefore expunge generations of knowledge about the locations of high-quality forage and could suppress population abundance. Given that ungulate migrations generally occur along these traditional routes that are learned and passed on from mother to young, it may be difficult if not to restore migratory landscapes by removing barriers once migratory subpopulations have dwindled. As such, avoidance is key and compensatory mitigation efforts to offset impacts to migration corridors are likely an ineffective management strategy, given that corridors cannot be effectively "created" elsewhere.</p>	
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Utah Petroleum Association, Jennette King (UBR-DEIS-00574-2)

Comment	Response
<p>Upon review of the draft EIS we for the most part concur with the analysis of environmental impacts that the proposed railway would result in, believe the STB has met all currently applicable laws and regulations in their review of the project, and demonstrated that resulting project impacts can be appropriately addressed through mitigation measures. One exception is the STB statement that "The Coalition shall also follow the guidelines for avoiding and minimizing impacts set out in the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances for the protection of bald and golden eagles, as applicable." Please note that the referenced guidelines are no longer FWS policy</p>	<p>OEA notes the commenter’s support for the Draft EIS. Regarding guidelines for the protection of raptors, please refer to response to Comment UBR-DEIS-00466-3 above.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-6)

Comment	Response
<p>OEA admits that [italics: "Any of the Action Alternatives would cross suitable habitat for several plant species that are listed as threatened or endangered under the Endangered Species Act, including Pariette cactus, Uinta Basin hookless cactus, Barneby ridge-cress, and Ute ladies'-tresses."][Footnote 4: DEIS S-7] OEA indicates that it is "consulting with the U.S. Fish and Wildlife Service ("USFWS") to determine appropriate measures for avoiding, minimizing, or mitigating impacts on those species, but some impacts would be unavoidable."][Footnote 5: DEIS S-7] Such consultations should have been conducted prior to issuance of the DEIS, and such avoidance, minimization, and mitigation measures should be detailed and included in this DEIS. The public should not be left to wonder and assume that such</p>	<p>OEA began informal consultation with USFWS in April 2019 and met often with USFWS staff throughout the preparation of the Draft EIS, as detailed in Appendix I, <i>Biological Assessment</i>, Section 3.1, <i>Endangered Species Act Consultation History</i>. OEA appended a draft BA to the Draft EIS as Appendix I, <i>Draft Biological Assessment</i>, to provide an opportunity for public comment. OEA, in consultation with USFWS, then prepared a final BA, which is appended to the Final EIS as Appendix I, <i>Biological Assessment</i>. As part of OEA’s formal consultation with USFWS per ESA Section 7, USFWS will issue a BO. The BO must be completed before the Board makes a determination concerning whether to authorize construction and operation of an Action Alternative, and OEA will make it available as soon as possible.</p>

<p>consultations will in fact take place at some future time. Such consultations and the results of their findings are crucial to the DEIS and a fair and accurate assessment of the impacts on threatened plant species cannot be determined at this time due to the OEA's haste in issuing the DEIS prior to the requisite consultations being completed.</p>	<p>The 54 OEA-recommended measures in the BA for avoidance and minimization of listed plants, and the additional measures volunteered by the Coalition, would become binding measures if the Board authorized an Action Alternative and imposed OEA's recommendations. Any additional conditions issued in the BO by USFWS would also become binding under the Board's decision.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-7)	
Comment	Response
<p>Further, OEA indicates that [italics: "Any of the Action Alternatives would also cross habitat for the greater sage-grouse, a bird species that is managed by BLM and the State of Utah."] [Footnote 6: DEIS S-7] While the DEIS indicates that the Whitmore Park Alternative would minimize impacts on greater sage-grouse relative to the other Action Alternatives, it indicates that the Coalition is in consultation with OEA and the State of Utah to develop [underline: voluntary] mitigation to address impacts. I again assert that such consultations should have occurred prior to the issuance of the DEIS. How can the public review, evaluate, and appropriately comment on such mitigation measures if they are not disclosed in the DEIS and published during this Public Comment Period? I further assert that such mitigation measures should be [underline: mandatory], not voluntary. And how can OEA conclude that if the Whitmore Park Alternative is constructed that impacts on greater sage-grouse would not be significant since mitigation measures have not been fully developed or published for review?</p>	<p>Please refer to response to Comment UBR-DEIS-00497-2 above. All potential greater sage-grouse impacts would be factored into the Coalition's greater sage-grouse mitigation plan that would be developed if the Board authorizes an Action Alternative (VM-35). OEA notes that there no requirement to mitigate for greater sage-grouse impacts under the State of Utah's greater sage-grouse management plan (State of Utah 2019), but the Coalition has committed to executing a Mitigation Agreement with UDWR to offset any impacts on greater sage-grouse and their habitats (see VM-35 in Chapter 4, <i>Mitigation</i>). This measure would become binding if the Board authorizes an Action Alternative. A description of the mitigation plan, along with a letter from the State of Utah regarding the consistency of the proposed rail line and the proposed mitigation with the State of Utah sage-grouse management plan, was appended to the Draft EIS as Appendix K, <i>State of Utah Letter and Coalition's Sage-Grouse Mitigation Plan</i>, and is also appended to the Final EIS.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-14)	
Comment	Response
<p>FISH AND WILDLIFE I respectfully disagree with OEA's conclusion that implementation of proposed mitigation measures will result in impacts on biological resources that are not significant. Habitat within the footprint of the proposed railway and right of way will be permanently lost. Habitat loss will absolutely result in significant impacts to biological resources.</p>	<p>Please refer to Section 3.4, <i>Biological Resources</i>, and Chapter 4, <i>Mitigation</i>, which include information regarding biological resources (including habitat impacts) and mitigation. OEA acknowledges in Subsection 3.4.4, <i>Mitigation and Unavoidable Environmental Effects</i>, that construction and operation of the proposed rail line would result in significant impacts on biological resources, including the permanent loss of habitat. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-15)	
Comment	Response
<p>VEGETATION The DEIS attempts to minimize the negative effects on vegetation due to construction and operation of the proposed railway. [Italics: "Vegetation within the footprint of the proposed rail</p>	<p>Please refer to response to Comment UBR-DEIS-00683-143 above. As discussed in the Draft EIS, the precise locations of construction staging areas would not be determined until the final engineering</p>

<p>line will be permanently removed, and vegetation in construction areas would be temporarily cleared or disturbed." [Footnote 11: DEIS S-9] Much of this vegetation, specifically in Argyle Canyon, consists of large-growth conifers. Restoration of disturbed areas to their original states will take generations to accomplish. The magnitude of disturbance for construction staging areas within the canyon will be a major disturbance of the area due to the steep, rugged terrain and limited flat ground suitable for staging activities. The DEIS fails to disclose or identify the size, location, and extent of disturbed areas, thereby making it impossible for residents and private property owners to understand, evaluate, and provide comment on the impacts of these construction staging areas.</p>	<p>and design phase, which would occur if the Board authorized construction and operation of one of the Action Alternatives. The Coalition has not identified the locations of construction staging areas at this time, but it has indicated that construction staging areas would be located within the project footprint that OEA used to quantify impacts on resources. Therefore, the vegetation and habitat impact areas disclosed in Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives</i> include areas that could be used for construction staging. To address concerns regarding the Coalition's proposed revegetation and reclamation plan (VM-22), OEA is recommending an additional mitigation measure (BIO-MM-16) in the Final EIS that would require the Coalition develop a reclamation and revegetation plan to ensure that temporarily disturbed areas would be restored. The plan would establish monitoring periods appropriate for particular vegetation communities that would be developed in consultation with appropriate federal, state, local, and tribal agencies.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-35)

Comment	Response
<p>Many areas within the Argyle Canyon and Avintaquin Canyon Communities have only one way in and one way out. These communities are off-grid and are not served by any municipal or other utilities, and no emergency warning systems exist. If a passing train were to ignite a wildfire along the proposed Action Alternatives, the potential for loss of life and destruction of private property would be extreme. Despite private landowner efforts, the private forest areas that will be traversed by either the Indian Canyon or Wells Draw Routes are dense with deadfall and underbrush. The fire danger in these areas already exists from lightning, campfires, and other potential human causes...adding a railway multiplies the propensity and potential for devastating, fatal wildfires exponentially. I do not feel that the wildfire risk from trains running on the proposed railway could be adequately mitigated. The risk of death to nearby canyon residents is simply too great. This factor alone should be sufficient for the STB to deny permitting for any of the Action Alternatives.</p>	<p>OEA notes the commenter's concerns regarding wildfire. Please refer to Section 3.4, <i>Biological Resources</i>, which includes information regarding wildfire impacts. Please also refer to mitigation measure BIO-MM-7, which would require the Coalition develop and implement a wildfire management plan to avoid and minimize impacts of wildfires.</p> <p>To address concerns regarding impacts on emergency access and evacuation in the event of a wildfire or other emergency event, OEA has revised Subsection 3.1.3.1, <i>Impacts Common to All Action Alternatives</i>, to describe the potential impacts on emergency response and evacuation routes in communities with limited options for ingress and egress options, including the Argyle Canyon and Avintaquin Canyon Communities. OEA is recommending a new mitigation measure (VSD-MM-6) that would require the Coalition consult with private landowners and communities affected by new at-grade crossings to identify measures to mitigate impacts on emergency access and evacuation routes and incorporate the results of this consultation into the emergency response plan identified in mitigation measure VM-11. These measures may include identifying new ingress/egress routes that can be used in the event of an emergency.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-47)	
Comment	Response
<p>The impacts of Action Alternatives on flora and fauna will be significant and without truly effective mitigation. Big Game species in the Argyle Canyon, Avintaquin Canyon, Indian Canyon, and surrounding areas include elk, mule deer, moose, black bear, and antelope. Smaller game include mountain lions, bobcats, wolverines, skunks, cottontail rabbits, jackrabbits, several squirrel species, chipmunks, weasels, ferrets, sage grouse, forest grouse, pheasants, chukars, many raptors and various bird species, etc. I believe that the proposed railway will significantly alter and damage critical habitat areas for virtually all of these animals. In addition, there are several rare and endangered plant species in the Argyle Canyon area which will be impacted and likely destroyed by the construction activities for the proposed railway.</p>	<p>OEA notes the commenter's concerns regarding wildlife and habitat. Please refer to Section 3.4, <i>Biological Resources</i>, which includes information regarding vegetation, habitat, general wildlife, big game, greater sage-grouse, and special status species such as federally endangered plants. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Eric Green (UBR-DEIS-00627-1)	
Comment	Response
<p>I believe the EIS for this project is severely understating the short and long-term impacts on the local environment. My opinion, as a Biologist, is that this project will cause irreparable harm to the environment of Utah. I felt that the description of mitigation strategies for wildlife was insufficient given the large scale of this project. In particular, the effects on riparian habitats would be irreparable, in my opinion. I think that permits for this project should not be granted.</p>	<p>OEA notes the commenter's concerns regarding the conclusions of the Draft EIS. Please refer to Section 3.4, <i>Biological Resources</i>, and Chapter 4, <i>Mitigation</i>, which include information regarding biological resources (including impacts on wildlife and riparian habitats) and mitigation. OEA acknowledges in Section 3.3, <i>Water Resources</i>, and Section 3.4, <i>Biological Resources</i>, that construction and operation of the proposed rail line would result in significant impacts on biological resources and on water resources. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-11)	
Comment	Response
<p>i. Fish OEA should clarify the impacts on fisheries and fish habitat. As written, the DEIS assumes that all surface waterways provide habitat for fish. Perennial and intermittent streams, canals, and ponds provide the most likely habitat for fish, while ephemeral washes and low-flow irrigation ditches likely do not provide habitat for fish. Further, the DEIS should clarify that not all bridges and crossings and other development will impact fish. The State requests that the OEA work with the State to more clearly identify what waterways provide habitat for fish, and whether those waterways will actually be impacted. This more refined analysis will provide a clearer picture of impacts to fish and riparian habitat and will remove certain ephemeral</p>	<p>To address concerns regarding ephemeral stream aquatic habitat in the study area, OEA has revised the Final EIS, Subsection 3.4.2.2, <i>Fish</i>, to clarify that ephemeral streams may temporarily support fish or may not support fish at all, but can still be important in supporting downstream fish populations. To address concerns regarding ephemeral streams and fish impacts, OEA has revised Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives, Fish, Construction</i>, in the Final EIS to explain that the level of impact during construction in an ephemeral stream may be different than in other surface waters.</p>

streams and low-flow irrigation ditches that typically do not provide fish habitat.	
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-12)	
Comment	Response
ii. Wildlife The proposed areas for the railroad provide important habitats to the local wildlife, as well as recreational opportunities to the surrounding communities. In this project, the State and impacted counties are seeking balanced and reasonable development of the rail line, while continuing to conserve habitat. For example, as noted by the Carbon County Resource Management Plan, the plan supports responsible wildlife management and ensures that wildlife interests are given due consideration in all public land use and resource development decisions. See Carbon County Resource Management Plan, wildlife page 58, https://rmp.utah.gov/wp-content/uploads/Carbon-RMP-Book_23May2017.pdf . The State, through the Public Lands Policy Coordinating Office and the Utah Division of Wildlife Resources (UDWR), previously provided substantial information in regard to impacts to greater sage-grouse, and requests the information on conservation and mitigation continue to be recommended.	As stated in Subsection 3.4.1.3, <i>Analysis Methods</i> , OEA convened an interagency working group to address potential construction and operation impacts on greater sage-grouse and their habitats. The working group included state and federal staff with expertise on the species, their habitats, and implementation of the current state and BLM greater sage-grouse management plans. One result of the working group was the Coalition's commitment to execute a Mitigation Agreement with UDWR to address impacts within the Carbon SGMA, which was set forth in the Draft EIS as Mitigation Measure VM-35. The Coalition has discussed several potential mitigation strategies with UDWR and other local, state, tribal, and federal stakeholders during the EIS process. The final Mitigation Agreement will define the appropriate mitigation ratio for the project type and its impacts and the final mitigation approach (refer to Appendix K, <i>Greater Sage-Grouse Mitigation Strategies Memorandum</i>). In addition, OEA is recommending mitigation requiring the Coalition avoid construction in the Carbon SGMA during the nesting and breeding season (BIO-MM-19).
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-13)	
Comment	Response
UDWR requests the OEA consult with the applicant and analyze the following points: -Regular carcass removal should be better defined (i.e., weekly, monthly, et cetera) in BIO-MM-12. -In addition, when rail employees remove carcasses away from the rail line the Seven County Coalition should track and report carcass data, including location, species, and number to UDWR quarterly or annually. UDWR has a mobile telephone app that accommodates data collection outside of cell phone coverage. UDWR can share the app, which would be useful for recording carcass locations for carcass-removal contractors or rail line employees. If specific locations are found to have higher than expected wildlife-train strike rates, further coordination should be initiated, and potential mitigation mechanisms should be developed to limit any unforeseen wildlife-train strikes above those analyzed in the DEIS.	To address concerns regarding carcass removal and data collection, OEA has revised BIO-MM-12 Subsection 4.4.3, <i>Biological Resources</i> , in the Final EIS to require the Coalition to track carcass data, including location, species and number, and to report those data to UDWR.
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-14)	
Comment	Response
Wildfire Ecology OEA should update the DEIS to include fires that occurred in the project area. See	Please refer to response to Comment UBR-DEIS-00436-15 above. OEA has revised Subsection

<p>section 3.4 page 13. For example, in 2018, the Dollar Ridge Fire burned approximately 69,000 acres in Duchesne County. Further, in 2020, the East Fork Fire Burned additional approximately 90,000 acres. Utah Division of Forestry, Fire and State Lands and the Division of Emergency Management can provide OEA with the most up-to-date information on fires. The State asks to be invited to participate in the development of the wildfire management plan because of potential effects on vegetation and wildlife habitat, and the State's ability to mitigate fire impacts.</p>	<p>3.4.2.3, <i>Vegetation</i>, in the Final EIS to include additional information related to wildfires. Mitigation Measure BIO-MM-7 would require the Coalition consult with state agencies in development of the wildfire management plan.</p>
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Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-15)

Comment	Response
<p>B. Noxious and Invasive Weeds The DEIS notes that the Coalition will coordinate with the Ute Tribe and will commit to voluntary mitigation that will include the policies and strategies in Utah's Strategic Plan for Managing Noxious and Invasive Weeds. With the potential effects on vegetation and wildlife habitat, the State asks that UDWR be included in the preparation of the noxious and invasive weed control program. Similarly, all counties impacted by the project should also be coordinated and the Counties' Resource Management Plans and noxious weed programs should be utilized to minimize any impacts from noxious weeds.</p>	<p>To address concerns regarding entities consulted for the development of an invasive weed control plan, OEA is recommending an additional mitigation measure (BIO-MM-15) in the Final EIS to address invasive weed control, which includes consulting with county weed boards, the Ute Indian Tribe, and federal and state agencies, as appropriate.</p>

Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-23)

Comment	Response
<p>i. Impacts to Sage Grouse. The Whitmore Park Alternative and the current solutions to mitigate impacts to sage- grouse will result in a net gain to sage-grouse brood rearing and wet meadow habitat for sage-grouse. The State looks forward to taking of steps to avoid and minimize impacts to sage-grouse habitat during construction and maintenance of the rail line. The State is committed to continuing to explore and develop potential strategies to avoid or minimize impacts to sage-grouse habitat, when a preferred alternative is selected and developed. The Utah Conservation Plan for Greater Sage-grouse (2019) recommends that voluntary compensatory mitigation should occur at a ratio of four acres restored for every one acre directly impacted from a project. The compensatory mitigation ratio was developed with the aim of replacing lost habitat with additional functional habitat. Typically, habitat restoration occurs through pinyon/juniper removal. However, habitat can be restored using other methods. The Emma Park area provides year-round habitat for sage-grouse, with one of the most limiting factors to the population being summer brood-rearing habitat from a lack of wet meadows.</p>	<p>As stated in Subsection 3.4.1.3, <i>Analysis Methods</i>, OEA convened an interagency working group to address potential construction and operation impacts on greater sage-grouse and their habitats. The working group included state and federal staff with expertise on the species, their habitats, and implementation of the current state and BLM greater sage-grouse management plans. One result of the working group was the Coalition's commitment to execute a Mitigation Agreement with UDWR to address impacts within the Carbon SGMA, which was set forth in the Draft EIS as Mitigation Measure VM-35. The Coalition has discussed several potential mitigation strategies with UDWR and other local, state, tribal, and federal stakeholders during the EIS process. The final Mitigation Agreement will define the appropriate mitigation ratio for the project type and its impacts and the final mitigation approach.</p> <p>A description of the mitigation plan, along with a letter from the State of Utah regarding the consistency of the proposed rail line and the proposed mitigation with the State of Utah sage-grouse management plan, is appended to the EIS as</p>

<p>In addition to other avoidance and minimization measures discussed between the Coalition and the State, the Coalition will incorporate the recommended compensatory mitigation for impacts for the Uinta Basin Project Railway project by working with the State in the creation of wet meadows. Wet meadows or other mesic areas provide grasses, forbs, and insects critical for meeting dietary needs of sage-grouse broods, especially during summer as food becomes sparser due to the typical hot and dry summer weather in the CSGMA. It is anticipated that by avoiding, minimizing, and through providing compensatory mitigation to benefit sage-grouse, the proposed project will not negatively impact the greater sage-grouse population that uses the general area over the long-term. Based on the State's expertise, and what has been observed in the project area, the State finds the proposed compensatory mitigation solution identified above suitable to maintaining and restoring essential wet meadow habitat in the CSGMA.</p>	<p>Appendix K, <i>State of Utah Letter and Coalition's Sage-Grouse Mitigation Plan</i>.</p>
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Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-25)

Comment	Response
<p>ii. Additional Mitigation Measures. As the STB works with U.S. Fish and Wildlife Service and reviews additional mitigation measures, the State requests that the Coalition and OEA work with the State to identify potential mitigation measures for listed plants and wildlife.</p>	<p>OEA developed mitigation for federally listed species in consultation with USFWS and cooperating agencies, including the State of Utah. These measures are detailed in Appendix I, <i>Biological Assessment</i>. Cooperating agencies reviewed both the draft BA and final BA and provided input on the proposed mitigation measures. For example, the State of Utah, through UDWR, worked closely with OEA and USFWS to identify UDWR-managed land that would be appropriate for permanent protection of Barneby ridge-crest occupied habitat (refer to mitigation measure BRC-16 in Appendix I, <i>Biological Assessment</i>), if mitigation for the species is determined necessary.</p> <p>The final BA that OEA submitted to USFWS is appended to the Final EIS as Appendix I, <i>Biological Assessment</i>. The 54 OEA-recommended measures in the BA for avoidance and minimization of listed plants, and the additional measures volunteered by the Coalition, would become binding measures should the Board authorize an Action Alternative. Any additional conditions issued in the BO by USFWS would also become binding under the Board's decision.</p>

Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-15)

Comment	Response
<p>The Coalition offers the following comments on Section 3.4 of the DEIS: Fish The DEIS states that</p>	<p>Please refer to the response to Comment UBR-DEIS-00663-11 above. To address concerns regarding</p>

perennial, intermittent, and ephemeral streams, as well as ponds, ditches, and canals in the study areas provide habitat for fish. Page 3.4-9. This is not accurate. Ephemeral washes generally do not provide suitable habitat for fish.	ephemeral streams, OEA has revised Subsection 3.4.2.2, <i>Fish</i> , in the Final EIS to clarify that ephemeral streams may only temporarily support fish or may not support fish at all, but can indirectly support fish populations by delivering required nutrients and other materials to perennial segments.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-16)	
Comment	Response
Table 3.4-3 lists fish species known to occur in the study area watersheds and documented in perennial streams crossed by the proposed rail line. However, the endangered Colorado river fish do not occur in Duchesne County. See Strawberry River Restoration Plan, available at https://deq.utah.gov/legacy/programs/water-quality/watersheds/docs/2015/08Aug/StrawberryRiver.pdf .	Table 3.4-11 (previously Table 3.4-8 in the Draft EIS) indicates that the four endangered Upper Colorado River Basin fish (bonytail, Colorado pike minnow, humpback chub, and razorback sucker) are not documented in the study area of any of the Action Alternatives, including in Duchesne County. Appendix I, <i>Biological Assessment</i> , provides additional details on the known presence of these species relative to the Action Alternatives. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-17)	
Comment	Response
The DEIS states that construction of the rail line, specifically bridges and culverts at stream crossings) could injure or kill fish. Page 3.4-32. It then references Table 3.3-12, which lists the bridges and culverts for each Action Alternative. This reference is misleading. The majority of crossings do not involve surface waters with aquatic habitats. The final EIS should explain which crossings actually involve aquatic habitats.	To address concerns regarding ephemeral streams and fish impacts, OEA has revised Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives, Fish, Construction</i> , in the Final EIS to explain that the level of impact during construction in an ephemeral stream may be different than in other surface waters. OEA has also revised Subsection 3.4.2.2, <i>Fish</i> , in the Final EIS to clarify that ephemeral streams may only temporarily support fish or may not support fish at all, but can indirectly support fish populations by delivering required nutrients and other materials to perennial segments.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-18)	
Comment	Response
the DEIS overstates potential impacts to fish when comparing each of the Action Alternatives. See pages 3.4-32-33. Most of the impacted surface waters are not fish-bearing streams. Ephemeral streams, and many intermittent streams and ditches, in the study area do not provide habitat for fish. References in this section to tables showing impacts to surface waters are misleading for the same reason.	Please refer to responses to Comment UBR-DEIS-00663-11, Comment UBR-DEIS-00666-15, and Comment UBR-DEIS-00666-17 above.

Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-19)	
Comment	Response
As a general matter, the Coalition recommends that the final EIS provide a description of the habitat requirements for each species. The Coalition believes this information is needed to properly support conclusions about whether such habitat is present.	Please refer to Coalition's <i>Biological Resources Baseline Technical Memorandum: Uinta Basin Railway</i> , which is publicly available on the Board's website at www.stb.gov and on Board-sponsored project website at www.uintabasinrailwayeis.com and is incorporated by reference in the EIS. The memorandum includes detailed descriptions of habitat requirements for threatened and endangered species in the study area. Please also refer to Appendix I, <i>Biological Assessment</i> , which discusses habitat requirements for each ESA-listed threatened and endangered species present in the study area.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-20)	
Comment	Response
The Coalition also recommends that the final EIS clearly identify where the information on habitat is from. For example, although not stated, the habitat data shown in Figure G-2 in Appendix G comes from the U.S. Fish and Wildlife Service. Likewise, Table 3.4-14 appears to contain data from both the U.S. Fish and Wildlife Service and the Coalition field surveys, but this information is not clearly provided. And Table 3.4-16 does not provide the data source for Mexican spotted owl habitat.	OEA has revised the Final EIS to more clearly identify the sources of data in the figures and tables identified by the commenter.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-21)	
Comment	Response
In Table 3.4-7 (and Table 3.4-14), the DEIS inaccurately represents the Barneby ridge-cress habitat as defined in the Coalition's field surveys. Specifically, this table presents the pinyon-juniper and white shale as two separate habitats, but the white shale habitat is a subset of the pinyon-juniper habitat. We also note that the pinyon-juniper habitat reported in Table 3.4-7 for the Indian Canyon Alternative appears to be approximately 35 acres less than in the Coalition's field surveys, which reported 288.61 acres of pinyon-juniper habitat for the Indian Canyon study area.	To avoid double-counting Barneby ridge-cress habitat in the area where the two habitat types overlap, OEA subtracted the white shale habitat from the pinyon-juniper habitat to accurately reflect the areas of each distinct habitat type in the study area and impact table. Therefore, Table 3.4-7 of the Draft EIS (now Table 3.4-10 in the Final EIS) identified 252.4 acres of pinyon-juniper and 36.2 acres of white shale habitat along the Indian Canyon Alternative (288.61 acres – 36.19 acres = 252.42 acres). However, OEA notes that this subtraction was not made for the Whitmore Park Alternative in Table 3.4-7 of the Draft EIS now Table 3.4-10 in the Final EIS). OEA has corrected that table in the Final EIS. In addition, Table 3.4-14 in the Draft EIS (now Table 3.4-19 in the Final EIS) shows the impacts on the two different Barneby ridge-cress habitat types as distinct habitats. To calculate these impacts for the Draft EIS, OEA separated the habitat polygons in the GIS file to accurately reflect impacts on the two habitat types without overlap.

Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-22)	
Comment	Response
Table 3.4-15 shows the estimated acreage of permanent removal and temporary disturbance to snowshoe hare habitat. The final EIS should specify that the numbers provided are for all hare habitat types.	OEA has revised Table 3.4-20 (previously Table 3.4-15 in the Draft EIS) to include a table note stating that habitat includes crucial year-long and substantial year-long habitats.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-23)	
Comment	Response
With regard to the conclusions on Section 3.4.4 (Mitigation and Unavoidable Environmental Effects), the final EIS should distinguish between known occupied habitat (e.g., the Sclerocactus) and suitable habitat that is not necessarily occupied (e.g., Ute ladies'-tresses and Barneby ridge-cress). In addition, the final EIS should explicitly identify the expected impacts that would be unavoidable and characterize each of these impacts by describing their magnitude and geographic extent.	As stated in Subsection 3.4.4, <i>Mitigation and Unavoidable Environmental Effects</i> , unavoidable significant impacts on biological resources would include the permanent loss of existing habitat in the rail line footprint, including habitat for ESA-listed plant species. As described in Appendix I, <i>Biological Assessment</i> , OEA conservatively assumed that all identified suitable habitat for ESA-listed plants is occupied. For clarity, OEA has revised Subsection 3.4.4, <i>Mitigation and Unavoidable Environmental Effects</i> , in the Final EIS to include a description of each Action Alternative's impact on Sclerocactus (Pariette cactus and Uinta Basin hookless cactus) Core 2 Conservation Areas.
Uintah Valley Shoshone Tribe, Michael Rock (UBR-DEIS-00682-3)	
Comment	Response
All three Action Alternatives greatly impact the Greater Sage-Grouse. Oil and gas development in the Basin has already had a large negative impact on the greater sage-grouse population. A 2005 graduate dissertation, Greater Sage-Grouse and Energy Development in Northeastern Utah: Implications for Management by Leah Suzanne Smith from Utah State University found that greater sage-grouse sensitivity to energy development is heightened due to their large habitat and requirement for large areas to lek. The leads to reduced reproductive success. The study found that in Wyoming near areas of energy development, greater sage-grouse lek attendance declined by an average of 51% while only 3% decline in lek attendance was found in areas undisturbed by energy development. Furthermore, in the Powder River Basin in Wyoming, among those leks active in 1997, only 38% remained active in the natural gas fields by 2005. The Tribe is deeply concerned about the mitigation efforts proposed, and is also concerned that having this rail line will further develop energy exploration in the Basin leading to additional declines in the greater sage-grouse.	OEA notes the commenter's concern regarding potential impacts on greater sage-grouse populations and lek attendance in Utah. Please also refer to response to Comment UBR-DEIS-00663-12 above and Subsection 3.4.3, <i>Environmental Consequences</i> , which includes information regarding impacts from the proposed rail line on greater sage-grouse. To avoid and minimize impacts on greater sage-grouse from the proposed rail line, OEA is recommending mitigation measure BIO-MM-13, which would require the Coalition comply with the State of Utah's <i>Utah Conservation Plan for Greater Sage Grouse</i> and, for Action Alternatives that affect BLM land, follow the reasonable requirements of the BLM's <i>Utah Conservation Plan for Greater Sage-Grouse</i> . In addition, the Coalition has committed to executing a Mitigation Agreement with UDWR to offset any impacts on greater sage-grouse and their habitats (see voluntary mitigation measure VM-35 in Chapter 4, <i>Mitigation</i>). These measures would become binding if the Board authorizes an Action Alternative and imposes OEA's recommended mitigation. Please also refer to Section 3.15, <i>Cumulative Impacts</i> , which includes information regarding impacts on greater sage-grouse from the proposed

	<p>rail line when combined with increased oil and gas development and other reasonably foreseeable future actions. Any reasonably foreseeable future action would be subject to the same federal and state management plans for protection of greater sage-grouse as the proposed rail line, which would minimize potential cumulative effects on greater sage-grouse. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Uintah Valley Shoshone Tribe, Michael Rock (UBR-DEIS-00682-4)

Comment	Response
<p>Many members of the Tribe hunt big game for subsistence, this is meat that they need to get them through the winter. Construction of the railroad will permanently remove or alter big game habitats throughout all of the Action Alternatives. Forage quality will also likely be impacted both during construction and operations, further reducing big game in the Basin. The Tribe does not believe the mitigation efforts proposed by the Coalition to be sufficient.</p>	<p>In response to comments, OEA has revised Section 3.4, <i>Biological Resources</i>, in the Final EIS to include more information on big game management units, which are primarily managed to ensure healthy animals for a broad range of recreational opportunities, including hunting. OEA is also recommending an additional mitigation measure that would require the Coalition consult with appropriate agencies to develop and implement a plan for avoiding or minimizing impacts on big game movement during the final engineering and design phase (see mitigation measure BIO-MM-18 in Chapter 4, <i>Mitigation</i>). OEA’s recommended mitigation measures were developed in consultation with UDWR and would become binding measures should the Board authorize an Action Alternative and impose OEA’s recommended mitigation.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-104)

Comment	Response
<p>The DEIS's Analysis of Impacts on Listed and Sensitive Plant Species Is Deficient According to the DEIS, construction of the preferred alternative would destroy hundreds of acres of "suitable habitat" for four plant species listed as threatened or endangered under the Endangered Species Act (ESA), including Barneby ridge-cress, Pariette cactus, Uintah Basin hookless cactus, and Ute's ladies-tresses.[Footnote 192: DEIS, Section 3.4, p.45-46.] The DEIS, however, fails to conduct baseline analysis of existing populations in the project area, or analyze the potential impact on existing populations for these extremely rare plants. The DEIS also proposes inadequate mitigation to avoid harm to listed plants and vegetation generally.</p>	<p>Please refer to response to Comment UBR-DEIS-00683-107 below.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-105)

Comment	Response
<p>The DEIS Fails to Disclose Impacts to ESA-Listed and Sensitive Plants 1. Occurrence of listed plants in the project area must be documented The EIS notes</p>	<p>Please refer to response to Comment UBR-DEIS-00683-107 below.</p>

<p>that "field evaluations" were performed to document the existence of "suitable habitat" for the four ESA-listed plant species in the project area. [Footnote 193 Barneby Ridgecress has been documented near the rail route, according to data from iNaturalist. Center for Biological Diversity, Map of Barneby Ridgecress Occurrences and Plant Collections (2019).] However it does not address whether, where, and to what extent the listed plants occur in the project area. It appears that this information would not be collected until after the project is approved</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-106)

Comment	Response
<p>The Biological Assessment proposes conducting preconstruction surveys after final engineering of the approved alternative is completed: MM-1: The Coalition shall conduct preconstruction surveys of federally listed plants (Barneby ridge-cress, Pariette cactus, Uinta Basin hookless cactus, and Ute ladies'-tresses) along the Action Alternative licensed by the Board and after final engineering of that Action Alternative is complete. The Coalition shall design and implement preconstruction surveys in consultation with OEA and USFWS and shall follow the procedures that OEA and USFWS approve. [Footnote 194: DEIS, Appendix I, Draft Biological Assessment at 7-1.] But baseline conditions, including population occurrences and habitat use, should inform the selection of the action alternative and final engineering plans and therefore must be disclosed in the EIS. For example, in Northern Plains Resource Council v. Surface Transportation Board-a NEPA challenge to the STB's approval of a railroad in Montana-the EIS merely assessed "the number of acres of potential sage grouse habitat within the 200-foot railroad right of way" rather than documenting the extent of sage-grouse habitat use and activity throughout the entire area that sage-grouse could be harmed. See N. Plains Res. Council, Inc. v. Surface Transp. Bd., 668 F.3d 1067, 1084 (9th Cir. 2011) (emphasis added). As a condition of project approval, the STB adopted a mitigation measure requiring "pre-construction surveys... to determine the extent of sage grouse habitats and activity in the project area." Id. The Ninth Circuit held that the failure to gather this baseline data prior to approving the railroad fell short of NEPA's "hard look" requirement, because "without this [baseline] data, an agency cannot carefully consider information about significant environment impacts." Id. at 1085. Likewise, the court held unlawful the STB's postponement of plant field surveys until after project approval.</p>	<p>Please refer to response to Comment UBR-DEIS-00683-107 below.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-107)	
Comment	Response
<p>Merely documenting "suitable habitat" in the EIS is insufficient. The EIS must disclose whether and where occupied habitat exists within the project area, and the total number of plant occurrences and health of these populations. Suitable habitat is not an adequate proxy. Suitable habitat could contain a species' entire population or no individual plant occurrences. Documenting whether plant populations occur within or without proposed areas of disturbance and how far from these areas is important to assessing the extent to which the project would harm existing populations and the severity of these effects. See Idaho Conserv'n. League v. U.S. Forest Serv., No. 1:16-CV-0025-EJL, 2016 U.S. Dist. LEXIS 90371, at *29, *25 (D. Idaho July 11, 2016) ("Without accurate baseline data before the Project begins, it is impossible to know whether and to what extent the Project's activities will impact [rare bitterroot plant]," including "how many plants will be destroyed" or "how much habitat fragmentation will occur"). The STB must therefore conduct field surveys of the four listed plant species and disclose the project area's baseline population levels or plant occurrences in the EIS. The timing of these surveys is critically important. [Footnote 195: If the SCIC conducted plant surveys at the same time it conducted suitable habitat "field evaluations," these searches occurred outside the proper survey window and were flawed because they could not have detected the listed species. See DEIS, Appendix I, Biological Assessment at 4-7. (field evaluation for Barneby ridge-crest and Ute ladies' tresses occurred on July 17, 2020 and June 22-July 1, 2020, respectively).]</p>	<p>Please refer to Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives</i>, which quantifies impacts on federally listed threatened and endangered plant species. OEA consulted closely with USFWS on methods to assess potential impacts on federally listed threatened and endangered species, including plants. The primary method for identifying individual plant occurrences of federally listed plants in Utah is to conduct clearance surveys per the USFWS' <i>Utah Field Office Guidelines for Conducting and Reporting Botanical Inventories and Monitoring of Federally Listed, Proposed and Candidate Plants</i> (USFWS 2011). However, those guidelines state that clearance surveys are only valid for 1 year (USFWS 2011). Field surveys for the EIS were conducted in 2019 and 2020, and OEA expects that construction would begin no earlier than 2022 and would last approximately 2 to 3 years, depending on the Action Alternative (see Chapter 2, <i>Proposed Action and Alternatives</i>). Therefore, clearance surveys conducted during the EIS phase would be outdated at the time of construction and would not provide useful information about the locations of individual plants at the time that impacts on those plants would occur.</p> <p>Accordingly, rather than conducting clearance surveys during the EIS phase, OEA relied on mapped suitable habitat to quantify impacts on federally listed plants, in consultation with and with the support of USFWS. OEA obtained maps of suitable habitat for Pariette cactus and Uinta Basin hookless cactus from USFWS and worked with the Coalition and USFWS to develop appropriate methods for identifying suitable habitat for Barneby ridge-crest and Ute ladies'-tresses. The Coalition conducted suitable habitat surveys for those two species in 2020 and the results of those surveys are reported in the Draft EIS, the BA, and the Coalition's <i>Barneby Ridge-crest Habitat Evaluation Memorandum</i> and <i>Ute Ladies'-tresses Habitat Evaluation Memorandum</i>, respectively. The memoranda are incorporated by reference in the EIS and are publicly available on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com. For the purposes of ESA Section 7 consultation, OEA assumed that all suitable habitat in the project footprint is occupied, which is a conservative assumption that would tend to overstate potential impacts. OEA, USFWS, and the cooperating agencies agreed that an impact analysis based on suitable</p>

	<p>habitat would be appropriate and sufficient for disclosing impacts, comparing the Action Alternatives, and completing Section 7 consultation. OEA developed mitigation for federally listed species, including plants, in consultation with USFWS. These measures are detailed in Appendix I, <i>Biological Assessment</i>, and would become binding measures should the Board authorize an Action Alternative and impose OEA’s recommended mitigation. The mitigation measures, approved by USFWS, include the requirement to conduct preconstruction clearance surveys per the USFWS guidelines. The preconstruction surveys would be completed in consultation with USFWS and would take into account the most current USFWS information on the species’ range and habitat requirements. Because preconstruction surveys would be conducted during the final engineering and design phase, the surveys would account for more detailed and accurate engineering information than would be available during the EIS phase and would allow the Coalition to design the proposed rail line to avoid and minimize impacts on plants to the maximum extent possible.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-108)

Comment	Response
<p>Surveys should also be conducted over at least two consecutive seasons given extreme drought conditions. 2020 was a very bad drought year in Utah in general. Many plants growing in xeric places are "boom and bust" species with significant population declines during drought. Field surveys must also be conducted along the entire route. According to FWS, Barneby ridgecress "habitat occurs at an elevation of 6,200 to 6,500 feet on poorly developed soils derived from marly shales in a zone of interbedding geologic strata from the Uinta and Green River Formations." [Footnote 197: U.S. Fish and Wildlife Service, Barneby ridge-cress (<i>Lepidium barnebyanum</i>), https://ecos.fws.gov/ecp/species/3736 (last accessed Jan. 26, 2021).] Thus, the occurrence of the species could span the entire rail length.</p>	<p>Please refer to response to Comment UBR-DEIS-00683-107 above.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-109)

Comment	Response
<p>The EIS must analyze the loss of pollinator and seed bank habitat The DEIS also fails to acknowledge potential impacts to listed plants beyond the loss of "suitable habitat." Areas without extant plants could still contain seeds (i.e. seed bank) and could easily provide habitat for pollinators, even if not the type of habitat that the plants grow in. Most rare plant pollinators live elsewhere outside occupied habitat.</p>	<p>As stated in Appendix I, <i>Biological Assessment</i>, and based on USFWS guidance, occupied habitat is defined as suitable habitat within a 300-foot area around any individual listed plant species. USFWS recommends the 300-foot buffer to account for direct impacts on known plants, seed banks, and pollinators for those known plants, as well as for impacts from potential weed introduction.</p>

<p>This includes bees, which often live in the ground, and so are greatly vulnerable to any type of impact. The EIS must disclose that habitat essential to the listed plants includes pollinator habitat and not just occupied habitat or "suitable" habitat. It must assess the extent to which pollinator habitat and pollinators would be lost or disturbed, and any resulting effects on listed plant species.</p>	<p>Therefore, any impact on the 300-foot buffer is considered a permanent impact on the individual plant (even if the impact does not directly touch the plant), as well as an impact on pollinator habitat and seed banks. Any impacts in occupied habitat would be mitigated, as detailed in the species-specific mitigation measures set forth in the BA. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-110)

Comment	Response
<p>Sensitive Plant Species Must Be Addressed in the EIS As we noted in our scoping comments, the EIS must analyze the impacts to sensitive plant species in the project area, including Argyle Canyon phacelia (<i>Phacelia argylensis</i>), which is a BLM sensitive species that has been documented along the Wells Draw route. In addition, the following species may occur in the project area: Graham's beardtongue (<i>Penstemon grahamii</i>), White River beardtongue (<i>Penstemon scariosus albifluvis</i>), horseshoe milk-vetch (<i>Astragalus equisolensis</i>), Hamilton milk-vetch (<i>Astragalus hamiltonii</i>), Barneby catseye (<i>Cryptantha barnebyi</i>), Graham catseye (<i>Cryptantha grahamii</i>), Erigeron untermannii, <i>Hymenoxys lapidicola</i>, Goodrich's blazingstar (<i>Mentzelia goodrichii</i>), <i>Thelesperma caespitosum</i>, sterile yucca (<i>Yucca sterilis</i>), <i>Boechera duchesnensis</i>, <i>Duchesne penstemon</i> (<i>Penstemon duchesnensis</i>), and <i>Penstemon flowersii</i>. The DEIS, however, merely lists species found within the project area without describing the current condition and population numbers of these species in the project area and how their population viability in this locale would be impacted. DEIS at 3.4-11 (citing Appendix E of Final Biological Resources Baseline Report), 3.4-41 The EIS must more thoroughly analyze the project's impacts on sensitive plants.</p>	<p>The list of sensitive plants considered in the EIS is based on data research and consultation with agencies, as described in the <i>Biological Resources Baseline Environment Technical Memorandum: Uinta Basin Railway</i>. Plants considered sensitive by BLM are included in the memorandum, which is available to the public on the Board's website at www.stb.gov and on the Board-sponsored project website at www.uintabasinrailwayeis.com. OEA consulted with BLM and other state and federal agencies on the methodologies for fieldwork and to describe the biological resources existing conditions. Cooperating agencies, including BLM, reviewed the administrative Draft EIS and determined that the Draft EIS included a sufficient level of detail for the environmental review under NEPA. If the Board were to authorize an Action Alternative that would cross BLM-administered lands, the Coalition would need to obtain a right-of-way from BLM, which could require additional analysis of impacts on BLM-listed plant species to ensure compliance with applicable BLM Resource Management Plans. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-111)

Comment	Response
<p>Proposed Buffer and Disturbance Zones to Protect Listed Plants Are Inadequate For all four listed plant species the mitigation strategy is described as: "The Coalition shall conduct ground disturbing activities that require removal of vegetation to be located a minimum distance of 300 feet from individual plants and/or populations, to the extent practicable." [Footnote 198: DEIS, Appendix I, Biological Assessment at 7-2, 7-4, (measures BRC-10, ULT-12, SCL-1).] As an initial matter, that buffer zones should be used "to the extent practicable" does not provide adequate assurance that the listed</p>	<p>Please refer to response Comment UBR-DEIS-00683-109 above. The buffer zones referenced by the commenter were established by USFWS, and OEA consulted with the USFWS botanist to ensure they adequately addressed potential impacts on federally listed plants (see Appendix I, <i>Biological Assessment</i>). The Draft EIS and the BA acknowledge that it may not be possible to avoid direct impacts on threatened and endangered plant species within occupied habitat. If preconstruction surveys identify occupied habitat in the temporary footprint, then it may be possible to relocate construction staging</p>

<p>plants will be sufficiently buffered. Under what conditions would buffering be impracticable and who would make this determination? What would happen if the plants are located in the right of way? In addition, best practice requires that the appropriate buffer/disturbance zone be tailored to each plant species. Using 300 feet for all species is not supported by science. A Red Butte Garden Conservation Department study conducted in 2020 relating to <i>Penstemon grahamii</i> looking at roads and pollinator distance recommendations, identified 200 meters (656 feet) as the needed buffer for that species. [Footnote 199: Barlow, Susan E. & Bruce M. Pavlik, Red Butte Garden and Arboretum, University of Utah, Understanding the Relationships Between Roads, Pollinator Visitation and Reproductive Output of White River <i>Penstemon</i> (<i>Penstemon albifluvis</i>) and Graham's <i>Penstemon</i> (<i>P. grahamii</i>), Final Report (Dec. 2020).] Similarly, for a plant similar to Barneby ridgecress that occurs solely in Colorado, <i>Physaria rollinsii</i>, best management practices have established 200-meter buffers for that species. [Footnote 200: Panjabi, S.S. & G. Smith, Recommended best management practices for Rollins' twinpod (<i>Physaria rollinsii</i>): practices developed to reduce the impacts of road maintenance activities to plants of concern.] Colorado has developed different distances for different species but uses a generic recommendation that is much more generous and happens to also be 200 meters: "The Best Management Practices are recommendations for voluntary use during the project planning, pre-ground disturbance field work, project implementation, revegetation, and post-project monitoring phases. Examples of specific recommendations include: gather mapped location information from CNHP for plants of concern, conduct field surveys to map plants prior to disturbance, and have an avoidance buffer of 656 feet (200 meters). [Footnote 201: Neely, B. et al., Colorado Rare Plant Conservation Strategy, Colorado Rare Plant Conservation Initiative, The Nature Conservancy (2009) at p. 39.]" The 300-foot buffer zones referred to in the DEIS are inadequate for all referenced plant species. Baseline surveys should use a minimum of 200 meters absent specific studies indicating a different buffer zone. Plant species potentially have different buffer zones requirements because of their reproductive biology. Rare plant species generally require cross pollination and typically (although certainly not always) by bees. Thus, the appropriate buffer zone depends on the pollinator size and their flying distances as well as where they live in proximity to</p>	<p>areas to avoid occupied habitat. However, if occupied habitat is identified in the rail line footprint, it may not be possible avoid impacts. The BA sets forth species-specific mitigation measures that describe the process by which unavoidable impacts in occupied habitat would be mitigated through the permanent protection of occupied habitat outside of the study area, through the restoration or enhancement of new habitat, or through other appropriate methods developed in consultation with USFWS.</p> <p>OEA concurs with the commenter that there is the lack of Barneby ridge-cress pollinator research. OEA consulted with the USFWS botanist, who stated that USFWS does not know what insect species specifically pollinate Barneby ridge-cress or where they reside, but that based on knowledge of similar species, it is reasonable to assume that they are ground- or cavity-nesting solitary bees, which reside in the suitable habitat polygons. OEA discloses the impact on these Barneby ridge-cress habitat areas in Table 6-4 of Appendix I, <i>Biological Assessment</i>. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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<p>the plant in question. Some plants can only be pollinated by pollinators/bees of a certain size. Some require large pollinators that have more strength (like bumblebees i.e. Bombus) or that are a special size that can effectively bring about pollination, or in some cases that are relatively small. First you must know what the effective pollinators (not just floral visitors) are, to make that determination. To our knowledge no pollinator research has occurred with respect to Barneby ridge-cress (<i>Lepidium barnebyanum</i>).</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-112)

Comment	Response
<p>Another reason for varied buffer zones relates to the very different types of habitat that the plants may grow in. For example, wetland plants need buffer strips in adjoining upland/dry areas in addition to protection of all of their wetland habitat in view of the fact the wetland habitat types are the most 'threatened' types of habitat and in light of climate change and drought (like we find ourselves in now). Wetland plants live in a very fragile association that can be easily disrupted when their habitats are infringed upon. And because they are flat, they tend to be built over or otherwise easily impacted. Thus, Ute's ladies'-tresses habitat shouldn't be infringed on at all and wetland/wet meadow delineations need to be strictly observed. Larger buffer zones may also be needed to protect plants from farming areas where pesticide drift could be an issue and dust and vehicle pollution from roads. In Colorado recommendations vary from 250 meters to up to 1000 meters for two species in the same plant family as <i>Lepidium barnebyanum</i> (two species of <i>Physaria</i>, also in the Mustard family), the recommendation is 600 meters. And, the recommendation for Ute's ladies'-tresses is 800 meters. [Footnote 203: U.S. Fish and Wildlife Western Ecological Services Offices, Draft Guidance for Section 7 Consultations that Include Plants within the State of Colorado (Mar. 6, 2013).] However, we are unaware of any reproductive biology work that has been done for <i>Lepidium barnebyanum</i>. Without this analysis proper buffer zones for the impacts that would be caused by the proposed railway cannot be determined, and thus the project should be deferred until that work can be done.</p>	<p>Please refer to responses to Comment UBR-DEIS-00683-109 and Comment UBR-DEIS-00683-111 above.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-113)

Comment	Response
<p>The SCIC's Revegetation Mitigation Plan Is Inadequate. The DEIS identifies 1,430.5 acres of vegetation that will be "permanently impacted" by</p>	<p>Please refer to the responses to Comment UBR-DEIS-00683-143 and Comment UBR-DEIS-00591-15 above. The Draft EIS acknowledges that the</p>

<p>railway construction and 3,087.9 acres that will be "temporarily impacted" under the preferred Whitmore Park, alternative. [Footnote 204: DEIS Section 3.4, p. 45-46.] The reality is that some "temporary" impacts could last for decades. Some temporary impacts could even be permanent-for example, if a bulldozer were to scrape off the upper soil horizons down to subsurface horizons where there are no soil nutrients or mycorrhizae. The DEIS should specifically identify how long "temporary" effects would last. The duration could vary among different areas, depending on the vegetation community, soil type, or disturbance level.</p>	<p>extent of impacts caused by construction would vary based on the affected vegetation, relative abundance of vegetation, soil conditions, hydrology, topography, and the extent of earthmoving required for construction. For example, as noted in Table 3.4-19 (previously Table 3.4-14 in the Draft EIS) in Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives</i>, OEA considers temporary disturbance to federally listed plant species habitat to be a permanent impact even if revegetation were to occur. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-114)</p>	
<p>Comment</p>	<p>Response</p>
<p>Finally, the DEIS asserts that compliance with conditions required by the Biological Opinion for the project, which does not appear to have been finalized or released with the DEIS, would "minimize" the Project's impacts. DEIS at 3.4-42. The EIS must specify the specific measures under consideration by Fish and Wildlife Service and allow the public the opportunity to comment on these measures before certifying the final EIS.</p>	<p>The BO is a document developed by USFWS under Section 7 of the ESA, which does not include a formal public comment period. OEA is currently in formal consultation with USFWS under Section 7. The BO, which must be completed before any Board decision on whether to authorize construction and operation, will be made available as soon as possible.</p> <p>OEA appended the draft BA to the Draft EIS as Appendix I, <i>Draft Biological Assessment</i>, to provide an opportunity for public comments on the BA and the mitigation measures in the BA. The final BA that OEA submitted to USFWS is appended to the Final EIS as Appendix I, <i>Biological Assessment</i>. The 54 OEA-recommended measures in the BA for avoidance and minimization of listed plants, and the additional measures volunteered by the Coalition, would become binding measures should the Board authorize an Action Alternative. Any additional conditions issued in the BO by USFWS would also become binding under the Board's decision.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-115)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS Fails to Take Hard Look at the Railway's Harm to Greater Sage- Grouse Populations A. Status of the Local Sage-Grouse Populations There are two local populations of greater sage-grouse that will be potentially affected by one or more of the three alternatives presented in the Uinta Rail-Line DEIS. One is a meta- population of grouse that uses a string of 11 leks that follow along (from West to East), Price Canyon, the terminus of all three proposed rail-lines, Emma Park, Summit Creek and Whitmore Park. [Footnote 210: Center for Biological Diversity, Map of Sage-Grouse Management Areas (2021).] This population likely intermingles and moves among and between these 11 leks from year to year. Importantly, and as is referenced many</p>	<p>Please refer to response to Comment UBR-DEIS-00497-2 above. OEA quantified impacts on greater sage-grouse habitat and sage-grouse leks for each of the Action Alternatives, including leks and habitat in the Carbon SGMA and leks and habitat in the Anthro Mountain area. Figure 3.4-1 shows sage-grouse leks and sage-grouse habitat in relation to the Action Alternatives. That figure specifically identifies habitat in the Anthro Mountain area. The figure shows that any of the Action Alternatives would cross habitat in the Emma Park area of the Carbon SGMA and that the Wells Draw Alternative would also be located near habitat and leks in the Anthro Mountain area. To provide clarity, OEA has added a table note to Table 3.4-26 (previously Table 3.4-21</p>

<p>times in the DEIS and emphasized below, all three alternatives have multiple instances in which the proposed rail-line comes within one mile of some of these leks. The Emma park meta-population of sage-grouse is part of the Carbon Sage-grouse Management Area (SGMA), as defined by the Utah State Sage-grouse Conservation Plan. A chart below summarizes a regression model of over 50 years of lek data from the late 1960's to near present day for the Carbon SGMA. This chart illustrates that on the whole, the average number of grouse seen on leks in the Carbon SGMA has been steadily declining over the past 50 years. [See original attachment for Graph "Average Male Lek Count 1968-2017, Carbon"] Lek data provided by the Utah Division of Wildlife Resources indicate that the negative trend for the Emma Park sage-grouse meta population continues for the years 2017 through 2020 (the years after the above chart was created), with the 2020 lek count across the 11 leks down over 40% compared to the 2017 count. There is another meta-population of sage-grouse in the study area that is scarcely mentioned in the DEIS, which is the Anthro Mountain sage-grouse population. [Footnote 211: See id.] This population would be potentially impacted by the Wells Draw alternative, and is within the Uinta Sage-grouse Management Area (SGMA), as defined by the Utah State Sage-grouse Conservation Plan. A chart below summarizes a regression model of over 50 years of lek data from the late 1960's to near present day for the Uinta SGMA. This chart illustrates that on the whole, the average number of grouse seen on leks in the Uinta SGMA has been steadily declining over the past 50 years. [See original attachment for Graph "Average Male Lek Count 1968-2017, Uintah"] Lek data provided by the Utah Division of Wildlife Resources indicate that the negative trend for the Anthro Mountain population of the Uinta SGMA continues for the years 2017 through 2020 (the years after the above chart was created), with the 2020 lek count across the seven leks down over 44% compared to the 2017 count.</p>	<p>in the Draft EIS) in Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives</i>, indicating that the Wells Draw Alternative would affect leks in both the Emma Park area of the Carbon SGMA and in the Anthro Mountain area. OEA notes that the figures provided by the commenter and referenced in the comment do not appear to show a steady decline in the average number of grouse seen on leks in the Carbon SGMA or in the Uinta SGMA over the past 50 years. Rather, the figures appear to show that the numbers of sage-grouse seen on leks in those SGMAs have historically varied considerably from year to year, particularly in the earliest years for which data are available. For example, the Average Male Lek Count for the Carbon SGMA appears to have increased from zero in 1969 to 39 in 1970, and declined from 40 in 1972 to zero in 1973, before increasing to 22 in 1974. The referenced figures are available to the public as part of the commenter's original submission on the Board-sponsored project website at www.uintabasinrailwayeis.com and on the Board's website at www.stb.gov.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-116)

Comment	Response
<p>The charts and data above clearly show that both of the sage-grouse meta populations that stand to be impacted by the new rail-line have been in a steady rate of decline for as long as records have been kept, and the trend apparently is continuing - right through last year. This is no time to be playing fast and loose with these two meta-populations of sage-grouse. Below, we detail how the DEIS is careless with its analysis of how the three alternatives could</p>	<p>Please refer to response to Comment UBR-DEIS-00497-2 above. Please also refer to Appendix K, <i>State of Utah Letter and Coalition's Sage-Grouse Mitigation Plan</i>, which includes a letter from the State of Utah concluding that, by avoiding, minimizing, and through providing compensatory mitigation to benefit sage-grouse, the proposed rail line would not negatively affect the sage-grouse population that uses the general area over the long-</p>

<p>potentially affect these two sage-grouse populations. In short, there are inadequacies in the DEIS analysis regarding sage-grouse, as described further below</p>	<p>term. In addition, OEA is recommending mitigation requiring the Coalition avoid construction in the Carbon SGMA during the nesting and breeding season (BIO-MM-19). Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-117)

Comment	Response
<p>The DEIS Makes Light of Impacts of Rail-line Construction and Long-term Impacts of Rail Line Operations on Local Sage-Grouse Populations Impacts of intermittent train noise on sage-grouse population. Of paramount importance regarding the adequacy of the DEIS's analysis of potential impacts to sage-grouse, is that all alternatives come within one mile of sage-grouse leks (Tables 1 and 2 below). For all three rail line alternatives, seven leks within the Emma Park (Cabin Spring, Matt's Summit, Horse Creek, Moynier Meadows, Whitmore Park, Houston, and Antone Creek) would be within 5 miles of the line, with particular concern the Cabin Spring, Matt's Summit, Horse Creek and Whitmore Park leks which would only be one mile or less from the preferred alternative (Table 1). The Wells Draw Alternative would come within 5 miles of seven leks of the Anthro Mountain sage-grouse population (Table 2). [See original attachment for Table 1. Named leks of the sage-grouse Emma Park meta population within 10 miles of any of the rail line alternatives] [See original attachment for Table 2. Named leks of the sage-grouse Anthro mountain population within 5 miles of the Wells Draw alternatives] In terms of long-term impacts of the operational rail line to the local sage-grouse population, the DEIS states that once operational there will be anywhere from 3 to 11 trains a day, with usually over 100 tank cars, running 365 days a year. One inadequacy of the DEIS's analysis regarding sage-grouse is the assumption that sage-grouse would be indifferent to a train coming through their habitat if it is more than 350 feet away. The DEIS cites scientific literature that would enable it to make a conservative estimate of the extent that train noise (distance from line) might impact the local sage-grouse population. In section 3.4.3.1, page 3.4-41 of the DEIS, it states that "development activities adversely affect greater sage-grouse populations due to habitat loss, presence of humans and infrastructure, and noise" (citing Aldridge and Boyce 2007; Aldridge 2005; Doherty et al. 2008; Holloran 2005; Lyon and Anderson 2003; Walker et al. 2007). There is also evidence suggesting that greater sage-grouse avoid noise from human activities independent of</p>	<p>Please refer to response to Comment UBR-DEIS-00497-2 above. OEA has revised Subsection 3.4.1.1, <i>Study Areas</i>, in the Final EIS to include a study area specific to the greater sage-grouse for impacts. This study area is in line with the furthest extent at which linear projects can affect leks, based on the lek buffer recommendations in the BLM <i>Utah Greater Sage-Grouse Approved Resource Management Plan Amendment</i>, which is based on the USGS's <i>Conservation Buffer-distance Estimates for Greater Sage-Grouse – A Review</i> (USGS 2014). Based on this information, the distance for which anthropogenic land use activity has observed effects found in the scientific literature for linear features (e.g., rail lines) is 3.1 miles. This is already noted in Draft EIS Table 3.4-21 (now Table 3.4-26 in the Final EIS) in a table note, but now has been added to Subsection 3.4.1.1, <i>Study Areas</i>, in the Final EIS as a study area specific to greater sage-grouse. OEA notes that the inclusion of this greater sage-grouse study area does not change the analysis in the Draft EIS, as this distance was accounted for in the analysis (Draft EIS Table 3.4-21) and during discussion of the greater sage-grouse interagency working group. The noise analysis is also included in this study area (see response to Comment UBR-DEIS-00683-120); there are no additional leks within 3.1 miles beyond the leks already addressed in Table 3.4-24 (previously Table 3.4-19 in the Draft EIS) that would be affected by noise, including the seven leks of the Anthro mountain population: Alkali, Alkali North, Cracker Grove, Drill Hole, Jeep Trail, Wire Fence, and Nutters Ridge.</p>

<p>disturbance, associated infrastructure, and habitat fragmentation and that intermittent noise, such as traffic noise, has a larger effect on greater sage-grouse than continuous noise (citing Blickley et al. 2012a). In spite of this, in section 3.4.1 on page 3.4-1 of the DEIS it states, "The noise disturbance study area is the area in which wildlife could be affected by train noise. This area is defined by the 100 A-weighted decibel (dBA) sound exposure level (SEL), the noise level at which studies have shown animals (domestic and wild) exhibit a response to train noise (citing FRA 2005)... Based on noise modeling for the proposed rail line, the 100-dBA SEL is estimated to extend 350 feet from the rail line for wayside (locomotive engine and wheel on rail) noise and 460 feet for horn noise at grade crossings." The DEIS punts justification for this 100-dBA SEL/350 ft. buffer for sage-grouse to Appendix A of FRA 2005</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-118)

Comment	Response
<p>The above discussion excerpted from Appendix A of FRA (2005) is not adequate justification to claim that sage-grouse are not impacted by an SEL of less than 100 dB, that the sphere of potential noise impacts of trains on sage-grouse are only felt by individuals within 350 ft. of the tracks, or that sage-grouse might become "habituated" to 3 to 11 trains running through their occupied habitat every day. Based on the conclusions reached in Appendix A of FRA 2005, which the DEIS hangs its hat on to make the above claims, readers are expected to believe that because an effect of "100% crowding" with domestic turkeys reacting to plane overflights with an SEL of 100dB, that this means that sage-grouse will negatively react to an SEL of 100 dB (no less) and this is only felt at a distance of 350 ft. from the line and not further. Yet Appendix A features the above (extracted) table, which indicates that wild quail, presumably more similar to sage-grouse than turkey poults because they are both wild and both in the order Galliformes, negatively react to an SEL of 80 dB. Why isn't this threshold extrapolated to sage-grouse for the DEIS? We believe many wildlife biologists, especially those familiar with the literature of the effects of other, loud, human activities (such as oil and gas drilling and development), on sage-grouse would find the conclusions reached in the DEIS in regards to train impacts on sage-grouse to be problematic and largely unsupported. We more thoroughly explore literature (largely absent from the DEIS) on the impacts of anthropogenic noise on sage-grouse below. Section 3.4.3.1, page 3.4-41 of the DEIS states</p>	<p>Please refer to responses to Comment UBR-DEIS-00683-117 above and Comment UBR-DEIS-00683-119 below. Subsections 3.4.3.1, <i>Impacts Common to All Action Alternatives, Special Status Species</i>, and 3.4.3.2, <i>Impact Comparison between Action Alternatives, Special Status Species</i>, contain specific impact sections for greater sage-grouse. Neither of those sections state that greater sage-grouse would habituate to noise and they state that greater sage-grouse could avoid or abandon leks as a result of project-related noise.</p>

<p>"The noise associated with construction of the proposed rail line could cause greater sage-grouse to avoid or abandon....leks if construction were to take place during the breeding season." While this is true, it is important that the Final EIS explicitly state that it is also true that the noise associated with running trains on the built rail-line (any of the alternatives) could cause greater sage-grouse to avoid or abandon those leks within 1 mile of the tracks (5 or 6 leks, depending on which alternative is built) if trains were to run during the breeding season, which of course they will.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-119)</p>	
<p>Comment</p>	<p>Response</p>
<p>The FRA 2005 Appendix summarized above makes it clear that there are not enough studies on the impacts of noise on wildlife (aside from the noise studies on sage-grouse by Patricelli et al. summarized above), let alone the effects of train noise on wildlife, in order to make predictions of whether wildlife will or will not be able to habituate to long-term train noise over time. However, in section 3.4.3.1, page 3.4-29 of the DEIS, it states "OEA anticipates that most wildlife would become used to, or habituate to, the noise of an operating train and maintenance equipment and would likely avoid the area for the short period that a train or equipment is present. Research indicates that different species of animals habituate to noise differently; some animals habituate to noise after several repetitions of exposure, while other species do not become accustomed to high noise levels." OEA is making a very serious assumption that "most wildlife" (and it is clear they are including sage-grouse in this assumption) would habituate to the trains traveling through the study area. The next sentence (bolded above) states that some animals habituate to noise, and some do not; how exactly does the DEIS conclude that sage-grouse are included in the subset of animals that would habituate to loud, frequent noise introduced into their habitats? The DEIS makes a blanket assumption about "most wildlife" habituating to the trains, and then is silent on the specifics of whether sage-grouse is one of the wildlife species the DEIS assumes will habituate to trains. By saying that "most species" would habituate, and then being silent on sage-grouse, readers are left to assume that "most" would include sage-grouse. This gross oversight and problematic assumption must be corrected in the FEIS. Moreover, even if it is true that sage-grouse might avoid the area within a certain distance of the tracks "for the short period that a train is present" and then move back to the</p>	<p>Please refer to response to comment UBR-DEIS-00683-118 above. OEA notes that the Draft EIS did not conclude that greater sage-grouse would habituate to train noise during rail operations. OEA specifically identified noise impacts on sage-grouse as one of the major impacts of the proposed rail line. As stated in Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives</i>, OEA anticipates that noise from construction and operation of the proposed rail line would adversely affect greater sage-grouse. That subsection states that the proposed rail line would introduce a new noise source near leks during the breeding season that could cause greater sage-grouse to avoid or abandon leks near the rail line. OEA identified the specific leks located near the proposed rail line and predicted the noise levels that those leks could experience as a result of train operations.</p>

<p>preferred habitat near the tracks, it is extremely unlikely that an individual would perform this action 3 to 11 times a day, 365 days a year. Thus, this significant indirect impact of the rail-line causing sage-grouse to actually permanently abandon areas within, for example 3 miles of the rail line (see discussion below) needs to be addressed in the FEIS.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-120)</p>	
<p>Comment</p>	<p>Response</p>
<p>One critical error made in the DEIS is the assumption that noise levels of more than 10 dBA above ambient levels would impact sage-grouse (which is a fine assumption to make based on the scientific literature), but then the DEIS does not measure ambient noise levels on leks. In section 3.4.3.2, page 3.4-52 of the DEIS it states that "the estimated equivalent sound level (Leq) [from trains] could exceed 66 dBA at the Cabin Spring and the Matt's Summit leks under either the Indian Canyon Alternative or the Wells Draw Alternative.....although OEA did not conduct ambient noise monitoring in the Emma Park area, ambient noise elsewhere in the study area ranged from 33 dBA to 56 dBA [Footnote 212: We remind the OEA that Patricelli et al. (2013), who has perhaps done the most work with noise impacts on sage-grouse, states that the best currently available measurement of residual noise levels in undisturbed sage-grouse habitat suggesting an ambient level of 16 to 20 dBA.], which suggests that those two leks could experience an increase in noise of at least 10 dBA..." Moreover, in section 3.4.3.2, page 3.4-54 of the DEIS it states that "For both the Indian Canyon Alternative and Wells Draw Alternative, the 10-decibel threshold would be exceeded for at least two leks and could be exceeded for up to five leks, depending on current ambient noise levels" (which we stress the OEA does not know precisely). With all the biological studies conducted in the Study Area and reported in the Biological Resources Baseline Environment Technical Memorandum, what precluded OEA from measuring ambient noise right in the lek sites closest to the train line? A 33 dBA to 56 dBA range of ambient noise "in the Study Area" (a very large area) is a large one on which to base predictions of whether or not trains will impact certain leks. And to not even measure ambient noise in the Emma Park area is inexcusable. Before the FEIS is published there must be measurements of ambient noise at all potentially affected leks, for this part of the analysis to hold any weight. While the DEIS does cite the USGS 2014 sage-grouse buffer report (USGS</p>	<p>As discussed in Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives</i>, the BLM sage-grouse management plan and the State of Utah's sage-grouse management plan set measurable thresholds that can be used to determine if a proposed project would adversely affect greater sage-grouse. Those thresholds include an increase of 10 dBA or more above ambient noise levels at any sage-grouse leks. In consultation with the interagency working group that OEA convened to address impacts on greater sage-grouse, OEA conducted a noise analysis using information about train noise from past rail construction projects and conservative noise modeling assumptions. The analysis determined that, depending on the level of rail traffic, wayside noise during rail operations could result in an increase of 10 dBA or more at one or more leks in the Carbon SGMA for each of the Action Alternatives. Therefore, the Draft EIS concluded that operation of any of the Action Alternatives would adversely affect sage-grouse in the Carbon SGMA and that the Indian Canyon Alternative and the Wells Draw Alternative would not be in compliance with the BLM's sage-grouse management plan. Following additional consultation with the interagency working group and the cooperating agencies, OEA concluded that the Whitmore Park Alternative would minimize impacts on sage-grouse compared to the Indian Canyon Alternative and the Wells Draw Alternative because it would be located farther away from leks and summer brood-rearing habitat. The Coalition has submitted voluntary mitigation that would address impacts on sage-grouse (VM-35 in Chapter 4, <i>Mitigation</i>), but some impacts, including impacts from wayside noise during rail operations, would be unavoidable.</p> <p>To address this comment, OEA consulted with UDWR regarding the need for additional ambient noise monitoring during the EIS phase. The noise analysis reported in the Draft EIS sufficiently established that the operation of any of the Action Alternatives would adversely affect sage-grouse in the Carbon SGMA and these impacts would be</p>

<p>2014), there is additional information in this comprehensive report to inform the estimated distances from human activity and noise that sage-grouse would be expected to respond to. In fact, when reading this report, or other summaries of sage-grouse natural history and impacts to sage-grouse (e.g., Sage-grouse National Technical Team report, SGNTT 2011, or the Conservation Objectives Team report, USFWS 2013) there is one statistic that comes up frequently as these three reports summarize results of other scientific studies investigating impacts to sage-grouse, which is the 3.1-mile (5km) buffer around leks. The literature is clear that the majority of nests in any given area (up to 95%) will be within this 3.1mile buffer, and that these nesting hens and other sage-grouse within this occupied habitat are sensitive to various human-created disturbances. Moreover, the USGS buffer report (USGS 2014) describes how assessment of lek trends in proximity to a large, interstate highway (I-80) indicated that all formerly recorded lek sites within 2 km (1.25 mi) of the highway were unoccupied, and leks within 7.5 km (4.7 mi) of the highway had declining attendance (citing Connelly et al. 2004). The USGS buffer report further relates that, since the 3.1-mile buffer is becoming widely accepted in the scientific literature, the State of Nevada is requiring a 3-mile lek buffer from geothermal energy facilities for reducing noise effects on sage-grouse (citing the Nevada Governor's Sage-Grouse Conservation Team, 2010).</p>	<p>unavoidable. Therefore, OEA and UDWR determined that additional ambient noise monitoring would not provide useful information about impacts on sage-grouse that could change the conclusions of the Draft EIS, better inform decision-makers or the public about the impacts of the proposed rail line, or support the development of additional mitigation measures to address impacts on sage-grouse. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-121)

Comment	Response
<p>In summary, the DEIS's analysis of the impacts of trains and train noise on the local sage-grouse population does not abide by the best published science, nor the Precautionary Principle. This principle suggests that it is more favorable to err on the side of being overly protective rather than risk too little protection. With ecological analysis needed to inform subsequent conservation actions, this principle is often invoked against a backdrop of uncertainty and incomplete data. The Precautionary Principle leads us to act in a manner that accounts for uncertainty by trying to avoid results that preclude future options. Basically, the less we know, the more cautious we need to be. As scientists and practitioners who acknowledge the inherently stochastic nature of the communities and systems we are studying, we underscore that resource planners and managers need to make every effort to err on the side of caution, and incorporate wide margins of safety to guard against loss of wildlife</p>	<p>Please refer to responses to Comments UBR-DEIS-00497-2, UBR-DEIS-00683-115, UBR-DEIS-00683-117, UBR-DEIS-00683-118, and UBR-DEIS-00683-120 above.</p>

<p>populations and their habitats, most especially with the looming uncertainty of the implications of climate change to all wildlife and habitat. As such, and based on the above discussion and literature, we propose the FEIS re-do its noise analysis vis-à-vis sage-grouse, and analyze two alternative buffer distances from the rail-line to better document and summarize potential impacts to the local sage-grouse population, to more adequately capture the area of influence of train noise that is reasonably discernable by sage-grouse on either side of the tracks. These two distances should be the 1mi. buffer (as proposed by Patricelli et al. 2013) and the 3.1-mile buffer (widely cited in the literature as summarized by SGNTT 2011, USFWS 2013, USGS 2014).</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-122)</p>	
<p>Comment</p>	<p>Response</p>
<p>Impacts of road construction on sage-grouse population. Section 2.3.2, page 2-28 of the DEIS states that "all Action Alternatives would require constructing temporary and permanent access roads. The Coalition would construct temporary access roads that would provide access to the rail embankment, tunnel portals, and bridge and drainage structure locations during construction. The Coalition would also construct several permanent access roads to provide access to rail sidings and long tunnels during rail operations." The DEIS is never very clear as to exactly how many temporary and permanent roads will be constructed in the study area, let alone the parts of the study area that overlap with occupied sage-grouse habitat. In addition, there will be many instances of road relocations with all three alternatives; namely 11.8 miles of road relocation under the Indian Canyon Alternative and 13.8 miles and 13.7 miles, respectively, with the Whitmore Park and Wells Draw alternatives. The scientific literature is filled with evidence of the significant impacts roads and road density have on sage-grouse populations, including roads within 6.2 miles (10 km) of leks (e.g., numerous studies cited in SGNTT 2011, USFWS 2013, USGS 2014). These reports, and the literature cited within them regarding known road and road density impacts on sage-grouse, should be brought into a suitable effects analysis in the FEIS of the proposed rail line and concomitant increases in road building on sage-grouse.</p>	<p>Please refer to Appendix A, <i>Action Alternatives Supporting Information</i>, which provides a map set that shows the specific locations of permanent access roads and road relocations. OEA also published an interactive map showing the locations of all project-related features, including access roads and road relocations, on the Board-sponsored project website at www.uintabasinrailwayeis.com and provided the underlying GIS data to this commenter and other commenters directly, based on prior requests. The total number of permanent access roads for the proposed rail line would range from four to six, depending on the Action Alternative. Any of the Action Alternatives would require four permanent access roads to the four communications towers needed for each Action Alternative. In addition, the Whitmore Park Alternative would require two additional access roads and Indian Canyon Alternative one additional access road. The Wells Draw Alternative would not require any additional permanent access roads aside from the four communications tower roads. As described in Subsection 3.4.1.1, <i>Study Area</i>, the rail line footprint that OEA used to calculate the area of affected habitat includes all access roads, relocated roads, and all other physical structures that would be constructed as part of the proposed rail line. Therefore, the permanent impact reported in the tables in Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives</i> include impacts associated with access roads and road relocations. OEA notes that none of these permanent access roads are within mapped greater sage-grouse habitat. Also as described in Subsection 3.4.1.1, <i>Study Area</i>, all temporary access roads would be located within the temporary footprint</p>

	<p>and would run primarily parallel to the rail line. These temporary access roads are included in the temporary impact analyses reported in the tables in Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives</i>. Road relocations would be minor and adjacent to the rail line and would replace a small segment of an existing road; they would have little, if any, effect on overall road density. Because (1) no permanent access roads are proposed within greater sage-grouse habitat, (2) temporary access roads are fully considered in the impact analysis in the Draft EIS, and (3) road relocations would not appreciably affect road density, OEA concludes that the proposed rail line would not affect greater sage-grouse populations by affecting road density. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-123)

Comment	Response
<p>Impacts of construction staging area impacts on sage-grouse population. Section 3.4.3.1, page 27 of the DEIS states, "the effects of habitat clearing on wildlife would be permanent in areas where permanent rail components (e.g., railbed) would be placed and would be temporary in areas where habitat would be restored (e.g., construction staging areas)." This is a grossly inadequate means of analyzing the potential effect of "temporary" rail construction staging impacts on the local sage-grouse population. Among other things, the "temporary" impacts would last years; in section 2.3.12 on page 2-34 of the DEIS, it states, "the Coalition anticipates that construction of the Indian Canyon Alternative or the Whitmore Park Alternative would take approximately 2 years, but this time frame could range from 20 to 28 months depending on weather conditions. The Coalition expects that construction of the Wells Draw Alternative would take approximately 3 years, but could range from 32 to 48 months depending on weather conditions." The truth is that staging and construction impacts of this length could lead to sage- grouse permanently abandoning the site, and this needs to be acknowledged in the Final EIS. Moreover, the DEIS fails to acknowledge that big sagebrush (<i>Artemesia tridentata</i>) requires 25 to over 100 years to naturally recover after removal (Connelly et al., 2000; Welch 2005; Kitchen and McArthur 2007).</p>	<p>To address concerns regarding the restoration time of greater sage-grouse habitat temporarily disturbed, OEA has revised Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives</i>, in the Final EIS to clarify that affected sagebrush habitat in the temporary footprint, which includes construction staging areas, would take many years to be restored to preconstruction conditions due to the difficulty in reestablishing this type of habitat. OEA is also recommending an additional mitigation measure (BIO-MM-16) that would require the Coalition develop reclamation and revegetation plan to ensure temporarily disturbed areas are restored. As discussed in Section 3.4, <i>Biological Resources</i>, the Coalition has committed to executing a Mitigation Agreement with UDWR to offset any impacts to greater sage-grouse and their habitats (VM-35 in Chapter 4, <i>Mitigation</i>). Further, OEA is recommending mitigation requiring the Coalition avoid construction in the Carbon SGMA during the nesting and breeding season (BIO-MM-19 in Chapter 4, <i>Mitigation</i>).</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-124)	
Comment	Response
<p>Impacts of increased risk of wildfire on sage-grouse population. Section 3.4.3.1, page 3.4-29 of the DEIS states, "Rail operations could temporarily and permanently affect wildlife by...changing the likelihood and spread of wildfires..." and on page 3.4-38, that "Trains can contribute to wildfires by providing an ignition source." The FEIS needs to go into greater detail on how increased fire frequency possibly brought about by train activity could impact sage- grouse. The problems associated with increased fire in sage-grouse habitat is a topic that has been well researched. In big sagebrush (<i>Artemisia tridentate</i>) communities fire cycles historically ranged from 100 to over 300 years, depending on climate, topography, plant composition, and ecological site characteristics (// and Bailey 2982; Baker 2011; Bukowski and Baker 2013). However, the spread of highly flammable nonnative plants, especially cheatgrass, has drastically altered the natural fire regime throughout much of the sagebrush steppe (Baker 2011). Wildfires now burn larger, hotter, and more frequently in lower elevation basin and Wyoming big sagebrush habitats. Little remains in the wake of these fires, and burned areas are often vulnerable to reinvasion by cheatgrass, which can completely occupy a burned site (Chambers et al. 2007; Brooks et al. 2004). Fires, prescribed and natural, have long-term effects (>10 yr) and sage-grouse may continue to avoid burned areas even after sagebrush has recovered (Nelle et al. 2000). Sagebrush may return to preburn occurrence within 15 to 20 years after fire if conditions are favorable (e.g., proximate seed sources, quick seedling establishment, conducive weather, etc.). If not, various sagebrush varieties may require between 30 to 50 years to re-occupy a burned site (Baker 2006; Knick et al. 2005). While small, infrequent fires can maintain a mosaic of successional habitats that benefit sage-grouse, ecological modeling indicates that frequent, large fires in sagebrush steppe can lead to lek abandonment and with too many, very large fires, may even lead to extirpation of the species in some areas (Aldridge et al. 2005). The possible effects of increased fire frequencies due to the proposed rail-line needs to be incorporated into a more thorough cumulative effects analysis for sage-grouse in the FEIS (see next section).</p>	<p>To address concerns regarding wildfire risk to greater sage grouse, OEA looked at the latest WHP data (Forest Service 2020) in the SGMAs. This analysis found that 80% of the SGMA in the Indian Canyon Alternative and Wells Draw Alternative study areas (where a potential ignition could occur) is <i>very low</i>, <i>low</i>, or <i>non-burnable</i>, with a near 60% <i>low</i>; 6.6% is <i>moderate</i>, 13.5% is <i>high</i>, and no area is considered <i>very high</i>. The WHP for the Whitmore Park Alternative is similar to the other two Action Alternatives, but with slightly higher <i>moderate</i> and slightly lower <i>nonburnable</i> areas as 1% of the study area where ignitions could occur. OEA also revised Table 3.4-7 (previously Table 3.4-5 in the Draft EIS) with a more comprehensive wildfire dataset that includes federal, state, and local wildfire data and statistics. This more comprehensive wildfire dataset still indicates (like the previous data in the Draft EIS) that railroads cause less than 1% of wildfires in Utah. Despite the lower risk of rail-ignited wildfires and higher area of lower WHP, OEA still acknowledges the risk of fire in Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives</i>, in the Final EIS where it describes the potential for complete destruction of vegetation down to the roots. This impact is applicable to all vegetation and habitats for all species, including greater sage-grouse. In addition, OEA is recommending a mitigation measure (BIO-MM-7) for the Coalition to develop and implement a wildfire management plan to further avoid and minimize impacts of wildfires.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-125)	
Comment	Response
Impacts on sage-grouse populations downline of the project. The DEIS does not acknowledge occupied sage-grouse habitat downline of the project area, which trains would also traverse on their way to Colorado. [Footnote 213: Center for Biological Diversity, Map of Downline Route and Sage-Grouse Habitat to Tennessee Pass Line (2021).] The effect of increased rail operations along this route on sage-grouse habitat must also be analyzed.	OEA has revised Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives</i> , in the Final EIS to clarify that OEA does not anticipate any adverse impacts on greater sage-grouse in the downline study area. Because the existing rail lines in the downline study area have been in operation for many years, any greater sage-grouse using habitat along those lines will have become habituated to train noise. To the extent that train noise may cause greater sage-grouse to avoid or abandon leks, those effects would have occurred and would continue to occur along the existing rail lines in the downline study area.
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-126)	
Comment	Response
The proposed mitigation plan is unproven in its ability to boost sage-grouse population numbers. Though it is not an official mitigation plan yet, the DEIS's Draft Mitigation Strategies Memo lays out the general strategy for mitigation efforts that will be attempted to make up for effective sage-grouse habitat losses due to the rail line that cannot be avoided. Basically, it is thought that by building 400 Beaver Dam Analogs in the study area, this will grow the sage-grouse population enough to make up for losses in the population due to the rail line. While there has been some limited research indicating correlations between some forms of sage-grouse habitat improvement such as juniper removal and population level effects, this is not the case with Beaver Dam Analogs. There are yet to be conclusive studies demonstrating that raising water tables in sagebrush systems leads to increased viability rates or any other measures of population growth in sage-grouse. If the FEIS cannot produce such studies to hang its hat on, this mitigation plan should be considered at best ineffective, and at worst a very risky bet to make up for population level negative effects sure to be triggered by the built rail line. It would be far more responsible to re-route the preferred alternative so that no leks are within 3 miles of the line (as the science argues for above), rather than gamble on such an unproven strategy to mitigate for habitat and population losses that are sure to come with the rail line. The DEIS should consider alternatives to avoid these leks by at least three miles.	As noted in response to Comment UBR-DEIS-00663-12 above, the Coalition has committed to executing a Mitigation Agreement with UDWR that will specify compensatory mitigation for greater sage-grouse habitat affected by the proposed rail line. UDWR is the agency that implements the Utah Conservation Plan for Greater Sage-Grouse. The State of Utah, through UDWR and PLPCO, has informed OEA that, based on the state's expertise and what has been observed in the field, the strategies laid out in the Coalition's <i>Sage-Grouse Mitigation Strategy Memorandum</i> should be suitable for maintaining and restoring habitat in the Carbon SGMA (see Appendix K, <i>State of Utah Letter and Coalition's Sage-Grouse Mitigation Plan</i>). OEA has reviewed the Coalition's proposed mitigation strategies and concurs with the conclusions of UDWR and PLPCO. As discussed in Section 3.4, <i>Biological Resources</i> , the Whitmore Park Alternative would avoid or minimize impacts on sage-grouse compared to the Indian Canyon Alternative and the Wells Draw Alternative because it would be located further away from sage-grouse leks. However, due to the constraints imposed by the mountainous terrain, there are no feasible alternatives that would be located further than 3 miles from all sage-grouse leks along the entire length of the proposed rail line. Therefore, some impacts on greater sage-grouse, including noise impacts on leks, would be unavoidable, as stated in the Draft EIS. Accordingly, no changes to the Draft EIS are warranted in response to this comment.

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-132)	
Comment	Response
<p>The DEIS Must Take a Hard Look at the Impacts of the Rail Line on Big Game Populations The DEIS does not analyze how big game populations and their habitat will be impacted by the proposed railway and resulting oil and gas development in the Uinta Basin. Its analysis of the project's potential impacts on wildlife is incomplete and cursory. Because the project area crosses several areas identified as big game range, including crucial areas, it is extremely important for the DEIS to identify impacts and adopt mitigation to avoid and reduce those impacts. [Footnote 214: DEIS at 3.4-5.] It is well-documented that human development causes direct habitat loss and fragmentation, and indirect habitat loss through big game avoidance of infrastructure and related activities; these consequences likely reduce the carrying capacity of the landscape. [Footnote 215: Johnson, H.E., et al., Increases in residential and energy development are associated with reductions in recruitment for a large ungulate, <i>Global Change Biology</i> (2016), https://doi.org/10.1111/gcb.13385.] It is clear from the DEIS that the proposed railway and increased oil and gas development will permanently harm ungulates in and near the project area. The DEIS notes the potential for permanent habitat loss: "[H]abitat clearing on wildlife would be permanent in areas where permanent rail components would be placed..." [Footnote 216: DEIS at 3.4-27.] The DEIS also states, "abrupt change in habitat type could lead to a permanent change in the types of species present in the area because some species of wildlife avoid herbaceous and low shrub habitats..." [Footnote 217: Id.] Because of the potential permanency of habitat loss from this project, the EIS must fully quantify the potential direct and indirect loss of migratory, winter, and crucial big game habitat from construction and evaluate the resulting impacts on big game populations. The EIS must also detail mitigation measures to protect big game habitat and their effectiveness, which it currently does not.</p>	<p>OEA has revised Subsections 3.4.2, <i>Affected Environment</i>, and 3.4.3, <i>Environmental Consequences</i>, in the Final EIS to include additional information on big game. OEA considered big game and their habitats in the context of the UDWR big game management units that intersect the Action Alternative study areas. UDWR manages big game populations within these management units to meet the established management unit goals and objectives of the species management plan. The overarching goals and objectives of managing big game populations in these management units relate to managing populations of healthy animals for a broad range of recreational opportunities (e.g., hunting and viewing) and sustaining healthy populations at a level that is within the long-term carrying capacity of the available habitat. Big game crucial habitat is the most important habitat; the species depend on it for their survival because there are no alternative ranges or habitats available. An analysis of the Action Alternatives' impacts on big game crucial habitat within the management units (where populations are managed) quantifies the loss of habitat and shows that the amount of crucial habitat impact is a very small percent of all available crucial habitat available for the big game populations in the respective management units (see Table 3.4.15 in the Final EIS). Therefore, OEA anticipates construction of the Action Alternatives would have minimal effects on big game habitat and populations, and it is not anticipated to affect the management and sustainability of big game populations within the available big game habitats in the management units. Regarding cumulative impacts on big game habitat that could result from the proposed rail line and potential future oil and gas development in the Basin, please refer to Section 3.15, <i>Cumulative Impacts</i>.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-133)	
Comment	Response
<p>The DEIS Must Fully Analyze Direct, Indirect, and Cumulative Impacts on Big Game Species Construction of the railway and resulting increased oil and gas development in the Uinta Basin could have significant impacts on big game populations. Table 3.4-11 shows "the area of big-game habitat that construction of each Action Alternative would</p>	<p>Please refer to Subsection 3.4.1.3, <i>Analysis Methods</i>, which includes information regarding analysis methodologies. To quantify potentially affected big game habitat, OEA overlaid UDWR-mapped big game habitats with the rail footprint and the temporary footprint using GIS software. For clarity, OEA has revised Subsection 3.4.1.2, <i>Data Sources</i>, in</p>

permanently remove or temporarily disturb." [Footnote 218: Id.at 3.4-44] The DEIS does not state how the acreage estimates were calculated and the reliability of those estimates. The EIS should explain how these estimates were calculated.	the Final EIS by adding a new bullet point indicating the source of big game habitat data.
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-134)	
Comment	Response
The DEIS does not mention whether staging areas or access roads are included in the project area footprint. The EIS must explain what types of ground disturbance are included in the big game habitat disturbance figures.	Please refer to footnote 1 in Subsection 3.4.1.1, <i>Study Areas</i> , which defines the terms project footprint, rail line footprint, and temporary footprint as used in the EIS. As the footnote states, the project footprint includes all access roads and staging areas. The impact discussions in Subsection 3.4.3, <i>Environmental Consequences</i> , include impacts in the project footprint, including big game habitat disturbance, with quantitative big game impacts disclosed in Table 3.4-14 (previously Table 3.4-11 in the Draft EIS).
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-135)	
Comment	Response
The DEIS also fails to quantify indirect habitat loss resulting from habitat fragmentation, i.e., habitat loss resulting from big game avoidance of rail and well infrastructure. As further explained below, the development of human infrastructure, including oil and gas infrastructure, leads to avoidance of prime habitat by mule deer and indirect loss of habitat.	Please refer to response to Comment UBR-DEIS-00683-132 above. OEA anticipates minimal indirect impacts on big game resulting from habitat loss due to the low percent area of crucial big game habitat that would be affected in big game management units crossed by the Action Alternatives.
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-136)	
Comment	Response
The DEIS fails to identify whether migration corridors are within the project area and identify their location. The EIS must analyze the effect the rail and oil and gas development will have on migration corridors within and near the project area. The Whitmore Canyon alignment, along with the other alternative actions, pass through areas that the state identified as big game migration corridor priority areas on their western end and through crucial and winter habitat (See Uinta Basin Railway Map attached). The EIS must examine the dangers and potential impacts the railway and increased oil and gas production in the project area will have on migration of big game species.	Please refer to response to Comment UBR-DEIS-00497-6 above. Please also refer to Section 3.15, <i>Cumulative Impacts</i> , which discusses the potential cumulative impacts of the proposed rail line and increased oil and gas production in the Basin on big game species.
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-137)	
Comment	Response
A significant amount of crucial habitat will be lost due to the project. "Crucial-value habitat is defined as habitat on which the local population of a wildlife species depends for survival because there are no alternate ranges or habitats available." [Footnote 219: DEIS at 3.4-5.] The EIS should disclose the total	To address concerns regarding the presentation of impacts on crucial habitat, OEA has revised Table 3.4-14 (previously Table 3.4-11 in the Draft EIS), which quantifies impacts on big game habitat, in the Final EIS to differentiate crucial habitat from

<p>acreage of big game crucial habitat disturbed by the proposed alignments as follows: [Footnote 220: Utah Division of Wildlife Resources, Index of Available GIS Data, https://dwrcdc.nr.utah.gov/ucdc/DownloadGIS/disclaim.htm (last accessed Jan. 26, 2021).] Indian Canyon alignment Permanent disturbance: 1053.3 out of 1390.2 acres Temporary disturbance: 1770 out of 2550 acres Wells Draw alignment Permanent disturbance: 1569.3 out of 2625.4 acres Temporary disturbance: 3077.7 out of 5316.3 acres Whitmore Canyon alignment Permanent disturbance: 1152.7 out of 1490.6 acres Temporary disturbance: 2358.4 out of 3180.5 acres</p>	<p>substantial habitat. Please also refer to response to Comment UBR-DEIS-00497-6 above.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-138)

Comment	Response
<p>The DEIS should also evaluate the population levels, population trend, and habitat needs of each big game species within the project area, as further detailed below. Mule Deer (<i>Odocoileus hemionus</i>) The EIS must analyze how mule deer will be impacted by the Project, and especially how mule deer migration will be harmed. Mule deer often migrate from high mountainous areas in the summer to lower elevations in the winter to avoid deep snow." [Footnote 221: State of Utah Natural Resources Division of Wildlife Resources, Utah Conservation Data Center, available at https://dwrcdc.nr.utah.gov/ucdc/default.asp ("UCDC").] Priority migration corridor areas surround the western end of the proposed Whitmore Park route. Mule deer have crucial habitat in the study areas along the western half of the Whitmore Park route. [Footnote 222: Final Biological Resources Baseline Environment Technical Memorandum, Appendix F, Habitat Maps for Big-game Species, available at https://icfbiometrics.blob.core.windows.net/uinta-basin/Final_Bio_Resources_Baseline_Env_Tech_Memorandum.zip.] Mule deer "habitat is nearly always characterized by areas of thick brush or trees interspersed with small openings. The thick brush and trees are used for escape cover, whereas the small openings provide forage and feeding areas." [Footnote 223: Utah Division of Wildlife Resources, Utah Mule Deer Statewide Management Plan (2014) ("Mule Deer Management Plan") at 6.] Mule deer populations in several management units of the Uinta Basin and/or project area, including Nine Mile, South Slope Diamond Mountain/Vernal South Slope Yellowstone, and Wasatch Mountains Avintaquin, [Footnote 224: Bernales, Heather H. et al., Draft Utah Big Game Annual Report 2019, State of Utah Department of Natural Resources Division</p>	<p>Please refer to response to Comment UBR-DEIS-00497-6 above regarding information on big game migration and to the response to Comment UBR-DEIS-00683-132 above regarding impacts on big game habitat, including mule deer.</p>

<p>of Wildlife Resources (2019) ("2019 Draft Big Game Report") at 38.] are already on the decline, and the railway project would exacerbate population losses, but the EIS fails to acknowledge this potential loss. "The size and condition of mule deer populations are primarily determined by the quantity and quality of these habitats as they provide the necessary nutrition to sustain deer throughout the year." [Footnote 225: Mule Deer Management Plan at 7.] The proposed oil railway and resulting oil and gas development would destroy and fragment habitat, resulting in both direct and indirect loss of cover and foraging areas (and priority migratory and crucial winter and summer habitat). Further, as explained below, the restoration of habitat is unlikely to be successful and will take many years. The EIS does not adequately show how the project will mitigate the loss and degradation to mule deer habitat. Current population levels for mule deer already fall far short of the state population objectives. The mule deer statewide objective for 2015-2019 was 440,100, and the 2019 population estimate was 321,150. [Footnote 226: 2019 Draft Big Game Report at 38.] Over the past four years the population estimates have declined by 27 percent. The railway will only worsen this declining trend. The EIS must disclose this impact, the potential magnitude of population losses, and how long it will take to restore populations to existing levels.</p>	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-140)	
Comment	Response
<p>Pronghorn (<i>Antilocapra americana</i>) Pronghorn in Utah "primarily occurs in desert, grassland, and sagebrush habitats." [Footnote 227: UCDC.] In 2019, the statewide population estimate was 17,000 animals. [Footnote 228: 2019 Draft Big Game Report at 146.] Pronghorn populations in the following management units of the Uinta Basin and/or project area are on the decline: Nine Mile, Anthro; Nine Mile, Range Creek; South Slope, Bonanza/Diamond Mountain; and South Slope, Vernal. [Footnote 229: Id. at 153, 154, 158.] Oil and gas development and the proposed railway will increase stresses and will contribute to further population decline. Pronghorn have crucial habitat on the eastern end of the Whitmore Park alignment. [Footnote 230: Final Biological Resources Baseline Environment Technical Memorandum, Appendix F, Habitat Maps for Big-game Species.] "Pronghorn populations occur in much of the suitable habitat found in Utah, but often at relatively low densities." [Footnote 231: Utah Division of Wildlife Resources Department of Natural Resources, Utah Pronghorn Statewide Management Plan (No Date) ("Pronghorn</p>	<p>Please refer to responses to Comment UBR-DEIS-00497-6 and Comment UBR-DEIS-00683-132 above, which discuss how the EIS addresses impacts on big game, including pronghorn. Regarding cumulative impacts that could result from the proposed rail line and potential future oil and gas development in the Basin, please refer to Section 3.15, <i>Cumulative Impacts</i>.</p>

<p>Management Plan") at 4.] "The size and productivity of pronghorn populations are primarily determined by the quantity and quality of habitats available to meet nutritional needs throughout the year." [Footnote 232: Id. at 5.] "A critical limiting factor in some of Utah's pronghorn habitat is the lack of succulent forbs on spring/summer ranges." [Footnote 233: Id] "[T]he majority of pronghorn populations occur in shrub-steppe habitat. Large expanses of open, rolling or flat terrain characterize the topography of most occupied habitats." [Footnote 234: Pronghorn Management Plan at 4.] Pronghorn must have a forb component in the vegetative mix to sustain populations because forbs are essential for lactating females and fawn survival. [Footnote 235: Id] The destruction and fragmentation of these limited habitats would cause population losses, which are already in decline. The EIS must disclose this impact.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-141)</p>	
<p>Comment</p>	<p>Response</p>
<p>Elk (<i>Cervus elaphus</i>) The current statewide elk winter population is estimated at approximately 79,000 animals. [Footnote 236: 2019 Draft Big Game Report at 107.] The elk statewide objective for 2015-2019 was 78,215, the 2019 population estimate was 79,090. [Footnote 237: 2019 Draft Big Game Report at 108.] While statewide elk populations are currently healthy and appear to be meeting state objectives, the construction and operation of the railway will certainly lead to population losses, which the EIS must disclose. Elk populations in the Nine Mile, Range Creek management unit failed to reach the current objective for five years. [Footnote 238: Id. at 108.] Nine Mile, Range Creek elk populations are already on the decline, and the railway project would exacerbate population losses in this management unit and others near the project area. Elk have summer and winter crucial habitat in the study areas along the western half of the Whitmore Park route. [Footnote 239: Final Biological Resources Baseline Environment Technical Memorandum, Appendix F, Habitat Maps for Big-game Species.] "Elk are common in most mountainous regions of Utah, where they can be found in mountain meadows and forests during the summer, and in foothills and valley grasslands during the winter. The seasonal changes in elevation allow elk to avoid deep snow and find food year-round." [Footnote 240: UCDC.] "Many crucial elk habitats throughout the state are privately owned, and some of those private rangelands have been converted to housing developments, recreational properties, or other</p>	<p>Please refer to responses to Comment UBR-DEIS-00497-6 and Comment UBR-DEIS-00683-132 above, which discuss how the EIS addresses impacts on big game, including elk.</p>

<p>uses that result in a loss of elk habitat." [Footnote 241: Utah Division of Wildlife Resources Department of Natural Resources, Utah Elk Statewide Management Plan (No Date) ("Elk Management Plan") at 9.] "Elk in Utah are more closely tied to aspen than any other habitat type. Aspen stands provide both forage and cover for elk during the summer months and are used for calving in spring." [Footnote 242: Elk Management Plan at 4.] Throughout the West, there has been a decline in aspen due to overgrazing, lack of disturbance, and extended drought. [Footnote 243: Id] "If the declines in aspen continue, it will reduce the amount of potentially suitable habitat available for elk and...reduce the number of elk those habitats can support." [Footnote 244: Id]</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-142)</p>	
<p>Comment</p>	<p>Response</p>
<p>Moose (<i>Alces alces</i>) "In Utah, the species can be found in the mountains of the northern and northeastern portion of the state. Moose prefer forest habitats, especially those locations with a mixture of wooded areas and open areas near lakes or wetlands." [Footnote 245: UCDC] "[M]oose generally live at higher elevations throughout the year, although some moose are observed at lower elevation habitats even in summer." [Footnote 246: Utah Division of Wildlife Resources Department of Natural Resources, Utah Moose Statewide Management Plan (No Date) ("Moose Management Plan") at 6.] "The primary limiting factor for moose in Utah and across their range is the availability of suitable habitat. Moose are primarily browsers and depend on shrubs and young deciduous trees for food during much of the year." [Footnote 247: Moose Management Plan at 5.] For the past 100 years, Utah's Shiras moose population has fluctuated, peaking at 3,500 in 2005. The number has now stabilized at about 2,700. [Footnote 248: Leavitt, Shauna, Monitoring Utah Moose And Their Calves on Wild About Utah, Utah Public Radio Utah State University (June 18, 2018).]</p>	<p>Please refer to responses to Comment UBR-DEIS-00497-6 and Comment UBR-DEIS-00683-132 above, which discuss how the EIS addresses impacts one big game, including moose.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-143)</p>	
<p>Comment</p>	<p>Response</p>
<p>Mitigation Measures for Big Game Habitat Loss Are Inadequate The EIS does not describe any concrete measures to mitigate big game habitat loss. "To minimize impacts related to the clearing of habitat, the Coalition has proposed voluntary mitigation that would commit the Coalition to limit ground clearing to only the areas necessary for project-related construction and to restore and revegetate temporarily cleared areas using native vegetation</p>	<p>Please refer to response to Comment UBR-DEIS-00683-132 regarding the extent of impacts on big game habitat. Please also refer to Appendix A, <i>Action Alternatives Supporting Information</i>, which provides a map set that shows the specific locations and dimensions of the project footprint, including the rail line footprint (permanent) and temporary footprint. Big game habitat in these footprints are disclosed in Table 3.4-14 (previously Table 3.4-11</p>

<p>(VM-16, VM-22)." [Footnote 249: DEIS at 3.4-27] The DEIS does not specifically state the locations or dimensions of these areas. "[O]nly the areas necessary" is vague and needs explanation. To mitigate ground disturbance the DEIS proposes revegetation and monitoring of disturbed areas for three years. [Footnote 250: Id. at 4-5.] But as explained above in section XI(C), this mitigation plan is inadequate, because it is sparse in details regarding how the revegetation plan would be implemented, and the monitoring period is too short.</p>	<p>in the Draft EIS), and big game habitats are shown in Appendix G, <i>Biological Resources Figures</i>. If the Board authorizes an Action Alternative, ground-clearing limits would be established during the final engineering and design phase, which would occur if the Board authorized the construction and operation of one of the Action Alternatives. Because the extent of land clearing for construction activities would not be known until the final engineering and design phase, OEA quantified impacts on wildlife habitat and vegetation in terms of the area of the temporary footprint, which represents the largest area that could be disturbed during construction. This is a conservative approach that would tend to overstate impacts on wildlife habitat and vegetation. If the Coalition's voluntary mitigation measures were implemented, those impacts would be minimized.</p> <p>To address concerns regarding the Coalition's proposed revegetation and reclamation plan (VM-22), OEA is recommending an additional mitigation measure (BIO-MM-16) in the Final EIS that would require the Coalition develop a reclamation and revegetation plan to ensure that temporarily disturbed areas would be restored. That plan would establish monitoring periods appropriate for particular vegetation communities that would be developed in consultation with appropriate federal, state, local, and tribal agencies.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-146)

Comment	Response
<p>The DEIS fails to acknowledge the potential for large concentrations of big game to use the railway for migration and quantify the frequency and risk of collisions in migratory areas, and increased risk of collisions in winter. Further, while it notes that "Higher mortality rates would likely occur where the density of wildlife is higher," and "species that would use habitats adjacent to the rail line would have an increased chance of being killed by a collision," [Footnote 257: DEIS at 3.4-29.] it fails to identify where along the rail line wildlife mortality is most likely to occur and which species would be at highest risk. It appears that the western half of the proposed Whitmore Park route, which crosses priority migration areas and winter crucial areas for mule deer, moose, and elk could result in the most significant risk of collisions. The EIS should consider mitigation in areas with high risk of wildlife collisions, such as reduced speed limits in these areas. If the speed and trajectory of a train cannot be changed to avoid collisions, mitigation measures "must rely almost entirely on preventing the animals from entering or remaining on the train</p>	<p>Please refer to response to Comment UBR-DEIS-00497-6 regarding big game migration along the Action Alternatives. Big game mortality from collisions would have a higher chance of occurring in the areas of the big game movement corridors shown in Final EIS Appendix G, <i>Biological Resources Figures</i>. To address impacts on big game migration, OEA is recommending mitigation measure BIO-MM-18, which would require the Coalition to develop a big game movement corridor crossing plan in consultation with Ute Indian Tribe, UDWR, OEA, and appropriate land management agencies.</p>

<p>tracks." [Footnote 258: Railway Ecology at 31.] "[C]rossing structures contribute to mitigation both mortality and barrier effects of linear infrastructures, their main role has been focused on barrier effects, ensuring connectivity through the landscapes crossed by railways and roads." [Footnote 259: Id] There are many ways the EIS could implement structures that would restrict wildlife access to the railway, for example, sound signaling and sound-barriers. "Sound signaling consists of warning animals of approaching trains while sound barriers are mostly intended to keep animals off the railway." [Footnote 260: Id] Another possibility is flashing light signals from an oncoming train may provide wildlife with a faster response to get off the train tracks.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-148)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS Fails to Analyze the Danger of Fencing in Big Game Habitats The DEIS acknowledges that fencing could be used along the rail line or near the project area by private landowners. [Footnote 262: DEIS at 3.4-29.] Fencing near wildlife habitat and migration corridors is a "connectivity issue-one that can create additional challenges for big game in areas where their migration routes are already fragmented by roads and other obstacles." [Footnote 263: Arnett, Ed, How Mending Fences Makes a Difference for Migrating Big Game, Theodore Roosevelt Conservation Partnership (June 5, 2020) (Arnett 2020).] "Woven wire fences are almost impossible for wildlife to pass through. When these are combined with a barbed top wire, it is a lethal and impenetrable combination considered the most detrimental to wildlife." [Footnote 264: Id] Big game species are not adapted to fences across their once open spaces, which is why they may get their horns or antlers tangled in fences, leading to suffering and death. Young game are more vulnerable and make up a large percentage of big game animals killed by fences. In addition, "[f]ences can be a major problem on pronghorn ranges. Certain types of fences create barriers to movement of pronghorn between seasonal ranges and water of feeding areas...Fencing specifications most compatible with pronghorn movement consist of a smooth bottom wire 40-46 cm (16-18 inches) above the ground." [Footnote 265: Pronghorn Management Plan at 5-6.] Railway fencing also creates a physical and behavioral barrier between wildlife and their habitat. [Footnote 266: DEIS at 3.4-28.] "Barriers to movement could affect the ability of wildlife to disperse into other areas to feed, shelter, or breed,</p>	<p>Please refer to response to Comment UBR-DEIS-00497-6 above regarding big game migration along the Action Alternatives. To address impacts on big game migration, OEA is recommending mitigation measure BIO-MM-18, which would require the Coalition develop a big game movement corridor crossing plan in consultation with Ute Indian Tribe, UDWR, OEA, and appropriate land management agencies.</p>

<p>which could affect population-level genetics by restricting gene flow." [Footnote 267: Id. at 3.4-28-3.4-29.] Along with creating barriers to movement and causing accidental deaths, fencing could also interrupt migration patterns, which the DEIS fails to acknowledge. "Animal migrations arise through a combination of learned behavior and genetically inherited neurological, morphological, physiological, and behavioral traits." [Footnote 268: Edmunds, Daly, Support for Designation of Migration Corridors for Sublette Pronghorn and Wyoming Range Mule Deer, Wyoming Chapter-The Wildlife Society, May 1, 2019 at 3.] "Recent research in Wyoming has confirmed what wildlife biologists and managers have suspected for decades, that ungulate migration is a learned behavior passed on from generation to generation. Evidence from bighorn sheep and moose populations suggests that once migration corridors are lost, it will take approximately 100 years for the population to redevelop migration." [Footnote 269: Id] The DEIS, however, fails to identify specific migration corridors that could be obstructed by private landowner fencing. The EIS must identify these areas.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-150)

Comment	Response
<p>To minimize the impacts of fencing, the DEIS states that the Coalition is "committed to working with UDWR, the Ute Indian Tribe, and adjacent landowners to define areas of the right-of-way that can be left without fences to maintain big game migration corridors and to installing wildlife-safe fences to confine livestock within grazing allotments where practical and necessary (VM-40, VM-41)." [Footnote 270: DEIS at 3.4-29.] A voluntary commitment to working with landowners to avoid fencing does not provide adequate assurance that landowners or the rail will avoid fencing. The DEIS should specifically identify what migratory areas will be targeted for avoidance of fencing. At a minimum, these areas should include the migratory corridor priority areas identified in the attached map. [Footnote 271: Center for Biological Diversity, Uinta Basin Railway Big Game Habitat Map (2021).]</p>	<p>Please refer to response to Comment UBR-DEIS-00497-6 regarding big game migration along the Action Alternatives. To address impacts on big game migration, OEA is recommending mitigation measure BIO-MM-18, which would require the Coalition develop a big game movement corridor crossing plan in consultation with Ute Indian Tribe, UDWR, OEA, and appropriate land management agencies.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-151)

Comment	Response
<p>The DEIS should also clarify whether the installation of fences to confine livestock would create a barrier to big game migration, which seems incompatible with the DEIS's commitment to generally avoid fencing in migratory areas. To the</p>	<p>Please refer to response to Comment UBR-DEIS-00497-6 regarding big game migration along the Action Alternatives. To address impacts on big game migration, OEA is recommending mitigation measure BIO-MM-18, which would require the</p>

<p>extent that wildlife-friendly fencing to confine livestock will not create a barrier to movement, the DEIS should specifically consider fences that have (1) "a smooth wire at the top no higher than 42 inches from the ground, (2) a smooth wire at the bottom at least 18 inches above the ground, and (3) built with no stays on the fence and posts at least 16 feet part," or otherwise identify the specifications for wildlife friendly fencing. [Footnote 272: Arnett 2020.] The EIS should also consider and analyze wildlife overpasses for ungulates as an alternative to allow free movement of big game around the railway. "Overpasses [are] designed to maintain landscape connectivity. Overpasses are often...facilitating the movement of a greater number of species, and they maintain ambient conditions more easily throughout the year." [Footnote 273: Railway Ecology at 32] "[C]rossing structures can strongly contribute to reducing the mortality of non-flying animals." [Footnote 274: Id] The DEIS's conclusion that mitigation measures to address fencing impacts are adequate to avoid significant impacts on big game is unsupported.</p>	<p>Coalition develop a big game movement corridor crossing plan in consultation with Ute Indian Tribe, UDWR, OEA, and appropriate land management agencies.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-165)

Comment	Response
<p>The DEIS Fails to Describe and Analyze Likely Impacts to Aquatic Life from Stream Realignment, Crossings and Culverts Stream realignments and crossings can have deeply consequential impacts on aquatic environments, and, yet, the DEIS fails to quantify impacts to waters systems from these drastic changes. Under the preferred alternative, there will be 55 stream realignments, [Footnote 328: DEIS at S-14.] 30 rail bridges, and 423 culverts. [Footnote 329: DEIS at table 2-3.] However, the DEIS fails to quantify the likely impacts and, therefore, does not provide a full picture of the project's impacts. Stream realignment will require designing a new channel for the water to follow and filling the naturally flowing water. [Footnote 330: DEIS at 3.3-25.] The only mitigation for the effects of this drastic change considered in the DEIS is a consultation with the Army Corps of Engineers in order to obtain a 404 permit. [Footnote 331: Id] Stream realignments, along with crossings and culverts, can drastically impact the quality of water flow and impact the lifeforms present in the aquatic environment.</p> <p>Culverts in particular have been shown to have dramatic impact on fish movement and population. For instance, a study of 10,000 culverts revealed that at least 26 percent of these restricted the movement of fish, often restricting spawning migration. [Footnote 332: Huser, Daniel, Local</p>	<p>To address concerns regarding stream realignment impacts on aquatic habitats, OEA has revised Subsections 3.4.3.1, <i>Impacts Common to All Action Alternatives</i>, and 3.4.3.2, <i>Impact Comparison between Action Alternatives</i>, in the Final EIS to include a new impact discussion regarding stream realignment impacts on the aquatic environment. Should the Board authorize an Action Alternative, the Coalition would need to obtain a Section 404 permit from the Corps prior to construction and, during that permitting process, would develop final engineering and design plans (see mitigation measures VM-25 and WAT-MM-3). Specific details on best management practices and mitigation measures cannot be developed until the permitting process and final engineering and design are complete.</p> <p>To address concerns regarding culvert impacts on macroinvertebrates, OEA has revised Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives</i>, in the Final EIS to include information on this impact based on the source provided in the comment. In addition, OEA has added some text regarding culvert impacts on habitat and fish assemblages. To avoid and minimize this impact, OEA is recommending mitigation measure BIO-MM-6 for culvert and bridge designs to allow aquatic organisms to pass relatively unhindered.</p>

<p>Effects of Culverts on Habitat Features and Fish Assemblages in Blue Ridge Streams (2009) at 1.] The impact of this disruption could result in not only a restriction of movement but a restriction of the gene pool. [Footnote 333: Id. at 2.] However, the DEIS fails to address these potential impacts and fails to mitigate the possible effects on fish populations. In addition to larger species like fish, culverts have known impacts on macroinvertebrates. [Footnote 334: Vaughan, D. Mace, Potential Impact of Road-Stream Crossings (Culverts) on the Upstream Passage of Aquatic Macroinvertebrates, US Forest Service Report (Mar. 21, 2002) ("Vaughn 2002") at 2; NWT Water Stewardship, How is Aquatic Ecosystem Health Measured? https://www.nwtwaterstewardship.ca/en/how-aquatic-ecosystem-health-measured (last accessed Jan. 27, 2021).] Because macroinvertebrates are a food source for fish, amphibians, birds, bats, and mammals, they are important members of stream ecosystems and a good indicator of stream health. [Footnote 335: Vaughn 2002 at 2.] Culverts, particularly if they are not designed in a proper form, may severely impact macroinvertebrate species, They disrupt their movement which reduces available habitats and can isolate species and restrict gene flow. [Footnote 336: Id] In addition, culverts can channelize streams increasing the likelihood of erosion and increase the temperature of the water; both effects can impact macroinvertebrates. [Footnote 337: Id] The result is often changes in the composition of macroinvertebrates, favoring hardier species.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-166)</p>	
<p>Comment</p> <p>Accordingly, to determine the impact of stream realignments, stream crossings, and culverts on local water bodies and the larger watershed, the DEIS should evaluate the project's impact on the diversity of biological resources present in the stream ecosystem, such as macroinvertebrates, as an indicator of overall stream health. The diversity of macroinvertebrate species is a good indicator of aquatic health because aquatic lifeforms follow a biotic structure where the composition of species at one level of the ecosystem are determined by the composition of species at the preceding level. [Footnote 339: Maloney, Eric M., How Do We Take the Pulse of an Aquatic Ecosystem? Current and Historical Approaches to Measuring Ecosystem Integrity, 38 Environmental Toxicology and Chemistry 289 (May 23, 2018) at 290.] The DEIS should evaluate baseline macroinvertebrate</p>	<p>Response</p> <p>The Utah DWQ assessment of surface water quality uses macroinvertebrates as an indicator of surface water health in the state, which is a factor when Utah DWQ assesses the state's surface waters to determine if beneficial uses are impaired (per as part of the CWA 305(b) and 303(d) requirements. This information is reflected in the Utah DWQ 2016 Integrated Report, which details the state's surface water conditions, including the list of 303(d) impaired Assessment Units (see Section 3.3, <i>Water Resources</i>, Table 3.3-5 for list of impaired Assessment Units along the Action Alternatives). As described in the 2016 Integrated Report's assessment methodologies, Utah uses an empirical model that directly assesses attainment of aquatic life beneficial use by quantifying the biological integrity of macroinvertebrate assemblages; this methodology incorporates the River Invertebrate</p>

<p>diversity and quantify potential reductions in this aquatic health indicator for each stream for the "no action" and for each action alternative. [Footnote 340: Id.] The DEIS must also discuss the design of culverts and specifically describe how they can be made to mitigate harm to macroinvertebrate species and protect stream quality, and how effective proposed designs would be.</p>	<p>Prediction and Classification System. Because Utah DWQ uses macroinvertebrates as an indicator of surface water health in the surface waters assessment, any Assessment Unit impaired for the Aquatic Life beneficial use (see Table 3.3-4) would generally indicate lower macroinvertebrate diversity. Of the six impaired Assessment Units crossed by the Action Alternatives listed in Table 3.3-5 and shown in Figure 3.3-3, five are impaired for the Aquatic Life beneficial use, which would indicate a lower diversity of macroinvertebrates compared to the sixth impaired Assessment Unit and the Assessment Units that have no impairments. As stated in the Draft EIS, the Coalition would need to obtain an NPDES permit to ensure water quality standards for all surface waters, including Section 303(d) impaired waters, are not exceeded and beneficial uses are not impaired.</p> <p>As stated in the Draft EIS, the water crossing structure locations, types, and sizes were based on the Coalition's preliminary hydrologic review. If the Board were to authorize one of the Action Alternatives, the Coalition would determine the final design and placement of conveyance structures during the final permitting and design phase, in consultation with the Corps, the Utah State Engineer's office, and other appropriate agencies. To ensure that impacts on aquatic organisms, including macroinvertebrates, would be minimized, OEA is recommending mitigation measure BIO-MM-6, which would require the Coalition design culverts and bridges to allow aquatic organisms to pass relatively unhindered.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-172)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS Fails to Address the Proposed Railway's Indirect Impacts on ESA Listed Fish Species The DEIS fails to address the proposed railway's indirect impacts on four ESA listed species, the Colorado pikeminnow (<i>Ptychocheilus lucius</i>), humpback chub (<i>Gila cypha</i>) razorback sucker (<i>Xyrauchen texanus</i>) and bonytail (<i>Gila elegans</i>) (collectively, "endangered fish") and their critical habitat, in the route trains from the proposed Uinta Basin Railway will take going east. [Footnote 373: Center for Biological Diversity, Map of Tennessee Pass Line and Critical Habitat of ESA listed fish species (2021).] As trains from the proposed Uinta Basin Railway move east through Utah and Colorado, they will cross critical habitat for these endangered fish in the Colorado River. The increased risk of toxic spills and leaks from these trains and the impact on these endangered fish must be assessed. According</p>	<p>In rail line construction cases, OEA does not typically assess impacts on biological resources that could occur along existing rail lines downline of the proposed rail line for several reasons. First, no construction-related impacts (such as habitat removal, habitat fragmentation, construction-related noise, sedimentation impacts, changes to hydrology, or soil removal or regrading) would occur downline because the downline rail lines already exist. Second, although trains originating or terminating on the proposed rail line could incrementally contribute to existing impacts related to rail operations (such as wayside and horn noise, air emissions from locomotives, and the risk of rail accidents), construction and operation of the proposed rail line would not introduce any new impact types or mechanisms that did not previously exist. Third, any impacts on downline segments</p>

<p>to the USFWS, one of the most important habitats to the Colorado pikeminnow and the razorback sucker is the "15-mile Reach" of the Colorado River with Colorado's Grand Valley, which is the route through which these trains carrying oil and other toxic materials will travel. [Footnote 374: U.S. Fish and Wildlife Service, Final Programmatic Biological Opinion for the Bureau of Reclamation's Operations and Depletions, Other Depletions, and Funding and Implementation of Recovery Program Actions in the Upper Colorado River above the Confluence with the Gunnison River, 25, 32, 45 (Dec. 1999), available at https://www.coloradoriverrecovery.org/document-s-publications/section-7-consultation/15mile/FinalPBO.pdf.] The risk of a catastrophic spill and potential for chronic leaks are especially concerning due to the fragile state of existing populations. Adult Colorado pikeminnow abundance in the Colorado River subbasin has declined since 2005, while adult abundance in the Green River subbasin has declined since 2000. [Footnote 375: U.S. Fish & Wildlife Service, Final 2018-2019 Abbreviated Assessment of "Sufficient Progress" under the Upper Colorado River Endangered Fish Recovery Program in the Upper Colorado River Basin ((Feb. 7, 2020), available at https://www.coloradoriverrecovery.org/document-s-publications/section-7-consultation/sufficientprogress/Final%202018-2019%20SufficientProgress_memo.pdf.] Further, in the Green River subbasin, recruitment of juveniles to adults has declined over the past 15 years and researchers now question if recruitment is sufficient to support a sustainable population - "recruitment appears insufficient to offset annual adult mortality." [Footnote 376: Id. at 2, 6.] Humpback chub populations in these subbasins generally appear to be at "low levels" or not well understood. [Footnote 377: Id. at 7.] The risk of harm to endangered fish from spills and leaks in either of these subbasins is significant, given the precarious state of these populations. In sum, the DEIS must analyze all impacts on water quality, water quantity, stream and wetland function, and listed fish that are likely to result from the project and identify specific mitigation measures and monitoring to reduce these impacts.</p>	<p>would occur within the existing rail right-of-way (which does not provide habitat for vegetation, wildlife, or fish) or in areas immediately adjacent to the existing rail right-of-way (where any animals or plants will typically have become accustomed to rail operations through long-term exposure). Fourth, OEA cannot precisely predict the destinations or origins of downline train traffic, the routes for that trains would take to and from those origins and destinations, or the future volume of rail traffic on any given segment of rail line downline of the proposed rail line because those factors depend on future market conditions in many different industries and the independent operational decisions of many different railroad companies and their customers. Fifth, rail applicants in rail line construction cases typically do not own or operate the existing rail lines downline of the proposed rail line and, therefore, are not able to control how trains would operate on those downline segments or to make commitments about how operations or maintenance activities would be conducted, such as commitments intended to avoid or minimize any impacts on biological resources. Sixth, rail operations on existing rail lines downline of the proposed rail line are already, and would continue to be, subject to applicable federal regulations for rail transportation, including FRA safety and environmental regulations, which would minimize any impacts on biological resources. Lastly, the Board cannot impose any mitigation measures on owners and operators of rail lines downline of a proposed rail line because those entities are not seeking and do not need to seek authority from the Board to handle rail traffic originating or terminating on the proposed rail line. Although OEA typically does not conduct a downline analysis for impacts on biological resources, OEA is nevertheless revising Section 3.4, <i>Biological Resources</i>, in the Final EIS to be responsive to comments received on the Draft EIS. In response to this comment, OEA has revised Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives</i>, to include a discussion of downline impacts on ESA-listed fish species.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-202)	
Comment	Response
<p>After reviewing the DEIS Chapter 4 Mitigation regarding revegetation mitigation and monitoring, I have found its analysis to be incomplete and not standard revegetation procedure. The mitigation</p>	<p>Please refer to responses to Comment UBR-DEIS-00683-113, Comment UBR-DEIS-00683-143, and Comment UBR-DEIS-00591-15 above. To address concerns regarding the Coalition's proposed</p>

<p>and monitoring plan for vegetation impacts states: VM-22: The Coalition will revegetate disturbed areas, where practical and in consultation with the Ute Indian Tribe as applicable, when construction is completed. The goal of reclamation will be the rapid and permanent re- establishment of native groundcover on disturbed areas to prevent soil erosion, where feasible. If weather or seasonal conditions prevent vegetation from being quickly re-established, the Coalition will use measures such as mulching, erosion- control blankets, or dust-control palliatives to prevent erosion until vegetative cover is established. The Coalition will monitor reclaimed areas for 3 years. For areas where efforts to establish vegetative cover have been unsuccessful after 1 year, the Coalition will reseed annually for up to 3 years as needed. The EIS should provide the Coalition's comprehensive revegetation plans, including concrete measures and specific performance criteria, for public review and comment. Mitigation to revegetate disturbed areas should be based on best practices and local ecological processes, or efforts to revegetate the "temporarily impacted" areas are not likely to succeed</p>	<p>revegetation and reclamation plan (VM-22), OEA is recommending an additional mitigation measure (BIO-MM-16) in the Final EIS that would require the Coalition develop a reclamation and revegetation plan to ensure that temporarily disturbed areas would be restored. That plan would be developed in consultation with OEA and appropriate federal, state, and tribal agencies and would address reclamation and revegetation materials, methods, and timing in the context of final design and engineering of the proposed rail line.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-203)</p>	
<p>Comment</p>	<p>Response</p>
<p>Revegetation plans should require planning and collection of seeds in advance of soil disturbance. The planting palette should include seeds appropriate to the environment and climate conditions. Only local native plant propagules should be used and the plantings/seedings should be administered in an ecologically successional way - introducing early successional species first, followed sequentially over a multiple year process with mid-successional species and finally late-successional species. A frequent weeding schedule particularly during the growing season (removal before seeds are produced is best) should be implemented, particularly in the first three years to reduce non-native and invasive species from proliferating, which would doom revegetation efforts. Revegetation plans should include short-term and robust "establishment" criteria, so that problems can be identified and remedied early (e.g., protection from herbivory, adequate soil moisture, stopping weed invasions before they start). Long-term success criteria should also be included (e.g., monitoring shows that the revegetation site is statistically similar to a reference (undisturbed) site by looking at cover, density, diversity). The project developer should be held to all revegetation plan requirements and success criteria. Otherwise,</p>	<p>Please refer to responses to Comment UBR-DEIS-00683-113, Comment UBR-DEIS-00683-143, Comment UBR-DEIS-00591-15, and Comment UBR-DEIS-00683-202 above. To address concerns regarding the Coalition's proposed revegetation and reclamation plan (VM-22), OEA is recommending an additional mitigation measure (BIO-MM-16) in the Final EIS that would require the Coalition develop a reclamation and revegetation plan to ensure that temporarily disturbed areas would be restored. That plan would be developed in consultation with OEA and appropriate federal, state, and tribal agencies and would address reclamation and revegetation materials, methods, and timing, as well as the monitoring schedule and contingency plans.</p>

<p>revegetation is unlikely to be successfully implemented. The DEIS does not specify whether and how the STB or other agencies would monitor compliance. To the extent any state or federal agency or tribal authority has management authority over disturbed areas, the agency or tribal authority should be required to monitor compliance with all revegetation requirements for those lands. For example, the Army Corps should enforce mitigation for riparian vegetation impacts.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-204)

Comment	Response
<p>Finally, required revegetation periods and monitoring in the Coalition's mitigation plan falls short of what's needed to be successful. Most agencies require five years of monitoring with the last two years not having any "interventions" (no additional irrigation, weed removal, augmentation of revegetation). If additional remediation/revegetation is required, then the clock should restart in those areas with five more years of monitoring. For example, if most of the revegetation area is meeting success criteria (which should be clearly identified in the revegetation plan), but one area is not meeting the success criteria, then additional revegetation augmentation should be done in the "unsuccessful" area and the monitoring continues for five years after the augmentation, which is standard practice. The better practice, however, would be to require long-term monitoring up to ten years (with a reduced monitoring schedule in years 6-10 - once every 2 years) to assure that the success criteria are met. There is not much data on long-term outcomes of revegetation, so ultimately the long-term success for most projects is unknown. Thus, long-term monitoring is advisable.</p>	<p>Please refer to responses to Comment UBR-DEIS-00683-113, Comment UBR-DEIS-00683-143, Comment UBR-DEIS-00591-15, Comment UBR-DEIS-00683-202, and Comment UBR-DEIS-203 above.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-208)

Comment	Response
<p>The DEIS states that "temporary footprints would be reclaimed and revegetated" but revegetation efforts without adequate planning and follow-up are not likely to be successful. [Footnote 205: Id., Appendix H, p. 6] Further, without a revegetation plan based on best practices, the effort to revegetate the "temporarily impacted" areas will likely fail. The description of the Coalition's voluntary mitigation plan is extremely vague, [Footnote 206: See DEIS at 4-5 ("VM-22: The Coalition will revegetate disturbed areas, where practical and in consultation with the Ute Indian Tribe as applicable, when construction is completed. The goal of reclamation will be the rapid and permanent re-establishment of</p>	<p>Please refer to responses to Comment UBR-DEIS-00683-113, Comment UBR-DEIS-00683-143, Comment UBR-DEIS-00591-15, Comment UBR-DEIS-00683-202, and Comment UBR-DEIS-203 above.</p>

native groundcover on disturbed areas to prevent soil erosion, where feasible. If weather or seasonal conditions prevent vegetation from being quickly re-established, the Coalition will use measures such as mulching, erosion-control blankets, or dust-control palliatives to prevent erosion until vegetative cover is established. The Coalition will monitor reclaimed areas for 3 years. For areas where efforts to establish vegetative cover have been unsuccessful after 1 year, the Coalition will reseed annually for up to 3 years as needed.".)] and when combined with acknowledgement of the potential spread of invasive species through construction and operation is cause for concern. [Footnote 207: Id., Section 3.4 at p. 36] Revegetation plans identifying concrete measures and specific success criteria should be included for public review and comment in the EIS. A number of best practices should be included in each revegetation plan, as more fully explained in Attachment C. [Footnote 208: See Attachment C, Center for Biological Diversity, Recommendations of Plant Biologist Ileene Anderson (Feb. 5, 2021).] For example, planning and collection of seeds in advance of soil disturbance should occur. The planting palette should include seeds appropriate to the environment and climate conditions. Only local native plant propagules should be used and the plantings/seedlings should be administered in an ecologically successional way - introducing early successional species first, followed sequentially over a multiple year process with mid- successional species and finally late-successional species. A frequent weeding schedule particularly during the growing season (removal before seeds are produced is best) should be implemented, particularly in the first three years to reduce non-native and invasive species from proliferating, which would doom revegetation efforts. Revegetation plans should include short-term and frequent "establishment" criteria, so that problems can be identified and remedied early (e.g., protection from herbivory, adequate soil moisture, stopping weed invasions before they start). Long-term success criteria should also be included (e.g., monitoring shows that the revegetation site is statistically similar to a reference (undisturbed) site by looking at cover, density, diversity). The project developer should be held to all revegetation plan requirements and success criteria. Otherwise, revegetation is unlikely to be successfully implemented. The DEIS does not specify whether and how the STB would monitor compliance. Proposed revegetation periods and the proposed three-year monitoring period in the Coalition's

<p>mitigation plan falls short of what's needed to be successful, as more fully explained in Attachment C. [Footnote 209: Id.] Most agencies require five years of monitoring with the last two years not having any "interventions" (no additional irrigation, weed removal, augmentation of revegetation). If additional remediation/revegetation is required, then the clock should restart in those areas with five more years of monitoring. For example, if most of the revegetation is meeting success criteria, but one area is not meeting the success criteria, then additional revegetation augmentation should be done in the "unsuccessful" area and the monitoring should continue for five years after the augmentation, which is typically standard. The better practice, however, would be to require long-term monitoring up to ten years (with a reduced monitoring schedule in years 6-10 - once every 2 years) until the success criteria are met. Because not much data exists on the long-term outcomes of revegetation, long-term monitoring would be advisable.</p>	
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Lorien Belton (UBR-DEIS-00692-2)

Comment	Response
<p>The EIS covers many potential scenarios and rail routes, but in doing so [bold: does not provide sufficient detail] on any specific sites to allow a reader of the EIS to be certain of the exact actions that would be taken in a given area. For example: 4.4.3 Bio-MM-14, which addresses removal of cleared vegetation from construction areas, does not provide adequate detail to determine what methods might be used or considerations taken. Nor does it address whether the methods for removing and clearing would be ecologically sound or have the potential to cause other problems, such as whether they include any applicable recommendations regarding treatment of potential invasive species in the vegetation debris.</p>	<p>OEA notes that NEPA requires federal agencies to consider reasonable alternatives to proposed actions. Because NEPA reviews occur early in project planning process, and prior to receiving approval and permits, final engineering details are typically not available at the EIS phase for rail construction projects. OEA’s environmental review was based on an appropriate level of detail regarding project design and engineering for each of the Action Alternatives. The mitigation measures set forth in Chapter 4, <i>Mitigation</i>, include an appropriate level of detail given that final design and engineering would not be completed until after the Board decides whether to authorize construction and operation of an Action Alternative. Regarding concerns related to the removal and disposal of vegetation debris, OEA included Mitigation Measure BIO-MM-14 in the Draft EIS at the specific request of the U.S. Forest Service to address potential issues related to invasive species. To address the commenter’s concerns, OEA has revised that mitigation measure in the Final EIS to specify that the removal of cleared vegetation and green debris would be conducted using ecologically sound methods and in consultation with appropriate land management agencies.</p>

Lorien Belton (UBR-DEIS-00692-4)	
Comment	Response
In 4.4.3, BIO-MM-10, it appears that the Ute Tribe could outline "requirements" for minimizing impacts on wildlife, fish, and vegetation, which would only be implemented if determined to be "reasonable." This appears to allow veto power over any tribal requirements by the project proponent, without any clarity regarding specifically who could make that determination, on what grounds, or through what process	Following government-to-government consultation with the Ute Indian Tribe, OEA has revised mitigation measure BIO-MM-10. As revised, the mitigation measure would require the Coalition implement the requirements of the Ute Indian Tribe for minimizing impacts on wildlife, fish, and vegetation on Tribal trust lands.
Lorien Belton (UBR-DEIS-00692-5)	
Comment	Response
In 4.4.3, Bio-MM-13, it states that the state sage-grouse plan will only be followed to the extent the requirements within it are "reasonable." It is unclear who would make this determination. This suggests that the Coalition plans to selectively follow state regulatory requirements with regard to a highly visible and widely discussed species. Elsewhere in the section, 4.3.8 VM-35 states that a sage-grouse mitigation agreement will be "executed." However, as the draft mitigation document in Appendix K does not provide a definition of "reasonable," it is difficult to determine what might be judged to qualify as reasonable	In rare instances, project proponents have asserted that certain mitigation requirements are unreasonable and cannot be implemented. The Board is the authority that will determine, when necessary, whether the mitigation measures imposed in its decision have been sufficiently implemented and whether the mitigation requirements are reasonable, taking into consideration project-specific circumstances. In the unlikely event that the requirements of a federal, state, or local law conflicts with ICCTA, those laws could be preempted under 49 U.S.C. § 10501. To provide additional clarity for all parties regarding the Board's ongoing authority over the implementation of mitigation measures, OEA is recommending an additional mitigation measure that would require the Coalition submit quarterly reports to OEA regarding the status of construction activities and of mitigation measure implementation. OEA will review the reports and consult with the Coalition and appropriate federal, state, local, and tribal agencies, as necessary, to ensure that the Coalition is complying with all mitigation measures.
Lorien Belton (UBR-DEIS-00692-7)	
Comment	Response
[Bold: Specific comments related to sage-grouse:] Noise impacts to sage-grouse during specific seasons and times of day are mentioned as a concern on pages 3.4-41 and 3.4-43. There is a note on page 3.4-44 that mitigation for noise and other impacts of construction activities would be included in the future mitigation agreement. However, no mention of noise mitigation with regard to sage-grouse or other wildlife is made in the mitigation chapter's section (4.4.5) on noise. Moreover, it is not clear whether the inclusion of any noise or other stipulations in the future mitigation plan will be subject to any public comment on their	Please refer to response to Comment UBR-DEIS-00683-126 above regarding the future greater sage-grouse mitigation plan. The Mitigation Agreement that the Coalition would execute with UDWR to address impacts on greater sage-grouse would take into consideration all impacts on greater sage-grouse and their habitat, including construction-related noise impacts. In addition, OEA is recommending mitigation requiring the Coalition avoid construction in the Carbon SGMA during the nesting and breeding season (BIO-MM-19). Please also refer to response to Comment UBR-DEIS-00663-12 above for information regarding the

<p>appropriateness. 4.3.8 VM-35 does not reference the draft version of the future mitigation plan/agreement which is found in Appendix K. That draft lists possible items for inclusion beyond those mentioned in the mitigation chapter, but specifically does not commit the proponents to any particular actions. Thus, it is difficult to analyze these potential actions. 4.3.8, VM-37 suggests that the BLM would not be involved in the development of the CSGMA Mitigation agreement, but rather asked to join as a signatory at the end. Although it appears from Appendix K that BLM was involved in development of the existing draft document, it is not clear what process will be used to ensure continued partner agency inclusion. A clear process to include all relevant agencies in planning early on would be of value, and closer to the collaborative way sage-grouse planning in Utah has been conducted for many years. 4.3.8 VV-34, point b: this section states both that birds can be hazed, and also that certain birds will not be hazed to avoid nest establishment. It is not clear how the Coalition and its agents will avoid hazing some species of birds but not others, what hazing methods might be used, or how sage-grouse would be addressed if found in the area. There is insufficient detail in this section, with no other sections cross-referenced, to determine whether this mitigation measure would be implemented in an appropriate or adequate fashion.</p>	<p>interagency working group that OEA convened to address impacts on greater sage-grouse. That working group included both UDWR and BLM and was involved in the review of the proposed strategies for the Mitigation Agreement that the Coalition would implement if the Board authorized construction and operation of the proposed rail line and imposes OEA’s recommended mitigation. In addition, the Coalition would also need to comply with the Utah Conservation Plan for Greater Sage-Grouse. If the Board authorizes the Indian Canyon Alternative or the Wells Draw Alternative, the construction and operation of the proposed rail line would also need to comply with the BLM <i>Utah Greater Sage-Grouse Approved Resource Management Plan Amendment</i>, which would require additional consultation involving BLM. OEA notes that the Coalition’s voluntary mitigation measure VM-34 is specific to birds protected under the MBTA and greater sage-grouse is not protected under the MBTA. Hazing is allowable under the MBTA and various methods could be used as long as they do not result in <i>take</i>, which is defined as pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect. Any action that would result in take would be a violation of the MBTA. To address the concern of hazing around greater sage-grouse, OEA has added a mitigation measure (BIO-MM-17) to Chapter 4, <i>Mitigation</i>, in the Final EIS, which would require the Coalition to avoid hazing in areas of documented greater sage-grouse leks during construction.</p>
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Lorien Belton (UBR-DEIS-00692-9)	
Comment	Response
<p>Similarly, in 4.3.8 VM-38, noxious weed strategies from the Utah Strategic Plan on this topic are also planned to only be included in the Coalition's plan when "practical." How this is determined, and by whom, is unclear.</p>	<p>As part of the environmental review process, railroad applicants are encouraged to submit voluntary mitigation measures. OEA also developed and recommended additional appropriate mitigation measures. OEA recognizes, however, that issues may arise during final engineering or construction that may make a particular mitigation measure unnecessary or impractical. Ultimately, the Board has the authority to decide whether mitigation measures have been implemented appropriately. To provide additional clarity for all parties regarding the Board’s ongoing authority over the implementation of mitigation measures, OEA is recommending an additional mitigation measure that would require the Coalition submit quarterly reports to OEA regarding the status of construction activities and of mitigation-measure implementation for the duration of the reporting period imposed by the Board (mitigation measure</p>

	<p>MC-MM-1). OEA will review the quarterly reports and consult with the Coalition and appropriate federal, state, local, and tribal agencies as necessary to ensure that the Coalition is complying appropriately with all environmental mitigation measures that the Board might impose in a decision authorizing an Action Alternative.</p>
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William King (UBR-DEIS-00696-1)

Comment	Response
<p>I am a businessman, economist, historian and researcher. I was reviewing the Uinta Basin Railway DEIS and one section, that of Wildfire Ecology, 3.4-13-15 seems particularly egregious. This section suggests that there will not be a problem with wildfires along any of the three alternatives because railways are not associated with fires. Nothing could be further from the truth. I am making comments on this section on behalf of myself and leaving the rest of the document for others to scrutinize.</p>	<p>To address the concerns regarding the wildfire statistics and data, OEA has revised Table 3.4-7 (previously Table 3.4-5 in the Draft EIS) in Subsection 3.4.2, <i>Affected Environment</i>, in the Final EIS. As revised, the table reports statistics about wildfires obtained from a more comprehensive dataset than OEA relied on for the Draft EIS. The new dataset was compiled and analyzed by the U.S. Forest Service and represents the third update of a publication originally generated to support the national Fire Program Analysis system. The U.S. Forest Service transformed the data to conform to the data standards of the National Wildfire Coordinating Group. The resulting product is the Fire Program Analysis Fire-Occurrence Database (FPA FOD), which is reflected in Table 3.4-7 (previously Table 3.4-5 in the Draft EIS). Like the data previously included in the Draft EIS, the new wildfire dataset indicates that railroads cause less than 1% of wildfires in Utah. As discussed in the Draft EIS, the probability that trains operating on the proposed rail line would cause a wildfire is very low; therefore, OEA does not anticipate significant impacts related to wildfires.</p>

William King (UBR-DEIS-00696-2)

Comment	Response
<p>Table 3.4-5 purports to represent "Wildfires in Utah (1980-2016)," the table only lists 9,022 fires and 682,899 acres burned in the 36 years. The Catastrophic Wildfire Reduction Strategy committee of the Utah State government in 2019 stated that: "Utah averages over 1300 wildland fires and burns almost a quarter-million acres annually." Table 3.4-5 only represents 19.3% of the fires and 7.9% of the acres that actually burned in the 36 year period. So what's wrong with this table? The data in the table was collected from federal land management agencies and only lists fires with known causes. The only significant cause that is readily apparent from the table is lightning, which accounts for almost 74% of the fires and is the easiest cause to determine. Railroads in the table are said to only be involved in 22 fires and 413 acres in 36 years. That is a total misrepresentation of the role railroads</p>	<p>Please refer to response to Comment UBR-DEIS-00696-1 above.</p>

<p>play. I have personally seen evidence of more than 22 railroad fires involving more than 413 acres in Weber, Davis and Morgan counties in the 36 year period. A good example of the absurdity of the table is illustrated in the legal case of US vs Union Pacific Railroad Co., reported on Law 360, (a LexisNexis company) on January 28, 2010. The Union Pacific destroyed 1,968 acres of US government land in a Utah fire in 2004. This was clearly not reported by the federal land managers table. Another good example of a railroad fire in Utah was reported by the Ogden Standard Examiner on July 4, 2016: "Sparks from a Union Pacific train caused a brush fire Monday July 4, that has burned 30 plus acres in Weber Canyon and shut down part of Interstate 84."</p>	
<p>William King (UBR-DEIS-00696-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>Utah fires associated with railroads are by no means isolated examples, across the West, the media is replete with cases that involve railways and fires. Take for example: [<u>Wildfire Today</u>], Feb. 25, 2009 reported that a Union Pacific train started nine fires along a 5 mile stretch of track in Arvada, Colorado. The Deseret News reported on July 23, 2008 that Union Pacific had agreed to pay \$102 million for a fire that was started by a welding crew in August of 2000 that was repairing the tracks. The fire burned 52,000 acres in the Plumas and Lassen National Forest. Jeff Humphrey reporting on August 13, 2007 on KXLY.com stated that BNSF railway may have caused more than 40 fires along its tracks in Northeast Washington in the last decade. DEIS Table 3.4-6 Wildfire Hazard Potential in the study areas suggest that the risk of fires in the study areas is very low or low or moderate for the time period from 1980 to 2016. However in 2020 things have radically changed, the US Drought Monitor categorized most of Utah and the study area as being in an extreme or exceptional drought. Data from the Western Regional Climate Center for Duchesne City states that it only received 4.2 inches of precipitation for the year in 2020, a 100 year low and comparable to the amount received in many deserts. One media analyst in 2020 suggested that you could drop a match almost anywhere in Utah and start a fire. Many climatologists suggest that the West is headed into a mega drought, an exceptionally hot and dry period, that could last more than 20 years, see for example Brian Handwerk, [<i>Smithsonian Magazine</i>], April 16, 2020. Under these circumstances, the fire hazard potential of the study areas should be elevated a couple of notches and taken seriously. All three of the DEIS alternatives go through some</p>	<p>OEA notes that Table 3.4-6 in the Draft EIS showed the WHP data for 2018 not for the time period between 1980 and 2016. To ensure that OEA is including the latest information on wildfires, OEA has revised the table in the Final EIS (now Table 3.4-8) to reflect the WHP data for 2020, the latest data available. OEA cannot predict what the WHP will be in the future, but the Final EIS acknowledges that climatic trends, such as drier conditions, can have an effect on wildfire frequency and area burned. To account for future changing climatic trends, OEA has revised mitigation measure BIO-MM-7 in the Final EIS to account for changing climatic trends (e.g., drier conditions). As revised, the mitigation measure would require the Coalition revisit its wildfire management plan on a regular basis to determine if environmental conditions have changed and, if so, whether aspects of the plan would need to be revised to address those changed conditions.</p>

<p>pristine and beautiful areas. The consequences of a large fire would be devastating to wildlife, birds, rare animals and plants and old growth trees (bristlecones) as well as those humans who already use the land. The DEIS section on Wild Fire Ecology should be greatly expanded to include resources and methods that could be deployed to prevent wildfires in each of the alternatives as well as to fight wildfires should they occur along the railway right of way.</p>	
<p>Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-17)</p>	
<p>Comment</p>	<p>Response</p>
<p>THE PROJECT'S DEIS FAILS TO ANALYZE THE INCREASED RISK OF CATAclysmic WILDFIRE IN THE PROJECT AREA AND IN DROUGHT- RAVAGED FORESTS ADJACENT TO DOWNLINE RIGHTS-OF-WAY The DEIS fails to adequately assess the potential consequences that the increased risk of fire due to the additional shipments of highly flammable commodities such as crude oil will have on impacted communities and ecosystems, particularly those downline of the Project. Focusing predominantly on wildfires caused by regular railroad operations-e.g., exhaust sparks and hot brake shoe fragments-the analysis in the DEIS completely omits consideration of ignition due to the primary commodity proposed to be shipped, crude oil, which is highly flammable. See DEIS at 3.4-38 - 39. Given that the DEIS itself projects a collision or derailment to occur [italics: within the project area alone] every 3-10 years, DEIS at 3.2-4, and accidents along certain downline routes every 2-4 years, DEIS at 3.2-6, it is unreasonable to fail to consider the potential risk and effect of wildfires caused by the contents of the commodities to be shipped in addition to regular railroad operations. Furthermore, in its analysis of wildfire risks due to the Project the OEA also focuses primarily on the probability of accidents without considering their potential severity. OEA's conclusion that the risk of fire from train accidents is "very low" is based largely on low probabilities relative to other sources of wildfire. See DEIS at 3.4-39. For instance, the DEIS states that "[o]f all the wildfires with a reported cause, approximately 0.5 percent and 0.2 percent of the fires in the lower 48 states and Utah, respectively, were caused by railroads." DEIS at 3.4-13. Although the percentage of wildfires caused by railroads may appear small in comparison to the many causes of such blazes, this statistic fails to measure the size and impact of rail-caused wildfires in remote regions where firefighting crews may have difficulty gaining access. Additionally, the Project would introduce a new causal risk of</p>	<p>Please refer to response to Comment UBR-DEIS-00424-8 above. OEA has revised Section 3.4, <i>Biological Resources</i>, in the Final EIS, to include the most current data regarding wildfire risk along the Action Alternatives, and additional language acknowledging that conditions have been, and potentially will become, drier in the future. Please also refer to Section 3.2, <i>Rail Operations Safety</i>, which provides information on the likelihood of accidents on the proposed rail line and on existing rail lines in the downline study area, as well as information on the types of accidents that could occur (e.g., collisions, derailments, crude oil spills, and fires) and the potential severity of such accidents. OEA's analysis of rail operations safety in that section takes into consideration the commodities that the proposed rail line would likely transport. As discussed in Subsection 3.2.3.2, <i>Impact Comparison between Action Alternatives</i>, OEA predicted that a rail accident resulting in a release (spill) of crude oil would be expected to occur approximately once every 11 years to once every 40 years, depending on the Action Alternative and the level of rail traffic. Based on the estimates that OEA provided in Table 3.2-2, a rail accident involving a loaded rail car would be expected to occur between approximately once a year to approximately once every 3 years, depending on the volume of rail traffic, along the approximate 605 miles of existing rail lines in the downline study area. Assuming that approximately one in four accidents involving loaded trains would result in a release of crude oil of any size, this suggests that a release of crude oil from a train originated on the proposed rail line would be expected to occur between approximately once every 4 years and once every 12 years on rail lines in the downline study area, depending on the volume of rail traffic. As discussed in the Draft EIS, the probability of a large spill, a spill involving multiple rail cars, or an accident involving a fire would be much lower because many concurrent factors would have to be involved.</p>

wildfire to an area where such hazards currently do not exist.	OEA notes that large wildfires caused by railroads are very rare and are not a reasonably foreseeable outcome of a railroad construction project. OEA considers major accidents, such as fires involving loaded rail cars transporting crude oil or cataclysmic wildfires caused by rail operations, to be worst-case scenarios for the proposed rail line. Therefore, it would not be appropriate to assess the impacts of such unlikely events under NEPA. Although OEA typically does not assess downline impacts on biological resources, OEA has revised Section 3.4, <i>Biological Resources</i> , in the Final EIS to address some downline impacts in response to comments. In response to this comment, OEA has added a new table to Subsection 3.4.2, <i>Affected Environment</i> , showing the WHP for each of the segments of existing rail lines in the downline study area. As shown in Table 3.4-9 in the Final EIS and described in the preceding table text, nearly 90% of the combined downline segments' study areas are associated with very low, low, non-burnable, and water WHP classes. OEA has also added language to Subsection 3.4.3, <i>Environmental Consequences</i> , noting that potential impacts related to wildfires in the downline study area would be similar to those described for the study area of the Action Alternatives.
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Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-18)

Comment	Response
In terms of geographic scope, there is no discussion of increased fire risk in downline routes through Colorado in Appendix C, "Downline Analysis Study Area and Train Characteristics", or serious consideration anywhere in the DEIS regarding the downline impact of wildfires. The assumed route to Denver over the UP Moffat Tunnel Subdivision runs adjacent to hundreds of thousands of acres of public lands, including the Colorado National Monument near Grand Junction, the White River National Forest from Palisade through Glenwood Canyon to Dotsero, and the Medicine Bow-Routt and Arapaho Roosevelt National Forests to the East. In 2020, Colorado's historic wildfires ravaged many of these areas.	Please refer to response to Comment UBR-DEIS-00703-17 above. OEA has added a new table to Subsection 3.4.2, <i>Affected Environment</i> , in the Final EIS showing the WHP for each of the segments of existing rail lines in the downline study area. OEA has also added language to Subsection 3.4.3, <i>Environmental Consequences</i> , noting that potential impacts related to wildfires in the downline study area would be similar to those described for the study area of the Action Alternatives.

Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-19)

Comment	Response
In total, the suppression costs for all fires during the 2020 Colorado fire season amounted to well over \$200 million. [Footnote 17: Victoria Carodine, How 2020 Has Affected the Way We Should Manage Forest Fires, 5280, https://www.5280.com/2020/12/how-2020-has-affected-the-way-we-should-manage-forest-fires/	OEA notes the commenter's concerns regarding wildfires. Please refer to the responses to Comment UBR-DEIS-00703-17 and Comment UBR-DEIS-00703-18 above.

<p>(Dec. 15, 2020)] The lack of consideration in the DEIS evaluating how the Project will exacerbate the risk of wildfire, and the ensuing costs to local communities who are most directly affected, is glaring.</p>	
<p>Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-20)</p>	
<p>Comment</p>	<p>Response</p>
<p>The mitigation measures for wildfire in the DEIS are likewise inadequate. OEA concludes that the probability of a major rail accident that could cause a fire would be low if the mitigation measures set forth in the Draft EIS are implemented. OEA recommends requiring the Coalition develop and implement a wildfire management plan in consultation with appropriate state and local agencies, including local fire departments. "The plan should incorporate specific information about operations, equipment, and personnel on the rail line that might be of use in case a fire occurs and should evaluate and include, as appropriate, site-specific techniques for fire prevention and suppression. If OEA's recommended mitigation is implemented, OEA concludes that the impacts of wildfire on vegetation would not be significant." DEIS at 3.4-39. The DEIS's mitigation measures do not take into account the increased risk of wildfire based on climate change. The DEIS ignores the reality that any such response plan may not prevent a fire from spreading quickly under the current high drought conditions in Colorado and Utah, conditions that are predicted to persist and increase due to climate change. In Colorado and Utah, like in other Western states, wildfires over the past few decades have become larger and more frequent, and global climate model projections indicate an increase in the frequency and severity of heatwaves, drought, and wildfires due to climate change warming.</p>	<p>To address concerns regarding the wildfire management plan, OEA has revised mitigation measure BIO-MM-7 in the Final EIS to include a commitment for the wildfire management plan to be reviewed periodically to address potential changing environmental conditions, such as climate change.</p>
<p>Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-21)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS acknowledges the general threat of wildfire but fails to meaningfully or adequately apply this information through analysis. The Discussion of "Wildfire Ecology" within the Project area (DEIS at 3.4-13-15) generally recognizes that Utah suffers from increasing risk of catastrophic wildfires, with an estimate of 800 to 1,000 wildfires every summer, and in 2017 consuming over 200,000 acres in the state. The DEIS states: "In Utah, firefighters suppress 95 percent of wildfires on initial attack, but adverse weather and topography, heavy fuel loads, and urban development all combine to create catastrophic wildfire conditions in the state (Utah Division of Emergency</p>	<p>To address concerns regarding climate-related considerations, OEA has revised Subsection 3.4.3.1, <i>Impacts Common to All Action Alternatives, Vegetation, Operations, Wildfire</i>, in the Final EIS to acknowledge that drier conditions could affect vegetation regrowth and could result in potential fire starts earlier and later in the year and more acreage burned.</p>

<p>Management 2019)." DEIS 3.4-13. OEA also recognizes that the impacts of fire can last many years. "Forest fires along portions of US 191 and Argyle Canyon Road in 2019 have left behind hillsides with few shrubs, little herbaceous vegetation, and charred trunks. Once the forest begins to regrow, [<i>italics: over many years</i>], these areas would provide a partial visual buffer from the proposed rail line." DEIS at 3.12-8 (Emphasis added). However, the DEIS fails to consider the foreseeable implications of these statements or connect them to other data included in the DEIS. For instance, likelihood of drought and wildfire will likely further postpone any regrowth, while the acknowledged vulnerability of the Project area to landslides (see DEIS at 3.57 to 3.5-8) will be exacerbated by the lack of vegetation. Similarly, climate-related considerations addressed in the DEIS are largely limited to air quality assessment, notwithstanding the predicted effect that such warming will have on wildfire risks. See DEIS at 3.7-1, 3.15-27.</p>	
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Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-7)

Comment	Response
<p>Wildlife: The proposed route of the Uinta Basin Railway traverses roadless areas, steep canyons, and rugged terrain, and would affect over 10,000 acres of big game habitat. The U.S. Forest Service has designated some of this area as crucial big game habitat. The railroad route also could impact 1,600 acres of greater sage grouse habitat and places inhabited by the endangered Barnaby ridge-cress.</p>	<p>Please refer to Section 3.4, <i>Biological Resources</i>, which includes information regarding big game/crucial habitat, greater sage-grouse and associated habitat, and special status species, such as the endangered Barneby ridge-cress. OEA notes that construction of the proposed rail line would permanently affect between 1,307 acres and 2,518 acres of big game habitat and would temporarily affect between 2,386 acres and 4,990 acres of big game habitat, depending on the Action Alternative. The numbers reported in Table 3.4-14 (previously Table 3.4-11 in the Draft EIS) in Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives</i>, in the Draft EIS are misleading because many big game species utilize the same habitat areas. Therefore, the reported total affected habitat numbers overcounted permanently and temporarily affected habitat. Accordingly, OEA has revised the table in the Final EIS by removing the totals from the table.</p>

Notes:

EIS = Environmental Impact Statement; OEA = Office of Environmental Analysis; USFWS = U.S. Fish and Wildlife Service; UDWR = Utah Department of Wildlife Resources; USGS = U.S Geological Survey; SGMA = Sage-Grouse Management Area; DWQ = Department of Water Quality; CWA = Clean Water Act; NPDES = National Pollutant Discharge Elimination System; Corps = U.S. Army Corps of Engineers; NEPA = National Environmental Policy Act; GIS = geographic information system; BLM = U.S. Bureau of Land Management; WHP = wildfire hazard potential; ESA = Endangered Species Act; BA = Biological Assessment; BO = Biological Opinion; dBA = A-weighted decibel; PLPCO = Public Lands Policy Coordinating Office; ICCTA = Interstate Commerce Commission Termination Act; U.S.C. = United States Code; MBTA = Migratory Bird Treaty Act

Table T-11. Comments and Responses—Section 3.5, Geology, Soils, Seismic Hazards, and Hazardous Waste Sites

B. Huberty (UBR-DEIS-00010-3)	
Comment	Response
I did not see any snow avalanche impact potential.	<p>Please refer to Subsection 3.5.3.1, <i>Impacts Common to All Action Alternatives, Hazards Associated with Tunnel Construction</i>, which includes information regarding the risk of snow avalanche associated with tunnel construction.</p> <p>To further address concerns regarding snow avalanche, OEA has revised Subsection 3.5.2.1, <i>Geology</i>, in the Final EIS to include a new subsection <i>Snow Avalanche Hazards</i> that provides background and context regarding the risk of snow avalanche. Additionally, OEA has revised Subsection 3.5.3.1, <i>Impacts Common to All Action Alternatives</i>, in the Final EIS to add a new subsection <i>Snow Avalanche</i>. This subsection acknowledges that snow avalanche can occur along steep mountain terrain during or after construction, which could result in damage or injury. OEA is also recommending an additional mitigation measure (GEO-MM-7), which would require the Coalition identify areas with a high risk of avalanches that have the potential to affect the proposed rail line and implement appropriate methods to control the effects of slab avalanches.</p>
Melissa Peck (UBR-DEIS-00380-4)	
Comment	Response
The ventilation system for the tunnel is going to impact the environment. This is -- this is carbon country. There's a lot of gases in the ground and under the surface that they have no idea what's there. That -- that's a huge concern.	<p>Please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i>, which presents information regarding the potential for locomotive exhaust emissions to be ventilated from the tunnel. Subsection 3.5.3.1, <i>Impacts Common to All Alternatives, Hazards Associated with Tunnel Construction</i>, presents information regarding the risk of explosion due to subsurface gases and applicable mitigation, including a requirement for geotechnical investigation.</p> <p>To provide additional clarity regarding the risk of encountering methane deposits during construction in the study area, OEA has revised Subsections 3.5.2.4, <i>Mines, Oil and Gas Fields, and Wells</i>, and 3.5.3.1, <i>Impacts Common to All Alternatives, Hazards Associated with Tunnel Construction</i>, in the Final EIS to note the presence of oil and gas fields in the study area.</p>
Idaho Law (UBR-DEIS-00393-1)	
Comment	Response
The railroad track of the UP railroad system, Union Pacific has a number of locations throughout the west where they put uranium materials as storage	Please refer to Subsection 2.3.4, <i>Materials for Rail Line Construction</i> , which states that the Coalition would use existing, permanent quarries located in

<p>and also as ballast on the railroad tracks. And I'm sure Utah has considerable amounts of it because Arizona made them remove it and so did INL in Idaho on those Short Lines. We would very much not to see that used in any way whatsoever in the Uinta Basin. And since you have the monies, we're also concerned that you actually do the readings on the track ballasts because these things will leach into streams, other ways they get off of the tracks and contaminate a much larger area. Now, this stuff is put on all over the west by the Union Pacific Railroad. Millions of tons are spread out there. And so we're concerned that you in Utah take a closer look at your tracks and where it is and look at removal and in no way spread more of it into the Uinta Basin. My full name is Idaho Law. And I'm a candidate for U.S. Senate, Idaho. And I am a specialist in this area. Thank you for your time and your awareness. And we will take a closer look at the railroad lines in Utah and see what kind of public data has been done by citizen scientists or EPA or anybody else regarding the locations of materials.</p>	<p>Carbon, Duchesne, Uintah, and Utah Counties to obtain and stockpile aggregate and rock materials for track subballast and ballast. The proposed rail line would not be constructed by Union Pacific, and OEA is not aware of the potential for uranium materials to be used as storage or the ballast for the proposed rail line. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Melissa Peck (UBR-DEIS-00402-2)

Comment	Response
<p>It can be scary because you can run into pockets of gas. This is carbon country. And there is -- just a neighbor drilling his well ran into two pockets of gas. There is a lot of potential for danger and fire.</p>	<p>Please refer to response to Comment UBR-DEIS-00380-4 above.</p>

Craig Wallentine (UBR-DEIS-00424-7)

Comment	Response
<p>6) EIS Does Not Adequately Address Long Term Engineering Failure: The SCIC proposal does not adequately address the long term, engineering vulnerabilities of a single line caused by (a) large winter avalanches, (b) landslides and earth movements, (c) flood damage or undermining at the contemplated 400 water crossings, (d) implication of earthquakes in Utah or Colorado that could damage rail infrastructure causing transportation shutdown. These issues are exacerbated by a design that includes inherently vulnerable switchbacks (e.g. double-S) and the long, steep downgrade sections in the mountains that will be transited by fully loaded trains where a slight mishap could accelerate into a major transportation accidents as in Quebec. As you are well aware, many impacted parties in Colorado are already protesting the poorly conceived UIB railway project for its "down-line" safety and environmental impact in their state as well.</p>	<p>Please refer to Section 3.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste Sites</i>, which describes the geology, soils, and seismic hazards, including avalanches, landslides, erosion, and earthquakes, associated with construction and operation of the proposed rail line. Subsection 3.5.3, <i>Environmental Consequences</i>, provides information regarding the potential for impacts related to unstable geological units, mass movement and slumping, unmapped mines, landslides, corrosive soils, and seismically induced liquefaction for each of the Action Alternatives. Section 3.3, <i>Water Resources</i>, describes impacts from flooding, including the risk of cloudburst floods to damage the Action Alternatives.</p> <p>In addition, OEA is recommending mitigation requiring the Coalition conduct geotechnical studies that would address engineering vulnerabilities associated with these hazards (GEO-MM-2 through GEO-MM-5).</p> <p>Please refer to response to Comment UBR-DEIS-00010-3 above regarding changes OEA made in the</p>

	Final EIS to describe potential winter avalanche hazards.
Duchesne County, Mike Hyde (UBR-DEIS-00436-18)	
Comment	Response
Page 3.5-11 Earthquakes {Table 3.5-4}: [Bold: Comment: The notes under this table refer to a footnote (a) but the footnote does not appear within the table.]	OEA has revised Section 3.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste Sites</i> , Table 3.5-4 in the Final EIS to indicate the table content to which the table note refers.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-16)	
Comment	Response
GEOLOGY AND SOILS The DEIS indicates that pre-construction geotechnical investigations would be required in order to identify areas that are at risk of landslide. Such geotechnical investigations should have been performed as part of the development of the DEIS. OEA can only make broad, general assumptions regarding geological hazards without analysis of corresponding geotechnical investigations which have not been performed to date. This is yet one more example of the gross inadequacy and negligence of OEA in issuing the DEIS.	Please refer to Subsection 3.5.2, <i>Affected Environment</i> , which describes the baseline conditions for geology, soils, seismic hazards, and hazardous waste sites, including descriptions and maps of areas at risk for landslides. The analysis in this subsection is based on preliminary engineering provided by the Coalition and publicly available information regarding the geologic conditions of the study area. The level of baseline geotechnical information used for the analysis is typical of projects at the EIS phase and is adequate to allow a comparison of the potential impacts of the Action Alternatives, to identify significant and unavoidable potential environmental impacts of the proposed rail line, and to inform the Board's decision on whether to authorize the proposed rail line. OEA's mitigation measures (see Chapter 4, <i>Mitigation</i>) include a requirement that the Coalition conduct geotechnical investigations during the final engineering and design phase for the proposed rail line. Preconstruction geotechnical investigations are appropriate during the final engineering and design phase because the precise locations of engineering features and site-specific construction methods would not be known before that phase. OEA's recommended mitigation measures would also require the Coalition implement appropriate site-specific measures to address geologic hazards identified during the geotechnical investigations.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-17)	
Comment	Response
HAZARD WASTE SITES The DEIS mentions only active and abandoned oil and gas well sites. It completely ignores the high probability of explosive gases and pockets that will undoubtedly be encountered during tunnel construction. Such hazards pose a threat to both construction personnel as well as residents in Argyle Canyon. OEA has not performed any studies or site surveys to identify these hazards, and in so doing fails to provide a clear and accurate picture of the potential risks that will accompany tunnel construction, but	Please refer to response to Comment UBR-DEIS-00380-4 above.

<p>since it will only be private property owners who would largely be affected OEA once again shows its lack of concern for the public and private property owners, whose health and safety appear to be trivial.</p>	
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-56)	
Comment	Response
<p>The geology and soils along the Action Alternatives are incompatible with the successful construction and subsequent operation of a railway, particularly a railway hauling heavy loads of crude oil which will be the primary commodity on the railway. The soils liquify and become severely unstable during heavy precipitation events. The high salinity of the soils contributes to massive erosion. The railway will be constantly operating under the threat, risk, and danger of landslides, particularly after the massive cuts and fills and earthwork that will be required along both of these routes. Natural vegetation frequently cannot control significant landslides and mudslides in the area, for anyone to assume that man-made erosion control measures will perform better or adequately is simply preposterous. Approval of any of the Action Alternatives due to the risks of landslides, mudslides, falling rocks and boulders, seismic events, etc. will be problematic at best and in all likelihood will be a precursor to future major disasters.</p>	<p>Please refer to Subsection 3.5.2.1, <i>Geology, Landslide Hazards</i>, which provides information regarding the risk of landslide, including the role of intense precipitation and seismic activity in actuating landslide, that was provided previously in the Draft EIS. No changes to the Draft EIS are warranted in response to this comment.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-57)	
Comment	Response
<p>There are also numerous risks that will be encountered during construction of any of the Action Alternatives. All of these routes require 3+ mile-long tunnels through a mountain that is likely to contain explosive methane gas and other flammable hydrocarbons similar to those that caused the July 31, 2000 Willow Creek Mine Disaster, [Footnote 24: https://usminedisasters.miningquiz.com/saxsewell/willow_creek_2000.pdf] a mere 9 miles southwest of the proposed tunnels for the Indian Canyon and Wells Draw Routes. OEA should require extensive exploration and geologic study of the proposed tunnel locations in order to completely and sufficiently understand the anticipated, possible, and probable hazardous conditions that will accompany tunnel construction. One landowner recently encountered several pockets of gasses while drilling a water well within 1.6 miles of the proposed south tunnel portals (approximate location 39.84525, -110.76194).</p>	<p>Please refer to response to Comment UBR-DEIS-00380-4 above.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-58)	
Comment	Response
Utah has long been an area with significant seismic activity. Due to the unstable soils and geology in the area the potential for catastrophic failure and likely resultant train derailments and spills due to seismic events must be considered by OEA. There are also at least two slide areas/fault lines which the railway will traverse on both the Indian Canyon and Wells Draw Routes, located at approximately 38.83202, -110.78620 and 39.84168, -110.75882. Both of these areas clearly exhibit earth movement and continual sliding, which will be extremely problematic for the construction and ongoing viability and stability of a railway.	Please refer to Subsection 3.5.2.3, <i>Seismic Hazards, Earthquakes</i> , which includes information regarding seismic activity in the study area. Section 3.2, <i>Rail Operations Safety</i> , Section 3.3, <i>Water Resources</i> , and Section 3.4 <i>Biological Resources</i> , discuss impacts related to risk of accidents and spills of potentially hazardous materials during construction and operation of the proposed rail line. OEA reviewed the coordinates provided in the comments and did not identify any faults at these locations based on the Utah Geological Survey quaternary faults database (UGS 2020c), which OEA used to identify faults in the Draft EIS. The coordinates do correspond to a deep or unclassified landslide (Weiss 1990). Subsection 3.5.2.1, <i>Geology, Landslide Hazards</i> , includes information regarding landslide hazards in the study area. Please also see Chapter 4, <i>Mitigation</i> , which sets forth OEA's recommended mitigation related to mass movement and other geologic hazards. OEA concludes that, if OEA's recommended mitigation measures are implemented, impacts related to seismic hazards would not be significant. Therefore, no changes to the Draft EIS are warranted in response to this comment.
Center for Biological Diversity et al., Wendy Park (UBR-DEIS-00683-18)	
Comment	Response
The DEIS Fails to Analyze the Project's Geotechnical Impacts. The DEIS fails to present an adequate baseline for assessing geotechnical aspects of the proposal, thereby making it impossible to reasonably conclude that the geotechnical impacts of the project will not be significant. Rather than establish the necessary baseline data, the DEIS errs in providing for further investigation of geotechnical conditions as post-approval mitigation measures, thereby presupposing that the results of these investigations will not result in the discovery of significant and unmitigable impacts. "NEPA aims (1) to ensure that agencies carefully consider information about significant environmental impacts and (2) to guarantee relevant information is available to the public.... The use of mitigation measures as a proxy for baseline data does not further either purpose." Northern Plains Council v. STB, 668 F.3d 1067, 1072 (9th Cir. 2011).	Please refer to response to Comment UBR-DEIS-00591-16 above.
Center for Biological Diversity et al., Wendy Park (UBR-DEIS-00683-20)	
Comment	Response
The DEIS's mitigation measures calling for further post-approval geotechnical investigation of	Please refer to response to Comment UBR-DEIS-00591-16 above. Please also refer to Subsection

<p>identified risks to human health and the environment constitute precisely the same sort of impermissible deferral of environmental analysis observed by the court in Northern Plains. Rather than adequately assessing the potential effects of unstable geological soils and bedrock subject to mass movement or slumping, unmapped mines and landslide areas, high corrosivity soils, and soils at higher risk of seismically induced liquefaction, all of which are reasonably foreseeable risks that are actually foreseen by OEA, the OEA calls for identification of these risks [italics: after] approval. OEA offers these investigations as mitigation measures, even though identifying these effects will do nothing to mitigate them. These measures presuppose the project's approval, even though the effects of the project are not understood because the requisite data has not yet been collected. Moreover, OEA has provided no reason for why these investigations cannot be conducted prior to approval. Accordingly, OEA must require that these investigations be conducted prior to approval, rather than as post-approval mitigation measures. The potential direct impact of landslides, erosion, and unstable soils on railroads is far from theoretical. In 1983, a landslide in Thistle, Utah created a natural dam that blocked a rail line. As a result, Utah's State Hazard Mitigation Plan notes, "[t]he Marysvale branch of the Denver and Rio Grande Railroad was never reopened, leaving a large area of central Utah without rail service." [Footnote 26: Utah Department of Public Safety, Division of Emergency Management, 2019 Utah State Hazard Mitigation Plan, at 146 (2019), available at: https://hazards.utah.gov/wp-content/uploads/Utah-State-Hazard-Mitigation-Plan-2019.pdf.] The EIS must be revised to disclose existing geological hazards in the project area.</p>	<p>3.5.3, <i>Environmental Consequences</i>, which provides information regarding the potential for impacts related to unstable geological units, mass movement and slumping, unmapped mines, landslides, corrosive soils, and seismically induced liquefaction for each of the Action Alternatives. Chapter 4, <i>Mitigation</i>, sets forth the Coalition's voluntary mitigation measures and OEA's additional recommended mitigation measures for addressing impacts related to geology, soils, and seismic hazards. These mitigation measures would require the Coalition conduct detailed geotechnical investigations during the final engineering and design phase for the proposed rail line and to implement appropriate site-specific measures to address geologic hazards identified during the geotechnical investigations. As set forth in OEA's recommended mitigation measures, site-specific measures could include, as appropriate, implementing engineering controls to avoid mass movement or slumping, stabilizing areas where unmapped mines are identified, replacing soils with high corrosivity with noncorrosive engineered soils, and replacing soils subject to liquefaction with engineered soils that are not prone to liquefaction. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Notes:

EIS = Environmental Impact Statement; OEA = Office of Environmental Analysis; SCIC = Seven County Infrastructure Coalition or Coalition

Table T-12. Comments and Responses—Section 3.6, Noise and Vibration

Duchesne County, Mike Hyde (UBR-DEIS-00436-19)	
Comment	Response
<p>Section 3.6 Noise and Vibration: [Bold: Comment: It may be worth noting that if the railway reduces or eliminates crude oil tanker truck traffic on US 191, there will be a decrease in noise along the highway due to the reduction in truck traffic.]</p>	<p>To address this comment, OEA has added language to Subsection 3.6.3.1, <i>Impacts Common to All Action Alternatives</i>, in the Final EIS noting that truck traffic could decrease on some roadways if the proposed rail line were authorized, which could reduce noise on those roadways.</p>

Duchesne County, Mike Hyde (UBR-DEIS-00436-70)	
Comment	Response
<p>Page 4-8 Noise and Vibration: VM-53. The Coalition, in consultation with [bold and underline: local counties and] the Ute Indian Tribe, will comply with FRA regulations (49 Code of Federal Regulations [C.F.R.] Part 210) establishing decibel limits for train operation.</p>	<p>This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to the voluntary mitigation measures proposed by a railroad applicant. To address the comment, OEA has revised OEA's recommended mitigation measures NV-MM-1 and NV-MM-3 in the Final EIS. As revised, the mitigation measures would require the Coalition consult with appropriate local and tribal agencies regarding the minimization and mitigation of noise impacts on sensitive noise receptors during construction and operation of the proposed rail line (see Chapter 4, <i>Mitigation</i>).</p>
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-8)	
Comment	Response
<p>3.6 Noise and Vibration: There is inadequate baseline provided. There has been no inventory of the natural quiet found in the project area. In addition to dBA sound levels, the inventory should include three octave analysis to quantify tonal, percussive and low frequency noise. Noise studies should take place on sensitive cultural sites, particularly 42DC2864. Noise has the potential to negatively impact the settings for cultural sites. The analysis should focus on those sites. Also consider periods of natural quiet under various rail traffic scenarios</p>	<p>OEA's environmental regulations at 49 C.F.R. § 1105.7e(6) do not require measurement of ambient noise levels. Nevertheless, OEA conducted ambient noise measurements at representative noise-sensitive locations in the study area to establish a baseline for determining noise impacts (see Subsection 3.6.2.1, <i>Project Study Area</i>). OEA also obtained noise frequency data from each measurement location. The dBA noise data included in the Draft EIS is an appropriate summary of the baseline noise conditions.</p> <p>As discussed in Section 3.9, <i>Cultural Resources</i>, OEA and consulting parties have executed a PA specifying how compliance with Section 106 of the National Historic Preservation Act will proceed (see Appendix O, <i>Programmatic Agreement</i>). Stipulation VII of the PA discusses how effects on historic properties, which may include noise impacts, would be assessed. Pursuant to Stipulation VIII, consulting parties will have the opportunity to review and comment on all technical work conducted under the PA. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-8)	
Comment	Response
<p>WAYSIDE NOISE OEA appears to only evaluate wayside noise impacts on permanent residences. OEA is derelict in its duties by deliberately choosing to ignore the substantial and significant noise impacts to the otherwise quiet, serene, virtually silent Argyle Canyon, Avintaquin Canyon, Indian Canyon, and Ashley National Forest Roadless Areas. While most of us in these areas are not permanent residents, the wayside noise from construction, blasting for tunnel construction, and consistent</p>	<p>Please refer to response to Comment UBR-DEIS-00591-19. Please also refer to Subsection 3.6.1, <i>Analysis Methods</i>, which describes how OEA identified noise-sensitive receptors (e.g., residences). In identifying sensitive receptors for the noise and vibration analysis, OEA did not make a distinction between permanent and nonpermanent residences. OEA identified any structure resembling a house, cabin, or other type of</p>

<p>passing trains on the proposed railway will have a permanent, negative, devastating effect on part-time residents, recreationalists, and wildlife in these areas. Adequate mitigation measures do not exist which would effectively limit or eliminate wayside noise in these areas. OEA is derelict in its responsibility to identify, quantify, and ensure adequate mitigation for wayside noise on all areas and all parties who will be affected by the UBR.</p>	<p>residential structure as a noise-sensitive receptor. The Mitigation Analysis section of Appendix L, <i>Noise and Vibration Analysis Methods</i>, evaluates the feasibility of several mitigation options where noise levels from operations (horn and wayside noise) would exceed OEA’s noise thresholds. OEA’s recommended mitigation measure NV-MM-4 and the Coalition’s voluntary mitigation measure VM-53 would minimize impacts from train operations along the proposed rail line. OEA’s recommended mitigation measure NV-MM-3 would require the Coalition install noise insulation for sensitive receptors that would experience an increase in noise levels that would exceed the Board’s thresholds, as appropriate and feasible. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-18)

Comment	Response
<p>CONSTRUCTION NOISE OEA fails to identify specific construction noise levels and their associated impacts on nearby residents and private property owners in the DEIS, instead deferring to the Coalition to develop a construction noise and vibration control plan. Who will be responsible for evaluating the Coalition's plan for accuracy and completeness, and who will verify that the Coalition's proposed mitigation measures actually adequately minimize construction noise? Who will monitor construction noise throughout the course of the project? The DEIS is silent on these matters.</p>	<p>OEA conducted a construction noise and vibration analysis in accordance with FRA and FTA procedures. This method evaluates construction noise and vibration levels at the nearest noise-sensitive receptors. The analysis found that construction noise and vibration would not exceed FTA criteria. OEA is recommending mitigation requiring the Coalition prepare a detailed construction noise and vibration monitoring plan (NV-MM-1), which will provide updated construction activity data not available during the EIS phase. OEA has revised the recommended mitigation measure to clarify that this plan would be developed and implemented in consultation with appropriate local and tribal agencies and with the approval of OEA.</p>

Argyle Wilderness Preservation Alliance (UBR-DEIS-00591-19)

Comment	Response
<p>After reading this section of the DEIS it is readily apparent that OEA completely ignored every resident in Argyle Canyon. The value and quiet enjoyment of these isolated mountain recreational properties will forever be negatively impacted by noise and vibration from passing trains. OEA's conclusion that vibration impacts will not be significant is categorically false.</p>	<p>As described in Subsection 3.6.1, <i>Analysis Methods</i>, OEA analyzed noise and vibration impacts along the full extent of the Action Alternative alignments, including within residential areas in and around the Argyle Canyon area. Appendix L, <i>Noise and Vibration Analysis Methods</i>, Figures L-4, L-5, and L-6 show the modeled noise contours for each Action Alternative and location of sensitive receptors in the study area. Residential communities in the Argyle Canyon area are shown on Sheets 2 and 3 for the Indian Canyon Alternative (Figure L-4), Sheets 2 and 3 for the Wells Draw Alternative (Figure L-5), and Sheet 3 for the Whitmore Park Alternative (Figure L-6). OEA's analysis of operational noise impacts found that one residence south of Argyle Canyon could experience noise levels exceeding OEA’s noise threshold for the</p>

	<p>Indian Canyon Alternative and the Wells Draw Alternative. No residences in this area would experience noise levels exceeding OEA’s noise thresholds under the Whitmore Park Alternative. Section 3.11, <i>Land Use and Recreation</i>, discusses potential impacts of the proposed rail line on recreation in the study area, including noise impacts.</p> <p>OEA followed FTA guidelines to analyze vibration impacts from construction and operations. OEA determined that vibration from construction and operation would not exceed thresholds for building damage or human annoyance at any sensitive receptors, including sensitive receptors in the Argyle Canyon area, for any of the Action Alternatives. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-42)

Comment	Response
<p>Argyle Canyon and South Argyle are off-grid, cabin and recreational property communities. These parcels consist of pristine high-elevation mountain lots generally 10 acres in size or larger. These communities are heavily forested with several species of pine trees, quaking aspens, and other high- elevation flora. The primary draw of these communities is the peace, quiet, solitude, and seclusion offered by this area. Indeed, it is the peace and quiet enjoyment from which these properties draw their intrinsic value. Construction of any of the Action Alternatives for the UBR will disrupt and destroy the peace, tranquility, and quiet enjoyment of the residents of these communities. Indeed, properties which are several miles away from the proposed routes through these mountainous areas will nevertheless be significantly impacted by noise, vibration, and dust during railway construction and tunnel boring. Massive amounts of earthwork with heavy equipment will be required to perform the extreme cuts and fills required to traverse such difficult terrain. Property values in these areas have already plummeted due to the UBR proposal, and will continue to fall in the event that the STB approves any of the Action Alternatives. Such noise and vibration during construction and subsequent railway operation, in mountainous terrain such as this, will not be able to be adequately mitigated or avoided. Property owners whose land is near, but not directly within, the UBR rights-of- way will be rendered valueless, and owners will be unjustly impacted and devoid of compensation.</p>	<p>Please refer to response to Comment UBR-DEIS-00591-19 above. Please also refer to Subsection 3.6.3, <i>Environmental Consequences</i>, which describes noise and vibration impacts on sensitive receptors from construction and operation of the proposed rail line and mitigation measures that would minimize impacts. OEA concludes that, even with implementation of mitigation measures, increases in noise in the project study area, including at sensitive noise receptors, would be unavoidable during rail operations. OEA also concludes that construction activities would not result in noise levels at sensitive receptors that would exceed FTA criteria.</p> <p>Please also refer to Section 3.13, <i>Socioeconomics</i>, which describes how noise impacts could diminish the value of areas near the rail line and disrupt residents in rural settings that generally have lower levels of background noise, thereby affecting their quality of life. Determining potential changes in property values for properties adjacent, but not directly affected by the proposed rail line, would be speculative and is not necessary to inform the Board’s decision on whether to authorize the proposed rail line. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-43)	
Comment	Response
The Argyle Canyon, Indian Canyon, and South Argyle Communities will also forever be negatively impacted by resultant noise and vibration after construction - during railway operation. The associated noise of multiple locomotives, which will be required to traverse the maximum grades anticipated along the Action Alternatives, coupled with the squeaks and squeals of hundreds of railcar wheels, combined with locomotive whistles and warning noises, will reverberate through these canyons and through these communities at all hours of the night and day.	Please refer to response to Comment UBR-DEIS-00591-19 above. Please also refer to Subsection 3.6.3, <i>Environmental Consequences</i> , which describes noise and vibration impacts on sensitive receptors from construction and operation of the proposed rail line, including horn and wayside noise, and mitigation measures that would minimize impacts. OEA agrees with the commenter that, even with implementation of mitigation measures, increases in noise in the project study area, including at sensitive noise receptors, would be unavoidable during rail operations. Therefore, no changes to the Draft EIS are warranted in response to this comment.

Notes:

OEA = Office of Environmental Analysis; EIS = Environmental Impact Statement; FRA = Federal Railroad Administration; C.F.R. = Code of Federal Regulations; PA = Programmatic Agreement; APE = area of potential effects; FTA = Federal Transit Administration; dBA = A-weighted decibels; DNL = average day-night sound level; Board = Surface Transportation Board

Table T-13. Comments and Responses—Section 3.7, Air Quality and Greenhouse Gases

Tim McDonald (UBR-DEIS-00119-3)	
Comment	Response
As far as the air quality goes that is blown in from the Wasatch front.	Please refer to Subsection 3.7.2, <i>Affected Environment</i> , which includes information regarding existing air quality in the study area. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Colorado Department of Public Health and Environment, Richard Coffin (UBR-DEIS-00188-3)	
Comment	Response
The downline study includes air quality impacts analysis for the DM/NFR air quality nonattainment area. Significant portions of this area are also designated as maintenance areas for PM ₁₀ and carbon monoxide (CO). The downline study distinguishes between 4 segments and a portion of the Kyune to Denver segment located within the DM/NFR, however, analysis for each segment is not included in the DEIS. For greater transparency, STB should include an emissions analysis for each segment in the DM/NFR. Even when parsed into different segments within the DM/NFR, the Clean Air Act General Conformity de minimis thresholds for NO _x and CO are exceeded. Because this project will result in increased emissions throughout the DM/NFR, total emissions for all of the segments	The Draft EIS presented emissions for each downline segment that would have emissions that could exceed the thresholds. OEA considers estimation of emissions on segments with rail traffic that would exceed the thresholds to be sufficient to characterize the downline impacts of a project.

<p>should be disclosed and considered for the applicable nonattainment and maintenance areas.</p>	
<p>Colorado Department of Public Health and Environment, Richard Coffin (UBR-DEIS-00188-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS states that unlike construction emissions, locomotive emissions during rail operations are not subject to the General Conformity Rule because STB does not exercise continuing program control over rail operations. We note that STB has broad authority to require mitigation measures over both rail construction and continuing operations and the Board has a history of including such requirements in project plans. In fact, the Uinta Basin Railway DEIS includes mitigation requirements for rail operations and maintenance. If project approval is contingent upon compliance with mitigation requirements for rail operations and maintenance, STB has a level of continuing program control over ongoing rail operations. Therefore a General Conformity determination should be completed for the project's indirect emissions in the DM/NFR. We recommend STB exercise its authority to initiate mitigation requirements for downrail operations, in addition to an adaptive management program. The adaptive management program would stipulate that if any segment of the downrail system sustains an increase of a pre-specified number of average daily trains for a pre-designated period of time, a re-evaluation of the impacts of the increased traffic volume would be triggered and appropriate mitigations would be enacted.</p>	<p>As stated in Subsection 3.7.3.2, <i>Impact Comparison between Action Alternatives</i>, locomotive emissions during rail operations are not subject to the General Conformity Rule because the Board does not exercise continuing program responsibility over rail operation emissions and would not exercise such control over the operation of the proposed rail line. OEA notes that the Board can only impose mitigation conditions that are consistent with its statutory authority over rail transportation by rail carriers under the Interstate Commerce Act, as amended by the ICCTA. Accordingly, any conditions the Board imposes must relate directly to the transaction before it, must be reasonable, and must be supported by the record before the Board. In this proceeding, the Board's power to impose mitigation extends only to the Coalition, as the railroad applicant, and to potential impacts that could be caused by the Coalition's proposed rail line. Therefore, the Board could not impose mitigation on owners or operators of existing rail lines downline of the proposed rail line as part of the Board's decision on the Coalition's proposed construction and operation. OEA notes that emissions from locomotives are subject to regulation by USEPA. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>Colorado Department of Public Health and Environment, Richard Coffin (UBR-DEIS-00188-5)</p>	
<p>Comment</p>	<p>Response</p>
<p>Further, under NEPA requirements, the mitigation measures discussed in an EIS must cover the range of impacts of the proposal. If a proposal is considered "significant," such as the Uinta Basin Railway proposal, all of its specific effects on the environment (whether or not "significant") must be considered and mitigation measures must be developed where it is feasible to do. Therefore the EIS should address mitigation measures in the DM/NFR. The DM/NFR is designated as a "marginal" nonattainment area under the 2015 ozone National Ambient Air Quality Standards (NAAQS) and was recently designated as a "serious" nonattainment area under the 2008 ozone NAAQS. Considering the area has failed to attain ozone NAAQS, any increase in emissions in the DM/NFR is significant. The emissions associated with this proposal would contribute to NAAQS violations and delay timely attainment of the NAAQS in the area. In</p>	<p>Please refer to response to comment UBR-DEIS-0188-4 above.</p>

<p>addition to addressing ozone emissions, Colorado has statewide greenhouse gas (GHG) reduction goals of 26% by 2025, 50% by 2030, and 90% by 2050 (based on 2005 levels). Mitigation measures, such as anti-idling programs, replacement of DM/NFR old switch locomotives, and use of electric equipment when feasible, will help us achieve these goals.</p>	
Neurology Dept, University of Utah, Christopher Jones (UBR-DEIS-00332-2)	
Comment	Response
<p>My extended neighborhood relies on ground water. The global warming that the railway will contribute to already appears to me to be associated with the dwindling surface water as manifested by a bone-dry main canyon creek for several of the last few years. Even with a small number of ground-water monitoring wells still available, the hydrology of our canyon is much debated. Subjectively though, the last 35 years of watching our canyon dry up leaves no doubt that our canyon is indeed drying up. It comes as no surprise then that our canyon is now at increased risk of large and intense forest fires according to the mayor (Joe Smolka) of Salt Lake County Emigration Township.</p>	<p>To address concerns regarding global warming, OEA included an additional discussion of climate change, including water availability, in Subsection 3.7.2.6, <i>Climate</i>, in the Final EIS.</p>
Craig Wallentine (UBR-DEIS-00425-9)	
Comment	Response
<p>8) EIS neglects to accurately describe the actual environmental impact of the railway. The "effective" right of way is much greater than what is proposed in the documents as rail traffic, pollution, maintenance impacts and wildfires will destroy a wider swathe than the basic assumptions made in the proposal especially in steep and rocky terrain that is hard to manage. The EIS also speaks very little as to the impact on the High Uinta Wilderness area so treasured by Utah residents and subject to a massive increase in pollution caused by this project.</p>	<p>Please refer to Subsection 3.7.1.1 <i>Study Area</i>, which describes the study areas for air quality impacts, including the regional study area, which encompasses the area within 100 kilometers of the proposed rail line. The study areas for rail operations safety impacts, impacts from maintenance activities on biological resources, and wildfire impacts are defined in Section 3.2, <i>Rail Operations Safety</i>, and Section 3.4, <i>Biological Resources</i>. Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> in Section 3.15, <i>Cumulative Impacts and Appendix M, Air Quality Emissions and Modeling Data</i>, provide anticipated pollutant levels in the study area (including the High Uinta Wilderness area) in comparison to health-based NAAQS and Air Quality Related Values under the Clean Air Act. Sections 3.2, <i>Rail Operations Safety</i>, and 3.4, <i>Biological Resources</i>, provide detailed information on impacts on rail traffic, and biological resources and wildfires, respectively. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

David Pedersen (UBR-DEIS-00428-2)	
Comment	Response
<p>The railroad locomotives themselves are also problematic. Despite the dubious claims that only the cleanest locomotives will be used, there is ample evidence to suggest that such locomotives are actually anything BUT clean, and that's IF they meet the emissions standards for their engines' manufacturing year(s). When you consider the particulate-matter spikes created by D.P.F. regenerations and the excess ammonia spewed into the air courtesy of the S.C.R. systems, it is obvious that the "clean locomotives" excuse is dangerously invalid. Even California is struggling to get their locomotive emissions under control (does Utah really want to become another California?!)</p>	<p>OEA notes that the air quality analysis described in the Draft EIS did not assume that only the cleanest or lowest-emitting locomotives would operate on the proposed rail line. Rather, consistent with past practice in railroad construction cases, OEA estimated emissions using national average emissions rates projected by USEPA for trains in long-haul service on Class I railroads, as discussed in Appendix M, <i>Air Quality Emissions and Modeling Data</i>, Attachment I, <i>Modeling Protocol</i>. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-1)	
Comment	Response
<p>The concerns outlined below reduce the reliability of the modeled air quality impact projections and the EIS's impact conclusions. We recommend updating the model runs using the recommendations provided below to improve the quality and usefulness of the air quality modeling analysis.</p>	<p>OEA consulted extensively with USEPA throughout the NEPA process. OEA provided USEPA the opportunity to review and comment on OEA's proposed air quality methodology early in the process and also provided USEPA several opportunities to review and comment on draft versions of OEA's Air Quality Impact Assessment Modeling Protocol prior to the issuance of the Draft EIS. Although USEPA was not a Cooperating Agency for the EIS, OEA invited USEPA staff, including USEPA air quality specialists, to participate in biweekly Cooperating Agency meetings and organized additional coordination meetings with USEPA, as documented in Chapter 5, <i>Consultation and Coordination</i>. OEA also provided USEPA with administrative drafts of the Draft EIS and Final EIS and requested comments on those documents from USEPA in advance of issuing the Draft EIS and the Final EIS. During the preparation of the Draft EIS, OEA adopted many of the recommendations of USEPA related to the air quality analysis, including recommendations related to OEA's air quality modelling effort. In addition, in response to USEPA's public comments on the Draft EIS, OEA has rerun the air quality modeling and incorporated many of USEPA's additional recommendations. Changes to the modeling procedure are reflected in the revised Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>. OEA has also revised the protocol to include additional explanation and clarification as requested by USEPA.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-2)	
Comment	Response
<p>We recommend including a monitoring and adaptive management plan in the Final EIS and Record of Decision. Addressing the modeling issues and reassessment of impacts in the Final EIS would inform STB on the level and scope of adaptive management and monitoring necessary to ensure protection for tribal and environmental justice communities along the rail line. Adaptive management would be based on a short-term air quality monitoring program in the most likely affected residential areas and provide adaptive actions to ensure human health is protected for any affected individuals. We offer our assistance in designing an effective monitoring strategy. If the model is not updated for the Final EIS, we also offer recommendations below for identifying in Chapters 3 and 4 the technical issues and limitations associated with the air quality assessment to inform decision makers and stakeholders about the potential uncertainty in the air quality impact projections.</p>	<p>The Board does not exercise continuing program responsibility over rail operation emissions and would not exercise such control over the operation of the proposed rail line. Therefore, it would be inappropriate to require a monitoring and adaptive management plan for railroad operations. Therefore, OEA has not included a monitoring and adaptive management plan in the Final EIS. In response to EPA's comments, OEA has updated the air quality dispersion modeling. Please refer to the updated modeling protocol in the Final EIS at Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>
U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-3)	
Comment	Response
<p>Air Quality Modeling Configuration and Input Assumptions Modeled Emission Rates (Appendix M, Modeling Protocol, Section 3.1.2 and Table 3): This section notes that modeled emission rates were based on average fleet emissions. We continue to recommend using an emission rate for a typical train rather than the fleet average. While fleet average emission factors are useful to project total pollutants over large areas and long time periods, the use of fleet average emission factors for short term, near-field modeling will not capture impacts from a train that could be operating and be a lower tier (and higher emission rate) than the future year fleet average.</p>	<p>Please refer to the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>, for an explanation of OEA's use of average fleet emissions to model emissions rates. As discussed in the protocol, railroads move locomotives where needed to meet freight shipping demand and would not dedicate specific locomotives to the proposed rail line. Potentially any line-haul locomotive in the rail line operator's fleet could be assigned to pull a project train. Thus, a fleet average emissions rate is the most appropriate approach to estimating locomotive emissions. Use of fleet average emissions is standard practice in mobile source emissions modeling and is used in state implementation planning and EIS documents because the fleet mix provides a realistic estimate of emissions. Depending on the make-up of the operator's fleet, a train could potentially be pulled by only lower-tier, higher-emitting locomotives. However, modeling such a train would assume that that the higher-emitting trains would operate simultaneously with the occurrence of meteorological conditions that are not conducive to</p>

	<p>pollutant dispersion, and that this scenario occurs often enough to generate the number of exceedances necessary to define a modeled violation. OEA believes that this outcome would be a worst-case scenario, and NEPA does not require analysis of worst-case scenarios. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-4)

Comment	Response
<p>Application of Emission Rate Factors in AERMOD Input Files: Based on our review of the available AERMOD input files, we found that emission rate factors for individual sources were included in all the model simulations, except for the Bear Claw PM_{2.5} model simulations. We recommend providing information to explain the various emission rate factors used in the model simulations. We also recommend providing information to explain the basis for excluding the emission rate factors in the Bear Claw PM_{2.5} simulation or updating the model simulation to include the appropriate emission rate factors.</p>	<p>In response to this comment, and to provide clarity by eliminating the need for post-processing results, OEA has rerun the air quality modeling using PM_{2.5} emissions factors for the Bear Claw model simulation. This change is reflected in the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-5)

Comment	Response
<p>Release Parameters Specified in AERMOD Input Files (Appendix M, Modeling Protocol, Table 2): It appears that incorrect release parameters are used in some of the model simulations based on our review of the available AERMOD input files. In particular, the daytime release height for the PM_{2.5} Bear Claw model simulation does not align with Table 2. Further, the daytime (N8) initial sigma-z for the PM_{2.5} and NO₂ Switchbacks model simulations do not align with Table 2. We recommend providing information to explain why the values do not align with Table 2 or updating the model simulations to include the appropriate values.</p>	<p>In response to this comment, OEA has rerun the air quality modeling using the correct daytime release height of 12 meters for the PM_{2.5} Bear Claw model simulation. This change is consistent with the value shown in Table 2 in the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-6)

Comment	Response
<p>Vertical Dispersion Assumptions (Appendix M, Modeling Protocol, Section 3.1.2): The vertical dispersion assumptions (i.e., release height, plume rise, and sigma-z) attempt to follow a methodology outlined in another railway project (i.e., "CARB 2004 Report"). While the methodology outlined in the CARB 2004 Report appears to be adequate, the values presented in Table 2 of this section do not appear to align with the proposed methods and CARB 2004 Report. Further, some values in Table 2 (i.e., Notch 5 and Notch 8) do not appear to be</p>	<p>In response to this comment, OEA has revised the Air Quality Impact Assessment Modeling Protocol to include additional explanation of the assumptions used in the air quality modeling. The revised protocol is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

<p>representative for typical conditions and may be too high, which will equate to the concentrations being too dispersive, generating under-predictions. We recommend adding information to this section to address the following bullets and to verify the values included in Table 2 and the model input files. The additional information will assist in understanding the representativeness and accuracy of the values and ensure that the assumptions will not cause under-predictions.</p>	
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U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-7)

Comment	Response
<p>Alternatively, we recommend using methods and values that are more consistent with the CARB 2004 Report to represent the vertical dispersion assumptions. Note that future plume rise calculations should be based on AERSCREEN instead of SCREEN because AERSCREEN has replaced SCREEN and is the most accurate and preferred screening tool in the modeling community.</p>	<p>In response to this comment, OEA has revised the Air Quality Impact Assessment Modeling Protocol to include additional explanation of OEA’s use of SCREEN. The revised protocol is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-8)

Comment	Response
<p>Turbulent Mixing Assumption (Appendix M, Modeling Protocol, Section 3.1.2): Modeled emission sources were assumed to have a width of nine meters, which is the width of the train plus three meters on either side, to allow for turbulent mixing from a moving train. Turbulent mixing and the additional six meters are not appropriate assumptions for this situation. For instance, turbulent mixing is commonly assumed and accounted for when modeling vehicles because the emissions are released below the vehicle (i.e., from tailpipes) and the emissions from one vehicle are likely to mix with or cross the pathway of emissions from another vehicle. In this case, the emissions are released vertically from the top of a train and the likelihood of emission pathways from trains mixing is low. Turbulent mixing may double-count the dispersion characteristics for these types of sources because plume rise is being considered in the stack parameter assumptions. We continue to recommend excluding the turbulent mixing assumptions for this project.</p>	<p>In response to this comment, OEA has rerun the air quality modeling using actual (rather than unit) emission rates for both PM2.5 and NO2 to provide greater clarity in postprocessing the results. This change is reflected in the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p> <p>As explained in the Modeling Protocol, OEA modeled emissions sources as a set of area sources with a width of 9 meters, which is the width of the train (10 feet) + 3 meters on either side to allow for turbulent mixing from a moving train. Three meters per side, a value typically assumed when modeling highway vehicles, reflects several factors that affect turbulent mixing. The front of a locomotive typically presents a large, blunt profile with respect to aerodynamic drag, and this will result in generation of turbulence as the air is pushed aside by the train. Some additional turbulence is generated by protruding equipment on the cars and the gaps between the cars. A long freight train with multiple locomotives usually will have one or more of its locomotives at the rear of the train. The rear of a locomotive is not streamlined and will create a turbulent wake immediately behind the train that will affect the dispersion of exhaust emitted from the top of the locomotive, likely similar to the way the wake created by a heavy trailer truck affects the dispersion of emissions from its high-mounted</p>

	<p>exhaust. The air that is dragged by the train, due to the viscosity of the air, is known as slipstream. This phenomenon can cause wind gusts and creates both near and far field wake regions. The near field wake depends on the shape of the train but can create rotating vortices. These effects have been reported in studies such as in Sterling et al. (2008).</p>
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U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-9)

Comment	Response
<p>Ozone Hourly Dataset for OLM (Appendix M, Modeling Protocol, Section 3.1.2): EPA's Tier 3 Ozone Limiting Method (OLM) was used for the NO₂ model simulations. The OLM option requires the use of hourly ozone concentrations that is concurrent with the meteorological time period. Ozone data is a key model input for the OLM option to ensure that the chemistry is treated properly in the model. This project used ozone monitoring data collected at the Roosevelt, Utah monitoring station between 2014 through 2019. We identified issues with the ozone dataset that question the representativeness of the Roosevelt monitoring station. We found that the ozone datasets were missing approximately 20% of the data points and the monitoring station is about 13 kilometers and 80 kilometers from the Myton site and Bear Claw/Switchbacks sites, respectively. We are aware of two other stations with hourly ozone data that are more representative, closer to the sites and with more complete datasets relative to the Roosevelt monitoring station. These stations also cover the necessary time periods of the meteorological datasets. The other ozone monitoring stations include the Myton and Price monitoring sites, where the Myton ozone dataset could be used for the simulation covering the Myton site and the Price ozone dataset could be used for the simulations covering the Bear Claw and Switchbacks sites. We continue to recommend running the model with the hourly ozone datasets collected at the Myton and Price monitoring sites during the time periods of the meteorological datasets, and we can provide STB with the Myton and Price ozone datasets, if needed.</p>	<p>In response to this comment and additional consultation with USEPA, OEA has rerun the air quality modeling using the ozone dataset from the Myton and Price monitors. This change is reflected in the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-10)

Comment	Response
<p>Locomotive In-Stack Ratios for OLM (Appendix M, Modeling Protocol, Section 3.1.2): It is not clear whether the in-stack ratio of 0.05 for line-haul locomotives is representative because data have not been provided to support the value. In addition to ozone data, the in-stack ratio of NO₂/NO_x emissions is the other key model input to ensure that OLM is used properly. We continue to recommend</p>	<p>In response to this comment, OEA has revised the Air Quality Impact Assessment Modeling Protocol to include additional information regarding the source of the in-stack NO₂/NO_x ratio used in the air quality modeling. The protocol is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

<p>providing the details of any test data that supports the proposed in-stack ratio. If data cannot be provided, and a future year fleet average emission profile is assumed, we recommend an in-stack ratio between 0.10 and 0.15. [Footnote 1: See discussion of how NO_x ratios vary by engine design at DieselNet Technology Guide (accessed on 11/23/2020): https://dieselnet.com/tech/emi_gas.php.] Otherwise, we recommend using EPA's default value of 0.5 for the NO₂/NO_x in-stack ratio.</p>	
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U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-11)

Comment	Response
<p>Configuration for OLM (Appendix M, Modeling Protocol, Section 3.1.2): Based on our review of the available AERMOD input files, "OLMGROUP ALL" was not specified in the 1-hour NO₂ model simulations that used the OLM option. EPA's air quality modeling guidance specifies that "OLMGROUP ALL" should be used to better account for competition of ozone or ozone available for conversion of NO to NO₂. [Footnote 2: See EPA's AERMOD Users Guide and the March 1, 2011 and September 30, 2014 Clarification Memorandums: https://www.epa.gov/scram/air-quality-models-clarification-memos-dispersion-models.] We recommend updating the model simulations to incorporate OLMGROUP ALL to align with EPA's air quality modeling guidance.</p>	<p>The modeling configuration did not involve multiple sets of sources, so no grouping was needed. However, to be responsive to this comment, OEA specified the OLMGROUP ALL option in the revised air quality modeling. This change is reflected in the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-12)

Comment	Response
<p>Use of Non-Default Configuration Options: Based on our review of the available AERMOD input files, the FASTAREA or FASTALL options were specified for all the model simulations. The FASTAREA and FASTALL options are non-default options and should only be used as a screening tool to develop final model scenarios. One significant risk for using these non-default options is that the concentrations will be generally under-predicted because the parameterization skips receptors that could have predicted concentrations to reduce computational time. Another significant risk for using these keywords is that there will be concerns for receptors that are close to or above the National Ambient Air Quality Standards (NAAQS). In particular, the receptors with concentrations close to the NAAQS could be above the NAAQS and the receptors above the NAAQS could be even higher if the FASTAREA or FASTALL options are not used in the model simulations. Therefore, we recommend updating the model simulations to exclude FASTAREA and FASTALL.</p>	<p>OEA generally uses the FASTAREA modeling option for the area sources to improve model runtimes and because this option is sufficiently accurate for NEPA assessments (nonregulatory assessments). Sensitivity testing with and without the FASTAREA option generally shows slightly higher concentrations when using FASTAREA for most receptors but with differences generally less than 10%. Although FASTAREA generally yields more conservative results, OEA has rerun the air quality modeling using the default area source algorithm as used in regulatory assessments in response to this comment. This change is reflected in the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-13)

Comment	Response
<p>Inclusion of Sources Not Outlined in the Modeling Protocol: Based on our review of the available AERMOD input files, the Myton Wells Draw and Myton Whitmore Park model simulations for NO₂ included AREAPOLY sources. It is not clear what these sources represent or whether these sources should be included in the simulations, especially when the Modeling Protocol notes that all sources were defined as AREA sources. We recommend providing information to explain what these sources represent and information that supports the input assumptions used for these sources. Otherwise, updated model simulations that exclude these sources should be completed to ensure that these sources do not interfere with the predicted results.</p>	<p>In response to this comment, OEA has included an additional explanation of the use of AREA/AREAPOLY sources in Appendix M, <i>Air Quality Emissions and Modeling Data</i>, Attachment I.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-14)

Comment	Response
<p>Background Concentrations (Appendix M, Modeling Protocol, Section 3.1.6): This section notes that variable background concentrations will be used for the 1-hour NO₂ model simulations. Based on our review of the AERMOD input files, variable background concentrations were not incorporated into the 1-hour NO₂ model simulations. We recommend updating the 1-hour NO₂ model simulations to incorporate the variable background concentrations or explaining in the Modeling Protocol and Table 3.7-11 included in Chapter 3 of the Draft EIS that variable background concentrations were not incorporated into the 1-hour NO₂ model simulations. Please note that if updated model simulations are completed with variable background concentrations then separate annual NO₂ simulations will be needed to ensure that the variable background concentrations are not used for these simulations.</p>	<p>In response to this comment, OEA has updated the background concentrations and the results are reflected Section 3.7, <i>Air Quality and Greenhouse Gases</i>, Table 3.7-11, in the Final EIS. OEA has also added an explanation of the methods and data for background concentrations to Appendix M, <i>Air Quality Emissions and Modeling Data</i>, Attachment I, in the Final EIS.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-15)

Comment	Response
<p>Analyses used to Assess Potential Air Quality Impacts Analytical Methods used to Post-Process Dispersion Model Results: The Table 3.7-11 footnotes state that 3-year average combinations of predicted modeled results were used to represent the predicted air quality impacts. This approach does not align with EPA's guidance when two or five years of model results are used in the air quality modeling. To be consistent with EPA's Guideline on Air Quality Models and additional guidance, [Footnote 3: 40 CFR Part 51, Appendix W to Part 51</p>	<p>OEA has updated the table notes in Subsection 3.7.3.2, <i>Impact Comparison between Action Alternatives, Operations, Air Pollutant Concentrations</i>, Table 3.7-11, in the Final EIS to reflect USEPA's guidance for when 2 or 5 years of meteorological data are used in the air quality modeling. OEA has also added an explanation of the methods and data for pollutant averaging periods and form of the standard to Appendix M, <i>Air Quality Emissions and Modeling Data</i>, Attachment I, in the Final EIS.</p>

- Guideline on Air Quality Models (January 2017).] [Footnote 4: Additional Clarification Regarding Application of Appendix W Modeling Guidance for the 1-hour NO₂ National Ambient Air Quality Standard (March 1, 2011).] [Footnote 5: Modeling Procedures for Demonstrating Compliance with PM_{2.5} NAAQS (March 23, 2010).] all of the model results disclosed in this table should have been based on an average across the years modeled for each alternative while maintaining the form of the standards. The predicted model results should have been based on a 2-year average for the Myton Alternatives, while a 5-year average should have been used for the Switchbacks and Bear Claw Alternatives. We recommend correcting these issues in the Final EIS to align with EPA guidance or at a minimum identify them as a deviation from EPA's air quality modeling guidance for the stakeholders and decision makers' benefit.

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-16)

Comment	Response
<p>Model Results Presented in Table 3.7-11 of the Draft EIS: We are unable to verify the results presented in this table based on the available information. We cannot connect the model results provided in the AERMOD output files, the supplemental EXCEL spreadsheet ("Uinta AERMOD PM2.5_NOx Conc Calcs.xlsx"), and the model results presented in Table 3.7-11. It appears that the difficulty in connecting the model results among these documents may be an issue with the use of unitized emission rates and averaging approach used to post-process the model output files. The "Project" model results presented in this table for the PM_{2.5} simulations do not appear correct because the values are extremely small. This could be due to the technical issues related to the release parameters outlined above.</p>	<p>In response to this comment, OEA has updated the modeling to use the actual emissions rate for each air pollutant instead of unit emissions rates, as explained in Appendix M, <i>Air Quality Emissions and Modeling Data</i>, Attachment I, in the Final EIS. Additionally, Appendix M includes AERMOD output files for each location, pollutant and averaging period that align with the emissions rate and source characterizations.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-17)

Comment	Response
<p>We identified potential errors in the supplemental EXCEL spreadsheet ("Uinta AERMOD PM2.5_NOx Conc Calcs.xlsx") used to generate the values presented in Table 3.7-11. The model concentrations included in the EXCEL spreadsheet do not align with the AERMOD output files for the Annual PM_{2.5} Myton - Wells Draw simulation, the Annual and 24-hour PM_{2.5} Bear Claw simulations, and the Annual and 1-hour NO₂ Switchbacks simulations. We recommend providing additional information that explains the post-processing methods and supports the assumed release parameters. This information will help verify the</p>	<p>Please refer to response to Comment UBR-DEIS-00431-16 above.</p>

<p>values presented in this table and to determine the revisions necessary to improve the modeling analysis.</p>	
<p>U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-18)</p>	
<p>Comment</p> <p>Analysis based on Maximum Air Quality Impacts: Throughout Chapter 3 of the Draft EIS (e.g., pages 3.7-23, 3.7-25) and Appendix M (Modeling Protocol: section 1.1, section 1.2, section 3.1.4, section 3.2), it is stated that the design of the analysis is to identify maximum air quality impacts and focus the model simulation on areas with the maximum concentrations. While this is valid, NEPA air quality analysis and model results are also used to identify any receptors within the project area that exceed the NAAQS, which may not directly connect to the maximum impact or single model result. For instance, it is important to assess the individual receptor locations and the associated predicted concentrations to understand all the receptors that have predicted concentrations above the NAAQS. In many projects with elevated emissions, there may be more than one receptor that has predicted concentration exceeding the NAAQS. Providing this additional information will help inform decision-makers on the spatial extent of potential unhealthy air pollution levels (i.e., distances from the sources that could have unhealthy levels of air pollution) and whether additional management actions are warranted for the project. We continue to recommend distinguishing and explaining these two types of analyses (i.e., maximum design value vs. exceedances) throughout the Draft EIS because they could have different meanings and provide different types of information to inform project development decisions. We also recommend adding details to these sections to summarize the receptors or areas within the model domain with predicted exceedances.</p>	<p>Response</p> <p>The purpose of an air quality analysis under NEPA is to identify potential adverse health impacts. Because the NAAQS are established by USEPA to protect human health, OEA defines adverse health impacts in terms of the NAAQS. If modeled concentrations of pollutants were to violate the NAAQS, OEA would consider this to be an adverse health impact under NEPA. Because OEA's air quality modeling analysis indicates that the proposed rail line would not result in NAAQS violations, OEA concludes that the proposed rail line would not adversely affect human health. Section 3.7, <i>Air Quality and Greenhouse Gases</i>, Figures 3.7-4 through 3.7-7 show the locations with the highest modeled concentrations (calculated as design values). These are also the "maximum impact" locations. Identification of receptors that have exceedances, which are not violations of the NAAQS, is not necessary for analysis under NEPA. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-19)</p>	
<p>Comment</p> <p>Potential Air Quality Modeling for Additional Criteria Pollutants (Appendix M, Modeling Protocol, Section 3.1.3): This section states that 1-hour NO₂ and 24-hour PM_{2.5} concentrations are likely to be the highest as a percentage of the NAAQS among all criteria pollutants and averaging periods. Because 1-hour NO₂ and 24-hour PM_{2.5} concentrations are likely to be highest as a percentage of the NAAQS among all criteria pollutants, the Draft EIS assumes that if concentrations of 1-hour NO₂ and 24-hour PM_{2.5} are less than the NAAQS, then concentrations of carbon monoxide (CO), PM₁₀, and sulfur dioxide</p>	<p>Response</p> <p>The revised modeling for the Final EIS (shown in Section 3.7, <i>Air Quality and Greenhouse Gases</i>, Table 3.7-11) demonstrates that concentrations of NO₂ and PM_{2.5} would be less than the NAAQS. As described in Appendix M, <i>Air Quality Emissions and Modeling Data</i>, Attachment I, Subsection 3.1.3, for diesel-fueled emissions sources, such as railroads and heavy trucks, the NO₂ and PM_{2.5} concentrations are likely to be the highest as a percentage of the NAAQS among all criteria pollutants. OEA assumed that if concentrations of</p>

(SO₂) also would be less than the NAAQS. Therefore, concentrations of CO, PM₁₀, and SO₂ would not be modeled for this project. Given the technical issues of the air quality modeling and potential predicted exceedances reported in the Draft EIS for NO₂ and potentially incorrect PM_{2.5} values, we recommend re-visiting whether there is need for modeling additional pollutants after the updated modeling has been provided to the technical workgroup for review prior to the issuance of the Final EIS

NO₂ and PM_{2.5} are less than the NAAQS, then concentrations of CO, PM₁₀, and SO₂ also would be less than the NAAQS. Therefore, because the modeling demonstrates that concentrations of NO₂ and PM_{2.5} would be less than the NAAQS, OEA assumed that NO₂ and PM_{2.5} would be less than the NAAQS, and these pollutants were not modeled.

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-20)

Comment	Response
<p>Air Quality Conclusions included in Key Chapters of the Draft EIS Potential Air Quality Impacts Resulting from the Project Operations: Throughout Chapter 3 of the Draft EIS (e.g., pages 3.7-22, 3.7-25), it is assumed that if the modeled concentrations of NO₂ and PM_{2.5} were less than the NAAQS, then concentrations of CO, PM₁₀, and SO₂ for operations also would be less than the NAAQS. The Draft EIS also assumed that if the modeled concentrations of NO₂ and PM_{2.5} were less than the NAAQS, then there would be no other anticipated NAAQS exceedances in the study area due to operation of the proposed rail line. Based on the current results of the air quality modeling, the Draft EIS generally concludes that the project will not generate adverse air quality impacts even though exceedances are predicted by the air quality model. Given the technical issues identified in the air quality modeling, it is not clear whether these conclusions are accurate. Revisions to these conclusions may be needed to address our technical concerns. If the Final EIS does not include updates to the air quality modeling, we recommend adding qualifiers to these sections to explain the technical issues with the air quality modeling analysis and the uncertainty in the model results and predicted impacts.</p>	<p>Please refer to response to Comment UBR-DEIS-00431-19 above.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-21)

Comment	Response
<p>Support Needed for Modeling Statements (Chapter 3, Page 306 and 487): We recommend reviewing and revising or deleting the statements highlighted below. We are unaware of studies that support them, and we are aware of studies that could contradict these conclusions. - "In addition, a number of studies have found that the AERMOD model may over-predict maximum 1-hour NO₂ concentration by between 1.7 and 2 times the observed concentration." (Page 306): The references included in footnote 11 are not properly documented in order to obtain the associated articles for review. We cannot find the Brode 2014</p>	<p>In response to this comment, OEA has provided the Brode 2014 and Owen 2014 references to USEPA. OEA notes that the updated modeling prepared in response to USEPA's comments on the Draft EIS, no longer indicates an exceedance for the 1-hour NO₂ standard. The updated modeling demonstrates that rail operations would not lead to violations of any of the NAAQS. Therefore, OEA has removed the statement referenced in the comment.</p>

<p>and Owen 2014 references. We agree that EPA is working on understanding AERMOD's ability to predict 1- hour NO₂ impacts, but we do not agree that the references provided for our review support that AERMOD may over-predict 1-hour NO₂ concentrations by up to two times the observed concentrations. In general, these studies were designed to show that the available NO₂ Tiering options provide conservative results to support their use in AERMOD. These studies also generally show that with additional research and more representative input data, the NO₂ Tiering options could provide reasonable options for treating NO₂ chemistry in AERMOD over AERMOD's default setting that excludes chemistry. Note that this project used a NO₂ Tiering option to better represent NO₂ chemistry in AERMOD. It should also be noted that these studies show several points, and possibly more points, where AERMOD under-predicts the NO₂ concentrations relative to the observations. However, additional analyses or analytical methods that were not included in these studies are needed to sufficiently evaluate the model performance. We are not aware of any current studies that are applicable to this project and properly evaluate AERMOD performance to support the magnitude of uncertainty in AERMOD's ability to predict 1-hour NO₂ concentrations. Therefore, we recommend removing this statement and associated discussions from the Draft EIS.</p>	
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U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-27)

Comment	Response
<p>We also note that non-standard unitized emission rates were used in the AERMOD input files relative to the values provided in Table 3. It is difficult to discern the modeled emission rates and whether representative emission rates were used in the modeling. The available information does not clearly explain the basis for calculating the emission rate based on the emission factor; the basis for using unitized emission rates and the approach for post-processing the model results relative to actual the emission rates. The standard method is to use unitized emission rates of 1 gram per second in the AERMOD input files and then adjusting the predicted concentrations by the actual emission rates. It is not technically accurate to apply unitized emission rates in model simulations that assume variable background concentrations and NO₂ chemistry, which are being assumed in the NO₂ model simulations. Unitized emission rates should not be used under these circumstances because the modeled predictions are dependent on the actual emissions and background concentrations for each</p>	<p>In response to this comment, OEA updated the Air Quality Impact Assessment Modeling Protocol to be consistent with the current round-trip travel distances that OEA modeled. While the emissions rates used in the AERMOD modeling were correct, the values reported in the modeling protocol were based on earlier estimates of round-trip travel distances for each alternative. The underlying emissions rate is based on fuel consumption per round-trip car cycle, which affects the emissions rate. Please refer to the updated modeling protocol in the Final EIS at Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

time step. Unless additional information is provided to explain the unitization of the modeled emission rates and the methods used to relate the model results to the actual emissions, we recommend updating the modeling to use the actual emission rates for typical trains for all model simulations.

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-28)

Comment	Response
<p>Table 2 footnotes indicate that the stack's physical heights were accounted for in the calculations. However, the CARB 2004 Report did not account for the stack's physical heights for plume rise (see CARB 2004, Appendix G, Table G:1, Footnote 5). We recommend following the methods used in the CARB 2004 Report and exclude the stack's physical heights.</p>	<p>In response to this comment, OEA has included an additional explanation concerning plume height calculations in the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-29)

Comment	Response
<p>The plume rise calculated by the model in the CARB 2004 Report was adjusted to a defined function (i.e., equation) for wind speeds greater than 4.0 m/s for the Stability F Class. If the adjustment is being applied too frequently because most wind speeds are greater than 4.0 m/s, then the Stability F Class may not be representative, and another Stability Class may need to be considered for this project. We recommend outlining the adjusted values for Stability F and explaining how this Stability Class is representative for this project. Alternatively, we recommend selecting another Stability Class for the nighttime stack parameters.</p>	<p>In response to this comment, OEA has included additional explanation concerning plume height calculations in the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-30)

Comment	Response
<p>The CARB 2004 Report outlines plume rise values that generally range from about 0.6 m to 2 m for Stability D (i.e., daytime values) and 9 m to 10.3 m for Stability F (i.e., nighttime values) (see Table G:1 in the CARB 2004 Report). Further, the plume rise values in the CARB 2004 report generally decrease with increasing notch (i.e., notch 1 to notch 3) for Stability D and generally increase with notch for Stability F (see Table G:1 in the CARB 2004 Report). Table 2 in the protocol does not illustrate the same correlations and expected values, where plume rise appears to increase with notch for daytime values (i.e., Stability D) and the daytime values may be over-estimated by a factor of two or more. To address this issue, we recommend providing the details of the calculations used to determine the vertical dispersion values to ensure that the values for plume rise, sigma-z, and release height are representative and accurate for all notches and</p>	<p>In response to this comment, OEA has added further explanation of the calculations used to determine the vertical dispersion values (initial sigma-z) in the Air Quality Impact Assessment Modeling Protocol, which is appended to the Final EIS as Attachment I in Appendix M, <i>Air Quality Emissions and Modeling Data</i>.</p>

<p>period of day. - Plume rise generally increases over time, but the approach proposed in this protocol assumes instantaneous plume rise. We recommend adding information to this section to clarify why this approach is appropriate and will not generate under-predictions due to the plume being too dispersive at the emission point. If possible, it would be helpful to explain or provide information that identifies the distance associated to the maximum plume height and where that distance relates to key receptor points in the modeling domain.</p>	
U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-31)	
Comment	Response
<p>We also found that the Switchbacks NO₂ model simulation did not use the OLM option but used the ARM2 option to treat NO₂ Chemistry. This is not consistent with the Modeling Protocol. We recommend adding information to accurately explain the configuration options used in the model simulations for transparency and accuracy.</p>	<p>In response to this comment, OEA has revised and rerun the air quality modeling to use the OLM option for NO₂ chemistry. This change is reflected in Subsection 3.1.2, <i>Model Options</i>, of the modeling protocol, which is included in Appendix M, <i>Air Quality Emissions and Modeling Data</i>, Attachment I, in the Final EIS.</p>
U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-32)	
Comment	Response
<p>- "The CMAQ photochemical modeling system was used, primarily because of its ability to replicate observed wintertime ozone formation and timing in the Basin." (Page 487): We are not aware of studies that demonstrate CMAQ's ability to replicate wintertime ozone. In fact, the ARMS Modeling Project and Monument Butte EIS used or referenced for this project show that CMAQ has challenges in predicting ozone and wintertime ozone in the project area. Therefore, we recommend removing this statement and associated discussions from the EIS.</p>	<p>The statement referenced in the comment was made in the <i>Utah Air Resource Management Strategy Modeling Project Impact Assessment Report</i>. To clarify, OEA has added a citation (BLM 2014) to this statement in Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases, Cumulative Air Quality Effects, Oil and Gas Development, Wells and Infrastructure Emissions</i>, in the Final EIS to indicate the statement's source.</p>
Duchesne County, Mike Hyde (UBR-DEIS-00436-63)	
Comment	Response
<p>Page 4-5 Air Quality: VM-23. Where practical and in consultation with the [Bold and underline: TriCounty Health Department and the] Ute Indian Tribe as applicable, the Coalition will implement appropriate fugitive-dust controls such as spraying water or other dust treatments in order to reduce fugitive- dust emissions created during project-related construction activities. [Bold: Comment: The TriCounty Health Department is responsible for enforcement of the State of Utah's dust control administrative rules in Duchesne, Daggett and Uintah Counties.]</p>	<p>This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to voluntary mitigation measures proposed by a railroad applicant. To address this comment, OEA has revised its recommended mitigation measure AQ-MM-1 in Chapter 4, <i>Mitigation</i>, in the Final EIS. As revised, the mitigation measure would require the Coalition consult with the TriCounty Health Department and the Ute Indian Tribe to implement appropriate fugitive-dust controls.</p>
Uintah County Commission, Ross Watkins (UBR-DEIS-00440-4)	
Comment	Response

<p>Section 3.7, Air Quality and Greenhouse Gases. Because the terminus point for each alternative is located at Leland Bench-which is a centrally located point within the oilfield- trucks will travel fewer miles when transporting goods. Fewer miles traveled will translate into reduced emissions originating from Uintah County.</p>	<p>Please refer to Subsection 3.7.3.1, <i>Impacts Common to All Action Alternatives, Operations, Truck Exhaust Emissions</i>, which includes information regarding the anticipated reduction of truck exhaust emissions under all the Action Alternatives. Currently, trucks transport crude oil from production areas in the Basin to refineries in Salt Lake City and to the Price River Terminal in Wellington, Utah. OEA does not expect that the proposed rail line would divert truck transportation of crude oil to refineries in Salt Lake City. However, OEA anticipates that the proposed rail line would eliminate the existing tanker truck traffic transporting crude oil from production areas in the Basin to the Price River Terminal in Wellington, because the terminus points of the proposed rail line would be much closer than the Price River Terminal to oil production areas in the Basin. The reduction in truck trips would result in reduced truck emissions. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>Marv Poulson (UBR-DEIS-00451-0064-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>The railway's emissions will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of existing oil and gas development. Because no mitigation strategy is offered to offset the toxic environmental effects of increased oil production stimulated by the proposed project, the draft EIS fails under NEPA requirements.</p>	<p>Please refer to Subsection 3.7.3.2, <i>Impact Comparison between Action Alternatives</i>, which includes information regarding estimated air pollutant levels. The analysis demonstrates that construction of the proposed rail line would not result in air pollutant emissions above applicable General Conformity thresholds and that rail operations would not lead to exceedances of the NAAQS. Chapter 4, <i>Mitigation</i>, includes the mitigation measures that the Coalition and OEA identified to minimize impacts on air quality from construction and operation of the proposed rail line.</p>
<p>Western Energy Alliance, Tripp Parks (UBR-DEIS-00466-5)</p>	
<p>Comment</p>	<p>Response</p>
<p>STB conducted an extensive analysis of cumulative greenhouse gas emissions associated with the railway and potential impacts to air quality in analyzing the affected environment. The review properly places these impacts in a local, national, and global context in order to help inform STB's decision on final approval. While STB demonstrates how the project will not result in any exceedances of National Air Quality Standards (NAAQS) nor affect the Uinta Basin's ozone nonattainment status, it does not acknowledge the actual air quality [italics: benefits] that will result. The analysis fails to adequately consider the replacement of truck transportation with rail for existing crude oil production and the concomitant decrease in air emissions. As air quality is an important issue in the</p>	<p>Please refer to Subsection 3.7.3.1, <i>Impacts Common to All Action Alternatives, Operations, Truck Exhaust Emissions</i>, which includes information regarding the anticipated reduction of truck exhaust emissions under all the Action Alternatives. Currently, trucks transport crude oil from production areas in the Basin to refineries in Salt Lake City and to the Price River Terminal in Wellington, Utah. OEA does not expect that the proposed rail line would divert truck transportation of crude oil to refineries in Salt Lake City. However, OEA anticipates that the proposed rail line would eliminate the existing tanker truck traffic transporting crude oil from production areas in the Basin to the Price River Terminal in Wellington, because the terminus points of the proposed rail line would be much closer than the</p>

Utah Basin, which is classified as a marginal ozone nonattainment area, these benefits could potentially be significant. Once the railway is complete, long-haul trucking of crude oil will be reduced in the project area as well as to refineries on the Wasatch Front, which suffers from poor air quality largely related to vehicle emissions. Since that benefit during the much longer operational phase is not considered, overall air quality impacts from the project are likely overstated. Nevertheless, the analysis still finds the project mitigates emissions and maintains air quality health standards	Price River Terminal to oil production areas in the Basin. The reduction in truck trips would result in reduced truck emissions. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Uintah County Commissioners, Brad Horrocks (UBR-DEIS-00561-4)	
Comment	Response
Section 3.7, Air Quality and Greenhouse Gases. Because the terminus point for each alternative is located at Leland Bench - which is a centrally located point within the oilfield - trucks will travel fewer miles when transporting goods. Fewer miles traveled will translate into reduced emissions originating from Uintah County.	Please refer to Subsection 3.7.3.1, <i>Impacts Common to All Action Alternatives, Operations</i> , which includes information regarding the anticipated reduction of truck exhaust emissions. Currently, trucks transport crude oil from production areas in the Basin to refineries in Salt Lake City and to the Price River Terminal in Wellington, Utah. OEA does not expect that the proposed rail line would divert truck transportation of crude oil to refineries in Salt Lake City. However, OEA anticipates that the proposed rail line would eliminate the existing tanker truck traffic transporting crude oil from production areas in the Basin to the Price River Terminal in Wellington, because the terminus points of the proposed rail line would be much closer than the Price River Terminal to oil production areas in the Basin. The reduction in truck trips would result in reduced truck emissions. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-20)	
Comment	Response
The DEIS falsely claims that [italics: "During rail operations, locomotives would emit criteria air pollutants and greenhouse gases. Those operations-related emissions would not expose residents living near the rail line to air pollutant concentrations that would exceed the NAAQS, even if rail traffic on the proposed rail line were at the highest projected level of 10.52 trains per day."] [Footnote 12: DEIS S-10] This statement fails to evaluate the concentration of locomotive exhaust inside the proposed tunnels, at least one of which is several miles long. Though the Coalition has refused to provide exact details as to how these exhaust emissions will be evacuated from the tunnels, (and OEA has failed to request such details from the Coalition), from discussions in the Coalition's monthly Board Meetings it has been discussed that	Because the public would be prohibited from entering rail tunnels on the proposed rail line, there would be no air quality impact within the tunnels. Air quality for train crews in the tunnels would be regulated as workplace conditions by the Occupational Safety and Health Administration. Regarding potential impacts from air exhausted from the tunnels, please refer to Subsection 3.7.3.2, <i>Impact Comparison between Action Alternatives</i> , which includes an assessment of impacts from tunnel exhaust. As stated in that subsection, OEA anticipates that air quality impacts related to locomotive exhaust emissions in tunnels would occur within the tunnels themselves or immediately adjacent to the tunnel entrances and would not adversely affect air quality at any sensitive

<p>large turbine exhaust fans will be fitted at each tunnel portal to exhaust locomotive emissions from the tunnel(s). Such a system will dump highly concentrated levels of diesel emissions directly into Lower Argyle Canyon and Indian Canyon. There is no evidence to suggest that OEA has considered the health, safety, and environmental impacts from the tunnel exhaust systems. I firmly assert that OEA has failed in addressing the impacts of air quality and greenhouse gases associated with operation of the proposed railway.</p>	<p>receptors. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-2)	
Comment	Response
<p>Current air quality data indicates that the Basin ozone nonattainment area will not attain the ozone National Ambient Air Quality Standard (NAAQS) by August 3, 2021, as required, and may soon be reclassified from marginal to moderate status. This reclassification would require the UDAQ to develop an attainment State Implementation Plan (SIP), and new development in the Basin will need to be evaluated against that plan.</p>	<p>OEA acknowledges the potential for a future change in the Basin ozone nonattainment status. However, to date USEPA has not issued a reclassification for the nonattainment area, and the provisions of a future SIP that may result from such a reclassification are not known. Therefore, OEA did not discuss the implications for such a change in the EIS. As the commenter notes, all future projects would need to be assessed in the context of any future applicable SIP. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-4)	
Comment	Response
<p>The Cumulative Impact evaluation utilized the air quality models performed for the Monument Butte EIS, since that project evaluated a larger amount of oil and gas well development. This comparison does appear to be an adequate evaluation with the conclusion that there would be no new exceedances of the ozone NAAQS. However, unlike the Basin, the Monument Butte project was based upon a 'net zero' provision for the development of any new wells. This should be noted in the evaluation made in the Uinta Basin Railway Final EIS, and a demonstration made that the same 'net zero' provision is in place for this DEIS to validate that comparison. Further, this project may be subject to a General Conformity analysis by EPA due to the increased oil/gas production the project will facilitate in an area that already has regular exceedances of the ozone NAAQS.</p>	<p>As discussed in Section 3.15, <i>Cumulative Impacts</i>, OEA relied on the results and conclusions of the Monument Butte EIS to come to conclusions about the potential air quality impacts of future oil and gas production in the Basin in the context of cumulative impacts because that study provides the best available data source on the impacts of oil and gas development projects in the Basin. Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, which discusses OEA's approach for assessing impacts from potential future oil and gas development in the Basin as cumulative impacts. As stated in that response, the Coalition is proposing to construct and operate a common-carrier rail line and does not propose to undertake any oil and gas development. The Board has no role in regulating oil and gas production and, therefore, could not impose measures on oil and gas producers, such as a "net zero" provision that would mitigate air quality impacts from potential future oil and gas development.</p> <p>OEA consulted with USEPA and determined that General Conformity does not apply to rail operations because the Board does not exercise continuing program responsibility over rail</p>

	operation emissions and would not exercise such control over the operation of the proposed rail line. While General Conformity does apply to construction of proposed rail lines, OEA determined that, for this proposed line, construction emissions would be less than the General Conformity thresholds, as shown in Subsection 3.7.3.1, <i>Impacts Common to All Action Alternatives</i> , and Appendix M, <i>Air Quality Emissions and Modeling Data</i> . OEA estimated construction emissions in accordance with USEPA guidance and in consultation with USEPA throughout the NEPA process. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-27)	
Comment	Response
The amount of displacement of other oil by the crude oil transported on the proposed rail line would not be less than barrel-for-barrel. This barrel-for-barrel ratio is because (1) PADD 3 refineries already have existing access to effectively unlimited volumes of oil from domestic and foreign resources; (2) PADD 3 refineries are typically "complex refineries" (a term of art that refers to a refinery equipped with process machinery that can economically process almost any crude oil type); and (3) PADD 3 refineries already have market access to domestic and global markets that typically result in full utilization of their capacity in normal economic cycles and a pro rata share of domestic and global markets in abnormal economic cycles such as experienced in 2019.	Please refer to response to Comment UBR-DEIS-00666-26 above.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-28)	
Comment	Response
In addition, the final EIS should make clear that a large portion of the Uinta Basin crude is likely to be used as lubricating oil feedstock, not for the manufacture of combustible transportation fuels. In fact, the highest use for Uinta Basin waxy crude oil is as feedstock for the manufacture of synthetic lube oil base oils. This is another reason why the estimate of downstream GHG emissions in the DEIS is overstated.	Please refer to response to Comment UBR-DEIS-00666-26 above.
Uintah Valley Shoshone Tribe, Michael Rock (UBR-DEIS-00682-5)	
Comment	Response
AIR QUALITY AND GREENHOUSE GASES. Climate change will be one of the great issues of our time. It is clear that human use of fossil fuels is adversely impacting our planet. President Biden and his administration have made it a priority to reduce greenhouse gas emissions and reduce our	OEA notes the commenter's concern regarding climate change and greenhouse gas emissions. Please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i> , which includes information on anticipated greenhouse gas emissions associated with the proposed rail line and OEA's recommended

<p>dependance on fossil fuels. Most recently, on January 27, 2021, President Biden signed an Executive Order pausing new federal oil leases and electrifying the federal government's fleet of vehicles by 2035. Reducing our greenhouse gas emissions are of paramount importance, both for the Uinta Basin and for our country. Construction of the railway will contribute between 208,697 tons of CO2ea to 289,737 tons of CO2ea into the environment. Furthermore, construction will release numerous hazardous air pollutants, each Action Alternative negatively impacting a fragile ecosystem. Furthermore, operation of the railroad will produce between 40,511 tons of CO2ea on the low end estimate for the Indian Canyon Alternative, and 141,169 tons of CO2ea for the High Rail Traffic Scenario for the Whitmore Park Alternative.</p>	<p>mitigation measures to reduce impacts from greenhouse gas emissions. In response to comments, OEA has also revised Section 3.7, <i>Air Quality and Greenhouse Gases</i>, in the Final EIS to include additional information on climate change and anticipated impacts of climate change in Utah.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-3)

Comment	Response
<p>The draft EIS fails to fully account for all direct, indirect, and cumulative criteria air pollutant and greenhouse gas (GHG) emissions from the project and uses outdated emissions data. It fails to acknowledge that the project would undermine attainment of health-based air quality standards and worsen the climate crisis.</p>	<p>Please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i>, Table 3.7-11, which provides information on the direct and indirect air quality consequences of the proposed rail line in relation to the health-based NAAQS. Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> in Section 3.15, <i>Cumulative Impacts</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, provide information regarding cumulative impacts for air quality from past, present, and reasonably foreseeable future actions in comparison to the health-based NAAQS. To address concerns regarding climate change, OEA included an additional discussion of climate change in Subsection 3.7.2.6, <i>Climate</i>, in the Final EIS.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-46)

Comment	Response
<p>The Analysis of Direct, Indirect and Cumulative Impacts on Air Quality, Public Health, Regional Haze and AQRVs is Insufficient. As explained elsewhere, in taking a hard look at the environmental consequences of a proposed action, OEA must analyze the direct, indirect, and cumulative impacts of the proposed action. 40 C.F.R. § 1508.25(c). Direct impacts are those caused by the action that are occurring at the same time and place as the action. Id. § 1508.8(a). Indirect impacts are likewise caused by the action, but are later in time or further removed in distance from it; however, these impacts are still reasonably foreseeable consequences of the action. Id. § 1508.8(b). Cumulative impacts are those resulting from the "incremental impact of the action when added to</p>	<p>OEA fully analyzed the direct, indirect, and cumulative impacts of the proposed rail line. As described in Subsection 3.7.1.1, <i>Study Area</i>, and Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> in Section 3.15, <i>Cumulative Impacts</i>, OEA analyzed the air quality impacts, including ozone concentrations, of the proposed rail line and associated cumulative impacts in a local study area, which encompasses an area within 1,000 feet of the proposed rail line, and a regional study area, which includes a broader area that includes portions of Utah and Colorado (see Figure 3.7-1 for a map of the air quality regional study area). OEA defined the regional air quality study area as the area within 100 kilometers (62 miles) of the proposed rail line. This distance is consistent with the USEPA</p>

<p>other past, present, and reasonably foreseeable future actions," no matter what agency or person undertakes such actions. Id. § 1508.7. A. Ozone Levels in the Uinta Basin, which Will Be Exacerbated by the Proposed Rail Line, are a Danger to Public Health and the Environment and Contribute to Regional Haze. Ozone concentrations in the Uinta Basin have long exceeded national health-based standards and the proposed project will further endanger public health, the environment and visibility across Utah and into Colorado. Short and long-term exposure to ozone, even at levels below the national standard, causes adverse health impacts. Ozone has immediate adverse effects, causing shortness of breath, wheezing and coughing; asthma attacks; inflamed and damaged the airways and increased risk of respiratory infections and hospital visits for people with lung diseases, like asthma or chronic obstructive pulmonary disease. [Footnote 53: American Lung Association, Ozone, https://www.lung.org/our-initiatives/healthy-air/outdoor/air-pollution/ozone.html ("ALA Ozone") (last accessed Feb. 3, 2021).] Exposures to high ozone levels for as little as one hour can lead to a particular type of cardiac arrhythmia that itself increases the risk of premature death and stroke. [Footnote 54: Rich, D.Q. et al., Increased Risk of Paroxysmal Atrial Fibrillation Episodes Associated with Acute Increases in Ambient Air Pollution, 114 <i>Environ Health Perspect</i> 120 (2006).] Long term exposure to ozone increases the risk of death from respiratory diseases and means more hospital admissions for children with asthma, with younger children and children from low-income families more likely than other children to need hospital admissions. [Footnote 55: U.S. Environmental Protection Agency, Health Effects of Ozone Pollution, https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution ("EPA Health Effects of Ozone") (last accessed Feb. 3, 2021).] Long-term exposure to ozone also leads to the development of asthma and lower birthweight and decreased lung function in newborns. [Footnote 56: Id.] Children and teens, individuals 65 and older, people who work or exercise outdoors, persons with lung diseases and people with cardiovascular disease are particularly vulnerable to ozone pollution. [Footnote 57: ALA Ozone.] According to EPA: Children are at greatest risk from exposure to ozone because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, which increases their exposure. Children are also more likely than adults to have asthma. [Footnote 58: EPA Health Effects of</p>	<p>Prevention of Significant Deterioration permitting process and is commonly used by the BLM and the Forest Service in defining air quality study areas. Ozone is not emitted directly into the atmosphere but is formed from photochemical reactions of precursor chemicals (primarily VOCs and NO_x) in the presence of the ultraviolet component of sunlight, as the pollutants are being transported by atmospheric air movement. With respect to transport of pollutants from the Uinta Basin to Colorado, the modeling done for Monument Butte shows that at the five easternmost sites (Dinosaur National Monument in Utah on the Colorado border, and sites in Cortez, Grand Junction, Ranglely, and Mesa Verde National Park in Colorado), predicted ozone levels with Monument Butte were below the ozone standard of 70 ppb at all sites. The maximum impact of Monument Butte was greatest at the Dinosaur National Monument site (1.4 ppb) and small (0.0-0.5 ppb) at the other sites. All of these sites are well west of the Denver Metro nonattainment area. Although ozone levels are influenced by atmospheric chemistry, as well as transport distance, the greater distance from the proposed rail line to Denver, compared to the distance from the proposed rail line to these sites, suggests that impacts of the proposed rail line would be less in the Denver Metro nonattainment area. These results suggest that Monument Butte, and, therefore, the proposed rail line, would not create or substantially worsen violations of the ozone standard in Colorado. OEA also evaluated air quality impacts in a downline study area (Subsection 3.7.1.1, <i>Study Area</i>), which extends beyond 100 kilometers from the proposed rail line and includes portions of Utah and Colorado. OEA analyzed downline air quality impacts in accordance with the Board's regulations, which require assessment of emissions for downline rail segments on which rail traffic levels exceed regulatory thresholds, as described in Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>. OEA compared pollutant concentrations resulting from the proposed rail line to the NAAQS because those are the standards that USEPA has established to protect human health. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Ozone] Studies indicate that women, people who suffer from obesity and people with low incomes are also more likely to suffer adverse impacts from exposure to ozone. [Footnote 59: ALA Ozone.] Moreover, research shows that even at levels well below the current standard, ozone increases risk of premature death in older adults. [Footnote 60: Di, Qian et al., Association of Short-Term Exposure to Air Pollution with Mortality in Older Adults, 318 JAMA 2446 (2017).] Ozone also harms plant and animal communities. Ozone damages sensitive vegetation, particularly during the growing season, and harms ecosystems, including forests, parks, wildlife refuges and wilderness areas. [Footnote 61: U.S. Environmental Protection Agency, Ecosystem Effects of Ozone Pollution, <https://www.epa.gov/ground-level-ozone-pollution/ecosystem-effects-ozone-pollution> ("EPA Ecosystem Effects of Ozone") (last accessed Feb. 3, 2021).] Ozone pollution leads to a loss of species diversity, damages habitat quality and alters water and nutrient cycles. [Footnote 62: Id.] Ozone also impairs visibility, including at National Parks and National Forests. The Forest Service states regarding ozone, that "in the summer it is usually associated with pollution episodes involving haze and participates in chemical reactions that lead to haze-forming particles." [Footnote 63: U.S. Forest Service, U.S. Forest Service Interpreting Visibility Data, <https://www.fsvisimages.com/visdata.aspx> (last accessed Feb. 3, 2021).

The primary pollutants that cause regional haze, are particulate matter, nitrogen oxides (NO_x), sulfur dioxide (SO₂), and volatile organic compounds (VOCs). NO_x and VOCs are ozone precursors. "Ozone can also be transported long distances by wind." [Footnote 64: U.S. Environmental Protection Agency, Ground-level Ozone Basics, <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics> ("EPA Ozone Basics") (last accessed Feb. 3, 2021).] Colorado has confirmed that emissions of ozone precursors and ozone itself from neighboring states, including Utah, adversely impact air quality in Colorado. [Footnote 65: Parsons, Zack & Steven Arnold, Ozone Transport in the West, Western States Air Resources Council (2004) ("Parsons & Arnold 2004"), available at https://www.colorado.gov/pacific/sites/default/files/AP_PO_Ozone-Transport-in-the-West.pdf] This means that any individual or cumulative increases in concentrations of ozone or emissions of ozone precursors in the Uinta Basin will adversely impact air quality in downwind states.

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-47)	
Comment	Response
<p>The Uinta Basin Will Soon Be a Moderate Nonattainment Area for the 2015 Ozone Standard. Air quality in the Uinta Basin is poor and currently poses a danger to public health and the environment and contributes to regional haze. For example, the Uinta Basin is currently designated as a marginal nonattainment area for the 2015 8-hour ozone NAAQS on August 3, 2018 and will fail to attain the standard by the August 2021 deadline. Ozone concentrations in the Uinta Basin, which occur largely in the winter, are directly tied to oil and gas development. [Footnote 66: Utah Department of Environmental Quality, Ozone in the Uinta Basin, https://deq.utah.gov/air-quality/ozone-in-the-uinta-basin (last accessed Feb. 3, 2021).] As the State of Utah has concluded relative to the Uinta Basin: NO_x comes from hot combustion sources, and the highest levels are in the oil production areas and population centers. VOC comes from oil and gas production with the highest levels in the gas production areas. [Footnote 67: Utah Department of Environmental Quality, Utah Division of Air Quality 2018 Annual Report (2019) ("Utah 2018 Annual Report") at 34, https://documents.deq.utah.gov/air-quality/annual-reports/DAQ-2019-000949.pdf.] Ozone is not emitted directly. Rather, ozone is created by chemical reactions between NO_x and volatile organic compounds (VOCs) in the presence of sunlight. [Footnote 68: EPA Ozone Basics.] According to DAQ, in the Uinta Basin, "chemical reactions" during the wintertime ozone forming "episodes differ greatly from summer ozone formation in urban areas." [Footnote 69: Utah 2018 Annual Report at 34.] This means that modeling designed to predict the formation of ozone in urban environments will not accurately represent ozone formation in the Uinta Basin.</p>	<p>Please refer to the Air Quality Impact Assessment Modeling Protocol contained in Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which describes the methods OEA used to model ozone formation associated with emissions from rail operations. Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> in Section 3.15, <i>Cumulative Impacts</i>, discusses potential cumulative air quality impacts and includes information about the emission of ozone precursors from potential future oil and gas development in the Basin. The cumulative air quality analysis used the results of the Monument Butte modeling, which was based on the Utah ARMS modeling platform. The modeling platform and the Monument Butte modeling accounted for winter conditions in the predictions of ozone levels in the Basin. OEA considers estimation of ozone precursor emissions and comparison to the Monument Butte results to be sufficient and appropriate to characterize ozone impacts of this project and in compliance with the regulations implementing NEPA that were in effect at the start of this NEPA analysis, and under which OEA's NEPA analysis was conducted. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-48)	
Comment	Response
<p>According to the Utah Division of Air Quality (DAQ), the Uinta Basin will [bold: not] attain the ozone NAAQS by the attainment deadline on August 3, 2021. Therefore, the Uinta Basin will be "bumped up" to a designation as a moderate nonattainment area sometime around February 2022. As DAQ explains: [S]everal monitors in the Basin measured high levels of ozone during a strong inversion in February 2019. These monitored levels indicate that it will almost be impossible for the Basin to attain the ozone standard by 2021. Therefore, the</p>	<p>OEA acknowledges the potential for a future change in the Basin ozone nonattainment status. However, to date USEPA has not issued a reclassification for the nonattainment area, and the provisions of a future SIP that may result from such a reclassification are not known. Therefore, OEA did not discuss the implications for such a change in the EIS. As the commenter notes, all future projects would need to be assessed in the context of any future applicable SIP. Accordingly, no changes to the</p>

<p>DAQ, EPA, and Ute Tribe are beginning to plan for the likely bump up in nonattainment classification from marginal to moderate. This bump up would most likely occur around February of 2022 with a moderate SIP due in February of 2023. The moderate SIP will require additional controls and a modeled attainment demonstration of the standard by August of 2024. [Footnote 70: Utah Department of Environmental Quality, Utah Division of Air Quality 2020 Annual Report (2021) ("Utah 2020 Annual Report") at 42, https://documents.deq.utah.gov/air-quality/planning/air-quality-policy/DAQ-2021-000768.pdf.] Once the Uinta Basin is designated as a moderate nonattainment area, sources there will need to implement Reasonably Available Control Technology (RACT) requirements. Further, DAQ and EPA must achieve a 15% reduction in VOCs to demonstrate reasonable further progress (RFP) within 6 years. [Footnote 71: Utah Department of Environmental Quality, Ozone State Implementation Plan (SIP) Process - Moderate Area Ozone SIP, https://deq.utah.gov/air-quality/ozone-state-implementation-plan-sip-process-moderate-area-ozone-sip ("Utah Ozone SIP") (last accessed Feb. 3, 2021).] Moreover, the Uinta Basin must achieve attainment of the 2015 ozone standard as soon as possible, but no later than moderate attainment deadline of August 2024. [Footnote 72: Utah Ozone SIP.]</p>	<p>Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-61)

Comment	Response
<p>OEA's Calculation of Construction Emissions is Not Supported by the Record. As explained below, for several reasons, OEA's brief discussion of construction emissions and its vague supporting analysis found in Appendix M, does not support the agency's assertion that it is exempt from a conformity demonstration. For these same reasons, OEA's NEPA review of the construction emissions from the rail line project is not adequate</p>	<p>Please refer to Subsection 3.7.3.1, <i>Impacts Common to All Action Alternatives</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which include information regarding construction emissions and show that construction emissions would be less than the General Conformity thresholds. Accordingly, no changes to the Draft EIS are warranted in response to this comment. Please also refer to response to Comment #UBR-DEIS-00683-69 below.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-69)

Comment	Comment
<p>Despite its Contentions Otherwise, OEA Has Failed to Establish that Emissions from Construction of the Proposed Rail Line Fall Below Conformity Thresholds OEA claims that the estimated emissions from construction of the proposed rail line and its alternatives are below thresholds that trigger further analysis of conformity. DEIS at 3.7-20 (asserting that Table 3.7-9 "demonstrates that the estimated construction emissions in each area are</p>	<p>Please refer to Subsection 3.7.3.1, <i>Impacts Common to All Action Alternatives</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which include information regarding construction emissions and show that construction emissions would be less than the General Conformity thresholds. In response to this comment, OEA has clarified in Subsection 3.7.3.1, <i>Air Quality and Greenhouse Gases, Impacts Common to All Action Alternatives, Fugitive</i></p>

less than the conformity thresholds. Therefore, the General Conformity Rule does not require further evaluation of conformity."'). However, the DEIS does not support this contention. Indeed, for several reasons, OEA's brief discussion of construction emissions and its vague supporting analysis found in Appendix M, do not support the agency's assertion that it is exempt from a conformity demonstration. First, in discussing exhaust emissions during construction, OEA states that [m]uch of NO_x and particulate emissions during construction would be associated with constructing surface track, which would account for between 46 and 53 percent of NO_x emissions, and between 61 and 63 percent of particulate matter emissions during construction, depending on the Action Alternative. DEIS at 3.7-10. OEA goes on to recount various "voluntary" mitigation measures that it suggests would reduce emissions from construction equipment. DEIS at 3.7-10 to 11. OEA concludes that "[i]f these mitigation measures are implemented, OEA does not expect that the exhaust emissions from construction activities would significantly affect air quality." DEIS at 3.7-11; see also DEIS at 3.7-32 ("With implementation of the Coalition's voluntary mitigation measure and OEA's recommended mitigation measures, (Chapter 4, Mitigation), OEA concludes that impacts related to air quality and GHG emissions would not be significant if those mitigation measures were implemented."'). However, none of the material cited in support of this contention, including Subsection 3.7.3.2 or Appendix M, appear to explain whether these mitigation measures were factored into the emissions calculations. Because the measures are voluntary, the emission calculations may not do so. Therefore, OEA's calculations cannot be relied on to claim that further conformity analysis is not necessary. This is particularly because, for example, yearly NO_x emissions associated with the preferred alignment, the Whitmore Alternative, have been calculated to be 97.1 tons per year - only 2.9 tons per year less than the threshold. DEIS at 3.7-20. Alternatively, if any mitigation measures are relied on to determine construction emissions, the record must be clear how those measures are to be implemented and how adoption of these measures is reflected in the emissions calculations. Only in this way can the OEA and its partner agencies make well informed decisions and the public make meaningful comments on these crucial determinations and calculations. Similarly, OEA suggests and makes claims about voluntary mitigation measures relative to fugitive dust. DEIS at 3.7-11 ("Because fugitive

Dust Emissions, in the Final EIS how mitigation measures (VM-23) are accounted for in the construction emissions analysis. As revised, that subsection explains that OEA calculated emissions from construction of the rail line based on the Coalition's description of how construction would proceed. If the voluntary mitigation measures and OEA's additional mitigation measures are implemented, the emissions from construction of the proposed rail line could be lower than those reported in Subsection 3.73.1, *Impacts Common to All Action Alternatives*. Therefore, no changes to the Draft EIS are warranted in response to this comment.

As described in Chapter 4, *Mitigation*, if the Board authorizes an Action Alternative and the Coalition constructs the rail line, the Board's final environmental mitigation measures, which could include the Coalition's voluntary mitigation measures and OEA's recommended mitigation measures, would become binding measures as they would be conditions of the authorization of an Action Alternative included in the Board's final decision. Any action or plan developed to address the requirements of the Board's final environmental conditions would be required to be implemented, and the Board, through OEA, would ensure that all of the voluntary mitigation and additional mitigation imposed by the Board is implemented in an appropriate and timely manner.

<p>dust emissions from construction activities would be temporary and would move over time, OEA does not expect that those emissions would significantly affect air quality if the Coalition implemented its voluntary mitigation."). Again, none of the material cited in support of this contention, Subsection 3.7.3.2 or Appendix M appear to explain whether these mitigation measures were factored into the emissions calculations. Because the measures are voluntary, the emission calculations may not do so. Therefore, OEA's calculations cannot be relied on to claim that further conformity analysis is not necessary. Alternatively, if any mitigation measures are relied on to determine construction emissions, the record must be clear how those measures are to be implemented and how adoption of these measures is reflected in the emissions calculations. Only in this way can the OEA and its partner agencies make well informed decisions and the public make meaningful comments on these crucial determinations and calculations.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-70)</p>	
<p>Comment</p>	<p>Response</p>
<p>Second, there appears to be no analysis that supports important aspects of OEA's construction emission calculations. For example, the DEIS and appendices do not seem to cite emission factors, the types of nonroad equipment to be used, the engines, pollution controls and other technology on that equipment or otherwise justify how the agency derived its estimates of construction emissions. This fundamental information is critical good decision making and meaningful public review of the agency's determinations. For example, in 2004, EPA developed the Control of Emissions of Air Pollution from Nonroad Diesel Engine and Fuel (Tier 4 standards) to reduce emissions from nonroad diesel engines by combining engine and fuel controls as a system to increase emissions reductions. The 2004 standards apply to land-based diesel engines, which are typically used in construction, agricultural, and industrial equipment. Yet, there is no guarantee that any construction equipment used to build the proposed rail line will adhere to these standards. [Footnote 99: As the Office of the Inspector General wrote in 2006, "[t]here are approximately 5 million nonroad diesel engines in use in the United States today. Many of these are not subject to any EPA diesel engine emissions standards. Because diesel engines are durable and likely to continue operating over the next 20 years or more, high levels of pollution from these engines will persist throughout the life of these engines." U.S. Environmental Protection Agency, Progress Report on EPA's</p>	<p>The emissions factors, types of construction equipment to be used, and related data are listed in Appendix M, <i>Air Quality Emissions and Modeling Data</i>, for each emissions source. OEA estimated emissions from construction equipment using USEPA models and guidance, which account for the USEPA emissions standards. OEA notes that the USEPA emissions standards are enforced at the manufacturer level and are not under the control of the construction contractor. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Nonroad Mobile Source Emissions Reduction Strategies Report No. 2006-P-00039, September 27, 2006, available at <https://www.epa.gov/sites/production/files/2015-11/documents/20060927-2006-p-00039.pdf>.] A realistic estimate of emissions must address the construction equipment to be used on site.

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-71)

Comment	Response
<p>Third, OEA makes important assumptions about the pace and location of construction on the various alignments. These assumptions are critical, as OEA claims that the annual construction emissions totals inside the nonattainment areas are low enough that the agency need not complete further conformity analysis. DEIS at 3.7-20. To derive these totals, OEA calculates construction emissions both inside and outside the nonattainment areas. E.g. Appendix M at unnumbered 14 -15. However, there is no basis in the record to support the apparent underlying contention that a certain proportion of construction activities will occur outside the nonattainment areas and another proportion inside the nonattainment areas each year. Given that the intensity of the construction activity inside or outside the nonattainment areas over a year dictates the emission totals for that year, postulations about where construction activities take place must be explained and justified in the record. The same can be said for the pace of construction. Again, the record apparently fails to support the yearly pace of construction, which in turn determines the yearly emissions from construction activities. Given that the pace of the construction activity inside or outside the nonattainment areas over a year dictates the emission totals for that year, assumptions about the rate of construction activities must be explained and justified in the record. Because there is an apparent lack of record support for these critical assumptions - the location and pace of construction - the OEA's conclusion that it need not undertake further conformity analysis is not legally adequate.</p>	<p>Please refer to Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which provides the emissions inventory for construction of the proposed rail line, with emissions within the Uinta Basin Ozone Nonattainment Area shown separately for clarity. The emissions inventory, which was developed in consultation with USEPA, shows estimated emissions by year for each Action Alternative for tunnel construction and surface construction activities, as well as the applicable emissions factors for specific types of construction equipment that would be used. The emissions inventory is based on the available information regarding the nature, location, and timing of construction activities, including information provided by the Coalition and described in Chapter 2, <i>Proposed Action and Alternatives</i>. OEA notes that construction planning would be finalized during the final engineering and design phase, which would occur if and when the Board authorizes construction and operation of one of the Action Alternatives. As described in Subsection 3.7.3.2, <i>Impact Comparison between Action Alternatives</i>, based on the available information about how construction would proceed, OEA, in consultation with USEPA, concluded that construction and operation of the proposed rail line does not require further evaluation under the USEPA General Conformity Rule. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-72)

Comment	Response
<p>BLM and the Forest Service Must Complete "General Conformity" Analysis The General Conformity Rule ensures that federally funded or supported actions taken by federal agencies and departments, including the BLM and Forest Service, meet national standards for air quality in federal nonattainment and maintenance areas. OEA determined that the General Conformity Rule applies to the proposed</p>	<p>Please refer to Subsection 3.7.3.2, <i>Impact Comparison between Action Alternatives</i>, Table 3.7-9, which demonstrates that the estimated construction emissions in each area are less than the conformity thresholds. Therefore, the General Conformity Rule does not require further evaluation of conformity by any federal agency that would issue a decision or decisions related to construction</p>

<p>project. In consultation with USEPA, OEA has determined that construction of the proposed rail line in the Uinta Basin Ozone Nonattainment Area and the Utah County PM₁₀ Maintenance Area is subject to the USEPA General Conformity Rule. DEIS at 3.7-20. However, OEA claimed that it had authority only over the construction of the proposed rail line and therefore that for the purposes of General Conformity, relevant emissions were only those that would occur in conjunction with the construction of the rail line. As these fell below the applicable threshold, OEA claimed it did not need to undergo further conformity analysis.</p>	<p>of the proposed rail line, including Forest Service and BLM.</p> <p>Also as stated in Subsection 3.7.3.2, <i>Impact Comparison between Action Alternatives</i>, locomotive emissions during rail operations are not subject to the General Conformity Rule because the Board does not exercise continuing program responsibility over rail operation emissions and would not exercise such control over the operation of the proposed rail line. Similarly, neither BLM nor the Forest Service would exercise continuing program responsibility over rail operations on the proposed rail line. Therefore, locomotive emissions during operation of the proposed rail line would not be subject to the General Conformity Rule for any federal agency that would issue a decision related to the proposed rail line.</p> <p>Further, the Forest Service has confirmed that, because the proposed rail line would not be constructed or operated in a nonattainment area within the Ashley National Forest, a conformity analysis for the Ashley National Forest is not required. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-77)

Comment	Response
<p>Because Approval of the Proposed Rights-of-Way for the Rail Line Project are Federal Actions, the Forest Service and BLM Must Undertake an Applicability Analysis Turning to the regulations that specify when and how agencies must comply with the General Conformity Rule show that BLM and the Forest Service must undertake a conformity applicability analysis. General conformity applies to all federal actions in nonattainment/maintenance areas. Already OEA has determined that General Conformity applies to the proposed rail line because it will take place and generate emissions in the Utah County PM₁₀ maintenance area and the Uinta Basin ozone nonattainment area. A federal action refers to any activity directly engaged in by a department or agency of the Federal government. It also refers to any activity that a department or agency supports in any way, which includes providing financial assistance, licenses, permits or formal approval. 40 C.F.R. 93.152. [Footnote 102: "Federal action means any activity engaged in by a department, agency, or instrumentality of the Federal government, or any activity that a department, agency or instrumentality of the Federal government supports in any way, provides financial assistance for, licenses, permits, or approves, other than activities related to transportation plans, programs, and</p>	<p>Please refer to response to Comment #UBR-DEIS-00683-72 above.</p>

<p>projects developed, funded, or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 et seq.). Where the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion, or phase of the non-Federal undertaking that requires the Federal permit, license, or approval."] Thus, the authorization of the rail line project, including the necessary grants of rights-of-ways, is a federal action for the purposes of conformity. Specifically, both the BLM and the Forest Service must undertake a federal action - at a minimum, an approval of a right-of-way [Footnote 103: It appears that BLM and the Forest Service may have to undertake additional federal actions that are integral parts of the rail line project. For example, before the rail line project can be realized, BLM and the Forest Service may have to amend their land use plans. These too are federal actions for the purposes of conformity and the direct and indirect emissions from the rail line project are caused by these actions.] - as an integral part of the rail line proposal. As a result, the agencies must complete a conformity applicability analysis for the Uinta Basin ozone nonattainment area. [Footnote 104: While it does not seem likely that BLM and the Forest Service will need to complete a conformity demonstration for the Utah County PM₁₀ Maintenance Area, the DEIS should still undertake an applicability analysis.]</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-78)</p>	
<p>Comment</p>	<p>Response</p>
<p>Because the Direct and Indirect Emissions from the Proposed Rail Line Will Exceed the Thresholds, BLM and/or the Forest Service Must Undertake a Conformity Demonstration BLM and the Forest Service must complete a conformity demonstration because the direct and indirect emissions from the rail line project in the Uinta Basin nonattainment area will exceed the relevant thresholds.</p>	<p>Please refer to response to Comment UBR-DEIS-00683-72 above.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-84)</p>	
<p>Comment</p>	<p>Response</p>
<p>The Draft EIS's Discussion of Greenhouse Gases and Climate Change Fails to Satisfy NEPA's Hard Look Requirement A. The Draft EIS Fails to Consider Recent Climate Science NEPA requires OEA to consider "high quality information" and "accurate scientific analysis" in its decision-making process. 40 CFR § 1500.1 (b). Thus, OEA must consider recent climate science and analyze climate change impacts in its final EIS.</p>	<p>To address concerns regarding climate change, OEA has revised Subsection 3.7.2.6, <i>Climate</i>, in the Final EIS to include additional information on climate change in the study area based on recent climate studies.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-85)	
Comment	Response
<p>For these reasons and more, it is imperative that climate science and climate change impacts are considered in every project that will result in direct, indirect, or cumulative greenhouse gas emissions. The EIS for the Uinta Basin Railway, however, fails to do so, and lacks any discussion of the problem of climate change and how this project may contribute to worsening of climate change effects. By failing to consider and analyze the many reports listed above, the draft EIS does not comply with NEPA and its implementing regulations. Additional information on the most recent climate science is provided in the attached Climate Change Science Summary, provided in Attachment B. In addition, the DEIS must rely on the most recent climate science in estimating GHG emissions or CO2 equivalent. According to the U.S. Environmental Protection Agency and IPCC, methane is 28 to 36 times more potent than carbon dioxide over 100 years. [Footnote 133: U.S. Environmental Protection Agency, Understanding Global Warming Potentials (Sept. 9, 2020), available at https://www.epa.gov/ghgemissions/understanding-global-warming-potentials (“EPA GWP”) (discussing more recent IPCC reports).] The OEA must update the project’s GHG emission projections using this widely accepted global warming potential range, rather than the outdated and scientifically unjustified global warming potential of 25 over 100 years. [Footnote 134: DEIS at 3.7-13.] Methane’s warming effects over 20 years is 84 to 87 times more powerful than carbon dioxide, but the DEIS fails to reveal these more potent GHG effects. [Footnote 135: EPA GWP.] Given the short time frame that the world has to drastically cut emissions to avoid the worst effects of climate change, the EIS should analyze and disclose the project’s short-term and long-term warming effects, over the 20-year and 100-year time periods.</p>	<p>To address concerns regarding climate change, OEA has revised Subsection 3.7.2.6, <i>Climate</i>, in the Final EIS to include additional information on climate change in the study area. The potential impact of the project on climate change is described in terms of GHG emissions because the totality of climate change impacts is the consequence of a multitude of actions and is not attributable to any single action. It is not possible with current prediction tools to attribute a specific type or degree of climate impact to the emissions from a single project.</p> <p>In response to comments, OEA has added to Table 3.7-4 and Table 3.7-8 the calculation of GHG emissions based on 20-year GWPs in addition to emissions based on 100-year GWPs.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-86)	
Comment	Response
<p>The Draft EIS Fails to Analyze the Railway's Indirect Greenhouse Gas Emissions. The EIS must fully quantify all reasonably foreseeable greenhouse gas emissions that would result from development of the proposed rail. It is unclear whether the draft EIS quantifies the full scope of emissions that would result from rail operations. The draft EIS fails to explain how it calculates rail operation emissions and whether emissions along the entire route were considered. The emissions inventories in Appendix</p>	<p>The Draft EIS considered locomotive emissions along the entire length of the proposed rail line and the downline routes. Please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i>, Table 3.7-10, which includes information regarding emissions during rail operations for the proposed rail line and Tables 3.7-5 through 3.7-7, which include information on estimated emissions for downline routes. Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>, describes the downline routes that</p>

<p>M only calculate GHG emissions from rail operations between the Uinta Basin and Denver nonattainment area and does not appear to include GHG emissions from all segments along this route. [Footnote 136: DEIS, Appendix at PDF 454-458, 460.] Emissions from transporting oil to the Gulf Coast refineries and other destinations must be calculated. Further, as explained in section II, the DEIS fails to acknowledge that the project will spur increased oil and gas development in the Uinta Basin. As a result, it fails to fully disclose the project's indirect GHG emissions, including emissions from well construction and drilling, local oil tanker/truck transport to the rail terminal, and refining and burning the extracted product. These emissions are "indirect effects," which are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8. The DEIS erroneously treats these emissions as "cumulative effects." Even the cumulative effects analysis does not perform a complete inventory of emissions from oil transported on the railway, omitting emissions from refining the extracted product</p>	<p>OEA identified for analysis in accordance with the Board's regulations at 49 C.F.R. § 1105.7(e)(11)(v). OEA's approach to the analysis of downline impacts in the Draft EIS was consistent with these regulations and has not been revised for the Final EIS.</p> <p>Section 3.15, <i>Cumulative Impacts</i>, analyzes the impacts of new potential oil and gas development as a cumulative effect. Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, for a discussion of why and how OEA considered oil and gas development in the cumulative impact analysis. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information on potential downstream end-use emissions. The analysis of downstream end-use emissions is conservative because it assumes that combustion would be the end use of all of the crude oil, and that the crude oil would not displace other oil from the market but would add to existing oil consumption.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-88)

Comment	Response
<p>The Draft EIS Fails to Analyze the Climate Change Impacts Resulting from Direct, Indirect, and Cumulative Greenhouse Gas Emissions In addition to quantifying the railway's direct, indirect, and cumulative greenhouse gas emissions, NEPA also requires OEA to analyze the emissions' impacts-its consequences-on climate change. Even if there is uncertainty about climate change impacts, NEPA requires the agency to evaluate "such impacts based upon theoretical approaches or research methods generally accepted in the scientific community." 40 C.F.R. § 1502.22(b)(3)-(4). The draft EIS failed to quantitatively-or even qualitatively-analyze the railway's direct, indirect, and cumulative emissions impacts on climate change. The draft EIS offers only bare emissions volume numbers-and incomplete ones at that-which do not give the decisionmaker or the public an understanding of the scale of the project's "ecological," "economic," and "social" impacts, or their significance, nor does it permit a meaningful comparison among alternatives, as NEPA requires. 40 C.F.R. §§ 1508.8(b), 1502.16(b). In addition, the DEIS's merely comparing the project's emissions to statewide, national, and global GHG emissions does not comply with the agency's obligation under NEPA to assess climate change effects.</p>	<p>To address concerns regarding climate change, OEA has revised Subsection 3.7.2.6, <i>Climate</i>, in the Final EIS to include additional information on climate change in the study area. The potential impact of the project on climate change is described in terms of GHG emissions because the totality of climate change impacts is the consequence of a multitude of actions and is not attributable to any single action. It is not possible with current prediction tools to attribute a specific type or degree of climate impact to the emissions from a single project.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-89)	
Comment	Response
<p>On January 20, 2021, President Biden ordered that the CEQ rescind its Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions (84 Fed. Reg. 30097) June 26 2019 ("2019 Draft Guidance"); Biden, President Joseph R., Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, The White House (Jan. 20, 2021), https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/ ("Biden Health and Climate Crisis EO 2021") at section 7(c). If finalized, the Draft 2019 Guidance would have replaced the 2016 Final Guidance. President Biden's order now directs the CEQ to review, revise, and update the 2016 Final Guidance. Id.] Two scientific methodologies in particular are widely accepted tools for analyzing a project's climate change impacts-carbon budgeting and the social cost of carbon-neither of which the OEA utilized in the draft EIS. OEA should apply these methodologies in the final EIS to assess the railway's direct, indirect, and cumulative climate change impacts.</p>	<p>OEA considers estimation of GHG emissions to be sufficient and appropriate to characterize climate impacts of this project. Neither carbon budgeting nor social cost of carbon estimation is required under the CEQ regulations implementing NEPA that were in effect at the start of the NEPA analysis of the proposed rail line, and under which OEA's NEPA analysis was conducted. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-90)	
Comment	Response
<p>OEA failed to use carbon budgeting as a tool to assess the railway's climate impacts The final EIS should calculate the project's total carbon direct and indirect emissions (including emissions from increased oil and gas production spurred by development of the railway) and take these emissions into account in relation to the global carbon budget. A carbon budget is the cumulative amount of carbon dioxide emissions permitted over a period of time to keep global temperatures below a certain threshold. [Footnote 146: Carbon Tracker Initiative, Carbon Budgets Explained (Feb. 2018), https://carbontracker.org/carbon-budgets-explained/.] Carbon budgeting is a valuable tool for assessing the significance of GHG emissions. However, OEA failed to use this tool to inform its decision-making. According to the IPCC Special Report, for a 66 percent probability of limiting global warming to 1.5°C, the revised global carbon budget is estimated at 420 GtCO₂ and 57 GtCO₂ depending on the temperature dataset used from January 2018 onward. [Footnote 147: IPCC SR15, Summary for Policymakers at SPM 12.] The IPCC</p>	<p>OEA considers estimation of GHG emissions to be sufficient and appropriate to characterize climate impacts of this project. Carbon budgeting is not required under the CEQ regulations implementing NEPA that were in effect at the start of the NEPA analysis, and under which OEA's NEPA analysis was conducted. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

<p>Special Report also highlights that this carbon budget is being depleted at a rate of about 42 GtCO₂ per year. [Footnote 148: Id.] At this rate, the global carbon budget would be expended in just 10 to 14 years, highlighting the need for global action to transition away from fossil fuel energy. [Footnote 149: Calculation used to determine years left for carbon budget: 420GtCO₂/42GtCO₂ = 10 years and 570GtCO₂/42GtCO₂ = 13.57 years.] To put this into perspective, the United States is currently the world's second highest emitter on an annual per capita basis. [Footnote 150: Global Carbon Atlas, CO₂ Emissions, "Time Series" & "Chart View", http://www.globalcarbonatlas.org/en/CO2-emissions (last accessed Jan. 4, 2020).] And from 2005-2014, federal fossil fuel production accounted for 23.7% of national CO₂ emissions. [Footnote 151: See Merrill, M.D. et al., Federal Lands Greenhouse Gas Emissions and Sequestration in the United States-Estimates for 2005-14, USGS Scientific Investigations Report 2018-5131 (2018), https://pubs.er.usgs.gov/publication/sir20185131 at 6.] Again, this further highlights the need to transition away from fossil fuel energy, and to be especially cautious about moving forward with carbon intensive projects such as the Uinta Basin Railway. In light of the IPCC Special Report warning that global warming must be limited to 1.5°C, carbon budgeting is a valuable and necessary tool that OEA should utilize in its decision-making process.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-91)

Comment	Response
<p>The possibility of keeping the globe under 1.5°C, and therefore avoiding even more severe impacts from climate change is rapidly dwindling. Carbon budgeting represents a valuable tool to assess how the railway will contribute to the global climate crisis. Since carbon budget analysis would contribute to informed decision-making, OEA should utilize this tool in its assessment of the impacts of the proposed railway.</p>	<p>OEA considers estimation of GHG emissions to be sufficient and appropriate to characterize climate impacts of this project. Carbon budgeting is not required under the CEQ regulations implementing NEPA that were in effect at the start of the NEPA analysis, and under which OEA's NEPA analysis was conducted. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-92)

Comment	Response
<p>The social cost of carbon is a simple tool that is easy for federal agencies to use and easy for the public to understand. Putting a dollar figure on each ton of carbon dioxide emitted as a result of a federal project places climate impacts in a context that both decision makers and the public can readily comprehend. It is backed by years of peer reviewed scientific and economic research, it is designed to be updated to reflect the most up-to-date information,</p>	<p>OEA considers estimation of GHG emissions to be sufficient and appropriate to characterize climate impacts of this project. Social cost of carbon estimation is not required under the CEQ regulations implementing NEPA that were in effect at the start of the NEPA analysis, and under which OEA's NEPA analysis was conducted. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

<p>and it has already been used by federal agencies in both rulemaking decisions and project-level reviews under NEPA. Accordingly, OEA should utilize the social cost of carbon in order to analyze the climate impacts caused by the railway's direct, indirect, and cumulative emissions.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-93)	
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Comment	Response
<p>When considering the social cost of carbon, the OEA should use the protocol developed under the Obama administration, which reflects a more accurate and comprehensive look at the impacts from one metric ton of carbon emitted into the atmosphere. Under the Obama era measurement, the current social cost of carbon is between \$42-\$46 per metric ton. [Footnote 165: USEPA SCC Fact Sheet at p.4.] Federal agencies are not instructed as to which discount rate to use when determining the social cost of carbon, and suggests that the 3 percent discount rate (\$46 per ton of carbon dioxide for 2025) as the "central value," but further emphasizes "the importance and value of including all four SCC values [;]" i.e., that the agency should use the range of values in developing NEPA alternatives. [Footnote 166: U.S. Government Interagency Working Group, Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 (2013, updated 2016) at 12.] Under any discount rate, the total climate impacts of the railway must be disclosed to the public and decision makers. [See original attachment for "Table 1: Social Cost of CO2, 2015-2050."] There is ample evidence that shows that the social cost of carbon presents a conservative estimate of economic damages associated with environmental impacts of climate change: "The models used to develop SC-CO2 estimates do not currently include all of the important physical, ecological, and economic impacts of climate change recognized in the climate change literature because of a lack of precise information on the nature of damages and because the science incorporated into these models naturally lags behind the most recent research." [Footnote 167: USEPA SCC Fact Sheet at p.1.] As such, OEA should at a minimum take into consideration the social cost of carbon referenced above, and is encouraged to use more aggressive models.</p>	<p>OEA considers an estimation of GHG emissions to be sufficient and appropriate to characterize climate impacts of this project. Social cost of carbon estimation is not required under the CEQ regulations implementing NEPA that were in effect at the start of the NEPA analysis, and under which OEA's NEPA analysis was conducted. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-94)	
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Comment	Response
<p>Moreover, OEA must use the social cost of carbon to analyze the railway's climate change impacts</p>	<p>As discussed in Subsection 3.7.3, <i>Environmental Consequences</i>, OEA quantified climate change</p>

<p>because the draft EIS quantified and monetized the benefits of constructing and operating the railway. [Footnote 168: Draft EIS, pp. 3.13-26 to 27; 3.13-30 to 31.] It is arbitrary and capricious for an agency to quantify the benefits but not the costs of a project, for such an approach functionally assumes that the costs associated with greenhouse gas emissions are zero. High Country, 52 F. Supp. 3d at 1190-91. See also MEIC, 274 F. Supp. 3d at 1098-99 (arbitrary and capricious for the agency to "quantify socioeconomic benefits while failing to quantify costs"); WildEarth Guardians, 2019 WL 2404860, at *10-12 ("[b]ecause [the agency] quantified the benefits of the proposed action, it must also quantify the associated costs or offer non-arbitrary reasons for its decision not to"). On January 21, 2021, President Biden issued an Executive Order forming and directing the Interagency Working Group on the Social Cost of Greenhouse Gases to "publish an interim [social cost of carbon, social cost of nitrous oxide, and social cost of methane tool] within 30 days... which agencies shall use when monetizing the value of changes in greenhouse gas emissions resulting from regulations and other relevant agency actions until final values are published. [Footnote 169: Biden Health and Climate Crisis EO 2021 at section 5(b)(ii)(A).] In its final EIS, OEA should utilize these tools to quantify the railway's climate change costs.</p>	<p>impacts from construction and operation of the proposed rail line in terms of GHG emissions. OEA considers estimation of GHG emissions to be sufficient and appropriate to characterize climate impacts of this project. NEPA does not require agencies to conduct cost benefit analyses, such as social cost of carbon (SCC), as part of its environmental review, particularly when, as here, there are important qualitative considerations. See 40 CFR § 1502.23 ("For purposes of complying with the Act, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations."). The EIS's monetization of some socioeconomic impacts, such as tax revenue generated by the proposed rail line, was necessary for OEA to make an assessment of socioeconomics and does not constitute a cost benefit analysis of the type addressed in 40 CFR § 1502.23. As a result, OEA's decision not to use such cost benefit analysis, either as it would apply to climate change and GHG emissions or to other aspects of the EIS, is not an error. Regarding GHG emissions from potential future oil and gas production projects in the Basin, please refer to Section 3.15, <i>Cumulative Impacts</i>. Because the as yet unplanned oil and gas development projects in the Basin are not part of the proposed rail line, there would be significant uncertainty regarding any SCC analysis, including but not limited to uncertain new well development, production rates, volumes, and end uses, and these uncertainties limit the utility of SCC of GHGs related to that production. Moreover, the net effect of any new oil and gas development in the Basin may be partially offset by changes in production in other locations. As a result, OEA determined that, in addition to not being required under the CEQ NEPA regulations, SCC analysis would not be of significant utility in the environmental review of this proposed project. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Chad Hamblin (UBR-DEIS-00691-3)	
Comment	Response
<p>The railway would contribute to climate change. The increased oil and gas activities promoted by the railway would contribute to the burning of fossil fuels and thus add to the greenhouse gases that are causing climate change. Climate change is causing unnaturally large and severe wildfires in the Uinta Mountains and elsewhere. These fires negatively impact wildlife and also negatively impact recreation opportunities, and they could negatively impact tourism in the Uintah Basin.</p>	<p>OEA notes the commenter's concern regarding air pollution and climate change impacts. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> in Section 3.15, <i>Cumulative Impacts</i>, which includes information regarding cumulative impacts for air quality and GHGs, including potential GHG emissions associated with oil and gas development. In response to comments, OEA has added information on climate impacts to Subsection 3.7.2.6, <i>Climate</i>, in the Final EIS.</p>

Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-23)	
Comment	Response
<p>THE PROJECT'S DEIS FAILS TO CONTAIN ADEQUATE MITIGATION FOR ANTICIPATED GREENHOUSE GAS EMISSIONS. Although some federal case law originally questioned the need to evaluate climate impacts under NEPA, jurisprudence has become increasingly settled that such impacts must be included in NEPA analyses. NEPA also requires an agency to "include appropriate mitigation measures not already included in the proposed action or alternatives." 40 C.F.R. §§ 1502.14(e). While NEPA requires consideration and discussion of mitigation measures, it does not have a "substantive requirement that a complete mitigation plan be actually formulated and adopted." <i>Robertson v. Methow Valley Citizens Council</i>, 490 U.S. 332, 351-53 (1989). Nonetheless, the Tenth Circuit has held that a discussion of mitigation measures "must be reasonably complete in order to properly evaluate the severity of the adverse effects of a proposed project prior to making a final decision." <i>Colorado Envtl. Coal. v. Dombeck</i>, 185 F.3d 1162, 1173 (10th Cir. 1999) (internal quotation marks and citations omitted). The CEQ has made clear in a guidance document that even where an impact is not considered "significant," mitigation measures must still be identified: "The mitigation measures discussed in an EIS must cover the range of impacts of the proposal.... Mitigation measures must be considered even for impacts that by themselves would not be considered 'significant.' Once the proposal itself is considered as a whole to have significant effects, all of its specific effects on the environment (whether or not "significant") must be considered, and mitigation measures must be developed where it is feasible to do so." [Footnote 18: Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Reg. 18,026, 18,031 (Mar. 23, 1981).] In the DEIS, OEA estimates the reasonably foreseeable greenhouse gas ("GHG") emissions that would result from implementation of the Project, both during the construction phase and the operations phase. Anticipated GHG emissions during constructions range from 208,697 metric tons of total CO₂ equivalent for the Indian Canyon alternative to 289,737 CO₂e for the Wells Draw Alternative. DEIS at 3.7-19. GHG emissions during rail operations for the preferred alternative, Whitmore Park, are estimated to range from 44,476 CO₂e at the low-rail traffic scenario to 131,169 CO₂e at the high-rail traffic scenario. Id. at 3.7-21.</p>	<p>In the Draft EIS, OEA recommended mitigation measures AQ-MM-4, AQ-MM-5, and AQ-MM-6 to reduce GHG emissions during construction and operation of the proposed rail line. Because the feasibility of using the technology (e.g., hybrid-electric diesel equipment and solar and wind microgeneration) and the availability of materials identified in the mitigation measures (e.g., biodiesel) for the proposed rail line is uncertain, OEA's recommended mitigation measures would require the Coalition consider and evaluate the feasibility of implementing of each measure. As part of its mitigation compliance requirements (MC-MM-1), the Coalition would be required to report to OEA on the progress of implementing each mitigation measure and would need to provide adequate justification if it were unable to implement any of the mitigation measures.</p> <p>OEA has also added mitigation measure AQ-MM-8 in Chapter 4, <i>Mitigation</i>, in the Final EIS. AQ-MM-8 specifies that the Coalition shall require construction contractors to use renewable diesel fuel to minimize exhaust emissions from all heavy-duty diesel-fueled construction equipment and on-road diesel trucks. The diesel fuel must meet certain specifications to qualify as renewable. Renewable diesel is distinct from biodiesel, which the Coalition's contractors would be required to use under AQ-MM-4, and provides greater GHG reductions than biodiesel, compared to conventional ultra-low sulfur diesel. OEA believes that the final recommended mitigation in the Final EIS is adequate for this project.</p> <p>OEA compared GHG emissions from construction and operation of the proposed rail line to statewide and national emissions because this is a typical method for contextualizing the scale of emissions. OEA also reported the absolute values of the predicted emissions in terms of CO₂e, but these values may be difficult to interpret for most members of the public without having the regional context with which to compare.</p>

<p>The DEIS seeks to explain away the significance of these emissions by stating that they represent a small percentage of existing emissions. It notes that the Wells Draw alternative could result in up to 211,621 metric tons of CO₂e per year under the high rail traffic scenario, "which represents approximately 5 percent of GHG emissions in the regional study area, 1 percent of statewide GHG emissions, and 0.0004 percent of global GHG emissions."</p>	
<p>Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-24)</p>	
<p>Comment</p>	<p>Response</p>
<p>To address these GHG emissions, OEA is "recommending mitigation measures requiring the Coalition consider actions that would reduce GHG emissions during rail construction and operations," id., including: AQ-MM-4. The Coalition shall require its contractors to use diesel fuel that contains a minimum biodiesel content of 5 percent (B5 blend). If B5 is not available from local fuel suppliers, the Coalition shall use fuel with the highest biodiesel content that is available to reduce greenhouse gas emissions. AQ-MM-5. The Coalition shall consider procuring alternative engine and fuel technologies, e.g., hybrid-electric diesel equipment, for construction and operation of the rail line to reduce greenhouse gas emissions. AQ-MM-6. The Coalition shall evaluate the feasibility of installing solar and wind microgeneration technologies on site offices, lodgings, and other project-related facilities to reduce the use of grid or privately generated electricity to reduce greenhouse gas emissions. As part of its evaluation, the Coalition shall consider the suitability of site conditions and location of solar and wind generation and the technical and economic feasibility of supplementing site electricity demands with renewable power. DEIS at 4-14. These mitigation measures are inadequate to address the GHG emissions anticipated because they are largely optional and procedural and are therefore unlikely to reduce GHG emissions. While AQ-MM-4 appears reasonably fashioned to reduce GHG emissions by directing the Coalition to require its contractors to use diesel fuel containing a minimum biodiesel content of 5%, that direction is excused if such fuel is not available from local suppliers. AQ-MM-5 is even less likely to result in GHG-emissions reductions, inasmuch as it only directs the Coalition to "consider" using hybrid-electric diesel equipment for construction and operation activities. Similarly, AQ-MM-6 directs the Coalition only to "evaluate" the use of solar and wind microgeneration technologies at project facilities, and to "consider" site conditions in its</p>	<p>Please refer to response to Comment UBR-DEIS-00703-23 above.</p>

<p>evaluation. The DEIS should be revised to require the Coalition to take concrete steps to mitigate the foreseeable GHG emissions of the Uinta Basin Railway; directing the Coalition to evaluate and consider actions is inadequate. NEPA requires a "reasonably complete discussion of possible mitigation measures," such that fair evaluation of the environmental consequences of the alternatives is possible. <i>Robertson v. Methow Valley Citizens Council</i>, 490 U.S. 332, 352 (1989). Here, an analysis of the effectiveness of the mitigation measures is not only missing - it's impossible. One cannot reasonably say what actions the Coalitions' "consideration" of alternative fuel or engine technologies or "evaluation" of installing solar or wind technologies might yield, let alone what the mitigative effect of such technologies on GHG emissions or climate impacts might be. Such general and vague mitigation measures do not satisfy NEPA's "hard look" requirement. See <i>Neighbors of Cuddy Mountain v. U. S. Forest Service</i>, 137 F.3d 1372, 1381 (9th Cir. 1998) (NEPA violated where the mitigation measures were "so general that it would be impossible to determine where, how, and when they would be used and how effective they would be").</p>	
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Notes:

NAAQS = National Ambient Air Quality Standards; OEA = Office of Environmental Analysis; BLM = U.S. Bureau of Land Management; UGS = Utah Geological Survey; EIS = Environmental Impact Statement; USEPA = U.S. Environmental Protection Agency; ppb = parts per billion; DAQ = Division of Air Quality; ARMS = Air Resources Management Strategy; GHG = greenhouse gas; Forest Service = U.S. Forest Service; GWP = Global Warming Potential; ICCTA = Interstate Commerce Commission Termination Act of 1995; Board = Surface Transportation Board; Coalition = Seven County Infrastructure Coalition; SIP = State Implementation Plan; NO_x = nitrogen oxides; N₂O = nitrous oxide; VOC = volatile organic compound; PM₁₀ = particulate matter 10 microns or less in diameter; PM_{2.5} = particulate matter 2.5 microns or less in diameter; AQRV = Air Quality Related Values; CO_{2e} = carbon dioxide equivalent

Table T-14. Comments and Responses—Section 3.8, Energy

Berry Petroleum Company, LLC, Stephen Burke (UBR-DEIS-00434-1)	
Comment	Response
<p>This letter will serve as Berry Petroleum Company, LLC's ([<u>Berry</u>]) formal comment letter on the draft EIS for the Uinta Basin Railway Project (the [<u>Project</u>]), specifically as it concerns the proposed Indian Canyon and Whitmore Park Routes. Berry is an independent publicly traded energy company engaged in the acquisition, exploration, development and production of domestic oil and natural gas reserves primarily located in the San Joaquin Basin in California, the Uinta Basin in Utah and the Piceance Basin in Colorado. Berry currently has a substantial oil and gas footprint in the Uinta Basin with over 90,000 net acres and core operations in the Lake Canyon, Brundage Canyon and Sowers Canyon</p>	<p>OEA relied on publicly available data to analyze impacts on energy infrastructure, including oil and gas wells, pipelines, and compressor stations, in the Draft EIS. For the analysis of oil and gas wells, OEA used GIS data on oil and gas well locations from UDOGM, obtained in December 2019, to analyze the impacts on existing oil and gas wells. The locations data are presented in Draft EIS Section 3.8, <i>Energy</i>, Figure 3.8-1 and Table 3.8-2 (UDOGM 2019). Berry Petroleum Company LLC's (Berry) oil and gas wells identified in Attachments 1-5 of Berry's comment letter are included in the GIS data (UDOGM 2019) that OEA used in its analysis (refer to Figure T-2 following this table). These wells are located outside of the project footprint and, therefore,</p>

Fields. The Indian Canyon Route and the Whitmore Park Route are one and the same as they traverse through Berry's Lake Canyon Field operations and through the Left Fork of Indian Canyon and may hereinafter be referred to as the "Routes". As stated in our August 2, 2019 comment letter, Berry has existing oil and gas development operations as well as future planned exploration and development activities on existing leases that would be adversely impacted by the Routes. Of particular concern to Berry is the failure of the draft EIS to adequately consider oil and gas operations as an existing land use within the footprint of the proposed Routes. Additionally, the draft EIS does not accurately consider Berry's oil and gas wells, well pads and associated access roads, natural gas gathering lines, and associated infrastructure that are located within the footprint of the Routes. [See original attachment for Attachments 1-5 for maps of the Whitmore Park Route and the Indian Canyon Route.]

would not be directly affected by construction and operation of the proposed rail line. Because Figure 3.8-1 and Table 3.8-2 only identify oil and gas wells located within the project footprint, Berry's wells were not included. Based on UDOGM (2019) well data, 27 wells and permits operated by Berry are within 200 feet of the project footprint of the Indian Canyon Alternative and Whitmore Park Alternative. The closest Berry well (LC Taylor Fee 14-22D-56) to those Action Alternatives is located 22 feet from the project footprint boundary.

While data from UDOGM (2019) indicate that none of Berry's wells would be directly affected by the proposed rail line, the project footprint of the proposed rail line would overlap the well pads operated by Berry and other oil and gas operators. OEA has updated the analysis in Subsection 3.8.3.2, *Impact Comparison between Action Alternatives, Oil and Gas Wells*, in the Final EIS to describe impacts on well pads intersected by the project footprint and the potential effects on oil and gas operations. In addition, OEA added a new recommended mitigation measure that would require the Coalition consult with operators of existing oil and gas facilities, including well pads, to identify appropriate measures to mitigate impacts on the facilities (ENGY-MM-4).

Berry's natural gas-gathering pipelines and Davis Hollow Compression Site identified in Berry's comment letter and map attachments were not included in the public data sources OEA used for its analysis. To address the potential impacts on these energy facilities for the Final EIS, OEA used the information contained in Berry's comment letter and aerial imagery to digitally map Berry's pipelines and the Davis Hollow Compression Site. OEA has revised Figure 3.8-1 in the Final EIS to show these facilities and updated the analysis in Subsection 3.8.3.2, *Impact Comparison between Action Alternatives, Electric Transmission Lines and Pipelines*, to describe impacts on Berry's pipelines. To minimize impacts on natural gas-gathering pipelines, OEA is recommending an additional mitigation measure in the Final EIS that would require the Coalition consult with operators of existing oil and gas facilities, including natural gas-gathering pipelines, to address impacts on the facilities, which could include relocating pipelines (ENGY-MM-4).

Figure T-2 in this appendix displays Berry's oil and gas infrastructure in the vicinity of the proposed rail line corresponding to the maps included in Attachments 1-3 of Berry's comment letter; Figure

	T-3 corresponds to Attachment 4; and Figure T-4 corresponds to Attachment 5.
Berry Petroleum Company, LLC, Stephen Burke (UBR-DEIS-00434-2)	
Comment	Response
Figure 3.8-1, an area-wide map of Oil and Gas Pipelines, Transmission Lines, and Oil and Gas Wells does not depict or identify any of Berry's oil and gas wells, nor Berry's related infrastructure. The omission of Berry's wells, its above and below ground pipelines, and related infrastructure from the draft EIS appears to be the result of the Office of Environmental Analysis ([<u>underline: "OEA"</u>]) using high-level GIS data that does not accurately reflect the Routes' impacts on the ground. See data sources in Section 3.8.1.2. This means that the draft EIS did not accurately assess the Routes' potential impacts on existing energy infrastructure. See Section 3.8.1.3. o Berry owns and operates over 20 active oil and gas wells and has 3 permits to drill within the footprint of the Routes.	Please refer to the response to Comment UBR-DEIS-00434-1 above. To address concerns regarding the source of GIS data used to assess impacts on oil and gas infrastructure, OEA revised Subsection 3.8.1.2, <i>Data Sources</i> , in the Final EIS to clarify that OEA used GIS data for oil and gas well locations from UDOGM (2019) and included digitized mapping information on natural gas-gathering pipelines and compression sites using aerial imagery and information from an oil and gas operator in the Basin. All other sources of GIS data used in Section 3.8, <i>Energy</i> , were accurately captured in the Draft EIS.
Berry Petroleum Company, LLC, Stephen Burke (UBR-DEIS-00434-3)	
Comment	Response
Table 3.8-2, a list of oil and gas wells in the study area by lease ownership, does not account for all of Berry's wells, because it only lists 4 total wells for the Indian Canyon Alternative and 2 total wells for the Whitmore Park Alternative.	Please refer to the response to Comment UBR-DEIS-00434-1 above.
Berry Petroleum Company, LLC, Stephen Burke (UBR-DEIS-00434-5)	
Comment	Response
The draft EIS also does not sufficiently identify the adverse impacts to Berry's oil and gas operations, because the impacts to Energy noted in Table S-1 of S.5 - Summary of Impacts only shows 4 oil and gas wells adversely impacted by the Indian Canyon Route and only 2 oil and gas wells adversely impacted by the Whitmore Park Route. As indicated above, Berry has identified a minimum of 22 existing oil and gas wells and 3 permits to drill on existing well pads that would be adversely impacted by the Routes. Moreover, there are access roads to well pads that would be cut across by the Routes, including the access road to its Davis Hollow Compression Site where oil and produced water is trucked at all hours every day. Berry also has several gas gathering pipelines, both above and below ground, which would be adversely impacted by the Routes, including affecting access to those pipelines. Specifically, Berry's 12" trunk line, which gathers all of its Lake Canyon produced natural gas at the Davis Hollow Compression Site, would be cut across by the Routes which would potentially impact production from approximately 141 Lake	Please refer to the response to Comment UBR-DEIS-00434-1 above. With regard to concerns about impacts on access roads to oil and gas infrastructure, the Coalition has proposed as part of the project design to relocate roads that would be affected by construction of the proposed rail line, including roads to oil and gas well pads, so as to maintain access to existing facilities (refer to Appendix A, <i>Action Alternatives Supporting Information</i> , for detailed mapbooks depicting the locations of all proposed road relocations). As described in Subsection 3.8.3.1, <i>Impacts Common to All Action Alternatives, Road Closures and Realignment</i> s, any impacts on access as a result of road closures and realignments would be temporary during construction. OEA's recommended mitigation measure ENGY-MM-1 would require the Coalition design road realignments to allow continued vehicle access to existing fixed facilities, such as oil pads, during and following construction of the proposed rail line. Figure T-3 and Figure T-4 in this appendix show how roads would be relocated or at-grade crossings

<p>Canyon oil and gas wells. Reference Attachments 1-3 for overview maps depicting the general location of Berry's well pads, approved APDs, pipelines, access roads, and the Davis Hollow Compression Site in relation to the Routes. Attachments 4-5 depict examples through a close-up aerial view of the Routes (50 feet on each side of centerline) as they cut across certain of Berry's access roads, pipelines and immediately abutting certain of Berry's well pads.</p>	<p>would be installed to maintain continued access at three of Berry's well pads, corresponding to the maps in Attachments 4 and 5 of Berry's comment letter.</p>
Berry Petroleum Company, LLC, Stephen Burke (UBR-DEIS-00434-6)	
Comment	Response
<p>An additional concern of Berry is S.4.2 - Minor Impacts: Energy, which states that active oil and gas wells within the railway will be permanently abandoned and 4.4.7 - Mitigation: Energy (ENGY-MM-2), which contains a similar statement. The final EIS should contemplate close coordination with operators of oil and gas wells to mitigate impacts to operations, and to the greatest extent possible, design a route that avoids having to permanently abandon oil and gas wells. Conversely, 4.4.9- Mitigation: Land Use and Recreation (LUR-MM-1) contemplates consultation with the Ute Indian Tribe during the final engineering and design phase of the proposed rail line and prior to undertaking any project-related construction to ensure that construction and operation of the proposed rail line would not significantly impact land under the Tribe's jurisdiction. Berry requests that a similar mitigation measure be added to the final EIS that includes consultation with oil and gas operators within the Routes.</p>	<p>To address this comment, OEA is recommending an additional mitigation measure (ENGY-MM-4) that would require the Coalition consult with oil and gas operators of existing facilities (e.g., wells, well pads, gathering pipelines, access roads) affected by the proposed rail line during the final engineering and design phase of the proposed rail line to develop appropriate measures to mitigate impacts on these facilities. Following final engineering and design, oil and gas wells located within the rail right-of-way would need to be plugged and abandoned in accordance with applicable regulations, as specified in mitigation measure ENGY-MM-2.</p>
Berry Petroleum Company, LLC, Stephen Burke (UBR-DEIS-00434-8)	
Comment	Response
<p>As stated in our August 2, 2019 comment letter, Berry acknowledges current marketing constraints on Uinta Basin crude oil and the need to expand takeaway capacity by creating access to the Gulf Coast refineries and is supportive of the Project in concept. However, the Routes, as currently proposed, would be detrimental to Berry's existing and future planned operations in the Lake Canyon Field and hinder its ability to safely continue production and development in the area. Additionally, the re-routing and replacement of existing access roads, pipelines, well pads, or other oil and gas facilities could result in both direct and indirect environmental impacts. To that end, the Project leads will need to coordinate with Berry to mitigate avoidable adverse impacts to Berry's operations and ensure the final route is designed to create the least amount of adverse impacts to both</p>	<p>Please refer to the responses to Comments UBR-DEIS-00434-1 and UBR-DEIS-00434-6 above.</p>

Berry's operations and the surrounding environment as is practical.	
Berry Petroleum Company, LLC, Stephen Burke (UBR-DEIS-00434-9)	
Comment	Response
<p>In summary, the following mitigative measures should be considered in final EIS:</p> <ol style="list-style-type: none"> 1. Design of a route that would not encroach upon or affect Berry's existing well pads, facilities and access, and would not require additional construction for re-routing of roads, lines, and other facilities. 2. Review and disclosure of any setbacks, buffers or clear zones caused by the Project and which may affect Berry's operations. 3. Road crossings and potential re-routing to accommodate safe all-weather truck traffic of all kinds including cranes, workover rigs and drilling rigs to Berry's well pads and the Davis Hollow Compression Site. 4. Pipeline crossings and necessary access for Berry's existing pipelines in the area. 5. A route that would not prevent Berry from constructing future well pads and associated access roads. 6. Pre-approval to install pipelines under and through the railroad right-of-way as needed with minimal limitations, and no bonding or extensive engineering to accommodate future oil and gas wells. 	<p>Responses to each requested mitigation measure follow:</p> <ol style="list-style-type: none"> 1. Please refer to response to Comment UBR-DEIS-00434-6 above regarding the additional mitigation measure (ENGY-MM-4) that OEA has included in the Final EIS. This measure would require the Coalition consult with oil and gas operators of existing facilities affected by the proposed rail line prior to construction. 2. The project footprint analyzed in the EIS includes both the rail line footprint and temporary footprint where all construction and operation activity would occur. The Coalition's current project design does not identify the need for any additional buffers, setbacks, or clear zones. In the event that any such buffers, setbacks, or zones are determined necessary during final design, the Coalition would be required to consult with oil and gas operators of existing facilities affected by the proposed rail line in accordance with mitigation measure ENGY-MM-4. 3. Please refer to response to Comment UBR-DEIS-00434-5 above regarding proposed road relocations, and OEA's recommended mitigation measure to allow continued vehicle access to existing fixed facilities, such as well pads, during and following construction of the proposed rail line (ENGY-MM-1). 4. Please refer to response to Comment UBR-DEIS-00434-1 above regarding the additional analysis that OEA has included in the Final EIS about impacts on Berry's pipelines and OEA's additional recommended mitigation measure (ENGY-MM-4) requiring the Coalition consult with oil and gas operators of existing facilities affected by the proposed rail line. In addition, mitigation measure ENGY-MM-3 would require the Coalition design crossings or relocations of pipelines in accordance with applicable Utah Division of Public Utilities regulations and guidelines. 5. Mitigation measures ENGY-MM-1 through ENGY-MM-4 would require coordination and consultation, prior to construction, with appropriate agencies and oil and gas operators regarding impacts on existing energy infrastructure. Future, undetermined construction activities that could affect or be affected by the proposed rail line are not

	<p>reasonably foreseeable. OEA does not have any information regarding where oil producers could construct additional oil well pads and associated facilities in the future. Therefore, impacts related to those wells and facilities are not assessed in the Final EIS. Future construction activities would be coordinated between the affected parties pursuant to applicable federal, state, local, and tribal regulations.</p> <p>6. Pre-approval of crossings or use of a railroad right-of-way by pipelines after a railroad is constructed is outside of the Board’s regulatory authority. Such future construction activities would need to be coordinated between the affected parties and would need to comply with applicable federal, state, local, and tribal regulations.</p>
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Berry Petroleum Company, LLC, Stephen Burke (UBR-DEIS-00434-10)

Comment	Response
<p>In conclusion, Berry requests for the final EIS to confirm consultation and close coordination with oil and gas operators during the final engineering and design phase of the proposed rail line and prior to undertaking any project-related construction and incorporation of the above-listed mitigation measures, to avoid and/or mitigate damages to Berry's assets to the greatest extent possible.</p>	<p>Please refer to responses to Comments UBR-DEIS-00434-1, UBR-DEIS-00434-2, UBR-DEIS-00434-3, UBR-DEIS-00434-5, UBR-DEIS-00434-6, UBR-DEIS-00434-8, UBR-DEIS-00434-9, UBR-DEIS-00434-10 above.</p>

Uintah Valley Shoshone Tribe, Michael Rock (UBR-DEIS-00682-6)

Comment	Response
<p>ENERGY. The Tribe does not support the construction of this railway as this does nothing but encourage the continued consumption of fossil fuels. It is a goal of the Biden administration to reduce the nation's consumption of fossil fuels in an attempt to curb global warming. Constructing a large fixed-asset is completely counter to this national objective. Construction of this railroad will either serve to continue oil and gas exploration within the Basin, or a railroad will be constructed that has little to no use as oil and gas exploration in the Basin. Both of these alternatives will have long-term negative environmental and social impacts on the local area. Furthermore, there is an adequate rail line already built that runs on another Rio Grande Pacific, the same operator as the proposed Uintah Basin Railway. This line, the Tennessee Pass Rail Line, runs from Craig Utah to Grand Junction, Colorado and gives an already constructed rail path to crude refineries on the Gulf Coast. There is no need for two separate railways when we already have one that can be utilized for the same purpose</p>	<p>OEA notes the commenter’s concerns regarding greenhouse gas emissions and climate change. OEA also notes that the Tennessee Pass line referenced in the comment is an existing rail line owned by UP Railroad Company between Sage, Colorado and Parkdale, Colorado that has been out of service for many years. Because the existing Tennessee Pass line is located in Colorado, not Utah, and does not enter the Basin, the Tennessee Pass line does not provide rail service to shippers in the Basin and is, therefore, not an alternative to the proposed rail line.</p> <p>To the extent that this comment may be referring to another proceeding previously before the Board, OEA notes that the notice in Docket No. FD 36471 has been rejected and the proceeding is no longer active. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

OEA = Office of Environmental Analysis; EIS = Environmental Impact Statement; UDOGM = Utah Division of Oil, Gas and Mining; UP = Union Pacific; Basin = Uinta Basin; Board = Surface Transportation Board

Figure T-2. Berry Petroleum Oil and Gas Infrastructure—Indian Canyon Alternative and Whitmore Park Alternative

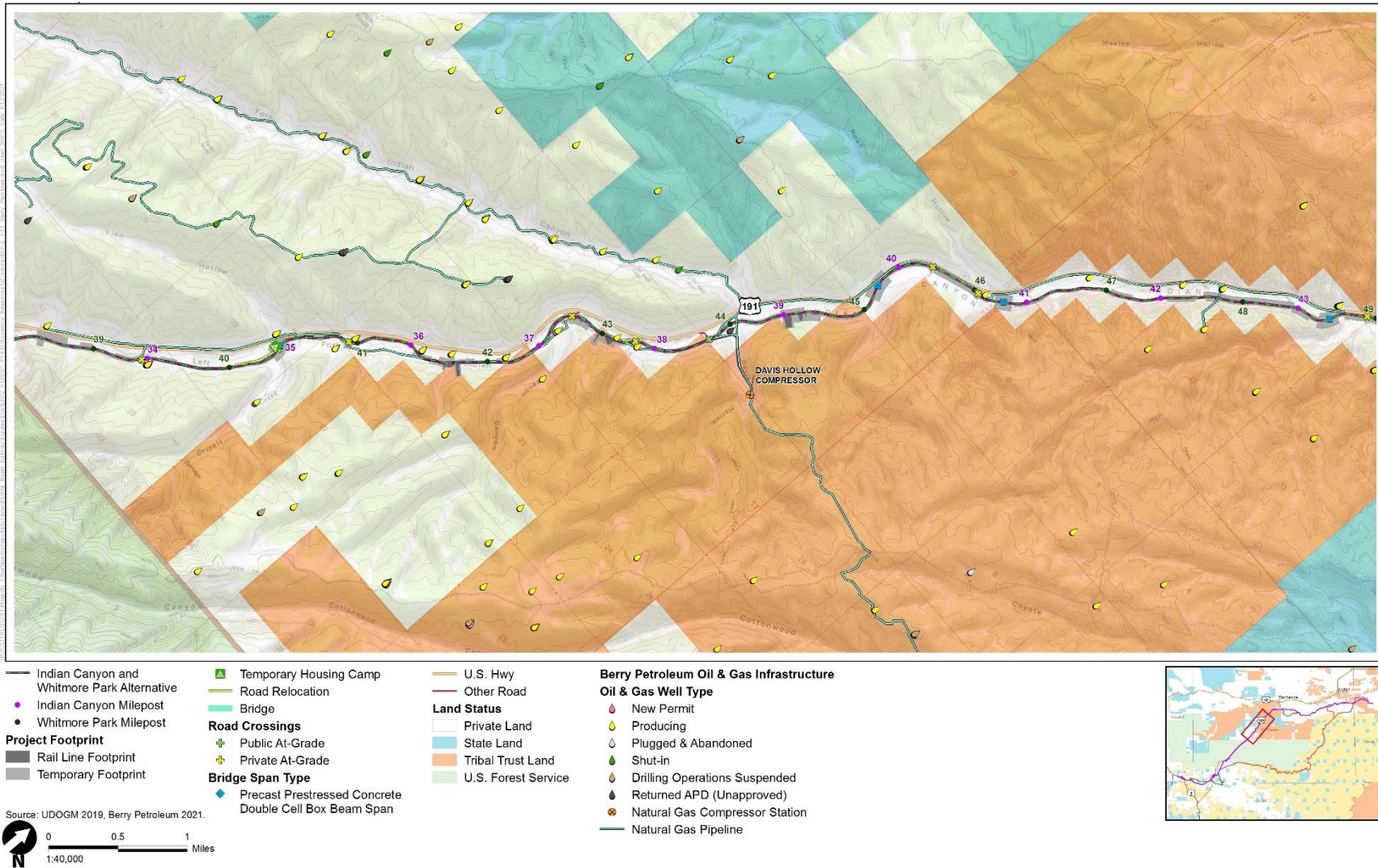


Figure T-4. Berry Petroleum Oil and Gas Infrastructure—Indian Canyon Alternative near Milepost 34 and Whitmore Park Alternative near Milepost 39.5

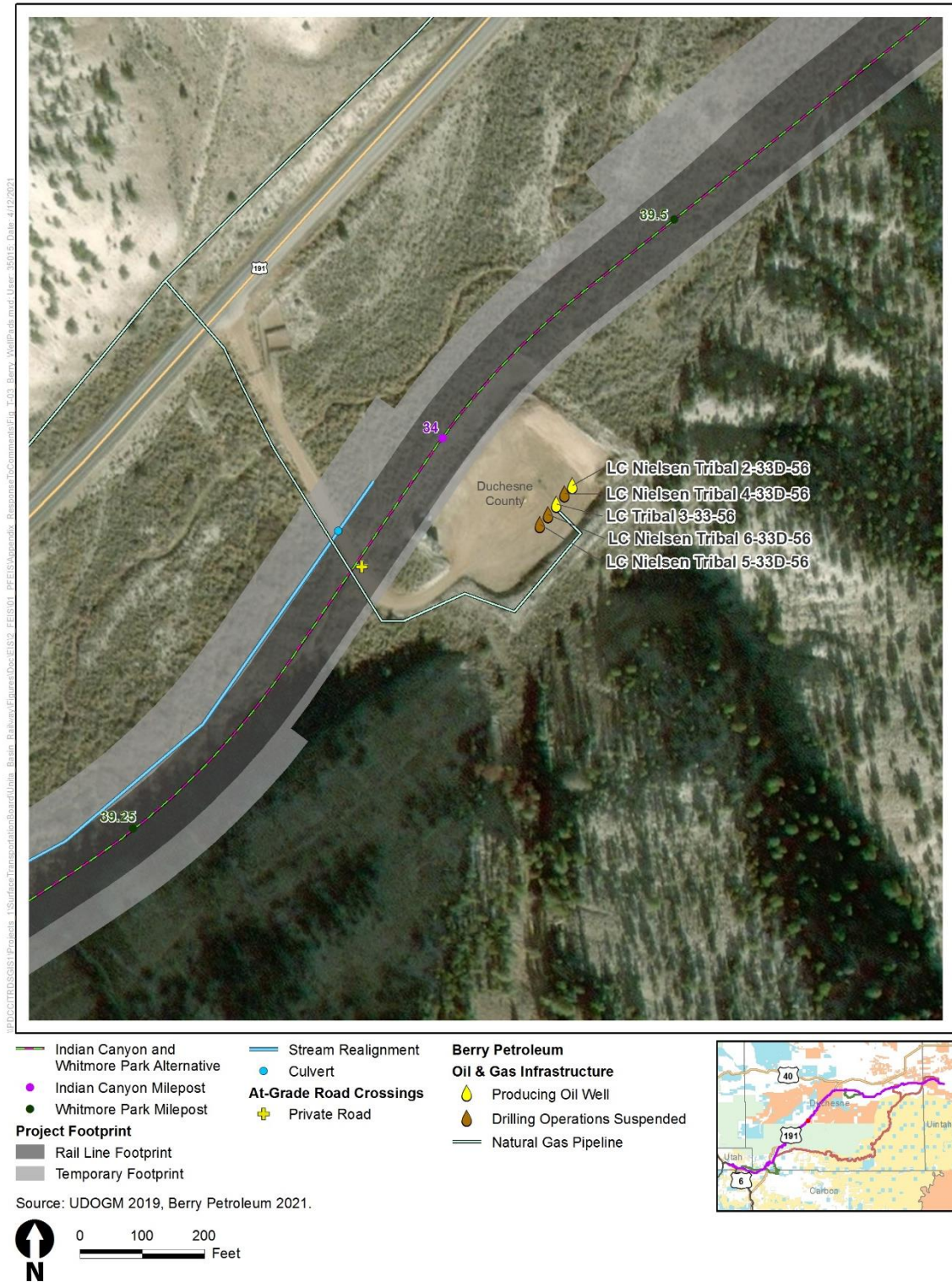


Table T-15. Comments and Responses—Section 3.9, Cultural Resources

Duchesne County, Mike Hyde (UBR-DEIS-00436-20)	
Comment	Response
Page 3.9-8 Archaeological Resources: OEA has preliminarily identified one National Register-eligible prehistoric archaeological site [bold and underline: within] the APE of the three Action Alternatives, which consists of a rock art and artifact scatter site (Table 3.9-2).	OEA has added the word “within” to the referenced sentence in Subsection 3.9.2.3, <i>Types of Identified Cultural Resources</i> , in the Final EIS as requested by the commenter.
Duchesne County, Mike Hyde (UBR-DEIS-00436-21)	
Comment	Response
Page 3.9-10 Land Management Cultural Resources (Table 3.9-6): [Bold: Comment: This table should have a footnote indicating that the Ashley National Forest is currently planning to de-commission the Indian Canyon Ranger Station and demolish it. (The contact person for this subject is Jeff Rust, jeffrey.rust@usda.gov, p: 435-781-5156 or c: 435-790-1550).]	To provide clarity, OEA added a table note to Table 3.9-6 in Section 3.9, <i>Cultural Resources</i> , in the Final EIS concerning possible plans for the Indian Canyon Ranger Station.
Duchesne County, Mike Hyde (UBR-DEIS-00436-22)	
Comment	Response
Page 3.9-13 -(Table 3.9-10): [Bold: Comment: This table should have a footnote indicating that the Ashley National Forest is currently planning to de-commission the Indian Canyon Ranger Station and demolish it. (The contact person for this subject is Jeff Rust, jeffrey.rust@usda.gov, p: 435-781-5156 or c: 435-790-1550).]	Please refer to response to Comment UBR-DEIS-00436-21 above.
Duchesne County, Mike Hyde (UBR-DEIS-00436-23)	
Comment	Response
Page 3.9-15 Operations: Operation of the Indian Canyon Alternative would affect sensitive tribal resources and two known historic properties within the APE, including a segment of US 6 (006) and the Indian Canyon Ranger Station (001). The setting of the Indian Canyon Ranger Station, a National-Register-listed complex of buildings including a one-story residence, would change. Constructed by the Forest Service in 1914 and located in Indian Canyon adjacent to present-day US 191, the property embodies the role the Forest Service played in land management in the Basin during the early 20th century. [Bold: Comment: This text should have a footnote indicating that the Ashley National Forest is currently planning to de-commission the Indian Canyon Ranger Station and demolish it. (The contact person for this subject is Jeff Rust, jeffrey.rust@usda.gov , p: 435-781-5156 or c: 435-790-1550).]	This comment consists primarily of a direct quote from the Draft EIS. With respect to the recommendation regarding the description of the Indian Canyon Ranger Station, please refer to response to Comment UBR-DEIS-00436-21 above.

Duchesne County, Mike Hyde (UBR-DEIS-00436-24)	
Comment	Response
Page 3.9-16 Operations: Operation of the Whitmore Park Alternative would affect three known historic properties and sensitive tribal resources within the APE, including a segment of US 6 (006), one cabin (023), and the Indian Canyon Ranger Station (001). [Bold: Comment: This text should have a footnote indicating that the Ashley National Forest is currently planning to de-commission the Indian Canyon Ranger Station and demolish it. (The contact person for this subject is Jeff Rust. jeffrey.rust@usda.gov, p: 435-781-5156 or c: 435-790-1550).]	Please refer to response to Comment UBR-DEIS-00436-21 above.
Duchesne County, Mike Hyde (UBR-DEIS-00436-68)	
Comment	Response
Page 4-7 Cultural Resources: VM-42. The Coalition will work with the Ute Indian Tribe, [bold and underline: Utah State Historic Preservation Office, BLM, US Forest Service, State Institutional Trust Lands Administration] and others to develop training materials to educate construction supervisors about the importance of protecting cultural resources and the procedures for handling undocumented discoveries.	This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to the voluntary mitigation measures proposed by a railroad applicant. Please see Stipulation X of the executed PA (Appendix O, <i>Programmatic Agreement</i> , of the Final EIS), which specifies how educational materials for construction personnel would be prepared by the Coalition and reviewed by the Section 106 Consulting Parties. Because the concerns raised in the comment will be addressed by the process set out in the PA, no changes to the Draft EIS are warranted in response to this comment.
Duchesne County, Mike Hyde (UBR-DEIS-00436-77)	
Comment	Response
Exhibit N Resource ID 042 - 00-0009-4429 - Mobile Home - [Bold: Comment: This mobile home was demolished in August, 2020.]	To address the information provided in the comment, OEA added a sentence to the <i>Preliminary Identification and Evaluation (Phase 1)</i> section of Appendix N, <i>Historic Properties Technical Memorandum</i> , in the Final EIS concerning the mobile home being demolished.
Western Energy Alliance, Tripp Parks (UBR-DEIS-00466-4)	
Comment	Response
STB complies with the National Historical Preservation Act by analyzing potential impacts to cultural resources, imposing mitigation requirements, and requiring ongoing consultation. These steps will ensure the project will have a limited effect on cultural resources and will be avoided where possible.	OEA notes the commenter's statements. No changes to the Draft EIS are warranted in response to this comment.
Tressa Jordan (UBR-DEIS-00483-1)	
Comment	Response
I oppose the Uinta Basin Railway, it is not a benefit	OEA notes the commenter's opposition to the

<p>to the Native American people who reside on the Uinta Valley Reservation. The railroad is trespassing on Shoshone allodial lands and is damaging our ancestral culture, as well as, the anthropological sites of the ancient Fremont Indians that are throughout the Uinta Basin. The Shoshone Indians are the descendants of the Fremont's and the owners of the reservation. The entire Uinta Basin is in Indian Country, the state is trespassing and violating the Federal Antiquities Act. The Uinta Basin Railroad must not be approved.</p>	<p>proposed rail line. Please refer to Chapter 5, <i>Consultation and Coordination</i>, and Appendix S, <i>Agency and Tribal Consultation</i>, which include information regarding OEA's public involvement efforts and extensive consultation with federally recognized tribes that have current and ancestral connections to the area surrounding the proposed rail line. Please also refer to Appendix O, <i>Programmatic Agreement</i>, which sets forth how impacts on cultural sites would be assessed and addressed in consultation with federally recognized tribes and other Section 106 consulting parties if the Board were to authorize construction and operation of the proposed rail line.</p>
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Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-10)

Comment	Response
<p>3.9 Cultural Resources We believe it is premature to issue this Draft EIS without the Programmatic Agreement being in place. It is not possible to know the impacts and potential mitigations without knowing how these will be approached. That approach is to be outlined in the PA. We request a supplemental Draft EIS be issued once the PA is complete and the analysis and mitigation is applied. On the issue of mitigation, we object to "document and destroy" as an approach to mitigation. We will discuss this further in PA meetings.</p>	<p>The PA was executed on March 25, 2021, and a copy is appended to the Final EIS as Appendix O, <i>Programmatic Agreement</i>. A supplemental Draft EIS is not needed to further assess cultural resources impacts and mitigation. Until the Board issues a final decision authorizing one of the Action Alternatives, the route for the proposed rail line will not be known. Moreover, as discussed in Section 3.9, <i>Cultural Resources</i>, OEA is properly applying a Phased Identification approach to satisfy its obligations under Section 106 of the NHPA, pursuant to 36 C.F.R. § 800.4(b)(2). The Phased Identification approach allows federal agencies to defer final identification and evaluation of historic properties through the use of a PA (36 C.F.R. § 800.13 (b)). The public had the opportunity to participate in the development of an appropriate PA. OEA appended a Draft PA to the Draft EIS to provide Section 106 consulting parties and the public the opportunity to review and comment on the Draft PA (see Appendix O, <i>Draft Programmatic Agreement</i>, of the Draft EIS). OEA considered all comments received on the PA before finalizing the PA.</p> <p>OEA notes that Stipulation IX.C.2 of the executed PA specifies how measures to avoid, minimize, or mitigate adverse effects would be developed in consultation with the Section 106 consulting parties. These measures could include modifications to the proposed rail line and treatments that conform to the Secretary of Interior Standards. Therefore, no changes to the Draft EIS are warranted in response to this comment and preparation of a Supplemental Draft EIS is unnecessary.</p>

Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-11)	
Comment	Response
<p>Cultural Resources: 3.9-6: "For above-ground historic properties where any part of the historic property boundary is located within the APE but entirely outside of the below-ground portion of the APE, OEA concluded that construction and operation of the proposed rail line would not result in a physical impact but would result in a change to the property's setting." Why would this assumption be the case? When "above-ground" archaeological and historic sites refer mostly to rock art or inscriptions, dust and other atmospheric changes (i.e. "the change to property setting") directly impact and physically alter the integrity of the above ground cultural manifestation. For example, fugitive dust propelled into the air from use of unpaved access roads has been shown to negatively impact and deteriorate the face of rock art panels and pictographs. The extent to which this happens depends on atmospheric conditions (such as wind, temperature, etc.) which contribute to carrying particles further down canyons and corridors than the 200ft buffer surrounding known sites. When this happens, cumulatively over a period of time, NRHP aspects of integrity such as Design, Setting, Workmanship, Feeling, and Association are at threat of deterioration. This contributes to a downgrade of sites which prior to the project, would have fulfilled NRHP Criteria, but not longer can due to temporary and long-term environmental disturbances such as the construction of a railroad. This assumption cannot be taken at face value, as it disregards the impacts and adverse effects to sensitive "above ground" resources that should be counted and considered within the EIS. Clarification about how alterations to the "setting" of a site or historic property trigger adverse effects to the property during rail operation (which cumulatively have potential to be very significant) is necessary to understand why some sites are included while others are excluded from consideration. Add this clarification so there is no confusion about adverse effects to a site or its setting.</p>	<p>The assumptions stated in Section 3.9, <i>Cultural Resources</i>, of the Draft EIS are based on information available during Phase 1 of the NHPA Section 106 compliance effort in accordance with 36 C.F.R. § 800.4(b)(2), which tasks OEA with establishing the likely presence of historic properties. One example of rock art was identified during Phase 1 and it is located within the project footprint for the Wells Draw Alternative. Because this site is located within the project footprint, OEA assumed that an adverse effect on this property would be the result of physical demolition, rather than from the deposition of fugitive dust. Other historic properties, potentially including rock art sites, may be identified during identification efforts that would be conducted under the executed PA (see Appendix O, <i>Programmatic Agreement</i>, of the Final EIS). Stipulation VI.E.2 of the PA sets forth how the setting of historic properties would be discussed as part of the identification process. Stipulation VII of the PA discusses how the criteria of adverse effects would be applied to all historic properties identified in the APE for any Action Alternative authorized by the Board. Pursuant to Stipulation VIII of the PA, consulting parties will have the opportunity to review and comment on all technical work, including the identification of historic properties and the assessment of effects for all historic properties identified in the APE.</p>
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-12)	
Comment	Response
<p>3.9.2.1 Context Section Include Afro-American historical context in this section specifically relating to the United States Army Presence in the late 1880's-1920. It's not just Euro-American presence, but actually a very important intersectional history that deserves mention and context here.</p>	<p>The discussion provided in Subsection 3.9.2.1, <i>Context</i>, is intended to contextualize the resources identified in the APE during Phase 1 of the Phased Identification process that OEA is applying to comply with Section 106 of NHPA. OEA did not identify any resources during Phase 1 that would be contextualized by the inclusion of the historical</p>

	<p>context described in the comment. Under the executed PA (Appendix O, <i>Programmatic Agreement</i>, of the Final EIS), additional analysis, including field survey and context, would be performed for any Action Alternative authorized by the Board. Research regarding the context identified by the commenter would be conducted during the identification effort conducted under the PA, as appropriate. No changes to the Draft EIS are warranted in response to this comment.</p>
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Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-13)

Comment	Response
<p>3.9.3.2 Impact Comparison between Action Alternatives Indian Canyon: "It is a historic transportation route that passed from Duchesne toward Helper parallel to present-day U.S. Highway 191 (US 191). This roadway's alignment follows an older trail network that dates back to the Precontact period, and the extant segments played an important role in the regional economy for pedestrian, wagon, and later automobile traffic from the turn of the 20th century until US 191 replaced the route in the 1970s." It is necessary to avoid physical and setting changes to this canyon, because of sensitive tribal resources including historic period cabins and ranger stations, older sites, and the importance of the canyon as a migration route which has been used well before euro-american contact.</p>	<p>The commenter expresses the opinion that avoiding impacts on cultural resources in Indian Canyon is necessary. The executed PA sets forth the process by which impacts on cultural resources in the APE would be avoided, minimized, or mitigated, pursuant to Section 106. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-14-a)

Comment	Response
<p>Wells Draw: "A rock art site from the Formative period located on a sandstone boulder in the APE for this alternative would experience physical impact. Consisting of a petroglyph and an artifact scatter, the site is likely associated with Fremont culture, is distinctive and well preserved, and has the potential to yield information on prehistoric human behavior in the area, including activity related to subsistence and cultural production." Important for Fremont/archaeological science, AND represents a brunt of connections to Nine Mile Canyon that are historically and culturally significant. Looks like this alt crosses thru gate canyon-this is a no go due to the historic nature and setting/feel of integrity for sites in this canyon, and actually poses a disproportionately significant historical impact on the canyon historic resources in my opinion, due to the density and prevalence of historic inscriptions and waystations/historic stations and supply routes along this alternative. If they had included in depth analysis of afro-</p>	<p>Stipulation VI of the executed PA (see Appendix O, <i>Programmatic Agreement</i>, of the Final EIS) details how the identification and evaluation of historic properties would be completed for the entirety of the APE for any Action Alternative authorized by the Board. For historic properties identified during the Phased Identification process, details regarding setting would be developed pursuant to Stipulation VI.E.2 of the PA. If the Board were to authorize one of the Action Alternatives, OEA would work with the Section 106 consulting parties to develop ways to avoid, minimize, or mitigate any adverse effects to historic properties for that Action Alternative, pursuant to the PA. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

american influence during euro-american settlement periods, this would be apparent.	
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-14-b)	
Comment	Response
<p>"Operation of the Wells Draw Alternative would affect eight known historic properties, including three cairns (017, 020, and 021), two corrals (018 and 019), a segment of US 6 (006), a homestead (013), and Smith's Well (009). Surface Transportation Board, Office of Environmental Analysis 3.9 Cultural Resources Uinta Basin Railway Draft Environmental Impact Statement 3.9-16 October 2020 Constructed in circa 1890, Smith's Well would undergo changes to its setting. A previously recorded water-related resource, the well is significant for its role as an early waystation along Nine Mile Road between Fort Duchesne and Nine Mile Canyon along an otherwise arid transportation route. These types of disclosures fail as impact analysis. This occurs throughout the document but we point it out here specifically and as an example. There has been no establishment as to what the site setting is. There is no identification of the change agents that would affect the settings. It just says the settings would change without identifying what those changes are, what causes them or how the changes might be mitigated.</p>	<p>Please refer Section 3.9, <i>Cultural Resources</i>, Table 3.9-8 and Table 3.9-9, which describe potential impacts on cultural resources from construction and operation of the proposed rail line. These tables specify "change agents" in the Construction Activity and Consequences from Operation Activities columns. If the Board were to authorize one of the Action Alternatives, OEA would work with the Section 106 consulting parties to develop ways to avoid, minimize, or mitigate any adverse effects on historic properties for that Action Alternative, pursuant to the executed PA (see Appendix O, <i>Programmatic Agreement</i>, of the Final EIS). Specifically, Stipulation IX of the PA describes how a Historic Properties Treatment Plan would be developed in consultation with the Section 106 consulting parties. Adverse effects on historic properties could include changes to the settings of historic properties and information related to setting would be developed during the Phased Identification process, pursuant to the executed PA. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-15)	
Comment	Response
<p>Whitmore Park: "In the APE for this alternative, newly recorded segments of the previously recorded Denver and Rio Grande Western Railroad would experience a physical impact. The railroad ran southwest of Emma Park along U.S. Highway 6 (US 6) and the Price River. These segments of the railroad dating back to 1883 played a role in the Euro-American history of the Basin in the late 19th and early 20th centuries and contributed to significant trends in national transportation and commerce during this period of general westward expansion and settlement." Destroying a railroad to build a railroad? Please explain whether there is a way to merge the two to serve both hands. Is there any way to reclaim or re-utilize old railroad grade for new railroad grade, and what are those specific impacts to the NRHP segments of the Denver and Rio Grande RR that currently exists?</p>	<p>This comment references segments of the former D&RGW that OEA identified as eligible for listing in the National Register (see Section 3.9, <i>Cultural Resources</i>, and Appendix N, <i>Historic Properties Technical Memorandum</i>). The segments of the D&RGW that OEA identified are currently part of an active UP rail line near Kyune, Utah. The proposed rail line would connect to this existing UP rail line and, therefore, could affect the National Register-eligible segments of the D&RGW that OEA identified. The segments of the D&RGW cannot be reclaimed or reutilized for the proposed rail line because they are part of an existing and active rail line to which the proposed rail line would connect, not portions of an abandoned rail line. If the Board were to authorize construction and operation of the proposed rail line, potential effects on historic properties in the APE would be assessed, pursuant to the executed PA (see Appendix O, <i>Programmatic Agreement</i>, of the Final EIS). No changes to the Draft EIS are warranted in response to this comment.</p>

Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-19)	
Comment	Response
4.3.9 Cultural Resources Again we object to the issuance of this Draft EIS in the absence of a completed Programmatic Agreement. The preparation of a PA is not in and of itself mitigation. The PA outlines the approach to section 106 compliance, including mitigation	Please refer to response to Comment UBR-DEIS-00486-10 above.
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-20)	
Comment	Response
"Operation of the Whitmore Park Alternative would affect three known historic properties and sensitive tribal resources within the APE, including a segment of US 6 (006), one cabin (023), and the Indian Canyon Ranger Station (001). US 6, a previously recorded linear transportation resource undergoing changes to its setting, is a segment of a historic roadway constructed in the 1910s that ran from the eastern United States to California and played a significant role in goods movement and settlement patterns in the immediate area and greater region." 1910 is at the tail end of the buffalo soldier bust/boom period thru the canyon. While this is still important, it's most recent and impacts to historic roadway here concern me less due to the historic resources we have documenting their construction and connections to local places/communities.	OEA notes this comment regarding potential impacts on US 6 along the Whitmore Park Alternative. If the Board were to authorize construction and operation of the proposed rail line, impacts on historic properties and sensitive resources in the APE would be avoided, minimized, or mitigated pursuant to the executed PA (see Appendix O, <i>Programmatic Agreement</i> of the Final EIS). Therefore, no changes to the Draft EIS are warranted in response to this comment.

Notes:

OEA = Office of Environmental Analysis; APE = Area of Potential Effect; C.F.R. = Code of Federal Regulations; National Register or NRHP = National Register of Historic Places; NHPA = National Historic Preservation Act; PA = Programmatic Agreement; US 6 = U.S. Highway 6; Board = Surface Transportation Board; D&RGW = Denver and Rio Grande Western Railroad; UP = Union Pacific

Table T-16. Comments and Responses—Section 3.10, Paleontological Resources

Duchesne County, Mike Hyde (UBR-DEIS-00436-25)	
Comment	Response
Page 3.10-9 Section 3.10.3.1 Construction and Page 3.10-10 (Section 3.10.3.2): Depending on the depth of sensitive geologic units, grading, drilling, and trenching could damage or destroy paleontological resources at or below the surface. [Bold: Comment: these activities may also lead to <u>discovery</u> of previously unknown paleontological resources and add to the body of scientific knowledge.]	To address concerns regarding potential discovery of previously unknown paleontological resources, OEA has clarified Subsection 3.10.3.1, <i>Impacts Common to All Action Alternatives</i> , in the Final EIS to indicate that excavation activities could also lead to the discovery of previously unknown paleontological resources.
Duchesne County, Mike Hyde (UBR-DEIS-00436-26)	
Comment	Response

<p>Page 3.10-9 Section 3.10.3.2 Construction: All [strike through: six] [bold and underline: three] of the paleontologically sensitive (PFYC 3-5) geologic units occur in the study area for each Action Alternative (Table 3.10-1 and Figure 3.10-1).</p>	<p>OEA has corrected Subsection 3.10.3.2, <i>Impact Comparison between Action Alternatives</i>, in the Final EIS to indicate that all three of the paleontologically sensitive (PFYC 3-5) geologic units occur in the study area for each Action Alternative.</p>
<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-22)</p>	
<p>Comment</p>	<p>Response</p>
<p>PALEONTOLOGICAL RESOURCES The DEIS indicates that [italics: "Any of the Action Alternatives would cross areas where scientifically important paleontological resources (fossils) may be located. Construction activities, such as digging, earthmoving, and tunnel construction, could damage or destroy known or undiscovered fossils in those areas."] [Footnote 13: DEIS S-11] What is alarming is that OEA merely recommends that the Coalition engage a qualified paleontologist to develop and implement a paleontological resources monitoring and treatment plan. The Coalition has demonstrated time and time again that they will do very little if left to their own discretion. The engagement of a qualified paleontologist should be a mandatory requirement by OEA and STB, not merely a recommendation.</p>	<p>OEA notes that the Board, not OEA, is responsible for deciding whether to authorize construction and operation of the proposed rail line and, if so, under what conditions. OEA's role is to make recommendations to the Board as to what conditions to impose. As discussed in the Draft EIS, the Coalition has proposed voluntary mitigation measures and OEA has recommended additional mitigation measures for the Board to consider. Any mitigation measures imposed by the Board in its final decision, including the Coalition's voluntary mitigation measures and OEA's recommended mitigation measures, would become mandatory requirements for construction and operation of the proposed rail line.</p> <p>OEA continues to recommend that the Board impose mitigation requiring the Coalition contract with a qualified paleontologist to develop and implement a paleontological resources monitoring and treatment plan (see Chapter 4, <i>Mitigation</i>, PALEO-MM-1). Therefore, no change to the Draft EIS is warranted in response to this comment.</p>

Notes:

OEA = Office of Environmental Analysis; Board = Surface Transportation Board; EIS = Environmental Impact Statement

Table T-17. Comments and Responses—Section 3.11, Land Use and Recreation

<p>Broken Pipe Ranch, Tyler Young (UBR-DEIS-00016-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>At the terminus of all routes, except the Craig route, the plans indicate a new bridge across the Price River at Kyune. The Price River in this location is downstream and within a mile or two of what the State of Utah considers a "Blue Ribbon" fishery. Through my business, Broken Pipe LLC, I own the property where the bridge will cross the Price River. I've fished this location many times and it's nothing short of magical. This is a spawning area for Brown Trout. I've seen several Redds (spawning areas) in the exact location where the bridge will cross the river. This is a slow moving spot perfect for trout habitat. I would hope and request that any improvements in this area not simply be concrete culverts that destroy the fishery in this area. I</p>	<p>To address concerns regarding fishing on the Price River, OEA has revised Subsection 3.11.2.2, <i>Recreation</i>, in the Final EIS to acknowledge fishing as a recreational use on the Price River. OEA has also revised Subsection 3.11.3, <i>Environmental Consequences</i>, to include an analysis of impacts on fishing on the Price River during construction and operation of the proposed rail line. As discussed in that section, the mitigation measures that OEA is recommending to address impacts on fish, including mitigation measures BIO-MM-2 BIO-MM-3, and BIO-MM-4, would also address impacts on recreational fishing.</p>

request that structure be added in this area and walkable fishing bridges or passageways.	
The Church of Jesus Christ of Latter-Day Saints, M. Scott Newbold (UBR-DEIS-00221-1)	
Comment	Response
<p>The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole, and/or its affiliated entities (collectively, "CHC") own approximately 720 acres of real property in Duchesne County, Utah, Tax Parcel Nos. 00-0011-4508 and 00-001-4821, as depicted on Exhibit A enclosed herewith (the "Property"). CHC operates the Timberlane Recreation Camp ("Camp") on the Property, which includes campgrounds and related facilities primarily used by members of The Church of Jesus Christ of Latter-day Saints as part of their youth programs. More information regarding the Camp and current uses of the Property can be found at: https://www.churchofjesuschrist.org/locations/camping/sites/561258?lang=eng&clang=ase. CHC has reviewed the Draft Environmental Impact Statement ("EIS") released on October 30, 2020 by the STB in connection with the proposed rail line project, and other related information on the Uinta Basin Railway's website, and hereby provides its written comments and objections to the Wells Draw Alternative described in the Draft EIS prior to the public comment deadline of December 14, 2020, as set forth herein. As you are aware, the Draft EIS contemplates three (3) proposed routes for the rail line. One route-the Wells Draw Alternative-would cross and impact the Property (the "Wells Draw Alternative"). CHC recognizes that this route is not the route currently preferred by the Coalition or STB, but nevertheless wishes to provide its written comments in the event this route is ultimately selected in the Final EIS. The northwest quadrant of the Property would be directly impacted by the Wells Draw Alternative, generally depicted on Exhibit A. Following are just some of the impacts to the Property that would occur and for which compensation and/or other accommodations would be needed: 1. Compensation would be needed for the right-of-way area upon which the tracks will be installed; 2. Compensations would be needed for all impacts relating to the "tunnel" that is anticipated and for which additional construction, mining, blasting, and maintenance would be required, and which will create potential hazards, liabilities, and other impacts on the Property; 3. In addition, the proposed rail line would sever the Property into two pieces, creating insufficient access to and limited uses of the severed parcel of the Property. Safe access to the new parcel of the Property will</p>	<p>Please refer to Section 3.11, <i>Land Use and Recreation</i>, and Section 3.13, <i>Socioeconomics</i>, for a description of the types of impacts that could affect private property and recreational facilities like the Timberlane Recreation Camp property from construction and operation of the proposed rail line, including acquisitions, displacements, and severance.</p> <p>Prior to construction, the Coalition would need to acquire the right to use the land for the rail line right-of-way through purchase, easement, or the use of eminent domain. The landowner and the Coalition would negotiate the terms of the agreement, which would address compensation to the landowner for the value of the land or easement and could also include other stipulations to address property-specific concerns, such as safety and access.</p> <p>Several of the Coalition's voluntary mitigation measures and OEA's recommended mitigation measures would minimize or avoid impacts on private property and recreational facilities from the proposed rail line, including:</p> <ul style="list-style-type: none"> • VM-4 would require the Coalition develop a plan to consult with private landowners to determine the final details and reasonable signage for grade crossings on private roads. • VM-49 would require the Coalition appoint a community liaison to consult with affected communities to develop cooperative solutions to local concerns. • LUR-MM-8 would require the Coalition coordinate with owners of properties used for recreation during project-related right-of-way acquisition negotiations to provide adequate private road at-grade crossings to ensure that recreationists maintain access to and movement within recreational properties and areas. • LUR-MM-10 would require the Coalition install livestock fencing or other design features to prevent livestock from entering tunnels or congregating in other areas of the rail right-of-way that could be dangerous for livestock. • SOCIO-MM-2 would require the Coalition coordinate with landowners while negotiating the railroad right-of-way easement to install at-grade crossings and relocate roads to maintain adequate access to and movement within properties.

<p>need to be provided over or under the tunnel and/or rail line, for CHC use, including the use of its guests, patrons, and visitors at the Camp; and 4. New fencing and other accommodations would be needed to protect individuals (as well as livestock and wildlife) using the Property from interacting with the rail system.</p>	<p>Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>The Church of Jesus Christ of Latter-Day Saints, M. Scott Newbold (UBR-DEIS-00221-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>In addition to the foregoing issues that would be created, CHC also objects to the Wells Draw Alternative being selected as the preferred route in the Final EIS due to other impacts the rail line would have on the Property and its current use. As noted above, the Property is used for the Camp. Visitors and patrons come to the camp in order to enjoy the great outdoors and to reconnect with nature and the earth. Typical activities at the camp include camping, hiking, cooking, nature watching, wilderness survival, devotionals, and other outdoor and religious activities. The proposed rail line on the Property would have negative impacts on these current uses of the Camp and Property. Increased noise, vibration, pollution, and harmful impacts on wildlife and vegetation are all foreseeable effects and justifiable concerns that CHC has in connection with-and that will likely result from-the rail line on the Property. These impacts would need to be addressed and mitigated. Further, because the Property is used for recreational purposes, including hiking, wandering and recreational vehicle use throughout the Property, there are additional safety and liability concerns that arise for CHC if an active rail line were located on the Property. If the Wells Draw Alternative were selected in the Final EIS by the STB, CHC requests that appropriate mitigation actions be taken by the Coalition in order to alleviate and/or avoid these environmental impacts. Some initial suggested mitigation actions for these issues could include reduced train speeds while on the Property, limited time and date ranges during which trains can pass over the Property, other noise, vibration, and pollution mitigation efforts, and installation of warning signage and safety barriers to prevent pedestrian and vehicular accidents. For the reasons contained in this letter, CHC encourages STB not to select the Wells Draw Alternative as the preferred route for the rail line in the Final EIS. If this route is selected, CHC respectfully requests that each of the issues described in this letter, as well as any other impacts to the Property caused by this proposed use, be addressed to CHC's satisfaction.</p>	<p>Please refer to Subsection 3.11.3.1, <i>Impacts Common to All Action Alternatives, Recreation</i>, which acknowledges that recreationists such as hunters, hikers, campers, and anglers would hear noise generated by construction activities and that enjoyment of recreational areas could be diminished under any Action Alternative. Section 3.6, <i>Noise and Vibration</i>, provides more information on construction and operation-related noise impacts and proposed mitigation. Section 3.4, <i>Biological Resources</i>, provides information on operations-related impacts on wildlife and vegetation. Section 3.1, <i>Vehicle Safety and Delay</i>, provides information about grade-crossing and vehicle safety and proposed mitigation. Section 3.3, <i>Water Resources</i>, and Section 3.7, <i>Air Quality and Greenhouse Gases</i>, provide information on water pollution and air pollution, respectively. Please also refer to response to Comment UBR-DEIS-00221-1 for a description of mitigation measures that require the Coalition coordinate with affected landowners to minimize or reduce impacts on private property and recreational facilities like the Timberlane Recreation Camp property.</p> <p>The Board cannot impose environmental mitigation on railroad operators that would restrict train speed and limit the times and dates during which trains can pass on specific properties, as requested by the commenter. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Eileen Potter (UBR-DEIS-00231-2)	
Comment	Response
<p>Section 3.11.2 Land Use, Special Designations, Conservation Easements, the Draft EIS states, "There are no conservation easements in the study area." That statement is not true. On our land (identified in the Draft EIS as Arthur Taylor Ranch) located in Indian Canyon, the Utah Division of Wildlife Resources has a conservation easement on about 1000 acres.</p>	<p>In preparing the Draft EIS, OEA relied on data obtained from the UAGRC dataset to identify conservation easements. The UAGRC dataset did not include the conservation easement that the commenter identified. To address the comment, OEA reviewed the National Conservation Easement Database and consulted with UDWR to identify conservation easements on the property identified in the comment. OEA verified that one conservation easement, the Indian Canyon Conservation Easement (UDWR deed number 348092), occurs in the study area for the Indian Canyon Alternative and Whitmore Park Alternative on the Arthur Taylor Ranch property. OEA revised Subsection 3.11.2.1, <i>Land Use, Conservation Easements</i>, and added a new subsection <i>Conservation Easements</i> to Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives, Land Use</i>, in the Final EIS to describe the impacts on the Indian Canyon Conservation Easement. OEA has also included a new recommended mitigation measure in the Final EIS that would require the Coalition consult with the landowner and holder of the Indian Canyon Conservation Easement to identify appropriate measures to mitigate impacts on the conservation easement (see LUR-MM-12).</p>
Art Taylor (UBR-DEIS-00250-2)	
Comment	Response
<p>Also restoration and mitigation in case the system fails needs to be mentioned. In case of failure, the rights of way should return to the original owners and not to the Coalition.</p>	<p>Please refer to Subsection 3.11.3.1, <i>Impacts Common to All Action Alternatives</i>, which states that the Coalition's acquisition of land or an easement for construction of the proposed rail line would change land ownership and/or control. In the event the rail line is abandoned, ownership of the right-of-way and any reversion rights would be based on the terms of sale or easement agreements negotiated between the Coalition and affected landowners, or would be addressed as part of the eminent domain process. Any abandonment of the rail line in the future is beyond the scope of this EIS, would be subject to Board authority, and would require environmental review under NEPA and related environmental laws. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Art Taylor (UBR-DEIS-00250-3)	
Comment	Response
<p>Another statement I want to address is "There are no Conservation Easement lands in this alternative." This is untrue. The Coalition knew that the Craig</p>	<p>Please refer to response to Comment UBR-DEIS-00231-2 above. Please also refer to Section 3.4, <i>Biological Resources</i>, which provides information</p>

<p>Colorado Alternative was eliminated in part because there were "several wildlife conservation easements along the Craig corridor." They had to know there was a conservation easement on our property when they checked the deeds at the Duchesne County Recorder's Office. In 2001, there was a lot of controversy when it was advertised three times in the Uintah Basin Standard that the Division of Wildlife Resources (DWR) were selling the land with the conservation easement by putting it up for bid. We were the successful bidders. It was well known then and still is because the property is only a mile from Duchesne City. There are signs on Highway 191 and CR #25 reminding people of the Wildlife Study Area. Indian Canyon is so important for wildlife because Indian Creek is the only water available for miles during most of the year. The easement is a sanctuary for wildlife not only for sportsmen but for photography and family recreation. One activity on the easement is the gathering of sheds each year. The horned wildlife shed their horns in early winter, with new horn growth in early spring. Also, there is always hunting for Indian artifacts. The whole area is former Ute Indian Territory, until August of 1905. One half of the easement is unfenced and we are audited each year to make sure we are in compliance with the easement standards. The proposed train route enters the easement in the southeast section and travels west through the middle of the easement. The railway is not in compliance with the conservation easement -- period! [See original attachment for a letter from the State of Utah Department of Natural Resources, including a Utah Division of Wildlife Resources Conservation Easement Monitoring Inspection Form and Photo Record.]</p>	<p>regarding potential impacts on wildlife and Section 3.9, <i>Cultural Resources</i>, which discusses potential impacts on cultural resources.</p>
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Todd Nicholson (UBR-DEIS-00276-1)

Comment	Response
<p>We do not wish to see this railroad be constructed as it is literally in our backyard. Myself and many other residents live in the Uinta Basin for the solitude it offers. Having a railroad, during the construction phase, and well into the daily operation of railroad is not wanted. Furthermore, we have an HOA in place which further prevents said railroad construction. No easements are allowed.</p>	<p>Please refer to Section 3.11, <i>Land Use</i>, which describes the potential impacts on private landowners from construction and operation of the proposed rail line. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

Karen Dils (UBR-DEIS-00279-4)

Comment	Response
<p>3 - The Roadless Rules is present to PREVENT this type of development - no urgent need other than greed.</p>	<p>Please refer to Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives</i>, which includes information regarding impacts on IRAs</p>

	<p>from the Indian Canyon Alternative and Whitmore Park Alternative. OEA’s recommended mitigation measure LUR-MM-4 requires the Coalition consult with the Forest Service to ensure that construction and operation of the rail line complies with the 2001 Roadless Rule.</p> <p>Following the release of the Draft EIS, the Forest Service prepared the <i>Uintah Railroad Inventoried Roadless Area Report</i>, which analyzes the impacts from the proposed rail line on IRA #0401011. Therefore, OEA has revised Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives, Inventoried Roadless Areas</i>, of the Final EIS to describe the Forest Service’s roadless area analysis. The Forest Service found that, due to the size of the IRA and the location of the proposed rail line adjacent to the western boundary of the IRA, the IRA conditions would remain stable during construction and operation of the proposed rail line.</p>
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Melissa Peck (UBR-DEIS-00402-5)

Comment	Response
<p>The footprint for construction, they are going to want to take out our private gate that has been there for 50 years.- It is grandfathered in.- So that's a legal concern of mine.</p>	<p>Protection of or compensation for the loss of private property would be based on the terms of sale or easement agreements negotiated between the Coalition and affected landowners or would be addressed through the eminent domain process. In addition, please refer to OEA’s recommended mitigation measure SOCIO-MM-1 in Chapter 4, <i>Mitigation</i>, which states that where capital improvements are displaced by construction or operation of the proposed rail line, the Coalition shall relocate or replace these improvements or provide appropriate compensation based on the fair-market value of the capital improvements being displaced in accordance with state law.</p>

Joel Ban (UBR-DEIS-00429-2)

Comment	Response
<p>Forest Plan Amendment We understand a Forest Plan Amendment may be required for the Indian Wells alternative. If such an amendment were formally proposed a separate NEPA process would be required under federal regulations. Such an amendment must be based on the best available science, effects analysis, and monitoring data. The construction of the proposed rail line in roadless areas within the Ashley National Forest is problematic as none of the exceptions for such construction exist under part 294 of the CFR such as: when a road needed to protect public health such as for a natural disaster or a catastrophic event, response under the CERCLA ("superfund"), or road realignment to prevent irreparable resource damage. In addition, to the apparent prohibition on</p>	<p>As described in Chapter 1, Subsection 1.3.2, <i>Cooperating Agencies</i>, the Forest Service assisted OEA in the preparation of the Draft and Final EIS as a cooperating agency in accordance with 40 C.F.R. § 1501.8. The Forest Service will rely on the analysis in the Final EIS when making its decision on whether to amend the Ashley Forest Plan in the areas of visual quality and scenery management in order to permit the rail right-of-way for the Indian Canyon Alternative or the Whitmore Park Alternative (see Chapter 2, Subsection 2.2.3.1, <i>Indian Canyon Alternative</i>, and Subsection 2.2.3.2, <i>Wells Draw Alternative</i>). Subsection 3.12.3.2, <i>Impact Comparison between Action Alternatives, Sensitive Viewscapes, Ashley National Forest</i>, contains the specific analysis of impacts on visual resources in</p>

<p>such construction within a roadless area, as a matter of policy there is almost no justification to irreparably alter the natural roadless conditions that currently exist. The proposed construction that would carry hydrocarbons and other toxic materials within a relatively undisturbed natural roadless area is an inappropriate appropriation of federal resources and contrary to the public interest. The two alternatives that contemplate this route should be disregarded on this basis alone.</p>	<p>the Ashley National Forest that would require a project-specific amendment to the Ashley Forest Plan for visual quality and scenery management. The Forest Service has concluded that no further NEPA analysis for the Ashley Forest Plan project-specific amendment would be required because the amendment would only apply to the proposed rail line (see Chapter 2, Subsection 2.2.3, <i>Alternatives Analyzed in the EIS</i>, which includes the Forest Service’s proposed language amending the Ashley Forest Plan).</p> <p>Regarding the concerns about impacts on roadless areas, please refer to Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives</i>, in the Final EIS, which includes information regarding impacts on IRAs from the Indian Canyon Alternative and Whitmore Park Alternative. Following the release of the Draft EIS, the Forest Service prepared the <i>Uintah Railroad Inventoried Roadless Area Report</i>, which analyzes the impacts from the proposed rail line on IRA #0401011. OEA has revised Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives, Inventoried Roadless Areas</i>, of the Final EIS to describe the Forest Service’s roadless area analysis. The Forest Service found that, due to the size of the IRA and the location of the proposed rail line adjacent to the western boundary of the IRA, the IRA conditions would remain stable during construction and operation of the proposed rail line. OEA’s recommended mitigation measure LUR-MM-4 requires the Coalition consult with the Forest Service to ensure that construction and operation of the rail line complies with the 2001 Roadless Rule.</p>
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Berry Petroleum Company, LLC, Stephen Burke (UBR-DEIS-00434-4)

Comment	Response
<p>Table 3.11-3, a list of the number of existing oil and gas leases in the study area and the acreage covered by such leases, does not appear to account for any of Berry's existing oil and gas leases, because it only lists 2 leases for the Indian Canyon Alternative and 1 lease for the Whitmore Park Alternative. o Berry currently has a total of 79 existing oil and gas leases covering approximately 5,114 acres within the footprint of and traversed by the Routes, with 69 fee (private) leases covering approximately 1,517 acres, 7 Tribal leases covering approximately 3,560 acres, and 3 State leases covering approximately 37 acres.</p>	<p>Table 3.11-3 only includes federal oil and gas leases that OEA obtained from the Bureau of Land Management’s public geographic information system (GIS) database (BLM 2020). To provide clarity, OEA added language to Subsection 3.11.2.1, <i>Land Use</i>, in the Final EIS to clarify that the leases included in Table 3.11-3 are federal and to acknowledge that other tribal, state, and private leases may occur in the study area.</p>

Duchesne County, Mike Hyde (UBR-DEIS-00436-27)

Comment	Response
<p>Page 3.11-15 Construction and Operations: The Wells Draw Alternative would also have the largest impact on livestock production because it would</p>	<p>OEA has corrected Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives</i>, in the Final EIS to indicate that the Wells Draw Alternative</p>

cause the loss of the most AUMs, followed by the [strike through: Wells Draw] [Bold and underline: Whitmore Park] Alternative and then the Indian Canyon Alternative.	would also have the largest impact on livestock production because it would cause the loss of the most AUMs, followed by the Whitmore Park Alternative and then the Indian Canyon Alternative.
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Duchesne County, Mike Hyde (UBR-DEIS-00436-28)

Comment	Response
Page 3.11-20 BLM Special Designations: The Wells Draw Alternative would pass along the [strike through: northeastern] [bold and underline: northwestern] edge of the ACEC boundary and would affect only 0.1 percent of the ACEC.	OEA has corrected Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives</i> , in the Final EIS to indicate that the Wells Draw Alternative would pass along the northern edge of the Nine Mile Canyon Area of Critical Environmental Concern (ACEC) boundary. OEA reviewed mapping information and determined it was more accurate to state that the Wells Draw Alternative would pass along the northern edge of the ACEC than the northwestern or northeastern edge of the ACEC.

Duchesne County, Mike Hyde (UBR-DEIS-00436-29)

Comment	Response
Page 3.11-21 [strike through: Cooperating] [Bold and underline: Cooperative] Wildlife Management Units: As the table shows, the Whitmore Park Alternative would result in the most disturbances to CWMUs, followed by the [strike through: Wells Draw] [bold and underline: Indian Canyon] Alternative and then the [strike through: Indian Canyon] [bold and underline: Wells Draw] Alternative.	OEA has corrected Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives</i> , in the Final EIS to indicate that the Whitmore Park Alternative would have the greatest impact on Cooperative Wildlife Management Units, followed by the Indian Canyon Alternative and the Wells Draw Alternative.

Duchesne County, Mike Hyde (UBR-DEIS-00436-69)

Comment	Response
Page 4-8 Land Use: VM-48. The Coalition will coordinate with water districts, [bold and underline: irrigators and the local NRCS office] to develop irrigation infrastructure protection or relocation plans, if irrigation infrastructure will be impacted by construction.	This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to the voluntary mitigation measures proposed by a railroad applicant. To address this comment, OEA has revised OEA's recommended mitigation measure SOCIO-MM-1. As revised, the mitigation measure would require the Coalition consult with the landowner and relevant agencies, such as water districts or the local Natural Resources Conservation Service office regarding relocating, replacing, or compensating for capital improvements displaced by the proposed rail line.

Duchesne County, Mike Hyde (UBR-DEIS-00436-71)

Comment	Response
Page 4-8 Recreation: VM-56. The Coalition will work with its construction contractor to maintain access to Forest Service, [bold and underline: BLM, SITLA and County Class B and D] roads [bold and underline: used for recreation,] during construction, where feasible.	This comment recommends a change to a voluntary mitigation measure proposed by the Coalition. OEA does not make substantive changes to the voluntary mitigation measures proposed by a railroad applicant. To address the comment, OEA has revised OEA's recommended mitigation measures LUR-MM-7. As revised, the mitigation measure would require

	the Coalition consult with BLM, the Forest Service, the Ute Indian Tribe, SITLA, and local agencies, as appropriate, to develop a plan to limit impacts on recreational resources under those agencies' management or jurisdiction, including roads used for recreation and recreational site access.
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-16)	
Comment	Response
3.11 Land Use and Recreation This section identifies the ACECs and SRMAs associated with the project. What it fails to do is discuss the specific relevant and important values for those ACECs and analyze the impacts to the ACEC and the relevant and important values. BLM SRMAs provide for specific recreation experience and settings. This EIS does not discuss recreational settings or experience opportunities, it only lists recreation activities that may be occurring and omits others such as snowshoeing and cross country skiing on the Ashley National Forest. These deficiencies must be corrected before issuance of a Final EIS.	Please refer to Subsection 3.11.2.1, <i>Land Use, Special Designations</i> , for the discussion of ACEC relevance and importance criteria values in the study area. Please refer to Subsection 3.11.2.2, <i>Recreation</i> , in the Final EIS, which contains a discussion that was provided previously in the Draft EIS of how BLM manages Special Recreation Management Areas that provide special recreational opportunities that would not otherwise be available to the public. To address concerns regarding winter recreational activities at the Ashley National Forest, OEA has revised Subsection 3.11.2.2, <i>Recreation</i> , in the Final EIS to include snowshoeing and cross-country skiing as recreational activities occurring at the Ashley National Forest.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-9)	
Comment	Response
LAND USE AND RECREATION OEA states that [italics:"Any of the Action Alternatives could significantly affect land uses on public, private, or tribal lands" and "Noise and visual impacts would disturb recreational activities on those public lands, such as camping, hiking, and hunting, as well as recreational activities private and tribal lands"]. [Footnote 7: DEIS S-8] OEA further indicates that the Coalition would need to consult with appropriate federal, state, and tribal land managing agencies to address impacts on land use and recreation, but OEA makes no mention of requiring the Coalition to consult with private landowners. This again shows OEA's clear bias in favor of the Coalition and bias against, and lack of concern for, private landowners.	To address concerns regarding coordination with private landowners concerning impacts on land use and recreational activities on private land, OEA has revised OEA's recommended mitigation measure LUR-MM-7. As revised, the mitigation measure would require the Coalition consult with private landowners to develop appropriate measures to mitigate impacts on land uses and recreational activities on private land.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-44)	
Comment	Response
I believe that the land use along the Action Alternatives is incompatible with the construction and operation of the proposed Uinta Basin Railway. Much of the land that would be traversed by these routes consists of farm/ranch land, steep and rugged mountainous terrain, neighborhoods, and an off- grid cabin and recreational property community in Argyle Canyon.	Please refer to Section 3.11, <i>Land Use and Recreation</i> , and Section 3.13, <i>Socioeconomics</i> , which analyze the impacts on agricultural, recreational, and other private property from construction and operation of the proposed rail line. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-45)	
Comment	Response
In addition, the Indian Canyon and Whitmore Park Alternatives cross a significant amount of U.S. Forest Service Roadless Area 0401011 designated under the 2001 Roadless Rule on the Ashley National Forest. Clearly the proposed UBR is incompatible with the intent of the 2001 Roadless Rule.	Please refer to Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives</i> , which includes information regarding impacts on IRAs from the Indian Canyon Alternative and Whitmore Park Alternative. Following the release of the Draft EIS, the Forest Service prepared the <i>Uintah Railroad Inventoried Roadless Area Report</i> , which analyzes the impacts from the proposed rail line on IRA #0401011. OEA has revised Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives, Inventoried Roadless Areas</i> , of the Final EIS to describe the Forest Service's roadless area analysis. The Forest Service found that, due to the size of the IRA and the location of the proposed rail line adjacent to the western boundary of the IRA, the IRA conditions would remain stable during construction and operation of the proposed rail line. OEA's recommended mitigation measure LUR-MM-4 requires the Coalition consult with the Forest Service to ensure that construction and operation of the rail line complies with the 2001 Roadless Rule.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-46)	
Comment	Response
The Action Alternatives pose significant harm to recreation in the Indian Canyon, Argyle Canyon, and Avintaquin Canyon areas. These areas are frequented by many recreationalists for camping, hiking, ATV and OHV riding, big game hunting, sightseeing, bird watching, and other common outdoor activities. A railway running along either of these routes poses significant impacts to all of these activities. Campers, hikers, sightseers, and bird watchers frequent these canyon areas for the peace, quiet, solitude, beauty, and tranquility that these places provide. Multiple trains per day, traveling at requisite slow speeds which will be required to safely traverse the maximum rail grades and sharp corners, will undoubtedly ruin these activities for thousands of people each year. ATV and OHV riders will likewise be significantly affected. Big game herds will be displaced, their migration patterns will be forever altered, and many will be lost due to collisions with passing trains. The public should also be afforded the ability to recreate in these areas without the safety concerns and inherent danger posed by a railway hauling toxic chemicals, hazardous wastes, and who knows what else. It is truly unfortunate that a select few multi-billion dollar oil producers and their questionable political affiliates have the ability to trample on the public in such a way to forever damage such a pristine area	Please refer to Section 3.11, <i>Land Use and Recreation</i> , which describes impacts on recreation from the proposed rail line, including camping, hiking, off-highway vehicle riding, nature viewing, and other activities described in the comment. The Coalition's voluntary mitigation measures and OEA's recommended mitigation measures (Chapter 4, <i>Mitigation</i>) would avoid or minimize impacts on recreation, but locally significant effects from visual and noise disruption of recreational activities would remain, as described in the Final EIS.

that is known for its beauty and outdoor recreation opportunities. The DEIS is grossly inadequate in its proposed mitigation measures to remedy the impacts on recreation.	
American Whitewater, Kestrel Kunz (UBR-DEIS-00651-1)	
Comment	Response
Every alternative in the DEIS includes major railway construction and operation in the Price River Corridor near Kyune, Utah. Kyune serves as an important river access point for paddling on the Price River. The two primary recreational sections of the Price River end and begin in Kyune, making it an important location for river recreationists both taking out and putting on the river. The access area is located off of Emma Park Rd. or Kyune Pass Rd. and would be directly across the river from one of the termini of the proposed railway. [Footnote 1: The river access area is located at the picnic site near 39.82600224238581, -110.94799876213074.] In addition, all alternatives, including the preferred Whitmore Park Alternative would necessitate two major railroad bridges across the Price River directly upstream from the aforementioned river access area. The construction of the railroad and railroad bridges in this area would drastically impact the recreational opportunities in the area and these impacts need to be fully considered in the Environmental Impact Statement.	To address concerns regarding recreational activities and access to the Price River, OEA has revised Subsections 3.11.2.2, <i>Recreation</i> , and 3.11.3.1, <i>Impacts Common to All Action Alternatives</i> , in the Final EIS to include a description of recreation on the Price River near Kyune and potential impacts from construction and operation of the proposed rail line.
American Whitewater, Kestrel Kunz (UBR-DEIS-00651-2)	
Comment	Response
The recreational opportunities provided by the Price River near Kyune, Utah would be directly impacted by the proposed Uinta Basin Railway project and there would be indirect impacts associated with the project's purpose of increasing oil and gas development in the Uinta Basin. These indirect impacts include air pollution, water depletion, water contamination, and disruption to wildlife habitat, all of which closely interplay with the overall recreation experience.	Please refer to response to Comment UBR-DEIS-00651-1. Please also refer to Section 3.15, <i>Cumulative Impacts</i> , which includes an analysis of cumulative impacts on recreation associated with oil and gas development.
American Whitewater, Kestrel Kunz (UBR-DEIS-00651-3)	
Comment	Response
The List of Data Sources for Land Use and Recreation is Inadequate The DEIS considers a very limited list of sources to inform the analysis of impacts on land use and recreation. The list is limited to existing land use plans, mapping resources, and livestock grazing data. [Footnote 7: DEIS at 3.11-1] There is a wealth of online and print sources that provide information on river recreation and other types of recreation in and around the Uinta Basin. Sources like American	Please refer to response to Comment UBR-DEIS-00651-1 above. In addition, to address concerns regarding the sources of information used to analyze impacts on river recreation, OEA has revised Subsection 3.11.2.2, <i>Recreation</i> , in the Final EIS to include additional information about Price River recreation from the Southwest Paddler and American Whitewater Inventory websites, as suggested.

<p>Whitewater's National Whitewater Inventory [Footnote 8: https://www.americanwhitewater.org/content/River/view/river-index#] and the Southwest Paddler website [Footnote 9: http://southwestpaddler.com/docs/greenut9.html] need to be added to this list of sources and used to the fullest extent possible when assessing potential impacts to recreation.</p>	
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American Whitewater, Kestrel Kunz (UBR-DEIS-00651-4)

Comment	Response
<p>River Recreation Needs to be Acknowledged in the EIS As described above, there are very real and valuable river recreation opportunities that exist on the Price River near Kyune, Utah. These opportunities would be directly impacted by all alternatives in the EIS, including the preferred alternative. The Surface Transportation Board's Office of Environmental Analysis needs to complete a thorough assessment of potential impacts to recreation for each alternative, including for river recreation (e.g., rafting, kayaking, canoeing, etc.). River recreation and the associated benefits of economic and quality of life need to be fully analyzed in the alternatives before a complete and thorough EIS can be completed. We ask the Office of Environmental Analysis to incorporate this analysis and provide an additional public comment period before the Final EIS is completed.</p>	<p>Please refer to response to Comment UBR-DEIS-00651-1 above.</p>

Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-16)

Comment	Response
<p>C. Land Use and Recreation The State would like the Final EIS to identify potential hunting and recreation access points. The State recommends the Coalition work with the State and other stakeholders to access points, potentially to mitigate from any loss of access through developing provide at- grade or below-grade pedestrian/equestrian crossing structures to allow public access to the 1,556 acres that would otherwise be cut off to public access within the Wells Draw Alternative.</p>	<p>To address this comment, OEA has revised OEA's mitigation measure LUR-MM-8 (Chapter 4, <i>Mitigation</i>). As revised, this measure requires the Coalition coordinate with UDWR, the Ute Indian Tribe, SITLA, BLM, and the Forest Service, as appropriate, to develop measures to maintain access to hunting and recreation access points. In addition, OEA has added Figure 3.11-1 to Section 3.11, <i>Land Use and Recreation</i>, in the Final EIS which depicts the special designations and recreation areas within the study area of the three Action Alternatives and the roads in the vicinity of these areas.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-36)

Comment	Response
<p>The OEA Fails to Evaluate the Impact of the Proposed Project on Roadless Areas and on Roadless Values The DEIS acknowledges that the preferred alternative - the Whitmore Park alignment - and the Indian Canyon alignment would damage at least 394 acres of Inventoried Roadless</p>	<p>Following the release of the Draft EIS, the Forest Service prepared the <i>Uintah Railroad Inventoried Roadless Area Report</i>, which analyzes the impacts from the proposed rail line on the IRA that would be crossed by the Indian Canyon Alternative and Whitmore Park Alternative. OEA has revised</p>

<p>Areas (Roadless Areas) in the Ashley National Forest. Approximately 394 acres, or 98 percent of Forest Service lands in the study areas of the Indian Canyon alternative and Whitmore Park Alternative have been identified as IRAs. There are no Forest Service lands or IRAs in the study area for the Wells Draw Alternative. DEIS at 3.11-7. Management of Roadless Areas are governed by Roadless Area Conservation regulations (Roadless Rule). 66 Fed. Reg. 3244, 3247-48 (Jan. 12, 2001) (to be codified at 36 C.F.R. § 294). To protect valuable natural resources that are becoming increasingly scarce on public lands, the Roadless Rule generally forbids road construction and logging in Roadless Areas.</p>	<p>Subsection 3.11.3.2, <i>Impact Comparison between Action Alternatives, Inventoried Roadless Areas</i>, of the Final EIS to describe the Forest Service’s roadless area analysis. The Forest Service found that, due to the size of the IRA and the location of the proposed rail line adjacent to the western boundary of the IRA, the IRA conditions would remain stable during construction and operation of the proposed rail line. OEA’s recommended mitigation measure LUR-MM-4 requires the Coalition consult with the Forest Service to ensure that construction and operation of the rail line complies with the 2001 Roadless Rule.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-37)</p>	
<p>Comment</p>	<p>Response</p>
<p>The Forest Service determined that the Roadless Areas of the Ashley National Forest are valuable because they contain high quality or undisturbed soil, water and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, and sensitive species, and for species dependent on large, undisturbed areas of land; non- motorized and semi-primitive camping and recreation; natural scenic landscapes; and traditional cultural properties and sacred sites. [Footnote 50: E.g. Trans West Express EIS, Appendix H, Inventoried Roadless Area and Unroaded/ Undeveloped Area Attributes (June 2013) ("TWE EIS, App. H") (listing the attributes of Roadless Areas and unroaded and undeveloped areas in the Ashley National Forest). The DEIS must map these areas vis-à-vis the various alignments and present a defensible analysis of the extent of impacts such as noise, vibrations, light pollution, emissions and impairment of scenic beauty.] According to the agency, these values are especially important and achieve their high quality specifically because roadless areas are largely undisturbed by motorized use, development and road construction. Rather than taking a hard look at whether the two alternatives violate the Roadless Rule and at the adverse impacts the proposed project has on Roadless values, including values associated with unroaded and undeveloped areas, within the Ashley National Forest, the OEA refuses to address these issues and improperly put off these considerations for another day: For either the Indian Canyon Alternative or the Whitmore Park Alternative, the Coalition would seek Forest Service approval for the rail line right-of-way, which would include review by the Regional Forester to ensure consistency of the proposed rail line with the 2001 Roadless Rule</p>	<p>Please refer to response to Comment UBR-DEIS-00683-36 above. Please also refer to Appendix A, <i>Action Alternatives Supporting Information</i>, which provides maps of project-related features, including maps of the locations of project-related features on Forest Service lands. The following sections include additional maps of the Action Alternatives in relation to the specific resources identified in the comment and detailed information about potential impacts on those resources: Section 3.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste Sites</i>, discusses impacts on soils. Section 3.3, <i>Water Resources</i>, discusses impacts on water resources, including public drinking water. Section 3.7, <i>Air Quality and Greenhouse Gases</i>, discusses impacts on air quality, including air emissions. Section 3.4, <i>Biological Resources</i>, discusses impacts on wildlife; plant and animal communities; habitat for threatened, endangered, and sensitive species; and species dependent on large, undisturbed areas of land. Section 3.11, <i>Land Use and Recreation</i>, discusses impacts on recreation, including camping. Section 3.12, <i>Visual Resources</i>, discusses impacts on scenic landscapes, light pollution, and impairment of scenic beauty. Section 3.9, <i>Cultural Resources</i>, discusses impacts on cultural resources, including traditional cultural properties. Section 3.6, <i>Noise and Vibration</i>, discusses noise and vibration impacts. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

(LUR-MM-4). For several reasons, this approach violates NEPA	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-40)	
Comment	Response
<p>At the Very Least, Consequences to Roadless Areas and Roadless Values Are Indirect and Cumulative Impacts of the Proposed Rail Line Project NEPA requires federal agencies to take a hard look at the direct, indirect and cumulative impacts of the proposed project and its alternatives. 40 C.F.R. § 1508.25(c). At a minimum, the geographic boundaries of an adequate NEPA analysis must be broad enough to encompass all potentially significant environmental impacts to the resources at issue, such as air quality, water quality, wildlife, recreation and public safety. NEPA's "hard look" requirement directs that an EIS address environmental consequences that are "reasonably foreseeable" from the proposed action and its alternatives. 40 C.F.R. § 1508.25. An effect is "reasonably foreseeable" if it is "sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision." City of Dallas v. Hall, 562 F.3d 712, 719 (5th Cir. 2009). Thus, because damage to Roadless Areas and Roadless values are reasonably foreseeable direct, indirect and cumulative impacts from the proposed rail line project, they must be evaluated as part of the current EIS. Any NEPA analysis that neglects to take a hard look at these potential impacts necessarily falls short</p>	<p>Refer to response to Comment UBR-DEIS-00683-36 above.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-41)	
Comment	Response
<p>The DEIS Does Not Take a Hard Look at the Impacts of the Rail Line Project on Roadless Areas and Roadless Values Thus, regardless of whether it does so because approval of the right-of-way over Roadless Areas or unroaded areas is a connected action - which the law confirms it is - or because the impacts of the approval are a reasonably foreseeable direct, indirect or cumulative consequence of the proposed project, the OEA must take a hard look at the impact of the Whitmore and Indian Canyon alternatives on Roadless Areas and values. This hard look must be undertaken now and may not be postponed because, inter alia, this is an important consideration that must inform decision makers. Initially, the DEIS must consider whether the rail line alternatives "threaten[] a violation of Federal, State, or local law or requirements imposed for the protection of the environment." 40 C.F.R. § 1508.27(b); see also id. § 1502.2(d) ("Environmental impact statements shall state how</p>	<p>Please refer to the description of the proposed action and Action Alternatives in Chapter 2, <i>Proposed Action and Alternatives</i>, which describes the right-of-way approvals, including from the Forest Service, that would be necessary for construction and operation of the proposed rail line. Please also refer to response to Comment UBR-DEIS-00683-36 above. The Forest Service has informed OEA that it considers the Coalition's right-of-way application to cross the Ashley National Forest to be part of the proposed action because approval of the proposed rail line is a required component of the Coalition's proposed project. OEA agrees with this consideration. As such, OEA is not treating the approval of the Forest Service right-of-way as a connected action in the Final EIS. Please also refer to Chapter 2, <i>Proposed Action and Alternatives</i>, for information about permanent and temporary access roads. Appendix A, <i>Action Alternatives Supporting Information</i>, provides</p>

<p>alternatives considered in it and decisions based on it will or will not achieve the requirements of [NEPA] and other environmental laws and policies."). Because the Roadless Rule is an environmental law, this examination is mandated. The DEIS suggests that a railroad "may be authorized in IRAs if the use can be accommodated without road access and the use and occupancy is consistent with the management objectives for the IRA values[.]" DEIS at 3.11-18. The agencies admit that "[c]onstruction of new temporary access roads within IRAs under any of the Action Alternatives would be incompatible with the 2001 Roadless Rule." Id. However, the DEIS makes no effort to address whether or not, for example, the proposed rail line would entail the construction of temporary roads or whether or not the building of a rail line in a Roadless Area is consistent with Roadless values. This examination is particularly warranted given that the rail line would entail railbed and track construction, construction staging areas, bridges, culverts, stream realignments, tunnels, grade crossings, road relocations, siding tracks, set-out tracks, distribution and power lines, communication towers, fencing, and retaining walls. E.g. DEIS at 2-30 to 2-35. It is also anticipated that the rail line will hold between 3.68 to 10.52 trains per day, on average, each train containing more than 110 cars. DEIS at 2-35.</p>	<p>detailed maps of project-related features, including potential locations of access roads, based on the preliminary design and engineering information available to date. As shown in that appendix, no permanent access roads are proposed on Forest Service lands. Although the exact location of permanent and temporary access roads would not be known until the final engineering and design phase, those features would be located within the mapped project footprint and any temporary access roads or other project features on Forest Service lands would be constructed in consultation with the Forest Service to ensure compliance with the applicable Forest Service plans. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-42)

Comment	Response
<p>Second, the DEIS must consider impacts of the proposed project and its alternatives on Roadless values, including values associated with any undesignated unroaded and undeveloped areas. [Footnote 51: E.g. TWE EIS, App. H.] To do this, the OEA must map these areas vis-à-vis the various alignments based on a defensible analysis of the extent of impacts such as noise, wildlife fatalities and harassment, vibrations, light pollution, emissions and impairment of scenic beauty. The DEIS must then take a hard look at the damage that the construction and operation of the proposed rail line might have on the values that the Forest Service has assigned to the relevant Roadless Areas and the objectives by which the agency manages these areas. The same assessment must be undertaken for any additional unroaded and undeveloped areas that may be impacted by the project and its alternatives.</p>	<p>Please refer to responses to Comment UBR-DEIS-00683-36 and Comment UBR-DEIS-00683-37 above.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-43)	
Comment	Response
<p>The OEA Failed to Evaluate the Consistency of the Proposed Project with the Ashley Forest Plan The 1986 Ashley National Forest Land and Resource Management Plan (1986 Forest Plan) [Footnote 52: U.S. Department of Agriculture, Land and Resource Management Plan for the Ashley National Forest, Forest Service Region 4 Ashley (1986), available at https://www.fs.usda.gov/detail/ashley/landmanagement/planning/?cid=stelprdb5277265.] was developed pursuant to the National Forest Management Act (NFMA). Under NFMA, any permits, contracts, and other instruments for the use and occupancy of National Forest System lands must be consistent with the relevant Forest Plan. E.g. 16 U.S.C. § 1604(i). Therefore, any use of the Forest by the proposed project must be consistent with this plan. As a result, the DEIS must take a hard look at whether the proposed project and its alternatives are consistent with the Forest Plan. OEA must determine whether the proposed project and its alternatives "threaten[] a violation of Federal, State, or local law or requirements imposed for the protection of the environment." 40 C.F.R. § 1508.27(b); see also id. § 1502.2(d) ("Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of [NEPA] and other environmental laws and policies."). Further, the DEIS must take a hard look at the direct, indirect and cumulative impact the proposed project may have on the management values, purposes, goals, objectives, standards and guidelines adopted by the 1986 Forest Plan. This it has not done. For example, the 1986 Forest Plan divides the Ashley National Forest into unique Management Areas. However, the DEIS fails to specify which Management Areas the project will impact and how the project and its alternatives might impinge upon these Management Areas and the purposes for which they were designated. Ultimately, the DEIS must also take a hard look at whether these impacts are consistent with the Forest Plan. Not only do NEPA and NFMA require such analyses, but plainly these evaluations are necessary to well-informed decision making and must be completed before the STB and the cooperating agencies consider the proposed project and its alternatives. Forest Plans set out management prescriptions, standards and guidelines for future decision making and are adjusted based on monitoring and evaluation. As projects and activities are proposed and reviewed -</p>	<p>Please refer to Chapter 2, <i>Proposed Action and Alternatives</i>, which indicates that if the Board were to authorize the Indian Canyon Alternative or Whitmore Park Alternative, the Coalition would have to seek Forest Service approval for permitting the rail line right-of-way, which could include amending the Ashley Forest Plan with a project-specific amendment in the areas of visual quality and scenery management. In addition, OEA's recommended mitigation measure LUR-MM-4 would require the Coalition implement conditions imposed in any Forest Service decision permitting the proposed rail line and work with the Forest Service to ensure that construction and operation of the rail line would comply with the Ashley Forest Plan, including any existing or potential amendments to that plan. The Forest Service has determined that, with the exception of visual quality and scenery management, the proposed rail line is otherwise consistent with the Ashley Forest Plan, and no other amendments would be warranted. To provide further clarity, OEA revised Subsection 2.2.3, <i>Alternatives Analyzed in the EIS</i>, in the Final EIS to indicate that with the exception of the project-specific amendment for visual quality and scenery management, the Indian Canyon Alternative and Whitmore Park Alternative would be consistent with the Ashley Forest Plan.</p>

<p>for example the rail line project - the plan is used in project-level decision making. The plan management area prescriptions and forest-wide direction are the ordinances under which site-specific decisions are made. Therefore, it is incumbent on the DEIS to examine whether the proposed rail line is in keeping with the 1986 Forest Plan.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-45)</p>	
<p>Comment</p>	<p>Response</p>
<p>More specifically, while the DEIS discusses adverse project impacts, including anticipated harms to air quality, water quality, riparian resources and wildlife, the document does [bold: not] address these issues in the context of the 1986 Forest Plan and therefore does not meet the requirements of NEPA and NFMA. Rather, the analysis must evaluate whether the proposed rail line is in keeping with specific Forest Plan directives and is compatible with Forest Plan designations and delineations. For example, the 1986 Forest Plan requires the Forest Service to maintain air quality related values, Plan at IV-37, and "to control and minimize air pollution impacts from land management activities." Id. at IV-42. To this end, the agency must: 1) "integrate air resource management objectives into all resource planning and management activities;" 2) "detect and monitor the effects of air pollution... on Forest resources" and "monitor air pollutants when Forest Service goals and objectives are at risk;" 3) "preserve and protect air quality related values (AQRV) within the Flaming Gorge NRA and High Uintas Wilderness;" and, 4) "determine the air quality or AQRV condition (base level) from which increments of limits of acceptable change will be measured." Plan at IV-42. The 1986 Forest Plan acknowledges that, in the Ashley National Forest, the "necessary level of water quality can be met by compliance with Federal and State water quality standards." Plan at II-13. The Plan dictates that the Forest Service shall "improve and conserve the basic soil and water resources." Plan at IV-37. To this end, the agency must "protect all surface waters from chemical contamination." Id; see also 1986 Forest Plan ROD at 13 ("Maintaining... State water quality standards [is an] example[] of [a] standard[] and guideline[] which act[s] as [a] mitigation measure prescribed in Chapter IV of the Plan.") Likewise, the Forest Service must, under the 1986 Plan, "maintain or improve riparian areas and riparian dependent resource values including wildlife, fish, vegetation, watershed and recreation in a stable or upward trend." Plan at IV-45. The Forest Service must manage for riparian species</p>	<p>Please refer to response to Comment UBR-DEIS-00683-43 above.</p>

<p>diversity. Id. Under the 1986 Plan, "riparian area dependent resources will be given preferential consideration in cases of unresolvable conflicts." Plan at IV-45. Facilities and ground disturbing activities are not permitted in riparian areas "unless alternative routes have been review and rejected as being more environmentally damaging." Id. The 1986 Forest Plan directs the Forest Service to "manage fish and wildlife habitat to maintain or improve diversity and productivity." Plan at IV-28. In addition, the Forest Service must "manage the habitat of all... sensitive plant and animal species to maintain or enhance their status." Plan at IV-30; see also id. ("management activities will be allowed if they will not adversely affect any... sensitive species"). The 1986 Forest Plan also establishes "tolerance limits" that indicate when the actual performance of the Plan has unacceptably varied from the "predicted performance" of the Plan. Plan at V-2. "When these limits are exceeded, further evaluation is required." Id. For example, a "violation of State Air Quality Standards and adverse public reactions" are sufficient to "cause further evaluation and/or a change in management direction," Plan at V- 13, as is a "violation of State Water Quality Standards or a 20% increase in predicted sediment yield," id. at V-11, a "violation of Forest Riparian Standards and Guidelines, id. at V-14, "or a 10% drop in the breeding population of sage grouse." Id. at V-7. The 1986 Forest Plan is a controlling document. In each of the instances noted above, the 1986 Forest Plan is specific - setting forth standards, guidelines, triggers for reevaluation and other directives for managing Forest resources and values. Because these provisions determine how the Ashley National Forest is to be managed, the DEIS must consider them. In addition to addressing the impacts of the proposed rail line on Forest resources and values including air quality, water quality, riparian resources and wildlife, the OEA must disclose how the proposed project and it alternatives comport with the 1986 Forest Plan, it directives, Management Areas, standards, guidelines, goals and purposes.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-76)

Comment	Response
<p>Third, the proposed project and its alternatives require BLM and the Forest Service to take federal actions necessary to the implementation of the project. According to OEA, "[p]rojects crossing state or federal lands require right-of-way grants, special use permits, easements, or other authorizations." DEIS at 3.11-5. More particularly, the preferred alternative, the Whitmore alignment, and Wells</p>	<p>The commenter is correct that the Coalition would need to obtain a right-of-way over Forest Service land, BLM land, or both Forest Service and BLM land to construct and operate any of the Action Alternatives. The commenter is incorrect in asserting that the Whitmore Park Alternative would cross BLM land. The Whitmore Park Alternative and the Indian Canyon Alternative would cross Forest</p>

<p>alternatives cross BLM land. Id. The Whitmore and Indian Canyon alignments cross the Ashley National Forest. Therefore, each of the action alternatives necessitates that the BLM and/or the Forest Service grant the rail line proponents a right-of-way over public lands. DEIS at 3.11-3. As a result, there is no alternative before the OEA and its cooperating agencies that could be realized without securing a right-of-way over BLM or Forest Service lands from the relevant federal land manager</p>	<p>Service land in Ashley National Forest. The Indian Canyon Alternative and the Wells Draw Alternative would cross BLM land. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions to the Draft EIS are necessary.</p>
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Chad Hamblin (UBR-DEIS-00691-2)

Comment	Response
<p>Building the railway would impact my recreation opportunities. The railway itself would impact Indian Canyon, a place where I recreate on a regular basis. I recently wrote an article which was published in the Utah Native Plant Society's most recent newsletter (see attached file). The article is about a stand of bristlecone pines I visited last summer in Indian Canyon. I hike in the canyon in the summer and I cross-country ski there in the winter. The railway would adversely impact my opportunities for quiet, peaceful recreation - and it would also negatively affect the wildlife that I go to the area to observe. The proposed railway route cuts through a Forest Service roadless area that has been proposed for wilderness designation by conservation organizations. Not only would the railway directly impact Indian Canyon - it would also cause more oil and gas activity on other Forest Service and BLM lands that I recreate on in the Uintah Basin</p>	<p>Please refer to Subsection 3.11.3, <i>Environmental Consequences</i>, which includes an analysis of impacts on recreation and Inventoried Roadless Areas. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, and no revisions are necessary.</p>

Notes:

EIS = Environmental Impact Statement; OEA = Office of Environmental Analysis; UAGRC = Utah Automated Geographic Reference Center; UDWR = Utah Division of Wildlife Resources; IRA = inventoried roadless area; SITLA = School and Institutional Trust Lands Administration; BLM = U.S. Bureau of Land Management; Forest Service = U.S. Forest Service

Table T-18. Comments and Responses—Section 3.12, Visual Resources

Duchesne County, Mike Hyde (UBR-DEIS-00436-3)

Comment	Response
<p>Page S-11 Visual Resources: Among other measures, OEA is recommending mitigation requiring the Coalition design bridges, [strike through: design bridges], communications towers, and other project-related features to complement the natural landscape and minimize visual impacts on the landscape.</p>	<p>To address the duplicative use of the term, OEA has revised Subsection S.4.2, <i>Minor Impacts</i>, in the Final EIS to remove the second instance of “design bridges.”</p>

Duchesne County, Mike Hyde (UBR-DEIS-00436-30)	
Comment	Response
Page 3.12-5 Visual Resources - Affected Environment: The largest community that is located in the study area just southeast of Duchesne, is accessed by [strike through: Avenue 18290 W] [bold and underline: County Road #29 (18290 West)] off of U.S. Highway 40 (US 40).	To address the commenter's request regarding road names, OEA has revised Subsection 3.12.2, <i>Affected Environment</i> , in the Final EIS to change "Avenue 18290 W" to "County Road 29 (18290 West)."
Duchesne County, Mike Hyde (UBR-DEIS-00436-31)	
Comment	Response
Page 3.12-5 Visual Resources - Affected Environment: The northeastern portion of the study area includes oil and gas facilities, rigs, and storage [strike through: wells] [bold and underline: tanks]; pipelines transporting oil and gas can be seen across the landscape, primarily on BLM-administered lands. These lands also see a high amount of truck traffic with semi-trailer trucks transporting oil and [strike through: gas] [bold and underline: water] and maintenance trucks accessing well pads and other oil and gas facilities.	To address concerns regarding the description of oil and gas activity in the study area, OEA has revised Subsection 3.12.2, <i>Affected Environment</i> , in the Final EIS to refer to storage tanks and oil and water tanker trucks as requested by the commenter.
Duchesne County, Mike Hyde (UBR-DEIS-00436-32)	
Comment	Response
Page 3.12-5 Visual Resources - Affected Environment: The cultural environment also includes dirt roads that wind through the landscape and more heavily traveled, paved highways and local routes, such as US 191 [bold and underline: and] US 40 [strike through: Avenue 5880 West, Avenue 3540 West] [bold and underline: R]ecreationists [strike through: who] use Sand Wash Road to access Desolation Canyon, and portions of Nine Mile Canyon Road.	To provide clarification in response to concerns regarding the description of roads in the study area, OEA has revised Subsection 3.12.2, <i>Affected Environment</i> , in the Final EIS to remove Avenue 5880 West and Avenue 3540 West from the description and to make other text clarifications.
Duchesne County, Mike Hyde (UBR-DEIS-00436-33)	
Comment	Response
Page 3.12-6 Visual Resources -Affected Environment: Reservation Ridge Scenic Backway, a state of Utah scenic backway, which follows Forest [strike through: Highway] [bold and underline: Road] 147 from US 191 to US 6.	To address concerns regarding road names, OEA has revised Subsection 3.12.2, <i>Affected Environment</i> , in the Final EIS to correct "Forest Highway 147" to "Forest Service Road 147."
Duchesne County, Mike Hyde (UBR-DEIS-00436-34)	
Comment	Response
Page 3.12-7 Temporary Nighttime Lighting: [Bold: Comment: While it is appropriate to require mitigation measures to direct construction related nighttime lighting onto the immediate study area, it is also important to realize that OSHA standards require light that is bright enough for workplace safety and that some impacts from lighting may still occur in a few locations along the route.]	OEA's recommended mitigation measure VIS-MM-2 is intended to reduce nighttime lighting impacts by requiring the Coalition direct light onto the immediate construction area. The Coalition would also be required to adhere to OSHA requirements, including workplace safety requirements for nighttime lighting, in accordance with the Coalition's voluntary mitigation measure VM-1.

	Implementation of these two mitigation measures would decrease impacts from nighttime lighting, while at the same time adhere to OSHA requirements to protect worker safety.
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Duchesne County, Mike Hyde (UBR-DEIS-00436-35)

Comment	Response
Page 3.12-17 Table 3.12-2: [Bold: Comment: The table indicates that there is a difference in rating of -1 for RKOP 073 when the rating for both existing conditions and post project conditions is moderately low; thus; there should be no change in the rating.]	To address concerns regarding the visual quality rating for RKOP 073, OEA has revised Section 3.1, <i>Visual Resources</i> , Table 3.12-2 in the Final EIS, to indicate that the actual KOP rating for the existing vista for RKOP 073 was rated as M (moderate). The post-project vista rating was correct (ML), so the difference in rating remains at -1.

Duchesne County, Mike Hyde (UBR-DEIS-00436-36)

Comment	Response
Page 3.12-25 BLM-Administered Lands (1st paragraph): Because this classification of BLM-administered lands allows for major modification to the existing visual character of the land, OEA does [bold and underline: not] expect that construction and operation would result in adverse visual impacts in these areas.	To address concerns regarding the description of visual impacts on BLM-administered land classified as VRM Class IV, OEA revised Subsection 3.12.3.2, <i>Impact Comparison between Action Alternatives, BLM-Administered Lands</i> , in the Final EIS. Although the description of impacts in the Draft EIS was accurate, OEA revised it to clarify that, although VRM Class IV allows for major modifications to the visual character, the proposed rail line would still result in visual impacts. The Indian Canyon Alternative would result in major modifications to the existing visual character of the land along Emma Park Road due to the introduction of rail line infrastructure, large areas of cut and fill, vegetation removal, and potentially new drainage culverts. While these visual modifications would be in accordance with the VRM class, there would still be adverse impacts on the casual observer.

Duchesne County, Mike Hyde (UBR-DEIS-00436-37)

Comment	Response
Page 3.12-25 BLM-Administered Lands (2nd paragraph): Because this classification of BLM-administered lands allows for major modification to the existing visual character of the land, OEA does [bold and underline: not] expect that construction and operation would result in adverse visual impacts on these areas.	To address concerns regarding the description of visual impacts on BLM-administered land classified as VRM Class IV, OEA revised Subsection 3.12.3.2, <i>Impact Comparison between Action Alternatives, BLM-Administered Lands</i> , in the Final EIS. Although the description of impacts in the Draft EIS was accurate, OEA revised it to clarify that, although VRM Class IV allows for major modifications to the visual character, the proposed rail line would still result in visual impacts. The Wells Draw Alternative would result in major modifications to the existing visual character of the land along Nine Mile Canyon Road due to the introduction of rail line infrastructure, large areas of cut and fill, and vegetation removal. While these visual modifications would be in accordance with the VRM class, there would still be adverse impacts to the

	casual observer.
Duchesne County, Mike Hyde (UBR-DEIS-00436-38)	
Comment	Response
Page 3.12-29 Historic Sites: [Bold: Comment: It should be noted here and elsewhere in the DEIS that the Indian Canyon Ranger Station historic site is being proposed for de-commissioning and demolition by the Ashley National Forest.]	To provide clarity, OEA added a footnote concerning possible plans for the Indian Canyon Ranger Station.
Duchesne County, Mike Hyde (UBR-DEIS-00436-39)	
Comment	Response
Page 3.12-31: Sensitive Residential Viewers: The Wells Draw Alternative would, however, introduce significant visual impacts in a residential area of high viewer sensitivity located along Argyle Canyon Road. Figure 3.12-9 (RKOP 037) illustrates the introduction of the railbed, cut and fill, and associated vegetation removal where the Wells Draw Alternative would run parallel to Argyle Canyon Road. [Bold: Comment: Figure 3.12-9 (RKOP 037) appears to be a depiction of the railway crossing the paved Wells Draw Road; which is quite a distance east of the Argyle Canyon area. (See Table P-1 on Page 4 of Appendix P).]	To address the concerns related to RKOP 037, OEA has revised Section 3.12.3.2, <i>Impact Comparison between Action Alternatives</i> , in the Final EIS to correct a misnumbered RKOP. RKOP 037 has been changed to RKOP 073, which accurately depicts the visual impacts anticipated on Argyle Canyon Road. The visual simulation for RKOP 073 has also been inserted into the Final EIS, as it was inadvertently omitted in the Draft EIS.
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-17a)	
Comment	Response
3.12 Visual Resources Just as a general comment, there seems to be a lot of "trust us" statements. There is not a clear establishment of baseline using VRM inventory. The inventory is the effected environment and the baseline for comparison, not the agency VRM Management Classes. Meeting a management class simply means you have not violated the land plan. It does nothing to quantify the impact.	As described in Subsection 3.12.1.3, <i>Analysis Methods</i> , OEA established baseline conditions for visual resources by preparing a viewshed analysis to determine the extent of the area where the proposed rail line would be visible in the foreground and middleground of the landscape. OEA identified and photographed KOPs in accessible portions of the study area, and assessed the visual character and quality of features in each KOP relative to the overall regional visual character. Please refer to Appendix P, <i>Visual Resources Terms, Analysis Methods, and Rating System</i> , for additional information on how OEA established baseline visual conditions and quantified impacts on visual resources. Section 3.12, <i>Visual Resources</i> , acknowledges that adverse impacts on visual resources would occur as a result of the proposed rail line, even if applicable land use plans allow for such modifications to the existing visual character.

Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-17b)	
Comment	Response
With regard to night skies, there is only vague language about lighting might impact some uses. The impacts should be identified and quantified to the extent possible. Mitigation for lighting should be identified and implemented.	Please refer to Subsection 3.12.3.21, <i>Impacts Common to All Action Alternatives, Temporary Nighttime Lighting, and Permanent Nighttime Lighting</i> , which describes how lighting during construction and operation would introduce new sources of nighttime lighting and may affect some sensitive viewers. Because the exact locations where nighttime lighting could be used would not be known prior to the final design phase, OEA is unable to identify those exact locations or to further quantify impacts associated with nighttime lighting during the EIS phase. OEA's recommended mitigation measures VIS-MM-2 and VIS-MM-7 would require the Coalition take steps to minimize light pollution and direct nighttime lighting to avoid impacts on sensitive viewers.
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-17c)	
Comment	Response
The visual/scenic changes have the potential to impact cultural resources settings. Affected cultural sites should be identified as KOPs so changes to settings can be quantified and hopefully mitigated.	As discussed in Section 3.9, <i>Cultural Resources</i> , OEA and consulting parties have executed a Programmatic Agreement specifying how compliance with Section 106 of the NHPA will be completed (see Appendix O, <i>Programmatic Agreement</i> , of the Final EIS). Stipulation VII of the Programmatic Agreement discusses how effects on historic properties, which may include visual impacts, would be assessed. Pursuant to PA Stipulation VIII, consulting parties will have the opportunity to review and comment on all technical work.
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-18)	
Comment	Response
3.12.1.1 Study Area "OEA defined the study area so that it includes areas where the proposed rail line would be visible in the foreground or middleground for areas with high elevations or with expansive views. OEA did not assess views where the proposed rail line would be visible in the background because project features do not typically stand out at that distance (FHWA 2015; Litton 1968:3-5). OEA did consider visual features in the background, such as mountain ranges and water features, in areas where the proposed rail line could affect views of those features." Need to confirm height/color/material of project features and see specifically how they are adapting visual resource guidelines to their engineering design for the proposed rail operation.	The Coalition will identify the height, color, material, and other design components of the proposed rail line during the final design process. Detailed design information was not available to OEA to analyze in the Draft EIS. However, OEA is recommending several mitigation measures to address potential visual impacts associated with the design of the proposed rail line. In particular, mitigation measures VIS-MM-4, VIS-MM-6, and VIS-MM-8 address design considerations of project-related features, requiring the features be designed to complement the landscape, to the extent possible. The mitigation measures also require consultation with BLM and the Ute Indian Tribe on project design if the Board-authorized Action Alternative crosses BLM or tribal lands.

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-23)	
Comment	Response
<p>VISUAL RESOURCES OEA's assertion that simply designing bridges, communication towers, and other project-related features to complement the natural landscape and minimize visual impacts will somehow result in visual impacts that would not be significant, is absolutely ridiculous. A railway cutting across roadless areas of National Forest and cutting through pristine, primitive forest and canyon areas cannot be disguised with even the best designs and mitigation measures. The railway will result in a massive, permanent scar on the natural landscape, especially due to the enormous cuts and fills that will be required to traverse the steep mountainous terrain. OEA fails miserably in their analysis and proposed mitigation of impacts to visual resources.</p>	<p>Throughout Section 3.12, <i>Visual Resources</i>, OEA acknowledges that adverse impacts on visual resources would occur as a result of the proposed rail line. The Draft EIS notes that any of the Action Alternatives would include substantial areas of cut and fill and construction of bridges, tunnels, and other features in a largely undeveloped landscape, introducing new and highly noticeable industrial infrastructure that would affect visual resources. In Subsection 3.12.4, <i>Mitigation and Unavoidable Environmental Effects</i>, OEA concludes that even with the implementation of mitigation measures, some impacts on visual resources would be unavoidable.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-54)	
Comment	Response
<p>Because of the steep, rugged terrain in this area massive cuts and fills will be required in order for the proposed UBR to traverse these routes. Such massive earthmoving activities will undoubtedly significantly and permanently alter the visual beauty throughout these areas and especially along US-191. Such permanent scars cannot be restored simply by seeding and other soil stabilization measures. It is anticipated that in many of these areas the rail right-of-way will extend as much as 700-feet [Footnote 23: Seven County Infrastructure Coalition's Response to the STB Office of Environmental Analysis April 12, 2019 Request for Information #1 dated April 19, 2019] on each side of the rail centerline. In many locations Indian Canyon is less than 1,400 feet wide. I do not believe that OEA or any other agencies can effectively ensure that visual resources throughout Indian Canyon and Argyle canyon will not be utterly destroyed and forever negatively altered.</p>	<p>Section 3.12, <i>Visual Resources</i>, of the Final EIS, includes information regarding the impacts on visual resources that would occur as a result of the proposed rail line, including within Argyle Canyon and Indian Canyon, that was previously included in the Draft EIS. The Final EIS identifies significant impacts on residential areas of high viewer sensitivity along Argyle Canyon Road from construction of the Wells Draw Alternative, as illustrated in Figure 3.12-16 (RKOP 073), and in residential areas along US 191 south of Argyle Canyon from construction of the Indian Canyon Alternative and Wells Draw Alternative, as illustrated in Figure 3.12-4 (RKOP 125). Within Indian Canyon, the introduction of the railbed, cut and fill, and associated vegetation removal from the Indian Canyon Alternative and Whitmore Park Alternative would reduce visual quality for recreationists and travelers along the Indian Canyon Scenic Byway, as illustrated in Figure 3.12-6 (RKOP 126), Figure 3.12-2 (RKOP 90), and Figure 3.12-3 (RKOP 139). OEA's recommended mitigation measures (VIS-MM-3, VIS-MM-4) would minimize these impacts, but changes to the viewshed from the Indian Canyon Scenic Byway and visual impacts on residential areas in Argyle Canyon and along US 191 south of Argyle Canyon would be unavoidable. The surface area required for the project footprint varies along the proposed routes, depending on topography, soil slope stability, and other site-specific conditions. As shown in the detailed figures in Appendix A, <i>Action Alternatives Supporting Information</i>, there are locations in Indian Canyon</p>

	<p>where the temporary footprint (the area temporarily disturbed during construction) would span the majority of the width of the canyon floor. The Coalition’s voluntary mitigation measure VM-44 requiring land used for construction easements to be restored to preconstruction conditions would minimize impacts from construction disturbance, but the long-term visual impacts from the railbed would remain.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-55)

Comment	Response
<p>The visual impacts to the Argyle Canyon Community will be equally destructive and irreparable. Argyle Canyon is full of rich, thick, dense forest comprised of several species of pine trees and quaking aspen. These forested areas will be utterly destroyed by construction and staging activities which will require hundreds of feet of disturbance on either side of the rail centerline. Re-planting and re-seeding will not be acceptable restorative measures to adequately and equally replace what will inevitably be destroyed. The land in Argyle Canyon is privately-owned recreational property. Its purpose and value lies in its inherent beauty, mature trees and forests, and primitive, unmolested nature. A railway through such an area is completely and totally inconsistent with the use and purpose of this land, and will utterly destroy its value and will unfairly and unjustly damage landowners. Those whose properties will not be directly overrun by the railway and its construction corridor will be rendered valueless and indeed, useless, for their intended purpose. Adequate visual restoration after the construction and operation of the railway will never be possible.</p>	<p>Section 3.12, <i>Visual Resources</i>, of the Final EIS, includes information regarding the impacts on visual resources that would occur as a result of the proposed rail line, including within the Argyle Canyon area, that was previously included in the Draft EIS. The Final EIS identifies impacts on residential areas of high viewer sensitivity along Argyle Canyon Road from construction of the Wells Draw Alternative, as illustrated in Figure 3.12-16 (RKOP 073), and in residential areas along US 191 south of Argyle Canyon from construction of the Indian Canyon Alternative and Wells Draw Alternative, as illustrated in Figure 3.12-4 (RKOP 125). The Final EIS acknowledges that the introduction of the railbed, cut and fill, and associated vegetation removal in these areas of high viewer sensitivity would result in significant visual impacts, even with implementation of visual resources mitigation.</p> <p>Please also refer to Section 3.13, <i>Socioeconomics</i>, which describes how visual distractions could diminish the value of areas near the rail line and disrupt residents in rural settings, thereby affecting their quality of life. Several mitigation measures listed in Chapter 4, <i>Mitigation</i>, were developed to minimize impacts on private landowners during and after construction. The Coalition’s voluntary mitigation measure VM-44 requires land used for construction easements to be restored to preconstruction condition, and VM-49 requires the appointment of a community liaison to consult with affected communities to develop cooperative solutions for local concerns regarding construction activities. OEA’s recommended mitigation measure VIS-MM-1 requires the Coalition install visual barriers to obstruct views of construction activity from private landowners. While these mitigation measures would not eliminate adverse impacts on private landowners, they would minimize visual impacts to the extent feasible, as described in the Final EIS.</p>

Notes:

OEA = Office of Environmental Analysis; EIS = Environmental Impact Statement; RKOP = rendered key observation point; OSHA = Occupational Safety and Health Administration; BLM = U.S. Bureau of Land Management; VRM = Visual Resource Management; NHPA = National Historic Preservation Act

Table T-19. Comments and Responses—Section 3.13, Socioeconomics

Jensen Ranches LLC, LD Jensen (UBR-DEIS-00232-1)	
Comment	Response
<p>This project will greatly impact our private property and ranching operation. Although we are not excited to see a railroad through the property we spent a lifetime working for, we understand the potential for economy and jobs. If this project is finalized we asked to be closely involved with engineers on final design to minimize impacts to precious streams, grazing, and access.</p>	<p>OEA notes the commenter's concerns regarding impacts on private property. Please refer to mitigation measures SOCIO-MM-1 and SOCIO-MM-2 in Chapter 4, <i>Mitigation</i>, which would require the Coalition work with landowners to limit the loss of access to properties during rail construction and maintain access to and movement within properties during rail operations, consistent with state law. Chapter 4, <i>Mitigation</i>, also sets forth mitigation measures to address potential impacts on livestock grazing and on water rights, including mitigation that would require the Coalition consult with landowners regarding those impacts.</p>
Daniel Astin (UBR-DEIS-00270-1)	
Comment	Response
<p>Let me begin by saying that I understand the need for a railway in this area. It would add a lot of economic opportunity in the Uinta basin area. I understand that the Whitmore park route is the preferred route. As long as the Whitmore Park route is the one that is ultimately chosen, I would support it. However, I recently purchased property along highway 191 and I would not support either the Indian Canyon route or the Wells Draw route as these two routes would have the train run right through my property. I have worked my entire life to finally be able to purchase some recreational property to have to enjoy nature and wildlife and be with my family in peace! If either the Indian Canyon or Wells Draw routes are chosen, it would decimate my property! On my property there are heavy forested areas and wetlands that provide critical habitat for many species of wildlife. If the train goes through it, it will ultimately be destroyed and my land would then be useless to me. I would need to be fairly compensated for the detrimental impact on my land. I have read a lot of comments from people in support of the railroad but how many of those people would still support it if it meant building it right through the middle of your private property? Think about that.... Let me restate that I would support the railroad if the Whitmore Park route (the preferred route) is chosen. I however can't support it if the Wells draw route or Indian Canyon</p>	<p>OEA notes the commenter's support for the Whitmore Park Alternative. As discussed in Subsection S.4.5, <i>Environmentally Preferred Alternative</i>, OEA recommends that, if the Board authorizes the proposed rail line, the Board should authorize the Whitmore Park Alternative to avoid or minimize environmental impacts from construction and operation of the proposed rail line. Please refer to mitigation measures SOCIO-MM-1 and SOCIO-MM-2 in Chapter 4, <i>Mitigation</i>, which would require the Coalition compensate and work with landowners to limit the loss of access to properties during rail construction and maintain access to and movement within properties during rail operations, consistent with state law. Chapter 4, <i>Mitigation</i>, also sets forth mitigation measures to address potential impacts on livestock grazing and on water rights, including mitigation that would require the Coalition consult with landowners regarding those impacts, as well as mitigation measures that would address impacts on surface waters, wetlands, and wildlife. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

route is chosen. I have worked too long and hard just to see my dream property destroyed.	
Craig Wallentine (UBR-DEIS-00426-2)	
Comment	Response
<p>1) UIB Increases Economic Volatility in the Uinta Basin - The EIS completely fails to describe the actual impact of the UIB project in the Uinta Basin beginning with the well-documented reality of the "resource curse" or the "Dutch disease" which has been proven over and over again both in the US and globally. The proposed UIB railway is a special interest project that will increase the dependence of Northeast Utah on a single extractive industry [<u>in which Utah is not a lowest cost producer, has no differentiated production technology and has no pricing power in the national or global energy market.</u>] The UIB only makes the Uinta Basin more dependent upon volatile commodity pricing leading to more painful boom/bust cycles.</p>	<p>As discussed in Chapter 1, <i>Purpose and Need</i>, the Coalition expects that the proposed rail line would primarily transport crude oil produced in the Uinta Basin to markets elsewhere in the country. However, because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. Although an analysis of the transportation merits of this or any rail construction project are outside of the scope of OEA's review under NEPA, OEA notes that, in general, the availability of multiple alternative transportation modes tends to be economically beneficial for local communities and industries. OEA has revised Subsection 3.13.2.3, <i>Employment and Income</i>, in the Final EIS to note that the economy of the Basin has historically been dependent on the energy industry and has been subject to 'boom-and-bust' cycles. OEA has also revised Subsection 3.13.3, <i>Impacts Common to All Action Alternatives</i>, to note that, although the Coalition believes that the proposed rail line would primarily be used to transport crude oil and frac sand, shippers might also use the proposed rail line to transport other various heavy and bulk commodities found in the Basin. To the extent that the proposed rail line could be used to transport commodities other than crude oil, the availability of a rail transportation option could support the diversification of local economies in the Basin.</p>
Craig Wallentine (UBR-DEIS-00426-4)	
Comment	Response
<p>3) EIS Overstates Socioeconomic Benefits to Uinta Basin Community: The local public in Duchesne and Uintah counties falsely assumes there will be an unending economic boom resulting from the railroad construction. Reality is that most procurement spending on the railroad will take place outside the Uinta Basin while most construction staging will take place in Carbon County at the existing rail head. Once the initial construction is over, rail maintenance spending will not support new industries in the Uinta Basin. EIS states that third parties will construct the two critical rail terminal facilities but provides no guarantees such will occur and that profits from these operations will stay in the Basin. Since the bulk of energy production and transportation companies are headquartered outside the Uinta Basin, the vast majority of profits from increased</p>	<p>Please refer to Appendix Q, <i>IMPLAN Analysis Methods and Results</i>, which describes the methods OEA used to estimate the regional economic impact of construction and operation of the proposed rail line. OEA derived the model inputs from project expenses and staffing information provided by the Coalition. OEA generated indirect, induced, and total effects by conducting a multiregional input-output analysis in IMPLAN, which relied on 2018 IMPLAN data for the four-county study area.</p> <p>To develop estimates of economic impact from construction and operation of the proposed rail line, OEA relied on construction cost estimates for each Action Alternative provided by the Coalition. These data also contained an estimate of the portion of construction spending anticipated to occur locally and nonlocally. OEA also accounted for the different spending profiles of estimated local and non-local</p>

<p>crude oil production will be transferred out of state with the result that the non-diversified local economy will become even more dependent upon the world price of oil and the shrinking demand for Utah crude.</p>	<p>labor. Consistent with modeling best practices, OEA applied only local expenditure to the economic multipliers. OEA applied construction costs to the four-county study area based on the calculated percentage of track mileage in each county. Please refer to <i>IMPLAN Analysis Methods and Results</i>, Table Q-2, which details the percentage of Action Alternative miles by county used to calculate the construction inputs.</p> <p>To calculate the economic impact of operations, OEA relied on annual operations and maintenance cost estimates for a low rail traffic and high rail traffic scenario for each alternative provided by the Coalition. OEA applied operations and maintenance (O&M) costs to the four-county study area counties based on the calculated percentage of track mileage in each county (Table Q-2). Please refer to Appendix Q, <i>IMPLAN Analysis Methods and Results</i>, Table Q-4, which contains the operations input sector crosswalk. Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, reports the results of the analysis, including projected direct, indirect, and induced employment during rail construction and operations, as well as other potential economic benefits of the proposed rail line.</p> <p>Because OEA’s analysis of socioeconomic impacts relied on best available data and modeling best practices, OEA’s conclusions are reasonable and no changes to the analysis in Section 3.13, <i>Socioeconomics</i>, are warranted in response to this comment.</p>
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Craig Wallentine (UBR-DEIS-00426-5)

Comment	Response
<p>4) EIS Does Highlight the Low Project Return to State of Utah: As a result of numerous subsidies for the oil and gas industry the State of Utah will receive an annual royalty of just a few tens of million dollars from the projected billions of dollars per year in annual revenue. These gifts from the taxpayer include low cost federal land leases, rock bottom federal royalty rates, minimal penalties for failing to actually produce on leases, no cost extensions of leases, minimal penalties for failing to meet the oil, gas and mining laws of Utah, special COVID pandemic financial benefits including waivers for loan repayment and the inappropriate use of community development funds for exclusive, single industry oil & gas projects like the UIB. Since Utah taxpayers will see only pennies on the dollar from this project, this is clearly not an economic necessity for us.</p>	<p>While the commenter is concerned that the proposed rail line is not an economic necessity for Utah, OEA’s socioeconomic analysis found that construction of the proposed rail line would create new employment opportunities and contribute to the regional economic activity. Economic activity would also generate state and local tax revenue. Local jurisdictions, including county and city governments and the Ute Indian Tribe, may also levy taxes on construction expenditures including local sales and use taxes, county option sales taxes, city or town option taxes, and taxes levied specifically to support transit and highways, or public facilities. Please refer to Table 3.13-8 and Table 3.13-10 in Subsection 3.13.3.2, <i>Impact Comparison by Action Alternative</i>, which include the annual employment, labor income, and value-added impacts from construction and operations for the Action Alternatives. Please also refer to Table 3.13-9, which includes the state and local tax revenue for construction of the Action Alternatives. OEA notes</p>

	that issues related to state subsidies for the energy industry or the leasing of public land for oil and gas development are beyond the scope of the environmental review of the construction and operation of the proposed rail line.
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Craig Wallentine (UBR-DEIS-00426-6)

Comment	Response
5) EIS Does Not Promote Economic Stability thru Diversification - While the SCIC does make the Uinta Basin economy dependent on an obsolete business model that will not survive the next twenty years, it fails to discuss the development of any non-oil & gas related industries or service business. The EIS critically fails to discuss water supply for the massive increase in oil production and how clean water supplies can be preserved despite massive new pollution. The impact on water supplies will strongly argue against "clean" new industries looking to relocate to Duchesne or Uintah counties just to breathe the dirty air and struggle for access to clean water. The EIS fails to address the massive loss of value to Utah by shipping crude oil out of state where conversion profits are captured by out of state interests. EIS indicates that vast majority of rail cars will "deadhead" into the Uinta Basin because of lack of existing or future counter-trade. In fact, the EIS states that all other rail shipments to/from the Uinta Basin [underline: will never be enough to justify a train without crude oil tank cars.] Despite all this, the SCIC offers no plans to create a stable local economy that can withstand both the amplified boom/bust cycle of the oil industry and the eventual transition of Utah to a net carbon zero economy.	Please see response to Comment UBR-DEIS-00426-2 and Comment UBR-DEIS-00426-5 above. OEA has revised Subsection 3.13.3, <i>Impacts Common to All Action Alternatives</i> , to note that, although the Coalition believes that the proposed rail line would primarily be used to transport crude oil and frac sand, shippers might also use the proposed rail line to transport other various heavy and bulk commodities found in the Basin. To the extent that the proposed rail line could be used to transport commodities other than crude oil, the availability of a rail transportation option could support the diversification of local economies in the Basin. Please also refer to Subsection 3.15.5.3, <i>Water Resources</i> , which includes information regarding cumulative impacts from oil and gas development that could affect surface water resources. OEA did not assess cumulative groundwater impacts specifically because, as described in Section 3.3, <i>Water Resources</i> , OEA expects that the proposed rail line would not have adverse impacts on groundwater use (i.e., supply/drawdown), groundwater recharge, or groundwater quality. Therefore, the proposed rail line would not contribute to cumulative impacts on groundwater when combined with impacts from oil and gas development.

Duchesne County, Mike Hyde (UBR-DEIS-00436-1)

Comment	Response
Page S-8 Socioeconomics:... the Wells [bold and underline: Draw] Route would affect the smallest area of private property, but would displace the largest number of residences; and the Whitmore Park Alternative would affect the largest total area of private property, primarily [strike through: affect] [bold and underline: affecting] larger property owners and ranching and farming operations.	OEA has corrected the typographical errors identified by the commenter by including the full name of the Wells Draw Alternative and by changing the word "affect" to "affecting" in Subsection S.4.1, <i>Major Impacts</i> in the Final EIS.

Duchesne County, Mike Hyde (UBR-DEIS-00436-5)	
Comment	Response
<p>Page 2-31 Staffing and Worker Housing: Most construction personnel would reside in their own personal residences or in existing [bold and underline: recreational vehicle parks], commercial hotels and motels, but dedicated construction camps would be needed for some staff.</p> <p>[Bold: Comment: It should be noted here or elsewhere in the DEIS that construction labor camps require approval of the TriCounty Health Department, which administers the state labor camp administrative rules for Duchesne, Daggett and Uintah Counties. Duchesne County requires a conditional use permit if said camps are located on privately-owned land within our jurisdiction.]</p>	<p>OEA has revised Subsection 2.3.6, <i>Staffing and Worker Housing</i>, in the Final EIS to include a reference to RV parks as one of the temporary living options for construction workers during construction of the proposed rail line. OEA has also revised Appendix B, <i>Applicable Regulations</i>, Table B-13, in the Final EIS to update the state and local regulations related to construction labor camp approval and inspections.</p>
Duchesne County, Mike Hyde (UBR-DEIS-00436-40)	
Comment	Response
<p>Page 3.13-4 Table 3.13-2: [Bold: Comment: The data for temporary accommodations in Roosevelt are not correct. The Duchesne County Chamber of Commerce (Ryan Lundstrom - 435- 722-4598 [rlundstrom@duchesne.utah.gov] reports that there are 89 hotel/motel rooms in Roosevelt (53 at the Frontier Motel and 36 at the CB&M Suites). Also, there are 32 RV Park spaces in Roosevelt at 1331 West Highway 40.]</p>	<p>OEA has revised Table 3.13-2 in Subsection 3.13.2.2, <i>Housing and Public Services</i>, in the Final EIS to update the number of hotel/motel rooms and recreational vehicle (RV) park spaces available in Roosevelt.</p>
Duchesne County, Mike Hyde (UBR-DEIS-00436-41)	
Comment	Response
<p>Page 3.13-5 Law Enforcement: The cities of Helper, Price, and Wellington in Carbon County, and Myton and Roosevelt in Duchesne County, all have municipal police departments that provide law enforcement. [Bold: Comment: Actually, according to the Duchesne County Sheriff's Office, the City of Myton contracts with the Duchesne County Sheriff's office and the Bureau of Indian Affairs for law enforcement services. This may be verified with the Sheriff's Office by calling 435-738-1187.]</p>	<p>OEA has revised Subsection 3.13.2, <i>Affected Environment, Law Enforcement</i>, in the Final EIS to update the organizations providing law enforcements services to the City of Myton.</p>
Duchesne County, Mike Hyde (UBR-DEIS-00436-42)	
Comment	Response
<p>Page 3.13-5 Public Schools: One elementary school in Roosevelt is operated by Uintah County School District (Uintah County School District 2020). [Bold: Comment: There are no elementary schools in Roosevelt operated by the Uintah County School District. Students in Roosevelt are under the jurisdiction of the Duchesne County School District. Perhaps reference was being made to the Eagle View Elementary School in Fort Duchesne, just east of Roosevelt?]</p>	<p>OEA has revised Subsection 3.13.2, <i>Affected Environment, Public Schools</i>, in the Final EIS to delete the reference to an elementary school in Roosevelt that was incorrectly attributed to being within the Uintah County School District. An earlier statement in this subsection correctly states that the Duchesne County School District operates two elementary schools in the City of Roosevelt.</p>

Duchesne County, Mike Hyde (UBR-DEIS-00436-43)	
Comment	Response
Page 3.13-11 Workforce Demand for Housing and Public Services: Based on commuting distance and availability of temporary accommodations such as hotels, motels, and RV spaces (Table 3.13-2), OEA expects that Helper, Price, Duchesne, Myton, [and underline: Roosevelt] and Ballard would see the greatest influx of temporary construction workers from outside of the four-county study area.	Based on revisions to Table 3.13-2 that were made in response to comment UBR-DEIS-00436-40, OEA has revised Subsection 3.13.3.1, <i>Impacts Common to All Action Alternatives</i> , in the Final EIS by adding the City of Roosevelt to the list of communities that would see the greatest influx of temporary construction workers outside the study area.
Duchesne County, Mike Hyde (UBR-DEIS-00436-44)	
Comment	Response
Page 3.13-25 Displaced Economic Activity: The Coalition [strike through: need to] would [and underline: need to] acquire 26.5 acres of land and a temporary construction easement from Basin Land & Farm, 10.0 acres from Altamont Land & Farm, and 6.0 acres from Moon Family Farm under the Indian Canyon Alternative and Whitmore Park Alternative, and would acquire 181.4 acres of land and a temporary construction easement from Moon Family Farm and 35.1 acres from Henderson Ranch under the Wells Draw Alternative.	OEA has corrected the typographical error that the commenter identified by moving the words “need to” to come before the word “would” in Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i> , in the Final EIS.
Duchesne County, Mike Hyde (UBR-DEIS-00436-45)	
Comment	Response
Page 3.13-27 Workforce Demand for Housing and Public Services: The Coalition would build dedicated construction camps to house up to 40 workers to support tunnel construction of the Indian Canyon Alternative and Whitmore Park Alternative, and up to 280 workers to support construction of tunnels, embankment, and bridges for the Wells Draw Alternative. [Bold: Comment: It should be noted here or elsewhere in the DEIS that construction labor camps require approval of the TriCounty Health Department, which has the authority to administer state labor camp rules in Duchesne, Daggett and Uintah Counties. Duchesne County requires a conditional use permit if said camps are located on privately-owned land within our jurisdiction.]	OEA has revised Table B-13 in Appendix B, <i>Applicable Regulations</i> to update the state and local regulations related to construction labor camp approval and inspections.
Duchesne County, Mike Hyde (UBR-DEIS-00436-46)	
Comment	Response
Page 3.13-27 Workforce Demand for Housing and Public Services: In addition, because OEA expects construction workers to preferentially reside in temporary accommodations such as hotels, motels, and RV parks, OEA [strike through: dos] [and underline: does] not expect that the influx of temporary construction workers would have a significant effect on housing prices. [Bold:	To address this comment, OEA has revised Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i> , in the Final EIS to correct the editorial error identified by the commenter and to update the text related to workforce demand for housing and public services. As revised, the subsection notes that reasonably foreseeable future actions, including construction of two interstate

<p>Comment: Should it be noted here that there is a chance that railroad construction could occur during construction of other major projects such as the Trans West Express and Energy Gateway South power transmission lines and that the impacts on housing are addressed in Chapter 3.15 Cumulative Impacts?]</p>	<p>electric power transmission lines (Gateway South and TransWest), would increase demand for public housing and services in the study area and references the discussion of these cumulative impacts in Section 3.15, <i>Cumulative Impacts</i>.</p>
<p>Duchesne County, Mike Hyde (UBR-DEIS-00436-47)</p>	
<p>Comment</p>	<p>Response</p>
<p>Page 3.13-30 Table 3.13-10: Labor Income (\$ million) [strike through: 5] Chapter 3.13 Socioeconomics in general: [Bold: Comment: The socioeconomic benefits of the proposed railway go way beyond the transport of crude oil out of the basin to national markets. The railway would be an important infrastructure improvement that could help the basin diversify its economy. According to a 2014 study by the Utah Department of Workforce Services, (Utah Insights, Summer 2014 Statewide Edition, Volume 3, Issue 1, Page 2) Duchesne and Uintah Counties had the least diversified economies of the 29 counties in Utah. The two counties rely on the oil and gas industry for a significant part of their jobs and income; which exposes the economy to the booms and busts of the industry. Construction of the railroad will put the Uintah Basin counties in a better position to attract other types of industries that require rail service. Without rail, interstate highway and major airport service, Duchesne and Uintah Counties are at a major competitive disadvantage when trying to attract business investment.] [Bold: Two of the objectives contained in Section 25, Economic Considerations, of the Duchesne County General plan reads as follows: Objective: In an effort to decrease "single industry dependence", the County will continue to support the economic diversification strategies of the Duchesne County Chamber of Commerce. These efforts include, but are not limited to, economic growth and development in the following areas: business retention and expansion, business recruitment, value-added agriculture, and tourism and recreation. Objective: Continue participation in the Seven County Infrastructure Coalition. The Coalition is currently comprised of seven counties in eastern Utah: Carbon, Daggett, Duchesne, Emery, San Juan, Sevier, and Uintah. The coalition was formed in 2014 in an effort to promote cooperative regional planning, increase economic opportunities and to implement sustainable infrastructure projects in these rural counties. Approval and construction of the Whitmore Park Alternative of the Uinta Basin Railway will thus comply with the economic</p>	<p>OEA has corrected the typographical error that the commenter identified in Table 3.13-10 in Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, by removing the number 5 that was inadvertently included in a table heading. Regarding the remainder of the comment, please refer to response to Comment UBR-DEIS-00426-2 above. As discussed in Chapter 1, <i>Purpose and Need</i>, the Coalition expects that the proposed rail line would primarily transport crude oil produced in the Basin to markets elsewhere in the country. However, because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. Although an analysis of the transportation merits of this or any rail construction project are outside of the scope of OEA’s review under NEPA, OEA notes that, in general, the availability of multiple alternative transportation modes tends to be economically beneficial for local communities and industries. OEA has revised Subsection 3.13.2.3, <i>Employment and Income</i>, in the Final EIS to note that the economy of the Basin has historically been dependent on the energy industry and has been subject to ‘boom-and-bust’ cycles. OEA has also revised Subsection 3.13.3, <i>Impacts Common to All Action Alternatives</i>, in the Final EIS to note that, although the Coalition believes that the proposed rail line would primarily be used to transport crude oil and frac sand, shippers might also use the proposed rail line to transport other various heavy and bulk commodities found in the Basin. To the extent that the proposed rail line could be used to transport commodities other than crude oil, the availability of a rail transportation option could support the diversification of local economies in the Basin.</p>

development objectives of the Duchesne County General Plan and help the basin reach its economic diversification goals.]	
Uintah County Commission, Ross Watkins (UBR-DEIS-00440-5)	
Comment	Response
<p>Section 3.13, Socioeconomics Each alternative would provide an equal amount of socioeconomic stimulus to Uintah County. The construction of the terminal station and the associated railway would provide jobs and opportunities for local contractors, vendors, and hotels. In addition to the construction phase, the operation phase of the railway would increase opportunities for local residents to ship manufactured products, agricultural goods, and crude oil on the national railway system. Our small economy would have the opportunity to connect with larger economies by means of a safe, reliable railway system as opposed to dangerous highways through mountain passes. Uintah County is a place of abundant resources and potential, but our remote location impedes citizens' ability to grow beyond our borders. Socioeconomically, Uintah County would greatly benefit from the stimulus that the railway would provide. Additionally, increased financial flexibility would allow our county to invest in mitigating any negative environmental impacts that the railroad may bring. Finally, Uintah County's communities are well accustomed to accommodating rapid increases in development and growth. Our economy has swollen and shrunk for decades, and our infrastructure has the ability to absorb and service rapid expansion.</p>	<p>OEA notes the commenter's support for the proposed rail line. Please refer to Table 3.13-8 and Table 3.13-10 in Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, for OEA's estimates of direct, indirect, and induced employment during construction and rail operations for each Action Alternative. Please also refer to Table 3.13-9 for OEA's estimates of taxable construction expenditures and state tax revenue for each Action Alternative.</p> <p>Please refer to response to Comment UBR-DEIS-0046-2 above. As discussed in the Chapter 1, <i>Purpose and Need</i>, the Coalition expects that the proposed rail line would primarily transport crude oil produced in the Basin to markets elsewhere in the country. However, because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. Although an analysis of the transportation merits of this or any rail construction project are outside of the scope of OEA's review under NEPA, OEA notes that, in general, the availability of multiple alternative transportation modes tends to be economically beneficial for local communities and industries. OEA has revised Subsection 3.13.2.3, <i>Employment and Income</i>, in the Final EIS to note that the economy of the Basin has historically been dependent on the energy industry and has been subject to 'boom-and-bust' cycles. OEA has also revised Subsection 3.13.3, <i>Impacts Common to All Action Alternatives</i>, in the Final EIS to note that, although the Coalition believes that the proposed rail line would primarily be used to transport crude oil and frac sand, shippers might also use the proposed rail line to transport other various heavy and bulk commodities found in the Basin. To the extent that the proposed rail line could be used to transport commodities other than crude oil, the availability of a rail transportation option could support the diversification of local economies in the Basin.</p>
Western Energy Alliance, Tripp Parks (UBR-DEIS-00466-6)	
Comment	Response
<p>We realize that the STB and project proponent specifically limited analysis of impacts to the construction and direct operations of the railway, including socioeconomic impacts. We realize that STB did not wish to speculate on how greater access</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, which discusses the potential environmental impacts that could result from future oil and gas development in the Basin, including socioeconomic impacts. As discussed in that section, OEA concludes</p>

<p>to markets provided by the railway could lead to increased oil production in the Uinta Basin. Such analysis would have shown a large economic benefit to the state, Ute Indian Tribe and the four counties in terms of jobs, investment and tax revenue. As such, STB is shortchanging the benefits of the project. Despite not accounting for such potentially large economic benefits, the draft EIS still shows a positive socioeconomic impact for the project area, and therefore, supports moving forward with the railway.</p>	<p>that increased oil production in the Basin would generate long-term employment, labor income, and increased direct, indirect, and induced spending on goods and services in the cumulative impacts study area and would generate increased state, tribal, and local revenue through taxes, fees, lease payments, and royalties.</p>
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Uintah County Commissioners, Brad Horrocks (UBR-DEIS-00561-5)

Comment	Response
<p>Section 3.13 Socioeconomics Each alternative would provide an equal amount of socioeconomic stimulus to Uintah County. The construction of the terminal station and the associated railway would provide jobs and opportunities for local contractors, vendors, and hotels. In addition to the construction phase, the operation phase of the railway would increase opportunities for local residents to ship manufactured products, agricultural goods, and crude oil on the national railway system. Our small economy would have the opportunity to connect with larger economies by means of a safe, reliable railway system as opposed to dangerous highways through mountain passes. Uintah County is a place of abundant resources and potential, but our remote location impedes citizens' ability to grow beyond our borders. Socioeconomically, Uintah County would greatly benefit from the stimulus that the railway would provide. Additionally, increased financial flexibility would allow our county to invest in mitigating any negative environmental impacts that the railroad may bring. Finally, Uintah County's communities are well accustomed to accommodating rapid increases in development and growth. Our economy has swollen and shrunk for decades, and our infrastructure has the ability to absorb and service rapid expansion.</p>	<p>Please see response to Comment UBR-DEIS-00440-5 above.</p>

Utah Petroleum Association, Jennette King (UBR-DEIS-00574-3)

Comment	Response
<p>We are also pleased to see the positive socioeconomic impacts noted for the project area. We would however, like to take this opportunity to point out that while estimating some of the additional positive socioeconomic impacts in terms of new industries or projects that may locate in the area due to the railway may indeed have required speculation, which the STB desired to avoid, the project would certainly lead to new markets and therefore increased production of Uintah Basin produced oil and gas. UPA believes that the Salt</p>	<p>Please see response to Comment UBR-DEIS-00466-6 above.</p>

<p>Lake Refining market will remain the market of choice for basin crude due to proximity and resulting transport cost drivers. This will result in new incremental production of basin crude for transport via the new rail project, which brings direct jobs and economic benefits, indirect and induced economic growth and new tax revenue and royalties to the communities and the Ute Indian Tribe. The model for transporting Uintah Basin crude via rail to gulf coast markets has already been proven and is ongoing today, albeit at smaller scales. As such, we believe greater consideration of these benefits in the socioeconomic impacts analysis would have been appropriate</p>	
<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-10)</p>	
<p>Comment</p>	<p>Response</p>
<p>SOCIOECONOMICS The DEIS continues to demonstrate a lack of consideration for impacts to private property owners in the Socioeconomics section of S4.1, wherein OEA states that [italics: "the Whitmore Park Alternative would affect the largest total area of private property".] [Footnote 8: DEIS S-8] This is in clear violation of Utah Code § 78B-6-506 which clearly states that projects must [italics: "be located in the manner which will be the most compatible with the greatest public good and the least private injury"] [Footnote 9: https://le.utah.gov/xcode/Title78B/Chapter6/78B-6-S506.html] OEA wholly dismisses the socioeconomic impacts on private property owners by summarily recommending the Whitmore Park Alternative.</p>	<p>In Chapter 3, <i>Affected Environment and Environmental Consequences</i>, OEA considered a broad range of environmental issues, including potential socioeconomic impacts. The commenter correctly notes that the Whitmore Park Alternative would affect the largest total area of private property of the Action Alternatives considered in the EIS. Nevertheless, OEA identified the Whitmore Park Alternative as the environmentally preferred alternative because that Action Alternative would permanently affect the smallest area of water resources, including wetlands and perennial streams; would minimize impacts on greater sage-grouse leks and associated summer brood rearing habitat; and would avoid impacts on subdivided residential areas.</p> <p>Please refer to Subsection 3.13.3.1, <i>Impacts common to All Action Alternatives</i>, which describes the potential impacts of construction and operation of the proposed rail line on private property. Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, compares the impacts of the Action Alternatives on private property in terms of property type (subdivisions versus ranches), total acreage, and total number of displaced residences and other structures, and the resulting potential for displaced economic activity for ranching and farming operations. OEA is recommending that the Board impose mitigation measures to reduce impacts on private property owners (see mitigation measures SOCIO-MM-1 and SOCIO-MM-2 in Chapter 4, <i>Mitigation</i>). Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-48)	
Comment	Response
<p>In my opinion, the socioeconomic impacts of the proposed project are many, diverse, and given the limited amount of substantive project information that is available to the public, largely unable to be addressed or evaluated or commented on with any degree of confidence. For the OEA to request public comment based on the overarching lack of publicly available information on the project seems highly irresponsible. It is rather clear that the Coalition is intentionally withholding information or lacks the necessary information altogether (which is highly probable), which would afford any intelligent individual the ability to evaluate the project's probable and anticipated socioeconomic impacts.</p>	<p>OEA notes the commenter's concerns about transparency on the part of the Coalition. In preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, and operational plans. The Coalition responded appropriately to OEA's requests and provided sufficient information for OEA assess the environmental impacts of the proposed rail line. The Coalition also provided OEA with information that the Coalition collected on baseline environmental conditions in the project area, which OEA independently reviewed and verified. OEA made all of the information that the Coalition provided available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-49)	
Comment	Response
<p>The Coalition claims that the proposed Uinta Basin Railway will bring 27,000 new jobs to the Uintah Basin. Despite my requests no information has been provided or presented which would even begin to substantiate such claims. The Coalition claims that oil production in the basin can meet the forecasted demand of 350,000 to 500,000 barrels per day without massive increases in drilling operations and new wells. If so, then where will the thousands of newly created jobs be based in the railway's primary market segment? This proposed railway will not require thousands or even hundreds of railway workers to operate and maintain. A vast majority of the construction labor required to construct the railway will be transient, highly skilled labor brought in by the large contractors that will construct the railway, not local workers. No reliable, verifiable data has been produced to support any claims to the contrary. In truth, the local communities will be overrun by the influx of construction workers. Their hotels, housing, and other infrastructure will be taxed well-beyond its capacity, displacing low-income tenants and effectively pricing a significant portion of the Uintah Basin population out of the housing rental and purchase markets, much like what has happened in recent years during the last oil boom. The positive impacts on the local economies were short-lived,</p>	<p>Regarding concerns about transparency, please refer to the response to Comment UBR-DEIS-00591-48 above. Please also refer to Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, which discusses direct, indirect, and induced employment from construction and operation of the proposed rail line. As shown in Table 3.13-8 in Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, OEA estimates that approximately 2,820 to 3,450 jobs would be created during construction, depending on the Action Alternative. As shown in Table 3.13-10, OEA estimates that direct, indirect, and induced employment during operations would range from 170 to 530 jobs, depending on the Action Alternative and the level of rail traffic. Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, also provides information regarding local versus nonlocal employment and potential impacts on housing and public services resulting from the influx of construction workers into the project area. Because the estimated number of construction workers would be much lower than the number of available housing units in the study area for any of the Action Alternatives, OEA concluded that construction of the proposed rail line would not have a significant impact on housing availability or prices. Accordingly, no changes to the</p>

<p>and vastly overshadowed by the long- term, negative impacts. The proposed Uinta Basin Oil Railway will be no different.</p>	<p>Draft EIS are warranted in response to this comment.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-50)

Comment	Response
<p>I vehemently admonish the OEA and STB to seriously evaluate and request substantive, proven, documentation from the Coalition regarding the project's true socioeconomic impacts, both positive and negative. A failure to do so will result in the OEA and STB being complicit with the Coalition in the devastation of many small communities in the area. The fact that the Coalition has invested none of its own money or resources into the project, and therefore has no associated financial risk, should of itself avail the project of intense scrutiny and questionability as to its financial viability and speculative nature</p>	<p>Please refer to the response to Comment UBR-DEIS-00591-48 above. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

Utah State Legislature, Senator David Buxton (UBR-DEIS-00620-1)

Comment	Response
<p>I submit the following comments for consideration and support of the Draft EIS noted in (3.13.28) of the Uinta Basin Railway Project analysis. The Seven County Coalition estimates the cost of construction for the railway project is approximately \$1.35 billion for the preferred Whitmore Park alternative. The DEIS analysis estimates an amount of in-state taxable expenditures of \$574,000,000. which would result in \$27,839,000 state tax revenue. This tax revenue is critically important to communities of Eastern Utah. State tax revenue minimizes the burden on taxpayers for infrastructure maintenance and helps determine long-term infrastructure planning and more importantly, are a reinvestment into our state's infrastructure budget which allows for economic sustainability and diverse economy growth. Your analysis suggests that our communities will have an induced benefit from the tax revenue generated for the construction of this project. We believe it goes beyond the tax revenue generated from construction. Ongoing tax revenue from industries that develop around rail services will benefit Eastern Utah and to better address the demands on our current and future infrastructure requirements. The tax revenue also benefits police and fire services, healthcare and school systems (as well as teachers' salary base); broadband, and state funded technology training centers, all critical to economic growth in Utah. These services attract new industries to rural Utah as well as the Wasatch Front. I am pleased that the analysis indicates the project has a value return to the region and state of Utah. The value will go beyond tax revenue</p>	<p>OEA notes this commenter's support for the proposed rail line. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

generated from project construction to include the industries that come to communities with rail service.	
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Duchesne City, Mayor Rodney Rowley (UBR-DEIS-00624-1)

Comment	Response
<p>We would like to offer our support for the Seven County Coalition application for the Uinta Basin Railway Project as it will bring a balance to our local economy. We have expressly noted concerns regarding how the project may adversely affect some landowners and would like our comments to reflect similar concerns as the Surface Transportation Board (STB) analysis notes in Chapter 1 of the DEIS (page 1-3), Section 10901(c) which directs the Board to grant construction proposals unless the Board finds the proposal "inconsistent with the public convenience and necessity (PC&N). This permissive licensing standard presumes that rail construction projects are in the public interest unless shown otherwise." We understand the infrastructure offers a transportation alternative which mitigates the impacts associated with traffic on Hwy 191 and we believe that truck traffic over Hwy 191- Indian Canyon may in fact increase over the coming years as oil production increases. However, we urge the STB to consider that while the Uinta Basin Railway may alleviate much of the anticipated traffic, your analysis indicates the project would displace 1 residence and five structures and require right-of-way through several ranch properties. While the STB believes all the ranching and farming operations would remain viable, we expect the landowners impacted by the project to be treated with the greatest regard and that every option will be explored and expended to avoid the use of the power of eminent domain including, if need be, a personal visit by a principal of Rio Grande Pacific to each landowner. We further expect Rio Grande Pacific to make every effort to achieve and meet the "cost to cure" for any objection by such landowners who will be petitioned for a right-of-way.</p>	<p>OEA notes the commenter's support for the proposed rail line. OEA further notes that the Coalition has sought an exemption, under 49 U.S.C. § 10502, from the regulatory requirements of 49 U.S.C. § 10901; therefore, the public convenience and necessity standard in § 10901 is not directly at issue before the Board. Regarding concerns about impacts to some property owners, please refer to mitigation measures SOCIO-MM-1 and SOCIO-MM-2 in Chapter 4, <i>Mitigation</i>, which would require the Coalition compensate landowners consistent with state law and work with landowners to limit the loss of access to properties during rail construction and maintain access to and movement within properties during rail operations. Chapter 4, <i>Mitigation</i>, also sets forth the Coalition's voluntary mitigation measures and OEA's additional recommended mitigation measures related to livestock grazing and water rights. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

Duchesne County School District, David Brotherson (UBR-DEIS-00645-2)

Comment	Response
<p>Your analysis in the section "Socioeconomics" (3.13) notes the effects and salaries, costs associated with education and other agency values. What we want to point out is that without the benefit of state tax revenue generated from construction costs of this project and others that support local oil and gas industries, we have minimal funds to improve local public buildings and infrastructure. This project will help sustain the</p>	<p>Please refer to Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, Table 3.13-9, which includes information regarding expected state tax revenue derived from project construction expenditures. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

<p>growth we anticipate. We understand, and made our position known that we expect the project developer to honor the wishes of this school board that every landowner, resident, and government partner be treated with the greatest respect as this is a community project that will benefit more than just our current school aged family but will affect the lives of future generations of school children and their families.</p>	
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Utah State Legislature, Senator David Hinkins (UBR-DEIS-00655-1)

Comment	Response
<p>I will focus my comments on "Impact analysis for PLANning (IMPLAN) modeling" which is found on page 3.13-1 of the DEIS associated with growth. The comprehensive analysis of the socioeconomic impacts of the project utilized Impact analysis for IMPLAN modeling estimating total employment and income effects associated with the Action Alternatives for the proposed rail line. As I understand the analysis, the model demonstrates tremendous regional benefits and outweighs the concerns for anticipated population growth. I have seen the economic and tax revenue benefits found in a thriving resource and agriculture development-based economy that rely on transportation alternatives in Emery County. Your analysis suggests that the Uinta Basin Railway could bring similar economic benefits. This community welcomes prosperity and the challenge of gradual population growth that will occur with this rail project. While some population growth is expected I believe much of the talent the railroad and supporting industries requires currently reside in Duchesne, Carbon, Uinta and Utah Counties as well as Emery County. I suggest the benefits noted in your analysis far exceed the challenges of population growth.</p>	<p>Please refer to Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, for an analysis of potential population increases and changes in employment during construction and operation of the proposed rail line. Please also refer to Appendix Q, <i>IMPLAN Analysis Methods and Results</i>, for information regarding the IMPLAN analysis. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-17)

Comment	Response
<p>D. Socioeconomics OEA should revise the DEIS to include additional numbers and analysis identifying the additional socio-economic benefits of the proposed project. Energy is a \$20.9 billion industry in Utah, generating \$656 million in state and local revenues (including \$77 million directly for education through the Utah School and Institutional Trust Lands Administration in 2013). There are more than 10,000 direct energy jobs in the state, a total that expands to almost 40,000 when indirect and induced employment is included. The State Resource Management Plan at page 67, as noted by the Uintah County Resource Management Plan, states [italics: "...the energy industry is vital to the</p>	<p>OEA has revised Subsection 3.13.2.3, <i>Employment and Income</i>, in the Final EIS to include information on the contribution of oil production to the state and local economy. OEA used the <i>2018 State of Utah Resource Management Plan</i>, <i>2017 Uintah County Resource Management Plan</i>, and the <i>2017 Duchesne County Resource Management Plan</i> as source material for the new text and has cited those plans as reference documents in the Final EIS.</p>

<p>Uintah County economy... Oil made the largest contribution to the value of Utah fuel production in 2014, with a value of \$3.2 billion, which was about \$265 million (9%) more than in 2013. About 96% of the oil produced in Utah during 2014 came from Duchesne, Uinta, San Juan, and Sevier Counties (in decreasing production order). The five largest producing oil fields in 2014, Monument Butte (Duchesne and Uintah), Altamont (Duchesne), Greater Aneth (San Juan), Bluebell (Duchesne and Uintah), and North Myton Bench (Duchesne), accounted for about 51% of Utah oil production."] See Uintah County Resource Management Plan at page 17, https://rmp.utah.gov/wp-content/uploads/Uintah-CRMP-w-Appendix.pdf.</p>	
<p>Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-19)</p>	
<p>Comment</p>	<p>Response</p>
<p>The State appreciates the OEA's analysis of the benefits that the project will bring by transporting crude oil from the Uinta Basin to national markets. This, in and of itself, will provide more stable and reliable reach to different markets, which should help the Uinta Basin economies. As the DEIS notes, depending on future market conditions, an estimated 3.68 to 10.52 trains per day along the proposed rail line, including loaded and unloaded trains will occur, and provide additional jobs and income for residents and additional tax revenues. OEA may want to identify additional metrics to discuss the benefits of consistency that the project will bring to the Tri-County region. For example, the Uinta Basin has seen boom and bust cycles that have impacted employment numbers for over 40 years. The employment rate grew at a percentage of 12 percent during 2008, only to shrink by more than 20 percent in 2009 when a bust cycle began. Similarly, the employment growth in 2011 grew by more 7 percent in 2011 during another boom cycle only to see a 14 percent decrease in jobs in 2016 during another bust cycle brought on from market conditions and the inability to get product to market. During the boom of 2008, Uinta County saw almost a 31 percent growth in Gross Taxable Sales only to see that same growth decrease and drop down over 40 percent in 2009 when a bust cycle began. The State will work with Duchesne, Carbon, and Uintah counties to identify metrics that the OEA should include in the Final EIS to better identify economic impacts from the project. As noted by the Carbon County Resource Management Plan, the OEA must analyze impacts of natural resources [italics: "...on a basis that considers not just environmental impact but also impacts to the local communities and its citizens for job losses and infrastructure</p>	<p>OEA has revised the Subsection 3.13.2.3, <i>Employment and Income</i>, in the Final EIS to include information on the contribution of oil production to the state and local economy. OEA used the <i>2018 State of Utah Resource Management Plan</i>, <i>2017 Uintah County Resource Management Plan</i>, and the <i>2017 Duchesne County Resource Management Plan</i> as source material for the new text.</p> <p>As discussed in the Chapter 1, <i>Purpose and Need</i>, the Coalition expects that the proposed rail line would primarily transport crude oil produced in the Basin to markets elsewhere in the country. However, because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. Although an analysis of the transportation merits of this or any rail construction project are outside of the scope of OEA's review under NEPA, OEA notes that, in general, the availability of multiple alternative transportation modes tends to be economically beneficial for local communities and industries. OEA has revised Subsection 3.13.2.3, <i>Employment and Income</i>, in the Final EIS to note that the economy of the Basin has historically been dependent on the energy industry and has been subject to 'boom-and-bust' cycles. OEA has also revised Subsection 3.13.3, <i>Impacts Common to All Action Alternatives</i>, to note that, although the Coalition believes that the proposed rail line would primarily be used to transport crude oil and frac sand, shippers might also use the proposed rail line to transport other various heavy and bulk commodities found in the Basin. To the extent that the proposed rail line could be used to transport commodities other than crude oil, the availability of a rail transportation option could support the diversification of local economies in the Basin.</p>

<p>reductions."] Carbon County Resource Management Plan, Energy page 36, https://rmp.utah.gov/wp-content/uploads/Carbon-RMP-Book_23May2017.pdf. Further, the State asks the OEA to review and include the economic analysis of the current and foreseeable economic conditions contained in the Uintah County General Plan and Section 25 of the Duchesne County General Plan.</p>	
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-20)	
Comment	Response
<p>Duchesne and Uintah counties have the least diversified economies of all of Utah's 29 counties. OEA should clearly identify that by providing a rail line, and the ability to effectively diversify the counties' economies will not only provide stable markets and better wages, but will also allow citizens of those counties to invest in new technologies, and have more time to get out and use the beautiful lands in the region. The increase of incomes will diversify local economies and provide a better quality of life, which should be emphasized in the DEIS.</p>	<p>Please refer to response to Comment UBR-DEIS-00663-19 above. Please also refer to Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, for information on potential economic benefits related to direct, indirect, and induced employment, labor income, and economic value added. The discussion of nonmarket values and quality of life in the EIS are specifically meant to address values that are not economically quantifiable, so conclusions about economic benefits are not included in that discussion.</p>
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-21)	
Comment	Response
<p>OEA should note that construction activities adjacent to scenic byways and backways, which are noted as a negative impact to the socio-economic environment, will be mainly temporary. Furthermore, the majority of the negative impacts from the project including, cut and fill, new bridges, and drainage culverts during the construction period, will have been mitigated. OEA should include additional language that notes the construction-related quality of life impacts will be temporary in nature and mostly mitigated.</p>	<p>Subsections 3.13.3.1, <i>Impacts Common to All Action Alternatives</i>, and 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, describe the temporary and permanent impacts on nonmarket values and quality of life that would result from construction and operation of the proposed rail line. Those sections specifically state that construction impacts would occur only during the construction period and within the temporary footprint. Chapter 4, <i>Mitigation</i>, sets forth the Coalition's voluntary mitigation measures and OEA's additional recommended mitigation measures for addressing construction impacts. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-24)	
Comment	Response
<p>Section 3.13.3.2 addressed displaced economic activity. To reduce impacts to ranch and farm operations, OEA recommends mitigation measures [italics: requiring] the Coalition to "compensate landowners for direct loss of agricultural land in the right-of-way and the indirect loss of agricultural land from severance; relocate, replace or provide compensation to landowners displaced capital improvements; and limit loss of access to agricultural lands by providing alternate temporary access points if main access routes are obstructed</p>	<p>To address this comment, OEA has revised mitigation measure SOCIO-MM-1 to specify that the Coalition shall negotiate compensation for the direct or indirect loss of agricultural land or the displacement of capital improvements consistent with applicable state law.</p>

during construction." This mitigation requirement is overbroad and inappropriate here. The appropriate mitigation measures and potential compensation to impacted landowners are questions to be determined through negotiations with impacted landowners and/or under Utah state law, not by the Board.	
Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-8)	
Comment	Response
Communities: The Uinta Basin Railway would change the life ways of people who live and recreate in the area. Landowners in Argyle Canyon and other off-grid, canyon communities along the proposed railway route fear disruption and disfigurement of the naturally healthy and beautiful landscapes they love. Each locomotive of resulting project operation would disturb wildlife and bring noise and clouds of carcinogenic diesel smoke. Mile-long trains would impose vehicle traffic delays and the real possibilities of accidents, derailments, spills, and sparks that could ignite disastrous wildfires. These predictable project outcomes, now similarly endured by Northwest residents and businesses, but understudied by this draft EIS, could inflict serious threats to community health, safety, and wellbeing	Please refer to Subsection 3.13.2.5, <i>Nonmarket Values and Quality of Life</i> , which recognizes that scenic, recreational, and wilderness characteristics of land in the study area are important to local residents and other stakeholders. Subsection 3.13.3.1, <i>Impacts Common to All Action Alternatives</i> , discusses how construction and operation of the proposed rail line would affect nonmarket values and quality of life in the project area. Subsection 3.13.3.1, <i>Impact Comparison between Action Alternatives</i> , describes how those impacts would vary between the Action Alternatives. Other sections of Chapter 3, <i>Affected Environment and Environmental Consequences</i> , address the other issues raised by the commenter, including vehicle traffic delay (Section 3.1, <i>Vehicle Safety and Delay</i>), rail accidents and spills (Section 3.2, <i>Rail Operations Safety</i>), wildfires (Section 3.4, <i>Biological Resources</i>), impacts on wildlife (Section 3.4, <i>Biological Resources</i>), noise (Section 3.6, <i>Noise and Vibration</i>), and air emissions (Section 3.7, <i>Air Quality and Greenhouse Gases</i>). Therefore, no changes to Draft EIS are warranted in response to this comment.

Notes:

EIS = Environmental Impact Statement; NEPA = National Environmental Impact Statement; OEA = Office of Environmental Analysis; IMPLAN = Impact Analysis for Planning; U.S.C. = United States Code

Table T-20. Comments and Responses—Section 3.14, Environmental Justice

Karen Dils (UBR-DEIS-00279-3)	
Comment	Response
2 -It sounds like they think "making tribe a partner" will garner them the tribe's okay to go through their land.	OEA notes this comment. Because the comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
U.S. Environmental Protection Agency, Region 8, NEPA Branch, Matt Hubner (UBR-DEIS-00431-26)	
Comment	Response
Environmental Justice Management of Empty Tanker Cars. Oil prices and demand can fluctuate significantly over time. During periods of lower demand and production, we anticipate that unused tanker cars may need to be stored on sidings in the	The Coalition has estimated the number and length of sidings for each Action Alternative and the length of siding by land status as shown in Chapter 2, <i>Proposed Action and Alternatives</i> , Table 2-8 and Appendix A, <i>Action Alternatives Supporting</i>

<p>project area. In other oil and gas basins, EPA has been contacted by concerned citizens in tribal communities about the potential for sidelined tanker cars leaking or venting in proximity to dwellings, waterbodies, or other sensitive locations. We recommend that the Final EIS identify specific siding locations that avoid impacts to tribal or environmental justice communities and to sensitive resources.</p>	<p><i>Information</i>, Table A-1, respectively. The Coalition would not determine the exact locations of siding tracks until the final engineering and design phase, which would occur after the Board authorizes one of the Action Alternatives. To address this comment and concerns regarding potential impacts of rail-related infrastructure on tribal land, OEA is recommending a new mitigation measure (EJ-MM-2) that would require the Coalition consult with the Ute Indian Tribe regarding the locations and designs of rail-related features to ensure that impacts on tribal members and land and resources under the tribe’s jurisdiction would be minimized.</p>
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Duchesne County, Mike Hyde (UBR-DEIS-00436-48)

Comment	Response
<p>Page 3.14-13 Biological Resources: The Ute Indian Tribe has strong hunting traditions that are still practiced today and that are important to tribal members' way of life. Impacts on big game from habitat disturbance and noise could diminish hunting opportunities and adversely affect tribal hunting traditions. Because this effect would be experienced only by tribal members, OEA concludes that it would represent a disproportionate effect for the Ute Indian Tribe. [Bold: Comment: Diminished hunting opportunities would not be an effect experienced only by tribal members. There are many non-Indians in the Uinta Basin who have strong hunting traditions.]</p>	<p>OEA analyzed impacts from construction and operation of the proposed rail line on hunting in general and in the context of environmental justice impacts specifically. Please refer to Subsection 3.14.3.2, <i>Impact Comparison between Action Alternatives</i>, which concludes that adverse effects on “tribal hunting traditions” would only be experienced by tribal members. Please refer to Section 3.11, <i>Land Use and Recreation</i>, for information regarding impacts on hunting in general. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-59)

Comment	Response
<p>Finally, there is no doubt that the proponents base the financial viability of the rail line project on shipping much - if not all - of the increased production of crude oil in the Uinta Basin to Gulf Coast refineries. For example, the rail line feasibility study states with regard to a range of forecasts that [i]n both the Higher and Lower cases, railroad volumes were assumed to ramp up in the early years of the forecast, driven by increased production of crude oil in the Basin and the inputs that enable same, as well as greater and greater acceptance of the Basin's crudes at various refineries, primarily located in Gulf Coast states. [Footnote 91: Id. at 16; see also id. at vii, xi, xiii and 56.] It is common knowledge that the areas around the Gulf Coast oil refineries are some of the most polluted in the nation and that nearby communities are already disproportionately plagued by high levels of toxic and criteria pollutants. Yet, the OEA makes no effort to assess the reasonably foreseeable cumulative impacts of the rail line and its freight of 350,000 barrels or more per year</p>	<p>Please refer to Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>, which describes the thresholds for environmental review of potential downline impacts as established by the Board’s regulations at 49 C.F.R. § 1105.7(e)(11)(v) and defines the downline study area for the EIS. As discussed in that appendix, OEA expects that some percentage of rail traffic originating on the proposed rail line would terminate at refineries along the Gulf Coast. However, outside of the downline study area, OEA expects that rail traffic on existing rail lines would not exceed OEA’s thresholds for downline analysis. Therefore, OEA concludes that environmental impacts along existing rail lines outside of the downline study area, such as existing rail lines near the Gulf Coast, would be negligible, and expanding the scope of the EIS to include those existing rail lines would not be appropriate. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

aimed largely for the Gulf Coast refineries. As a result, the DEIS is not in keeping with NEPA's hard look mandate.	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-95)	
Comment	Response
<p>OEA Fails to Adequately Address Environmental Justice and Racism Issues Elicited by the Proposed Project. NEPA requires federal agencies to consider the "environmental justice" impacts of their proposed actions. Executive Order 12898 requires federal agencies that are complying with NEPA to consider the effects of the proposed project on the public health and economic and social well-being of minority and low-income populations and Indian tribes and indigenous communities. Because the rail line project has the potential to have disproportional adverse impacts on low income and minority communities and persons, the DEIS must take a hard look at these impacts and should follow the methods outlined in the Environmental Justice Interagency Working Group's Promising Practices for EJ Methodologies in NEPA Reviews. [Footnote 173: U.S. Environmental Protection Agency, Promising Practices for EJ Methodologies in NEPA Reviews, March 2016, available at https://www.epa.gov/sites/production/files/2016/08/documents/nepa_promising_practices_document_2016.pdf.] These methodologies include the meaningful engagement of impacted communities; appropriately defining the affected environment; consideration of the unique conditions of the potentially affected minority populations and low-income populations; and, the creation and implementation of one or more alternatives that address and mitigate impacts to minority populations and low-income populations and Indian tribes and indigenous communities. [Footnote 174: Id.]</p>	<p>Please refer to Section 3.14, <i>Environmental Justice</i>, which describes how OEA considered environmental justice impacts of the proposed rail line. As described in Section 3.14, Chapter 5, <i>Consultation and Coordination</i>, and Appendix S, <i>Agency and Tribal Consultation</i>, OEA engaged extensively with the Ute Indian Tribe, the affected environmental justice population; appropriately defined the affected environment; considered the unique conditions of the potentially affected minority populations and low-income populations; and considered alternatives, including the No-Action Alternative, and measures that would address or mitigate impacts on minority populations and low-income populations and American Indian tribes.</p> <p>OEA notes that the referenced citation "Environmental Justice Interagency Working Group's Promising Practices for EJ Methodologies in NEPA Reviews" does not constitute rules or regulations, is nonbinding and informal in nature. It also does not prescribe specific methodologies but instead offers "guiding principles" and specific steps that agencies can consider, as appropriate. OEA reviewed the referenced citation during development of the analysis approach for environmental justice and found that the methods used for this EIS analysis were consistent with the guiding principles and approaches presented in the referenced citation. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-97)	
Comment	Response
<p>The Scope of the Evaluation of Environmental Justice and Racism Is Too Narrow. As established elsewhere, the scope of the DEIS - and so the scope of OEA's environmental justice analysis - is too narrow. For example, Colorado has confirmed that emissions of ozone precursors and ozone from Utah adversely impact air quality in Colorado. [Footnote 175: Parsons, Zack and Steven Arnold, Ozone Transport in the West An Exploratory Study, July 2004, available at https://www.colorado.gov/pacific/sites/default/files/AP_PO_Ozone-Transport-in-the-West.pdf.] Indeed, in scoping comments on the proposed</p>	<p>Ozone is not emitted directly into the atmosphere but is formed from photochemical reactions of precursor chemicals (primarily VOCs and NO_x) in the presence of the ultraviolet component of sunlight, as the pollutants are being transported by atmospheric air movement. With respect to transport of pollutants from the Uinta Basin to Colorado, the modeling completed for the Monument Butte project shows that at the five easternmost sites (Dinosaur National Monument in Utah on the Colorado border, and sites in Cortez, Grand Junction, Rangley, and Mesa Verde National Park in Colorado), predicted ozone levels with</p>

<p>project, the Colorado Department of Public Health and the Environment states: [A]ccording to the Uinta Basin Railway Project website, the proposed action may result in increased oil and gas, agriculture, and mining activity. Emissions from these activities can travel great distances, affecting air quality and public health including in the Denver/North Front Range ozone nonattainment area. [Footnote 176: Colorado Department of Public Health and Environment's Preliminary Comments on the Proposed Uinta Rail Line (May 9, 2019) at 2.] Thus, OEA must undertake environmental justice analysis to address the potential adverse project impacts on any low income and minority communities in Colorado impacted by the proposed rail line. In addition to assessing the impacts of emissions generated in Utah on Colorado neighborhoods, this analysis should include the direct, indirect and cumulative consequences of operations and activities in Colorado along the route(s) traveled by rail cars carrying products bound to and from the Uinta Basin. [Footnote 177: OEA does undertake perfunctory environmental justice analysis of impacts to communities in the Denver/North Front Range. DEIS at 3.14-11 to 12.]</p>	<p>Monument Butte were below the ozone standard of 70 ppb at all sites. The maximum impact of the Monument Butte project was greatest at the Dinosaur National Monument site (1.4 ppb) and small (0.0-0.5 ppb) at the other sites. All of these sites are well west of the Denver Metro nonattainment area. Although ozone levels are influenced by atmospheric chemistry, as well as transport distance, the greater distance from the proposed rail line to Denver, compared to the distance from the proposed rail line to these sites, suggests that impacts of the proposed rail line would be less in the Denver Metro nonattainment area. These results suggest that the Monument Butte project, and, therefore, the proposed rail line, would not create or substantially worsen violations of the ozone standard in Colorado.</p> <p>Section 3.7, <i>Air Quality and Greenhouse Gases</i>, describes air emissions in the downline study area, which includes several existing rail lines in Colorado. The downline study area is defined in Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>, which describes the thresholds for environmental review of potential downline impacts as established by the Board's regulations at 49 C.F.R. § 1105.7(e)(11)(v).</p> <p>As discussed in Section 3.7, <i>Air Quality and Greenhouse Gases</i>, the increased downline rail traffic associated with the proposed rail line would not lead to a violation of the NAAQS for counties in the downline study area that are in attainment under the Clean Air Act, and would not increase the severity of conditions in counties that are not in attainment. Therefore, because increased rail traffic on downline rail segments would not result in impacts that are considered significant under NEPA or above generally accepted norms, OEA concludes that those impacts would not result in disproportionate impacts on minority or low-income populations or American Indian tribes. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-98)</p>	
<p>Comment</p>	<p>Response</p>
<p>Similarly, OEA fails to address adverse impacts from the proposed rail line on low income and minority communities in and around Salt Lake City and Carbon County. After all, according to Carbon County Commissioner Hopes, who helped spearhead the proposed project, a goal of the Uinta Railroad, and certainly a cumulative impact of the plan, is to ship more Uinta Basin crude through Carbon County to a hub and then ultimately to the Salt Lake City Inland Port. [Footnote 178: Castle</p>	<p>Please refer to Subsection 3.14.1.1, <i>Study Area</i>, which defines the study area for the environmental justice analysis. As discussed in that subsection, Carbon County is included in the environmental justice study area; therefore, OEA considered impacts on low-income, minority, and tribal populations in Carbon County. Salt Lake City is outside of the environmental justice study area and is also outside of the downline study area defined in Appendix C, <i>Downline Analysis Study Area and Train</i></p>

<p>Country Broadcast, May 22, 2019, http://www.castlecountryradio.com/2019/05/22/commissioner-casey-hopes-talks-about-the-uinta-basin-railway/; see also Rural counties vying for a bite of Utah's global trade apple, Deseret News (Sep. 27, 2020).] In addition, the financial analysis of the proposed rail line indicates that increased shipping of crude and other commodities to Salt Lake City oil refineries and other destinations is potentially feasible. [Footnote 179: R.L. Banks & Associates, Inc, Pre-Feasibility Study of a Prospective Railroad Connecting the Uinta Basin to the National Rail Network - Submission to Sever County Infrastructure Coalition (August 2018) at xv.] As a result, the environmental justice analysis should also address impacts on any effected low-income and minority communities in the Salt Lake City area and in Carbon County. [Footnote 180: Id.] Given that the Salt Lake City metropolitan area is a serious nonattainment area for the 2006 short-term PM2.5 NAAQS and a marginal, soon to be moderate ozone nonattainment area, the adverse impacts of proposed project may be significant indeed. Shipping crude through these areas will increase harms, such as those from criteria and hazardous air pollution, truck and rail traffic, noise, community disruptions, chances for toxic spills, and light pollution.</p>	<p><i>Characteristics.</i> As discussed in that appendix, OEA expects that rail traffic on existing rail lines outside of the downline study area would not exceed OEA's thresholds for downline analysis at 49 C.F.R. § 1105.7(e)(11)(v). Therefore, OEA concludes that environmental impacts along existing rail lines outside of the downline study area, such as existing rail lines near Salt Lake City, would be negligible and expanding the scope of the EIS to include those existing rail lines would not be appropriate. As discussed in the Draft EIS, OEA does not expect that trains operating on the proposed rail line would transport crude oil to refineries in the Salt Lake City area because those refineries currently do not have rail access. OEA is also unaware of any plans to transport crude oil from the Basin by rail via the proposed Utah Inland Port in Salt Lake City. OEA notes that it is possible that refineries in the Salt Lake City area could gain rail access in the future, which could result in the diversion of existing truck traffic between the Basin and Salt Lake City to rail transportation. However, this outcome is not reasonably foreseeable, and OEA assumed for purposes of the EIS that truck traffic between the Basin and Salt Lake City refineries would continue at current levels if the proposed rail line were constructed. This is a conservative assumption that would tend to overstate the environmental impacts of the proposed rail line because truck transportation generally results in more environmental impacts, including safety and air quality impacts, compared to rail transportation. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-99)	
Comment	Response
<p>It is common knowledge that the areas around the Gulf Coast oil refineries are some of the most polluted in the nation and that nearby low-income and minority communities are already disproportionately plagued by high levels of toxic and criteria pollutants. Yet, the OEA makes no effort to assess the reasonably foreseeable cumulative impacts of the rail line and its freight of 350,000 barrels or more per year aimed largely for the Gulf Coast refineries. As a result, the DEIS is not in keeping with NEPA's hard look mandate. For example, many Louisiana refineries, including those referenced specifically by the feasibility study, [Footnote 182: Id. at xi and xiii.] are located along the Mississippi River and the areas around them are some of the poorest, slowest-growing sections of the state. This area of Louisiana is consistently ranked highest in the nation in toxic environmental</p>	<p>Please refer to response to Comment UBR-DEIS-00683-59 above.</p>

<p>releases and waste generation. Many communities of African Americans and other people of color are hemmed in by these oil refineries petrochemical plants and experience significantly higher adverse health impacts than the U.S. population as a whole. [Footnote 183: Baurick, Tristan et al., Welcome to "Cancer Alley," Where Toxic Air Is About to Get Worse, ProPublica, Oct. 30, 2019, available at https://www.propublica.org/article/welcome-to-cancer-alley-where-toxic-air-is-about-to-get-worse.] Port Arthur, Texas, another destination for the Uinta Basin crude [Footnote 184: R.L. Banks, Pre-Feasibility Study at xi and xiii.] is a Gulf Coast city of 55,000 and home to a high number of industrial polluters and the largest oil refinery in the country. The area around Port Arthur hosts one of the highest concentrations of facilities in Texas that must report toxics release inventory (TRI) data. The city is predominantly inhabited by people of color. People living in this area are disproportionately impacted by industrial pollution: The heavy presence of industry-a common theme among poor and mostly black and brown communities across the country-may be one reason residents of Port Arthur, in a region once dubbed "the cancer belt," have higher rates of cancer, asthma and cardiovascular disease when compared to state averages, according to a 2016 report from Southeast Nonprofit Development Center. [Footnote 185: Tigue, Kristoffer, Covid-19 and Climate Change Threats Compound in Minority Communities, Inside Climate News, April 17, 2020, available at https://insideclimatenews.org/news/17042020/coronavirus-climate-environmental-justice-oil-refinery-hurricanes-port-arthur-texas/] Given that the aim of project proponents is to ship up to 350,000 barrels of Uinta crude to the Gulf Coast refineries for processing, and given that the low-income and minority communities around these refineries are already burdened by unduly high levels of pollution, it is incumbent on OEA to extend its environmental justice analysis to these neighborhoods. Ultimately, OEA's environmental justice analysis must detail specific impacts to specific communities - along with a thorough understanding of baseline conditions in those communities - from the rail traffic carrying products in and out of the Uinta Basin to their ultimate destinations.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-100)

Comment	Response
<p>OEA Fails to Take a Hard Look at Critical Environmental Justice and Racism Factors. After identifying low-income, minority and tribal</p>	<p>Please refer to Subsection 3.14.1.3, <i>Analysis Methods</i>, which describes the process by which OEA identified minority and low-income populations and</p>

<p>communities in the study area, OEA merely describes in the most general terms, the adverse impacts that the proposed project may have on these communities. DEIS at 3.14-11 to 17. In doing so, OEA does not address environmental justice issues at all, but rather resorts to listing impacts without any reference to the communities that must bear the burden of these impacts. As a result, the OEA environmental justice analysis falls seriously short. For example, environmental justice analysis must reflect an understanding that minority populations and low-income populations and Indian tribes and indigenous communities may have increased or unique vulnerabilities from cumulative impacts and must evaluate these vulnerabilities as well as design alternatives to address them. [Footnote 186: U.S. Environmental Protection Agency, Promising Practices for E] Methodologies in NEPA Reviews, March 2016 at 30-32.] Agencies should be "mindful that minority populations and low-income populations in the affected environment may be differently affected by past, present, or reasonably foreseeable future impacts than the general population." [Footnote 187: Id. at 30.] Yet, OEA does not address any ways in which minority and low-income populations and Indian tribes and indigenous communities may be differently affected by the individual and cumulative impacts of the rail line project than the general population will be impacted. [Footnote 188: Id. at 38]</p>	<p>American Indian tribes that could experience impacts from construction and operation of the proposed rail line. As described in that subsection, OEA identified environmental justice populations by mapping census block groups where the percentage of the population that is minority or low-income is either greater than 50% or more than 10 percentage points higher than the overall percentage of the reference community. OEA also mapped the percentage of the population that identifies solely as American Indian in the study area to locate areas within the study area that have a high proportion of American Indians. OEA assumed that Tribal trust lands in the study area support a population that is predominantly American Indian.</p> <p>Subsection 3.14.1.3, <i>Analysis Methods</i>, also describes how OEA determined whether environmental justice communities could experience disproportionately high and adverse human health or environmental impacts from construction and operation of the proposed rail line. High and adverse impacts are impacts that would be significant under NEPA or above generally accepted norms and that have the potential to adversely affect minority populations, low-income populations, or American Indian tribes. In addition, OEA considered other adverse impacts that the Ute Indian Tribe identified as areas of concern even if those adverse impacts were not considered significant under NEPA or above generally accepted norms. Through consultation, OEA identified impacts related to air emissions, vehicle safety and delay, rail operations safety, and cultural resources as areas of concern to the tribe. Where OEA identified high and adverse impacts that would affect minority populations, low-income populations, or American Indian tribes, OEA evaluated whether those impacts would be disproportionately high and adverse on minority populations, low-income populations, and American Indian tribes. To make this determination, OEA considered whether the affected minority populations, low-income populations, or American Indian tribes would experience exposure to an adverse effect that would be appreciably more severe or greater in magnitude than the adverse effect that the general population in the affected area would experience. In making its determinations, OEA considered the totality of the circumstances, including the benefits that could result from the proposed rail line and application of potential mitigation measures to avoid, minimize,</p>
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	<p>reduce, or compensate for disproportionate adverse effects.</p> <p>As discussed in Subsection 3.14.4, <i>Mitigation and Unavoidable Environmental Effects</i>, OEA concluded that impacts on the Pariette cactus and Uinta Basin hookless cactus would be disproportionately high and adverse impacts on the Ute Indian Tribe because those plant species are culturally important to the tribe. OEA also concluded that construction and operation of the proposed rail line would result in impacts on cultural resources that would, in the absence of mitigation, be disproportionately high and adverse impacts on the Ute Indian Tribe. Accordingly, OEA recommended appropriate mitigation to address those impacts (see Chapter 4, <i>Mitigation</i>).</p> <p>Section 3.15, <i>Cumulative Impacts</i>, provides OEA's conclusions regarding cumulative impacts on low-income populations, minority populations, and American Indian tribes. As discussed in Subsection 3.15.5.14, <i>Environmental Justice</i>, OEA concluded that construction and operation of the proposed rail line could contribute to cumulative impacts related to vehicle delay, biological resources, and cultural resources that would be disproportionately borne by members of the Ute Indian Tribe. Some of these impacts would be addressed by the mitigation measures set forth in the EIS, but some impacts would be unavoidable.</p> <p>Section 3.14, <i>Environmental Justice</i>, compares impacts on environmental justice populations across the three Action Alternatives. That section also discusses the No-Action Alternative, which would not result in any disproportionately high and adverse impacts on low-income populations, minority populations, or American Indian tribes. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-101)

Comment	Response
<p>More specially, OEA should consider the degree to which any of the following seven factors could amplify identified impacts. Factors that can potentially amplify an impact to minority populations and low-income populations in the affected environment include, but are not limited to, the following: Proximity and exposure to chemical and other adverse stressors, e.g., impacts commonly experienced by fence-line communities; Vulnerable populations, e.g., minority and low-income children, pregnant women, elderly, or groups with high asthma rates; Unique exposure pathways, e.g., subsistence fishing, hunting, or gathering in</p>	<p>Please see response to Comment UBR-DEIS-00683-100 above.</p> <p>As discussed in detail in Section 3.14, <i>Environmental Justice</i>, OEA carefully considered how impacts could be experienced by environmental justice populations differently than the population at large. As discussed in Section 3.15, <i>Cumulative Impacts</i>, OEA also considered how the proposed rail line could contribute to cumulative impacts on low-income populations, minority populations, and American Indian tribes when considered along with other reasonably foreseeable actions in the study area.</p>

<p>minority and low-income populations; Multiple or cumulative impacts, e.g., exposure to several sources of pollutions or pollutants from single or multiple sources; Ability to participate in the decision-making process, e.g., lack of education or language barriers in minority and low-income populations; Physical infrastructure, e.g., inadequate housing, roads, or water supplies in communities; and Non-chemical stressors, e.g., chronic stress related to environmental or socio-economic impacts. [Footnote 189: Id. at 43. While OEA is not compelled to address environmental justice and racism in just this way, it is required under NEPA to look at the direct, indirect and cumulative impacts of the proposed project] None of this analysis is undertaken by OEA. Instead, as has been noted already, OEA says nothing about the communities it identifies as containing significant low-income and minority populations and Indian tribes and indigenous communities or the specific ways in which community members are already burdened and may be additionally burdened by pollution, socio-economic impacts, stress and other factors. Rather, the agency makes general and vague statements about impacts to these communities without saying anything specific about the impacts communities might endure or the communities themselves. That such analysis is necessary is evident. For example, low-income and minority communities may be disproportionately burdened by air pollution and may be particularly vulnerable or sensitive to air pollution. [Footnote 190: Importantly, all our comments pointing out the short comings of OEA's air quality analysis apply equally to OEA's analysis of air quality impacts to low income and minority communities.]</p>	<p>Because the environmental justice population that would be affected by the proposed rail line is the Ute Indian Tribe, OEA relied on consultation and coordination with the tribe to identify impacts that would disproportionately affect the tribe. At the request of the tribe and to protect the confidentiality of culturally sensitive resources and issues, OEA is not making all of the details and products of OEA's tribal consultation public. However, the discussion in the EIS and the referenced documents, including the tribe's public comments on the Draft EIS and the tribe's March 28, 2021 letter in support of the proposed rail line (see Appendix S, <i>Agency and Tribal Consultation</i>), are sufficient to support OEA's conclusions regarding direct, indirect, and cumulative environmental justice impacts. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-102)</p>	
<p>Comment</p> <p>Other factors relevant to considering the impacts of direct, indirect and cumulative emissions on low-income and minority communities include institutional racism and a community's access to health care. "Low-income and minority communities are disproportionately exposed to pollution and toxins on the job, at school, and in their homes. NEPA protects these communities by requiring the OEA to disclose the rail line's potential environmental, economic, and public health impacts on low-income, minority, and rural communities. Because OEA's environmental justice analysis fails to consider the unique conditions of the potentially affected minority, low-income and tribal populations, the DEIS is inadequate. Similarly, because OEA does not create or consider one or</p>	<p>Response</p> <p>Please refer to responses to Comment UBR-DEIS-00683-100 and Comment UBR-DEIS-00683-101 above.</p> <p>OEA notes that NEPA does not require that a federal agency develop or consider an alternative that addresses and mitigates impacts on minority populations, low-income populations, and American Indian tribes. However, OEA's recommended mitigation measures would address impacts on environmental justice populations for any of the Action Alternatives. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

<p>more alternatives that address and mitigate impacts to minority populations and low-income populations and Indian tribes and indigenous communities, the agency's environmental justice analysis falls short of NEPA's hard look mandate."</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-103)</p>	
<p>Comment</p>	<p>Response</p>
<p>OEA Has Failed to Provide Opportunities for Meaningful Input from Affected Communities. NEPA promotes environmental justice by: 1) requiring federal agencies to study and disclose a proposed project's potential environmental, economic, and public health impacts on low-income, minority, and tribal communities; and, 2) providing opportunities for meaningful input from those affected communities. According to the DEIS, beyond consultation with the Ute Indian Tribe, OEA has not made the effort necessary to reach out to the low-income and minority communities that will feel the direct, indirect and cumulative impacts of the proposed rail line project. Yet, OEA has identified low-income and minority community beyond those of the Ute Indian Tribe and, as established above, OEA's environmental justice analysis should extend to other impacted communities. Because OEA has not given these communities a meaningful chance to understand the impacts of and provide input on the proposed rail line, OEA's environmental justice efforts are not adequate.</p>	<p>Please refer to Subsection 3.14.3, <i>Environmental Consequences</i>, which discloses the potential environmental, socioeconomic, and public health impacts of construction and operation of the proposed rail line on low-income populations, minority populations, and American Indian tribes. Subsection 3.15.5.14, <i>Environmental Justice</i>, discusses the potential cumulative impacts on environmental justice populations. Based on the analysis described in those sections, OEA concluded that construction and operation of the proposed rail line would result in disproportionately high and adverse impacts on the Ute Indian Tribe and recommended appropriate mitigation to address those impacts. OEA did not identify any other environmental justice populations that would experience disproportionately high and adverse impacts as a result of construction and operation of the proposed rail line.</p> <p>OEA provided opportunities for meaningful input from affected environmental justice populations by consulting and coordinating extensively with the Ute Indian Tribe through the tribe's Business Committee and tribal agencies and representatives as part of the NEPA, Section 106 of the NHPA, and government-to-government consultation processes. In addition to consultation and coordination with the Ute Indian Tribe, OEA conducted broad outreach during scoping and during the public comment period for the Draft EIS, as described in Chapter 1, Section 1.3, <i>Scoping Process</i>, and in Chapter 5, <i>Coordination and Consultation</i>. OEA held six in-person public meetings during scoping and held six online public meetings during the public comment period for the Draft EIS. Project information was also available for viewing and downloading on the Board's website (www.stb.gov) and on the Board-sponsored project website (www.uintabasinrailwayeis.com). Therefore, OEA has given affected communities opportunities to provide meaningful input on the NEPA process, and no changes to the Draft EIS are warranted in response to this comment.</p>

Notes:

OEA = Office of Environmental Analysis; EIS = Environmental Impact Statement; C.F.R. = Code of Federal Regulations; NEPA = National Environmental Policy Act; EJ = environmental justice; VOCs = volatile organic compounds;

NO_x = nitrogen oxide; ppb = parts per billion; NAAQS = National Ambient Air Quality Standards; National Historic Preservation Act

Table T-21. Comments and Responses—Section 3.14, Environmental Justice-Tribal Coordination and Consultation

Ute Indian Tribe, Rollie Wilson (UBR-DEIS-00049-1)	
Comment	Response
<p>The Ute Indian Tribe of the Uintah and Ouray Reservation respectfully requests a 60-day extension of the public comment period for the Surface Transportation Board's Draft Environmental Impact Statement ("DEIS") on the Uinta Basin Railway. The Ute Indian Tribe has a tremendous stake in this project and should be given the opportunity to participate at each juncture of the EIS process. Each of the three proposed routes for the rail line would traverse Indian country lands under the jurisdiction of the Tribe, and the preferred Whitmore Park route would cross significant portions of tribal trust land. The project could impact tribal lands, air, water, wildlife, and vegetation. The Tribe also has an interest in the potential socioeconomic impacts of the project, particularly as it relates to energy mineral development on the Reservation. Recently, the Tribe was forced to temporarily shut down its government operations due to issues related to the COVID-19 pandemic. The skyrocketing rate of active COVID-19 cases have been felt by the Tribe, which has taken proactive measures to protect its citizens and government employees. However, these necessary measures will impact the ability of the Tribe to prepare comprehensive comments to the DEIS within the 45-day comment period. In consideration of the exigent present circumstances posed by the COVID-19 pandemic and the unique and extensive interest the Ute Indian Tribe has in this project, the Ute Indian Tribe requests an extension until February 12, 2021, to submit its public comments on the DEIS</p>	<p>In response to the Ute Indian Tribe's and other commenters' requests, the Board twice extended the public comment period on the Draft EIS. On December 9, 2020, OEA announced an extension of the public comment period for 60 days until January 28, 2021. On January 28, 2021, OEA announced an additional extension of the comment period for 15 days until February 12, 2021. Please refer to Chapter 5, <i>Consultation and Coordination</i>, for information on OEA's ongoing consultation and coordination efforts, including government-to-government consultation with the Ute Indian Tribe. OEA has consulted with the Ute Indian Tribe throughout the EIS process. As well, the Ute Indian Tribe is a signatory to the executed Programmatic Agreement developed under Section 106 of the NHPA. No changes to the EIS in response to this comment are necessary.</p> <p>Please also refer to Section 3.14, <i>Environmental Justice</i>, which describes potential high and adverse impacts on American Indian tribes related to socioeconomics, wildlife, vegetation, air quality, and water from construction and operation of the proposed rail line.</p>
Ute Indian Tribe of the Uintah and Ouray Reservation (UBR-DEIS-00471-1)	
Comment	Response
<p>The Tribe relies heavily on revenue from oil and gas development on its Reservation. The Tribe's substantial mineral estate is managed by its Energy and Minerals Department, which is responsible for tracking and maintaining data on tribal mineral assets, monitoring energy and mineral production on the Reservation, and collecting and forecasting royalties and severance taxes. The Tribe has developed strong and longstanding working</p>	<p>OEA notes this comment from the Ute Indian Tribe and the tribe's support for the proposed rail line. To ensure that the tribe would be appropriately involved in establishing and implementing mitigation, OEA has revised mitigation measures WAT-MM-2, WAT-MM-3, WAT-MM-11, and LUR-MM-8 to specifically require the Coalition consult with the tribe regarding impacts on resources under the tribe's jurisdiction and is recommending several</p>

<p>relationships with industry partners in oil and gas development. Yet, the opportunity for sustainable tribal economic growth from its mineral estate cannot be fully realized due to limited access to refineries capable of processing black wax and yellow wax crude. The relative remoteness of the Uintah and Ouray Reservation, combined with limited means of transportation, have forced the Tribe to rely on refineries in Salt Lake City with limited capacity to process crude oil. The Uintah Basin Railway Project (sometimes referred to herein as simply "the Project"), presents a critical opportunity to expand Tribal access to the oil and gas market by connecting the Uinta Basin to the National Rail Network. By establishing a consistent and reliable means of transporting tribal minerals to refineries in other regions, the Project could significantly enhance on-Reservation energy development relied upon by the Tribe and its members. While the Tribe supports this Project, it is important to ensure the STB, as well as other agencies and stakeholders, properly recognize the sovereignty and jurisdiction of the Tribe over the certain lands and resources impacted by the Project and account for the appropriate role of the Tribe in establishing and implementing the mitigation measures identified in the DEIS.</p>	<p>new mitigation measures that would specifically require consultation with the tribe, including mitigation measures BIO-MM-15, BIO-MM-16, BIO-MM-18, and EJ-MM-2. Other mitigation measures set forth in the EIS that would require the Coalition consult with the Ute Indian Tribe include mitigation measures VM-2, VM-3, VM-7, VM-11, VM-22, VM-23, VM-27, VM-31, VM-32, VM-34, VM-36, VM-38, VM-40, VM-42, VM-43, VM-50, VM-53, WAT-MM-2, WAT-MM-6, WAT-MM-9, BIO-MM-10, LUR-MM-1, LUR-MM-2, LUR-MM-7, VIS-MM-8, and EJ-MM-1.</p>
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Ute Indian Tribe of the Uintah and Ouray Reservation (UBR-DEIS-00471-2)

Comment	Response
<p>At various points throughout the DEIS, STB states that the Wells Draw Alternative does not include lands within the jurisdiction of the Tribe. This is not an accurate characterization. While the preferred Whitmore Park Alternative and the Indian Canyon Alternative both affect a greater amount of Tribal lands than the Wells Draw Alternative, the Wells Draw Alternative still contains lands within Indian country - and thus within the civil regulatory jurisdiction of the Ute Indian Tribe - in both the Uintah Valley and Uncompahgre portions of the Uintah and Ouray Reservation. Tribal jurisdiction over lands within the borders of the Uintah and Ouray Reservation was fully, fairly, and conclusively adjudicated by the United States Court of Appeals for the Tenth Circuit in <i>Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah</i>, 773 F.2d 1087 (10th Cir. 1985) (en banc) (Ute III); modified and reaffirmed, <i>Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah</i>, 114 F.3d 1513 (10th Cir. 1997) (Ute V); <i>Ute Indian Tribe of the Uintah and Ouray Reservation v. Utah</i>, 790 F.3d 1000 (10th Cir. 2015) (Ute VI) (reaffirmed); and <i>Ute Indian Tribe of the Uintah and Ouray Reservation v. Myton</i>, 835 F.3d 1255 (10th Cir. 2016) (Ute VII) (reaffirmed). In</p>	<p>In response to this comment and following government-to-government consultation with the Ute Indian Tribe, OEA has revised the description of the Wells Draw Alternative in Chapter 2, <i>Proposed Action and Alternatives</i>, and throughout the EIS to recognize that, although the Wells Draw Alternative would not cross Tribal trust lands, the Wells Draw Alternative would affect lands and resources under the regulatory jurisdiction of the Ute Indian Tribe and likely cross Indian country lands within tribal jurisdiction as defined in <i>Ute Indian Tribe v. Utah</i>, 773 F.2d 1087 (10th Cir. 1985) and <i>Ute Indian Tribe of the Uintah and Ouray Reservation v. State of Utah</i>, 114 F.3d 1513 (10th Cir. 1997).</p>

<p>Ute V, the Tenth Circuit drew a bright-line demarcation for the boundary between state and tribal jurisdictional authority over lands within the Uintah and Ouray Reservation: [T]he Tribe and the federal government retain jurisdiction over all trust lands, the National Forest Lands, the Uncompahgre Reservation, and the three categories of non-trust lands that remain within the boundary of the Uintah Valley Reservation. The state and local defendants have jurisdiction over the fee lands removed from the Reservation under the 1902-1905 allotment legislation. Ute V, 114 F.3d at 1530. The "three categories of non-trust lands" referenced above are: (b) lands apportioned to the "Mixed Blood" Utes under the Ute Partition Act, Act of Aug. 27, 1954, Pub.L. No. 97-698, ch. 1009, 68 Stat. 868 (codified at 25 U.S.C. §§ 677-677aa); (c) lands allotted to individual Indians that have passed into fee status after 1905; (d) lands that were held in trust after the Reservation was opened in 1905 but that since have been exchanged into fee status by the Tribe for then-fee (now trust) lands in an effort to consolidate its land holdings pursuant to the Indian Reorganization Act, Act of June 18, 1934, ch. 576, 48 Stat. 984 (codified at 25 U.S.C. §§ 461-79) and the Indian Land Consolidation Act of 1983, Pub.L. No. 97-459, 96 Stat. 2517 (codified at 25 U.S.C. §§ 2201-11). Id. Each category of lands identified above retains its status as Indian country land under tribal jurisdiction, despite not being held in trust. The Maps displayed in Appendix A show the Indian Country Jurisdiction Lands within each of the proposed routes that were examined in the DEIS, including the Wells Draw Alternative. Through consultation with the Tribe, STB must properly recognize the Tribal jurisdictional interests at issue in the Wells Draw Alternative in both establishing mitigation measures and identifying the parties that must be involved and consulted in the development and implementation of mitigation measures.</p>	
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Ute Indian Tribe of the Uintah and Ouray Reservation (UBR-DEIS-00471-4)	
Comment	Response
<p>TRIBAL JURISDICTION OVER RESERVATION RESOURCES A. Tribal Jurisdiction Over Water Rights and Water Resources</p> <p>In its DEIS, STB fails to recognize tribal jurisdiction over its water rights and water resources. As stated throughout the DEIS, the Project could impact the quality of both surface water and groundwater. Yet, the DEIS only requires the applicant to work with the Utah Division of Water Rights and the Utah Water Quality Board to mitigate impacts on water resources. Water plays an essential role in the health, safety, and culture of the Ute Indian Tribe.</p>	<p>OEA notes the Ute Indian Tribe’s concern regarding the importance of water resources to the tribe. To address this comment, OEA has revised Appendix B, Table B-3, <i>Regulations and Guidance Related to Water Resources</i>, in the Final EIS to include relevant tribal laws and regulations on water resources. Additionally, OEA has revised mitigation measures WAT-MM-2, WAT-MM-3, and Wat-MM-11 in Chapter 4, <i>Mitigation</i>, in the Final EIS, to specifically require the Coalition consult with the Ute Indian Tribe through the tribe’s Business Committee, the Tribal Water Quality Department, the Tribal Fish</p>

<p>The scarce water resources on the Uintah and Ouray Reservation are used for agricultural, municipal, and industrial purposes. The Tribe also relies on quality water to sustain fish habitat and allow sensitive aquatic wildlife to survive within the Reservation ecosystem. As stated in the Preamble of the Tribe's Floodplain Development Ordinance: "The Utes believe that water is sacred; it is the source of all living things. We pray with water and perform many religious practices with it. It is to be protected so that it will continue to provide the many blessings to the Ute people." Because water is such an essential commodity for the Tribe and its members, the Tribe established laws and regulations to protect the quality of both surface water and groundwater on the Uintah and Ouray Reservation. For example, the Tribe has enacted Ordinance No. 13-023, governing the disposal of oil and gas wastewater on the Reservation. Tribal Ordinance No. 17- 001 establishes protocols and restrictions in commercial activities on or near floodplains, to prevent disruption to riparian habitat and to minimize sedimentation. The Tribe has also made it a criminal offense to pollute or knowingly interfere with the natural flow of a stream. A selection of Tribal laws and regulations governing water, and water quality in particular, is contained in Appendix B and include the following: - The Tribal Floodplain Development Ordinance -The Tribal Oil and Gas Wastewater Disposal Ordinance - Tribal Statement on Water Policy -Tribal Fish Stocking and Transfer Policy -Excerpt from the Tribe's Criminal Code on Waters Offenses In furtherance of its sovereign authority over water rights and water resources, the Tribe has established a Tribal Water Quality Department, the Tribal Fish and Wildlife Department, and the Tribal Water Resources Department. Each of these Departments plays a role in managing and protecting water quality on the Reservation pursuant to authority delegated by the Ute Indian Tribe Business Committee. These tribal departments, along with the Business Committee, must be acknowledged and included in all mitigation measures in the Final STB EIS? relating to water quality that entail review, cooperation, and consultation with government agencies.</p>	<p>and Wildlife Department, and the Tribal Water Resources Department regarding impacts on water resources on the Uintah and Ouray Reservation.</p>
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<p>Ute Indian Tribe of the Uintah and Ouray Reservation (UBR-DEIS-00471-5)</p>	
<p>Comment</p>	<p>Response</p>
<p>B. Tribal Jurisdiction Over Hunting and Impacts on Wildlife Habitat. Wildlife is an indispensable component of the ecosystem on the Uintah and Ouray Reservation. Protecting wildlife and wildlife habitat naturally</p>	<p>OEA notes the Ute Indian Tribe's concern regarding tribal jurisdiction over wildlife resources and hunting on Tribal trust lands. Please refer to Section 5.3, <i>Tribal Coordination and Consultation</i>, and Appendix S, <i>Agency and Tribal Consultation</i>, which</p>

<p>occurring on the Uintah and Ouray Reservation is an essential part of the Tribe's sovereignty over its Reservation lands. Section 8-1- 3 of the Tribe's Law and Order Code, enacted and approved in accordance with the Indian Reorganization Act of 1934, states that "[a]ll wildlife now or hereafter within the Uintah and Ouray Reservation, not held by private ownership legally acquired...are hereby declared to be the Property of the Ute Indian Tribe." The Tribe regulates disruptions to wildlife and habitat on the Uintah and Ouray Reservation through the Ute Indian Tribe Business Committee and powers specifically delegated by the Business Committee to the Tribe's Fish and Wildlife Department. The unauthorized taking of wildlife on the Uintah and Ouray Reservation is a violation of tribal law. Hunting is highly regulated on the Uintah and Ouray Reservation. Through annual proclamations developed by the Tribe's Fish and Wildlife Department and approved by the Business Committee, the Tribe establishes protocols and restrictions for trapping and big-game hunting on the Reservation, including laws on hunting seasons, tagging requirements, areas that are open and closed for hunting, and restrictions on activities such as snowmobile and ATV use that could disturb the habitat of big game and fur-bearing wildlife. In the DEIS, STB acknowledges that the "Ute Indian Tribe has strong hunting traditions that are still practiced today and that are important to tribal members' way of life." STB further states that impacts on big game from habitat disturbance and noise would have a disproportionate impact on the Ute Indian Tribe, but that "the effect would not be high and adverse because large areas of suitable habitat around the Action Alternatives would be sufficient to allow for wildlife movement and dispersal." However, there is no indication in the DEIS that due consideration was given to the jurisdiction of the Tribe to govern, on an ongoing basis throughout the life of this project, hunting and limit areas appropriate for hunting at the sole discretion of the Tribe and in accordance with the Tribe's sovereign authority over the disposition of Reservation wildlife. The extent to which the disproportionate impact on the Ute Indian warrants mitigation must be reassessed and determined in consultation with the Ute Indian Tribe.</p>	<p>include information regarding OEA's government-to-government consultation with the Ute Indian Tribe. OEA sought input from the tribe's Business Committee and tribal departments regarding the importance and regulation of wildlife resources during and following the preparation of the Draft EIS. Additionally, please refer to mitigation measure BIO-MM-10 in Chapter 4, <i>Mitigation</i>, which would require the Coalition implement reasonable requirements from the Ute Indian Tribe for minimizing impacts on wildlife, fish, and vegetation on Tribal trust lands.</p> <p>To address this comment, OEA has added language to Section 3.4, <i>Biological Resources</i>, recognizing tribal jurisdiction over wildlife on Tribal trust lands. In addition, OEA is recommending a new mitigation measure in the Final EIS that would require the Coalition consult with the Ute Indian Tribe and other appropriate agencies to develop and implement a plan for avoiding or minimizing impacts on big game movement during the final engineering and design phase (see BIO-MM-18 in Chapter 4, <i>Mitigation</i>).</p>
<p>Ute Indian Tribe of the Uintah and Ouray Reservation (UBR-DEIS-00471-6)</p>	
<p>Comment</p>	<p>Response</p>
<p>DISPROPORTIONATE IMPACTS ON TRIBAL MEMBERS AND COMMUNITIES In 1994, President Clinton issued Executive Order No. 12898, Federal Actions to Address</p>	<p>OEA recognizes the important role of the Ute Indian Tribe as a stakeholder of the proposed Uinta Basin Railway, as well as the tribe's sovereignty over its land and resources in the project area. Accordingly,</p>

<p>Environmental Justice in Minority Populations and Low-Income Populations, directing all federal agencies to identify and address "disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States." Thus, federal law requires STB to protect the Ute Indian Tribe from having to shoulder a disproportionate share of the adverse environmental impacts caused by the Project. In Section 3.14 of the DEIS, titled "Environmental Justice," STB aims to "assess potential high and adverse impacts of the Action Alternatives and the No-Action Alternative on minority populations, low-income populations and American Indian tribes; and evaluate whether high and adverse impacts would be borne disproportionately by minority populations, low-income populations, or American Indian tribes." However, STB takes a truncated approach to identifying and addressing potential disproportionate impacts on Tribal members and Tribal communities in the Project area. In Section 3.13.1.3, "Analysis Methods," STB states that, "[t]hrough consultation with the Ute Indian Tribe, OEA identified impacts related to air emissions, vehicle safety and delay, rail operations safety, and cultural resources as areas of concern to the [Ute Indian] tribe." STB then "reviewed these resource impacts to determine if impacts would be otherwise high and adverse for tribal members specifically." STB's approach arbitrarily limits its review of impacts on tribal members based on its conclusion of what does and does not constitute a priority item for the Tribe. For instance, in adopting this limited scope of review, STB has not considered the potential socioeconomic and safety impacts on Tribal communities if the applicant is not required to work with the Tribe to establish measures to protect against the use of the rail line as a means to transport firearms and contraband onto the Uintah and Ouray Reservation. As a necessary next step, determining areas of priority for the Tribe will require government-to-government consultation with the Tribe which, as detailed above, has not taken place at this time. Further, STB's truncated approach is not consistent with minimum requirements to assess environmental justice factors pertinent to the Ute Indian Tribe, nor STB's trust responsibility to the Tribe and its members.</p>	<p>OEA has conducted extensive coordination with the tribe's Business Committee, with the tribe's legal representatives, and with tribal government staff. To meet its government-to-government responsibilities, OEA met multiple times with the Business Committee both remotely and in person. Prior to and during the preparation of the Draft EIS, OEA met with the Business Committee at the tribal offices on the tribe's Uintah and Ouray Reservation on February 6, 2019, and again on November 20, 2019. In addition, OEA hosted members of the Business Committee at the Board's offices in Washington, D.C. on May 30, 2019, September 12, 2019, and January 28, 2020. During the public comment period for the Draft EIS, OEA held a virtual informational session with the Business Committee on December 17, 2020. During the preparation of the Final EIS, OEA held a virtual government-to-government consultation meeting with the Business Committee on March 17, 2021. As a part of its government-to-government consultation, OEA also received from the Business Committee a Tribal Task Force Report detailing issues of concern to the tribe, including concerns related to air emissions, vehicle safety and delay, rail operations safety, and cultural resources. At the request of the tribe, OEA has treated the Tribal Task Force Report as a confidential government-to-government consultation document and did not append the Tribal Task Force report to the Draft EIS. To clarify the consultation that OEA undertook prior to, during, and following the preparation of the Draft EIS, OEA has revised Chapter 5, <i>Consultation and Coordination</i>, in the Final EIS to include additional details regarding the in-person and virtual meetings that OEA held with the tribe's Business Committee. As discussed in Subsection 3.14.1.3, <i>Analysis Methods</i>, OEA reviewed the impact analyses for all resource areas assessed in this Draft EIS to identify any high and adverse impacts related to construction and operation of the proposed rail line. For the environmental justice analysis, OEA identified high and adverse impacts where impacts of constructing and operating the proposed rail line would be significant under NEPA or above generally accepted norms and have the potential to adversely affect minority populations, low-income populations, or American Indian tribes. OEA also considered other impacts that the Ute Indian Tribe identified as areas of concern for the tribe. Through consultation with the tribe, including the tribe's Business Committee, OEA identified impacts related to air emissions, vehicle safety and</p>
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	<p>delay, rail operations safety, and cultural resources as areas of concern to the tribe. Although OEA did not determine impacts on these resources to be significant under NEPA, OEA reviewed these resource impacts to determine if impacts would be otherwise high and adverse for tribal members. Specifically, OEA determined whether high and adverse impacts disproportionately affect minority populations, low income populations, or American Indian tribes.</p> <p>Where OEA identified high and adverse impacts that would affect minority populations, low-income populations, or American Indian tribes, OEA evaluated whether those impacts would be disproportionately high and adverse. To make this determination, OEA considered whether the adverse effect was significant under NEPA or above generally accepted norms. OEA also considered whether the affected minority populations, low-income populations, or American Indian tribes would experience exposure to an adverse effect that would be appreciably more severe or greater in magnitude than the adverse effect that the general population in the affected area would experience. In making its determinations, OEA considered the totality of the circumstances, including the benefits that could result from the proposed rail line and application of potential mitigation measures to avoid, minimize, reduce, or compensate for disproportionate adverse effects.</p> <p>Regarding the tribe’s concern that the proposed rail line could be used to transport firearms and contraband onto the tribe’s Uintah and Ouray Reservation, OEA notes that shippers seeking to transport commodities or products on the proposed rail line would be subject to the enforcement of applicable federal and tribal transportation laws and regulations, which would include laws and regulations governing the transportation of firearms and illegal goods. Therefore, OEA does not anticipate any impacts related to transportation of firearms or contraband.</p>
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Ute Indian Tribe of the Uintah and Ouray Reservation (UBR-DEIS-00471-7)

Comment	Response
<p>RIGHT-OF-WAY AGREEMENT BETWEEN THE TRIBE AND THE APPLICANT</p> <p>Land Use and Recreation Mitigation Measure 2 ("LUR-MM 2"), found on pages 4-15 of the DEIS, states that "[i]f the Board authorizes the Indian Canyon Alternative or the Whitmore Park Alternative, the Coalition shall implement the reasonable mitigation measures imposed by the Ute Indian Tribe during negotiations for the consent of</p>	<p>In response to this comment and following government-to-government consultation with the Ute Indian Tribe, OEA has revised mitigation measure LUR-MM-2 in the Final EIS. As revised, the mitigation measure would require the Coalition implement all mitigation measures imposed by the Ute Indian Tribe during negotiations for the consent of the tribe for a right-of-way across Tribal trust lands.</p>

<p>the Tribe for a right-of-way across Tribal trust land." The Tribe appreciates STB's recognition of the applicant's requirement to work with the Tribe to obtain a right-of-way for the Project. However, the Tribe rejects the qualifying language contained in this mitigation measure. First, this requirement as drafted only applies to the Whitmore Park and Indian Canyon Alternatives. However, as discussed above, the Wells Draw Alternative includes Indian country lands, and the Tribe may have a full or fractionated ownership interest in these lands. Therefore, a Tribally-approved right-of-way may still be required for the Wells Draw Alternative. The location and status of these lands should be ascertained in consultation with the Tribe. Second, LUR-MM 2 only requires the applicant to comply with "reasonable mitigation measures" established under a right-of-way agreement with the Tribe. This could be construed as creating a standard for when and how the applicant must meet its performance obligations under a separate agreement with the Tribe. The Tribe and the applicant each retain the independent legal capacity to enter into a contract establishing conditions for the applicant's access to and use of tribal lands. Therefore, this LUR-MM 2 should be revised to either remove the reference to "reasonable" mitigation measures or to expressly state that the EIS does not diminish agreed upon conditions to access and use Reservation lands.</p>	
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Notes:

OEA = Office of Environmental Analysis; EIS = Environmental Impact Statement; NEPA = National Environmental Quality Act

Table T-22. Comments and Responses—Section 3.15, Cumulative Impacts

OKOKOK Productions, Katherine Hunter (UBR-DEIS-00046-3)	
Comment	Response
<p>Climate Change - The proposed railway is intended to assist in the expansion of oil, gas, and other fossil fuels in the Uinta Basin to distant markets. This increase in oil production - potentially four times the current amount -- will contribute irreversibly to greenhouse gas emissions and climate change. Our climate is already at a tipping point, please do not push beyond any chance of repairing our climate. Air Quality - Air pollution in the Uinta Basin already exceeds federal standards because of existing oil and gas development in the region -- by increasing oil and gas development, this project would make it worse.</p>	<p>OEA notes the commenter's concerns regarding air pollutant and greenhouse gas emissions and climate change. Please refer to Chapter 1, <i>Purpose and Need</i>, which explains that the Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide both oil shippers and other shippers making reasonable requests for rail service with a viable alternative to trucking. Please also refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding the proposed rail line's contribution to impacts on air quality and GHGs in the context of cumulative impacts. The comment does not raise any specific</p>

	concern regarding the conclusions or adequacy of the Draft EIS, and no revisions are necessary.
Michael Budig (UBR-DEIS-00063-1)	
Comment	Response
The Uinta Basin Railway (UBR) is a huge subsidy for the oil and gas industry from Utah agencies that are supposed to be using public monies to advance the public interest in rural communities. The EIS needs to consider the full impact that the new exploration, drilling, production and eventual combustion of fossil fuels will have on the environment (including air quality, water quality and climate change), wildlife (including big game and sage grouse), and nearby communities	Please refer to Section 3.15, <i>Cumulative Impacts</i> , for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin, including cumulative impacts on air quality, climate change, water quality, big game, sage-grouse, and local communities. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i> , and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i> .
Mary Moran (UBR-DEIS-00140-2)	
Comment	Response
The proposed railway's purpose is to transport Uinta Basin oil and gas to distant markets, and thus increase oil and gas production in the basin. There are two fundamental problems with those goals. 1) Oil and gas production needs to taper off and stop, soon, not increase, in order to reverse the current climate change effects. These effects include exponential growth of hurricanes, droughts, floods, wildfires, and whatever else is next in store for us. 2) Air quality in the Uinta Basin is some of the worst in the nation. Increasing oil and gas production in the basin will increase respiratory health issues, and farther decrease quality of life for residents of the basin and beyond.	OEA notes the commenter's concerns regarding increased oil and gas production. Please refer to Chapter 1, <i>Purpose and Need</i> , which explains that the Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide all shippers making reasonable requests for rail service with a viable alternative to trucking. Please also refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes information regarding the proposed rail line's contribution to impacts on air quality and GHGs in the context of cumulative impacts.
Eileen Potter (UBR-DEIS-00231-1)	
Comment	Response
In Section 3.15.5.7, Cumulative Impacts, Air Quality and Greenhouse Gases, I cannot see that dust from dirt roads was included in your measurements of particulate matter or visibility. I see you relied heavily on the Monument Butte EIS for your numbers, please rerun them factoring in the miles of new dirt road that will be required for future oil development. I have a hard time believing the levels of particulate matter from dust and heavy diesel engine emissions would not exceed attainment. I can attest that visibility of the Uinta Mountains from our house is greatly reduced during boom cycles, and noticeably improves during bust cycles, even if a slowdown only lasts a few months.	The Draft EIS analysis accounted for dust emissions from unpaved roads. Please refer to Appendix M, <i>Air Quality Emissions and Modeling Data, Emissions Inventory—Cumulative</i> , which includes information regarding fugitive dust emissions from unpaved roads in the analyses for the proposed rail line and Monument Butte EIS. No changes to the Draft EIS are warranted in response to this comment.

Michael Budig (UBR-DEIS-00241-2)	
Comment	Response
The DEIS only looks at emissions produced directly by the railway construction and operation and fails to address the increased pollution resulting from increased operations which will happen only if the railway is constructed.	Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes information regarding the proposed rail line's contribution to impacts on air quality and GHGs in the context of cumulative impacts
Joan Degiorgio (UBR-DEIS-00246-2)	
Comment	Response
CUMULATIVE IMPACT: It is difficult to really account for the cumulative impact of increased oil and gas production that this railway will enable. One thing we can measure is air quality that already exceeds federal standards. More indirectly, we know use of fossil fuels contributes to greenhouse gases and increased climate change. At what point does someone say NO Uinta Basin interests that continue to promote an industry that is marginal at best and is cumulatively eroding the natural heritage of the Basin.	OEA notes the commenter's concerns regarding increased oil and gas production. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes information regarding potential pollutant emissions and GHG emissions associated with oil and gas development. Because this comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Susan Greiner (UBR-DEIS-00275-5)	
Comment	Response
- The impacts to public lands from oil drilling are huge and would increase tremendously in the future if the rail line and improved markets are created. Unparalleled natural landscapes, historical and cultural assets, entire ecosystems, air quality, wildlife populations, and the climate would be harmed. Climate impacts from oil drilling, fracking, and rail line operation have not been considered in the draft EIS.	OEA notes the commenter's concerns about impacts to the natural environment and climate change impacts. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes information regarding the proposed rail line's contribution to impacts on air quality and GHGs in the context of cumulative impacts and includes information regarding potential pollutant emissions and GHG emissions associated with oil and gas development, including oil drilling and hydraulic fracturing or fracking. No changes to the Draft EIS are warranted in response to this comment.
Sarah Stock (UBR-DEIS-00292-2)	
Comment	Response
And so my concern here is that the Draft Environmental Impact Statement does not fully consider the increase in production of fossil fuels that will be a direct result of the railway being in operation.- And I'm surprised by this because the Seven County Infrastructure Coalition has been so straightforward about talking about that. - - - - - They -- the railway specifically could increase oil production by up to four times, and this is how they're promoting it and selling it and trying to get financing, and I believe that this effect needs to be studied because it is a direct effect of the railway, and the increase in production wouldn't happen without the railway. - - - - - So this effect needs to be studied and considered, specifically the impacts	Please refer to Section 3.15, <i>Cumulative Impacts</i> , for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i> , and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i> .

<p>on increased oil production as they relate to climate change and air quality.- And we know that the climate change has ricocheting consequences, especially in the semi arid desert on water and water availability and vegetation and wildlife. - - - - - - So yes, thank you for your time.- That's all.</p>	
Daniel O'Malley (UBR-DEIS-00312-2)	
Comment	Response
<p>I urge you to choose the no action alternative for the proposed UBR. It would do irreparable harm to the air, water, land and wildlife in the region and should not be built. The draft EIS fails to consider the full impact that new UBR-caused exploration, drilling, production and eventual combustion of fossil fuels will have on the environment, wildlife, and nearby communities</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>
Lauri Taylor (UBR-DEIS-00316-1)	
Comment	Response
<p>The draft EIS fails to consider the full impact that new UBR-caused exploration, drilling, production and eventual combustion of fossil fuels will have on the environment, wildlife, and nearby communities.</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>
Laura Kent-Jensen (UBR-DEIS-00323-2)	
Comment	Response
<p>While the trucks currently used for fossil fuel transportation are awful, a railway that makes it easier for developers to increase overall production may result in environmental impacts up to 4 times worse. I am not sure these risks and the cumulative effect of the UBR are adequately reflected in the Environmental Impact Statement.</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, which includes the information regarding the proposed rail line's contribution to cumulative impacts, including oil and gas development. Because the comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Save Not Pave, Ellen Birrell (UBR-DEIS-00335-1)	
Comment	Response
<p>The draft EIS fails to consider the full impact that new UBR-caused exploration, drilling, production and eventual combustion of fossil fuels will have on the environment, wildlife, and nearby communities.</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>

Save Not Pave, Ellen Birrell (UBR-DEIS-00335-2)	
Comment	Response
<p>This production, potentially four times the current amount, will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point; we shouldn't expand fossil fuel development. It will also further pollute the air in the Uinta Basin, which already exceeds federal standards because of existing oil and gas development.</p>	<p>OEA notes the commenter's concern regarding air pollution and climate change impacts. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding potential pollutant emissions and GHG emissions associated with future oil and gas development in the Basin. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Naomi Silverstone (UBR-DEIS-00337-4)	
Comment	Response
<p>The draft EIS fails to consider the full impact that new UBR-caused exploration, drilling, production and eventual combustion of fossil fuels will have on the environment, wildlife, and nearby communities. This production, potentially four times the current amount, will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point; we shouldn't expand fossil fuel development.</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>
Time for You Coaching, Danielle Droitsch (UBR-DEIS-00339-2)	
Comment	Response
<p>The draft EIS failed in a number of ways to consider the full impact that new UBR-caused exploration, drilling, production and eventual combustion of fossil fuels will have on the environment, wildlife, and nearby communities. This production, potentially four times the current amount, will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point. My primary concern is the cumulative impacts of the project on air quality in the Uinta basin where we already exceed federal standards because of existing oil and gas development. It will harm wildlife as the proposed routes traverse roadless areas, steep canyons, and rugged terrain. Over 10,000 acres of big game habitat will be impacted. The route also impacts 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cress. I am also concerned with how the preferred project alignment would run almost the entire length of Indian Canyon Creek, a precious perennial waterways in our semi-arid state.</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, which includes the information regarding the proposed rail line's contribution to impacts on air quality and GHG emissions, water resources, and biological resources in the context of cumulative impacts. Section 3.3, <i>Water</i>, discusses impacts on Indian Canyon Creek and other perennial waters from the proposed rail line. Section 3.4, <i>Biological Resources</i>, discusses impacts on big game, greater sage-grouse, and Endangered Species Act-listed plant species from the proposed rail line. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Roderick Gregory (UBR-DEIS-00340-1)	
Comment	Response
<p>Facilitating the extraction of fossil fuel stocks is the height of foolishness. These materials need to</p>	<p>OEA notes the commenter's concerns regarding fossil fuel production. Because the comment does</p>

<p>remain in the ground until a future (hopefully smarter) generation creates a method and justification for extraction that does not result in the burning of these materials. It took billions of years to create these materials and their potential as chemicals rather than fuel is completely ignored in the rush to burn them. Think 18th century technology. Save it for the 22nd century or later.</p>	<p>not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
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Marv Poulson (UBR-DEIS-00365-3)

Comment	Response
<p>The new oil production resulting from the railway expansion - potentially four times the current amount - will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point, so we need to sharply reduce fossil fuel use instead of expanding it. The railway's emissions will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of existing oil and gas development. Because no mitigation strategy is offered to offset the toxic environmental effects of increased oil production stimulated by the proposed project, the draft EIS fails under NEPA requirements.</p>	<p>OEA notes the commenter's concern about greenhouse gas emissions and climate change. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding the proposed rail line's contribution to impacts on air quality and GHGs in the context of cumulative impacts. Please also refer to Chapter 4, <i>Mitigation</i>, which includes the Coalition's voluntary mitigation measures and OEA's final recommendations for mitigation measures that the Board could impose to avoid, minimize, or compensate for potential adverse environmental impacts resulting from construction and operation of the proposed rail line. OEA's final recommended mitigation measures and the Coalition's voluntary mitigation measures address the direct and indirect impacts of the proposed rail line and would reduce emissions and thereby minimize adverse cumulative impacts.</p> <p>The Board can only impose conditions that are consistent with its statutory authority over rail transportation by rail carriers under the Interstate Commerce Act, as amended by the ICCTA. Accordingly, any conditions the Board imposes must relate directly to the transaction before it, must be reasonable, and must be supported by the record before the Board. In this proceeding, the Board's power to impose mitigation extends only to the Coalition, as the railroad applicant, and its agents and to potential impacts that could be caused by construction and operation of the proposed rail line. The Board does not have authority to regulate the actions of other entities, impose mitigation on those entities, or impose mitigation on the Coalition to address actions by other entities, even if those actions could result in cumulative impacts when considered along with the proposed rail line. Development and implementation of mitigation for adverse impacts resulting from cumulative projects is the responsibility of the approving agencies for those projects, in cooperation with the applicants seeking to implement those projects, and would be identified and imposed as part of the applicable environmental review required for those projects.</p>

	The Coalition's voluntary mitigation and OEA's recommended mitigation are adequate given the Board's authority and based on the environmental impacts described in the EIS.
Marv Poulson (UBR-DEIS-00365-5)	
Comment	Response
The complete lack of documenting cumulative local and regional impacts represents a deficiency that unless fully addressed must result in the no-action alternative.	Please refer to Section 3.15, <i>Cumulative Impacts</i> , which includes information regarding the proposed rail line's contribution to cumulative impacts. The section discusses all reasonably foreseeable cumulative local and regional impacts from construction and operation of the proposed rail line. Therefore, no changes to the Draft EIS are warranted in response to this comment.
Stanley Holmes (UBR-DEIS-00373-2)	
Comment	Response
The proposed railway would require increased oil and gas drilling, production and pollution in the Uinta Basin.- Uinta Basin human residents and wildlife are already affected by episodic high ozone levels due to oil and gas operations.- Even without the added pollution that the UBR would facilitate, the Uinta Basin has, on the other hand, ozone nonattainment status by the EPA. Utah State University issues ozone alert warnings for the Uinta Basin.- As the DEIS points out, the Uinta Basin accounts for more than 90 percent of Utah's criteria pollutant emissions from the oil and gas sector.- This is a problem year round, although the ozone levels increase in the winter due to climatic conditions.- In addition to ozone, Basin activities spew carbon monoxide, lead, nitrogen dioxide, particulate matter and sulphur dioxide into the atmosphere. The EPA warrants that exposure to ozone is linked to a wide range of health effects including aggravated asthma, increased emergency room visits, hospital admissions and premature death. In addition to helping form ozone, volatile organic compound emissions from the oil and gas industry include toxic air pollutants such as benzene, ethyl benzene and hexane.- These air toxics are pollutants known or suspected of causing cancer and other serious health effects.- The DEIS notes that the eastern portion of the proposed rail line would be located in the Uinta Basin ozone non attainment area, but that much of the remainder of the proposed rail line would be in attainment areas.- This blindered focus ignores the pollution increases in and beyond the non attainment areas that would likely occur due to increased fossil fuel production made possible, rather, required by the railroad's construction.- Intensity of pollution can be expected to increase in the current non	Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes information regarding cumulative impacts from fossil fuel development that would be associated with the proposed rail line, including methane emissions. The cumulative impacts study area for regional air quality includes the area within 100 kilometers of the proposed rail line and includes the Basin ozone nonattainment area and the rest of the study area that is in attainment. Therefore, no changes to the Draft EIS are warranted in response to this comment.

<p>attainment area.- And the borders of the non attainment area may have to be expanded due to increased pollution. The oil and gas industry is a significant source of the emissions of methane, a potent greenhouse gas with a global warming potential more than 25 times that of carbon dioxide.[pause]Okay, thank you.- At pre-Covid levels, the Uinta Basin extraction industry was producing over 1,000 metric tons of methane annually.</p>	
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Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00375-1)	
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Comment	Response
<p>I'm Dr. Brian Moench, president of the Utah Physicians for a Healthy Environment.- In 2012 and 2013, during the peak of the oil and gas activity in the Uinta Basin, the University of Colorado measured atmospheric VOCs over the Basin. They found shocking levels of VOCs 200 to 300 times higher than background levels.- They equated it to the pollution of 100 million cars, eight times more cars than are registered in the greater Los Angeles area. Other studies have shown this pollution comes almost entirely from the oil and gas industry. An area that has only 30,000 residents is inhaling eight times more pollution than an area where 13 million people live. The authors of the study say, in fact, these levels were 10 to 100 times higher than what is reported in the nation's largest cities.- They also found peaks of ozone up to 150 parts per billion, double the EPA's limit. As a precursor to ozone, the Uinta Basin VOCs contribute to ozone hundreds or even thousands of miles away.- The authors said their observations were, "Among the highest ever reported in ambient air.- The aromatic compounds reach or exceed those recorded from the most heavily polluted inner cities.- This is a remarkable finding." The very purpose of this railroad is to quadruple the oil and gas production in the Basin that has already seen 11,000 wells put into production, and that would quadruple what is already a pollution nightmare.- Wherever you have a pollution nightmare, you will have a public health nightmare if you wait long enough or look hard enough. While the environmental impact statement is only focused on the construction and operation of the railway itself, it is nonsensical that it not also include as a direct consequence the environmental and health consequences of the very purpose of the project. The cumulative impact of the proposed project would allow a public health disaster that will extend both east and west of the Basin into Colorado and the Wasatch Front.</p>	<p>Please refer to Chapter 1, <i>Purpose and Need</i>, which explains that the Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers, including both oil shippers and other shippers, with a viable alternative to trucking. Please also refer to Table 3.7-11 in Section 3.7, <i>Air Quality and Greenhouse Gases</i>, which includes information on the air quality consequences of the proposed rail line in relation to the health-based NAAQS. Please also refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding potential pollutant emissions and GHG emissions associated with oil and gas development, and regional pollutant concentrations.</p>

William Ingals (UBR-DEIS-00394-1)	
Comment	Response
I believe the environmental impact statement should consider the full impact of exploration, drilling and production, plus the eventual combustion of fossil fuels on the environment. With our climate at a tipping point and air quality in the Uinta Basin already exceeding federal standard, a four-fold increase of fossil fuels production along with exploration and drilling will contribute considerably to the greenhouse emission and climate change.-	OEA notes the commenter's concern about climate change and air quality in the Uinta Basin. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes information regarding the proposed rail line's contribution to impacts on air quality and GHGs in the context of cumulative impacts. No revisions to the Draft EIS in response to this comment are needed.
Richard Spotts (UBR-DEIS-00396-2)	
Comment	Response
In addition, I share the concerns about the adequacy of this DEIS under NEPA and the CEQ regulations with respect to the following issues: - Increase in Uinta Basin Oil Production - The EIS must consider the increase in production of fossil fuels that will be a direct result of the railway operations. The railway could increase oil production in the Uinta Basin by up to four times the current level. The EIS needs to consider the full impact that the new exploration, drilling, production and eventual combustion of fossil fuels will have on the environment, wildlife, and nearby communities.- Climate Change - The proposed railway is intended to facilitate the vast expansion of oil, gas, and other fossil fuels in the Uinta Basin to distant markets. Without the railway, these fuels have nowhere to be sold, and thus, cannot be developed. This increase in oil production --potentially four times the current amount-- will contribute irreversibly to greenhouse gas emissions and climate change. Our climate is already at a tipping point, we must not allow an expansion of fossil fuel development on this scale. - Air Quality - Air pollution in the Uinta Basin already exceeds federal standards because of existing oil and gas development in the region -- by increasing oil and gas development, this project would make it worse.	Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i> . Please also refer to Subsection 3.15.4.1 <i>Oil and Gas Development</i> , which describes the scenario OEA developed to analyze potential cumulative impacts that could result from an increase in oil and gas production. Please also refer to Section 3.15, <i>Cumulative Impacts</i> , for resource-specific discussions of potential cumulative impacts concerning oil and gas development. Regarding comments on climate change and air quality, please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes an assessment of GHG emissions and potential air quality impacts of the proposed rail line including cumulative impacts of associated oil and gas development.
Larry Framme (UBR-DEIS-00397-1)	
Comment	Response
I oppose. How does the EIS account for the social costs of extracting hydrocarbons for combustible energy that releases greenhouse gas which are having dire effects on climate related disasters such as drought, wildfire, and air pollution. Economically, the benefactors of this project are a relatively small number of individuals in relation to the dire effects of contributing additional fuel to a dying industry that is destroying the global ecosystem.	OEA notes the commenter's opposition. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes an assessment of the potential air quality impacts of the proposed rail line when combined with potential impacts from future oil and gas development in the Basin. Please also refer to Section 3.13, <i>Socioeconomics</i> , which discusses the socioeconomic impacts and benefits of the proposed

	rail line. No changes to the Draft EIS in response to this comment are needed.
Utah Physicians for a Healthy Environment, Malin Moench (UBR-DEIS-00401-1)	
Comment	Response
<p>My main point is that the analysis of the No-Action Alternative in this draft EIS is woefully inadequate.- This EIS confines itself to analyzing the environmental impact of building or not building the Uinta Basin Railway itself, while ignoring the expected tripling or quadrupling of oil and gas production that its proponents say it will trigger.- This is like doing risk analysis for the Titanic asking whether the dance band will play or not play while ignoring that the ship is steaming toward a looming iceberg. In this case, the looming iceberg is the EPA's National Ambient air quality 8-hour standard for ozone.- The Uinta Basin is already a nonattainment area for ozone, often reaching concentrations in winter that exceed peak 8-hour levels in the Los Angeles Basin. The 2014 Uinta Basin winter ozone studies point out that these high concentrations of ozone form when VOCs and nitrous oxide are trapped in pools of cold air and are exposed to ultra violet light reflected off snow.- These studies point out that the oil and gas operations are responsible for 99 percent of VOC emissions in the basin and nearly 60 percent of nitrous oxide emissions. They say that the only way to bring the basin there into compliance with the clear act ozone standard is to cut down on the ozone precursors.- Even though the basin is a ozone nonattainment area, the BLM has already approved leases that allow the basin two main oil and gas operators, Encana and Crescent Point, to double their fueling and production levels.- This railway is expected to result in another doubling of oil and gas production beyond those.- The cumulative effect will be a quadrupling of production and logically of ozone precursor emissions.- The Biden-led EPA can be expected to get back to enforcing the Clean Air Act after a four-year hiatus.- It will require any oil and gas expansion projects to get nonattainment resource review permits under an EPA state implementation plan.</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which include information regarding potential pollutant emissions associated with future oil and gas development and modeled pollutant levels in relation to the health-based NAAQS. No changes to the Draft EIS are warranted in response to this comment.</p>

Utah Physicians for a Healthy Environment, Malin Moench (UBR-DEIS-00401-2)	
Comment	Response
NEPA requires of an EIS to analyze indirect and not just direct impacts of a project on a region's airshed.- It also requires an EIS to analyze cumulative effect of a project, not just the isolated impact.- And this EIS doesn't do either. If it had analyzed the indirect and cumulative effect of the Uinta Basin Railway on the basin's ozone levels, it would show that it would make compliance for the 8-hour ozone standard impossible going forward.- Its failure to undertake such an analysis makes it legally infirm.- And that concludes my statement.	Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , and Appendix M, <i>Air Quality Emissions and Modeling Data</i> , which include information regarding cumulative impacts associated with potential future oil and gas development, including ozone levels in the Uinta Basin. For information regarding the impacts of construction and operation of the proposed rail line, including impacts from the emission of criteria air pollutants, please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i> . No changes to the Draft EIS are warranted in response to this comment
Teri Durfee (UBR-DEIS-00403-2)	
Comment	Response
And I think there should be consideration on the EIS about the increased production of fossil fuels that will be created by having this railway in. And so it should be considered in the proposal because only focusing on the railway itself, it does not account for the impact that all of the increased exploration and drilling and all of the impacts of the fossil fuel on the environment. Also, in the Uinta Basin, it's already very polluted.- In the winter they have a lot of fog which only keeps that in. And by allowing this railway, it would increase the air pollution, which is already beyond the federal standards.- And it's already poisoning the Uinta Basin's air and water and harming the wildlife.- So by adding the railway and increasing the production, it's only going to make things worse.	Please refer to Section 3.15, <i>Cumulative Impacts</i> , for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i> , and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i> . Please also refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes information regarding estimated air pollutant levels from the proposed rail line and future oil and gas development. The cumulative air quality analysis concludes that the proposed rail line would not lead to new exceedances of the NAAQS. Existing exceedances of the ozone NAAQS would still occur.
Craig Wallentine (UBR-DEIS-00424-9)	
Comment	Response
8) EIS Fails to Discuss Critical Fire Protection Needs at New Rail Terminals: The SCIC proposal does not address the significant risk of major fires at the two large rail terminals and crude oil tank farms that will be required by the Uinta Basin Railway. Simply stating that these terminals will be operated by a third party does not eliminate the major risk to the public of accidents and unsafe operations at these massive new facilities. There must be a separate "emergency response plan" and "disaster recovery plan" for these facilities with public review and comment.	As discussed in the Draft EIS, the Coalition is not proposing to build any new rail terminals as part of the proposed rail line and anticipates the terminals would be constructed by third parties. Because the rail terminals are not subject to the Board's decision-making process, the Board cannot impose mitigation on the rail terminal developers that would require development of safety plans. As described in Subsection 3.15.5.2, <i>Rail Operations Safety</i> , the terminals would be required to be constructed in compliance with applicable local, state, and national standards and guidelines, including adhering to spill prevention, control, and countermeasures procedures required by 40 C.F.R. Part 112. OEA expects that the terminal facilities would implement and acquire emergency response systems and procedures, spill-containment features,

	<p>and fire-protection equipment. These requirements would minimize both the potential for accidents of any kind and the potential consequences of accidents. To the extent development of the rail terminals is subject to federal, state, or local review, there may be opportunities for public review of the design and safety plans of the rail terminals. Because any new terminals would be subject to applicable environmental and safety regulations, OEA does not consider major fires from rail operations on the proposed rail line or operations at new rail terminals to be reasonably foreseeable outcomes. In response to this comment, OEA has revised Subsection 3.15.5.4, <i>Biological Resources</i>, to clarify that the risk of a wildfire occurring as a result of operations at new rail terminals would be low because those terminals would be located in areas with low to very low Wildfire Hazard Potential.</p>
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Craig Wallentine (UBR-DEIS-00425-2)

Comment	Response
<p>1) EIS Misinforms About Environmental Impact: The EIS misinforms about the environmental impact of a massive increase in crude oil production in the non-attainment air quality Uinta Basin. There is over-reliance on a single prior "paper" EIS for one development. The EIS does not actually examine the actual track record of oil & gas production in the Uinta Basin. If production of just 90,000 BPD has already made the Uinta Basin air quality unhealthy, what will the next 350,000 BPD do? The paper study in the EIS ignores the reality [underline: breathing clean air is both a public convenience and a necessity.]</p>	<p>Please refer to Subsection 3.15.4.1, <i>Oil and Gas Development</i>, and Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> in Section 3.15, <i>Cumulative Impacts</i>, which include information regarding oil and gas production scenarios specific to the proposed rail line, as well as the rationale for comparing emissions to the BLM's Monument Butte EIS. As discussed in those sections, the Monument Butte EIS provides the best available data source on the impacts of oil and gas development projects in the Basin.</p> <p>Regarding public convenience and necessity, OEA notes that the Coalition has sought an exemption, under 49 U.S.C. § 10502, from the regulatory requirements of 49 U.S.C. § 10901; therefore, the public convenience and necessity standard in § 10901 does not directly apply to this case. After the Board has considered the potential environmental impacts associated with the proposal, and weighed those potential impacts with the transportation merits, it will issue a final decision authorizing the proposed construction and operation with conditions, or denying authority to construct and operate the proposed rail line. Accordingly, no changes to Draft EIS are warranted in response to this comment.</p>

Craig Wallentine (UBR-DEIS-00425-3)

Comment	Response
<p>2) EIS Does Not Take Into Account Utah State Regulatory Failures: SCIC fails to take into account the actual state of oil & gas regulation in the state of Utah. The Utah Department of Oil, Gas and Mining</p>	<p>The purpose of this EIS is to analyze the potential impacts from construction and operation of the Coalition's proposed rail line, and it is outside the scope of OEA's analysis under NEPA to assess the</p>

<p>(DOGM) went decades without enforcing or fining serial polluters unlike peer regulators in the adjacent states of Wyoming, Colorado and New Mexico. The EIS is fatally flawed in assuming that the proposed production of 450,000 BPD will magically be managed better than the current 90,000 BPD which has already destroyed air quality in the Uinta Basin. Any projections about future air quality are wrong if the State of Utah behaves in the future as it has in the past and not enforced even basic regulations with the result that local air quality has been damaged</p>	<p>effectiveness or enforcement of state regulations related to oil and gas production. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Craig Wallentine (UBR-DEIS-00425-4)	
Comment	Response
<p>3) EIS Does Not Address How Massive Production Increase Will be Managed: EIS does not address what happens when a wide variety of oil & gas producers, from large, responsible majors with strong engineering and production track records to shady, fly by night small producers who skirt even basic safety and environmental regulations, rush to maximize their own profits at the expense of public convenience or necessity. EIS should include assessments of what happens if half or more of future production fails to meet even current safety and environmental standards.</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p> <p>OEA has no information about individual producers that might be developing oil and gas wells in the future. OEA notes that all oil and gas producers are required to adhere to relevant federal, state, or tribal regulations for safety and protection of the environment. OEA does not consider it reasonably foreseeable that half or more of future production would fail to meet safety and environmental regulatory standards. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Craig Wallentine (UBR-DEIS-00425-5)	
Comment	Response
<p>4) EIS Fails to Address Developers Plans for LPG and LNG Facilities: The SCIC partner, Roosevelt Economic Development Council has discussed future LPG and LNG development which will create further safety and environmental issues not discussed in the EIS. How exactly will these non-crude fossil fuels be extracted and processed? What further environmental and green house gas emissions will come from the production that the SCIC is obviously already contemplating? Where in the Cumulative Impact are these developments discussed if the sponsors are already planning on it?</p>	<p>The Roosevelt City Economic Development Committee is made up entirely of volunteers and consists of up to 15 community members who represent local business and industry. As a volunteer organization, OEA does not expect that the Economic Development Committee itself would be the proponent for development of an LPG or LNG facility. Further, OEA is not aware of any proposals by any other entities to develop facilities to facilitate the transportation of natural gas on the proposed rail line. To be included as a cumulative project, planning and permitting for other actions should be advanced to the point that the action is reasonably foreseeable, and discussion of a potential facility would not meet that threshold for inclusion as a cumulative project. Accordingly, no changes to the Draft EIS are warranted in response to this</p>

	comment.
Craig Wallentine (UBR-DEIS-00425-6)	
Comment	Response
5) EIS Fails to Disclose to Uinta Basin Public the Impending Health Issues the UIB will Cause: EIS fails to any discussion of or include projections of increased respiratory disease and asthma caused by massive expansion of oil & gas production in the Basin. These projections could easily be made if the SCIC engaged local non-oil & gas industry partners who already have the data available (like Utah Physicians for a Healthy Environment - UPHE). It is untrue to claim that the UIB is a "public convenience and necessity" while refusing to disclose or even estimate the direct health impacts on the residents of the State of Utah and Western Colorado.	OEA notes the commenter's concern regarding potential health impacts from oil and gas production. Please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i> , and Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which include information on the direct and indirect air quality consequences of the project in relation to the health-based NAAQS. Regarding public convenience and necessity, OEA notes that the Coalition has sought an exemption, under 49 U.S.C. § 10502, from the regulatory requirements of 49 U.S.C. § 10901; therefore, the public convenience and necessity standard in § 10901 is not directly at issue before the Board. OEA additionally notes that it is the responsibility of the Board, not OEA, to apply the agency's statute at 49 U.S.C. § 10502 and to consider the transportation merits under the exemption criteria contained in that statutory section. Therefore, no changes to the Draft EIS are warranted in response to this comment.
Craig Wallentine (UBR-DEIS-00425-7)	
Comment	Response
6) Polluting Your Neighbor's Breathing air is Not a Public Convenience or Necessity. No matter which way the winds blow, uncontrolled crude oil production in the Uinta Basin will impact non-attainment air quality regions along the Wasatch Front or in Northern Colorado endangering the health of twenty times as many people as in Duchesne and Uintah Counties. Is it fair and equitable to hurt the health of millions for the sake of a special interest group? The EIS again fails to engage independent experts such as UPHE to accurately estimate the negative long term health impacts on the population of adjacent regions. Relying on an internal paper model versus having an open public debate with outside experts is another reason why this EIS cannot claim to be a "public convenience and necessity".	Please refer to Chapter 5, <i>Consultation and Coordination</i> , which includes information on OEA's consultation and opportunities for public involvement throughout the EIS process. Please also refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i> , which includes information on the air quality consequences of the proposed rail line in relation to the health-based NAAQS. OEA properly relied on the results and conclusions of the Monument Butte EIS and the supporting modeling data to make conclusions about the potential air quality impacts of the project and future oil and gas production in the Basin in the context of cumulative impacts, because that study provides the best available data source on the impacts of oil and gas development projects in the Basin. Based on the results shown in Section 3.7, <i>Air Quality and Greenhouse Gases</i> , OEA concludes that construction and operation of the proposed rail line would not result in unhealthy air quality. As discussed in response to Comment UBR-DEIS-00425-2 above, OEA notes that the Coalition has sought an exemption, under 49 U.S.C. § 10502, from the regulatory requirements of 49 U.S.C. § 10901; therefore, the public convenience and necessity standard in § 10901 is not directly at issue before the Board.

Craig Wallentine (UBR-DEIS-00425-8)	
Comment	Response
<p>7) EIS Fails to Address the Obvious Collateral Damage of Production Increase Created by UIB: EIS ignores the ancillary impacts of a massive increase in hazardous waste generation and disposal, large increases in necessary (for safety) and unnecessary (sloppy operations) flaring, increased methane loss, remote controller gas venting and contamination of limited drinking water supplies all of which are directly negative to public convenience and not a necessity by any stretch of the imagination. Currently available technology not addressed by the EIS could mitigate some of these issues if the project was actually designed correctly which it is not.</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin, including cumulative impacts from hazardous waste generation and disposal, flaring, methane emissions, and water quality. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p> <p>Because the proposed rail line would not produce hazardous waste or methane, it would not contribute to the cumulative impacts from these materials associated with oil and gas development. Refer to Subsection 3.15.5.3, <i>Water Resources</i>, for a discussion of the cumulative effects on water resources.</p>
David Pedersen (UBR-DEIS-00428-3)	
Comment	Response
<p>Finally, the mining of oil and gas cause devastating damage to the landscape, including the contamination of aquifers and the deposition of heavy metals and other "forever chemicals". And leaks? Well, those happen (contrary to industry dogma), so that's an issue that can't be addressed. Just a few months ago, researchers here in British Columbia observed horses near fracking sites having issues with lactating for their babies, as well as birth defects in their foals. The cause of these issues wasn't hard to track down. Utah is a "western" kind of state, and horses have long roamed its ranges and deserts. Do we want them to suffer as well?</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin, including cumulative impacts from hydraulic fracturing or fracking. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>
Joel Ban (UBR-DEIS-00429-13)	
Comment	Response
<p>Air Quality. Out of all the resources discussed within the DEIS perhaps its air quality that is the one resource that is already heavily disturbed already. As the DEIS concedes the study area already accounts for more than 90% of the state's criteria pollutant emissions from oil and gas due to the heavy concentration of this industry in the Uinta Basin. The area is particularly polluted in terms of its statewide contribution for pollutants such as Nitrogen oxides, sulfur dioxide, VOCs, benzene and POMs. Unfortunately this has likely led to several areas being in violation of NAAQS such as in the Roosevelt, UT area for ozone. The FEIS should fully analyze the impacts from this project and other area</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix R, <i>Other Projects and Actions Considered in the Cumulative Impacts Analysis</i>, which includes information regarding cumulative impacts for air quality from past, present, and reasonably foreseeable future actions, including reasonably foreseeable oil and gas development projects. No changes to the Draft EIS are warranted in response to this comment.</p>

<p>projects' cumulative effects on air quality and global climate change. The multitude of different oil and gas projects within the Uinta Basin in conjunction with the proposed rail way should be included in an emissions index to determine the combined impact on local air quality and global climate change.</p>	
<p>Marc Bubar (UBR-DEIS-00430-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>Increase in Uinta Basin Oil Production? - The EIS must consider the increase in production of fossil fuels that will be a direct result of the railway operations. The railway could increase oil production in the Uinta Basin by up to four times the current level. The EIS needs to consider the full impact that the new exploration, drilling, production and eventual combustion of fossil fuels will have on the environment, wildlife, and nearby communities.</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin, including cumulative impacts on wildlife and local communities. Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>
<p>Marc Bubar (UBR-DEIS-00430-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>Climate Change ?- The proposed railway is intended to facilitate the vast expansion of oil, gas, and other fossil fuels in the Uinta Basin to distant markets. Without the railway, these fuels have nowhere to be sold, and thus, cannot be developed. This increase in oil production --potentially four times the current amount-- will contribute irreversibly to greenhouse gas emissions and climate change. Our climate is already at a tipping point, we must not allow an expansion of fossil fuel development on this scale.</p>	<p>OEA notes the commenter's concern about greenhouse gas emissions from increased oil production. Please refer to Chapter 1, <i>Purpose and Need</i>, which explains that the Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide oil shippers and other shippers with a viable alternative to trucking. Please also refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding potential pollutant emissions and GHG emissions associated with future oil and gas development in the Basin. No changes to the Draft EIS are warranted in response to this comment.</p>
<p>Marc Bubar (UBR-DEIS-00430-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>Air Quality ?- Air pollution in the Uinta Basin already exceeds federal standards because of existing oil and gas development in the region -- by increasing oil and gas development, this project would make it worse.</p>	<p>OEA notes the commenter's concern about air pollution in the Uinta Basin. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, in the Final EIS, which include information regarding potential pollutant emissions associated with future oil and gas development in the Basin and modeled pollutant levels in relation to the NAAQS. No changes to the Draft EIS are warranted in response to this comment.</p>

Duchesne County, Mike Hyde (UBR-DEIS-00436-49)	
Comment	Response
Page 3.15-11 Below Table 3.15-4: In addition to the major roadways, vehicles used for terminal construction would also use a network of local roads, anticipated to include Leland Bench Road, 7500 E, AR-88, and Sandwash Road/6000 W/[strike through: 5888W]. [Bold: Comment: There is no road designated 5888 West in Duchesne County. Also, AR-88 is not familiar to us (perhaps it should be SR-88 (the state highway connecting US 40 and Ouray)?]	To address this comment, OEA has revised Subsection 3.15.5.1, <i>Vehicle Safety and Delay</i> , and Subsection 3.15.5.14, <i>Environmental Justice</i> , in the Final EIS to replace 5888 W with the correct roadway name, 5880 W. AR-88, which is also known as 7500 E, connects Fort Duchesne and Randlett in western Uintah County. During OEA's consultation with the Ute Indian Tribe, the Ute Indian Tribe referred to this road as AR-88, which is one of the roads tribal members are concerned would have increased traffic and road damage associated with rail terminal construction and operations. OEA has revised Subsection 3.15.5.1 and Subsection 3.15.5.14 in the Final EIS to clarify that AR-88 and 7500 E are the same road. Therefore, no changes to the Draft EIS are warranted in response to this comment.
Duchesne County, Mike Hyde (UBR-DEIS-00436-50)	
Comment	Response
Page 3.15-12 Below Table 3.15-5: Near the rail terminals, these roads include Leland Bench Road, 7500 E, AR-88, and Sandwash Road/6000 W/[strike through: 5888 W]. [Bold: Comment: There is no road designated 5888 West in Duchesne County. Also, AR-88 is not familiar to us (perhaps it should be SR-88 (the state highway connecting US 40 and Ouray)?]	Please refer to response to Comment UBR-DEIS-00436-49 above.
Duchesne County, Mike Hyde (UBR-DEIS-00436-51)	
Comment	Response
Page 3.15-15 Other Projects and Actions: Construction of reasonably foreseeable projects within the cumulative impacts study area, including the Duchesne County Myton Main Street Project, US 40 Improvement Project, [strike through: removal of the Indian Canyon Guard Station], and additional road improvement projects (Figure 3.15-1, Items 4 to 15) could occur during the same time frame as construction of the proposed rail line, resulting in an increase in vehicle traffic. [Bold: Comment: Removal of the Indian Canyon Guard Station is not a road project and will create negligible traffic as it is a small demolition project.]	To address this comment, OEA has revised Subsection 3.15.5.1, <i>Vehicle Safety and Delay</i> , in the Final EIS to delete the Indian Canyon Guard Station removal project from the list of reasonably foreseeable projects that would generate increased vehicle traffic.
Duchesne County, Mike Hyde (UBR-DEIS-00436-52)	
Comment	Response
Page 3.15-19 Wildlife: Impacts on habitat would result from vegetation removal for road construction, pad installation, and ditch digging. [Bold: Comment: It is common in this area for oil	To address the concern regarding ditches, OEA has revised Subsection 3.15.5.4, <i>Biological Resources</i> , in the Final EIS to provide a more general description of actions that would remove vegetation.

and gas pipelines to be laid on the surface rather than in an excavated ditch.]	
Duchesne County, Mike Hyde (UBR-DEIS-00436-53)	
Comment	Response
Page 3.15-20 Wildlife: In addition, reclamation is required for all oil and gas development once pumping stops, including on all federal lands, where most of the oil and gas development will likely occur. [Bold: Comment: Most of the oil and gas development will not necessarily occur on federal lands. Data from the Utah Division of Oil, Gas and Mining shows that, as of November 20, 2020, there are 4,314 producing crude oil wells in the state, of which 1,735 are on tribal leases, 1,358 on federal leases, 990 on private land leases, 222 on state leases and 9 on multiple lease types (see https://oilgas.ogm.utah.gov/oilgasweb/statistics/well-counts.xhtml). In Duchesne County, crude oil production has historically been split roughly 1/3 from federal, tribal and private lands.]	To address the concern regarding the statement that most well development would occur on federal lands, OEA has revised Subsection 3.15.5.4, <i>Biological Resources</i> , in the Final EIS to remove this part of the sentence.
Duchesne County, Mike Hyde (UBR-DEIS-00436-54)	
Comment	Response
Page 3.15-20 Wildlife: However, similar to the discussion for oil and gas development, the proposed rail line's contributing impacts on wildlife are not anticipated to be extensive due to the limited overlap of the [strike through: of the] proposed rail line cumulative impacts study area;	OEA has corrected the editorial error in Subsection 3.15.5.4, <i>Biological Resources</i> , in the Final EIS by removing the duplicative instance of words "of the."
Duchesne County, Mike Hyde (UBR-DEIS-00436-55)	
Comment	Response
Page 3.15-21 Vegetation: In addition, reclamation is required for all oil and gas development once pumping stops, including on all federal lands, where most of the oil and gas development will likely occur. [Bold: Comment: Most of the oil and gas development will not necessarily occur on federal lands. Data from the Utah Division of Oil, Gas and Mining shows that, as of November 20, 2020, there are 4,314 producing crude oil wells in the state, of which 1,735 are on tribal leases, 1,358 on federal leases, 990 on private land leases, 222 on state leases and 9 on multiple lease types (see https://oilgas.ogm.utah.gov/oilgasweb/statistics/well-counts.xhtml). In Duchesne County, crude oil production has historically been split roughly 1/3 from federal, tribal and private lands. Regardless of the land status, reclamation will occur at all oil and gas sites.]	To address the concern regarding the statement that most well development would occur on federal lands, OEA has revised Subsection 3.15.5.4, <i>Biological Resources</i> , in the Final EIS to remove this part of the sentence.

Duchesne County, Mike Hyde (UBR-DEIS-00436-56)	
Comment	Response
Page 3.15-25-26 Other Projects and Actions: Both the removal of the Indian Canyon Guard Station and the Gateway South Transmission line would be constructed on geologic units subject to slope failure and on soils subject to soil erosion. [Bold: Comment: Removal of the Indian Canyon Guard Station is not a construction project (it is a small demolition project) and will have no impact on geology, soils, seismic hazards and hazardous waste sites.]	To address this comment, OEA has revised Subsection 3.15.5.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste Sites</i> , in the Final EIS to delete the Indian Canyon Guard Station removal project from the list of reasonably foreseeable projects that would contribute to cumulative impacts on geology, soils, and seismicity.
Duchesne County, Mike Hyde (UBR-DEIS-00436-57)	
Comment	Response
Page 3.15-28 Wells and Infrastructure Emissions: OEA assumed that total the oil and gas development in the Basin would not increase above baseline levels by more than would be required to meet the high oil production scenario. [Bold: Comment: This sentence should be re- worded for clarity.]	To address this comment, OEA has revised Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , in the Final EIS to clarify the text.
Duchesne County, Mike Hyde (UBR-DEIS-00436-58)	
Comment	Response
Page 3.15-31 Cumulative Air Quality Effects: The Monument Butte development would be located in the Basin in Duchesne County, [strike through: southeast of Duchesne County and] south of Myton, and would extend eastward about [strike through: 25] [bold and underline: 5] miles into Uintah County. [Bold: (See map of the proposal at: https://eplanning.blm.gov/public/projects/nepa/62904/75386/83254/MonumentButteProposedActionMap.pdf .)]	OEA has revised Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , in the Final EIS to indicate the correct location of the Monument Butte development.
Duchesne County, Mike Hyde (UBR-DEIS-00436-59)	
Comment	Response
Page 3.15-38 Oil and Gas Development: To the extent that tribal resources, above-ground archaeological resources (e.g., rock imagery), and/or built environment resources are present within the footprint of the new infrastructure, these resources would also be damaged or destroyed by construction. [Bold: Comment: Such above-ground resources should be easy to avoid as the final route is engineered.]	If the Board were to authorize construction and operation of the proposed rail line, impacts on historic properties would be avoided, minimized, or mitigated pursuant to the executed PA (see Appendix O, <i>Programmatic Agreement</i>). Therefore, no changes to the Draft EIS are warranted in response to this comment.
Duchesne County, Mike Hyde (UBR-DEIS-00436-60)	
Comment	Response
Page 3.15-49 Vehicle Safety and Delay: Local roads near the rail terminals include Leland Bench Road, 7500 E, AR88, and Sandwash Road /6000 W/[strike through: 5888W]. [Bold: Comment: There is no road designated 5888 West in Duchesne County. Also,	Please refer to response to Comment UBR-DEIS-00436-49 above.

AR-88 is not familiar to us (perhaps it should be SR-88 (the state highway connecting US 40 and Ouray)?]	
Cody Perry (UBR-DEIS-00438-2)	
Comment	Response
Local communities are already impacted by seasonal air quality and Ozone non-attainment, the basin routinely violates federal clean air standards. Ozone pollution can cause reduced lung function and asthma attacks, causing visits to emergency rooms and even premature death. The study fails to address the cumulative impacts the railway will have contributing to air quality issues and the disproportionate impacts suffered by area residents.	Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , and Appendix M, <i>Air Quality Emissions and Modeling Data</i> , in the Final EIS, which include information regarding potential pollutant emissions associated with future oil and gas development in the Basin and modeled pollutant levels in relation to the health-based NAAQS. No changes to the Draft EIS are warranted in response to this comment.
Uintah County Commission, Ross Watkins (UBR-DEIS-00440-6)	
Comment	Response
Terminus at Leland Bench The terminus in Uintah County is located in the Heavy Industrial zone. This particular area is especially conducive for uses that have a heavy impact on the land. Allowed uses include construction camps, landfills, heavy manufacturing, oil refineries, power plants, produced water disposal facilities, and salvage yards, etc. Because of the remote location, separation from water sources, distance from residential areas, and lack of vegetation, this area provides an excellent setting for highly impactful uses such as the railroad terminus.	Please refer to Section 3.15, <i>Cumulative Impacts</i> , which includes information regarding the rail terminals. The new rail terminals are not part of the Coalition's proposal and would not be subject to the Board's decision-making process. The Coalition has stated that it anticipates third parties would construct and operate the new rail terminals if the proposed rail line is authorized. The developers of the rail terminals would need to adhere to applicable state and local regulations, including demonstrating the rail terminals are consistent with local zoning regulations. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, and no revisions are necessary.
William Newmark (UBR-DEIS-00451-0012-1)	
Comment	Response
Air quality in the Uinta Basin is already very poor and the construction of a railway will further worsen air quality. This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities. The new production resulting from the railway expansion - potentially four times the current amount - will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point, so we need to sharply reduce fossil fuel use instead of expanding it. The railway's emissions will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of existing oil and gas development	Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes information regarding potential pollutant emissions and GHG emissions associated with future oil and gas development in the Basin. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.

Jay Ginrich (UBR-DEIS-00463-2)	
Comment	Response
Increasing Uinta Basin Oil Production - The EIS does not analyze the increase in production of fossil fuels as a direct result of the railway operations. The railway will increase oil production in the Uinta Basin by up to four times the current level. The EIS does not consider the full impact that the new exploration, drilling, production and eventual combustion of fossil fuels will have on the environment, wildlife, and nearby communities.	Please refer to Section 3.15, <i>Cumulative Impacts</i> , for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin, including cumulative impacts on wildlife and local communities. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i> , and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i> .
Jay Ginrich (UBR-DEIS-00463-5)	
Comment	Response
The impacts of increased production of shale oil and bitumen oil are not considered regarding their effects on ground and surface water- in the long and short term. Water can be contaminated with solvents used to remove oil from bitumen to pollute the Green, White, and Colorado rivers. Fracking of oil sands will require vast amounts of water. The effects of the fracking and water withdrawals are not considered.	Please refer to Subsection 3.15.5.3, <i>Water Resources</i> , which includes the information regarding the impacts of the proposed rail line and potential future oil and gas development in the Basin in the context of cumulative impacts. OEA has revised that subsection by adding language describing impacts on groundwater that could result from potential future oil and gas development in the Basin. Because OEA does not anticipate the proposed rail line would have adverse effects on groundwater, there would be no contribution to cumulative groundwater impacts from construction and operation of the proposed rail line. The proposed rail line's contribution to surface water impacts when combined with oil and gas development surface water impacts are considered in Subsection 3.15.5.3, <i>Water Resources</i> . OEA did not assess the potential impacts that could result from extraction of oil from bitumen or oil sands because bitumen and oil sands development projects in the Basin are not reasonably foreseeable and, therefore, would not contribute to cumulative environmental impacts when considered along with construction and operation of the proposed rail line.
U.S. Army Corps of Engineers, Sacramento District, Jason Gipson (UBR-DEIS-00481-3)	
Comment	Response
Cumulative Impacts - Rail Terminals: The Rail Terminals Section indicates that if the Coalition were to construct and operate the proposed rail line, OEA anticipates that new rail terminals would be constructed at the terminus points near Myton and Leland Bench to transfer commodities between trucks and rail cars. Based on discussions with the applicants, at this time terminals are not being proposed as part of the railroad. The applicants have indicated that mobile loading/offloading is common practice when no additional infrastructure construction is proposed for railroad projects. The	Based on the information provided by the Coalition, including the quantities of crude oil the Coalition anticipates hauling on the proposed rail line (130,000 to 350,000 barrels per day), OEA believes it is reasonably foreseeable that new rail terminals would be constructed for loading crude oil onto trains. OEA does not believe it is reasonably foreseeable for mobile loading facilities to load on to trains the quantities of oil the Coalition anticipates would be carried on the proposed rail line daily. A typical tanker truck that would be used for mobile loading can hold approximately 8,000 gallons (190

<p>Corps recommends the inclusion of a discussion in the EIS of the mobile loading/offloading approach that would avoid the necessity of constructing additional auxiliary facilities associated with the railroad.</p>	<p>barrels) of crude oil, and a train tank car can hold 28,000 to 30,000 gallons (665 to 715 barrels). Thus, it would require 3 to 4 trucks to load each tank car using mobile facilities, which equates to approximately 680 to 1,900 trucks per day. OEA does not believe it would be practical for the mobile loading facilities to pump crude oil from this number of trucks on to the proposed rail line to meet the Coalition’s anticipated daily volume of crude oil to be hauled. Furthermore, the Coalition has not informed OEA that it plans to designate mobile loading areas. In the event that some mobile loading facilities are used for loading oil on to trains, there is typically no fixed infrastructure that would be required. The crude oil is pumped from the trucks directly into the railway tank cars using mobile pumps mounted on wheels that are towed behind pickup trucks to where they are needed. There would be no storage tanks, loading racks, or piping in place. Therefore, any cumulative impacts from the use of mobile loading facilities would be associated with tanker truck traffic, which is already captured in the analysis of cumulative impacts for rail terminal operations.</p> <p>While OEA does not see mobile offloading facilities as reasonably foreseeable, OEA does believe the terminals are reasonably foreseeable. Although the exact location, number, and size of future rail terminals or transfer locations are unknown, OEA has assumed that two terminals would be constructed at the proposed rail line terminus points near Myton and Leland Bench. These terminus points were selected because they would provide access to areas of potential shipper and/or receiver interest. Specifically, the points are anticipated to facilitate access to the railway due to proximity to traffic sources; topography and location; and surrounding land uses. In light of these factors, OEA concludes that rail terminals at these locations are reasonably foreseeable and has analyzed them in Section 3.12, <i>Cumulative Impacts</i>.</p>
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U.S. Army Corps of Engineers, Sacramento District, Jason Gipson (UBR-DEIS-00481-4)	
Comment	Response
<p>Cumulative Impacts - Growth Inducement Associated with Railroad Alignments: The Oil and Gas Development Section indicates that the proposed railroad would have the capacity to ship between 130,000 and 350,000 barrels of oil each day. All oil transported would be from new production. Existing wells would be used for the additional oil to be extracted. However, the new production would result in the need to drill between 49 and 131 new wells annually to replace depleted wells. Ancillary facilities (e.g. access roads,</p>	<p>Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p> <p>Please also refer to Subsection 3.15.5.3, <i>Water Resources</i>, for a discussion on cumulative impacts on water resources as they relate to oil and gas development. The oil and gas development cumulative impact discussion for water resources is qualitative because OEA does not know the exact</p>

<p>electric power distribution lines, well pads, surface or subsurface pipelines, storage tanks, etc.) would need to be constructed to support the new oil field developments. Section 3.15.5.3 - Water Resources indicates that cumulative impacts would depend on the selected alternative (i.e. Indian Canyon, Wells Draw, or Whitmore Park) and the relative location of the future oil and gas wells. This section also indicates that the STB's OEA expects that impacts to waters resources would be avoided or minimized as part of any federal, state, and local permitting requirements. The Corps agrees that construction of the railroad would promote future development along the selected alignment that would not otherwise occur. Development of the area could constitute a cumulative impact to waters of the U.S. This aspect of cumulative impact caused by growth inducement from the railroad alignments has not been sufficiently evaluated and should be more thoroughly addressed in the draft EIS.</p>	<p>locations of oil and gas well development, other than they are likely to be within the designated oil and gas fields. As stated in Subsection 3.15.5.3, <i>Water Resources</i>, the extent of the cumulative impacts would depend on the location of an oil or gas well relative to the Action Alternatives, with a greater potential for a cumulative impact if oil and gas development is near an Action Alternative (i.e., same subwatershed). Past and ongoing oil and gas well construction and operation projects have resulted in ground clearing, soil erosion, placement of fill material, installation of culverts in access roads, use of equipment, and maintenance (e.g., vegetation management) that have affected water resources throughout the cumulative impacts study area. Similar activities from foreseeable future oil and gas development would similarly affect water resources; the impact types and mechanisms that would affect water resources from oil and gas development are generally similar to those that would occur from the proposed rail line (Subsection 3.3.3.1, <i>Impacts Common to All Action Alternatives</i>). Because future oil and gas projects would be subject to applicable federal, state, and local permitting, cumulative impacts on water resources would be avoided or minimized through compliance with state and federal laws and regulations that protect water resources, including, but not limited to, CWA Sections 401, 402, 404, and National Flood Insurance Program and local floodplain management regulations.</p>
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U.S. Army Corps of Engineers, Sacramento District, Jason Gipson (UBR-DEIS-00481-5)

Comment	Response
<p>Cumulative Impacts - Past, Present, and Reasonably Foreseeable Future Actions: The water resources cumulative impacts study area is defined as the Hydraulic Unit Code (HUC) 10 watersheds that would be crossed by the proposed rail line. Although Figure 3.15-1. depicts past, present, and reasonably foreseeable future actions for the alignments, the Corps recommends including a map that clearly depicts the water resources cumulative impacts study area in the draft EIS</p>	<p>Please refer to Subsection 3.15.5.3, <i>Water Resources</i>, which references Figure 3.3-1 for the HUC 10 watersheds that make up the cumulative impacts study area for water resources. Figure 3.15-1 depicts past, present, and reasonably foreseeable actions, and adding cumulative impacts study areas would make the figure difficult to read and to discern between projects and study areas. Therefore, no changes to the Draft EIS are necessary.</p>

Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-9)

Comment	Response
<p>3.7 Air Quality and Greenhouse Gases. This section does a good job of analyzing direct impacts of the railway construction and operations. It ignores a major indirect effect. Part of the promise of the railway is it will facilitate increased oil production in the Uinta Basin by a factor of 2 to 5 times. The Uinta Basin is already in non-attainment status for air quality, primarily due to oil and gas extraction. It</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which include information regarding potential pollutant emissions associated with potential future oil and gas development in the Basin and modeled pollutant levels in relation to the NAAQS. Please also refer to Summary Response 3: <i>Consideration of Impacts from</i></p>

is hard to imagine tripling the production of oil and meeting Clean Air Act standards	<i>Oil and Gas Development as Cumulative Impacts</i> , which explains why OEA appropriately considered potential impacts from future oil and gas production in the Basin in the context of cumulative impacts. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Susan Kuehn (UBR-DEIS-00504-2)	
Comment	Response
Increase in Uinta Basin Oil Production? - The EIS must consider the increase in production of fossil fuels that will be a direct result of the railway operations. The railway could increase oil production in the Uinta Basin by up to four times the current level. The EIS needs to consider the full impact that the new exploration, drilling, production and eventual combustion of fossil fuels will have on the environment, wildlife, and nearby communities.	Please refer to Section 3.15, <i>Cumulative Impacts</i> , for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin, including cumulative impacts on wildlife and local communities. Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i> , and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i> .
Wasatch Clean Air Coalition/Dlbsigma Consulting, Deborah Burney-Sigman (UBR-DEIS-00548-4)	
Comment	Response
In section 3.15.4.1, OEA developed two potential scenarios based on the Coalition's estimate of the train's shipping capacity for crude oil. These two scenarios, 130,000 barrels per day and 350,000 barrels per day, are both significant increases over that of 2014 - 2019's typical 80,000 - 90,000 barrels/day. [Footnote 4: Utah Division of Oil, Gas, and Mining Oil Production by County https://oilgas.ogm.utah.gov/oilgasweb/statistics/oil-prod-by-cnty.xhtml accessed Jan 27, 2021. Uinta Basin production was estimated by adding the production of Duchesne and Uintah Counties for each year. In 2014 - 2019 production ranged between approximately 28 million barrels/year and 33 million barrels/year. Barrels per year are converted to barrels/day by dividing by 365.] Although it is reasonable to expect that the railroad will make oil reserves more attractive for development, evaluating the actual extent to which development will be stimulated is beyond the scope of these comments: the scenarios are taken as offered. At issue is this question: will oil production induced by the Uinta Basin Railway be likely to prevent attainment, or even exacerbate the Uinta Basin nonattainment status? These comments do not treat the conclusion as foregone. Instead, these comments wish to direct the Board's attention to the ozone issue of the Uinta Basin, and point out the necessity of accommodating the potential for ozone to be an impact of the Railway.	Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , and Appendix M, <i>Air Quality Emissions and Modeling Data</i> , which includes information regarding anticipated ozone levels associated with potential oil and gas development and construction and operation of the proposed rail line. OEA concludes that cumulative emissions of ozone precursors (VOC and NO _x) from the proposed rail line and potential future oil and gas development would not lead to exceedances of the ozone NAAQS. Existing exceedances of the ozone NAAQS from existing emissions in the region would still occur. Therefore, no changes to the Draft EIS are warranted in response to this comment.

Wasatch Clean Air Coalition/Dlbsigma Consulting, Deborah Burney-Sigman (UBR-DEIS-00548-5)	
Comment	Response
<p>The OEA's low-production scenario of 130,000 barrels per day was tangentially addressed in the ARMS-2017 study. The study assumed a 2017-level implementation of NSPS and Utah rules and standards and oil production levels including roughly 4 million barrels per month (130,000 barrels/day would be approximately 4m bbl/mo). This scenario was predicted to give rise to high ozone in Duchesne County, but not necessarily an ozone exceedance, in 2025. This is useful and encouraging, and a testament to the collective measures implemented by 2017 to reduce emissions. However, these results cannot and should not be taken to mean that the matter is resolved. For one, the predictive model is still a work in progress. The mathematics and algorithms are extremely complex in order to be sensitive to the myriad factors of emission types, emissions locations, chemical pathways in open air with different precursor levels, etc. Those algorithms continue to evolve. For another, the output can only be as certain as the input. It is difficult enough to identify and measure a gas leak at one location on a given day; it's another matter to predict and quantify gas leaks over thousands of locations five years in the future. This is, however, the task at hand. Third, the OEA low-production scenario was lightly touched upon in ARMS-2017 runs, but it was near the outer limits of production ranges evaluated. Higher-production scenarios could involve twice or more the associated emissions. Furthermore, project-specific predictions were not the intent nor scope of the study. Model runs to address our questions would need to be attuned to do so. Since the Uinta Basin is already in jeopardy of more severe ozone nonattainment designation, which carries both economic and health implications, we must proceed with caution and take necessary countermeasures.</p>	<p>The modeling completed for the Monument Butte EIS was based on ARMS Modeling Project (BLM 2014), a comprehensive regional modeling study. The ARMS Modeling Project is a cumulative assessment of potential future air quality impacts associated with predicted oil and gas activity in the Basin. The ARMS Modeling Project provided the best available data for estimating the project impacts at the time the Draft EIS analysis had begun. OEA correctly applied this modeling to the cumulative analysis for the proposed rail line. The modeling used for the ARMS Modeling Project is in conformance with current USEPA guidance. In response to comments, OEA has also added two new mitigation measures (AQ-MM-8 and AQ-MM-9) to the Final EIS to mitigate air pollutant emissions in the Uinta Basin.</p>
Wasatch Clean Air Coalition/Dlbsigma Consulting, Deborah Burney-Sigman (UBR-DEIS-00548-6)	
Comment	Response
<p>[bold: These comments, therefore, make two recommendations.]1) [bold: Production scenarios of the completed railway need to be thoroughly evaluated for the likely ozone consequences.] The modeling performed for ARMS-2017 was a significant advance, but its results must not be over-interpreted to apply to this question. A dedicated modeling study for OEA's production scenarios must be undertaken. 2)If ozone levels will be predictably high, [bold: further mitigating steps will</p>	<p>The modeling done for the Monument Butte EIS was based on ARMS and was the best available for the purpose of estimating the proposed rail line impacts at the time the Draft EIS analysis was begun. OEA correctly applied this modeling to the cumulative analysis for the proposed rail line. The modeling used for the ARMS Modeling Project is in conformance with current USEPA guidance. Use of the Monument Butte EIS data provides a conservative assessment because it predicts higher</p>

<p>need to be recommended and implemented.] It is important to emphasize that new production tends to utilize practices at or above required standards. What is needed is an outline for how production increases can simultaneously demonstrate progress towards attainment for ozone.</p>	<p>emissions and impacts compared to the oil and gas development included in OEA's cumulative impact analysis. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which discusses OEA's use of ARMS and its application to cumulative analysis.</p>
Wasatch Clean Air Coalition/Dlbsigma Consulting, Deborah Burney-Sigman (UBR-DEIS-00548-7)	
Comment	Response
<p>Lastly, a word on fossil fuel extraction, climate, and the Uinta Basin's future economy. It is widely recognized that energy production will eventually shift towards types that are low-carbon and renewable. Consumption will likewise shift as consumer preferences continue to become more climate-conscious and the needed technology and infrastructure are brought online. Many stakeholders concerned about the Uinta Basin Railway are worried that its induced oil and gas production will have detrimental climate consequences. It is an important question for any major investment going forward. The analysis needed to address whether Basin fossil fuels production will add to-rather than displace-production from the global market would require expertise on global commodities well beyond that of these authors. The concern is therefore merely stated and not answered, and the STB may wish to perform the evaluation. A different but related final point is that the Railway is not restricted to carrying fossil fuels. The opportunity for the Uinta Basin to diversify its agricultural and manufacturing economies once given access to global markets may help the community adapt to shifts in the energy economy. The analysis of that impact, too, is a suggestion and beyond the analysis of these comments.</p>	<p>Please refer to Chapter 1, <i>Purpose and Need</i>, which includes an explanation of the Coalition's intention to operate as a common-carrier railroad; thus, the Coalition would be required to provide rail service to any shipper upon reasonable request. To the extent that the proposed rail line would be used to transport commodities other than crude oil, the availability of a rail transportation option could support the diversification of local economies in the Basin. At this time OEA is not aware of any specific plans by shippers of other commodities to request rail service on the proposed rail line.</p> <p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding cumulative impacts for air quality and GHGs, including potential GHG emissions associated with oil and gas development. OEA recognizes that displacement from other oil production could occur, and should displacement occur, the air quality and GHG impacts would be less than estimated; however, the potential amount of displacement is unknown. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding the conservative assumption of no oil production displacement.</p>
Uintah County Commissioners, Brad Horrocks (UBR-DEIS-00561-6)	
Comment	Response
<p>Terminus at Leland Bench The terminus in Uintah County is located in the Heavy Industrial zone. This particular area is especially conducive for uses that have a heavy impact on the land. Allowed uses include construction camps, landfills, heavy manufacturing, oil refineries, power plants, produced water disposal facilities, and salvage yards, etc. Because of the remote location, separation from water sources, distance from residential areas, and lack of vegetation, this area provides an excellent setting for highly impactful uses such as the railroad terminus.</p>	<p>Please refer to response to Comment UBR-DEIS-00440-6 above.</p>

Climate Health Now Physicians, Jeffrey Mann (UBR-DEIS-00581-1)	
Comment	Response
<p>As physicians, we are extremely concerned about the potential adverse health effects of the proposed Uinta Basin Railway. Completion of this project could increase oil production in the Uinta Basin by up to four times the current level. Oil and gas production has extensive, proven negative health risks, most of which are proportional to the amount of extraction taking place. In communities that live near oil and gas production, such as the Uinta Basin, elevated risks of cancer have been found, asthma rates are increased, and many different heart and lung conditions have been found to be worsened. Water pollution associated with oil and gas extraction has been shown to contaminate aquifers used for drinking water. In the Uinta basin, these are not just potential health risks, but previously studied and proven risks. Utah Physicians for a Healthy Environment have previously found, in a 2013 study, a rise in infant deaths and birth defects in the Uinta Basin at least six times the national average. A study in spring 2015 showed large amounts of volatile organic compounds (VOC's) in the atmosphere over the area. VOC's are a precursor to ozone or smog, which travels potentially hundreds of miles. VOC's are also known carcinogens, cause neurologic disorders and are endocrine disrupters.</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which include information regarding potential pollutant emissions associated with oil and gas development, including VOCs, and modeled pollutant levels in relation to the health-based NAAQS. Please also refer to Subsection 3.15.5.3, <i>Water Resources</i>, which includes information regarding water pollution impacts, and other impacts on water resources from oil and gas development. No changes to the Draft EIS are warranted in response to this comment.</p>
Climate Health Now Physicians, Jeffrey Mann (UBR-DEIS-00581-2)	
Comment	Response
<p>On a larger scale, increasing the amount of oil and gas extraction in the Uinta basin contributes to the worldwide climate crisis by the release of greenhouse gases. Greenhouse gases, which are generated with all aspects of oil and gas production, from extraction to refining and ultimately combustion, worsen people's health in numerous ways. Air pollution is worsened, which already contributes to 200,000 deaths in our country annually. Climate change causes heatwaves, droughts, and worsening of infectious diseases, all of which lead to increased human suffering and death. Residents in this region of Utah have already suffered enough health harms from oil and gas drilling. Please do not burden them with additional health hazards.</p>	<p>OEA notes the commenter's concern about air pollutant and greenhouse gas emissions and climate change. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes an assessment of GHG emissions and potential air quality impacts of the proposed rail line when combined with potential impacts from oil and gas development. No changes to the Draft EIS in response to this comment are needed.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-21)	
Comment	Response
<p>OEA has also chosen not to address the air quality impacts associated with a quadrupling of crude oil production in the Uintah Basin - an increase which</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding potential pollutant emissions and GHG</p>

has been shown, by the Coalition's own financial consultants - to be required in order to make the UBR financially viable. OEA cannot claim to have adequately evaluated the impacts of the project without also evaluating the accompanying increase in pollution from increased crude oil production	emissions associated with potential future oil and gas development in the Basin. No changes to the Draft EIS are warranted in response to this comment.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-25)	
Comment	Response
<p>CUMULATIVE IMPACTS Referencing 26 relevant projects and an alleged analysis of potential future oil and gas development, OEA indicates in S.4.4 that [italics: "Based on the cumulative impacts analysis, OEA concludes that the impacts of those projects in combination with the impacts of the proposed rail line could result in cumulative adverse impacts on water resources, biological resources, paleontological resources, land use and recreation, visual resources, and socioeconomics"] [Footnote 14: DEIS S-11 & S-12]. What is glaringly absent, however, is the proposed mitigation that would be required to properly and completely mitigate these cumulative impacts. Why?</p>	<p>Please refer to Chapter 4, <i>Mitigation</i>, which describes the mitigation measures that could be imposed to avoid, minimize, or compensate for potential adverse environmental impacts resulting from construction and operation of the proposed rail line. OEA's recommended mitigation measures and the Coalition's voluntary mitigation measures would address the proposed rail line's direct and indirect effects and would also minimize adverse cumulative impacts. The Board can only impose conditions that are consistent with its statutory authority over rail transportation by rail carriers under the Interstate Commerce Act, as amended by the ICCTA. Accordingly, any conditions the Board imposes must relate directly to the transaction before it, must be reasonable, and must be supported by the record before the Board. In this proceeding, the Board's power to impose mitigation extends only to the Coalition, as the railroad applicant, and to potential impacts that could be caused by the Coalition's proposed rail line. The Board does not have authority to regulate actions by other entities, impose mitigation on those entities, or impose mitigation on the Coalition to address actions by other entities, even if those actions could result in cumulative impacts when considered along with the proposed rail line. Development and implementation of mitigation for adverse impacts resulting from cumulative projects is the responsibility of the proponents for those projects, in cooperation with the approving agencies for those projects, and would be identified in their environmental documentation.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-38)	
Comment	Response
<p>Very little is known about the products that are proposed to be hauled, initially or in the future, on the proposed railway. The Coalition has attempted to allay public fears by stating that the crude oil that will be hauled will be in a semi-solid form when at temperatures below approximately 120 degrees Fahrenheit, thereby minimizing the possibility for spills and waterway contamination in the event of a train derailment. However, the Coalition is negotiating and planning to assist with utility</p>	<p>Chapter 3, Section 3.15, <i>Cumulative Impacts</i>, describes the new rail terminals that OEA anticipates would be constructed by third parties to transfer crude oil onto the proposed rail line for transportation to refineries outside of the Basin. At this time, OEA is not aware of any specific plans by shippers of other commodities to request rail service on the proposed rail line. To the extent that other commodities could be shipped on the rail line in the future, OEA anticipates other parties would</p>

<p>infrastructure the building of at least one refinery in the Uinta Basin, specifically in the Leland Bench area, covertly referred to as the Uintah Advantage Lube Oil Refinery. The construction and operation of this refinery will result in the transportation of distilled and refined hazardous chemicals on the proposed railway, which will dramatically increase the risk of injury and death to the public in the event of a derailment or collision, and will result in much greater risk of pollution and environmental destruction from hazardous materials and chemicals. There is also the possibility that liquefied natural gas may one day be transported on the proposed railway. There is also no guarantee whatsoever as to what may be transported on the railway in the future, be that toxic waste or any number of hazardous substances. Given the very close proximity of the Action Alternatives to several communities and residents in Duchesne County, a serious public safety concern accompanies the approval of either of these routes.</p>	<p>develop the facilities needed to transload these commodities. With regard to the Uintah Advantage Energy Association crude oil processing facility, based on information available to OEA during preparation of the Draft EIS, OEA did not consider the processing facility project advanced to the point that it could be considered reasonably foreseeable to be analyzed as part of the cumulative analysis. Since that time, OEA has reviewed additional information about the proposed refinery, including a State of Utah draft proposed groundwater discharge permit for the crude oil processing facility, and has now determined it is reasonably foreseeable that the project could be developed in the future. Therefore, OEA has revised Section 3.15, <i>Cumulative Impacts</i>, in the Final EIS to include the Uintah Advantage Energy Association crude oil processing facility in the analysis of other project contributions (described in Subsection 3.15.4.2, <i>Other Projects and Actions</i>) to cumulative effects. OEA is not aware of proposals by any other entities to develop facilities to facilitate the transportation of natural gas on the proposed rail line. OEA also believes that the transportation of natural gas on the proposed rail line would be unlikely because sufficient pipeline capacity already exists for the transportation of natural gas out of the Basin.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-39)

Comment	Response
<p>The Coalition and other project proponents have also falsely indicated to the public that truck traffic will be greatly reduced by the UBR, when in fact the opposite will be true. The Coalition and its consultants have indicated that crude oil production will increase from the current rate of 90,000 barrels per day (bopd) to 360,000 bopd and as high as 500,000 bopd. Such anticipated increases in oil production will result in exponential increases in heavy truck traffic on local, county, and state roads and highways to transport oil from well sites to transloading facilities. Local infrastructure in the Uinta Basin is ill-equipped and grossly inadequate to handle such increased traffic and heavy hauling, which undoubtedly poses an increased public safety risk. In addition, the Coalition claims that reduced heavy truck traffic and the resultant savings from reduced road maintenance is the primary public benefit for the project. This claim is categorically false! It is impossible to increase oil production by 400% and at the same time decrease heavy truck traffic. The DEIS deliberately failed to address or study the public safety and environmental impacts of these traffic increases.</p>	<p>Please refer to Subsection 3.15.5.1, <i>Vehicle Safety and Delay</i>, which quantifies the cumulative change in vehicle traffic resulting from the proposed rail line combined with increased oil and gas development and construction and operation of the rail terminals. OEA estimates there would be substantial increases in traffic on roadways in the study area. Although the distribution of traffic on roadways is not known, the impact on some local roadways could be significant. The EIS describes the safety and delay impacts on local roadways that may result in the absence of roadway improvements and the potential for road damage on roads associated with the increased vehicle trips from terminal construction and operation. Due to their larger capacity, OEA does not anticipate there would be significant impacts on roadway delay on the major roadways in the study area, including US 40, US 191, and US 6.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-41)	
Comment	Response
<p>Increased oil production due to the construction of the UBR will undoubtedly result in catastrophic decreases in air quality, from the proposed Uintah Advantage Refinery to the estimated 7 trains per day on the UBR, to the quadrupling of local truck traffic hauling from the wells to the transloading facilities, to the quadrupling of emissions from the oil wells themselves. Such impacts will be both the direct and indirect result of construction and operation of the proposed UBR. Without question, such increases in oil-related production and transportation emissions, in addition to the burning of these fossil fuels, will result in dramatic and measurable climate change. Such matters are well beyond my scope of experience, knowledge, and understanding, but nevertheless must be fully evaluated, quantified, and carefully weighed by the STB and OEA when considering approval of the proposed UBR.</p>	<p>Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Subsection 3.15.5.7, <i>Air Quality and Greenhouses Gases</i>, which discusses the potential contribution of future oil and gas production to cumulative air quality impacts. Regarding the Uintah Advantage Energy Association crude oil processing facility, please refer to response to Comment UBR-DEIS-00683-205. No changes to the Draft EIS are warranted in response to this comment.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-53)	
Comment	Response
<p>I am also extremely concerned with the resultant impact on drilling in the Uintah Basin should the railway be constructed and placed into operation. With estimates of 350,000 to 500,000 bopd the water resources required to support such production and drilling will be staggering. Careful consideration must be given to the long-term, far-reaching affects that this proposed railway will have on other resources.</p>	<p>Please refer to response to Comment UBR-DEIS-00463-5 above.</p>
Capitol Hill Action Group, Stanley Holmes (UBR-DEIS-00609-3)	
Comment	Response
<p>What we find most stunning, however, is the DEIS failure to take into consideration the local, regional, and global impacts of an infrastructure project whose intent is to facilitate a four-fold expansion of crude oil extraction and export. The DEIS pretends that the only air quality and greenhouse gas problems associated with UBR are short-term (during construction) and limited (locomotives hauling the oil). At current levels of oil and gas extraction, the Uinta Basin experiences periods of ozone pollution that violate EPA standards. UBR-driven drilling and mining increases would exacerbate the ozone noncompliance problem.</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which include information regarding potential pollutant emissions and GHG emissions associated with potential future oil and gas development in the Basin, including modeled pollutant levels in relation to the NAAQS. The estimated pollutant levels were based on the analysis described in the Monument Butte EIS, which drew on the data and results of the Utah ARMS Modeling Project (BLM 2014), a comprehensive regional modeling study. No changes to the Draft EIS are warranted in response to this comment.</p>

Capitol Hill Action Group, Stanley Holmes (UBR-DEIS-00609-4)	
Comment	Response
<p>The DEIS is perhaps most remiss in its avoidance of how the UBR would literally fuel global warming by dramatically increasing the Uinta Basin's hydrocarbon contribution to climate change. More oil pumped means more oil burned and more greenhouse gases put into the atmosphere. CHAG members understand the science of climate change and how fossil fuel usage represents a growing existential threat to our families and the nation. UBR represents a step in the wrong direction. That the DEIS fails to address the full range of UBR impacts is unconscionable.</p>	<p>OEA notes the commenter's concerns regarding climate change impacts. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding cumulative impacts for air quality and GHGs, including potential GHG emissions associated with oil and gas development. In response to comments, OEA Has revised Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> to include additional information about downstream end use emissions.</p>
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-3)	
Comment	Response
<p>The focus of the DEIS is the construction of the railway and the operation of trains. As such, the air quality impacts were assessed on that activity, with the associated truck traffic in section 3.7. There was also an evaluation on the increased oil and gas production that would be a probable by-product of the railway construction and its impact on air quality that is assessed in the Cumulative Impacts in section 3.15. The DEIS anticipates from 4-11 trains/day with 100 tank cars/train traveling this route. In general, it is acknowledged that the DEIS action pathway (i.e., construction of the tracks) will have an air quality impact, but not cause any greater number of NAAQS violations than what currently exists. In the DEIS, the regional air shed area that was evaluated was much larger than the current ozone nonattainment area. During wintertime inversions when high ozone events occur, there is little to no movement of air in or out of the area. Potential contributions of the NO_x and VOC precursors to the formation of ozone are significantly greater in the nonattainment area than when spread through the regional air shed, as was evaluated in the DEIS. The likelihood of an increased impact in the nonattainment area should be noted.</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which includes information regarding anticipated ozone levels associated with potential oil and gas development. The estimated pollutant levels were based on the analysis described in the Monument Butte EIS, which drew on the data and results of the Utah ARMS Modeling Project (BLM 2014), a comprehensive regional modeling study. The ARMS study used CMAQ, a photochemical modeling system, to predict impacts, accounting for the dispersion and chemical transformation of emissions at all distance scales and does not differentiate impacts based specifically on the nonattainment area boundary. The modeling accounted for the following.</p> <ul style="list-style-type: none"> • Locations of emissions. • The impacts at receptor locations in the nonattainment area due to dispersion of those emissions within the nonattainment area. • The impacts at receptor locations in the regional airshed due to the further dispersion of emissions from the nonattainment area. • The impacts at receptors in the nonattainment area and the regional airshed from emissions originating within the regional airshed, outside the nonattainment area. <p>Therefore, OEA concludes that the modeling accounted properly for the dispersion and transport of pollutants, and that cumulative emissions of ozone precursors from the proposed rail line and potential future oil and gas development would be lower than predicted for the Monument Butte project and would not lead to new exceedances of the ozone NAAQS. Existing exceedances of the ozone</p>

	NAAQS from existing emissions in the region would still occur.
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-22)	
Comment	Response
E. Cumulative Impacts The State appreciates the OEA's analysis of cumulative impacts contained thus far in the DEIS. As public comments on this section come in, the State asks that OEA work with the State to review public comment and identify whether or not any additional modeling or analysis is needed. The State looks forward to working with OEA to continue to review the models, data, and conclusions in this section and review the best available information to ensure that OEA has adequately analyzed cumulative impacts of this project.	OEA has consulted with cooperating agencies, including the State of Utah, throughout the EIS process (refer to Chapter 5, <i>Consultation and Coordination</i>). Following the public comment period on the Draft EIS, OEA made available to cooperating agencies all public comments received on the Draft EIS, consulted with cooperating agencies on public comments germane to their expertise during biweekly teleconferences and through additional outreach, and provided cooperating agencies the opportunity to review the administrative draft of the Final EIS, including the cumulative impacts analysis. OEA has revised Section 3.15, <i>Cumulative Impacts</i> , in the Final EIS based on its review of public comments in consultation with cooperating agencies.
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-26)	
Comment	Response
Future development and permitting of air emission sources in the Basin may be challenging due to the impact of reclassification and stricter requirements for the ozone nonattainment area. The Utah Division of Air Quality is committed to working with sources and operators to look for innovative and economically feasible solutions to the potential impact on air quality. The ability to continue to grow the oil and gas production in the Basin will require close cooperation among all regulatory agencies to not only decrease exceedances of the NAAQS, but to improve current air quality conditions.	OEA acknowledges the commenter's statements about future oil and gas development. OEA notes that the Board would have no role in regulating oil and gas production in the Basin because the Board is a federal transportation agency with jurisdiction over primarily freight rail. Because the comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-25)	
Comment	Response
Although the exact location, number, and size of future rail terminals are unknown, OEA has made the reasonable assumption for purposes of its NEPA cumulative impacts analysis that two terminals will be constructed at the Railway's terminus points near Myton and Leland Bench. These terminus points were selected because the Coalition believes that they provide access to areas of potential shipper and/or receiver interest. Specifically, as stated in the Coalition's Response to OEA's Information Request # 1 (April 19, 2019), the points are anticipated to facilitate access to the railway due to (1) proximity to traffic source; (2) topography and location; and (3) surrounding land uses. In light of these factors, it is reasonable for OEA to	This comment from the Coalition acknowledges OEA's assumptions and cumulative impacts analysis approach for the new rail terminals. The comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, and no revisions are necessary.

<p>anticipate rail terminals at these locations and to conduct its cumulative impacts analysis based on OEA's knowledge on how similar terminals have been constructed and operated across the country.</p>	
<p>Seven County Infrastructure Coalition, Mike McKee (UBR-DEIS-00666-26)</p>	
<p>Comment</p>	<p>Response</p>
<p>Accurately estimating downstream GHG emissions from crude oil production is a complex task involving numerous factors, including the amount of crude oil transported by the Uinta Basin Railway, how such oil would be distributed and used for energy or lubricating oils or petrochemicals, and the extent to which such oil would displace existing crude oil or fuel sources. The Coalition understands that OEA has chosen to simplify this complex task by making conservative assumptions that show the high-end of potential downstream emissions. However, it is important that the cumulative impacts analysis place these assumptions into context. The final EIS should make clear that the cumulative impacts analysis substantially overstates potential downstream GHG emissions and that, in reality, such emissions are likely to be much lower due to displacement of existing crude oil and fuel sources.</p>	<p>Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, in Section 3.15, <i>Cumulative Impacts</i>, provides information about GHG emissions from the downstream end use of crude oil. Because the Board would have no role in approving or regulating the production, refining, or use of crude oil, it would be inappropriate and speculative for OEA to attempt to predict the final end uses of crude oil transported on the proposed rail line or the percentage of that crude oil that could displace crude oil from other sources. Therefore, OEA calculated and reported the GHG emissions that would be associated with combustion of all crude oil that would be transported on the proposed rail line under the high oil production scenario. This approach assumes that all crude oil transported on the proposed rail line would be used as fuel and would not displace any crude oil from other sources. OEA acknowledges that this is a conservative assumption that may result in overstating downstream end use GHG emissions, and that downstream end use GHG emissions could be lower to the extent that crude oil transported on the proposed rail line would displace existing crude oil usage.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>The draft EIS fails to acknowledge the very purpose of the project, which is to ramp up crude oil production in the Uinta Basin, by providing a new and cheaper means of transporting crude outside the Basin. As a result, the draft EIS fails to acknowledge the reasonably foreseeable effects of accelerated oil drilling and production throughout the Basin, while at the same time stating that up to 350,000 barrels of oil per day could be exported via the new rail to out-of-state refineries, an amount far in excess of current production levels, and which, according to the SCIC, is not economically possible without the rail. By ignoring this reasonably foreseeable consequence of allowing a new crude oil transportation route, the draft EIS masks the air pollution, climate, and road safety impacts from increased oil drilling, production, and burning. Along similar lines, the draft EIS entirely fails to consider the reasonably foreseeable indirect and cumulative effects of increased tars sands and oil</p>	<p>Please refer to Section 3.15, <i>Cumulative Impacts</i>, for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin. Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p> <p>Please also refer to Chapter 1, <i>Purpose and Need</i>, for a description of the Coalition's purpose for the proposed rail line, which is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. The EIS acknowledges that shippers would use the proposed rail line primarily to transport crude oil.</p> <p>Section 3.15, <i>Cumulative Impacts</i>, discusses how OEA identified reasonably foreseeable projects. OEA consulted with BLM, the Forest Service, and other</p>

<p>shale production that would be facilitated by the project.</p>	<p>federal, state, and local agencies, and tribes to identify potential cumulative actions, including tar sands and oil shale development. Currently, there are no leases of oil shale or tar sands in the region and no proposed production; therefore, such development is not reasonably foreseeable. To be included as a cumulative project, planning and permitting for other actions should be advanced to the point that the action is reasonably foreseeable, and discussion of a potential for oil shale or tar sands would not meet that threshold for inclusion as a cumulative project.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-9)

Comment	Response
<p>II. The EIS Fails to Acknowledge the Railway's Impacts of Increasing Crude Production in the Uinta Basin The DEIS fails to acknowledge that the purpose of the rail is to increase crude oil production in the Basin by providing a cheaper alternative to shipping Uinta crude oil outside the Basin, and thereby increasing crude oil demand and production in the Basin. As a result, the DEIS does not acknowledge various indirect impacts, including air pollution, water depletion and contamination, and wildlife habitat degradation from increased oil drilling, fracking, and oil production. "Indirect effects" are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8. [Footnote 4: This action is governed by the Council on Environmental Quality's 1978 regulations, as amended and as in force in 2019, and so all references herein are to those rules. Although CEQ issued a final rulemaking in July 2020 fundamentally rewriting those regulations, the new rules apply only "to any NEPA process begun after September 14, 2020," or where the agency has chosen to "apply the regulations in this subchapter to ongoing activities." 40 C.F.R. § 1506.13 (2020). The Uinta Basin Railway NEPA process was begun before September 2020, and the DEIS nowhere indicates that it has chosen to apply the 2020 rules to this project. In addition, the changes made to the rules are unlawful, and the current administration is now reviewing the illegitimacy of the 2020 regulations.] Courts have found that fossil fuel extraction and consumption induced by a federal action are reasonably foreseeable, indirect effects. See, e.g., <i>N. Plains Res. Council, Inc. v. Surface Transp. Bd.</i>, 668 F.3d 1067, 1081-82 (9th Cir. 2011) (finding that NEPA review must consider induced coal production at mines, which was a reasonably foreseeable effect of a project to expand a railway line that would carry coal, especially where</p>	<p>Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>

<p>company proposing the railway line anticipated induced coal production in justifying its proposal); <i>Mid States Coal. for Progress v. Surface Transp. Bd.</i>, 345 F.3d 520, 549-50 (8th Cir. 2003) (environmental effects of increased coal consumption due to construction of a new rail line to reach coal mines was reasonably foreseeable and required evaluation under NEPA). Here, it is reasonably foreseeable that the railway will lead to increased oil production in the Uinta Basin.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-11)

Comment	Response
<p>The DEIS evades analysis of the increase in oil production facilitated by the rail by suggesting that increased production would depend solely on "global crude oil and capacity at oil refineries" and not on development of the railway: The actual volumes of oil that would move over the proposed rail line would depend on the [italics: demand for crude oil from the Basin, which is determined by global crude oil prices and capacity at oil refineries.] DEIS 2-35. However, the EIS must acknowledge that demand for crude oil from the Basin would also be determined by the price of [italics: Uinta] crude, which is influenced in part by the costs of transporting it outside the Basin. The SCIC attributes the current Uinta crude price "discount" to the existing "lack of adequate transportation in the Basin," and has claimed that development of the rail would lead to expansion of production by eliminating this price discount. [Footnote 16: SCIC Petition for Exemption at 39-40.] Thus, the EIS must acknowledge that developing the rail would enable the desired price increase and demand and increased production of Uinta crude. The failure to acknowledge this indirect effect infects the entire EIS, by masking significant impacts associated with expanded oil production in the Basin, which would be enabled by development of the rail. For example, the DEIS's discussion of air quality impacts fails to analyze the exhaust emissions from increased local truck traffic between oil fields and the rail terminal, even while admitting that increased truck traffic would result from construction of the rail. Further, it illogically claims that an increase in exhaust emissions would only be caused by an increase in oil production and would be entirely independent of the rail: Depending on market conditions, including the price of crude oil, the production of crude oil in the Basin could increase significantly in the future. [italics: If the proposed rail line were constructed, trucks would likely transport much of the additional crude oil to the rail terminals near Myton and Leland Bench. This would increase local truck traffic</p>	<p>Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p> <p>Trucking of crude oil to the rail terminals is discussed in Section 3.1, <i>Vehicle Safety and Delay</i>. Emissions from trucking of crude oil to the rail terminals are included in Appendix M, <i>Air Quality Emissions and Modeling Data</i>. This appendix provides information on truck trips per day, trip distance, emissions factors, daily emissions, and annual emissions from crude oil trucking to terminals.</p> <p>The EIS accounts for increased emissions (including truck exhaust) from the oil production that is made possible by the rail line. These increased emissions are included in the cumulative impact scenario. However, the increased production and emissions made possible by the proposed rail line would be limited by the capacity of the rail line to transport crude oil. If future market conditions favor increased oil production, beyond the capacity of the rail line to transport crude oil, then any impacts of such production would not be related to the proposed rail line and would not be accumulative impacts of the rail line.</p>

<p>and truck exhaust emissions.] Because increased crude oil production in the Basin is not part of the Coalition's proposed action and because the Board has no jurisdiction over and no way to predict future oil development in the Basin, an assessment of increased exhaust emissions from local truck traffic in the Basin would not be appropriate in this section. DEIS 3.7-12 (emphasis added).</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-12)

Comment	Response
<p>Oddly, however, in analyzing the project's rail traffic and operations, the DEIS assumes that the rail would transport anywhere from 130,000 barrels and 350,000 barrels of oil per day- an amount that far exceeds existing production levels by roughly 30% to four times existing levels-and would entail "a daily average of 3.68 to 9.92 and loaded and empty oil trains on the proposed rail line." [Footnote 17: Surface Transportation Board, Office of Environmental Analysis, Uinta Basin Railway Draft Environmental Impact Statement (Oct. 2020) ("DEIS"), http://www.uintabasinrailwayeis.com/DocumentsAndLinks.aspx at 2-35.] These forecasts are inconsistent with the DEIS's statement that the Board has "no way to predict future oil development in the Basin." Moreover, for purposes of analyzing rail traffic, the DEIS states that rail construction would result in up to 10 trains of oil train traffic along the rail each day, which necessarily assumes "increased crude oil production" in the Basin. [Footnote 18: See id.] On the other hand, for purposes of analyzing air quality impacts, the DEIS illogically assumes that any increases in local truck traffic to transport crude oil from oil fields to the rail terminal would not result from rail construction but from "increased oil production," which "is not part of the Coalition's proposed action." But increased oil production would be an [italics: indirect effect] of the Coalition's proposed action, which in turn would generate [italics: both] the truck traffic to the railway and the resulting oil train traffic out of the Basin. The EIS must be revised to correct its inconsistent assumptions and flawed reasoning. The DEIS's cumulative impacts analysis, which discusses the impacts of higher levels of oil and gas development associated with transporting greater amounts of oil outside the Basin, does not cure the flawed analysis. This discussion treats the impacts from increased oil and gas development as if they would not be effects of the project, especially with respect to air quality impacts as noted above.</p>	<p>As stated in Chapter 2, <i>Proposed Action and Alternatives</i>, the Coalition has estimated that rail traffic on the proposed rail line could range from approximately 3.68 to approximately 10.52 trains per day, on average, including loaded and unloaded trains. Of those trains, the Coalition anticipates that approximately 1.84 to approximately 4.96 trains per day would carry crude oil out of the Basin to markets throughout the United States. Assuming that each loaded oil train would include, on average, 110 tank cars and each tank car would contain, on average, approximately 642 barrels of crude oil, OEA estimates that the volume of crude oil transported on the proposed rail line would range from approximately 130,000 barrels per day (1.84 x 110 x 642 = 129,941) and approximately 350,000 barrels per day (4.96 x 110 x 642 = 350,275), on average. Because OEA cannot predict future oil and gas development in the Basin and would have no role in reviewing, approving, or regulating any potential future oil and gas development projects, these estimates are based entirely on the Coalition's estimates of potential rail traffic on the proposed rail line and are used consistently throughout Section 3.15, <i>Cumulative Impacts</i>, and elsewhere in the EIS.</p> <p>For an explanation of why the potential environmental impacts that could result from potential future oil and gas development in the Basin, such as air emissions that could be associated with changes in local truck traffic, are not considered direct or indirect impacts of the proposed rail line, please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impact</i>. For additional information regarding OEA's approach to cumulative impacts analysis, please refer to Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-13)	
Comment	Response
<p>The failure to clearly disclose the causal relationship between the project and increased oil and gas development fails to accurately inform the public of its full costs and benefits. Cf. <i>High Country Conservation Advocates v. United States Forest Serv.</i>, 52 F. Supp. 3d 1174, 1191 (D. Colo. 2014) (ignoring project's costs while touting its benefits is arbitrary). In sum, the DEIS should disclose that the railway is intended to facilitate increased oil production and that its construction and operation could lead to quadrupling of oil production in the Uinta Basin. The DEIS should also disclose the reasonable foreseeably effects of this expansion in oil production, including increased -drilling and fracking of new wells; -water pollution from runoff, sedimentation, leaks, and spills; -water depletions for drilling and fracking of new wells; -hazardous waste disposal (e.g., wastewater and drill cuttings); -truck traffic on local roadways to transport oil to the railway; -air pollution from construction, drilling, production, and trucking; -greenhouse gas emissions from construction, drilling, and production, as well as downstream emissions from transporting, refining, and burning the extracted oil; and -habitat destruction and fragmentation from development of new oil wells and related infrastructure.</p>	<p>Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p> <p>Please also refer to Section 3.15, <i>Cumulative Impacts</i>, for information regarding the potential cumulative impacts of reasonably foreseeable future projects, including future oil and gas production in the Basin. Subsection 3.15.4.1, <i>Oil and Gas Development</i>, discusses OEA's assumptions regarding the methods that could be used to drill new wells, including hydraulic fracturing or fracking. Subsection 3.15.5.3, <i>Water Resources</i>, discusses potential cumulative impacts on water resources, including impacts associated with soil erosion, water use, and wastewater. Subsection 3.15.5.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste Sites</i>, discusses potential cumulative impacts related to hazardous waste sites. Subsection 3.15.5.2, <i>Rail Operations Safety</i>, discusses potential cumulative impacts related to spills and accidents. Subsection 3.15.5.1, <i>Vehicle Safety and Delay</i>, discusses potential cumulative impacts related to vehicle traffic, including truck traffic. Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, discusses potential cumulative impacts from air emissions, including GHG emissions from oil and gas development and downstream emissions associated with crude oil. Subsection 3.15.5.4, <i>Biological Resources</i>, discusses potential cumulative impacts on vegetation and wildlife, including habitat destruction and fragmentation.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-14)	
Comment	Response
<p>The OEA Failed to Address the Reasonably Foreseeable Development of Oil Shale and Tar Sands in their Indirect and Cumulative Impact Analyses In taking a hard look at the environmental consequences of a proposed action, OEA must analyze the direct, indirect, and cumulative impacts of the proposed action. 40 C.F.R. § 1508.25(c). Direct impacts are those caused by the action that are occurring at the same time and place as the action. Id. § 1508.8(a). Indirect impacts are likewise caused by the action, but are later in time or further removed in distance from it; however, these impacts are still reasonably foreseeable consequences of the action. Id. § 1508.8(b). Cumulative impacts are those resulting from the</p>	<p>As discussed in Section 3.15, <i>Cumulative Impacts</i>, OEA consulted with BLM, the Forest Service, UGS, and other federal, state, tribal, and local agencies to identify potential cumulative actions, including tar sands and oil shale development. Currently, there are no leases of oil shale or tar sands in the region and no proposed production projects, including by Enefit American Oil, that are currently moving forward in a planning and permitting phase. Therefore, OEA does not consider such development projects to be reasonably foreseeable. To be included as a cumulative project, planning and permitting for other actions should be advanced to the point that the action is reasonably foreseeable, and discussion of a potential for oil</p>

<p>"incremental impact of the action when added to other past, present, and reasonably foreseeable future actions," no matter what agency or person undertakes such actions. Id. § 1508.7. There is no question that the development of oil shale and tar sands - highly destructive activities with huge carbon footprints - in the Uinta Basin are reasonably foreseeable future actions that would be facilitated by the proposed action. Therefore, the environmental impacts of this development must be considered as indirect and cumulative consequences of the proposed rail line. Because the DEIS did not undertake this analysis, the NEPA evaluation is legally insufficient. For example, the R.L. Banks Feasibility Study for the proposed project concludes that the Estonian oil shale company Enefit American Oil would start shipping significant quantities of its product on the planned rail line in 2026, a yearly amount that would double to 28,516 carloads in 2030.</p>	<p>shale or tar sands does not meet that threshold for inclusion as a cumulative project.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-15)

Comment	Response
<p>Similarly, a 2013 Utah Department of Transportation study concluded that current transportation infrastructure serving the Uinta Basin significantly limit overall oil and gas production opportunities in the Basin. [Footnote 22: U.S. Department of Transportation et al., Final Report: Uinta Basin Energy and Transportation Study (April 2013) ("As shown in the traffic projection simulation results, many of the transportation corridors serving the Uinta Basin will face severe constraints given the projection of oil and gas-related traffic. The current constraints therefore reduce the overall oil and gas production opportunity for the Uinta Basin and the State."); see also id. at 74-75 ("Under current constraints, a significant portion of conventional and unconventional energy traffic that would otherwise be generated by producers cannot be carried, resulting in a shortfall of production.").] UDOT based this analysis in part on the assumption that oil shale and tar sands would be developed in the Uinta Basin and that current transportation infrastructure would be inadequate to move the product about of the Basin. [Footnote 23: E.g. Id. at 36-37.] Thus, according to UDOT's analysis, the construction of additional transportation infrastructure, like the proposed rail line, would allow and encourage production of oil shale and tar sands in the Uinta Basin. This conclusion further cements the relationship between the planned rail line and the development of oil shale and tar sands in the Basin, underscoring again that the OEA must</p>	<p>Please refer to response to Comment UBR-DEIS-00683-14 above. The recent proposals referenced by the commenter have not moved forward into a planning or permitting phase. Therefore, OEA does not consider those development projects to be reasonably foreseeable. To be included as a cumulative project, planning and permitting for other actions should be advanced to the point that the action is reasonably foreseeable, and discussion of a potential for oil shale or tar sands does not meet that threshold for inclusion as a cumulative project. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

address in full the direct, indirect and cumulative impacts of these reasonably foreseeable activities on the full suite of resources and values in the Basin. Recent agency decisions confirm that oil shale and tar sands development in the Basin is reasonably foreseeable. On September 24, 2018, BLM granted rights-of-way across federal land submitted by Enefit American Oil and Moon Lake Electric Association for authorization to construct and operate 19 miles of water supply pipeline, 9 miles of natural gas supply pipeline, 11 miles of oil product delivery pipeline, 30 miles of overhead 138-kilovolt power lines, and 6 miles of upgrading and paving of a county access road so that Enefit could build its proposed South Project oil shale project on private land. [Footnote 24: U.S. Bureau of Land Management, Record of Decision for the Enefit American Oil Utility Corridor Project (2018), https://eplanning.blm.gov/public_projects/nepa/37462/158127/193295/001_ROD_for_the_Enefit_Utility_Corridor_Project_-_Signed_9.24.18.pdf.] On January 21, 2021, the Utah School and Institutional Trust Lands Administration (SITLA) approved an OBA for a lease of 16,696.29 acres for tarsand stripmining at Asphalt Ridge with Valkor Energy Holdings, LLC who proposed to lease the lands through the "Other Business Arrangement" process. [Footnote 25: Trustlands Utah, Board of Trustees Meeting Agenda for Jan 21, 2021, State of Utah School and Institutional Trust Lands Administration (2021).] In December 2020, BLM proposed leasing 2,100 acres in Utah's Uinta Basin to tar sands developers. [Footnote 26: U.S. Bureau of Land Management, BLM National NEPA Register webpage announcing 21 Leases being offered in the Dec. 8, 2020 online lease sale, <https://eplanning.blm.gov/eplanning-ui/project/2001127/570> (last accessed Jan. 26, 2021).] According to The Salt Lake Tribune BLM "dust[ed] off an old proposal to sell federal leases on Asphalt Ridge and putting it out for public comment in an apparent effort to fast-track a final decision[.]" [Footnote 27: Maffly, Brian, We've heard it before, but this Utah tar sands operation says it's poised to produce oil and actually make money, The Salt Lake Tribune (June 18, 2018) ("Maffly 2018"), <https://www.sltrib.com/news/environment/2020/12/10/feds-fast-track-plan/>.] "The proposed BLM leases are on six parcels intermingled with 16,200 acres of state trust land already under lease for tar sands development. The leases are also near an existing tar sands mine and processing plant on private land." [Footnote 28: Id.] In addition, a Canadian firm called Petroteq Energy "is poised to

extract marketable crude from tar sands south of Vernal on aptly named Asphalt Ridge" in the Uinta Basin. [Footnote 29: Maffly 2018.]	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-16)	
Comment	Response
<p>Additional "past and present" oil shale and tar sands development projects were catalogued by BLM in its review of the Enefit right-of-way. These projects include development of leases on 23,000 acres of Utah school trust lands (SITLA lands) and the approved Red Leaf Resources project which encompasses approximately 17,000 acres of SITLA lands and would extract 9,500 barrels of oil shale per day. [Footnote 30: U.S. Bureau of Land Management, Final Environmental Impact Statement for the Enefit American Oil Utility Corridor Project, Vol. I (May 2018), https://eplanning.blm.gov/public_projects/nepa/37462/145046/178753/2_Volume_I.pdf at Table 4-19.] In the same review, BLM listed and considered other "reasonably foreseeable" oil shale and tar sands projects. [Footnote 31: Id. at Table 4-19.] As did BLM, OEA must undertake a thorough evaluation of the direct, indirect and cumulative impacts of these projects on climate, environmental resources and values and public health as part of an adequate NEPA analysis. Adverse environmental impacts from the Enefit project alone that the OEA must consider include:</p> <ul style="list-style-type: none"> ▪ building a half-square mile industrial complex in the Uinta Basin - the first commercial- scale oil shale retorting and processing operation in the United States; ▪ strip mining up to 28 million tons of rock per year over 14 square miles of undeveloped lands-resulting in waste rock totaling up to 750 million tons; ▪ removing up to 100 billion gallons of water from the already over-allocated Colorado River basin during the next three decades, a time when climate change and growing populations are likely to reduce river flows even further; ▪ nearly doubling oil production in the Uinta Basin, which already has over ten thousand oil and gas wells; ▪ emitting toxic air pollutants in an area recently designated as violating national health standards for smog due to winter-time inversions and pollution from existing fossil fuel production facilities; and, ▪ using an extraction and refining process that results in nearly 40% more carbon dioxide emissions per unit of energy than conventional 	<p>Please refer to response to Comment UBR-DEIS-00683-14 above.</p>

<p>oil, and more even than notoriously dirty tar sands, at a time when the world needs to move quickly to cleaner, not dirtier, fuels if humanity is to avoid the worst impacts of climate change.</p> <p>[Footnote 32: E.g. DEIS, FEIS and ROD for the Enefit right-of-way, including public comment (Appendix I) on the project to understand the unparalleled harms to environmental values, climate and public health anticipated from the Enefit project. U.S. Bureau of Land Management, Draft Environmental Impact Statement (DEIS) for the Enefit American Oil Utility Corridor Project, Vol. I (April 2016), U.S. Bureau of Land Management, Final Environmental Impact Statement for the Enefit American Oil Utility Corridor Project, DOI-BLM-UT-G010-2014-0007-EIS, Vol I (May 2018) ("Enefit FEIS Vol. I 2018"), and U.S. ? Bureau of Land Management, Record of Decision (ROD) for the Enefit American Oil Utility Corridor Project (2018). All documents available at https://eplanning.blm.gov/eplanning-ui/project/37462/570.] BLM's ROD on the Enefit right-of-way and programmatic EIS and ROD opening up vast areas of the Uinta Basin to Oil Shale and Tar Sands leasing provide further analysis of the destructive nature of oil shale and tar sands resources, their possible development and the adverse impacts that development would have on the environment and public health.</p> <p>[Footnote 33: U.S. Bureau of Land Management, The Approved Land Use Plan Amendments/Record of Decision for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement (2013), and its supporting programmatic EIS.] The severity of direct and indirect impacts from oil shale and tar sands in the sensitive Uinta Basin, already plagued by dangerous levels of air pollution must be addressed by the DEIS and a failure to do so fails to comply with NEPA.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-33)	
Comment	Response
<p>Footnote 19: For example, the DEIS uses data from the Monument Butte project to calculate oil and gas emissions for the "reasonably foreseeable development" scenario that would be associated with transporting higher amounts of oil outside the Basin with the rail project-but then discounts the Monument Butte project itself from the reasonably foreseeable development scenario in the cumulative impacts analysis without reasoned explanation. See DEIS at 3.15-2 [Page ref. wrong - probably 3.15-27 intended]</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which discusses potential cumulative air quality and GHG impacts and explains how the Monument Butte EIS was used in the cumulative impacts assessment. As discussed in that subsection, OEA used the Monument Butte project as an example of an oil and gas development project that could produce crude oil that could be transported on the proposed rail line. Therefore, OEA did not discount the Monument Butte project as a project that could contribute to cumulative impacts. OEA did not include potential emissions</p>

	<p>from the Monument Butte project in the description of baseline (existing) emissions in the Basin because that project has not been developed. In addition, OEA assumed that oil and gas production in the Basin would not increase beyond the level that would be required to meet the high oil production scenario. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-49)

Comment	Response
<p>OEA Fails to Take a Hard Look at the Direct, Indirect and Cumulative Impacts of the Proposed Rail Line Project on Ozone Concentrations OEA relies on air quality modeling for the Monument Butte project to "assess the cumulative impacts of the proposed rail line and the projected oil and gas development" on air quality. DEIS at 3.15-31. As explained below, the Monument Butte modeling effort is not an accurate representation of the cumulative effects of the proposed project and necessarily underestimates increases in criteria and hazardous air pollutants that would result from oil wells in the Uinta Basin. That said, OEA admits that the Monument Butte modeling shows exceedances of the national ozone standard: [M]odeled total ozone levels exceed the NAAQS at some sites under existing conditions in the absence of Monument Butte. This is consistent with ozone exceedances measured by DEQ in winter in the Basin. Although the Monument Butte project would increase ozone concentrations, the Monument Butte modeling predicted no new exceedances due to Monument Butte. Because the high oil production scenario that OEA analyzed would involve a smaller number of wells than were considered in the Monument Butte project, OEA concludes that cumulative emissions of ozone precursors (VOC and NO_x) from the proposed rail line and potential future oil and gas development would be lower than predicted for the Monument Butte project. Existing exceedances of the ozone NAAQS would still occur. DEIS at 3.15-33. This does not constitute a hard look at the direct, indirect and cumulative impact of the proposed project on concentrations of ozone in the Uinta Basin and the consequences to public health, the environment and regional haze that will result from the significant increases in emissions of NO_x and VOCs that will stem from the project.</p>	<p>As discussed in Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, OEA relied on the results and conclusions of the Monument Butte EIS to make conclusions about the potential air quality impacts of future oil and gas production in the Basin in the context of cumulative impacts because that study provides the best available data source on the impacts of oil and gas development projects in the Basin. OEA correctly applied the modeling in the Monument Butte EIS to the cumulative analysis for the proposed rail line. The modeling used for the ARMS Modeling Project is in conformance with current USEPA guidance. For information regarding the direct and indirect impacts of construction and operation of the proposed rail line, please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i>. No changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-50)

Comment	Response
<p>First, OEA ignores the cumulative impact the project will have on the ability of the Uinta Basin nonattainment area to comply with the Clean Air</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which include</p>

<p>Act and attain the ozone NAAQS as soon as possible. After all, as part of their NEPA obligations, OEA and its cooperating agencies must explain how their actions will or will not comply with environmental laws and policies. 40 C.F.R. § 1508.27(b) (stating federal agencies must consider "[w]hether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment"); see also id. § 1502.2(d) ("Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of [NEPA] and other environmental laws and policies."). [Footnote 73: Pursuant to the Clean Air Act, federal agencies are required to comply with all applicable air quality laws, regulations, standards and implementation plans. 42 U.S.C. § 7418(a). Importantly, the requirements of 42 U.S.C. § 7418(a)(1) and (a)(2) apply "to the exercise of any Federal, State, or local administrative authority[.]" 42 U.S.C. § 7418(a)(2)(C).] Not surprisingly, a requirement of the Clean Air Act is that an ozone nonattainment area comply with the NAAQS as expeditiously as possible, but no later than the next applicable attainment deadline. [Footnote 74: E.g. 40 C.F.R. § 51.1308] Moreover, in the case of a moderate ozone nonattainment area, the relevant air quality agencies must achieve a 15% reduction in VOCs within 6 years of the baseline year. [Footnote 75: 40 C.F.R. § 51.1310] In the case of the Uinta Basin, the moderate attainment deadline is August 2024. Therefore, the OEA is obligated to examine in detail the impact of the direct, indirect and cumulative increase of something like 5,679 tons per year of VOCs and 4,384 tons per year of NO_x in the Basin as a result of, facilitated by or in tandem with the proposed project. Without question, these increases will impede the attainment of the ozone standard in the Basin and will make it significantly more difficult to secure the 15% reduction in VOCs.</p>	<p>information regarding cumulative impacts and anticipated ozone levels associated with potential future oil and gas development. As stated in that subsection, OEA expects that existing exceedances of the ozone NAAQS would continue if the proposed rail line were constructed and operated in combination with ongoing oil and gas development in the cumulative impacts study area.</p> <p>For information regarding the impacts of construction and operation of the proposed rail line, including impacts from the emission of criteria air pollutants, please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i>. To the extent that the commenter may be referring to the Utah DEQ's responsibility to develop a SIP under the Clean Air Act, OEA notes that development of a SIP by the Utah DEQ is beyond the scope of OEA's environmental review of the Coalition's proposed rail line under NEPA. No changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-51)	
Comment	Response
<p>However, rather than addressing this critical finding that the Monument Butte development would violate NAAQS, OEA simply waves away the problem by claiming that cumulative emissions from the rail line and reasonably foreseeable new oil wells would be less than emissions predicted by the Monument Butte modeling. This does not constitute a hard look at the issue of compliance with air quality standards and is not supported by record evidence. At a minimum, OEA is obligated to quantify, based on evidence in the record, the</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes the rationale for comparing emissions to the Monument Butte EIS and information on anticipated ozone levels in comparison to health-based NAAQS. The modeling completed for the Monument Butte EIS was based on the Utah ARMS Modeling Project (BLM 2014), a comprehensive regional modeling study. The ARMS Modeling Project is a cumulative assessment of potential future air quality impacts associated with predicted oil and gas activity in the Basin. Please</p>

<p>difference between the increase in concentrations predicted by the Monument Butte modeling and what OEA considers to be an accurate calculation of cumulative ozone concentrations. Further, OEA also ignores the impacts of increased levels of ozone on public health and the environment, which occur at levels below the NAAQS, and on regional haze. Moreover, as argued elsewhere, because OEA fails to include other important reasonably foreseeable emission sources in its cumulative impact analysis, including new gas wells and oil shale and tar sands development, it underestimates the cumulative impacts of the rail line project on ozone concentrations. Similarly, reliance on the Monument Butte modeling at all is highly problematic. Therefore, OEA's assessment of the cumulative impacts of the proposed project on ozone concentrations and the resulting consequences for public health, the environment and regional haze is inadequate.</p>	<p>also refer to Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which provides cumulative emissions estimates based on the oil and gas production scenarios. OEA's use of the Monument Butte EIS is appropriate given the unavailability of any other modeling study applicable to the proposed rail line. OEA compared pollutant concentrations resulting from construction and operation of the proposed rail line and other reasonably foreseeable projects to the NAAQS because the NAAQS are the standards that USEPA has established to protect human health. OEA uses the NAAQS as the criteria for significance under NEPA. OEA does not consider predicted concentrations less than the NAAQS to be significant.</p> <p>Regarding oil shale and tar sands development, please refer to Section 3.15, <i>Cumulative Impacts</i>, which discusses how OEA identified reasonably foreseeable projects that could contribute to cumulative impacts. OEA consulted with BLM, the Forest Service, and other federal, state, and local agencies, and tribes to identify potential cumulative actions, including tar sands and oil shale development. Currently, there are no leases of oil shale or tar sands in the region and no proposed production; therefore, such development is not reasonably foreseeable. To be included as a cumulative project, planning and permitting should be advanced to the point that the action is reasonably foreseeable, and the potential for oil shale or tar sands would not meet that threshold for inclusion as a cumulative project. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-52)	
Comment	Response
<p>OEA's Reliance on the Monument Butte Analysis to Analyze Cumulative Impacts Is Ill-Conceived For several reasons, OEA's decision to rely on the Monument Butte modeling effort to quantify the cumulative impacts of the proposed rail line project is not defensible. First, as OEA acknowledges: The exact locations of new oil and gas development would depend on many factors, including domestic and global demand, as well as future decisions by private, state, tribal, and federal owners of mineral rights in the Basin. The Monument Butte Oil and Gas Development Project, which proposes to develop up to 5,750 oil and gas wells in an area located about 6 miles south of Myton, Utah, is an example of a proposed oil and gas development project in the region (BLM 2016). DEIS at 3.15-4. OEA then relies on the Monument Butte modeling to estimate ozone</p>	<p>As shown in Appendix M, <i>Air Quality Emissions and Modeling Data</i>, Table M-4, OEA used the numeric results of the Monument Butte study and compared these results to the current (2015) ozone standard of 70 ppb.</p> <p>To address concerns regarding locations of potential impacts, OEA has revised Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, in the Final EIS to acknowledge potential differences in localized impacts between the proposed rail line and the Monument Butte development.</p>

<p>concentrations at various sites. DEIS at 3.15-33. However, as OEA acknowledges, the Monument Butte project covers a discrete area in one corner of the Uinta Basin. In contrast, the up to 3,330 new oil wells that OEA projects are reasonably foreseeable would be developed across the Basin. DEIS at 3.15-6. This means that while the Monument Butte project would tend to exacerbate concentrations of various air pollutants in one portion of the Basin, the reasonably foreseeable oil wells would emit pollutants in diverse locations around the Basin and therefore impact sites in a different manner.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-53)

Comment	Response
<p>Second, the Monument Butte modeling relies on obsolete monitoring data and design values. As the Monument Butte analysis explains, "[t]he ozone NAAQS are formulated in terms of a Design Value, which is calculated as the 3-year average of the fourth highest monitored daily maximum 8-hour concentration at each monitoring site." Appendix K at 3-3. The observed design value, which is derived from actual monitoring data, served as the basis for the Monument Butte modeling exercise: EPA's latest modeling guidance (EPA, 2007) for projecting future year 8- hour ozone Design Values recommends the use of modeling results in a relative sense to scale the observed current year 8-hour ozone Design Value (DVC) to obtain a future year 8- hour ozone Design Value (DVF). However, given that the Monument Butte modeling was finalized in 2015, the monitoring data from which the design values were derived were necessarily recorded in 2012, 2013 and 2014 or earlier. Therefore, OEA improperly relies on modeling based on old data sets and fails to incorporate the most recent scientific information - in this case, monitoring at least as recent as 2017 to 2019. As a result, OEA has failed to take a hard look at the cumulative impacts of the proposed project. Without evidence in the record explaining how monitoring data collected before 2015 is adequate in 2020, OEA cannot claim that the Monument Butte modeling is a valid means to address the cumulative impacts of the rail line project. This is particularly true because there is ample, up-to-date monitoring data that can serve as the foundation for up-to-date modeling and design values</p>	<p>As described in Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, OEA adopted the assumptions and inputs from the Monument Butte EIS to assess cumulative air impacts because the Monument Butte EIS provides the best available data source on potential impacts from oil and gas development projects in the Basin.</p> <p>As noted in the USEPA (2007) guidance, modeled concentration estimates are used in a "relative" rather than "absolute" sense. That is, air quality modelers take the ratio of the model's future predictions (DVF) to current (baseline) predictions (DVC), or DVF/DVC. This ratio is called the relative response factor or RRF. Future ambient concentrations are estimated by multiplying the observation-based (measured) current design value by the modeled RRF. The resulting predicted future concentrations are compared to the NAAQS.</p> <p>Although use of a newer DVC would have been desirable, use of an older DVC does not invalidate the analysis but only extended the prediction period between observed and future in the RRFs used to derive the predicted future concentrations.</p> <p>Moreover, this method requires that an emissions inventory be available for the year corresponding to the observed DVC, which constrains the years of monitoring data that can be used in the analysis. This means that only the years for which monitoring data exists and an emissions inventory is available can be used in estimating a newer DVC. The modeling performed for Monument Butte predated the more recent monitoring data and emissions inventory that were referenced by the commenter. The modeling completed for the Monument Butte EIS was the best available at the time OEA conducted the air quality analysis; therefore, OEA used the data appropriately to analyze cumulative impacts associated with the proposed rail line and reasonably foreseeable oil and gas development. Accordingly, no changes to</p>

	the Draft EIS are warranted in response to this comment.
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-54)	
Comment	Response
Fourth, the Monument Butte modeling analysis and conclusions are based on the wrong NAAQS. In 2015, EPA lowered the 8-hour ozone NAAQS from .075 ppm to .070 ppm. [Footnote 76: U.S. Environmental Protection Agency, NAAQS Table, available at https://www.epa.gov/criteria-air-pollutants/naaqs-table (last updated on Feb. 10, 2021).] As the Monument Butte modeling analysis confirms, it was finalized before the standard was modified. Appendix K at 3-3 ("To attain the 2008 ozone standard, the Design Value for a given monitor must not exceed 75 ppb."). Therefore, the conclusions that the Monument Butte analysis draws regarding compliance with the relevant ozone NAAQS - the 2015 standard - and OEA's reliance on these conclusions necessarily miss the mark.	Please refer to response to Comment UBR-DEIS-00683-52 above.
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-55)	
Comment	Response
Fifth, the Monument Butte modeling is outdated. Recent inventories of oil and gas facilities in the Uinta Basin show that past calculations of total emissions were not accurate and underestimated the emissions resulting from oil and gas development. Therefore, because the Monument Butte modeling was based on an inaccurate understanding of oil and gas emissions, the results from the modeling cannot be considered accurate. For example, Utah, EPA and the Ute Indian Tribe have updated the 2017 Uinta Basin Emissions Inventory as catalogued in a paper published in November 2020. [Footnote 77: Uinta Basin Air Agencies, Uinta Basin VOC Composition Study Impacts on the 2017 Oil and Gas Emissions Inventory (November 2020), available at https://documents.deq.utah.gov/air-quality/planning/technical-analysis/DAQ-2020-016024.pdf .] This effort made the inventory more accurate and found that the previous inventory was significantly underestimating VOC emissions from oil and gas operations. [Footnote 78: Id. at 18.] In particular, the inventory was failing to account for the substantial VOC emissions from produced water disposal. [Footnote 79: Id.] This analysis means that the Monument Butte modeling, completed in 2015 and based on "Utah State BLM Emissions Inventory Technical Support Document" dated November 2013 fails to take advantage of improved understandings of the actual emissions resulting	The existence of more recent emissions inventory data than was used for Monument Butte does not, in itself, provide updated predictions of air quality impacts. It would be necessary to conduct a new air quality modeling study to make use of the inventory data, which is not necessary for the OEA's analysis of the Coalition's proposed rail line under NEPA. The modeling conducted for Monument Butte is the most recent applicable modeling study that was available at the time the analysis began, and provides the best data available at that time. In the EIS, OEA developed a scenario that used the maximum amount of oil and gas production that the proposed rail line could transport. OEA also notes that the documents cited in the comment were published after OEA began the air analysis for the Draft EIS. Because those documents could not have been used to directly evaluate air quality impacts from the proposed rail line and other reasonably foreseeable future actions, OEA properly relied on the Monument Butte modeling in this EIS. Therefore, no changes to the Draft EIS in response to this comment are warranted.

<p>from oil and gas development activities in the Uinta Basin. [Footnote 80: Should OEA claim that it is not required to rely on more accurate ways of determination emissions published in 2020, that does not excuse the agency from failing to update its analysis based on improvements made between 2013 and 2020.] Similarly, the Bingham Research Center provides a detailed summary of significant research findings that relate to air quality in the Uinta Basin. It includes outcomes from research performed by scientists at Utah State University, as well as researchers at other institutions, and is referenced so readers can refer to the original documents for more detailed information. [Footnote 81: Bingham Research Center, Cumulative Summary of Research Relating to Uinta Basin Air Quality, Utah State University, https://binghamresearch.usu.edu/cumulativeresearchsummary (last accessed Feb. 3, 2021).] Again, these are the Uinta Basin specific resources that would inform a more accurate modeling and understanding of the direct, indirect and cumulative impacts of the proposed project on air quality.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-56)

Comment	Response
<p>Critical studies relevant to estimating and modeling emissions from produced water evaporation ponds were available in 2018 and concluded: Organic compound emissions from produced water ponds are poorly characterized, and they are not included or fully accounted for in oil and gas emission inventories (AECOM Environment and Sonoma Technology, Inc. 2014; U.S. Environmental Protection Agency [EPA] 2017) Information gaps include unquantified amounts and composition of gases emitted from these facilities. Produced water ponds are a source of organic compounds that, along with nitrogen oxides (NO_x), are major precursors to ozone formation in the near-surface layer of the atmosphere. [Footnote 82: Tran, Huy N.Q. et al., Emissions of organic compounds from produced water ponds II: Evaluation of flux chamber measurements with inverse-modeling techniques, 68 J. Air & Waste Management Assoc 7 (May 2018).] As the Monument Butte modeling fails to account for these emissions, it cannot present an accurate reflection of the cumulative impacts of the proposed rail line project. Along the same lines, recent studies have established that methane (CH₄) leaks - and so corresponding leakage of VOCs and NO_x - occur at a very high rate in the Uinta Basin. The Uintah Basin has been shown to be unique in terms of its large leakage rate of CH₄ from the ONG industry (Karion et al. 2013; Ahmadov et al. 2015).</p>	<p>The Monument Butte EIS assumed that the Monument Butte development would not use evaporation ponds to dispose of produced water. Because OEA relied on the results of the Monument Butte EIS to describe air emissions from potential future oil and gas production in the Basin, OEA implicitly assumed that evaporation ponds would not be used for future oil and gas development projects in the Basin. This is a reasonable assumption because relatively little of the produced water in the study area is disposed of via evaporation ponds.</p> <p>New conventional oil and gas wells generally do not use produced water ponds. Instead, produced water is stored in tanks and reinjected into the producing reservoir (for oil wells undergoing water floods) or into an underground disposal zone. If there is no suitable injection zone, produced water is trucked to a disposal site. In the Basin, about 11% of produced water is hauled from the well site to specially designed, lined storage ponds where it evaporates. In the central basin (e.g., the Monument Butte field) expanding enhanced oil recovery programs, called waterflooding recovery (injecting oil-bearing sandstone reservoirs with water to push remaining oil toward producing wells to increase recovery), use 18% of the total produced water. Finally, about 60% of the produced water in the Basin is injected via wells into porous rock at a</p>

<p>The Basin is also geographically situated in a favorable location to observe ONG-derived CH₄ emissions without significant contamination from urban, agricultural, or biogenic sources. For reasons that are currently unknown, the fugitive emission (leakage) of CH₄ through the processes of its extraction, storage, transportation, and distribution within the Uintah Basin has been found to be among the highest observed in the United States. Karion et al. (2013) found the leakage rate of CH₄ from ONG activity within the Basin to be roughly 8.9 +/- 2.7% (emissions as a percentage of natural gas production), which is generally several percentage points higher than most other ONG regions across the United States. [Footnote 83: Foster, C. S. et al., Quantifying methane emissions in the Uintah Basin during wintertime stagnation episodes, 7 Elem Sci Anth 24 (June 2019) ("Foster 2019"), https://online.ucpress.edu/elementa/article/doi/10.1525/elementa.362/112499/Quantifying-methane-emissions-in-the-Uintah-Basin.] Importantly, CH₄ is co-emitted with nitrogen oxide (NO_x) and volatile organic compounds (VOCs), key precursor pollutants for ozone and particulate pollution. Because the Monument Butte modeling and OEA's analysis fail to account for these significant rates of leakage, the resulting effort to take a hard look at the direct, indirect and cumulative impacts of the proposed project on air quality necessarily falls short</p>	<p>sufficient depth so as to not cause contamination of shallow freshwater aquifers. Injection is the preferred method of disposal over evaporation ponds (Chidsey 2018). For these reasons, OEA's reliance on the Monument Butte EIS as an example of potential future oil and gas development projects in the Basin is reasonable and no changes to the Draft EIS are warranted. If oil and gas projects are proposed and planned in the future that would use evaporation ponds, those projects would be appropriately evaluated by agencies with jurisdiction over oil and gas development. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-57)

Comment	Response
<p>Finally, in its 2020 Annual Report, DAQ found that in the Uinta Basin: 1) "[c]omplex patterns of light winds within the Basin appear to produce an east-west sloshing of air that contributes to intra-basin mixing of ozone and ozone precursors;" and, 2) "[a]romatic VOCs such as toluene and xylene contribute in secondary formation of wintertime ozone pollution in the Basin[.]" [Footnote 84: Utah 2020 Annual Report at 41.] Yet, neither the DEIS nor the Monument Butte modeling reflect or address these important insights which are necessary to determining the impact the proposed project will have on ozone concentrations. These are but a few examples of the updated, more accurate and more sophisticated information and analysis that is [bold: not] reflected in the Monument Butte modeling or OEA's efforts to quantify the direct, indirect and cumulative impacts of the proposed rail line. Because the DEIS relies on antiquated data and analysis, its assessment of the project's impacts to air quality are not sufficiently rigorous or sound.</p>	<p>The DAQ 2020 Annual Report cited in the comment was published after the Draft EIS was issued. For the cumulative air quality analysis, OEA properly used the results of the Monument Butte modeling, which were based on the Utah ARMS modeling platform. The ARMS Modeling Project and the Monument Butte modeling provided the best available data for estimating the project impacts at the time the Draft EIS analysis began. The modeling platform and the Monument Butte modeling accounted for the wind patterns and winter ozone conditions in the Basin. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-58)	
Comment	Response
<p>The Scope of the Cumulative Impacts Analysis is Too Narrow. "Ozone can also be transported long distances by wind." [Footnote 85: EPA Ozone Basics.] Colorado has confirmed that emissions of ozone precursors and ozone itself from neighboring states, including Utah, adversely impact air quality in Colorado. [Footnote 86: Parsons & Arnold 2004.] Indeed, in scoping comments on the proposed project, the Colorado Department of Public Health and the Environment states: [A]ccording to the Uinta Basin Railway Project website, the proposed action may result in increased oil and gas, agriculture, and mining activity. Emissions from these activities can travel great distances, affecting air quality and public health including in the Denver/North Front Range ozone nonattainment area. [Footnote 87: Colorado Department of Public Health and Environment's Preliminary Comments on the Proposed Uinta Rail Line (May 9, 2019) at 2.] Thus, direct, indirect and cumulative increases in concentrations of ozone or emissions of ozone precursors from these new and polluting activities will adversely impact air quality in downwind states. However, the DEIS does not address the direct, indirect or cumulative impact that the proposed project will have on air quality in Colorado. To comply with NEPA, the OEA must remedy this oversight. Similarly, OEA fails to address adverse impacts from the proposed rail line on air quality in and around Salt Lake City. After all, according to Carbon County Commissioner Hopes, who helped spearhead the proposed project, a goal of the Uinta Railroad, and certainly a cumulative impact of the plan, is to ship more Uinta Basin crude through Carbon County and ultimately to the Salt Lake City Inland Port. [Footnote 88: Castle Country Broadcast, Commissioner Casey Hopes Talks About the Uinta Basin Railway, May 22, 2019, available at http://www.castlecountryradio.com/2019/05/22/commissioner-casey-hopes-talks-about-the-uinta-basin-railway/; see also, McKellar, Katie, Rural counties vying for a bite of Utah's global trade apple, <i>Deseret News</i> (Sep. 26, 2020), available at https://www.deseret.com/utah/2020/9/26/21445644/news-rural-counties-salt-lake-city-inland-port-authority-fossil-fuel-coal-crude-oil-emery-carbon.] As a result, the air quality analysis should also address air quality impacts in Carbon County, where rail line proponents anticipate there will be a hub tying rail traffic in that county with rail lines leading to the Uinta Basin and an Inland Port in Salt Lake City. [Footnote 89: Id.] In any case, the financial</p>	<p>As described in Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, OEA reasonably analyzed the cumulative air quality impacts of the proposed rail line and other reasonably foreseeable projects in a local study area, which encompasses an area within 1,000 feet of the proposed rail line, and a regional study area, which includes a broader area that includes portions of Utah and Colorado (see Figure 3.7-1 for a map of the air quality regional study area). OEA defined the regional air quality study area as the area within 100 kilometers (62 miles) of the proposed rail line. This distance is consistent with the USEPA Prevention of Significant Deterioration permitting process and is commonly used by the BLM and the Forest Service in defining air quality study areas.</p> <p>Ozone is not emitted directly into the atmosphere but is formed from photochemical reactions of precursor chemicals (primarily VOCs and NO_x) in the presence of the ultraviolet component of sunlight, as the pollutants are being transported by atmospheric air movement. With respect to transport of pollutants from the Uinta Basin to Colorado, the modeling done for Monument Butte shows that the five easternmost sites (Dinosaur National Monument in UT on the Colorado border, and sites in Cortez, Grand Junction, Rangley, and Mesa Verde National Park in Colorado), predicted ozone levels with Monument Butte were below the ozone standard of 70 ppb at all sites. The maximum impact of Monument Butte was greatest at the Dinosaur National Monument site (1.4 ppb) and small (0.0-0.5 ppb) at the other sites. All of these sites are well west of the Denver Metro nonattainment area. Although ozone levels are influenced by atmospheric chemistry as well as transport distance, the greater distance from the proposed rail line to Denver, compared to the distance from the proposed rail line to these sites, suggests that impacts of the proposed rail line would be less in the Denver Metro nonattainment area. These results suggest that Monument Butte, and, therefore, the proposed rail line, would not create or substantially worsen violations of the ozone standard in Colorado.</p> <p>OEA also evaluated air quality impacts from construction and operation of the proposed rail line in a downline study area (refer to Subsection 3.7.1.1, <i>Study Area</i> in Section 3.7, <i>Air Quality and Greenhouse Gases</i>), which extends beyond 100 kilometers from the proposed rail line and includes portions of Utah and Colorado. OEA analyzed</p>

<p>analysis of the proposed rail line indicates that increased shipping of crude and other commodities to Salt Lake City oil refineries and other destinations is potentially feasible. [Footnote 90: R.L. Banks & Associates, Inc, Pre-Feasibility Study of a Prospective Railroad Connecting the Uinta Basin to the National Rail Network - Submission to Sever County Infrastructure Coalition (August 2018) at xv.] This again underscores that to be legally sufficient, the DEIS must consider air quality impacts to Salt Lake City - a serious nonattainment area for PM_{2.5} and currently a marginal - although soon to be a moderate - ozone nonattainment area.</p>	<p>downline air quality impacts in accordance with the Board’s regulations, which require assessment of emissions for downline rail segments on which rail traffic levels exceed regulatory thresholds, as described in Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>.</p> <p>The potential rail hub in Carbon County referenced in the comment is not reasonably foreseeable because it is a concept that has not been developed into a specific proposal at a specific site, and, moreover, the data that would be necessary to evaluate its impacts have not been developed. Accordingly, OEA does not consider the proposed rail hub to be reasonably foreseeable at this time. OEA does not anticipate the proposed rail line to result in increased shipping of crude oil to refineries in Salt Lake City because those refineries currently do not have rail access. Appendix C, <i>Downline Analysis Study Area and Train Characteristics</i>, describes the downline routes where OEA anticipates crude oil originating on the proposed rail line in the Basin would be shipped, and Subsection 3.7.3.1, <i>Impacts Common to All Alternatives</i> in Section 3.7, <i>Air Quality and Greenhouse Gases</i>, describes the air quality impacts along those downline routes. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-60)

Comment	Response
<p>OEA's Repeated Claims that the Monument Butte Modeling Overestimates Emissions from Reasonably Foreseeable Oil and Gas Development Are Not Supported by the Record. To assess the consequences of reasonably foreseeable increases in [bold: oil and gas] development for the purposes of analyzing cumulative impacts to air quality, OEA calculates the number of reasonably foreseeable new [bold: oil] wells: To assess the impacts of increased oil and gas development as part of the cumulative analysis, OEA estimated the number of oil wells that would need to be constructed and operated to satisfy the expected increased oil production volume scenarios of 130,000 or 350,000 barrels per day, respectively. DEIS at 3.15-4. Thus, it appears that for its cumulative impact analysis, OEA estimates only reasonably foreseeable oil production and did not include reasonably foreseeable gas production. It is true that the rail line is projected to carry crude oil and not gas. That does not mean, however, that there will be no increase in future emissions from newly developed and reasonably foreseeable gas wells and the activities associated with this development, such as</p>	<p>As stated in Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, OEA considers potential future crude oil development projects in the Basin to be reasonably foreseeable, even though those projects have not yet been proposed or approved, because the range of rail traffic levels that the Coalition anticipates for the proposed rail line suggests that crude oil production in the Basin will increase above current levels. Because gas is produced by oil wells, OEA also included infrastructure necessary to separate and transport gas as part of the cumulative emissions inventory. OEA did not include other gas wells in the cumulative impacts analysis because additional increased gas production is not reasonably foreseeable. The Coalition does not anticipate that the proposed rail line would transport gas, and OEA is not aware of other reasonably foreseeable gas well development projects in the cumulative impacts study area. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

<p>road construction and truck trips. Because the agency does not address future gas well development, OEA's cumulative impact analysis is inadequate. Further, OEA repeatedly claims that because the number of reasonably foreseeable [bold: oil] wells is fewer than the number of wells modeled by the Monument Butte analysis, the Monument Butte analysis necessarily overestimates the cumulative air quality impacts associated with the rail line project. E.g. DEIS at 3.15-31 to 34. However, because OEA is only relating future oil wells to the Monument Butte analysis, its claims are not meaningful, and reliance on the Monument Butte modeling that much more dubious. As a result, OEA cannot assert that the Monument Butte modeling somehow accurately represents - or rather somehow accurately overestimates -- the impact of reasonably foreseeable oil and gas development in the Uinta Basin.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-62)

Comment	Response
<p>OEA Failed to Consider Present and Reasonably Foreseeable Actions that Have a Cumulative Impact on Air Quality. There are currently about 9,000 oil and gas wells in the Uinta Basin. [Footnote 92: Foster 2019.] OEA insists that a reasonably foreseeable development scenario would involve development of 1,245 to 3,330 new [bold: oil] wells producing 130,000 to 350,000 additional barrels per day of crude oil in the Basin. DEIS at 3.15-5 to 6. Importantly, this estimate does not include reasonably foreseeable new [bold: gas] wells or oil shale and tar sands development. [Footnote 93: OEA states "[a]lthough this assessment focuses on oil development because crude oil is the primary product that would be transported on the proposed rail line, the wells in the cumulative impacts study area also may produce natural gas. The construction and operation of infrastructure to process and transport the gas also would contribute to cumulative impacts." DEIS at 3.15-27. However, the agency makes no effort to determine the air quality impacts of gas wells. This demonstrates a failure to take a hard look at the cumulative impacts of the proposed project.] As a result, the cumulative impact analysis is not sufficiently rigorous. As explained elsewhere, there is no question that the development of oil shale and tar sands - activities that will result in significant emissions of criteria pollutants - in the Uinta Basin are reasonably foreseeable future actions that would be facilitated by the proposed action. Oil shale and tar sands development in the Basin would entail such emissions generating activities as blasting and strip</p>	<p>As stated in Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, OEA considers potential future crude oil development projects in the Basin to be reasonably foreseeable, even though those projects have not yet been proposed or approved, because the range of rail traffic levels that the Coalition anticipates for the proposed rail line suggest that crude oil production in the Basin will increase above current levels. Because gas is produced by oil wells, OEA also included infrastructure necessary to separate and transport gas as part of the cumulative emissions inventory. OEA did not include other gas wells in the cumulative impacts analysis because additional increased gas production is not reasonably foreseeable. The Coalition does not anticipate that the proposed rail line would transport gas, and OEA is not aware of other reasonably foreseeable gas well development projects in the cumulative impacts study area. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p> <p>As discussed in Section 3.15, <i>Cumulative Impacts</i>, OEA consulted with BLM; the Forest Service; other federal, state, and local agencies; and tribes to identify potential cumulative actions including oil shale and tar sands development. Currently, there are no leases of oil shale or tar sands in the region and no proposed production projects that are currently moving forward in a planning and permitting phase. Therefore, OEA does not consider such development projects to be reasonably foreseeable. To be included as a cumulative project,</p>

<p>mining, crushing and retort, the use of nonroad mobile sources, power generation, truck trips, the construction and use of roads, and the use of other fuel combustion sources. [Footnote 94: E.g. Enefit FEIS at 4-170 to 4-175.] Therefore, the environmental impacts of this development on air quality must be considered as indirect and cumulative consequences of the proposed rail line. Because the DEIS did not undertake this analysis, the NEPA evaluation is legally insufficient.</p>	<p>planning and permitting should be advanced to the point that the action is reasonably foreseeable, and the potential for oil shale or tar sands does not meet that threshold for inclusion as a cumulative project.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-63)

Comment	Response
<p>Further, the OEA fails to include in its cumulative impact analysis other reasonably foreseeable emission sources. For example, in the Enefit EIS, BLM lists not only existing and reasonably foreseeable oil shale and tar sands projects, but also existing and reasonably foreseeable projects, emissions from which were not accounted for in the Monument Butte modeling effort and which must otherwise be considered in OEA's cumulative impact analysis. [Footnote 95: Enefit FEIS at Table 4-19 and 4-20.]</p>	<p>As discussed in Section 3.15, <i>Cumulative Impacts</i>, OEA consulted with BLM, the Forest Service, UGS, and other federal, state, tribal, and local agencies to identify potential cumulative actions, including tar sands and oil shale development. Currently, there are no leases of oil shale or tar sands in the region and no proposed production projects, including by Enefit American Oil, that are currently moving forward in a planning and permitting phase. Therefore, OEA does not consider such development projects to be reasonably foreseeable. To be included as a cumulative project, planning and permitting should be advanced to the point that the action is reasonably foreseeable, and the potential for oil shale or tar sands does not meet that threshold for inclusion as a cumulative project. Additionally, the cumulative air quality analysis used the results of the Monument Butte modeling, which was based on the Utah ARMS modeling platform, as discussed in the Monument Butte EIS. The emissions inventory used for the Monument Butte modeling was based on the comprehensive ARMS inventory and includes reasonably foreseeable emissions from all sources. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-64)

Comment	Comment
<p>OEA Did Not Address the Direct, Indirect or Cumulative Impacts of the Proposed Project on Meeting Regional Haze Objectives. The Regional Haze Rule requires that states develop and implement comprehensive plans to reduce human-caused regional haze in designated areas. States also must calculate and work towards interim, short-term progress goals, with a long-term goal of returning targeted areas to their natural visibility conditions by 2064. To this end, the Rule establishes a comprehensive visibility protection program for Class I areas and requires states to set reasonable progress goals (RPGs) towards achieving natural</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, Table M-6, which include information regarding impacts on visibility. There are no Class I areas in the cumulative impacts study area, but OEA nevertheless considered impacts on AQRVs, including visibility, at the nearest Class I areas and at sensitive Class II areas.</p>

<p>visibility conditions in all Class I areas by 2064. EPA released guidance outlining the methods by which states should develop their State Implementation Plans (SIPs) for the second planning period (2018-2028), which is now underway. The guidance includes methods previously not allowed in the first planning period. There are five Class I areas in Utah: Arches National Park, Bryce Canyon National Park, Canyonlands National Park, Capitol Reef National Park, and Zion National Park. Emissions from the oil and gas sector have a significant impact on Utah's national parks and other regional class I areas. According to the 2017 National Emissions Inventory, Utah's oil and gas industry produces 5,633 tons of visibility impairing pollutants from point sources and 84,101 tons of visibility impairing pollutants from nonpoint sources each year. [Footnote 96: As noted elsewhere, the 2017 inventory underestimates emissions from Utah's oil and gas sector.] More specifically, OEA predicts - and as explained elsewhere underestimates -- direct, indirect and cumulative increase of something like 5,679 tons per year of VOCs, 4,384 tons per year of NO_x, 1842 tons per year of PM₁₀ and 483 tons per year of PM_{2.5} in the Basin as a result of, facilitated by or in tandem with the proposed project. DEIS at 3.15-32. Thus, it is plain that the direct, indirect and cumulative impacts of the proposed project will exacerbate regional haze and impede efforts by state and federal agencies to assure reasonable progress toward returning Class I areas to their natural visibility conditions by 2064. To meet the requirements of NEPA, OEV must take a hard look at these impacts and explain how its actions will or will not comply with environmental laws and policies. 40 C.F.R. § 1508.27(b) (stating federal agencies must consider "[w]hether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment"); see also id. § 1502.2(d) ("Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of [NEPA] and other environmental laws and policies.").</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-65)	
Comment	Response
<p>OEA Failed to Take a Hard Look at Cumulative Impacts to PM_{2.5} Concentrations. As explained above, OEA relies on the Monument Butte modeling to "assess the cumulative impacts of the proposed rail line and the projected oil and gas development" on air quality. DEIS at 3.15-31. As explained elsewhere, the Monument Butte modeling effort is</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes the rationale for comparing emissions to the information in the Monument Butte EIS and information on anticipated PM_{2.5} emissions in comparison to the health-based NAAQS. Please also refer to Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which provides</p>

<p>not an accurate representation of the cumulative effects of the proposed project and necessarily underestimates increases in criteria and hazardous air pollutants that would result from oil wells in the Uinta Basin. That said, OEA admits that the Monument Butte modeling shows exceedances of the short-term PM_{2.5} national standard: Total 24-hour PM_{2.5} levels would be less than the NAAQS and Utah AAQS at all sites except one. Because the high oil production scenario that OEA analyzed would involve a smaller number of wells than were considered in the Monument Butte project, OEA concludes that cumulative PM₁₀ and PM_{2.5} concentrations from the proposed rail line and potential future oil and gas development would be less than concentrations described for the Monument Butte EIS. DEIS at 3.15-33. However, rather than addressing this critical finding that the Monument Butte development would violate NAAQS, OEA simply waves away the problem by claiming that cumulative emissions from the rail line and reasonably foreseeable new oil wells would be less than emissions predicted by the Monument Butte modeling. This does not constitute a hard look at the issue of compliance with air quality standards and is not supported by record evidence. At a minimum, OEA is obligated to quantify, based on evidence in the record, the difference between the PM_{2.5} concentrations projected by the Monument Butte modeling and what OEA considers to be an accurate calculation of cumulative PM_{2.5} concentrations. Further, OEA also ignores the impacts of increased levels of PM_{2.5} on public health and the environment, which occur at levels below the NAAQS, [Footnote 97: E.g. Western Resource Advocates et al., Comments on Docket ID No. EPA-HQ-OAR-2015-0072: EPA proposed rule to maintain the current National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) (June 29, 2020).] and on regional haze.</p>	<p>cumulative emissions estimates based on the oil and gas production scenarios for the proposed rail line. OEA’s use of the Monument Butte EIS is appropriate given the unavailability of any other modeling study applicable to the proposed rail line. OEA compared pollutant concentrations resulting from the proposed rail line to the NAAQS because those are the standards that USEPA has established to protect human health.</p> <p>Please also refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i>, in the Final EIS, which includes updated analyses concluding that none of the Action Alternatives would result in any exceedances of the NAAQS.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-66)

Comment	Response
<p>as argued elsewhere, because OEA fails to include other important reasonably foreseeable emission sources in its cumulative impact analysis, including new gas wells and oil shale and tar sands development, the agency necessarily underestimates the cumulative impacts of the rail line project on AQRVs. Similarly, reliance on the Monument Butte modeling at all is highly problematic. Therefore, OEA’s assessment of the cumulative impacts of the proposed project on acid deposition is inadequate.</p>	<p>Section 3.15, <i>Cumulative Impacts</i>, discusses how OEA identified reasonably foreseeable projects. OEA consulted with BLM, the Forest Service, and other federal, state, and local agencies, and tribes to identify reasonably foreseeable future actions that could contribute to cumulative impacts. Currently, there are no leases of oil shale or tar sands in the region and no proposed production; therefore, such development is not reasonably foreseeable. To be included as a cumulative project, planning and permitting should be advanced to the point that the action is reasonably foreseeable, and the potential</p>

	<p>for oil shale or tar sands would not meet that threshold for inclusion as a cumulative project. Please refer to Subsection 3.15.4.1, <i>Oil and Gas Development</i>, for an explanation of the oil and gas scenarios OEA developed for analysis purposes. The cumulative emissions inventory accounted for the physical infrastructure necessary to separate and transport gas produced by oil wells, as far as the gas-oil separation plant. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-67)

Comment	Response
<p>OEA Failed to Take a Hard Look at Cumulative Impacts to PSD Increments and AQRVs. OEA acknowledges that "PSD increments can be used as a guide to compare results and to provide context for evaluating air quality impacts" and that "increments can be used to compare potential impacts for purposes of information." DEIS at 3.15-34. OEA then claims that the Monument Butte project analysis predicted no exceedances of the applicable PSD increment. Therefore, the agency reasoned: Because the oil production scenarios that OEA analyzed would involve smaller numbers of wells than were considered in the Monument Butte project, OEA concludes that cumulative impacts of the proposed rail line and potential oil and gas development would also be within the applicable PSD increments. DEIS at 3.15-34. However, as explained throughout these comments, the Monument Butte modeling is not reliable and OEA's direct, indirect and cumulative impact analysis is not sufficiently rigorous. As a result, OEA's claims about PSD increments are not supported by the record. Similarly, OEA confirms that: Under the Clean Air Act, acidic deposition is an AQRV of concern for Class I areas. The Monument Butte project modeling estimated that the nitrogen deposition analysis threshold (DAT) was exceeded in some areas but the sulfur DAT was not exceeded in any area. DEIS at 3.15-34. However, the agency rationalizes that: Because the oil production scenarios that OEA analyzed would involve smaller numbers of wells than were considered in the Monument Butte project, OEA concludes that cumulative impacts of the proposed rail line and potential oil and gas development relative to acidic deposition would be less than estimated for the Monument Butte project. This does not constitute a hard look at the issue of acid deposition. At a minimum, OEA is obligated to quantify, based on evidence in the record, the difference between the nitrogen deposition projected by the Monument</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes the rationale for comparing PSD increments to the Monument Butte EIS. Please also refer to Appendix M, <i>Air Quality Emissions and Modeling Data</i>, which provides cumulative emissions estimates based on the oil and gas production scenarios OEA developed for analysis purposes. OEA's use of the Monument Butte EIS to assess PSD increments is appropriate given that the Monument Butte data was the best available at the time the analysis was begun, and given the unavailability of any other modeling study applicable to the proposed rail line.</p> <p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, as revised in the Final EIS, which includes the rationale for assessing acidic deposition impacts based on the Monument Butte EIS. OEA's use of the Monument Butte EIS to assess acidic deposition impacts of the project is appropriate given that the Monument Butte data was the best available at the time the analysis was begun, and given the unavailability of any other modeling study applicable to the proposed rail line. Section 3.15, <i>Cumulative Impacts</i>, discusses how OEA identified reasonably foreseeable projects. OEA consulted with BLM, the Forest Service, and other federal, state, and local agencies, and tribes to identify potential cumulative actions, including tar sands and oil shale development. Currently, there are no leases of oil shale or tar sands in the region and no proposed production; therefore, such development is not reasonably foreseeable. To be included as a cumulative project, planning and permitting should be advanced to the point that the action is reasonably foreseeable, and the potential for oil shale or tar sands would not meet that threshold for inclusion as a cumulative project. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

<p>Butte modeling and what OEA considers to be an accurate calculation of nitrogen deposition. Further, as argued elsewhere, because OEA fails to include other important reasonably foreseeable emission sources in its cumulative impact analysis, including new gas wells and oil shale and tar sands development, the agency necessarily underestimates the cumulative impacts of the rail line project on AQRVs. Similarly, reliance on the Monument Butte modeling at all is highly problematic. Therefore, OEA's assessment of the cumulative impacts of the proposed project on acid deposition is inadequate.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-68)

Comment	Response
<p>OEA Fails to Address the Cumulative Air Quality Impacts of the Sources of Other Rail Line Freight. The DEIS "estimates that between 0 and 110 loaded frac sand trains would enter the Basin each year using the proposed rail line, to support oil mining in the Basin." DEIS at 2-35. In addition, the DEIS explains that "[s]hippers could also use the proposed rail line to transport other commodities" in addition to oil and frac sands and estimates that "24 carloads per day to 36 carloads per day, on average, including loaded and empty rail cars" would be needed to transport these commodities. Id. Initially, the OEA does not explain where these frac sands would be mined and processed or address the direct, indirect and cumulative impacts of this mining and processing on air quality. Mining and processing frac sands creates considerable emissions, including PM₁₀ and PM_{2.5}. Mining and processing also causes silica to become airborne, thereby exposing individuals to a known carcinogen. Similarly, the DEIS neglects to consider the direct, indirect and cumulative air quality impacts of the past, present and reasonably foreseeable production of commodities. Indeed, the Colorado Department of Public Health and the Environment likewise calls attention to the need for OEA to address the air quality impacts the proposed rail line, including emission increases in frac mining and agricultural activity: [A]ccording to the Uinta Basin Railway Project website, the proposed action may result in increased oil and gas, agriculture, and mining activity. Emissions from these activities can travel great distances, affecting air quality and public health including in the Denver/North Front Range ozone nonattainment area. [Footnote 98: Colorado Department of Public Health and Environment's Preliminary Comments on the Proposed Uinta Rail Line (May 9, 2019) at 2.] Therefore, as Colorado points out and as NEPA</p>	<p>As stated in Chapter 2, <i>Proposed Action and Alternatives</i>, the Coalition expects that the proposed rail line would primarily be used to transport crude oil but would also transport frac sand. The Coalition expects that the proposed rail line would transport crude oil produced in the Basin to markets across the United States. Because potential future oil and gas development in the Basin has the potential to affect some of the same resources as construction and operation of the proposed rail line, OEA appropriately assessed potential future oil and gas development projects as part of the cumulative impacts analysis in the Draft EIS. Unlike crude oil, however, the Coalition anticipates that frac sand transported on the proposed rail line would be transported into the Basin for use in the oil and gas development industry from suppliers in other regions. Because frac sand transported on the proposed rail line would be mined and processed outside of the study area for cumulative impacts, those activities would not affect the same resources as construction and operation of the proposed rail line. Therefore, mining and processing of frac sand would not contribute to cumulative impacts when considered along with construction and operation of the proposed rail line and discussion of those impacts in the EIS would not be appropriate. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

<p>requires, OEA must expand its hard look to include an assessment of the direct, indirect and cumulative impacts of frac sand mining operations and transportation and other commodity production and transportation on air quality.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-73)</p>	
<p>Comment</p>	<p>Response</p>
<p>BLM and the Forest Service Have Legal Authority and Control Over the Granting of Rights-of-Way and Oil and Gas Leasing, Exploration, Development and Enforcement OEA's analysis does not apply to BLM and the Forest Service. There is no question that the BLM and Forest Service must undertake one or more federal actions in order for the proposed project to proceed. Likewise, there is no doubt that the agencies have ongoing obligations to comply with the Clean Air Act and manage activities on their lands - including in permitting oil and gas exploration and development - to ensure, inter alia, that these activities protect and improve air quality and do not cause or contribute to a violation of the NAAQS.</p>	<p>According to information provided to OEA by the Forest Service and BLM, oil and gas development projects on federal lands within the Uinta Basin Ozone Nonattainment Area would undergo appropriate air quality impact analyses if and when those projects are proposed. When an oil and gas drilling project is proposed, each federal action within a nonattainment area would go through conformity analysis when details of the project, such as level of activity, number of wells spudded, and nonroad equipment and project vehicle activity are known. The individual conformity analysis for each future development would be submitted to authorizing agencies and approved prior to a project being initiated.</p> <p>The Draft EIS properly incorporates existing air quality conditions as measured by ambient air quality monitors and discusses impacts from future proposed oil and gas activities in the cumulative analysis. Subsection 3.15.3, <i>Affected Environment</i> incorporates impacts from oil and gas projects and Section 315.7, <i>Air Quality and Greenhouse Gases</i>, discusses the comprehensive photochemical modeling conducted by BLM for the Monument Butte project. BLM's PGM model includes all reasonably forecasted oil and gas development in the region. Potential emissions from future oil and gas development in the Basin would be less than the emissions discussed in BLM's PGM analysis.</p> <p>For information regarding the applicability of the General Conformity Rule to construction and operation of the proposed rail line, please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i>. No changes to the Draft EIS are warranted in response to this comment.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-74)</p>	
<p>Comment</p>	<p>Response</p>
<p>First, BLM manages the Federal government's onshore subsurface mineral estate - about 700 million acres (30% of the United States) held by the BLM, Forest Service and other Federal agencies and surface owners - including through leasing, permitting and enforcement. [Footnote 100: Mineral Leasing Act of 1920, 30 U.S.C. 181, et seq.] BLM manages not only oil and gas, but also coal, oil</p>	<p>Please refer to response to Comment UBR-DEIS-00683-73 above.</p>

<p>shale, tar sands, and increasingly, renewable sources of energy such as wind, solar and geothermal. The Forest Service manages the surface- disturbing aspects of oil and gas leasing and operations on national forests and grasslands. [Footnote 101: Federal Onshore Oil and Gas Leasing Reform Act of 1987.] The agency must ensure that development of subsurface resources is carried out in a manner that will minimize the impact on these surface resources. In managing these oil and gas exploration, leasing and operations, both BLM and the Forest Service must protect air quality and resource values from air pollution, minimize emissions of air pollutants, and guarantee that these activities comply with the Clean Air Act and other statutes and regulations intended to protect resources values from the adverse impacts of air pollution. Second, pursuant to the Clean Air Act, the Forest Service and BLM are required to comply with all applicable air quality laws, regulations, standards and implementation plans</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-79)</p>	
<p>Comment</p>	<p>Comment</p>
<p>First, a proper understanding of the emissions "caused by" the BLM and Forest Service federal actions confirms that all the direct and indirect emissions from the rail line project in the ozone nonattainment area are "caused by" the agencies' right-of-way approvals and any land use plan amendments. This is because the rail line project and its direct and indirect emissions "would not otherwise occur in the absence," 40 C.F.R. 93.152 (definition of "caused by"), of the approvals and amendments. After all, without the right-of-way approvals and any required plan amendments, the rail project could not proceed. The proposed project simply cannot be built unless it follows one of the identified alignments, all of which require one or more right-a-way approvals and the required changes to land management plans. Second, as established above, the emissions caused by the right-of-way approvals and plan amendments are the same emissions caused by the rail line. See 40 C.F.R. 93.152 (definition of "caused by"). More specifically, the "direct" emissions caused by the rail line relevant to conformity are those that "originate in a nonattainment or maintenance area and occur at the same time and place as the action and are reasonably foreseeable." 40 C.F.R. 93.152 (definition of "direct emissions"). Already OEA has made an initial effort to calculate the direct emissions from the proposed rail line project, restricting its analysis to emissions from construction. DEIS at 3.7-20. However, as noted elsewhere, these calculations of</p>	<p>According to information provided to OEA by the Forest Service and BLM, oil and gas development projects on federal lands within the Uinta Basin Ozone Nonattainment Area would undergo appropriate air quality impact analyses if and when those projects are proposed. When an oil and gas drilling project is proposed, each federal action within a nonattainment area would go through conformity analysis when details of the project, such as level of activity, number of wells spudded, and nonroad equipment and project vehicle activity are known. The individual conformity analysis for each future development would be submitted to authorizing agencies and approved prior to a project being initiated.</p> <p>The Draft EIS properly incorporates existing air quality conditions as measured by ambient air quality monitors and discusses impacts from future proposed oil and gas activities in the cumulative analysis. Subsection 3.15.3, <i>Affected Environment</i> incorporates impacts from oil and gas projects and Section 315.7, <i>Air Quality and Greenhouse Gases</i>, discusses the comprehensive photochemical modeling conducted by BLM for the Monument Butte project. BLM's PGM model includes all reasonably forecasted oil and gas development in the region. Potential emissions from future oil and gas development in the Basin would be less than the emissions discussed in BLM's PGM analysis. For information regarding the applicability of the General Conformity Rule to construction and</p>

<p>direct emissions are not supported by the record. That same analysis applies equally to a determination of direct emissions for the purposes of assessing whether BLM and the Forest Service must complete a conformity demonstration. As a result, it is critical that OEA quantify direct emissions from the rail line proposal based on record evidence and in sufficient detail to allow for meaningful public review and comment. This is particularly important because the estimates of construction emissions are very close to the 40 C.F.R. 93.153 thresholds. Id. Third, in addition to direct emissions from the rail line project, a conformity analysis must calculate "indirect" emissions as defined by 40 C.F.R. 93.152. Initially, like direct emissions, indirect emissions are those "caused or initiated by the Federal action" and that "originate in the same nonattainment or maintenance area but occur at a different time or place as the action[.]" Given this definition, it is evident that, at a minimum, indirect emissions caused or initiated by the rail line project include emissions from increased oil production in that part of the Uinta Basin encompassed by the Uinta Basin ozone nonattainment area. This is because the new oil production would not otherwise occur in the absence of by the rail line project or is "initiated" [Footnote 105: Merriam-Webster defines "initiate" as "to cause or facilitate the beginning of: set going."] by the project.</p>	<p>operation of the proposed rail line, please refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i>. No changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-80)

Comment	Response
<p>Most fundamentally, there are currently about 9,000 oil and gas wells in the Uinta Basin [Footnote 107: Foster 2019.] producing approximately 90,000 barrels of crude per day. DEIS at 3.15 ("OEA used 90,000 barrels per day as a conservative baseline level of production, which is slightly lower than the maximum historical production from the Basin of 94,000 barrels per day."). At the same time, "the total volume of oil that would be transported on the proposed rail line would range from 130,000 to 350,000 barrels per day, on average." DEIS at 2-35. Therefore, the entire feasibility and design of the rail line project is dependent on and will result in an increase in oil production in the Uinta Basin of at least 40,000 barrels per day. [Footnote 108: To the extent that it is relevant, neither a pipeline nor increased highway infrastructure would solve this transportation limit on production in Uinta Basin. This is because a pipeline - necessarily heated because Uinta crude is waxy - and trucks would still be confined to existing roadways and transporting crude to the refineries in Salt Lake City and the</p>	<p>Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>.</p>

<p>capacity at these cannot be expanded sufficiently. E.g. UDOT et al., Final Report: Uinta Basin Energy and Transportation Study (April 2013) at 2; see also id. at 16. ("Transportation to markets outside of Salt Lake City (SLC), where higher crude prices may be realized, is highly desirable and could attract incremental investment. Currently, trucking to other locations is not common, since the cost to re-heat the solidified crude oil must be considered."); id. at 4 ("Existing pipelines are already at or near capacity, and the nature of the crude oil produced in the Uinta Basin, described as black wax or waxy crude due to its high paraffin content, limits the effectiveness of pipelines for its transportation-it must be kept warm (above 110 degrees Fahrenheit) or it hardens to the consistency of candle wax."). Further, in determining that "[t]ransportation constraints on oil and gas production in the Uinta Basin are material," UDOT assumed "a certain level of ongoing investment in the Uinta Basin" roadway infrastructure. Id. at 64. However, the "capacity shortfalls" the agency determined would exist "are above and beyond these planned investments." Id. Thus, even with upgrades, the existing roadway capacity would not be able to handle the increased production that the rail line would initiate. Id. at 64-71 & 111. These analyses show that the increase in oil production in the Uinta Basin ozone nonattainment area would not occur without construction of the rail line project.] It is evident, then, that the rail line project will cause or initiate an increase in oil production in the Uinta Basin ozone nonattainment area.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-82)

Comment	Response
<p>Thus, according to a variety of sources, the rail line project will cause or initiate some substantial, quantifiable increase in oil production in the Uinta Basin ozone nonattainment area. [Footnote 116: Any suggestion that some or all the resulting increase in oil production would occur outside the Uinta Basin ozone nonattainment area would be ill-conceived.] Furthermore, it is evident that this increase and the emissions that would result is reasonably foreseeable</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes an assessment of GHG emissions and potential air quality impacts, including cumulative impacts of associated oil and gas development. No changes to the Draft EIS are warranted in response to this comment.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-83)

Comment	Response
<p>Fourth, it is evident that the increases in oil production caused or initiated by the rail line will result in emissions of ozone precursors that the BLM and Forest Service "can practically control" and "[f]or which the agenc[ies] ha[ve] continuing program responsibility." 40 C.F.R. 93.152 (definition</p>	<p>Please refer to response to Comment UBR-DEIS-00683-73.</p>

<p>of "indirect emissions"). As established in detail above, both the BLM and Forest Service must authorize and permit any oil and gas activities on the lands under their jurisdictions. This oversight, authorization and permitting is done pursuant to statutes and regulations that impose substantive requirements that the agencies protect and improve air quality, limit emissions of air pollutants, safeguard plants, water quality, soils, scenic vistas, recreation, wildlife and public health from air pollution and comply with the Clean Air Act and other environmental statutes that otherwise protect natural resources from air pollution, including ozone precursors. [Footnote 117: E.g. 42 U.S.C. § 7418(a); 43 U.S.C. 1712(c)(8); 42 U.S.C. 7506(c); 43 C.F.R. §§ 3101.1-2, 3161.2; 43 C.F.R. §§ 3162.5-1(a), 3161.2; 43 C.F.R. §§ 3162.5-1(a), 3161.2; 43 C.F.R. §§ 3162.5-1(a); 3161.2; 42 U.S.C. § 7473(b)(4); BLM Manual at 7300.04(C)(4); 16 U.S.C. §1602(5)(C); 16 U.S.C. § 1604(i); 36 C.F.R. §§ 228.102(e), 228.107(a)(2); 2; 36 C.F.R. §§ 219.27(a)(12), 228.102(e), 228.107(a)(2); 36 C.F.R. § 228.108(a); 36 C.F.R. §§ 228.112(c)(1), 228.112(e); 36 C.F.R. § 228.107(a)(1); 36 C.F.R. § 228.108; 36 C.F.R. § 228.112(c)(1).] Both BLM and the Forest Service also have significant, continuing enforcement and administrative responsibilities relating to oil and gas activities on the lands under their jurisdictions. [Footnote 18: E.g. 43 C.F.R. §§ 3102.5 & 3163; 36 C.F.R. § 288.7.] Finally, some substantial, quantifiable portion of the increased oil development will occur on BLM and Forest Service land within the Uinta Basin ozone nonattainment area. [Footnote 119: BLM has authority over subsurface oil and gas activities on Forest Service lands.] These activities will necessarily result in emissions of ozone precursors. These emissions are direct or indirect emissions caused by the rail line project and so must be considered as part of a conformity applicability analysis. See 40 C.F.R. 93.153(b). As these emissions, when added to the annual emissions associated with the construction of the rail line, will exceed the relevant thresholds, the BLM and Forest Service must complete a conformity demonstration as part of the environmental review process for the proposed project. Id.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-87)	
Comment	Response
<p>The Draft EIS Fails to Analyze the Cumulative Air Quality and Greenhouse Gas Effects from Other Projects and Actions While the draft EIS quantifies the emissions generated from producing the oil expected to be transported on the railway, albeit</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which discusses reasonably foreseeable development and potential cumulative air quality and GHG impacts. As discussed in that subsection, OEA properly relied on the results and</p>

<p>treating those emissions as cumulative and not indirect effects, it underestimates those emissions. The draft EIS relies on outdated data from the Monument Butte project. As explained in the section on criteria air pollutants, new information since BLM's Monument Butte EIS reveals that oil and gas production pollutes higher amounts of methane than previously thought. Further, the Monument Butte EIS does not appear to have accounted for emissions from transporting oil outside the project area, including greenhouse gas and criteria air pollutants from trucking oil to shipping facilities and/or refineries. [Footnote 137: U.S. Bureau of Land Management, Final Environmental Impact Statement, Monument Butte Oil & Gas Development Project, vol. 2 (Aug. 2016) at 4-4 - 4-9, available at https://eplanning.blm.gov/public_projects/nepa/62904/75396/83266/FEIS_2_Chapter_4_thru_Attachment_2.pdf. See also DEIS, Appendix M at PDF 497.] While the DEIS states that these emissions were analyzed as part of the cumulative effects analysis, [Footnote 138: DEIS at 3.7-12.] that section does not discuss or specifically quantify these emissions. [Footnote 139: DEIS 3.15-27 - 31. See also DEIS, Appendix M at PDF 523 (providing only emissions factors and vehicle miles traveled for "haul trips" but not total emissions).] The DEIS must disclose total emissions for truck trips and explain its underlying assumptions. In addition, OEA failed to quantitatively or qualitatively analyze the emissions from other reasonably foreseeable actions in the cumulative impacts study area in connection with the project's total greenhouse gas emissions and emissions from oil and gas production. "To the extent other... actions in the region-such as other lease sales-are reasonably foreseeable when an EA is issued," the agency "must discuss them as well." <i>WildEarth Guardians v. Zinke</i>, 368 F. Supp. 3d 41, 77 (D.D.C. 2019).</p>	<p>conclusions of the Monument Butte EIS to make conclusions about the potential air quality impacts of future oil and gas production in the Basin in the context of cumulative impacts because that study provides the best available data source on the impacts of oil and gas development projects in the Basin. The emissions calculations reported in Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, specifically account for emissions from truck transportation for moving oil from oil production areas to potential rail terminals. Because OEA assumed that additional oil production above baseline conditions would be transported by rail, OEA concluded that there would be no project-related emissions from additional long-distance trucking of crude oil to facilities and refineries outside of the study area. Please also refer to Section 3.1, <i>Vehicle Safety and Delay</i>, which discusses trucking of crude oil to the rail terminals. Appendix M, <i>Air Quality Emissions and Modeling Data</i>, provides information on truck trips per day, trip distance, emissions factors, daily emissions, and annual emissions from crude oil trucking to terminals. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-127)	
Comment	Response
<p>The DEIS Analysis Is Lacking in Terms of Cumulative Effects Specifically Tailored to Sage-Grouse The cumulative effects analysis in the DEIS is grossly inadequate in terms of potential cumulative effects of the new rail-line, combined with past, current and foreseeable future impacts of human activities and both human and natural disturbance, including climate change, on the Uinta Basin and Carbon SGMA sage-grouse populations. The Cumulative Effects analysis in the DEIS only mentions sage-grouse four times. As such, a new section of the Cumulative Effects analysis needs to be written in the FEIS for sage-grouse. In addition to</p>	<p>OEA has revised, Subsection 3.15.5.4, <i>Biological Resources</i>, in the Final EIS to provide additional discussion regarding cumulative effects on greater sage-grouse. As described in the Final EIS, OEA convened a greater sage-grouse interagency working group to address potential construction and operations impacts of the proposed rail line on the species and their habitats. The focus of the interagency group was on SGMAs, which are the areas identified as containing the necessary habitat for over 94% of the greater sage-grouse in Utah. Populations outside of SGMAs are not considered essential to perpetuate the species in Utah and are</p>

<p>more thoroughly analyzing whether fire regimes in this portion of the Uinta Basin have already been altered by the predominance of exotic annuals like cheatgrass (addressed above and how the current fire regime and fire cycle might be affected by increased chance of fires caused by the rail-line, the new cumulative impacts analysis for sage-grouse should also consider past and future anticipated oil and gas development in the area, West Nile Virus, livestock grazing, vegetation treatments, roads, utility corridors, wind energy development and invasive plants (and the increased likelihood of cheatgrass invasions triggered by the rail line construction). We address a few of these impacts that can act cumulatively on sage-grouse, below. Section 3.4.2, page 3.4-4 of the DEIS states that "the existing habitat in the vicinity of the proposed rail line has been fragmented by previous construction of highway corridors and smaller roads and conversion of land for agricultural, residential, commercial, and industrial uses...Smaller paved and dirt roads provide access to homes, businesses, and oil well pads. These land use changes have disrupted the continuity of the original wildlife habitat." This language offers a start at summarizing the potential cumulative effects already acting on the local sage-grouse population in the Study Area, but as we demonstrate below, still misses the mark.</p>	<p>subject to fewer federal and state management protections. Based on the interagency working group consultation, OEA's impacts analysis, including those impacts from cumulative projects, focused primarily on the Carbon SGMA, which is the only SGMA crossed by the Action Alternatives. OEA identified two reasonably foreseeable future actions that would overlap the Carbon SGMA and the Action Alternatives. Those actions are potential oil and gas development in the Castlegate gas field and the Gateway South Transmission line, shown in Figure 3.15-1 in Subsection 3.15.3, <i>Affected Environment</i>. OEA's analysis describes the cumulative impacts from the proposed rail line and oil and gas development and the Gateway South Transmission line, which would contribute to many of the same threats to greater sage-grouse including fire, spread of weeds/grass, and development of the facility (i.e., removal of habitat and operations related impacts, such as noise). Past actions that have occurred in the study area, including livestock grazing and vegetation treatments, contribute to the current conditions of habitat supporting greater sage-grouse populations, and are accounted for in the description of the affected environment in Subsection 3.4.2, <i>Affected Environment</i>. Any cumulative project in the Carbon SGMA would be subject to the same federal and state management plans for protection of greater sage-grouse as the proposed rail line. Those plans, as described in the Final EIS, would minimize impacts on the species by restricting the density of development and other measures designed to limit habitat loss and fragmentation. In addition, the Coalition has committed to executing a Mitigation Agreement with the UDWR to address impacts on the Carbon SGMA (see voluntary mitigation measure VM-35 in Chapter 4, <i>Mitigation</i>). OEA is also recommending mitigation requiring the Coalition avoid constructing in the Carbon SGMA during the nesting and breeding season (BIO-MM-19). With these mitigation measures for the proposed rail line, along with the requirements federal and state plans for any cumulative project development within the Carbon SGMA, OEA expects that cumulative impacts on greater sage-grouse would be minimized.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-128)	
Comment	Response
<p>The new cumulative effects analysis for sage-grouse in the FEIS also needs to address the fact that this rail-line will likely lead to increased oil and gas development within sage-grouse habitat in the Uinta Basin, and these effects should also be addressed as indirect effects of the project. As</p>	<p>Please refer to response to Comment UBR-DEIS-00683-127 above.</p>

discussed in section II above, the railway is intended to spur increased oil and gas development in the Uinta Basin. There is perhaps no other topic in relation to sage-grouse that has been studied more thoroughly than the impacts of oil and gas development on this species. The individual synergistic and cumulative effects of expanded oil and gas development and related effects, such as surface disturbance, noise, and creation and use of access roads, continue to fragment, degrade and eliminate sage-grouse habitat across its range (Connelly et al. 2011). The Sage Grouse National Technical Team's (SGNTT 2011) report and Salvo (2015) thoroughly review the effects of fluid mineral development on sage-grouse and this analysis should be brought into a sage-grouse specific cumulative effects analysis in the FEIS. A relatively recent example of a good cumulative effects analysis of fluid mineral development on a local sage grouse population is a study commissioned by the Bureau of Land Management in the Powder River Basin, Wyoming, which exposed major difficulties with the agency's current approach to sage-grouse conservation in the Basin, a region that is heavily developed for gas and oil.

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-129)

Comment	Response
<p>The DEIS similarly does a poor job adequately analyzing the effects of additional power lines, communication towers, and transmission lines on sage-grouse and how the addition of these new influences interact with other current stresses to sage-grouse in the study area. Section 3.4.3.1, page 3.4-30 of the DEIS merely states "Rail line infrastructure could affect species survival and reproductive success. Power distribution lines, communications towers, and fences associated with the proposed rail line would provide perches for predatory birds, facilitating predation on ground-nesting birds and other small wildlife." The possible effects of additional power lines and communication towers associated with the rail line (or other power and communication lines that come to follow this convenient pathway in the future) combined with other current and potential future impacts to the sage-grouse population needs to be more thoroughly addressed in the FEIS, including total acreage of this and all other current and potential future infrastructure in the study area (and see discussion on revisiting the sage-grouse habitat disturbance cap analysis below). In addition, as the United States transitions from fossil fuels to renewable energy sources, there will likely be a need for additional long-distance transmission lines</p>	<p>Please refer to response to Comment UBR-DEIS-00683-127 above. In the Draft EIS, OEA did not identify any additional powerlines, communications towers, transmission lines, or other similar reasonably foreseeable future actions proposed in the Carbon SGMA. However, since publication of the Draft EIS, OEA was notified that the proponent of the Gateway South Transmission line revised the transmission line route and shifted it to the south, where the transmission line would travel through approximately 18.5 miles of the Carbon SGMA (it was previously not sited in the Carbon SGMA). As a result of this change, OEA has revised Final EIS Section 3.15.5.4, <i>Biological Resources</i>, to include an assessment of the Gateway South Transmission line's potential impact on greater sage-grouse in the Carbon SGMA. Please also refer to Section 3.4, <i>Biological Resources</i>, for information regarding impacts on greater sage-grouse from project features, such as communications towers, power lines, and fences, that would be constructed as part of the proposed rail line. As discussed in that section, power distribution lines, communications towers, and fences associated with the proposed rail line would provide perches for predatory birds, facilitating predation on ground-nesting birds and other small wildlife. However, the Coalition is not</p>

<p>across the West. For example, it looks as if both TransWest Express and Energy Gateway South, both in the planning stages now, will cross somewhere through the Uinta Basin and it would not be unreasonable to also include these future potentially major impacts in the Uinta Basin in a cumulative effects analysis for sage-grouse for the project</p>	<p>proposing fences unless a landowner agreement requests one and OEA anticipates that installation of new power distribution lines would be limited. The Coalition would construct power lines primarily near road crossings where they could be connected to existing distribution lines. In more remote or inaccessible locations, OEA anticipates the Coalition would use solar-powered equipment, which would have fewer wildlife impacts. OEA is recommending mitigation requiring the Coalition follow the USFWS <i>Recommended Best Practices for Communication Tower Design, Siting, Construction, Operation, Maintenance, and Decommissioning</i> (USFWS 2018) to avoid or minimize the risk of bird mortality at communications towers (BIO-MM-1).</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-130)

Comment	Response
<p>The new sage-grouse cumulative effects analysis that needs to be written for the FEIS would be a good place to reassess the disturbance cap analysis performed in the DEIS for sage-grouse. The DEIS already acknowledges that seven leks are within the 1-mile buffer of the proposed rail-lines. In this part of the study area in particular, the disturbance cap analysis may need to be re-assessed. The Whitmore Park study area disturbance cap analysis by the BLM (including current and anticipated disturbance caused by the rail-line) was found to be 2.66% surface disturbance, worrisomely close to the 3% disturbance cap required by both the BLM and the Utah State Sage-grouse Conservation Plan. It would only take a small amount of additional impacts not foreseen by the DEIS in the study area to put the cumulative disturbances over 3%. Again, this seems like it is not abiding by the Precautionary Principle and should be revisited in light of a sage-grouse specific cumulative effects analysis.</p>	<p>See response to Comment UBR-DEIS-00683-127 above. OEA cannot predict the disturbance areas of future as yet unplanned actions in the Carbon SGMA. However, the disturbance cap is a protective measure that limits greater sage-grouse habitat loss and habitat fragmentation. Under the BLM <i>Utah Greater Sage-Grouse Approved Resource Management Plan Amendment</i> (BLM 2015), any action that would exceed the 3% disturbance cap is not allowed until the disturbance has been reduced to less than the cap. Future actions that could exceed the BLM disturbance cap in the Carbon SGMA would be prohibited. Under Utah's <i>Utah Conservation Plan for Greater Sage-Grouse</i> (State Plan) (State of Utah 2019), there is a similar disturbance cap (3%), but it is a measure that the state recommends and is not required.</p> <p>Based on agency consultation with BLM, OEA has revised Subsection 3.4.3.2, <i>Impact Comparison between Action Alternatives, Greater Sage-Grouse</i>, to provide further information regarding the disturbance caps under the BLM ARMPA and Utah State Plan. There are two separate disturbance caps that should be considered when reviewing project conformance with the ARMPA—a 3% disturbance cap at the population area level and a 3% disturbance cap at the project authorization scale. None of the Action Alternatives would exceed the 3% disturbance cap at the population area level. All of the Action Alternatives would exceed the 3% disturbance cap at the project authorization scale. This means that as currently proposed, the Indian Canyon Alternative and the Wells Draw Alternative would not be in compliance with the ARMPA and the BLM would not permit either alternative until the disturbance is brought below 3% or the ARMPA is amended. Because the Whitmore Park Alternative</p>

	<p>does not cross BLM-administered land, it would not be subject to the ARMPA. All Action Alternatives would be subject to the Utah State Plan, but because all measures in the Utah State Plan are voluntary, the 3% disturbance cap would not restrict construction and operation of any of the Action Alternatives. OEA also notes that the project authorization scale disturbance cap is not applicable under the State Plan (only the ARMPA). To offset the potential impacts of the proposed rail line on greater sage-grouse in the Carbon SGMA and in the context of the greater sage-grouse management plans, the Coalition has committed to executing a Mitigation Agreement with UDWR (see voluntary mitigation measures VM-35 in Chapter 4, <i>Mitigation</i>). In addition, OEA is recommending mitigation requiring the Coalition avoid constructing in the Carbon SGMA during the nesting and breeding season (BIO-MM-19).</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-131)

Comment	Response
<p>Lastly, an adequate cumulative effects analysis for sage-grouse needs to also address the population viability issue. The Uinta Basin SGMA population and Emma Park meta-population of the Carbon SGMA are likely connected, with some travel in some years of birds between the leks of both of these populations. In addition, the Emma Park meta population is almost certainly connected with the meta-population within the Carbon SGMA that uses the leks north of Scofield reservoir (UDWR 2019). The DEIS does not address the potential cumulative, direct and indirect impacts of the proposed rail line on sage-grouse population viability, including potential population decline and extirpation because of the rail line. The viability of these populations is likely to decline over time after the rail-line is built, due to lek abandonment and fragmentation of occupied sage-grouse habitat. A proper cumulative effects analysis should address the long-term likelihood of the habitat that links these various populations to remain intact enough for them to retain some element of connectivity, thus promoting long-term viability of all the meta populations that are potentially linked through and beyond the Uinta Basin Rail Line study area. In conclusion, the scientific literature is conclusive that sage-grouse are highly sensitive to development. We fear that if this rail line is built, the local sage-grouse population and most especially the Emma Park population could be severely impacted. As we point out at the beginning of this section, this sage-grouse population has already been in slow and steady decline for decades, and that trend is</p>	<p>See response to Comment UBR-DEIS-00683-127 above. Because one of the main objectives of the BLM ARMPA and Utah State Plan is to maintain and increase greater sage-grouse populations over the long term, the requirements and recommendations in these plans for development in SGMAs would contribute to reaching that objective. The Coalition would comply with the BLM ARMPA and the Utah State Plan (BIO-MM-13 in Chapter 4, <i>Mitigation</i>). While none of the Action Alternatives completely avoid the Carbon SGMA, the Whitmore Park Alternative would minimize impacts on greater sage-grouse because it would be located further away from leks and summer brood rearing habitat. Following the EIS scoping period, the Coalition refined the Whitmore Park Alternative (their preferred alternative) in the Emma Park area to avoid the leks in the Carbon SGMA as much as possible. The Coalition has recognized the potential impacts of the proposed rail line on greater sage-grouse for any of the Action Alternatives, particularly in the Carbon SGMA and in the context of the greater sage-grouse management plans, and has committed to executing a Mitigation Agreement with UDWR to offset impacts within the Carbon SGMA (see voluntary mitigation measure VM-35 in Chapter 4, <i>Mitigation</i>). The State of Utah, through PLPCO and UDWR, has informed OEA that by avoiding and minimizing impacts and through providing compensatory mitigation to benefit sage-grouse, the proposed rail line would not negatively impact the greater sage-grouse population that uses</p>

<p>continuing, even without the rail line being built. As virtually all of the Emma Park leks lie within 3 miles of the preferred route, further population declines due to construction and train operation are virtually certain as leks and surrounding nest/brood habitat are abandoned. In fact we feel that extirpation of this population is a distinct possibility of this rail line is built. And, if the connection to the Uinta Basin or Scofield populations are eventually lost, there can be no rescue effect from these nearby populations. This project throws the Precautionary Principle out the window and plays fast and loose with a small and vulnerable population of greater sage-grouse.</p>	<p>the general area over the long-term (Appendix K, <i>State of Utah Letter and Coalition's Sage-Grouse Mitigation Plan</i>). In addition, OEA is recommending mitigation requiring the Coalition avoid constructing in the Carbon SGMA during the nesting and breeding season (BIO-MM-19).</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-144)

Comment	Response
<p>The DEIS Fails to Analyze the Impacts of Increased Oil and Gas Development on Big Game. Research clearly shows certain ungulate species, (i.e. pronghorn, mule deer) are likely to avoid areas of energy development. According to one study, "[e]nergy development drove considerable alterations to deer habitat selection patterns, with the most substantial impacts manifested as avoidance of well pads with active drilling to a distance of at least 800 m." [Footnote 251: 251 Northrup, J. M. et al., Quantifying spatial habitat loss from hydrocarbon development through assessing habitat selection patterns of mule deer, <i>Global Change Biology</i> (2015).] Further, "energy development could sever migration corridors for pronghorn and influence the distribution of pronghorn on winter ranges. These changes in distribution could alter the capacity of those ranges to support pronghorn." [Footnote 252: Pronghorn Management Plan.] However, the DEIS does not discuss the potential for reduction in range capacity and the implications it will have on big game populations now and in the future. "Disrupted migration could prevent herds from reaching high quality forage, which could result in physiological stresses and the expenditure of greater amounts of energy to reach resources beyond the project area." [Footnote 253: U.S. Department of the Interior, Secretarial Order 3362: Improving Habitat Quality in Western Big- Game Winter Range and Migration Corridors (Feb. 9, 2018)] Development in crucial winter range and migration routes could also eliminate a herd's migration memory and break the tradition of migration to the most suitable winter habitats. [Footnote 254: Wyoming Game and Fish Department, Recommendations for Development of Oil and Gas Resources Within Important Wildlife Habitats (2010) at 13.] It is important for the EIS to</p>	<p>To address concerns regarding big game habitat and migration impacts in the context of populations and range capacity, OEA has revised Section 3.4, <i>Biological Resources</i> and Subsection 3.15.5.4, <i>Biological Resources</i>, in the Final EIS to include additional information on big game in the context of population management units and range capacity, including impacts on habitat and movement corridors along the Action Alternatives and for the cumulative actions. OEA calculated the percent of big game crucial habitat impacts from the Action Alternatives and oil and gas development and compared it to all available crucial habitat in each species' UDWR management unit. OEA also worked with UDWR wildlife staff to map the general locations of big game movement corridors along the Action Alternatives, as shown in Appendix G, <i>Biological Resources Figures</i>, in the Final EIS. To address impacts on big game migration, OEA is recommending mitigation measure BIO-MM-18, which would require the Coalition develop a big game movement corridor crossing plan in consultation with Ute Indian Tribe, UDWR, OEA, and appropriate land management agencies.</p>

<p>analyze range capacity and the consequences of reducing these ranges and changing the distribution of big game in the basin. Furthermore, noise, vehicle traffic, and human presence associated with operations and maintenance of producing wells during the development and production periods would also contribute to overall potential disturbance of pronghorn and avoidance of areas with increased activity.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-152)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS's Analysis of Cumulative Impacts Is Inadequate The DEIS downplays cumulative impacts by narrowly focusing on activities within the immediate vicinity of the proposed railway. The DEIS states: "[T]he proposed rail line's contributing impacts on wildlife are not anticipated to be extensive due to the limited overlap of the proposed rail line cumulative impacts study area..." [Footnote 275: DEIS at 3.15-20.] In addition, with respect to oil and gas development it states, "[t]he extent of potential cumulative impacts would depend on the location of the oil and gas development relative to the proposed rail line, with a greater potential for a cumulative impact if the activity is closer to the proposed rail line. The proposed rail line impact area and oil and gas development impact area must overlap for there to be a cumulative impact." [Footnote 276: Id. at 3.15-9.] However, given the migratory nature of big game populations and their large ranges, a single population or a single herd could be impacted by other projects or activities that are not necessarily within the same location as the rail but still contribute to the overall loss, fragmentation, and degradation of the herd or population's habitat. The EIS should correct these erroneous statements and acknowledge that big game traveling over a large area are likely to experience cumulative impacts from the rail in connection with other projects that do not overlap with the rail (including the rail terminal, oil and gas projects). In conclusion, we are deeply concerned about the large geographic scope of the proposed rail line and the serious impact this project will have on ungulates and their habitat. The EIS must thoroughly analyze the direct impacts of constructing and operating the rail line, the indirect impacts of increased oil and gas production in the Uinta Basin (including indirect habitat loss from well avoidance), and the project's cumulative impacts in connection with other threats to the species.</p>	<p>Please refer to response to Comment UBR-DEIS-00683-132 in Table T-10 for information on the revised big game impact discussion in the Final EIS. To address concerns regarding cumulative impacts on big game, OEA has revised Subsection 3.15.5.4, <i>Biological Resources</i>, in the Final EIS to include information about impacts on big game by UDWR population management units.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-169)	
Comment	Response
<p>Increased Oil and Gas Development Will Impact Water Quality and Quantity in the Region. The DEIS fails to adequately address the impacts to water quality or quantity that would result from the increase of oil and gas development in the Uinta Basin as a result of the railroad. Oil and gas production has known negative impacts on water quality. Further, oil and gas production is likely to cause contamination of both surface water and groundwater. In a December 2016 report from the US EPA, the following factors specific to fracking were found to potentially impact water resources: (1) Water withdrawals for fracking in times or areas of low water availability; (2) Spills during the management of fracking fluids and chemicals or produced water; (3) Injection of fracking fluids into wells with inadequate mechanical integrity; (4) Injection of fracking fluids directly into groundwater resources; (5) Discharge of inadequately treated fracking wastewater to surface water resources; and (6) Disposal or storage of fracking wastewater in unlined pits. In fact, the compilation of this list was based on studies that found impacts to water resources from the listed activities. [Footnote 351: U.S. Environmental Protection Agency, Hydraulic fracturing for oil and gas: impacts from the hydraulic fracturing water cycle on drinking water resources in the United States - Executive Summary (Final Report) (2016)("EPA 2016 HF Study ES") at p. ES-3.]</p>	<p>Please refer to Subsection 3.15.5.3, <i>Water Resources</i>, which explains why OEA did not assess cumulative groundwater impacts. OEA has revised that subsection by adding language describing impacts on groundwater that could result from potential future oil and gas development in the Basin. Because OEA cannot predict the locations of future oil and gas development projects or the methods those projects would use, it is not possible to quantify their impacts on groundwater resources. Because OEA does not anticipate the proposed rail line would have adverse effects on groundwater, there would be no contribution to cumulative groundwater impacts from construction and operation of the proposed rail line.</p> <p>Please refer to Subsection 3.15.5.3, <i>Water Resources</i>, which includes information regarding potential surface water quality impacts from oil and gas development, including hydraulic fracturing or fracking, in the context of cumulative impacts. Similar types of impacts on surface waters would occur from both rail construction and operations. The only exception is the disposal of produced water from oil and gas production, which is the largest waste stream component generated during oil and gas production. However, this is not anticipated to be a significant issue because, as stated in Subsection 3.15.5.3, <i>Water Resources</i>, disposal of produced waters into surface waters is not a disposal method known to be employed in Utah. In addition, if, in the future, produced water is disposed of in surface waters, the well operator would need to comply with 40 C.F.R. Part 435 and the CWA Section 402 NPDES permit program to ensure there are no exceedances of water quality standards.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-170)	
Comment	Response
<p>The EIS should consider the current state of groundwater in the region and likely impacts from increased oil and gas production, including fracking.</p>	<p>Please refer to Section 3.3, <i>Water Resources</i>, which describes the existing groundwater conditions in the study area and analyzes potential impacts from construction and operations of the rail line. OEA has added language to Subsection 3.15.5.3, <i>Water Resources</i>, describing impacts on groundwater that could result from potential future oil and gas development in the Basin, including hydraulic fracturing or fracking. Because OEA cannot predict the locations of future oil and gas development projects or the methods those projects would use, it is not possible to quantify their impacts on groundwater resources. Because OEA does not</p>

	anticipate the proposed rail line would have adverse effects on groundwater, there would be no contribution to cumulative groundwater impacts from construction and operation of the proposed rail line.
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-171)

Comment	Response
<p>In addition to impacting the quality of water, increased oil and gas development would reduce the overall quantity of water in the region. The Western United States already faces a water scarcity problem that has only been exacerbated by the oil and gas industry. [Footnote 365: Kustin, Mary Ellen, U.S. Lacks Data Needed to Weigh Effects of Oil and Gas Production on Western Water Supply, Center for American Progress (June 27, 2019), https://www.americanprogress.org/issues/green/news/2019/06/27/471512/u-s-lacks-data-needed-weigh-effects-oil-gas-production-western-water-supply/ ("Kustin 2019")] The Uinta Basin in particular has faced increasing water scarcity because of decreased stream flow from the Colorado River. [Footnote 366: Milly, P.C.D. & K.A. Dunne, Colorado River flow dwindles as warming-driven loss of reflective snow energizes evaporation, 367 Science 1252, 1255 (Mar. 13, 2020).] While monitoring of the oil and gas industry's water use is inconsistent, the industry is estimated to use 2.4 billion gallons of water in the United States per day. [Footnote 367: Kustin 2019.] Fracking, which is occurring in and growing throughout the Uinta Basin, has been a huge contributor over the years and the volume of water used by fracking operations continues to grow. [Footnote 368: Id] In the years between 2011-2016, the volume of water used by one hydraulically fractured well has increased 770 percent overall in shale basins. [Footnote 369: Kondash, Andrew J. et al., The intensification of the water footprint of hydraulic fracturing, 4 Sci. Advances (Aug. 15, 2018) at 1, 3.] These numbers are likely underestimated as reporting is often sporadic. [Footnote 370: Id] Additionally, the Utah Geological Survey reported nearly four million barrels of saline water per month in Uintah County and nearly two million barrels per month in Duchesne County were produced. [Footnote 371: Vanden Berg, Michael D., Saline Water Disposal in the Uinta Basin, Utah - Protecting fresh water while allowing for increased hydrocarbon production, Utah Geological Survey (May 2010), https://geology.utah.gov/map-pub/survey-notes/energy-news/energy-news-saline-water-disposal-in-the-uinta-basin-utah/.] Over an average well's lifetime, around 2.5 million</p>	<p>Please refer to Subsection 3.3.1.3, <i>Analysis Methods</i>, for OEA's approach to assessing water quantity impacts. The Coalition would not pursue new water rights for construction or operations. Because water sources (surface or groundwater) are anticipated to be from a previous state-approved water rights source, OEA did not assess impacts related to surface or groundwater use (i.e., supply or drawdown) in detail. In addition, per the Utah Oil and Gas Conservation General Rules (R649-3-4), a state-approved water right must be obtained prior to any oil or gas drilling, and the drilling of wells cannot commence without an adequate and approved supply of water as required by Title 73, Chapter 3, Appropriation (see Utah's Oil and Gas Conservation Act (40-6-5)).</p> <p>Please refer to Subsection 3.15.5.4, <i>Biological Resources</i>, and Appendix I, <i>Biological Assessment</i>, for cumulative impacts on the endangered Upper Colorado River Basin Fish. As described in the Biological Assessment, USFWS has developed a process (i.e., decision tree) for making an effects determination for these fish species that looks at water use in the basin. The decision tree specifically reflects the requirements for consultation established under the Upper Colorado River Endangered Fish Recovery Program. OEA determined that the proposed rail line would be <i>likely to adversely affect</i> the four fish species and has initiated formal consultation. None of the cumulative projects would change this determination, and any federal or non-federal oil and gas development that would occur in the Basin would need to comply with the ESA either through the Section 7 process (for projects with a federal nexus) or ESA Section 10 process (for projects with no federal nexus). Under ESA Section 7, federal action agencies must ensure that their proposed action does not jeopardize the continued existence of ESA-listed species or adversely modify designated critical habitat. As part of the ESA Section 10 process, USFWS must also ensure that their action of issuing an Incidental Take Permit to a nonfederal entity does not jeopardize the continued existence of ESA-listed species or adversely modify designated critical habitat.</p>

<p>to five million gallons of water are used. [Footnote 372: The Linde Group, A Day in the Life of a Barrel of Water (2018) at 2.] The DEIS must examine how many wells are likely to be added because of the railway and determine the overall impact on water quantity and the four endangered Colorado River fish.</p>	
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-205)</p>	
<p>Comment</p>	<p>Response</p>
<p>For example, an Estonian-owned company named Enefit has plans for the Uinta Basin to build the nation's first commercial-scale oil shale mine and processing plant. Enefit plans to construct an oil-shale processing plant sprawling over half of a square mile, to mine up to 9,000 acres of surrounding land, and to run the mined oil shale through the plant to produce 50,000 barrels of processed crude oil every day for more than 30 years. [Footnote 140: Enefit FEIS Vol. I 2018 at ES-1.] Enefit's project would roughly double the entire Uinta Basin's current oil output, which potentially would double the entire Basin's emissions of greenhouse gases, ozone-precursors, and other pollutants. [Footnote 141: Id. at 4-105.] The U.S. Bureau of Land Management has determined that Enefit's project is a reasonably foreseeable future action. [Footnote 142: Id. at 4-92.] The draft EIS's cumulative impacts section, however, fails to analyze the massive amount of greenhouse gases that will be emitted during the mining and processing of oil shale at Enefit's Uinta Basin facility. Likewise, the draft EIS's cumulative impacts section fails to discuss other reasonably foreseeable oil and gas projects, such as lease sales within the Uinta Basin and elsewhere in the cumulative impacts study areas. Among foreseeable oil and gas projects, the proposed Uintah Advantage Refinery should be taken into consideration when measuring cumulative impacts. [Footnote 143: R.L. Banks Study.] In its final EIS, OEA must analyze all reasonably foreseeable actions within the cumulative impact study areas as part of its cumulative impact analysis of the railway's emissions.</p>	<p>As discussed in Section 3.15, <i>Cumulative Impacts</i>, OEA consulted with BLM, the Forest Service, UGS, and other federal, state, tribal, and local agencies to identify potential cumulative actions, including tar sands and oil shale development. Currently, as determined in consultation with BLM, the State of Utah, and other cooperating agencies, OEA concluded that there are no leases of oil shale or tar sands in the region and no proposed production projects, including by Enefit American Oil, that are currently moving forward in a planning and permitting phase. Therefore, OEA does not consider such development projects to be reasonably foreseeable. To be included as a cumulative project, planning and permitting should be advanced to the point that the action is reasonably foreseeable, and the potential for oil shale or tar sands does not meet that threshold for inclusion as a cumulative project. Regarding the Uintah Advantage Energy Association crude oil processing facility, based on information available to OEA during preparation of the Draft EIS, the processing facility project had not advanced to the point that it could be considered reasonably foreseeable; therefore, it was not included in the cumulative analysis. Since that time, OEA has reviewed additional information about the proposed processing facility, including a State of Utah draft proposed groundwater discharge permit for the crude oil processing facility, and has now determined it is reasonably foreseeable that the project could be developed in the future. Therefore, OEA has revised Section 3.15, <i>Cumulative Impacts</i>, in the Final EIS to include the Uintah Advantage Energy Association crude oil processing facility in the analysis of other project contributions (described in Subsection 3.15.4.2, <i>Other Projects and Actions</i>) to cumulative effects.</p>
<p>Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-206)</p>	
<p>Comment</p>	<p>Response</p>
<p>The DEIS Must Take a Hard Look at Carbon "Lock-in." Avoiding the approval of new fossil fuel production and infrastructure is critical for preventing "carbon lock-in," where approvals and investments made now can lock in decades- worth</p>	<p>In Section 3.15, <i>Cumulative Impacts</i>, OEA appropriately analyzed the contributions of new oil and gas development on cumulative impacts. However, the approvals of new fossil fuel projects described in the comment are the responsibility of</p>

<p>of fossil fuel extraction that we cannot afford. New approvals for wells, mines, and fossil fuel infrastructure-such as pipelines and marine and rail import and export terminals-require upfront investments that provide financial incentives for companies to continue production for decades into the future.</p>	<p>agencies other than the Board. As described in Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, the Board has no authority or control over potential future oil and gas development in the Basin, nor does it have the authority to prevent or mitigate potential harms from potential future oil and gas development. Therefore, an environmental analysis of the potential impacts of oil and gas development projects beyond that presented in the cumulative impacts analysis, including an assessment of “carbon lock-in,” is not properly part of OEA’s environmental review of construction and operation of the proposed rail line under NEPA.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-207)

Comment	Response
<p>Given the long-lived nature of fossil fuel projects, ending the approval of new fossil fuel projects is necessary to avoid the lock-in of decades of fossil fuel production and associated emissions. A 2019 study highlighted the importance of immediately halting all new fossil fuel infrastructure projects to preserve a livable planet. The study found that phasing out all fossil fuel infrastructure at the end of its design lifetime, starting immediately, preserves a 64 percent chance of keeping peak global mean temperature rise below 1.5°C. [Footnote 172: Smith, Christopher J. et al., Current fossil fuel infrastructure does not yet commit us to 1.5°C warming, Nature Communications (2019), doi.org/10.1038/s41467-018-07999-w.] This means replacing fossil fuel power plants, cars, aircraft, ships, and industrial infrastructure with zero carbon alternatives at the end of their lifespans, starting now. The study found that delaying mitigation until 2030 reduces the likelihood that 1.5°C would be attainable to below 50 percent, even if the rate of fossil fuel retirement were accelerated. In other words, every year of delay in phasing out fossil fuel infrastructure makes "lock-in" more difficult to escape and the possibility of keeping global temperature rise below 1.5°C less likely. The study concluded that although difficult, "1.5°C remains possible and is attainable with ambitious and immediate emission reduction across all sectors." The EIS should take a hard look at the problem of carbon lock-in, which would result from building the railway, and should weigh the no-action alternative and other action alternatives in light of this issue.</p>	<p>Please refer to response to Comment UBR-DEIS-00683-206 above.</p>

Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-1)	
Comment	Response
<p>The Coalition's objective is to triple or quadruple the production of oil in the Uintah Basin. It views the proposed Uintah Basin Railway project (the Railway) as the tool that will achieve this objective. This draft Environmental Impact Statement (DEIS), however, limits itself to evaluating the environmental impact of building and operating the railway itself. It ignores the Coalition's basic purpose for subsidizing this project, which is to induce a massive increase in oil production in the Uinta Basin. No one advocating this project has explained how this effect of building the Railway could avoid causing an equally massive increase in the Uinta Basin's air pollution. Yet this DEIS does not acknowledge, let alone evaluate, the Railway's principal environmental impact-the near certainty that it will at least triple the concentration of key pollutants in the Uinta Basin's air shed-an air shed that is already harmful to human health according to multiple EPA air quality standards. This DEIS addresses the many significant adverse environmental impacts of physically building the rail bed, including the more than 400 stream crossings that will be necessary to climb and descend the Wasatch Plateau, but it ignores the drastic degradation of the Uinta Basin's air quality that the Railway will enable. This is arbitrary and capricious within the meaning of the Administrative Procedure Act because it arbitrarily ignores highly relevant information about the environmental effects of building the Railway compared to the no-build alternative. The decision to ignore the drastic degradation of the air quality in the Uinta Basin that the Railway will enable is akin to the company that insured the Titanic deciding to ignore the iceberg dead ahead while it carefully estimates the risk that passengers might turn an ankle while walking the promenade. Arbitrarily limiting of the scope of the DEIS in this manner violates the National Environmental Policy Act.</p>	<p>Please refer to Chapter 1, <i>Purpose and Need</i>, which explains that the Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. Please also refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information on cumulative impacts for air quality from past, present, and reasonably foreseeable future actions, including oil and gas development. Appendix M, <i>Air Quality Emissions and Modeling Data</i>, includes information regarding potential pollutant emissions associated with oil and gas development and modeled pollutant levels in relation to the health-based NAAQS. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>. OEA believes this analysis is reasonable and appropriate for the proposed rail line.</p>
Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-2)	
Comment	Response
<p>The Coalition's whole purpose in promoting its Railway project is to induce a massive increase in oil production in the Uinta Basin. This is not a side effect or indirect effect of building the Railway, it is the project's <i>raison d'etre</i>, its explicitly targeted effect, [Footnote 2: See R.L. Banks and Associates, <i>Prefeasibility Study of a Prospective Railroad Connecting the Uinta Basin to the National Rail Network</i>, a Submission to the Seven County</p>	<p>Please refer to response to Comment UBR-DEIS-00685-1 above. Please also refer to Chapter 1, <i>Purpose and Need</i>, which explains that the Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide both oil shippers, and other shippers requesting rail service, with a</p>

<p>Infrastructure Coalition, dated August 9, 2018, (Banks Study) at pages at xiv, 1-2, and 14. The Seven County Infrastructure Coalition relies almost entirely on this study for its cost, volume, and revenue estimates, and as its public policy rationale for building the Railway, namely, the increase in oil production that it is expected to induce. A heavily redacted copy of the Banks Study is available at https://www.biologicaldiversity.org/programs/public_lands/pdfs/RL-Banks-SCIC-full-pre-feasibility-study.pdf] and the effect upon which its financial viability depends. [Footnote 3: For example, see page 14 of the Banks Study, which says: "The need to achieve and sustain a high volume of traffic and revenue is even more critical in the case of a railroad such as that investigated herein because the financial performance of the [italics: Uinta Basin Railroad will be tested further by the need to overcome the extremely high capital costs that are a necessary element of a railroad being constructed in excess of 126 miles.] (emphasis added)." In evaluating the economic feasibility of the Railway project, the Banks Study estimates only the impact that transporting crude oil will have on its volumes and revenues.] The massive increases in oil production that the Railway is expected to induce will almost certainly cause equally massive increases in concentrations of nitrogen oxides (NO_x), Volatile Organic Compounds (VOCs), PM_{2.5}, and Hazardous Air Pollutants (HAPS), such as benzene, in the Uinta Basin. These pollutants exceed, or are on the verge of exceeding, EPA health standards at current oil and gas production levels. Massive increases in the concentrations of these pollutants in the Uinta Basin are effects that this EIS must cover, under either the broader definition of covered effects in the old CEQ regulations or the narrower definition of covered effects in the revised CEQ regulations. It is clear that the massive increase in oil production that the Railway is being built to induce will have a correspondingly massive effect on the concentration of pollutants the Uinta Basin air shed (a resource which should be under review).</p>	<p>viable alternative to trucking. OEA notes that the analysis of the economic feasibility of and financing for this or any rail construction project is outside of the scope of OEA's review under NEPA.</p>
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<p>Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>[Footnote 4: Air pollution is not the only serious environmental impact that would result from the massive increase in oil production that the Railway is designed to induce. Such an increase would require correspondingly massive increases in water consumption in the arid Uinta Basin. Most new oil and gas drilling in the Uinta Basin will use hydraulic fracking technology. Anywhere between 1.5 million and 16 million gallons of water is consumed to frack</p>	<p>Please refer to response to Comment UBR-DEIS-00683-171 above.</p>

<p>a single well, according to the United States Geological Survey (USGS), depending on the type of well and type of rock formation. Water used for hydraulic fracturing is typically fresh water taken from groundwater and surface water resources. See https://www.usgs.gov/faqs/how-much-water-does-typical-hydraulically-fractured-well-require?qt-news_science_products=0#qt-news_science_products. Spills of water contaminated with fracking chemicals are common. A study of the Bakken region in North Dakota found that nearly half of its oil wells suffer such spills, resulting in widespread contamination of surface and ground water. See https://www.zmescience.com/ecology/fracking-caused-contamination-in-north-dakota-new-study-finds/.</p>	
Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-5)	
Comment	Response
<p>The Uinta Basin's air quality is already hazardous to human health. This is due almost entirely to the presence of the oil and gas industry. This industry can be viewed as having two major outputs-fossil fuels and pollutants. It sells the former, and, for the most part, expels the latter into the environment. Emissions from tens of thousands of well heads, flare stacks, compressors, pneumatic controllers, pipes, tanker trucks, storage tanks, and wastewater evaporation ponds all make their way into the Uinta Basin's atmosphere. As a result, concentrations of nitrogen oxides, VOCs, fine particulates (PM_{2.5}), [sic] [Footnote 9: Uinta Basin Air Quality Research, 2020 Annual Report, Bingham Research Center, Utah State University, at 14., available at https://binghamresearch.usu.edu/files/reports/UBAQR_2020_AnnualReport.pdf. PM_{2.5} consists of particulates so fine that they can be inhaled and absorbed into the bloodstream. From there, they can impair all major organ systems. For detailed information about the health impacts of PM_{2.5}, see http://www.epa.gov/airquality/particulatemater/health.html.] benzene, [Footnote 10: Id. Benzene is a neurotoxin and a carcinogen. Concentrations in the Uintah Basin have been measured at 3.1 ppb, which is roughly three times the level of 1.4 ppb at which chronic health effects appear. Helmig, D., Highly Elevated Atmospheric Levels of Volatile Organic Compounds in the Uintah Basin, Utah, Environmental Science and Technology, (2014) 48, 4707-4715.] and airborne silica either exceed, or are on the verge of exceeding, EPA health standards</p>	<p>Please refer to Subsection 3.7.2, <i>Affected Environment</i>, which includes information regarding air quality in the study area in comparison to the health-based NAAQS and Air Quality Related Values. Because this comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-6)	
Comment	Response
<p>This DEIS is obligated to evaluate the impact that the Railway project will have on the Basin's already heavily polluted air. It is not possible to do this without estimating its impact on the main source of that pollution—the drilling and storage operations of the Basin's oil and gas industry. Ground level ozone forms when sunlight causes ozone precursors (nitrogen oxides and VOCs) to interact. The higher the temperature, and the more intense the sunlight, the faster ozone forms. For this reason, concentrations of ozone that violate the EPA's health standards usually occur in urban areas in summer. In the Uinta Basin, however, violations of the EPA's ozone standards usually occur in winter.</p>	<p>Please refer to response to Comment UBR-DEIS-00685-1 above. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>
Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-7)	
Comment	Response
<p>The Banks Study concludes that building the Uintah Basin Railway will reduce transportation costs of Uinta Basin oil enough to triple or quadruple oil and gas production from the current average of 80,000 barrels per day. [Footnote 23: The Banks Study, at pages 15 and 16, estimates that the availability of the Railway would increase oil production by no less [than] 225,000 bpd on a consistent basis," but also cites with approval an estimate by its consultant of "between 320,000 and 340,000 bpd." It is worth noting that the upper end of this range represents the entire capacity of the Uinta Basin Railway, assuming that the Railway could, at most, accommodate seven 100-car trains per day, carrying 50,000 barrels of oil and nothing else. This provides further evidence that the railway is being designed as infrastructure for the Basin's private oil industry and nothing more.] If those forecasts are borne out, the most likely result will be a proportionally massive rise in NO_x and VOC emissions in the Basin. Government agencies that have responsibility for protecting the Uinta Basin's air quality, such as Utah's Division of Air Quality (UDAQ), the BLM, and the EPA, do not have the authority to deny oil and gas drilling permits outright to prevent such pollution. The only way to prevent a proportionally massive increase in emissions would be to apply new draconian and expensive restrictions on NO_x and VOC emissions to oil and gas operations in the Basin, either voluntarily or through government regulation. As will be explained below, there is little prospect that either voluntary restrictions or government regulation could bring the Uinta Basin back into attainment for ozone in the face of the massive</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding potential future oil and gas production and air quality impacts in the study area. Because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

increase in oil production that building the Railway is expected to cause, at least for the next decade and a half.	
Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-8)	
Comment	Response
<p>The Uinta Basin has been violating the NAAQS ozone standard even though UDAQ has a program to limit emissions of NO_x and VOCs, the precursors to the formation of ozone. The program restricts emissions from oil and gas storage tanks, dehydrators, and requires upgrades to Leak Detection and Repair (LDAR) systems. It also includes a new permit-by-rule system designed to cover small oil and gas operators. [Footnote 40: Under EPA rules applicable to nonattainment areas, Utah's State Implementation Plan for bringing the Uinta Basin back into attainment for ozone, when developed and approved by the EPA, may elect to reduce other sources of ozone precursors to offset those emitted by the oil and gas industry. As a practical matter, this option is unavailable, since there are no other significant sources of ozone precursors in this sparsely-populated rural basin.] Such programs, however, have not brought the Uinta Basin back into compliance with the EPA's 8-hour ozone standard at current production levels. [Footnote 41: In the Uinta Basin, there were numerous violations of the NAAQS 8-hour ozone standard of 70 ppb in the winter of 2019. In the winter of 2020, there were no violations. Research attributes the lack of violations in 2020 to the cloud cover that consistently accompanied the inversions occurring that winter. Lyman, s., et al., High Ethylene and Propylene in an Area Dominated by Oil Production, <i>Atmosphere</i>, 2021, 12, 1, at 6 of 19, available at https://www.mdpi.com/2073-4433/12/1/1.] They clearly will not be enough to achieve compliance if there is a tripling or quadrupling of oil production in the Basin if the Railway is built. As described above, state and federal agencies responsible for bringing the main source of ozone pollution in the Uinta Basin (the VOCs emitted by its oil and gas industry) under control over the past decade have made attempts to apply their imperfect regulatory tools to solve the problem at the national level, but their attempts have not had a discernable an impact on VOCs in the Uinta Basin.</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding air quality impacts in the study area, including impacts from potential future oil and gas development projects in the Basin. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-9)	
Comment	Response
<p>According to its proponents, building the Uintah Railway would lead directly to a massive increase in oil production. If so, it would almost certainly cause</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding air quality impacts in the study area,</p>

<p>a massive increase in associated emissions, as well. Under traditional tort analysis, it might be argued that decisions by other agencies, such as UDAQ, the BLM or the EPA are potential "intervening" or "superseding" causes of those increased emissions because those agencies might grant or withhold permits that producers would need to increase oil production in the amounts that the proponents of the Railway forecast. The regulatory tools available to these agencies, however, are too ineffective to be viewed as superseding causes of the degradation in Uinta Basin air quality that the Railway will bring. The air quality of the Basin will be massively degraded regardless of the application of those regulations. The majority of the oil and two-thirds of the gas that is produced in the Uinta Basin is extracted from tribal lands. The State of Utah only has regulatory authority over the oil and gas extraction activity on the remainder of leased state and Federal land. [Footnote 43: See https://deq.utah.gov/air-quality/ozone-in-the-uinta-basin] State and tribal regulators are too thinly staffed and lack the political support to devise rigorous regulatory standards and oversee their application. As their regulatory history confirms, and they themselves admit, neither UDAQ, the BLM, nor the EPA, have the regulatory tools in place that would allow them to use their permitting authority to block the expansion of oil production in order to restrain associated emissions.</p>	<p>including air quality impacts that could result from potential future oil and gas development projects in the Basin. Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, explains why OEA appropriately considered impacts from potential future oil and gas development in the context of cumulative impacts. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-10)

Comment	Response
<p>The causal link between building the Railway, stimulating massive increases in oil production, and massively increasing associated pollution is short and simple. It obligates this Board to address the impact of the Railway on Basin air quality in its Final EIS. If the Board applies traditional distinctions in tort law between proximate and intervening causes to the EPA's role, the EPA cannot realistically be viewed as an "intervening cause" either, at least not in the next 15 or more years.</p>	<p>Please refer to response to Comment UBR-DEIS-00685-1 above. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>

Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-12)

Comment	Response
<p>This draft EIS does not take any of the basic analytical steps that would be necessary to adequately evaluate the impact of building the railway on air quality in the Uinta Basin. For that reason, it does not comply with the National Environmental Quality Act. To be legally sufficient, this EIS would first have to make a credible effort to calculate the increase in NO_x and VOC emissions that a quadrupling of oil and gas operations in the Uinta</p>	<p>Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, which discusses impacts of NO_x and VOC emissions, including cumulative emissions, based on the modeling conducted for the Monument Butte EIS. The emissions for any pollutants are calculated as the product of an activity rate and a pollutant-specific emissions factor (emissions per unit of activity). For example, to calculate the emissions from a single drill rig drilling one well,</p>

<p>Basin. It would then have to make a best effort to estimate the impact that the estimated increase in NO_x and VOC emissions would have on concentrations of ozone in the Basin, which currently is an ozone nonattainment area. It would also have to make a best effort to do the same kind of evaluation of the Railway's impact on levels of benzene in the Basin. While the authors of the EIS could not be expected to design their own models of the complex topography, meteorological conditions, and the chemistry of ozone formation, they could be expected to make use of some of the many thoroughly researched models that already exist of ozone formation in the Basin. Benzene is among the VOC's that are emitted by the Basin's oil and gas industry. Levels of this powerful carcinogen are triple the action level set by the EPA. A legally sufficient EIS would include a "hard look" at the impact that tripling or quadrupling oil production in the Basin would have on concentrations of benzene.</p>	<p>the activity is the energy used by the rig's engine, expressed as power output (horsepower) multiplied by duration (hours operated), or horsepower-hours. The emissions factor is expressed in grams of pollutant per horsepower-hour. Multiplying horsepower-hours by grams/horsepower-hour gives total grams of emissions for the drill rig. For information on the emission of benzene and other VOCs from construction and operation of the proposed rail line, please refer to Subsection 3.7.3.2, <i>Impact Comparison between Action Alternatives</i>. The analysis in the Draft EIS was reasonable and appropriate and no changes to the Draft EIS are warranted in response to this comment.</p>
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Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-13)

Comment	Response
<p>It is beyond argument that this impact on air quality is encompassed by the "direct and indirect," and "cumulative impact" language of the old CEQ regulations. But is also clear that this impact on air quality is covered by the language of new CEQ regulation 40 C.F.R. § 1508.1(g) as well. The air quality impact is not "geographically remote" from the Railway. The Railway is being routed through the heart of the Basin. Neither is building and operating of the Railway "remote in time" from its foreseeable impacts on air quality. Reduced crude oil transportation costs, increased oil production, and degraded air quality will be contemporaneous. Finally, there is no "lengthy causal chain" between the cost savings that rail transport will make available, the increase in oil production that will result, and the increased pollution that increased production will generate. This causal chain is simple and direct. There is no basis, even under the revised NEPA implementation rules, for this draft EIS to ignore the massive increase in pollution in the Uinta Basin that is the unavoidable consequence of building the Railway.</p>	<p>Please refer to response to Comment UBR-DEIS-00685-1 above. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p>

Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-14)

Comment	Response
<p>If the Board were to consult the un-redacted Banks Study, it would find highly specific estimates of the impact that the Railway is expected to have on oil production volume. The Board could take the increased well counts and production volumes that proponents of the Railway forecast and multiply</p>	<p>Please refer to Subsection 3.15.4.1, <i>Oil and Gas Development</i>, which describes the oil production scenario OEA developed to analyze potential cumulative impacts that could result from an increase in oil and gas production in the Basin. As described in that section, OEA estimated the</p>

<p>them by standard emissions factors developed by the EPA, or more specific ones developed by the BLM's Vernal Office, to estimate the increase that they would likely cause in concentrations of specific pollutants in the Basin. [Footnote 8: There is a relatively straightforward way that the EIS could have estimated how much emissions in the Basin would increase due to the additional oil production that the Railway would cause. The EIS could have taken the additional barrels of oil that the Coalition expects its Railway to stimulate and divide that amount by an estimated average production per well in the Basin. For detailed oil and gas industry production data see the sources cited in Lyman, S., et al., High Ethylene and Propylene in an Area Dominated by Oil Production, Atmosphere, 2021, 12, 1, at 5 of 19, available at https://www.mdpi.com/2073-4433/12/1/1. To the estimated number of wells, the Board could then apply national average per-well emissions factors developed by the EPA or Utah-specific factors developed in the Monument Butte Oil and Gas Development Project Final EIS (BLM 2016) or the Fishlake National Forest Oil and Gas Leasing Analysis FEIS (USDAFS 2013) to get a reasonable estimate of the additional emissions that the additional oil production would generate. An estimate of higher ozone concentrations that would result from the expected increase in emissions could be obtained by inputting emissions estimates into air dispersion models using the Weather Research and Forecasting (WRF) model, (see https://www.epa.gov/cmaq/cmaq-models-0), together with the Community Multiscale Air Quality Modeling System (CMAQ) (see https://www.epa.gov/cmaq/wrf-cmaq-model).</p>	<p>number of oil wells that could be constructed annually in the future based on the volumes of crude oil that the Coalition anticipates could be transported on the proposed rail line. Based on consultation with UGS regarding current drilling technologies and methods in the Basin, OEA estimated that new horizontal wells would produce an average of 366 barrels of crude oil per day during the first year of production, while new vertical wells would have an average initial production rate of 66 barrels of crude oil per day. Because production from oil wells declines over time, OEA used historical well data to create a 15-year oil production decline curve for horizontal and vertical wells. Based on consultation with UGS, OEA assumed that 20% of the new wells drilled each year would be vertical wells and 80% would be horizontal wells. As shown in Table 3.15-1 and Table 3.15-2, the number of oil wells that would need to be in production to match the rail traffic volumes projected by the Coalition would range from 1,245 to 3,330 wells. Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, and Appendix M, <i>Air Quality Emissions and Modeling Data</i>, include information regarding anticipated air quality impacts, including predicted ozone levels, that would be associated with the construction and operation of those potential future oil and gas wells. The analysis in the Draft EIS was reasonable and appropriate. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-15)

Comment	Response
<p>Most new drilling of oil wells in the Uinta Basin is expected to use hydraulic fracking techniques. Fracking requires a prodigious quantity of fresh water and produces prodigious amounts of waste water. The Uinta Basin is currently in a critical drought period. Climate research indicates that extended droughts on the Colorado Plateau will become the new norm as the climate warms. A legally sufficient EIS would include a "hard look" at the impact that tripling or quadrupling oil production in the Basin would have on the supply and quality of the Basin's surface and ground water.</p>	<p>Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>. Please also refer to Section 3.15, <i>Cumulative Impacts</i>, which discusses impacts on water quality from potential future oil and gas development in the Basin. Regarding impacts on water supply, please refer to response to Comment UBR-DEIS-00683-171 above.</p>

Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-17)	
Comment	Response
<p>In this docket, the Board has available to it considerably more detail than it had in <i>Mid States</i> about the volume of freight that would be induced by the project under review and its related economic and geographical impacts. In <i>Mid States</i>, the court held that the Board had enough information to evaluate the [italics: nature] of the increase in emissions caused by the project under review, and was, therefore, obligated to address it. In this docket, there is enough information available to the Board to evaluate both the [italics: nature] and the [italics: extent] of the air quality degradation that the Railway project is likely to cause. Under these circumstances, the Board has an even greater obligation than it had in <i>Mid States</i> to produce an EIS that evaluates the impact that freight volume induced by the project will have on regional air quality.</p>	<p>Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>. OEA notes that, since the decision in <i>Mid States</i> referenced by the commenter, the Supreme Court has clarified that agencies are required to examine environmental effects only where there is a reasonably close causal relationship between the environmental effect and the alleged cause, analogous to the doctrine of proximate cause from tort law. See <u>Public Citizen</u>, 541 U.S. at 767 (citing <u>Metropolitan Edison Co. v. People Against Nuclear Energy</u>, 460 U.S. 766, 774 (1983)). OEA notes that the Board would have no authority or control over potential future oil and gas development in the Basin. In addition, the Board would have no role in determining or controlling the final destinations or end uses of any products or commodities transported on the proposed rail line. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-22)	
Comment	Response
<p>THE PROJECT'S DEIS FAILS TO CONSIDER THE INCREASE IN ENVIRONMENTAL IMPACTS RESULTING FROM THE INCREASED FOSSIL FUEL EXTRACTION AND CONSUMPTION THAT WILL RESULT FROM THE PROJECT NEPA requires consideration of connected actions, which includes actions that are interdependent parts of a larger action and depend on the larger action for their justification. 40 C.F.R. § 1501.9(e)(1)(iii). The pre-2020 NEPA regulations also require the consideration of reasonably foreseeable "indirect effects," which "may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems." 40 C.F.R. § 1508.8(b) (2019). While express reference to "indirect effects" is not included in CEQ's 2020 NEPA regulations, CEQ has noted that the elimination of this phrase was merely intended to simplify analysis by avoiding unnecessary categorizations, in order to focus on effects "that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action." 85 Fed. Reg. 43,343. This may include effects both direct and indirect-notably, the CEQ declined in its 2020 changes to affirmatively state that consideration of</p>	<p>Please refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i>, and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i>.</p> <p>As discussed in Section 3.15, <i>Cumulative Impacts</i>, OEA consulted with the BLM, the Forest Service, and other federal, state, and local agencies, and tribes, including the Utah Geological Survey, to identify potential cumulative actions, including coal and natural gas development projects. Currently, there is no coal being produced in the Basin and, while OEA has identified the potential for increased gas development as part of the cumulative oil and gas scenario, OEA is not aware of any proposals to develop facilities to facilitate the transportation of natural gas on the proposed rail line. OEA also believes that the transportation of natural gas on the proposed rail line would be unlikely because sufficient pipeline capacity already exists for the transportation of natural gas out of the Basin. To be included as a cumulative project, planning and permitting for other actions should be advanced to the point that the action is reasonably foreseeable, and general discussion of the potential rail transportation of coal and natural gas does not meet that threshold for inclusion as a cumulative project.</p>

indirect effects is not required. 85 Fed. Reg. at 43,344. Here, the growth inducing effects leading to reasonably foreseeable impacts are clear from the Project description. The Project will result in the establishment of common carriage service, which is by law required to serve all shippers upon reasonable request, 49 U.S.C. § 11101(a), and is generally open to all commodities and products, Union Pacific R.R. Co.-Petition for Declaratory Order, STB Finance Docket No. 35219, slip op. at 3 (Service Date June 11, 2009), including those such as crude oil, coal, natural gas. The Uinta Basin is home to significant crude oil fields, oil shale deposits, and natural gas fields, as well as some coal deposits in the area. See *Vanden Berg*, supra, 16, 22, 29, 34. While various factors, such as specific commodity characteristics, infrastructure needs, and market fluctuations may affect the likelihood of transport of these commodities on rail over the proposed rail line (as is the case with crude oil as well as coal, natural gas, and other commodities), it would be unreasonable to conclude that construction of durable long-term transportation infrastructure such as a rail line would [italics: not] induce additional exploitation of natural resources in the Uinta Basin. The Project's proponents are clearly looking to proactively expand access to markets for resources sourced from within their jurisdictions, a consequence of which would inevitably accelerate resource extraction. This is reflected in the Project proposal itself as well as in other potentially unrelated activities by Coalition members. For instance, members of the Seven County Coalition (including Carbon, Emery and Sevier Counties) appear to have sought to support development of a rail-marine intermodal terminal in Oakland, California, to export coal to China using the same state funding vehicle that is now supporting development of the Uinta Basin Railway. See Robin Kaizer-Schatzlein, *Lawsuit over proposed fossil fuel railway in Utah moves forward*, High Country News, Dec. 15, 2020, <https://www.hcn.org/articles/energy-industry-lawsuit-over-proposed-fossil-fuel-railway-in-utah-moves-forward>; Brian Maffly, *Utah coal: California, here it comes - and not everyone is happy*, The Salt Lake Tribune, Apr. 27, 2015, <https://archive.sltrib.com/article.php?id=2425141&ittype=CMSID>. While not strictly connected to the Project, such activity clearly indicates the foreseeable inducement of increased extraction in the Uinta Basin beyond the current levels that serve as the basis for analysis under the DEIS. This reasonably foreseeable consequence of the Project must be considered in the DEIS. Given that the Uinta

Although commodities other than oil could be transported on the proposed rail line, the Coalition anticipates that the volumes of those commodities would likely be low. OEA is unaware of any specific plans by shippers of coal, natural gas, oil shale, fly ash, tar sands, or other commodities to request rail service on the proposed rail line and therefore it is not reasonable to assume construction of the rail line would result in or support increased development of those commodities in the Basin.

Basin has coal deposits and large natural gas fields, and that the Coalition notes that these commodities may be another commodity that is shipped (DEIS at 2-1), OEA should consider the additional natural gas and coal-related impacts that construction of the rail line could induce. This requires reassessment of the downline study area.	
Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-4)	
Comment	Response
Increase in Uinta Basin Oil Production: The EIS must consider increases in the extraction and production of fossil fuels that would directly result from railway project operations. The railway in question could increase Uinta Basin oil production by up to four times the current level. The EIS should examine the full impact that this additional exploration, drilling, production, and eventual combustion of fossil fuels would have on the environment, climate, wildlife, and nearby communities.	Please refer to Section 3.15, <i>Cumulative Impacts</i> , for a discussion of the potential cumulative impacts of the proposed rail line and potential future oil and gas development in the Basin. Please also refer to Summary Response 3: <i>Consideration of Impacts from Oil and Gas Development as Cumulative Impacts</i> , and Summary Response 4: <i>Approach to Analyzing Impacts from Oil and Gas Development and Rail Terminals</i> .
Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-5)	
Comment	Response
Air Quality and Climate Change: Air pollution in the Uinta Basin already exceeds federal standards, due to existing oil and gas development in the region. Proponents intend the railway project to facilitate a massive expansion to distant markets of Uinta Basin oil, gas, and other fossil fuels. Without the railway, these products could not be sold, and thus could not be developed. This potential increase in the amount of fossil fuels production would contribute irreversibly to greenhouse gas emissions and climate change. With global climate already at a detrimental tipping point, railway expansion of oil and gas development on this scale would only worsen climate chaos	OEA notes the commenter's concern regarding air pollution and climate change impacts. Please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i> , which includes information regarding potential GHG emissions associated with oil and gas development. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-9)	
Comment	Response
Banking on controversial, future, and increased, tar sands and shale oil strip mining of the Tavaputs Plateau, the Uinta Basin Railway is a highly speculative, misguided project, but its negative impacts of drastically increasing oil extraction in the region are clear. Oil and gas production already poisons Uinta Basin wildlife and human residents. The proposed fossil fuels pipeline-on-rails would exacerbate locally toxic, dangerous conditions and the climate crisis, by potentially quadrupling the volume of produced crude oil and gas and countering climate science that suggests that Americans must quickly reduce fossil fuels uses and transition to renewable energy. Public entities using public funds are hastily pushing forward this	OEA notes the commenter's concerns regarding fossil fuel production in the Basin and elsewhere. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.

<p>expensive, subsidized, private project, but citizens and private landowners in the area, whom the railway could devastate, have been excluded from much of its development processes. To benefit private industry, project proponents are squandering tens of millions of dollars that could provide needed services to local communities. Instead, Utah and American citizens should invest in realistic, smart, public projects and other initiatives that could diversify rural economies, support local communities, and serve human needs.</p>	
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Notes:

OEA = Office of Environmental Analysis; EIS = environmental impact statement; Board = Surface Transportation Board; Basin = Uinta Basin; CEQ = Council on Environmental Quality; NEPA = National Environmental Policy Act; U.S.C. = United States Code; SGMA = Sage-Grouse Management Area; UDWR = Utah Division of Wildlife Resources; ARMPA = Approved Resource Management Plan Amendment; UGS = Utah Geological Survey; SIP = State Implementation Plan; ICCTA = Interstate Commerce Commission Termination Act; HUC = Hydraulic Unit Code

Table T-23. Comments and Responses—Chapter 4, Mitigation

Eileen Potter (UBR-DEIS-00231-3)	
Comment	Response
<p>In Section 4.4.11 Mitigation Measures, SOCIO-MM 1 states that private landowners should receive "appropriate compensation" based on "fair market value." Fair market value assumes a willing seller. I assure you, when facing a lifetime of disruption of your ranching operation by a railroad, market value for the land it sits on and the capital improvements lost is not enough. I repeat, fair market value is not enough. I appreciate that the EIS does direct the Coalition to negotiate compensation for both direct and indirect losses from both construction and operation of the railroad.</p>	<p>OEA notes the commenter’s concerns about compensation to landowners for the right-of-way for the proposed rail line. Compensation for the use of private property for the proposed rail line would be based on the terms of sale or easement agreements negotiated between the Coalition and affected landowners, or would be addressed through the eminent domain process. In response to comments, OEA has revised mitigation measure SOCIO-MM-1, in the Final EIS to specify that the Coalition shall negotiate compensation for the direct or indirect loss of agricultural land or the displacement of capital improvements consistent with applicable state law.</p>
Art Taylor (UBR-DEIS-00250-1)	
Comment	Response
<p>We own about 1/10 of the proposed Right of Way for the railroad through Indian Canyon including the double track passing lane. We so appreciate the work you are doing on the Draft EIS. If any alternative but the No Action Alternative is chosen, we would like to have you address the policing and enforcement of the EIS and the penalty for non-compliance. Policing and enforcement, along with penalty for non-compliance, is mandatory throughout the whole process.</p>	<p>As described in Chapter 4, <i>Mitigation</i>, if the Board authorizes an Action Alternative and the Coalition constructs the rail line, the Board’s final environmental mitigation measures, which could include the Coalition’s voluntary mitigation measures and OEA’s recommended mitigation measures, would become binding measures as they would be conditions of the authorization of an Action Alternative included in the Board’s final decision. Any action or plan developed to address the requirements of the Board’s final environmental conditions would be required to be implemented, and the Board, through OEA, would ensure that all of the voluntary mitigation and additional</p>

	<p>mitigation imposed by the Board is implemented in an appropriate and timely manner. To clarify for all parties regarding the Board’s ongoing authority over the implementation of mitigation measures, OEA is recommending an additional mitigation measure that would require the Coalition submit quarterly reports to OEA regarding the status of construction activities and of mitigation measure implementation (MC-MM-1). OEA will review the reports and consult with the Coalition and appropriate tribes and federal, state, and local agencies, as necessary, to ensure that the Coalition is complying with all mitigation measures.</p>
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00291-4)

Comment	Response
<p>The fact that public moneys have been spent to plan such a project without any investment by the private companies who stand to benefit financially from this project is absolutely reprehensible.- This project will inflict serious and irreparable community and environmental impacts which cannot be adequately and equitably mitigated.- - - - - I have reviewed many of the proposed mitigation measures, but what I find lacking is any mechanism for enforcement of compliance with proposed and required mitigation measures.- Based on the Coalition's prior and ongoing mistreatment, disdain and utter lack of respect for the public, particularly landowners, my concern is that these mitigation measures will be disregarded by the Coalition and its project partners and contractors.- - - - - Without a specific -- without a guarantee and a specific plan for enforcement, including provisions for monetary damages and penalties, I feel that the public, and specifically us landowners in the area, will be, once again, left on our own to attempt to enforce these mitigation measures through expensive litigation in the courts, which we cannot afford, or else we will be resigned to just being run over and railroaded by this project and the project proponents as has been our experience to date.- - - - - Mitigation measures are useless without enforcement and penlites for noncompliance.- In my opinion, a substantial and significant financial bond should be required as part of the STB approval, should one of the action alternatives be given approval, and a third party independent compliance and enforcement entity should be required, implemented, established and paid for by the project proponents.[pause]-- to strictly monitor and enforce compliance with each and every mitigation measure.- To do anything less is to fail the public and the affected communities by leaving us with no effective, affordable remedies to</p>	<p>Please refer to response to Comment UBR-DEIS-00250-1 above. OEA notes that the analysis of the economic feasibility of, or funding for, this or any rail construction project is outside of the scope of OEA’s review under NEPA.</p>

<p>assure the Coalition and project contractors' compliance. - - - - - Thank you.</p>	
<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00386-5)</p>	
<p>Comment</p>	<p>Response</p>
<p>To continue my comments, Drexel Hamilton Infrastructure Partners, the private equity firm that is allegedly going to finance the construction of this railway has not signed a contract with the committed funds in place to construct the railway. The current contract with the Coalition allows them up to five years to put the financing in place with an option for an additional five-year extension beyond that.- If this railway is so needed for the oil industry and the other Field-of-Dreams industries that will purportedly come after it is built, then where is their money?- Why isn't there a secured contract backed by secured financing in place for this project?- Why hasn't Drexel Hamilton paid for the planning already and gambled their own \$27.9 million on the project instead of the Coalition gambling the public's money on it? The fact is that if Drexel Hamilton decides not to proceed with the project, the \$29.9 million that the Coalition has spent planning the project will be wasted. Nearly \$28 million of public money, money that could have and should have been used to pay for utility projects, police and fire and municipal buildings, rural health facilities, et cetera, throughout all of rural Utah.- Do those of you who live in rural Utah understand that?- I don't think that you do.- Because the Coalition has gone to great lengths to assure the public that this money will not be wasted and lost if the construction on this project does not commence. Come on people.- Follow the money.- No one should be given approval to construct a project of this size and scope without first having guaranteed funds in place, not only to cover the cost of construction, but, also, to absolutely guarantee that all of the required mitigation measures are implemented in their entirety. Should the Surface Transportation Board approve any alternative other than the No-Action Alternative, it should and must be contingent upon the Coalition verified financing for the project to include all mitigation costs.- And it should be stipulated that the monies required for mitigation be held in trust and be set aside prior to construction commencement.- So if construction commences and is then delayed or abandoned entirely, money exists to fully mitigate and remediate any and all associated impacts. The Coalition itself does not have sufficient financial resources requisite to pay for the mitigation costs associated with a project of this scale.</p>	<p>OEA notes the commenter's concerns about transparency on the part of the Coalition. When preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, and operational plans. The Coalition responded appropriately to OEA's requests and provided sufficient information for OEA to assess the environmental impacts of the proposed rail line. The Coalition also provided OEA with information that the Coalition collected on baseline environmental conditions in the area, which OEA independently reviewed and verified. OEA made all of the information that the Coalition provided available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.untabasinrailwayeis.com. OEA notes that the analysis of the economic feasibility of, and financing for, this or any rail construction project is outside of the scope of OEA's review under NEPA. Regarding mitigation enforcement, please refer to response to Comment UBR-DEIS-00250-1 above.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00386-6)	
Comment	Response
<p>In addition, it is likely that the public and private landowners would be faced with funding an extremely expensive legal battle in order to force the Coalition and/or Drexel Hamilton and its partners to pay for the mitigation and remediation that may be required.- For all of the public, specifically Uinta Basin residents -- [pause]-- are you willing to foot the bill if construction commences and isn't completed due to unanticipated construction costs, low crude oil prices, changes in crude oil market conditions, and lack of investor confidence, bankruptcy, recession, future pandemics or many other possible factors which could delay or suspend construction?- Are you willing to bear incredibly expensive tax increases to pay for mitigation of this project should the project investors and proponents declare bankruptcy and go belly-up before the project is completed and generating revenue? Have you thought about the possibilities? Who is going to protect the public and the environment? Who has the millions of dollars to fight the project proponents in court should they suspend or abandon the project after it is commenced?- Are you personally willing to foot that bill --[pause]-- I'm not.[pause] Yeah. Just a couple of final sentences. I'm just asking, you know, is the Ute Indian tribe prepared to foot the bill since they will be equity partners in the construction and operation of the railway? Both our federal, state and local governments exist to protect the public and the environment from such possibilities. Yet, I can find nothing in any of the project planning permitting procedures or Draft EIS to address and accommodate such possibilities. Why not?-</p>	<p>Please refer to response to Comment UBR-DEIS-00386-5 above.</p> <p>OEA notes that any abandonment of the rail line in the future is beyond the scope of this EIS, would be subject to Board authority, and would require environmental review under NEPA and related environmental laws.</p>
Western Energy Alliance, Tripp Parks (UBR-DEIS-00466-2)	
Comment	Response
<p>The draft EIS includes a thorough analysis of the impacts of the proposed railway that ensures STB is complying with all applicable federal laws and regulations as it evaluates the proposed project. The draft EIS demonstrates manageable environmental impacts with appropriate mitigation measures.</p>	<p>OEA notes this comment. Because this comment does not raise any specific concerns regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-3)	
Comment	Response

<p>Section 2.2.3 We note that most of the Coalition's applicant committed mitigation measures are mostly a recitation of regulatory requirements and standard operating procedures. These should be taken for granted, incorporated into the action alternatives and not be presented as though they are there to mitigate impacts beyond that already required. We also question the value of mitigation to cultural resources as a result from a yet to be developed Programmatic Agreement. Mitigation of impacts should be measurable and effective. Without a signed, completed PA, it is impossible to assess the effectiveness of the mitigation. We strongly recommend and request a supplemental Draft EIS be issued upon completion of the PA and proper analysis of actual impacts and residual impacts to cultural resources</p>	<p>In the unlikely event that the requirements of a federal, state, or local law conflicts with ICCTA, those laws could be preempted under 49 U.S.C. § 10501. Therefore, it is OEA's practice to include regulatory requirements as recommended mitigation measures. These measures would become binding if the Board authorizes an Action Alternative. In addition to regulatory requirements, OEA is recommending additional mitigation measures that would further avoid, minimize, or compensate for potential impacts as warranted based on the analysis of resource impacts described in Chapter 3, <i>Affected Environment and Environmental Consequences</i>.</p> <p>The PA was executed on March 25, 2021, and a copy is appended to the Final EIS as Appendix O, <i>Programmatic Agreement</i>. A supplemental Draft EIS is not needed to further assess cultural resources impacts and mitigation. As discussed in Section 3.9, <i>Cultural Resources</i>, OEA is properly applying a Phased Identification approach to satisfy its obligations under Section 106 of the NHPA, pursuant to 36 C.F.R. § 800.4(b)(2). The Phased Identification approach allows federal agencies to defer final identification and evaluation of historic properties through the use of a PA (36 C.F.R. § 800.13 (b)). The public had the opportunity to participate in the development of an appropriate PA. OEA appended a Draft PA to the Draft EIS to provide Section 106 consulting parties and the public the opportunity to review and comment on the Draft PA (see Appendix O, <i>Draft Programmatic Agreement</i>, of the Draft EIS). OEA considered all comments received on the PA before finalizing the PA. Therefore, no changes to the Draft EIS are warranted in response to this comment, and preparation of a Supplemental Draft EIS is unnecessary.</p>
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<p>Nine Mile Canyon Coalition, Dennis Willis (UBR-DEIS-00486-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>Chapter 3 General Comments. There does not appear to be a commitment to monitor the short term and long term impacts of this project. Instead the approach seems to be one of trusting the design. Engineering is not always perfect. We would like to see a monitoring program in place for short term (construction phase plus first five years of operation) and long term effects of the project. This is especially important for water quality, discharge of streams and springs, cultural resources, air quality, noise and scenic resources.</p>	<p>Please refer to response to Comment UBR-DEIS-00250-1 above, which describes the mitigation monitoring and compliance requirement (MC-MM-1) for ensuring compliance with all Board-imposed mitigation measures.</p> <p>Many of the Coalition's voluntary mitigation measures and OEA's recommended mitigation measures require monitoring or inspection to ensure the mitigation measures are effective and environmental impacts are being reduced.</p>

	<p>For example, WAT-MM-6 would require the Coalition implement erosion prevention, sediment control, and runoff control and then monitor for erosion. Similarly, WAT-MM-10 would require the Coalition inspect all project-related bridges and culverts semi-annually (or more frequently, as seasonal flows dictate) for debris accumulation. Regarding cultural resources, Section 106 consulting parties would have the opportunity to review and comment on all technical work conducted under the executed PA that OEA and the consulting parties developed as part of the Section 106 process of the NHPA (see Appendix O, <i>Programmatic Agreement</i>), pursuant to Stipulation VIII of the PA.</p> <p>Regarding air quality, AQ-MM-2 would require the Coalition ensure that all engine-powered equipment and vehicles used in construction, operation, and maintenance of the proposed rail line are subject to a regular inspection and maintenance schedule. In addition, GEO-MM-6 would require the Coalition construct tunnels in accordance with OSHA guidelines and would include air monitoring of tunnels.</p> <p>Regarding noise and vibration, MV-MM-1 would require the Coalition conduct noise and vibration monitoring for receptors that would exceed FTA criteria and NV-MM-4 would require the Coalition inspect and maintain rail car wheels on trains that operate on the proposed rail line.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-5)

Comment	Response
<p>Throughout the document, the draft EIS repeatedly fails to specifically identify possible mitigation measures and analyze their effectiveness. Instead, it defers the formulation of mitigation measures until after the project is approved, depriving the public of essential information regarding the feasibility and effectiveness of possible measure to reduce or avoid impacts, and the opportunity to weigh in on these issues.</p>	<p>Please refer to response to Comment UBR-DEIS-00683-174 below.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-174)

Comment	Response
<p>The EIS Fails to Specify and Analyze Mitigation. The DEIS fails to specify mitigation measures with respect to numerous impacts. Instead, the DEIS merely provides that the SCIC in consultation with other entities or individuals will devise mitigation plans at some future unspecified time, with respect to various resources, including Greater sage-grouse, migratory big game species, vegetation, rail and public safety, invasive species control, water resources, and noise. See DEIS Chapter 4, VM-7</p>	<p>Chapter 4, <i>Mitigation</i>, identifies the Coalition’s voluntary mitigation measures and OEA’s recommended mitigation measures that were identified to avoid, minimize, or mitigate environmental impacts from the proposed rail line. As noted by the commenter, several of the mitigation measures would require the Coalition develop a plan for implementing certain actions during construction or operation of the proposed rail line. Requiring plans to be developed is a typical</p>

<p>(spill control plan), VM-11 (emergency response plan), VM-21 (stormwater pollution prevention plan), VM- 22 (vegetation), VM-27 (wetland compensatory mitigation plan), VM-35 (sage-grouse Mitigation Agreement), VM-38 (noxious weed control plan), VM-40 (fencing plan to mitigate big game impacts), BIO-MM-7 (wildfire management plan), NV-MM-1 (construction noise control plan). However, the EIS must include a discussion of possible mitigation measures to avoid adverse environmental impacts. See 42 U.S.C. § 4332(C)(ii); 40 C.F.R. §§ 1502.14(f), 1502.16(h), 1508.14, 1508.25(b)(3). See also 40 C.F.R. § 1505.2(c) (record of decision must "[s]tate whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not"). Such discussion must be "reasonably complete" in order to "properly evaluate the severity of the adverse effects" of a proposed project prior to making a final decision. <i>Robertson v. Methow Valley Citizens Council</i>, 490 U.S. 332, 352 (1989). "A mere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA." <i>Neighbors of Cuddy Mountain v. United States Forest Service</i>, 137 F.3d 1372, 1380 (9th Cir. 1998). Rather, the EIS should provide "[d]etailed quantitative assessments of possible mitigation measures" for a site-specific proposal, unless additional environmental assessments under NEPA will be conducted at the time of later site- specific approvals (also known as "tiering"). See <i>San Juan Citizens All. v. Stiles</i>, 654 F.3d 1038, 1054 (10th Cir. 2011). The mere commitment to devise mitigation plans in the future does not inform the public as to "possible mitigation measures," much less provide a quantitative assessment of those measures. The DEIS must be revised to specify mitigation measures and analyze their effectiveness in reducing impacts.</p>	<p>mitigation requirement for projects at the EIS phase when an alternative has not been approved and the precise locations of engineering features and site-specific construction methods, which may be needed to complete these plans, are not yet known. The description of mitigation measures in Chapter 4, <i>Mitigation</i>, provides a sufficient level of detail to assess the effectiveness of the measures in reducing environmental impacts. For example, the descriptions of the requirements to develop mitigation plans in the chapter include descriptions of the plans' purposes and basic content, applicable regulatory requirements, and agencies and stakeholders that would need to be involved in developing and approving the plans. The analysis of impacts in Chapter 3, <i>Affected Environment and Environmental Consequences</i>, describes how implementation of the mitigation measures, including any required plans, would be effective in reducing impacts. Based on comments received on the Draft EIS, OEA has revised some of its recommended mitigation measures, including measures that requiring plans, in the Final EIS, include additional measures and provide clarity or expand on the requirements of existing mitigation measures.</p> <p>Any action or plan developed to address the requirements of the Board's final environmental conditions would be required to be implemented, and the Board, through OEA, would ensure that all of the voluntary mitigation and additional mitigation imposed by the Board is implemented in an appropriate and timely manner. To clarify for all parties regarding the Board's ongoing authority over the implementation of mitigation measures, OEA is recommending an additional mitigation measure that would require the Coalition submit quarterly reports to OEA regarding the status of construction activities and of mitigation measure implementation (MC-MM-1). OEA will review the reports and consult with the Coalition and appropriate tribes and federal, state, and local agencies, as necessary, to ensure that the Coalition is complying with all mitigation measures.</p>
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-175)	
Comment	Response
In addition, in various places the DEIS concludes that impacts "would not be significant" or would be "minor" (e.g., with respect to Greater sage-grouse, migratory big game species, rail safety risks, invasive species control) on the basis that unspecified mitigation measures will be adopted. [Footnote 378: See, e.g., DEIS at S-7, S-9 to S-11.] Such conclusory reasoning is unsupported when the plans themselves have yet to be formulated, and the DEIS does not set forth any performance standards or other success criteria that the mitigation plans must achieve, or commit to any monitoring plan or other adaptive management to ensure that mitigation is successful. Thus, the public has no way of evaluating the DEIS's conclusions that various adverse impacts will not be significant or will be minor. Such conclusions lack evidentiary support.	Please refer to response to Comment UBR-DEIS-00683-174 above.
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-176)	
Comment	Response
Along similar lines, the DEIS frequently states that mitigation measures will apply only if "possible," "practical," "practicable," or "reasonable." For example: VM-38. The Coalition will prepare a noxious and invasive weed control plan in consultation with the Ute Indian Tribe as applicable. Where practical, the Coalition will include the policies and strategies in Utah's Strategic Plan for Managing Noxious and Invasive Weeds when designing response strategies for noxious and invasive weeds. VM-22. The Coalition will revegetate disturbed areas, where practical and in consultation with the Ute Indian Tribe as applicable, when construction is completed. BIO-MM-13. The Coalition shall abide by the BLM Utah Greater Sage-Grouse Approved Resource Management Plan Amendment for Action Alternatives that affect BLM land, and will follow the reasonable requirements of the Utah Conservation Plan for Greater Sage-Grouse. LUR-MM-7. Prior to project-related construction, the Coalition shall consult with BLM, the Forest Service, the Ute Indian Tribe, and SITLA, as appropriate, to develop a plan to limit, to the extent practicable, impacts on recreational resources under those agencies' management or jurisdiction. The Coalition shall develop the plan prior to completing the final engineering plans for the proposed rail line and following the above-mentioned consultation to determine the location of all public roads used as access points to a recreation area that would be crossed by the proposed rail line. The plan shall designate temporary access	In rare instances, project proponents have asserted that certain mitigation requirements are unreasonable or not practical and cannot be implemented. The Board is the authority that will determine, when necessary, whether the mitigation measures imposed in its decision have been sufficiently implemented and whether the mitigation requirements are reasonable, taking into consideration project-specific circumstances. In the unlikely event that the requirements of a federal, state, or local law conflicts with ICCTA, those laws could be preempted under 49 U.S.C. § 10501. To provide additional clarity for all parties regarding the Board's ongoing authority over the implementation of mitigation measures, OEA is recommending an additional mitigation measure (MC-MM-1) that would require the Coalition submit quarterly reports to OEA regarding the status of construction activities and of mitigation measure implementation. OEA will review the reports and consult with the Coalition and appropriate tribes and federal, state, and local agencies, as necessary, to ensure that the Coalition is complying with all mitigation measures.

<p>points if main access routes must be obstructed during project- related construction. The plan shall also include the number and location of access points as decided during consultation with the applicable agencies. WAT-MM-1. To the extent practicable, the Coalition shall design culverts and bridges to maintain existing surface water drainage patterns, including hydrology for wetland areas, and not cause or exacerbate flooding. Project-related supporting structures (e.g., bridge piers) shall be designed to minimize scour (sediment removal) and increased flow velocity, to the extent practicable. The Coalition shall consider use of multi-stage culvert designs in flood-prone areas, as appropriate. WAT-MM-7. During project-related construction, the Coalition shall use temporary barricades, fencing, and/or flagging around sensitive habitats (e.g., wetlands, streams) to contain project-related impacts on the construction area. The Coalition shall locate staging areas in previously disturbed sites to the extent practicable, avoiding sensitive habitat areas whenever possible. This open-ended mitigation does not adequately disclose the extent to which mitigation measures will apply to project activities and therefore cannot support a conclusion that the targeted effects will be "minor" or insignificant. N.M. ex rel. Richardson v. BLM, 565 F.3d 683, 715 (10th Cir. 2009) (agency "acted arbitrarily by concluding [in EIS] without apparent evidentiary support that impacts on the Aquifer would be minimal").</p>	
<p>Lorien Belton (UBR-DEIS-00692-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>[Bold: There are multiple uses of the words "reasonable" and "practical;" at times in reference to state or local regulations, without clarity on how or by whom that determination would be made.] If these determinations are to be made in consultation with relevant local agencies, there are rarely details included in the mitigation chapter relating to when, how, or with whom such consultation would be conducted. If there are details elsewhere in the document, this is not clear from reading the mitigation section or reviewing the Consultation chapter.</p>	<p>Please refer to response to Comment UBR-DEIS-00683-176 above.</p>

Lorien Belton (UBR-DEIS-00692-6)	
Comment	Response
There are references to future plans which will be made, not all of which include commitments to subsequent plan implementation. For example, 4.3.5, VM-21 references stormwater pollution plans which will be developed, and notes that all contractors will be required to follow water quality regulations.	Please refer to response to Comment UBR-DEIS-00683-174 above.

Notes:

OEA = Office of Environmental Analysis; EIS = Environmental Impact Statement; Coalition = Seven County Infrastructure Coalition; Board = Surface Transportation Board; NEPA = National Environmental Protection Act; ICCTA = Interstate Commerce Commission Termination Act; U.S.C. = United States Code; PA = Programmatic Agreement; NHPA = National Historic Preservation Act; C.F.R. = Code of Federal Regulations; OSHA = Occupational Safety and Health Administration

Table T-24. Comments and Responses—Chapter 5, Consultation and Coordination

Raphael Cordray (UBR-DEIS-00389-2)	
Comment	Response
I don't speak for the tribe.- I'm not a member of the tribe, but I do want to say for the record, that there are many concerns about the lack of inclusion of the people of the Ute Indian Tribe.- And there are also people who live on the Uintah Ouray Reservation who are not registered members of the tribe, including the Uintah Valley Shoshone tribe.- And they are not here at the table.- I am concerned about that. How are the people at the tribe being contacted?- The Ute reservation has temporarily closed some of its government functions because of Covid.- And I don't believe they're given a proper opportunity to participate in this process.- And I -- I think that needs to be raised as an issue.- They're a huge part of the people who live in that area and will be the most impacted by that -- by the environmental impacts.- They suffer from purple air days. And I also just want to reflect that the Seven County Infrastructure Coalition and other local people in the basin claim that the Ute tribe wants this railway.- But why don't we hear people from the Ute tribe saying that? I also am concerned that the Seven County Infrastructure Coalition is part of a group with other states claiming to be helping native tribes get energy development and, you know, I just feel like they're dishonest and disingenuous	OEA notes this comment. Please see Chapter 5, <i>Consultation and Coordination</i> , for information on OEA's ongoing consultation and coordination efforts, including government-to-government consultation with the Ute Indian Tribe and consultation under Section 106 of the National Historic Preservation Act with the Ute Indian Tribe and other federally recognized tribes. In addition, the Ute Indian Tribe is a signatory to the executed Programmatic Agreement developed under Section 106 of the NHPA (see Appendix O, <i>Programmatic Agreement</i>). In addition, OEA requested written and oral comments from all members of the public, including tribal members, during the scoping process and during the 105-day public comment period following the issuance of the Draft EIS. OEA held six public meetings during the scoping process and six public meetings during the Draft EIS public comment period to receive oral comments. To clarify, per the tribal consultation that OEA undertook prior to, during, and following the preparation of the Draft EIS, OEA has revised Chapter 5, <i>Consultation and Coordination</i> , to include additional details regarding the in-person and virtual meetings that OEA held with the Ute Indian Tribe's Business Committee. OEA has also updated Appendix S, <i>Agency and Tribal Consultation</i> , in the Final EIS to include consultation and communications that occurred following the issuance of the Draft EIS, including a letter from the Ute Indian Tribe dated March 8, 2021 expressing support for the proposed rail line.

Raphael Cordray (UBR-DEIS-00389-3)	
Comment	Response
I am concerned that -- that -- that I -- I want to know what is being done to include the residents of the Uintah Ouray Reservation.- Why is there no copies showing up on the reservation?- The website says you have got one at every library in that area, but nothing at the Uintah Ouray Reservation.	Please refer to Chapter 5, <i>Consultation and Coordination</i> , which includes information on OEA's public notification efforts. OEA made all of the Draft EIS documents available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com . Through OEA's consultation with the Ute Indian Tribe, OEA offered to provide the tribe with hard copies of all Draft EIS documents. The Ute Indian Tribe confirmed with OEA that the tribe had access to the Draft EIS documents through the public websites.
Raphael Cordray (UBR-DEIS-00389-4)	
Comment	Response
put more information for people on the reservation of where they can physically look at the environmental impact statement and expand the comment period and time frame into next year.-	Please refer to response to Comment UBR-DEIS-00389-3 above. OEA notes that, in response to requests from the Ute Indian Tribe and other stakeholders, OEA extended the public comment period for the Draft EIS by an additional 60 days. The comment period concluded on February 12, 2021, 105 days after the Draft EIS was issued.
Karen Hedlund (UBR-DEIS-00400-1)	
Comment	Response
The first question is:- Why was FRA not a cooperating agency for the DEIS?	Please refer to response to Comment UBR-DEIS-00703-2 below. Please also refer to Chapter 5, <i>Consultation and Coordination</i> , for a discussion of agencies with whom OEA consulted. Because OEA did not identify FRA as having jurisdiction by law or special expertise in matters relevant to this EIS, FRA did not participate as a cooperating agency in the preparation of the EIS under NEPA. OEA requested comments from FRA during development of the Draft EIS, but FRA did not submit comments. Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Donald Jex (UBR-DEIS-00405-2)	
Comment	Response
The second concern I have basically are the statements, many of the statements made in the environmental impact statement that the opinions of those who have drafted this environmental impact statement are for the most part not residents of the area.- They don't have to deal with the long term effects of this rail line.- They don't have to worry about the tax implications for property and other taxes.- They are going to affect the residents of this county and this area should the production of oil not raise the level that they're anticipating.	OEA notes this comment. The Board, through OEA, is conducting an independent environmental analysis pursuant to NEPA. OEA has considered the best available scientific information in this analysis, including information from field surveys in the study area and information provided by local, state, and tribal governments and resource agencies. OEA also sought and considered comments from residents in the study area and other members of the public during the scoping process and the 105-day public comment period for the Draft EIS.

	Accordingly, no changes to the Draft EIS are warranted in response to this comment.
Duchesne County, Mike Hyde (UBR-DEIS-00436-75)	
Comment	Response
Page 5-4 NHPA Section 106: Department of the Interior, Bureau of Indian [strike through: Affair] [bold and underline: Affairs]	To correct the typographical error noted by the commenter, OEA has revised Subsection 5.2.2, <i>National Historic Preservation Act Section 106</i> , to state "Bureau of Indian Affairs."
Ute Indian Tribe of the Uintah and Ouray Reservation (UBR-DEIS-00471-8)	
Comment	Response
ONGOING CONSULTATION REQUIREMENT Without detailing the persons or agencies involved, STB states that government-to- government consultation with the Ute Indian Tribe took place during the development of the DEIS. However, STB has not yet engaged in government-to-government consultation with the Ute Indian Tribe Business Committee, which will be required as part of STB's development of a Final EIS. Pursuant to Executive Order 13175, "[o]n issues relating to tribal self-government, tribal trust resources, or Indian tribal treaty or other rights, each agency should explore and, where appropriate use of consensual mechanisms for developing regulations, including negotiated rulemaking." As detailed in the following Section, the Uintah Basin Railway Project would traverse Indian country land within the Uintah and Ouray Reservation, potentially impacting Tribal communities, waters, wildlife, and other Tribal resources. STB is obliged not only to engage in government-to-government consultation with the Ute Indian Tribe Business Committee, but also to obtain the free, prior and informed consent of the Tribe, as required under United Nations Declaration on the Rights of Indigenous People. Government-to-government consultation is a critically important step in the development of a Final EIS. Not only does consultation allow STB to gain firsthand insight on the issues and concerns that are priority issues for the Tribe, but it also gives STB a more informed perspective on how best to ensure it satisfies its trust responsibility to the Tribe and its members. Pursuant to the Constitution and By-Laws of the Ute Indian Tribe, the Ute Indian Tribe Business Committee acts as both the legislative branch and the top executive authority of the Tribe. Therefore, as a matter of Tribal law and policy, government-to-government consultation is conducted through the Business Committee, and not any other department or agency of the Tribe. The Ute Indian Tribe acknowledges and appreciates the STB's outreach and correspondence with the Ute Indian Tribe and its representatives to date. However, in light of	OEA recognizes the important role of the Ute Indian Tribe as a stakeholder of the proposed rail line, as well as the tribe's sovereignty over its land and resources in the project area. Accordingly, OEA has conducted extensive consultation and coordination with the tribe's Business Committee, with the tribe's legal representatives, and with tribal government staff. OEA understands and agrees that government-to-government consultation can only be conducted with the Business Committee and not through other tribal departments or agencies. To meet its government-to-government responsibilities, OEA met multiple times with the Business Committee both remotely and in person. Prior to and during preparation of the Draft EIS, OEA met with the Business Committee at the tribal offices on the tribe's Uintah and Ouray Reservation on February 6, 2019, and again on November 20, 2019. In addition, OEA hosted members of the Business Committee at the Board's offices in Washington, D.C. on May 30, 2019, September 12, 2019, and January 28, 2020. During the public comment period for the Draft EIS, OEA held a virtual informational session with the Business Committee on December 17, 2020. During preparation of the Final EIS, OEA held a virtual government-to-government consultation meeting with the Business Committee on March 17, 2021. As a part of its government-to-government consultation, OEA also received from the tribe a Tribal Task Force Report detailing issues of concern to the tribe, findings and conclusions of which OEA incorporated into the Draft EIS. Based on OEA's understanding of the tribe's requirements for government-to-government consultation, OEA believes it has met its responsibilities to conduct such consultation under Executive Order 13175. OEA notes that construction and operation of the proposed rail line would be subject to further approvals and ongoing regulation by the tribe should the Board authorize the proposed rail line. To clarify the tribal consultation that OEA undertook prior to, during, and following the preparation of the Draft EIS, OEA has revised

<p>STB's characterization of these correspondences as "consultation" in the DEIS, it is important to clarify these requisites for government-to-government consultation with the Ute Indian Tribe moving forward.</p>	<p>Chapter 5, <i>Consultation and Coordination</i>, in the Final EIS to include additional details regarding the in-person and virtual meetings that OEA held with the Ute Indian Tribe's Business Committee. OEA has also updated Appendix S, <i>Agency and Tribal Consultation</i>, in the Final EIS to include consultation and communications that occurred following issuance of the Draft EIS.</p>
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U.S. Army Corps of Engineers, Sacramento District, Jason Gipson (UBR-DEIS-00481-8)

Comment	Response
<p>Consultation: The Corps has designated the STB as the lead Federal agency for compliance with Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA) and to act on our behalf in any consultation conducted for compliance with ESA and NHPA. The Corps' goal is to adopt the STB's Section 7 and Section 106 consultations in order to make a permit decision under Section 404 of CWA and/or Section 10 of the R&HA. If the terminals identified in the Cumulative Impacts, Rail Terminals Section were to be constructed as part of the railway project and the facilities were to impact waters, our regulations indicate that those portions of the project must be included in the same DA permit application for the Corps to evaluate the impacts of a single and complete project. In this case, the action area in the EIS and Section 7 ESA consultation would have to include all areas that would be directly or indirectly affected by the discharges of dredged or fill material into waters, including any waters located within the loading terminals/intermodal facilities at the terminal points of the proposed railroad. This would also be applicable to Section 106 of the National Historic Preservation Act (NHPA) consultation. If STB's regulations preclude the expansion of the Action Area under Section 7 of the ESA and Area of Potential Effect under Section 106 of the NHPA, the Corps would need to supplement these consultations in areas resulting in impacts to waters of the U.S. prior to finalizing a DA permit decision. However, based on recent communication with the applicants, additional information has been provided to the Corps indicating that mobile loading/offloading is common practice in the railroad industry and no additional infrastructure (i.e. terminals) would be constructed as a result of this project. The applicants will submit additional information to further evaluate the mobile loading/offloading alternative and the Corps will make a determination whether the railroad by itself can be considered a single and complete project per our regulations.</p>	<p>OEA acknowledges the Corps' ongoing participation in the NEPA process as a Cooperating Agency. Through this ongoing consultation and coordination, the Corps' comments concerning the action area have already been addressed. After consulting with the Cooperating Agencies, OEA initiated formal consultation with USFWS to meet the Board's obligations under Section 7 of ESA submission of the final BA on March 18, 2021. Please refer to Section 3.15, <i>Cumulative Impacts</i>, which includes information regarding the rail terminals. OEA included the terminals in the cumulative impacts analysis as a reasonably foreseeable project or action. The Coalition is not proposing to build the rail terminals and anticipates that they would be constructed by third parties should the Board authorize the proposed rail line. The terminals are not part of the proposed action. The Coalition has stated that the proposed rail line has independent utility from any future terminals and is a complete project that meets the stated purpose and need. Please also refer to response to Comment UBR-DEIS-00481-3 in Table T-22 for further information concerning mobile loading and offloading facilities. OEA does not believe it is reasonably foreseeable for mobile loading facilities to load the quantities of oil the Coalition anticipates would be carried on the proposed rail line daily and notes that mobile loading and offloading is not part of the Coalition's proposed action. For the purposes of Section 106 consultation under the NHPA, the APE that OEA developed in consultation with the Corps and other Section 106 consulting parties includes the areas where rail terminals could be constructed (see the maps attached to Appendix O, <i>Programmatic Agreement</i>). Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-11)	
Comment	Response
<p>It is no coincidence that since the Ute Indian Tribe is a participating financial party in the UBR, and stands to benefit financially from the construction and operation of the proposed railway, that OEA has chosen to consult with them concerning impacts to their land, but has chosen to ignore private property owners. We private landowners have not been consulted whatsoever concerning any of the proposed railway's impacts to our lands, our health, our safety, or our resources.</p>	<p>Please see Chapter 5, <i>Consultation and Coordination</i>. OEA conducted extensive public involvement throughout the NEPA process. OEA's public outreach included mailing letters to landowners during scoping and as part of notification of the Draft EIS comment period. OEA sought and considered comment from landowners and other members of the public during the scoping process and during the 105-day comment period for the Draft EIS, including by holding six public scoping meetings and six public meetings during the Draft EIS comment period. Please see Section 5.1, <i>Public Involvement</i>, for details regarding OEA's public involvement. Chapter 4, <i>Mitigation</i>, includes mitigation measures (both measures being volunteered by the Coalition, and measures that OEA is recommending be imposed by the Board should the Board authorize the proposed rail line) that would obligate the Coalition to consult with landowners during final design, construction, and or rail operations. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
Uintah Valley Shoshone Tribe, Michael Rock (UBR-DEIS-00682-1)	
Comment	Response
<p>Our firm represents the Uintah Valley Shoshone Tribe (also known as the Affiliated Ute Citizens). The Uintah Valley Shoshone Tribe (UVST or the Tribe) is a tribe of Native Americans that largely resides on the Uintah and Ouray Reservation. In 1954 490 members of the Ute Tribe were disenrolled from the Ute Tribe by an act of Congress, the Ute Partition and Termination Act. These "mixed-blood" Utes as they were called, lost their status as a federally recognized Indian Tribe, but still retained its identity as the Affiliated Ute Citizens, and later the Uintah Valley Shoshone Tribe. Therefore, the Tribe has lost its government-to-government relationship, and the majority of its rights to have any control over what happens on tribal lands. This means there are over one thousand members of the Tribe that have been shut out of government-to-government discussions of this project while having a railroad constructed directly through their ancestral home.</p>	<p>OEA notes this comment. Please refer to response to Comment UBR-DEIS-00484-1 above regarding OEA's government-to-government consultation with federally recognized tribes and OEA's public involvement efforts.</p>
Uintah Valley Shoshone Tribe, Michael Rock (UBR-DEIS-00682-7)	
Comment	Response
<p>The Ute Tribe was transplanted to the Reservation in the late 1800s while the UVST are descendants of the Fremont Indians, the Native Americans that have lived on the reservation lands from time</p>	<p>OEA notes this comment. Please refer to Chapter 5, <i>Consultation and Coordination</i>, and Appendix S, <i>Agency and Tribal Consultation</i>, which include information on OEA's extensive public, agency, and</p>

<p>immemorial. The Ute Tribe cannot be a proxy for the UVST as this land does not hold the same deep cultural significance to the Ute Tribe. Furthermore, the Ute Tribe is taking an equity position in the railroad and therefore has a vested interest in completing the project, even at the cost of the destruction of extremely important cultural artifacts. The entire Uintah Basin is filled with rock imagery. One only needs to look as far as Nine Mile Canyon to see the significance of these rock images. It is likely that further surveying will turn up rock imagery throughout each of the three Action Alternatives. These rock images would be irreparably damaged by emissions from the construction and operation of the railway. The Tribe is concerned that the mitigation efforts proposed by the Coalition will not take the Tribe's unique cultural heritage into prospective. The Ute Indian Tribe does not have the history the Uintah Valley Shoshone Tribe has in this area as the Utes have been here for less than 150 years. This is the ancestral homeland of the Uintah Valley Shoshone Tribe and putting the history of the Tribe in the hands of those who do not share the same history with the land fails to adequately protect the Tribe and its unique and distinct culture.</p>	<p>tribal involvement throughout the NEPA process. OEA invited federally recognized tribes that have current and ancestral connections to the area to engage in government-to-government consultation to better understand the perspectives of tribes that may be affected by the proposed rail line. OEA identified federally recognized tribes for government-to-government consultation through BIA's list of Federally Recognized Tribes published in the Federal Register (84 FR 22) and the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool. Additionally, OEA invited public participation throughout the EIS development process, including hosting public scoping meetings and public meetings on the Draft EIS.</p> <p>Please also refer to Section 3.9, <i>Cultural Resources</i>, which details assumptions and information made available during Phase 1 of the NHPA Section 106 compliance effort in accordance with 36 C.F.R. § 800.4(b)(2), which tasks OEA with establishing the likely presence of historic properties. One example of rock art was identified during Phase 1 and it is located within the project footprint for the Wells Draw Alternative. Other historic properties, potentially including rock art sites, may be identified during identification efforts that would be conducted under the executed PA (see Appendix O, <i>Programmatic Agreement</i>). If the Board were to authorize one of the Action Alternatives, OEA would work with the Section 106 consulting parties to develop ways to avoid, minimize, or mitigate any adverse effects on historic properties for that Action Alternative, pursuant to the PA. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Lorien Belton (UBR-DEIS-00692-8)	
Comment	Response
<p>The large and linear scope of the project means that a vast array of counties, state and federal agencies, etc. will need to be consulted on an ongoing basis, particularly given the lack of specificity in the document on many topics. An overlay map of different agency jurisdictions, to ensure that appropriate local field offices are consulted during project implementation, could provide an important guide to the many contractors, engineers, and others who might be involved. The level of detail currently included in Chapter 5, Consultation and Coordination, lacks local-scale information and process that would be valuable and may merit inclusion.</p>	<p>Please refer to Appendix S, <i>Agency and Tribal Consultation</i>, which provides additional information regarding the specific agencies and field offices with which OEA consulted during preparation of the Draft EIS. Please also refer to Chapter 4, <i>Mitigation</i>, and Appendix O, <i>Programmatic Agreement</i>, which specify the agencies with which the Coalition would need to consult during implementation of specific mitigation measures and during the phased historic review process under Section 106 of the NHPA. Maps throughout the EIS and on the Board-sponsored project website at www.uintabasinrailwayeis.com include information differentiating land ownership. For more detailed information on office jurisdictions, please refer to the applicable websites for land management</p>

	agencies including, but not limited to, https://www.blm.gov/utah and https://www.fs.usda.gov/ashley for BLM in Utah, and the Forest Service’s Ashley National Forest, respectively. No changes to the EIS in response to this comment are necessary.
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Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-2)

Comment	Response
<p>THE FEDERAL RAILROAD ADMINISTRATION AND PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION MUST BE COOPERATING AGENCIES. Under NEPA, a "cooperating agency" means any Federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposed project or project alternative." 40 C.F.R. § 1508.5. The lead agency is required to "[r]equest the participation of each cooperating agency in the NEPA process at the earliest possible time." 40 C.F.R. § 1501.6(a)(1). An agency may also request the lead agency to designate it a cooperating agency. Id. § 1501.6. In this instance, the knowledge arising from the Federal Railroad Administration's ("FRA") general rail safety expertise and the Pipeline and Hazardous Materials Safety Administration's ("PHMSA") regulation of hazardous materials shipments is essential to a thorough analysis of potential risks and anticipated impacts in connection with the Project. Between 1992 and 1998, the Central Corridor was among the locations in Utah and Colorado that experienced seven derailments that caused releases of diesel fuel, taconite, and sulfuric acid into rivers adjacent to the railroad serious enough to trigger enforcement of the Clean Water Act. [Footnote 4: U.S. Dept. of Justice, Press Release, June 8, 2000, available at: https://www.justice.gov/archive/opa/pr/2000/June/328enrd.htm.] UP entered into a consent decree with the U.S. Department of Justice in 2000 that required the railroad to pay \$800,000 in fines and institute a number of operating safety measures, including the "implementation of a comprehensive rock fall hazard mitigation project". [Footnote 5: U.S. v. Southern Pac. Transp. Co., Notice of Lodging of Consent Decree Under the Sections 309(b) and 311(b) of the Clean Water Act, 65 Fed. Reg. 38,574 (Dep't of Justice, June 21, 2000).] Given the history of wrecks and spills in the Central Corridor, the proposed shipment of crude oil from the Project presents elevated risks and potential impacts to communities along the line in the event of a derailment or other accident. The DEIS identifies the potential for 40% increased risk of rail-related accidents along UP's Central Corridor. DEIS at 3.2-6.</p>	<p>OEA did not identify FRA and PHMSA as having jurisdiction by law or special expertise in matters relevant to this EIS. The Coalition would not need to seek any licenses, permits, other authorizations, or funding from FRA or PHMSA in order to construct and operate the proposed rail line. Therefore, those agencies did not participate as Cooperating Agencies under NEPA. Please refer to Subsection 5.2.1, <i>National Environmental Policy Act</i>, which contains information regarding agency coordination and consultation. OEA requested input from FRA during preparation of the Draft EIS. FRA did not reply to OEA’s consultation request, and neither FRA nor PHMSA requested to be a Cooperating Agency.</p> <p>As discussed in response to comment UBR-DEIS-00436-62 in Table T-8 in this appendix, and in Section 3.2, <i>Rail Operations Safety</i>, the Coalition will prepare an Emergency Response Plan that includes procedures to follow in the event of an emergency or derailment. In addition, the Coalition would immediately notify state and local authorities in the event of a release of crude oil and to immediately commence cleanup actions in compliance with federal, state, and local requirements. These actions are currently included in Chapter 4, <i>Mitigation</i>, as voluntary mitigation measures. OEA anticipates recommending that the Board impose the voluntary measures as conditions of any Board authorization of the proposed rail line.</p> <p>Section 3.2, <i>Rail Operations Safety</i>, Table 3.2-2 notes a 40% increase in the Predicted Annual Train Accidents under the low rail traffic scenario for the Kyune-to-Denver existing downline segment. OEA analyzed specific applicable downline segments, not the UP Central Corridor. For the downline segments, downline impacts would occur on existing rail lines that are not owned or operated by the Coalition. Railroads have the right to determine how to operate and route their traffic, and any potential increases in rail traffic on existing rail lines in the downline study area would be beyond the Board’s authority to mitigate as part of this proceeding. Therefore, OEA is not recommending mitigation to address this potential impact. However, any freight rail operators would need to comply with applicable</p>

In a 2018 report to Congress comparing the shipment of crude oil by rail, truck, and pipeline, PHMSA noted that the safety record of crude oil shipments by rail between 2007 and 2016 was highly variable, with rail in some years involving almost 900% more crude oil spills than either pipeline or truck shipments. [Footnote 6: PHMSA, Report to Congress - Shipping Crude Oil by Truck, Rail and Pipeline (March 19, 2019), at 7, Fig. 3. Available at: <https://www.phmsa.dot.gov/news/report-congress-shipping-crude-oil-truck-rail-and-pipeline>.] PHMSA noted that variability of rail's safety record for crude oil spills was driven by "high-impact incidents." [Footnote 7: Id.] In other words, when things go wrong with shipments of crude oil by rail, they go dramatically wrong. Accordingly, the Project does not consist solely of the construction of rail facilities and generalized operations, but expressly involves the shipment of a commodity whose handling is governed by a specific and specialized regulatory regime. [Footnote 8: 49 C.F.R. part 174.] The expertise of these sister U.S. Department of Transportation agencies will aid in the thorough evaluation of risks and potential impacts of the Project and will not be duplicative or redundant with the STB's role as lead agency. For instance, "Congress vested the FRA with primary authority over national rail safety policy and assigned the [Surface Transportation Board] the duty to... [assess] individual railway proposals subject to its authority." *Tyrrell v. Norfolk S. Ry. Co.*, 248 F.3d 517, 523 (6th Cir. 2001). Although the DEIS reflects that OEA "sent consultation letters to agencies soliciting their input, comments, ideas, and concerns" of a generic nature (DEIS at 5-2), Table 5.1 of the DEIS lists FRA, but not PHMSA, among the agencies contacted, and does not reflect the affirmative outreach to those two agencies as their respective expertise would demand in accordance with the CEQ regulations.

regulations, including those of FRA and PHMSA, on any existing rail lines.

Please see Standard Response 2 and Appendix E, *Rail Accident Rates*, for an additional explanation of the methods OEA used to estimate rail accident rates and potential consequences of a spill. Of note is that Uinta Basin crude oil does not have the same volatility as the crude oil involved in the accidents cited in Appendix E, such that explosions are much less likely even in the event of large spills. The more severe the accident, the higher the potential for increased consequences, as with many other hazardous materials commonly shipped.

Please also see Section 3.3, *Water Resources*, and Section 3.4, *Biological Resources*, which include discussions of potential impacts of oil and other commodity spills. OEA's analysis of rail operations focuses on the likelihood and size of accidents; it is not a quantitative risk analysis. OEA's focus allows for an appropriate analysis of potential environmental impacts in the event of an accident or spill. Accordingly, no changes to the Draft EIS are warranted in response to this comment.

Notes:

OEA = Office of Environmental Analysis; EIS = environmental impact statement; FRA = Federal Railroad Administration; Board = Surface Transportation Board; NEPA = National Environmental Policy Act; Corps = U.S. Army Corps of Engineers; USFWS = U.S. Fish and Wildlife Service; NHPA = National Historic Preservation Act; PHMSA = Pipeline and Hazardous Materials Safety Administration; APE = Area of Potential Effects; ESA = Endangered Species Act; BA = Biological Assessment

Table T-25. Comments and Responses—Chapter 6, Additional Topics Required by NEPA

Duchesne County, Mike Hyde (UBR-DEIS-00436-76)	
Comment	Response
Page 6-5 Energy Resources: [Bold: Comment: The irreversible use of nonrenewable fossil fuels to power construction equipment and locomotives would be partially offset by a reduction of tanker trucks hauling crude oil to the rail terminal in Wellington.]	For clarity concerning the irreversible use of energy resources, OEA has revised Subsection 6.2.4, <i>Energy Resources</i> , in the Final EIS to incorporate the commenter's suggested language, with minor edits for clarity.

Notes:

OEA = Office of Environmental Analysis; EIS = Environmental Impact Statement

Table T-26. Comments and Responses—General

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-2)	
Comment	Response
While OEA clearly admits that [italics: "OEA concludes that any of the Action Alternatives would result in significant environmental impacts"] [Footnote 2: DEIS at S-1] the DEIS fails to provide adequate documentation or information as to what threshold of environmental impact is deemed acceptable for a project such as this. Rather, OEA chooses to simply check a box by haphazardly quantifying impacts with no indication as to whether such impacts represent an unacceptable and inappropriate level of impact which would disqualify the project from Federal Surface Transportation Board ("STB") approval. It is clear that STB and OEA have little concern for the environment or the average citizen which will be permanently impacted by the UBR, and are instead focused on merely providing a cursory review of only a portion of the project's impacts while providing no indication as to whether the impacts cited rise to a level to justify the No Action Alternative.	During the environmental review for the EIS, OEA identified the level of potential impact from construction and operation of the proposed rail line on each resource of concern. OEA used terms such as "significant" and "minor" to characterize the level of impact and provide the reader clear conclusion statements about whether an impact rises to a level of concern. OEA determined the level of impact based on its own professional judgement and in consultation with cooperating agencies and the Ute Indian Tribe, as well as from public input received during scoping and the Draft EIS public comment period. In some cases, OEA identified whether an impact would be significant based on regulatory thresholds. For example, OEA identified air quality impacts as significant based on whether modeling showed an exceedance of the NAAQS. After the Final EIS is issued and the environmental review process is complete, the Board will consider the potential environmental impacts associated with the proposal and weigh those potential impacts along with the transportation merits and issue a final decision either granting the exemption, granting the exemption with conditions, or denying the exemption. Therefore, the Board is responsible for determining whether the environmental impact is acceptable for this project.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-24)	
Comment	Response
DOWNLINE IMPACTS It is clear that OEA did not go far enough in evaluating the downline impacts of the proposed rail line. OEA arbitrarily confined the downline study area to extend only to the outer edge of the Denver Metro/North Front Range area, and only studied the downline impacts associated	Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i> . Please also refer to Section 3.2, <i>Rail Operations Safety</i> , for a discussion of downline rail safety impacts. No changes to the

with air quality, completely ignoring rail safety impacts.	Draft EIS are warranted in response to this comment.
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-22)

Comment	Response
<p>The Downline Study Area Is Arbitrarily Limited The EIS confines the "downline study area" to "segments of existing rail lines outside of the Basin that could experience an increase in rail traffic above OEA's thresholds at 49 C.F.R. § 1105.7(e)(5) if the proposed rail line were constructed." DEIS at 3.2-1. This area "extends from the proposed connection near Kyune to the northern, eastern, and southern edges of the Denver Metro/North Front Range air quality nonattainment area (Appendix C, Downline Analysis Study Area and Train Characteristics, Figure C-1)." Id. OEA's thresholds under 49 C.F.R. § 1105.7(e)(5), however, appear to only limit the area of analysis for air quality impacts. There is nothing in the regulation to suggest that it was intended to limit the STB's review of downline public safety impacts. The STB merely states in conclusory fashion: "Based on its experience applying the thresholds for air and noise on freight rail construction and operation projects, OEA has determined that these thresholds should also apply to freight rail safety and grade-crossing safety and delay." DEIS at C-1. It is unclear why this should be the case. OEA cannot limit NEPA review in this manner where NEPA requires the disclosure of indirect effects of a proposed action so long as they are reasonably foreseeable. Limiting the downline study area for rail safety impacts to only those particular segments where train traffic is likely to increase by eight trains per day (or three trains per day in nonattainment areas) without explanation is arbitrary and unsupported. At a minimum, the EIS should analyze the overall risk of an accident along the entire route between the Uinta Basin and eastern refineries. Focusing on limited segments of the rail between and within the Uinta Basin and the Denver nonattainment area ignores the vast majority of the downline rail route along which an accident or derailment could occur.</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. OEA has consistently applied its analysis thresholds at 49 C.F.R. §§ 1105.7(e)(5) and 1105.7(e)(6) to identify rail lines that could experience environmental impacts as a result of Board actions. In this case, OEA used a computer model to identify practical routes that trains could take from Kyune, Utah to various potential destinations. Through this analysis, OEA identified a downline study area comprised of several existing rail lines that could experience an increase in rail traffic that would exceed OEA's analysis thresholds. OEA concluded that, outside of that downline study area, that rail traffic would be diffuse and that it is not reasonably foreseeable that any rail lines outside of the downline study area would experience an increase of rail traffic of three trains per day or more. Therefore, OEA concluded that rail operations safety impacts outside of the downline study area would be negligible.</p> <p>OEA has determined that application of the thresholds in 49 §§ 1105.7(e)(5) and 1105.7(e)(6) is appropriate for assessing downline rail safety and grade crossing safety and delay impacts, in addition to air and noise impacts. All of these downline impacts are being assessed because they could result from rail operations that are potentially caused by the increase in rail traffic on existing lines over which there is already rail traffic. As with air and noise, OEA has reasonably determined that an increase of less than 8 trains per day on those existing rail lines would not have a significant impact on rail safety and grade crossing safety and delay.</p> <p>No changes to the Draft EIS are warranted in response to this comment.</p>

Multiple County Governments in Colorado, Allison (UBR-DEIS-00703-10)

Comment	Response
<p>The downline impact analysis inappropriately omits consideration of other hazardous or dangerous commodities and of the uniquely hazardous character of crude oil shipments In addition to conventional crude oil, the Coalition admits that other commodities, including natural gas and coal, may also be shipped over the constructed rail line to other markets. DEIS at 2-1. Indeed, in addition to</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. OEA estimated potential future rail traffic on the proposed rail line based on information provided by the Coalition about operational plans, OEA's independent analysis, and consultation with appropriate federal, state, local, and tribal agencies. Based on its analysis and consultation, OEA agrees with the Coalition and</p>

some of the largest oil shale deposits in the world, the Uinta Basin is also home to some of the largest natural gas fields in Utah, as well as marginal coal deposits. See Michael D Vanden Berg, *Utah's Energy Landscape*, Circular 121, Utah Geological Survey, Utah Department of Natural Resources, 16, 29, 34 (2016), available at: <https://ugspub.nr.utah.gov/publications/circular/c-121.pdf>. However, although shipment of these commodities is expressly contemplated, the DEIS analysis of downline impacts focuses exclusively on oil shipments, based on the assertions of the Coalition that the primary commodity expected to be transported over the constructed rail lines will be crude oil. DEIS at 2-1; App. C, at C-1. Accordingly, expected shipping routes for crude oil have informed the downline study area, excluding routes that are likely to serve markets for other commodities, including oil shale, natural gas, coal, and other mineral deposits. Id. For instance, the OEA's analysis eliminated westward routes from consideration under its downline impact analysis due to its market analysis for crude oil, even though West Coast ports may very well serve as the logical rail destination for expanding international markets for other commodities such as natural gas. Many of the additional non-oil commodities that are explicitly identified as potentially transported have particular impacts that cannot be properly assessed by merely looking at the shipment of oil. To take but two examples, the unique and dangerous aspects of coal (e.g. impacts of fugitive coal dust and combustion) and natural gas (e.g. vaporization and flammability) require specific consideration. See PHMSA, *Risk Assessment of Surface Transport of Liquid Natural Gas*, Final Report, 92 (March 20, 2019), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/research-and-development/hazmat/reports/71651/fr2-phmsa-hmtrns16-oncall-20mar2019-v3.pdf> (noting the particular difficulty in cleaning up an LNG incident); Robert Kotchenruther, *Fugitive Dust from Coal Trains. Factors Effecting Emissions & Estimating PM2.5*, EPA Region 10, NW- AIRQUEST (2013). Changing market factors and transportation dynamics, as well as the effects of induced demand, discussed below at Section III.E, suggest that even if current expected volumes of non- oil shipments are low, they may not remain that way. This is particularly so considering the significance of resources in the Uinta Basin and the long-term presence and operability of rail infrastructure. Yet no explanation is provided for why the impacts from shipment of these other commodities, which are clearly reasonably

with the many public commenters who have stated that the primary use of the proposed rail line would be to transport crude oil produced in the Uinta Basin to destinations outside of the Uinta Basin. OEA expects that the rail line would also be used to transport frac sand into the Uinta Basin. Therefore, OEA analyzed the environmental impacts associated with the transportation of reasonably foreseeable volumes of crude oil and of frac sand. While it is possible that commodities other than oil and frac sand could be transported on the proposed rail line, OEA concluded that the volumes of those commodities would be low and would not support the use of dedicated trains. OEA is unaware of any plans by shippers of coal, natural gas, or oil shale to request rail service on the proposed rail line. Therefore, OEA is unable to estimate volume of those commodities that could be shipped, the potential destinations for those commodities, or the routes that trains carrying those commodities could take. It would be speculative for OEA to conduct an analysis of transportation of those commodities, which would be inconsistent with NEPA and would not provide useful information about the potential environmental impacts of the proposed rail line to the decision-makers or the public. Therefore, no changes to the Draft EIS are warranted in response to this comment.

<p>foreseeable, are not or should not be considered in assessing downline impacts. The complete reliance on oil shipments in considering downline impacts reflects the same sort of shortcut analysis used in applying air quality standards to rail safety impacts, discussed further below at III.C.2.</p>	
<p>Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-12)</p>	
<p>Comment</p>	<p>Response</p>
<p>The OEA incorrectly limits analysis to contiguous rail segments where an applicable regulatory threshold is reached, rather than to anticipated routes serving a project that has reached the applicable regulatory threshold(s) OEA does not explain why it does not consider all downline impacts for the entire journey to expected refining destinations, rather than focus only on individual segments over which the increase in traffic is expected to exceed the regulatory threshold provided in the STB's regulations for air quality impacts. In its methodology, OEA apparently limited the scope of the downline study area by only including contiguous [Footnote 12: As discussed below, OEA does not mention or explain why only contiguous segments of rail line that meet the regulatory thresholds are included in the downline study area, even though OEA's own analysis indicates that this threshold may be met in other areas of the country as a result of the project.] segments of rail connected to the Project that were themselves expected to see an increase of traffic. DEIS App. C. at C-1. However, the STB's regulations require rail construction proposals to "describe the downline impacts if the thresholds governing energy, noise and air impacts in § 1105.7(e)(4), (5), or (6) are met." 49 C.F.R. § 1105.7(e)(11)(v). The regulations do not limit the evaluation of downline impacts only to segments where thresholds are met; rather they logically require downline impacts to be considered when the thresholds are met [italics: by the project]. Otherwise, it would be possible to completely discount all downline impacts if routes connecting to the Project were numerous enough to diffuse the average number of trips per route. This would certainly undermine the purpose of 49 C.F.R. § 1105.7(e)(11)(v). Here, according to the proponent's and OEA's own analysis, the regulatory thresholds are met by the Project, both on the line to be constructed and on existing segments, particularly the segments between Kyune and Denver. No explanation is given as to why it is appropriate to completely ignore downline impacts over the great majority of the routes that the project-generated traffic would use; rather doing so would conflict with the requirement of 49 C.F.R. §</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. OEA appropriately considered downline impacts for those segments that could exceed the regulatory thresholds as provided for in the Board's regulations. See 49 C.F.R. §§ 1105.7(e)(5); 1105.7(e)(6); 1105.7(e)(11).</p>

<p>1105.7(e)(11)(v) to "describe the effects... of the new or diverted traffic over the line."</p>	
<p>Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-13)</p>	
<p>Comment</p>	<p>Response</p>
<p>The scope of the downline study area does not include analysis of segments of rail line outside of Utah and Colorado that may or will likely exceed the regulatory thresholds that OEA uses. Even if OEA were correct in the manner in which it applied the regulatory thresholds to define the downline impact study area, the resulting study area does not reflect OEA's own methodology. In establishing the downline study area OEA relies on the thresholds provided in 49 C.F.R. § 1105.7(e)(5) relating to air impacts, i.e. an increase in eight trains a day on average, or three trains a day on average in air quality non-attainment areas. See DEIS at 3.1.-1 to 3.1.-2; 3.2.- 1; 3.7-3; App. C, at C-1). Nothing in the threshold or methodology suggests that segments of rail line, yards, or terminals that meet the threshold but are non-contiguous with other lines that meet the threshold, should be excluded. OEA does not mention or explain why segments of rail lines outside of Utah and Colorado that may meet the regulatory thresholds are not included in the downline study area, even though OEA's own analysis indicates that the increased traffic may result in exceeding the threshold there. OEA's analysis clearly establishes the expectation that Uinta Basin crude oil will likely end up in only a few places, mostly in Houston/Port Arthur and Louisiana. Although OEA does not share the specific routing data it used, the routes owned by the two railroads analyzed (BNSF and UP), and the incentive to route efficiently, would suggest that much or all of this traffic would likely take the same limited number of routes and pass through the same yards, some of which may be within nonattainment areas. Not considering the impacts in these areas, let alone not including them in the downline study area, is irrational. For instance, the greater Houston metropolitan area, through which traffic between Houston and the Uinta Basin is expected to be the greatest, and through which through traffic to Louisiana appears likely to travel, is identified as a nonattainment area. See EPA, Green Book, https://www3.epa.gov/airquality/greenbook/map/mapnpoll.pdf (EPA Green Book) (visited Jan. 21, 2021); Texas Department of Transportation, Texas Non-Attainment Areas, https://gis-txdot.opendata.arcgis.com/datasets/texas-nonattainment-areas (visited Jan. 21, 2021). Areas in Kansas and Louisiana through which Uinta Basin-related trains might travel may also qualify under</p>	<p>Please see response to Comment UBR-DEIS-00703-12. Please also refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. As discussed in that response, OEA concludes that rail traffic outside of the downline study area would be dispersed and that no individual rail lines outside of the downline study area, including existing rail lines in the Houston/Port Arthur area and Louisiana, can reasonably be expected to experience an increase in rail traffic in excess of OEA's analysis thresholds. OEA appropriately considered downline impacts for those segments that could exceed the regulatory thresholds as provided for in the Board's regulations. See 49 C.F.R. §§ 1105.7(e)(5); 1105.7(e)(6); 1105.7(e)(11).</p>

<p>the established regulatory air thresholds for non-attainment areas. See EPA Green Book. OEA estimates in the high rail traffic scenarios that 5.26 additional trains per day on average will travel between Houston/Port Arthur and Uinta Basin, and that 3.68 additional trains per day on average will travel between Uinta Basin and Louisiana. DEIS, App. C, Table C-4, at C-5. Averaging the high and low rail traffic scenarios for traffic to Houston/Port Arthur also results in an average that exceeds the threshold for nonattainment areas (3.55 trains per day on average), indicating that the range of expected increased traffic to this destination is above the regulatory threshold OEA uses. OEA does not even mention these expected exceedances, let alone explain why they would not qualify to be included in the downline study area.</p>	
<p>Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-14)</p>	
<p>Comment</p>	<p>Response</p>
<p>The OEA incorrectly excludes multiple routes that in aggregate would meet the regulatory thresholds that OEA uses to identify the scope of the downline impacts. Even if specific routes east of the Denver metropolitan area individually would not experience expected increases in traffic that would reach the regulatory threshold cited by OEA, OEA's data clearly shows that in the aggregate routes to some of the destinations for traffic would exceed thresholds under the high rail traffic scenario. Specifically, Houston/Port Arthur and Louisiana would see 5.26 and 3.68 more trains per day on average, respectively, under the high rail traffic scenario. Combined, these two destinations would also see 3.13 more trains per day on average under the low rail traffic scenario, and 8.94 more trains per day on average under the high rail traffic scenario. These increases would all exceed the threshold for nonattainment areas, such as the Houston metropolitan area, and the combined high rail traffic scenario would exceed the eight trains per day threshold applicable for all rail lines in aggregate along all of the potential routes to Houston. OEA does not explain how the aggregate impact of these trains would not result in comparable impacts that should be taken into account as downline impacts. This is particularly the case with rail-related accidents, which will still have the same likelihood of occurring whether they are calculated along one or several lines. Increased downline impacts do not vanish or decrease merely because there are two or three routes to the same destination, rather than one.</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>. Please also refer to response to Comment UBR-DEIS-00703-13 above.</p>

Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-9)	
Comment	Response
<p>THE DEIS'S EXISTING DOWNLINE IMPACT ANALYSIS IS INSUFFICIENT Among other requirements for environmental reporting, the STB's environmental regulations require rail construction proposals to "[d]escribe the effects, including indirect or downline impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§ 1105.7(e)(4), (5), or (6) are met." 49 C.F.R. § 1105.7(e)(11)(v).</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>.</p>
Living Rivers/ Colorado Riverkeeper, Sarah Stock (UBR-DEIS-00023-1)	
Comment	Response
<p>Dear Mr. Wayland I am writing to you on behalf of Living Rivers/ Colorado Riverkeeper and our members to request an extension of the public review and comment period for the Draft Environmental Impact Statement (DEIS) for the proposed Uinta Basin Railway. As you are aware, the Uinta Basin Railway DEIS is a complex document with many hundreds of pages. There are also numerous other important documents to review on the Uinta Basin Railway EIS webpage. It is very important to us that our organization, members, local residents, other community and environmental organizations, and business leaders have an adequate opportunity to review the DEIS and provide substantive comments. We believe that you share in our desire for robust public feedback, and hope that you grant an extension for comments on the DEIS. In addition to the complex and extensive nature of the EIS that needs to be reviewed, Utah is in the midst of a surge in covid cases that impacts us all in various ways. Many interested people are facing a crisis caused by the pandemic and need additional time to participate. Considering the scope, complexity and impact of this proposal, the short comment window of 45 days does not give enough time for the public to access and review the relevant information and make informed comments. So far, the Seven County Infrastructure Coalition (SCIC) has provided insufficient information for the public to meaningfully comment on the Uinta Basin Rail Project and the SCIC response to GRAMA (public record) requests has been slow. We appreciate the STB for posting so much information from the SCIC on the EIS webpage, but it will take time to review. We urge you to extend the DEIS comment period until Feb 14, 2021 and we request you hold additional public meetings on the DEIS in January 2021. Thank you for considering this request</p>	<p>As described in Chapter 5, <i>Consultation and Coordination</i>, the Board twice extended the public comment period on the Draft EIS. On December 9, 2020, OEA announced an extension of the public comment period for 60 days until January 28, 2021. On January 28, 2021, OEA announced an additional extension of the comment period for 15 days until February 12, 2021. No changes to the Draft EIS in response to this comment are necessary.</p>

Tyler Callantine (UBR-DEIS-00039-1)	
Comment	Response
<p>I would like to comment on the Uintah Basin Railway proposal. First I understand that we need to look at options to help the energy extraction industry and a railway might be a feasible answer in moving oil from the Uintah Basin to refineries. One strong thing to consider is that the energy industry is a boom and bust market, particularly here in the basin where it is all or nothing. What type of industry will be in place to make a railway feasible and pay for its self with private funds when energy is in a down market? Currently there is no industry large enough in the basin to pay for shipping goods on a railway system with out government subsidies or social handouts paying for the railway to operate and ship these goods. My next concern is the extremely large volume of public monies that have been spent in the initial phases of planning, studying and engineering that has occurred. If this railway is built and becomes operational will the energy companies repay the publics money that has been spent to make the train a reality? My understanding is the CIB funds that have been used so far are supposed to better an entire community not just a particular group or business sector. Not a deal breaker for me but the location of the railway still relies heavy truck traffic to move the oil to the railway station so the train is not fully changing the current operating dynamics of oil extraction in the basin. Last is the location is a fair distance away from most of the basin's current energy business's base of operations. I foresee the wise business owners moving their base of operations close to the railway and outside of Uintah County taking away a substantial tax base in Uintah County. Thank you for considering my comments.</p>	<p>As discussed in Chapter 1, <i>Purpose and Need</i>, if the Board were to authorize the Coalition's petition, the proposed rail line would be operated as a common carrier rail line. The Coalition has stated that it expects the proposed rail line would primarily transport crude oil produced in the Basin to markets elsewhere in the country. However, because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. Please refer to Subsection 3.13.3.2, <i>Impact Comparison between Action Alternatives</i>, for information on potential economic benefits related to direct, indirect, and induced employment, labor income, and economic value added from construction and operation of the proposed rail line. Analysis of the transportation merits, funding sources or economic feasibility of this or any rail construction project is outside of the scope of OEA's review under NEPA. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Center for Biological Diversity, Western Resource Advocates, Mountain Lion Foundation, Utah Physicians for a Healthy Environment, WildEarth Guardians, Wendy Park (UBR-DEIS-00043-1)	
Comment	Response
<p>We are writing to you on behalf of Center for Biological Diversity, Western Resource Advocates, Mountain Lion Foundation, Utah Physicians for a Healthy Environment, WildEarth Guardians, and our organizations' members to request a two-month extension of the public review and comment period for the Draft Environmental Impact Statement (DEIS) for the proposed Uinta Basin Railway. The Uinta Basin Railway is the largest railway construction project in the U.S. in several decades, spanning over eighty miles of rugged terrain and sensitive wildlife habitat in the Uinta Basin. The project raises numerous issues of</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above. Please also refer to Section 3.3, <i>Water Resources</i>, which includes information regarding potential impacts on surface water and wetlands from construction and operation of the proposed rail line. Section 3.4, <i>Biological Resources</i>, includes information regarding potential impacts on special status species, vegetation, wildlife, and habitat from construction and operation of the proposed rail line. Section 3.7, <i>Air Quality and Greenhouse Gases</i>, includes information regarding potential impacts on air quality from construction and operation of the proposed rail line. Impacts</p>

<p>significant public concern, including the harms caused by rail construction and operations and expanded oil drilling on air quality, rare and endangered plant species, the imperiled Greater sage-grouse, streams and wetlands, big game habitat, inventoried roadless areas, recreation, and tribal resources. The DEIS and its appendices total over 2,700 pages, and there are numerous other supporting documents on the EIS website to review. Considering the large geographic scope, complexity, and impact of this proposal, the short comment window of 45 days does not provide the public enough time to review the DEIS and make informed comments. In addition, Utah and many other parts of the country are experiencing a surge in COVID-19 cases. Many interested people are facing a crisis caused by the pandemic, including increased caretaking demands, working while schooling children from home, and economic hardship. The pre-occupation of the public with COVID-19 response prevents them from meaningfully participating in the process. In light of these significant disruptions, our members and organizations need additional time to participate. We urge you to extend the DEIS comment period until February 14, 2021, and we request that you hold additional public meetings on the DEIS in January 2021.</p>	<p>from construction and operation of the proposed rail line on recreation and inventoried roadless areas are discussed in Section 3.11, <i>Land Use and Recreation</i>. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
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Utah Tar Sands Resistance, Raphael Cordray (UBR-DEIS-00044-1)

Comment	Response
<p>I am writing to you personally and on behalf of Utah Tar Sands Resistance (UTSR) and behalf our members to request an extension of the public review and comment period for the Draft Environmental Impact Statement (DEIS) for the proposed Uinta Basin Railway. As you are aware the Railway DEIS is a significantly complex document spanning many hundreds of pages. It is vital that our members, local residents, community and environmental organizations, business leaders, and other agencies have an adequate opportunity to review the Railway DEIS and provide comments. It is essential that those who will be most directly impacted have a sufficient opportunity to provide their comments on extensive impacts of this project. The public comment period for the Uinta Basin Railway DEIS is currently set to close on December 14 2020. This is not a sufficient time period. Our community is facing the surge in covid cases and the compounding impact on more and more citizens' ability to quickly review the DEIS, and attend and comment at the upcoming public meetings. Many interested people are facing a crisis caused by the pandemic and need additional time to participate.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above.</p>

<p>This Rail way is a massive project proposal that would impact the entire state for generations. Many in the affected area have grave concerns about the project. Considering the scope, complexity and impact of this proposal, a short comment window of 45 days does not give enough time for the affected people to access and review the relevant information and make informed comments. The SCIC has provided insufficient information for the public to meaningfully comment on the Uinta Basin Rail Project and the SCIC response to GRAMA (public record) requests has been slow. We urge you to extend the DEIS comment period up to and including Feb 14, 2021 and we request you hold additional public meetings on the DEIS in January 2021.</p>	
<p>Utah Tar Sands Resistance, Raphael Cordray (UBR-DEIS-00045-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am writing to you personally and on behalf of Utah Tar Sands Resistance (UTSR) and behalf our members to request that your office remove the eventbrite barrier for the UBRY public meetings and reschedule the 3 meetings this week which have been blocked by the failure of eventbrite to allow registration up to 60 minutes before the actual start of the meeting. Please remove the registration barrier from the meetings scheduled for nov 30, dec 1 and 3 and provide instructions on how to join the meeting without the registration on the eventbrite page you are sending people to. Currently this page functions as a dead end for anyone who arrives on that page and wants to join a meeting one hour before and all during the meeting by indicating that "sales have ended" for the meeting in progress. This is extremely misleading and possibly in violation of the rights of the public. The OEA has no way to determine how many participants have already been thwarted from meaningful participation in the meeting held on Monday afternoon and the meeting on Wednesday morning. I was able to attend both meetings however I had to take additional steps to join because eventbrite said the meeting was closed. I know of others who were unable to get in and did not know how to contact you and get access al be it late. It seems that very few people were actually able to join the meeting on either day, this is remarkable considering how many folks are interested and can use zoom. I know that folks were deterred by the message on eventbrite. The fact that your web page directs people to a page that tells them the meeting is closed well before and during the entire meeting is alarming when the actual meeting is full of dead air and there is ample time for comments and participation contrary to the</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above. Please also see Chapter 5, <i>Consultation and Coordination</i>, for information on how OEA conducted the online public meetings and made information available on the Board-sponsored project website. OEA notes that members of the public were not required to register in advance to attend one or more of the six online public meetings that OEA held during the 105-day public comment period for the Draft EIS. Members of the public could join the meetings at any time, including after the published meeting start time. OEA did request that meeting participants wishing to provide an oral comment at an online public meeting register in advance so that OEA could call upon them by name to speak during the meeting. Registration for making oral comments ended one hour before the published meeting start time to allow OEA to prepare for the meeting. At each online public meeting, members of the public who did not register in advance to provide oral comments were invited to speak after all registered commenters had provided their comments. In one instance, a member of the public contacted OEA during an online public meeting and indicated that they were experiencing difficulties accessing the meeting. OEA staff personally called the individual during the meeting and offered to provide assistance; however, the individual declined to attend the meeting. No changes to the Draft EIS are warranted in response to this comment.</p>

<p>message on eventbrite. Your office is creating a false impression that people are not interested in these meetings. Further your zoom meetings are unnecessarily restricted by not allowing the public to see the participants and the number of attendees in realtime is also deceptive. I have attended several public meetings for state agencies and I know that accommodations can easily be made to show the number of participants and to get participants to register without eventbrite. I have already requested an extension of the dec 14 deadline into feb 14, 2021. I reiterate the need to extend based on the problems created by your use of eventbrite as the way you tell people to access the meetings. Considering these concerns I must urge you to extend the DEIS comment period up to and including Feb 14, 2021 and request you hold additional public meetings on the DEIS in January or February 2021</p>	
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00057-1)

Comment	Response
<p>I am again writing on behalf of myself, members of the Argyle Wilderness Preservation Alliance, affected landowners, and many other members of the public and concerned citizens to respectfully request a minimum 90-Day extension - to March 14, 2021 - of the public comment period for the Uinta Basin Railway Draft Environmental Impact Statement, STB Finance Docket No. FD 36284 dated October 30, 2020. As you are aware, the Draft EIS is 2,763 pages including all of the appendices. Most of the public, including a majority of us landowners in the area whose lives and properties will be directly affected by the proposed project, work full-time jobs. We have been spending as much time during nights and weekends in reviewing the Draft EIS, but the sheer volume of information makes this an extremely daunting, difficult, and time-consuming process. The current Covid-19 pandemic and holiday season further restrict the time available to devote to reviewing and responding to the Draft EIS. It has further been difficult to participate in the (3) online Public Meetings that have been held virtually to date, and to provide substantive comments which are relevant to the information in the Draft EIS due to the time involved in reading, understanding, and researching this document. While the document has been very well-written, S.4.1 clearly indicates that there are several Major Impacts which cannot be completely or effectively mitigated, in addition to many more Minor Impacts summarized in S.4.2. We feel that the public should be afforded sufficient time to review and study these impacts and the associated proposed</p>	<p>Please refer to responses to Comment UBR-DEIS-00023-1 and Comment UBR-DEIS-00045-1 above.</p>

<p>mitigation measures which cannot be completed within a short 45-day Public Comment Period. In addition, winter has set in on the proposed project area, thereby significantly impacting the public's ability to review the identified areas of impact on-site due to snow, ice, road closures, which limit our ability to access much of the project area. Further, the Coalition's failure to secure financing for the development and construction of the project as evidenced by their recently signed Uinta Basin Railway Development Agreement dated September 8, 2020 with Drexel Hamilton Infrastructure Partners Fund II, LLC "DHIP" and Uinta Basin Railway, LLC "UBRY", illustrates that this project is not funded and, as a result, construction would not be impeded or delayed by the STB's granting of our 90-day extension request. Any alleged delays to the Coalition's schedule would not cause any foreseeable delays due to the lack of project financing by DHIP, the private equity firm responsible for commercialization and construction of the proposed railway. Surely adequate time should be afforded the public and all interested and potentially injured parties to review, research, formulate responses, and respond to the Draft EIS for such a complex project with its accompanying serious impacts. To deny our request would be to perpetuate the abuses of the public for which the Coalition has been culpable ever since this project came to light. The Coalition has intentionally and deliberately withheld relevant project information from the public, and in nearly every meeting has expressed a desire to push the schedule of the project forward, to the disservice and disregard of the public and those who will be negatively impacted by the project. We trust that the Surface Transportation Board values public input and desires to structure the Public Comment Period in such a way to afford all who wish to submit responses ample time to do so in an effective, relevant, and responsible manner. Please seriously consider our request for a 90-Day extension of the Draft EIS Public Comment Period.</p>	
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Uintah Valley Shoshone Tribe, Michael Rock (UBR-DEIS-00094-1)

Comment	Response
<p>I write to you on behalf of the Uintah Valley Shoshone Tribe (also known as the Affiliated Ute Citizens) ("UVST"). The UVST is an Indian Tribe residing on the Uintah and Ouray Reservation. The UVST respectfully requests a 60-day extension of the public comment period for the Surface Transportation Board's Draft Environmental Impact Statement ("DEIS") for the Uinta Basin Railway. The scale and scope of the railway project poses</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above.</p>

<p>immense consequences for members of the UVST. Each proposed route will cross lands owned or worked by members of the UVST. The proposed routes will each potentially impact the air, water, wildlife, and lands directly impacting the UVST. Due to the COVID-19 pandemic, we request a 60-day extension to February 12, 2021 for the comment period of the DEIS so we may more fully address the potential environmental impact of the Uinta Basin Railway. Thank you for your consideration of this request.</p>	
Colorado Department of Public Health and Environment, Richard Coffin (UBR-DEIS-00188-1)	
Comment	Response
<p>The Colorado Department of Public Health and Environment (CDPHE) submit these written comments on the Draft Environmental Impact Statement (DEIS) for the proposed Uinta Basin Railway (October 30, 2020), Docket No. FD 36284. CDPHE appreciates the opportunity provided by the Surface Transportation Board (STB) to share feedback on the DEIS. We respectfully request that STB extend the comment period on the DEIS by 60 days beyond the current comment period deadline. Due to the complex scope and potential impacts of this proposal, an extension of the comment period will provide for a reasonable and meaningful opportunity to review and comment on the DEIS, which totals 2,791 pages. At this time, we have identified the following topics that should be addressed within the scope of analysis.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above.</p>
Uintah Valley Shoshone Tribe, Michael Rock (UBR-DEIS-00212-1)	
Comment	Response
<p>I write to you on behalf of the Uintah Valley Shoshone Tribe (also known as the Affiliated Ute Citizens) ("UVST"). The UVST is an Indian Tribe residing on the Uintah and Ouray Reservation. The UVST respectfully requests a 60-day extension of the public comment period for the Surface Transportation Board's Draft Environmental Impact Statement ("DEIS") for the Uinta Basin Railway. The scale and scope of the railway project poses immense consequences for members of the UVST. Each proposed route will cross lands owned or worked by members of the UVST. The proposed routes will each potentially impact the air, water, wildlife, and lands directly impacting the UVST. Due to the COVID-19 pandemic, we request a 60-day extension to February 12, 2021 for the comment period of the DEIS so we may more fully address the potential environmental impact of the Uinta Basin Railway.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00228-1)	
Comment	Response
I am admittedly disappointed that the Board only granted a 45-day extension. It is very difficult for someone like me to run 3 businesses, take care of my family and volunteer responsibilities, and also find time to read and responsibly and effectively respond to the Draft EIS. I don't think the Board really understands that most of the public isn't getting paid to review and respond to documents like this. It becomes quite burdensome and, in my opinion, does a great disservice to the public by choosing not to allow sufficient time for substantive, detailed public comments. Probably outside of your ability to control, but perhaps you can pass along my feedback to those who make these decisions.	Please refer to response to Comment UBR-DEIS-00023-1 above.
Art Taylor (UBR-DEIS-00250-6)	
Comment	Response
During the public comment meetings, there were many comments about how the economy of the Uintah Basin would be enhanced by the railroad. Comments were also made how that Price, Utah, our next-door-neighbors over the hill have had all kinds of railroads for over a century, yet the Carbon County area has struggled for years since the coal industry has been almost brought to a complete standstill. Many of the people in Duchesne have gone to Price to do their shopping in an effort to help our neighbors there.	OEA acknowledges the commenter's concern. Please see Section 3.13, <i>Socioeconomics</i> , which discusses impacts and benefits from construction and operation of the proposed rail line on the local economy. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Art Taylor (UBR-DEIS-00250-7)	
Comment	Response
We hope that this process does not drag on. We want to see it resolved and a final decision made, so-we can have it behind us and go on with our lives without fear of losing the use of our Indian Canyon Property. Again I thank you so much--I have--listened to the public hearings (and debates.) Your workers have done such a wonderful job.	OEA acknowledges the commenter's concerns. Please see Chapter 1, <i>Purpose and Need</i> , which includes a discussion of the NEPA process that the Board follows and the timing of any Board decision on the Coalition's proposal. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
Lila McClellan (UBR-DEIS-00257-1)	
Comment	Response
This could have an adverse effect on the safety of our water system recreation and noise pollution, especially on national monument of Browns canyon and Native American tribal lands.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> . Please also refer to Section 3.3, <i>Water Resources</i> , which includes information regarding potential impacts on water from construction and operation of the proposed rail line. Section 3.11, <i>Land Use and Recreation</i> , includes information regarding potential impacts on recreation from construction and operation of the proposed rail line. Section 3.6, <i>Noise and Vibration</i> , includes information regarding potential noise impacts from

	<p>construction and operation of the proposed rail line. Section 3.14, <i>Environmental Justice</i>, describes potential high and adverse impacts on American Indian tribes related to water and noise from construction and operation of the proposed rail line. OEA notes that the Browns Canyon lands are located outside the geographic scope of analysis for this EIS. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Michael Millsap (UBR-DEIS-00258-1)

Comment	Response
<p>We live and recreate along the Arkansas River. We purchased our home knowing the railroad tracks have been neglected/un-used for over 2 decades. We live here to enjoy the peace and quiet of the Arkansas River Valley, its wildlife, its NATURAL beauty. Allowing any trains to run along this stretch would devastate the peace and quiet, property values, and safety of MANY families along the proposed Tennessee Line. We are the "little guys". Small town America. The wealthy come and "buy and dry" our land, and now they want to come to rob us of the pristine beauty we now call home. For many of us affected, most our net worth is in our homes- and our property values would plummet. STB wants to hear from "those being served" by the proposed line. What about the citizens being AFFECTED by the line??</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

Michael Millsap (UBR-DEIS-00258-2)

Comment	Response
<p>Also, why is there a short period of time to respond to this proposal (Jan 31), and WHY has there been such a limited advertisement of this deadline? Im lucky I even heard about the opportunity to comment! Would you not at least mail a questionnaire/opportunity to comment out to TAX PAYING citizens affected?? I doubt seriously that the UP or RGP would be happy if there was any effort to inform citizens impacted, and allow them to have some input on the environmental, safety, personal financial impact, and loss of enjoyment of life issues that are implicit in re-opening this line.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above. Please also refer to Subsection 5.1.2, <i>Draft EIS Public Comment Period</i>, which describes how OEA informed the public about the Draft EIS public comment period, including the publication and availability of the Draft EIS; how to register and participate in the online public meetings; and deadlines for, and how to submit comments on, the Draft EIS. To the extent that this comment may be referring to a proceeding that was previously before the Board that was separate from the Uinta Basin Railway proposal, OEA notes that the notice in Docket No. FD 36471 has been rejected and the proceeding is no longer active (see Summary Response 5: <i>Tennessee Pass Line</i>). No changes to the Draft EIS are warranted in response to this comment.</p>

Reed Dils (UBR-DEIS-00262-1)

Comment	Response
<p>Please extend the comment period at least 30 days. I live in Chaffee County Colorado and was just made aware of this 3 days ago.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above. To the extent that this comment may be referring to a proceeding that was</p>

	<p>previously before the Board that was separate from the Uinta Basin Railway proposal, OEA notes that the notice in Docket No. FD 36471 has been rejected and the proceeding is no longer active (see Summary Response 5: <i>Tennessee Pass Line</i>). No changes to the Draft EIS are warranted in response to this comment.</p>
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Christopher Gift (UBR-DEIS-00264-1)

Comment	Response
<p>I'm opposed to any upgrades to the rail lines running through the Arkansas River Valley that would allow freight to pass through. It does not benefit our communities creates undue risk to our local environment which puts the health of the Arkansas River Valley tourist economy at risk. We have a small town and a small community...no one wants freight trains full of crude oil going through it.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

Erica Wohldmann (UBR-DEIS-00265-1)

Comment	Response
<p>I am writing to express my deep opposition to the proposed rail line reopening through the Arkansas Valley. As a resident of Buena Vista, I am extremely concerned about the environmental impacts of this line, which is expected to carry crude oil through our beautiful valley. Oil tankers and coal cars would be very disruptive, dirty, and noisy. They would also completely change and degrade the river experience, which our rural county relies on heavily for revenue--rafters, kayakers, and fishermen travel here from all over the country to enjoy the wild landscape. Browns Canyon Monument has national protection for a reason--it's incredibly special and a train would diminish the natural beauty. Just one derailment could cause serious damage to the Gold Medal Trout Stream and impact wildlife for years to come. Derailments in our area were common throughout the railroad's history because of the rugged landscape in our Valley. In fact, one occurred in Browns Canyon as recently as 1995. Passenger service has been mentioned as an additional asset if the rail line is reopened and IF public funds are available, which basically means we're subsidizing this line in the hopes that we might get a passenger train. Do we really want to give another corporate handout, especially to dirty oil? While passenger trains look attractive in terms of creating automobile-free ways to get from the Arkansas Valley to Vail/Eagle area, no concrete plans for mass transit are actually in the works, and would require our cash-strapped county to assist with the cost. Please reject this proposal.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

Kimberly Allison (UBR-DEIS-00266-1)	
Comment	Response
Please DO NOT approve the Tennessee Pass rail line to reopen. It is a dangerous plan with little benefit. Better would be a conversion Rails to Trails.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .
Linda Erickson (UBR-DEIS-00268-1)	
Comment	Response
After looking at the Draft EIS, I continue to have questions about the negative impacts to the S. Ute Indians economically and culturally, as well as to fugitive dust/air quality concerns and to the wetlands. I understand that the Whitmore Park alternative might be a preferred alternative. However, I question "emissions not contributing significantly to global climate change." I question the 3 to 10 trains per day and its impacts on all wildlife, plant-life and people in the area.	<p>Please refer to Subsection 3.14.3, <i>Environmental Consequences</i>, which discloses the potential environmental, socioeconomic, cultural, and public health impacts of construction and operation of the proposed rail line on environmental justice populations (low-income and minority populations), which include the Ute Indian Tribe. Subsection 3.15.5.14, <i>Environmental Justice</i>, discusses the potential cumulative impacts on environmental justice populations. Based on the analysis described in those sections, OEA concluded that construction and operation of the proposed rail line would result in disproportionately high and adverse impacts on the Ute Indian Tribe and recommended appropriate mitigation to address those impacts.</p> <p>Please also refer to Section 3.3, <i>Water Resources</i>, which includes information regarding potential impacts on surface water and wetlands from construction and operation of the proposed rail line. Please refer to Section 3.4, <i>Biological Resources</i>, which includes information regarding potential impacts on special status species, vegetation, wildlife, and habitat from construction and operation of the proposed rail line. Please also refer to Section 3.7, <i>Air Quality and Greenhouse Gases</i>, which includes information regarding potential impacts on air quality from construction and operation of the proposed rail line. Please also refer to Subsection 3.7.2.6, <i>Climate</i>, which includes information on climate change in the study area based on recent climate studies.</p>
Linda Erickson (UBR-DEIS-00268-2)	
Comment	Response
In addition, I feel like I need more information about how this will impact the potential expansion to the Tennessee Pass route and area in s. central Colorado.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .
Mckenzie Lyle (UBR-DEIS-00271-1)	
Comment	Response
Please at least extend the comment time by 60 days as I don't think any of the communities this would effect have even heard about this project.	Please refer to response to Comment UBR-DEIS-00023-1 above.

Friends of Browns Canyon, Joe Stone (UBR-DEIS-00272-1)	
Comment	Response
The New Year's Eve announcement that Rio Grande Pacific, the company chosen to develop and operate the proposed Uinta Basin Railway (UBR), has leased the Tennessee Pass rail line from Union Pacific adds a new dimension to the UBR project. The Tennessee Pass rail line has been touted as a "shortcut" for Uinta Basin crude oil to be transported to Gulf Coast refineries; therefore, communities, public lands, Gold Medal fisheries and Browns Canyon National Monument in Colorado could all be impacted by the development of the UBR.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .
Friends of Browns Canyon, Joe Stone (UBR-DEIS-00272-2)	
Comment	Response
Given the size and complexity of the project and the amount of information in the DEIS and supporting documents, Friends of Browns Canyon requests that the comment period be extended by 60 days.	Please refer to response to Comment UBR-DEIS-00023-1 above.
Dan Hamme (UBR-DEIS-00273-1)	
Comment	Response
This is a very serious topic that needs thorough research and discussion. Please extend the public comment period by 60 days to allow for fair and thorough discussion on this topic.	Please refer to response to Comment UBR-DEIS-00023-1 above.
Susan Greiner (UBR-DEIS-00275-2)	
Comment	Response
The Uinta Basin Rail Line proposal has been elevated even further into my attention by the announcement last week of an agreement between the Rio Grande Railroad and Union Pacific to reopen the Tennessee Pass Rail Line in Colorado, creating a potential short cut for the Uinta Basin crude oil transports as they make their way to refineries on the Gulf Coast. I live in Buena Vista, Colorado, in the Arkansas River Valley. The Tennessee Pass Line, which has been abandoned for over 2 decades, runs right through the middle of Buena Vista, and through the newly created Browns Canyon National Monument along the Arkansas River. Browns Canyon is a central part of our local economy, and contains the most popular whitewater rafting section in the country. The Arkansas River also enjoys Gold Medal Trout Stream designation. Running a freight line through our valley would seriously disrupt the quality of life and the tourism economy in Buena Vista, and would degrade the environment and outdoor recreation experiences along the river. Impacts to Browns Canyon National Monument would be significant. Even one derailment could seriously impact water quality, the	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .

<p>fishery, outdoor recreation and the fragile riparian environment. To say nothing of the air quality degradation and noise pollution along the river, in the national monument, and adjacent to a wilderness study area that the railway would cause. The potential impacts to the Arkansas Valley from the Uinta Basin Rail Line have spurred my immediate response to the call for comments on the EIS of this project. But aside from its impacts on neighboring states like Colorado, the Uinta Basin Railway raises serious concerns for Utah. I strongly recommend that the project be scrapped, so that it is not allowed to damage Utah's public lands, sensitive natural environments, long term economy, and the climate while benefiting only one industry.</p>	
<p>Susan Greiner (UBR-DEIS-00275-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>Also, since the New Year's Eve announcement of the lease of the Tennessee Pass rail line adds a new dimension to the Uinta Basin Rail Line proposal, and the draft EIS constitutes a large amount of information to consider, I request that the comment period be extended by at least 60 days, so that more thorough study and specific comment on the draft EIS can be pursued.</p>	<p>In response to this and other requests, OEA extended the comment period for the Draft EIS by an additional 15 days. OEA had previously extended the comment period by 45 days. The comment period ended on February 12, 2021, 105 days after the Draft EIS was issued. Regarding the Tennessee Pass Line, please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>
<p>Karen Dils (UBR-DEIS-00279-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>First the comment period should be extended. With the election and the pandemic and attempted coup in D.C., this issue has not been on the radar of very many citizens. People need to read, learn and comment intelligently.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above.</p>
<p>Dick Carney (UBR-DEIS-00280-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>It would be insane to transport crude oil or any other hazardous material on the railroad anywhere between Canon City and Leadville. Where there are railroads, there will be derailments. Guaranteed. Some don't have big consequences, others are catastrophic. With this railroad running right next to the Arkansas river, it isn't inconceivable at all that a derailed tank car could end up poisoning the river. The Arkansas River is a bigger driver of our economy than any other natural resource, bringing tourists from around the world to our area. If this crackpot idea is approved, it will be a matter of when, not if, a disaster occurs. When the resulting lawsuits are flying, I sure wouldn't want to be identified as someone who approved this idea. Think about it.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

Mike McAinsh (UBR-DEIS-00282-2)	
Comment	Response
<p>First of all, I would like to congratulate the lady that just spoke as her comments were not out of order. - - - - - Saying somebody is foolish is not -- that's quite an honest comment.- The person that spoke for Duchesne County, I believe, I think he was foolish in his comments because he -- you know, there was nothing out of order.- There was no threatening words.- There was no -- nothing that could be construed as being obscene language or anything like that. - - - - -</p>	<p>OEA acknowledges the commenter's concern. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Mike Hyde (UBR-DEIS-00285-2)	
Comment	Response
<p>And I am kind of curious if anyone has requested an extension of time to review the documents. - - - - - We would sure like to know early on if there will be an extension of time beyond December 14th so that we can also, maybe, figure on having a little more time to get our comments done and get everything read.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above.</p>
Mike Hyde (UBR-DEIS-00285-4)	
Comment	Response
<p>It also appears that another commenter today was using some pretty threatening language, which was in violation of the ground rules today, accusing the Seven County Coalition of illegal activities and foolishness and not following the law, so on and so forth.- So I would caution you to try to keep a lid on that a little better.</p>	<p>OEA acknowledges the commenter's concern. Please refer to Chapter 5, <i>Consultation and Coordination</i>, which describes the format OEA used to conduct the online public meetings. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Todd Richins (UBR-DEIS-00286-1)	
Comment	Response
<p>So these are the comments of Todd Richins, T-O-D-D R-I-C-H-I-N-S.- "There is an overwhelming amount of opposition to this proposed railway, but alas, we are here continuing to deliver the same message:- No to the proposed railway. - - - - - "This is a project that will make an everlasting negative impact on a beautiful ecosystem and adversely affects many individual and family legacies,"[pause]Okay. I got it. Can you hear me okay?[pause]Todd Richins, the computer was not cooperating. - - - - - First of all, thanks for the presentation of this Environmental Impact Statement.- What I have viewed so far, which is not the document in its entirety, seems to be well done.- I'm really grateful for a third party to be hosting this meeting.- Based on -- actually, let me -- I'm really grateful we have a third party hosting this meeting. - - - - - To date, property owners have been -- have been left out of key discussions and planning, and</p>	<p>OEA acknowledges the commenter's concern. Please refer to Chapter 5, <i>Consultation and Coordination</i>, which describes the format that was used to conduct the online public meetings. OEA also notes the commenter's concerns about transparency on the part of the Coalition. In preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, and operational plans. The Coalition responded appropriately to OEA's requests and provided sufficient information for OEA to assess the environmental impacts of the proposed rail line. The Coalition also provided OEA with information that the Coalition collected on baseline environmental conditions in the various study areas for the analysis, which OEA independently reviewed and verified. OEA made all of the information that</p>

<p>we've had our rights of free speech infringed upon by the exclusive nature of the meetings that have been held. - - - - - I was really sad to hear our Duchesne County official ask you to limit the -- or remind -- remind speakers about not using inappropriate or threatening language.- The language that was used could have been inflammatory, but certainly was not inappropriate nor threatening.- I believe that his statement was yet another attempt to limit the opportunity for those in opposition to have their voices heard. - - - - - And I believe that this being hosted by a third party, there's a lack of control on the information that can be shared.- And I think that we saw a stretch of -- we saw a stretch of -- we saw government overreach in that point, when he couldn't limit or exclude the comments from coming in.- We wanted -- he wanted to label them inappropriate or threatening and I'm saddened by that. - - - - - We have strong opinions on both sides of this argument.- I believe Mr. Fordham said, "We are not in opposition to Duchesne County infrastructure creating a viable economic base, and we" -- as he said, "We support that through our taxes," which provide us property owners in the Argyle Canyon Wilderness Preservation zero resources from the county.- - - - - And I think we all do that very willing and happy to provide -- to pay our taxes to have our property and that in that beautiful area. - - - - - Because of the history, the secrecy and exclusive nature of the meetings that have been held and the strong opposition, I'm not sure it is possible to move forward in a constructive manner.</p>	<p>the Coalition provided available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
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Todd Richins (UBR-DEIS-00286-2)

Comment	Response
<p>I think the fourth option needs to be explored.- And if that's explored or not explored, I think that this has to start over from the very beginning of the process, where there is open public meetings that demonstrate just what an open public meeting is, and that's official records that are kept and opinions from both sides shared and welcomed in an open manner. - - - - - If the county is not willing to do that, I think the opposition will continue to grow stronger, and that's just not -- not where we need to go.</p>	<p>OEA is not clear on the meaning of "the fourth option" as used in the comment. If the commenter is referring to OEA's consideration of other alternatives, please refer to Subsection 2.2.2, <i>Routes Considered but Not Analyzed in the EIS</i>, which provides a discussion of conceptual routes that OEA considered but did not analyze in detail because the routes would be logistically infeasible or unreasonable to construct and operate. Additional detail is provided in the 2014–2015 UDOT Studies and the 2019–2020 Coalition Reports, which are publicly available on the Board's website (www.stb.gov) and on the Board-sponsored project website (www.uintabasinrailwayeis.com). Please also refer to Chapter 5, <i>Consultation and Coordination</i>, which explains OEA's public involvement and online public meeting processes as part of the EIS process. Because this comment does</p>

	not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.
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Todd Richins (UBR-DEIS-00286-3)

Comment	Response
I think that was it.- I just think that we need to be neighborly.- We need to continue to explore other options that haven't been explored.- And we need to start this process from the very beginning in the manner in which the process is supposed to be held, and that is, public -- welcome public -- open to the public and public opinions on both sides represented	OEA acknowledges the commenter's concern. Please see Chapter 1, <i>Purpose and Need</i> , Chapter 2 <i>Proposed Action and Alternatives</i> , and Chapter 5, <i>Consultation and Coordination</i> . OEA conducted extensive public involvement throughout the NEPA process, including mailing letters to landowners during scoping and as part of notification of the Draft EIS comment period. Please see Section 5.1, <i>Public Involvement</i> , for details regarding OEA's public involvement. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00288-1)

Comment	Response
My name is Darrell Fordham, F-O-R-D-H-A-M.- I represent the Argyle Wilderness Preservation Alliance.- We are made up of a group of landowners in Argyle Canyon area. - - - - - I had actually just planned on listening to this meeting and was going to suspend my comments for a future meeting, but honestly, after listening to Mr. Hyde's comments, I can't sit here and not say anything. - - - - - You know, for the past 18 or 19 months, we landowners in the area have -- we have been harassed and intimidated by the Coalition, by Duchesne County officials, and most recently, by the State Institutional Trust Land Administration, through a special agent from the Utah Attorney General's Office. - - - - - I don't feel like that we, as private landowners, or we, as the public that are concerned about this project, have been afforded the respect and the opportunity to fully learn about this project in the way that it -- that it should be done. - - - - - As Ms. Cordray mentions, the Coalition doesn't allow public comments in their electronic meetings anymore.- They require those comments to be submitted in writing.- And they do not even include the copies as part of their meeting minutes.- They summarize the comments, and then anyone that wants to actually read those comments has to request a copy from them. - - - - - This is just one example of how the Coalition has intentionally withheld information from the public regarding this project, and it has fed into the opposition and the skepticism that surrounds this project.- - - - - You know, I have spent countless hours in the last 18 months researching this project and the impacts	Please refer to response to Comment UBR-DEIS-00039-1 above. Please also refer to Subsection 5.1.2, <i>Draft EIS Public Comment Period</i> , which describes public involvement during the environmental review process leading to the issuance of this Final EIS. The Public Involvement page of the project website (www.uintabasinrailwayeis.com) includes all comments submitted on the Draft EIS, oral or written. This document, Appendix T, <i>Responses to Comments</i> , includes comments and responses by EIS chapter or section. OEA notes the commenter's concerns about transparency on the part of the Coalition. When preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, and operational plans. The Coalition responded appropriately to OEA's requests and provided sufficient information for OEA to assess the environmental impacts of the proposed rail line. The Coalition also provided OEA with information that the Coalition collected on baseline environmental conditions in the area, which OEA independently reviewed and verified. OEA made all of the information that the Coalition provided available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com .

<p>that would be associated with it.- Nearly all the information that I've tried to obtain, I've had to fill out GRAMA requests in order to get that information from the Coalition.- They don't freely allow the public to view this information. - - - - - And most of the information that we have received in these GRAMA requests have been redacted, such that it is totally ineffective in allowing the public to truly understand what the impacts are.- And if there aren't any negative impacts that can't be overcome, then why all the secrecy?- Why are we hiding everything from the public and from landowners that will be directly affected by this project? [pause]You know, we've tried to challenge this legally, and the Coalition has an unlimited legal budget, funded by our public moneys, that they use to fight us.- It is just a no-win situation for us. - - - - - - And, you know, the Coalition doesn't discuss any of the particulars of the projects in their monthly Board meetings.- You know, they intentionally meet in subcommittees, where a quorum --[pause]Thank you.-</p>	
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00288-4)

Comment	Response
<p>Darrell Fordham again, just two quick comments. - - - - - First, to echo what Ms. Cordray said in her comments for these meetings, I would strongly encourage that ICF and STB come up with some sort of mechanism or platform for the balance of these public comment meetings so that all participants can view and see, you know, who is participating, either on the computer or via phone. - - - - - You know, these -- these online meetings need to mirror, you know, what a public in-person meeting would be as closely as possible.- So I don't know how you accomplish that, but I feel like it is pretty important and pretty vital for all participants to see who is in attendance.</p>	<p>Please refer to Chapter 5, <i>Consultation and Coordination</i>, which describes the format OEA used to conduct the online public meetings. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

Dwight Schneider (UBR-DEIS-00294-1)

Comment	Response
<p>Yes, this is Dwight Schneider, and I wanted to make a clarification on the last comment. - - - - - The commenter stated that it -- that LNG was unsafe to ship on the railroad and that you couldn't ship it on the railroads.- That is an incorrect statement and should be clarified in the records. - - - - - The -- there are railcars for shipping LNG. I have worked in that business for five years and worked up in Canada on projects up there for shipping LNG, worked on projects in the U.S. for shipping LNG.- There are cars properly designed. - - - - - LNG is classified as pure methane, and due to the nature of pure methane being able to vaporize quickly from</p>	<p>OEA is not aware of any proposals by any other entities to develop facilities to facilitate the transportation of natural gas on the proposed rail line. OEA also believes that the transportation of natural gas on the proposed rail line would be unlikely because sufficient pipeline capacity already exists for the transportation of natural gas out of the Basin. If authorized, the proposed rail line would generally be subject to applicable federal regulations related to rail transportation safety, including regulated addressing transportation of hazardous materials by rail. Accordingly, no</p>

<p>the LNG state, it is rare for methane to have issues, like propane or other liquified natural gas products there, so that, you know, the chances of it exploding, if there is an incident, are pretty rare. - - - - - The cars are very safe.- In Canada, they are using cars behind the engines, the dual-fuel engines, and so it is a common product that is being shipped.- And so I just want to clarify that part.</p>	<p>changes to the Draft EIS are warranted in response to this comment.</p>
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Raphael Cordray (UBR-DEIS-00299-1)

Comment	Response
<p>My name is Raphael Cordray, and I would just like to address the fact that the Seven County Coalition is -- they are listed in Utah as an interlocal entity.- And they have been around for a few years, but they have failed to register with the Utah Lieutenant Governor's office.- And it just concerns me that this agency has gone for years without providing the public with the proper registration that's required for them to even do business in this state. - - - - -So it says in the Utah code that this interlocal agency, within 30 days of becoming an agency, that they should register with the Lieutenant Governor's office. They should provide the entity's name, the entity's type of local government entity or limited purpose entity, the entity's governmental function, the entity's website, physical address, phone number, including the name and contact information of an individual whom the entity designates as the primary contact for the entity.- The entity should be providing their sources of revenue and numerous other details that the Utah State Legislature determined any local agency in Utah should do. - - - - -It disturbs me that the STB would even consider allowing the SCIC to proceed when they don't even comply with Utah law. - - - - - The Seven County Coalition, Mike McKee, they've been notified.- I notified them -- my colleague, excuse me, notified them in the past about this.- And then we made a complaint to Lieutenant Governor Cox's office in September.- Lieutenant Governor Cox's office is, in fact, in violation of the Utah legislative rule guiding how they will keep track of interlocal agencies in Utah.- - - - -And while the public is -- while the Seven County Coalition is pursuing this project, they are not providing the public with the mandatory information that the governor, Lieutenant Governor's office requires. - - - - -Lieutenant Governor Cox's office is not following through in making the Seven County Coalition comply with this law.- And the public is being harmed by this because, well --[pause]-- people have to follow the law. So why doesn't the Seven County Coalition have to follow the law?- Mike McKee and the rest of the Board, they flout the law.-</p>	<p>Any concerns or claims regarding the Coalition's compliance with Utah regulatory requirements are outside the scope of OEA's review under NEPA. To the extent that the commenter is raising concerns about transparency on the part of the Coalition OEA notes the concern. In preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, and operational plans. The Coalition responded appropriately to OEA's requests and provided sufficient information for OEA to assess the environmental impacts of the proposed rail line. The Coalition also provided OEA with information that the Coalition collected on baseline environmental conditions in the various study areas for the analysis, which OEA independently reviewed and verified. OEA made all of the information that the Coalition provided available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>

<p>And it's disturbing that there's no way to get them to actually follow the law except to bring it up at hearings like this. - - - -I hope the STB would expect them to comply with the law before they proceed with building a railroad.</p>	
<p>Eric Johnson (UBR-DEIS-00301-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am the attorney for the Seven County Infrastructure Coalition.- And I wanted to respond to concerns about the registration of the Coalition with the Utah Lieutenant Governor's office. - - - - - Today it was brought to my attention that we received a notice about registration.- I will follow through and find out what is behind that. - - - - -I'm not sure, because last year, there was a lawsuit filed related to this rail project that asserted that the Coalition was not a public body, and that was fully litigated to the Court.- The Court did find that the Coalition is a public body.- We do have a Certificate of Existence from the Lieutenant Governor's office.- We also filed all of our registration materials with the Governor's office.- So I'm not exactly sure where the disconnect has come in, but we will follow through and make sure that the Lieutenant Governor's office has all of the documentation that they need.</p>	<p>Please refer to response to comment UBR-DEIS-00299-1 above.</p>
<p>Laurel Biedermann (UBR-DEIS-00307-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Our community is just learning about the proposals to offer train service in the Arkansas River Valley, from Parkdale to the Tennessee Line. It is concerning, to say the least, that a project of this magnitude has been pushed through the system. I believe that all parties involved are taking advantage of the pandemic and the reality that people are not congregating as usual. Those involved are relying on secret discussions to move this plan forward. Of the five (5) meetings focused on this subject, only one was held in Colorado! This single meeting, held in the state where the proposed trail line will operate, was held in Craig, hours away from the valley that would be affected. I don't believe that this was a coincidence. It is my belief that the parties involved in this railway line are making the public input process as difficult as possible. The site for "public comment" is deliberately difficult to find and access within the transportation board site. The short time frame for discussion is further proof that all involved are trying to push this plan through the system without adequate time for environmental studies and public input. This is disturbing for several reasons: 1) The Arkansas Valley riverway is home to a fragile</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>. Please refer to response to Comment UBR-DEIS-00023-1 above. Please also refer to Subsection 5.1.2, <i>Draft EIS Public Comment Period</i>, which describes how OEA informed the public about the Draft EIS public comment period, including the publication and availability of the Draft EIS; how to register and participate in the online public meetings; and deadlines for, and how to submit comments on, the Draft EIS.</p>

<p>ecosystem. 2) The narrow canyon rail line and steep grade (in parts) would make regular train service a "disaster waiting to happen". 3) We, as a society, should not be supporting and encouraging the transport of oil shale through sensitive wildlife and river areas. The Arkansas River serves millions of people and is critical to our water stores and to farming. In these drought conditions, we simply cannot take chances with our critical (and diminishing) water sources. 4) The proposal calls for "up to 10 trains per day, with 100 cars per train". 365,000 railway cars of shale oil per year, through a fragile ecosystem, sounds like a recipe for disaster and 365,000 opportunities for a catastrophe that would take decades to recover from. There is also talk about transporting liquified natural gas. How many more toxic substances will be added to this line down the road? I beg you to reconsider this dangerous plan.</p>	
<p>Devin Castendyk (UBR-DEIS-00364-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am writing in to express concerns over downline impacts associated with the proposed Uinta Basin Railway (UBR). The Draft EIS provided minimal discussion on downline impacts. Oil from the Uinta Basin will be transported by rail into Colorado along the I-70 corridor, and then brought over Tennessee Pass to Canyon City via an old rail line which follows the Arkansas River. As a resident of Salida, Colorado, I wish to inform the OEA of the likely downline impacts which 3.68 to 10.52 trains per day would have on the Headwaters of the Arkansas River and residents of Colorado: (1) Climate Change: 2020 was one of the worst wildfire years in Colorado's history. The proposed transport route would intersect one of the most impacted areas in the state, the 32,631-acre Grizzly Creek Fire burn area near Glenwood Springs. The denuded landscape caused by the fire is expected to produce debris flows and rockfalls for years into the future, causing perpetual damage and maintenance to rail and road infrastructure. Approval of this project would directly increase greenhouse gases production in the USA, further exacerbating climate change, leading to more frequent drought conditions in the future, and likely contributing to future fire seasons equal to or greater than the 2020 season. As a state providing passage for this oil, Colorado may suffer some of the greatest impacts of this decision. Approval of this project will undermine national objectives to curb greenhouse gas production. (2) Sediment Loading to the Arkansas River: The rail line between Tennessee Pass and Canyon City has not been in operation for</p>	<p>Please refer to Summary Response 1: <i>Downline Impacts Analysis Methods</i>, and Summary Response 5: <i>Tennessee Pass Line</i>.</p>

<p>approximately 30 years. The tracks are aged, rock covered, eroded and in need of significant repairs. Restoring the tracks to operational conditions will require significant machinery and effort, and will likely release a large load of sediment into the Arkansas River. Today's clear waters will likely turn turbid during this construction effort. The Arkansas is one of the best trout fishing streams in Colorado and one of the most commercially rafted rivers in the United States. Construction activities nearly always result in the addition of fine-grained sediments into streams, and the proximity of the railbed to the river in Browns Canyon National Monument and Royal Gorge makes these impacts unavoidable. Before a single rail car transits from Utah to Gulf Coast refineries, fish populations and rafting activities will likely be impacted by riparian zone disturbances. It may take years for water clarity and aquatic ecology to recover. (3) Train derailments and oil spills: The history of rail activity between Tennessee Pass and Canyon City records multiple trail derailments that resulted from landslides and rockfalls. Similar geologic disruptions will occur in the future, and future derailments along this section are inevitable. However, if the UBR is approved, oil trains will be rolling into the Headwaters of the Arkansas River, resulting in a national environmental crisis on par with the Exxon Valdez or Deep Well Horizon oil spills. Not only would the aquatic ecosystem and recreational activities be ruined, farmers with senior water rights would not be able to use river water to irrigate their fields or feed their livestock. As the Gold King Mine Blowout demonstrated just a few years ago, the small communities of Colorado are too often the ones to pay the price for external business ventures such as the UBR. In the wake of such a disaster, it could be decades before the river flourishes again. (4) Wayside Noise: In the 30 years since the last train passed from Tennessee Pass to Canyon City, a generation in multiple small communities (Leadville, Buena Vista, Salida, Canyon City) has grown up living adjacent to silent rail lines. Rail traffic consisting of 3.68 to 10.52 trains per day would have a direct and measurable impact on the quality of life, due to noise and exhaust.</p>	
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Marv Poulson (UBR-DEIS-00365-7)

Comment	Response
<p>In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

to protect one of the wildest stretches of the Arkansas River.	
Idaho Law (UBR-DEIS-00371-1)	
Comment	Response
<p>Okay.- Well, that's mainly what I'm concerned about.- I want to find out more about the particular EIS report, whatever.- And so I'm -- oh, there it is.- Uinta Basin Railway, yeah. I have one little quick question.- Are you still there?[pause]Information.- Information. Information only. Is Uinta Basin Railroad part of the UP railroad system.[pause]How about information?- Just information.- Like I said, Uinta Basin Railway, I want to know if it's affiliated with the Union Pacific Railroad.- Is that part of the same thing, or this is a short line?[pause]Okay.- Where am I going to find more information on this?- Because I assumed I would find it in the presentation.- So is the site tapable somewhere that will give me information regarding the environmental impact statement?[pause]Okay.[pause]That is what I was going for. I don't always assoc- -- press -- what do you call it, e-mails or websites on this phone.- Okay.- Will do, thank you.</p>	<p>Please refer to Chapter 1, <i>Purpose and Need</i>, which contains information relating to the proposed rail line. As described in that chapter, the proposed rail line would tie into an existing UP rail line in Utah. On May 29, 2020, the Coalition filed a petition for exemption to construct and operate the proposed rail line. That petition provides information regarding the Coalition, the proposed rail line, and the entities currently involved in the proposed project and that petition is publicly available on the Board's website (www.stb.gov) under FD 36284.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00386-3)	
Comment	Response
<p>I would just like to expand on my comments previously.- I would just like to ask, have any of the members of the public, specifically those of you who are in support of this project, asked yourself why the private equity firms and private oil companies haven't paid for the planning of this project? Have any of you asked why \$28 million of mineral lease monies have been risked and gambled on planning this project, with no guarantees that the project will be approved or that it will actually pay off to construct, operate and maintain it, especially during times when crude oils are low? Why haven't you asked these questions? I have, over and over and over for the past 20 months. My questions have been ignored and deflected and answered with half-truths and with redacted documents with all pertinent financial information blotted out. This should make every member of the public, as well as the Surface Transportation Board, question the approval of this project, especially with the identified and yet to be discovered environmental and socioeconomic and other impacts. I strongly urge the Surface Transportation Board to choose the No-Action Alternative.- And if for no other reason than that the Coalition has not proven to the public that the proposed railway is economically feasible or viable. Until the Coalition provides</p>	<p>Please refer to response to Comment UBR-DEIS-00039-1 above. OEA notes that analysis of the economic feasibility of and funding sources for this or any rail construction project is outside of OEA's review under NEPA. OEA also notes the commenter's concerns about transparency on the part of the Coalition. When preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, and operational plans. The Coalition responded appropriately to OEA's requests and provided sufficient information for OEA to assess the environmental impacts of the proposed rail line. The Coalition also provided OEA with information that the Coalition collected on baseline environmental conditions in the area, which OEA independently reviewed and verified. OEA made all of the information that the Coalition provided available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com.</p>

verifiable proof to the public and comes out of the shadows and out from behind their closed doors, this project should either be suspended or the No-Action Alternative be selected. The Surface Transportation Board's role in this entire process is to protect not only the environment, but also the public.- Everyone should be asking how goods, including oil, are going to be transloaded on and off this proposed railway. The economic development officials from Roosevelt and Vernal are on the record stating that the railway will bring in future business and new industries to the Uinta Basin.- What industries?- Which companies?- There should be volumes of information about companies who've expressed interest in moving into the Basin, who are not currently there but for a lack of rail. Who are these companies?- How soon after the railway is built will they be moving in?- Have they committed to spending tens of millions of their own dollars to build the transloading facilities that will be required in order for them to utilize the railway? Where are those commitments?- They should be in writing and should be publicly available.- This is a huge project with a -- with -- accompanied by irreparable impacts that is proposed and planned and studied with a Field-of-Dreams mentality that somehow -- [pause]-- "if we build it, they will come." This is not some Hollywood movie. This doesn't only affect a single farm or a single corn field somewhere in the middle of Iowa. The Surface Transportation Board should also be requiring the Coalition to provide such information and documentation to approve such a massive project like this with its accompanying myriad of environmental, socioeconomic and other impacts, most of which cannot and will not be completely and effectively mitigated, is highly irresponsible at this juncture.

Raphael Cordray (UBR-DEIS-00389-1)

Comment	Response
I feel that the STV should grant the extension of time for folks to look into this longer. And I don't know why they're delaying doing that.-	Please refer to response to Comment UBR-DEIS-00023-1 above.

Utah Tar Sands Resistance, Lionel Trepanire (UBR-DEIS-00392-1)

Comment	Response
I'm going to first address the Surface Transportation Board regarding the Uinta Basin Railway Environmental Impact Statement and ask that the -- and particularly Mr. Wayland, to extend the comment period on this environmental impact statement regarding this oil railroad.- And there's a lot of reasons to extend this comment period, but let me just talk about a couple of them. The difficulty registering for the online meetings appoints to	Please refer to responses to Comment UBR-DEIS-00023-1 and Comment UBR-DEIS-00045-1 above.

<p>increasing the opportunity for a public comment by extending the period.- The difficulty getting into these meetings -- the greatest part I believe has been caused by an unnecessary filtering of participation through registration at Eventbrite.- And I've spoken with Mr. Wayland directly regarding this matter, but I just wanted to be on the record that telling people through the Eventbrite web page, up to an hour prior to that meeting, having told the people that the tickets to the meeting were closed was wrong and prevented public participation in this meeting. I think that should be corrected in the future and more clear and direct information on how to participate in these electronic meetings should be provided to the public.</p>	
<p>Utah Tar Sands Resistance, Lionel Trepanire (UBR-DEIS-00392-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>Also, the comment period should be extended regarding the oil -- the Uinta Basin oil railroad environmental impact statement by the sheer size of that environmental impact statement and the ongoing health emergency actually declared in the federal government, health emergency, that is the Covid-19. With the size of the environmental impact statements and the limited amount of the ability of people to review that document and materials in a reasonable matter also justifies an extension of the comment period.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above.</p>
<p>Idaho Law (UBR-DEIS-00393-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>I'm just concerned about what access I would have for these testimonies and this information.- I am a reporter too, and I like to make public documents with my team of editors and especially in certain topic areas, even the ones in Utah about information shared by the public.- So I would like access, hopefully in digital form, for some of that testimony or as much as we deem worthy or concerned of with our editors and people who work on the stories and information for Utah and other elements that were mentioned in my reporting earlier. So where would I have access to that since this is a public hearing?- Collecting public transcripts or public data, and we would like access to that.- So, this is more of a question of information than testimony.[pause]What about the testimonies of individuals?- Will that be present there?- And if so, when?- The final EIS report, final impact reports do not always contain testimonies.- Sometimes they just contain topic-grouped areas.- I know from my participation in the past. So, when, and will these</p>	<p>Please refer to response to Comment UBR-DEIS-00288-1.</p>

testimonies, and will they be as individuals available?	
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00399-2)	
Comment	Response
I appreciate the opportunity to just finish my comments.- I just like to make one clarification in regards to Mr. Stangel's comments. The money is only going to go back to the CIB, that \$27.9 million, if construction actually commences on this railway. I've read the contract that he references, and there are no guarantees that that money will ever be repaid, especially if this railway doesn't get built.- They flat out gambled the public's money on this because Drexel Hamilton and all the private companies were unwilling to put their own money up to plan this project.	OEA notes that analysis of the economic feasibility of and funding for this or any rail construction project is outside of the scope of OEA's review under NEPA.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00399-5)	
Comment	Response
Just one final comment. I echo what Julie just said.- You know, we're not opposed to economic growth in the basin, and we're not opposed to a railway.- Our biggest frustration is that we were never involved in the process of the study of these routes and of possible alternatives.- All three of these routes now go through our canyon and through our community.- And they've been literally just shoved down our throats.- And, you know, if the Seven County Coalition had been open and honest and upfront from the beginning and if they had brought potentially affected landowners into the process and gave us a seat at the table instead of doing all of this planning and having all their meetings behind closed doors where the public wasn't permitted to participate, you know, we would have a different out look on this.- But the fact is that they've done everything they could to shut us out of the process, to limit our voices.- And, you know, at this point, we feel like we have no other alternative but to oppose this railway entirely because our voices haven't been heard.- Our concerns haven't been addressed, and they're just shoving this down our throat through the middle of our community.- And that's where our frustration and our heartburn comes. It's not that we don't feel for the people in the basin and your economy and your families and, you know, we -- we don't have any benefit to -- to the basin's economy not growing and prospering and succeeding.- You know, we support a significant portion of those communities with our tax dollars that we pay out there, again, for no services.- So, you know, this -- this process could have been handled totally differently.- But frankly, the Seven County Coalition has hid and lied and misled the public to	Please refer to response to Comment UBR-DEIS-00039-1 above. Please see Chapter 2, <i>Proposed Action and Alternatives</i> , that contains information on how OEA developed the reasonable set of alternatives that were evaluated in detail in the EIS. OEA notes the commenter's concerns about transparency on the part of the Coalition. When preparing the Draft EIS, OEA requested that the Coalition provide information necessary for the environmental review, including information about the design of the proposed rail line, potential alternatives, and operational plans. The Coalition responded appropriately to OEA's requests and provided sufficient information for OEA to assess the environmental impacts of the proposed rail line. The Coalition also provided OEA with information that the Coalition collected on baseline environmental conditions in the area, which OEA independently reviewed and verified. OEA made all of the information that the Coalition provided available to the public on the Board's website at www.stb.gov and the Board-sponsored project website at www.uintabasinrailwayeis.com .

<p>garner support and they just haven't been truthful about this project from the very beginning. You know, I've been to 30-plus meetings regarding this project.- I've spent hundreds and hundreds of hours researching this project, going to all the Seven County Coalition meetings, listening to them, going to all the STB meetings. You know, our concerns are being ignored. Nobody is working with us to find a resolution to find another route around our community.- And that's the problem that we have with this railroad.-</p>	
Karen Hedlund (UBR-DEIS-00400-2)	
Comment	Response
<p>The second question is a little longer. And that is:- It has been reported that the Uinta Basin Railway is negotiating to acquire -- acquire rights in the Union Pacific line currently unused between Dotsero and Pueblo.- That line is actually shown on one of the maps in the DEIS. Do you -- are you aware of what the status of those negotiations are?- And why was that route not considered when you looked at down rail impacts?</p>	<p>Please refer to Appendix C, <i>Downline Impacts</i>, which provides the possible destinations for trains originating in the Basin and the routes those trains could take within the national (downline) freight rail network to reach those destinations. OEA notes that some maps included in the Draft EIS show the locations of existing rail lines for context, but as discussed in Summary Response 5: <i>Tennessee Pass Line</i>, and in Summary Response 1: <i>Downline Impacts Analysis Methods</i>, not all existing rail lines would be practical or likely routes for trains originating or terminating on the proposed rail line. Summary Response 5: <i>Tennessee Pass Line</i>, provides additional information regarding the existing UP rail line referenced in the comment and explains why OEA believes that this existing rail line would not be a practical or likely route for trains originating or terminating on the proposed rail line. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>
Donald Jex (UBR-DEIS-00405-6)	
Comment	Response
<p>I just wanted to make one final comment concerning the responsibility of the government entities that are involved.- I don't know how many of you have been following the election results, but I think we're in a real catch-22 here with the possibility of an administration coming into power that has expressly intended to shut down the carbon drilling and fracking industry.- And I'm concerned about how this will impact the overall effect of this industry in the Uinta Basin. We need to make sure that before we're dealing with all of these what-ifs, I think that is a major what-if that we need to talk about.- And I think, you know, as long as we're dealing with what-ifs, that's one that needs to be taken into account. I realize there is not an environmental impact, but it is certainly going to be an impact somewhere.</p>	<p>Please refer to response to Comment UBR-DEIS-00039-1 above. OEA notes that analysis of the economic feasibility of and financing for this or any rail construction project is outside of the scope of OEA's review under NEPA.</p>

Mike Stangel (UBR-DEIS-00414-2)	
Comment	Response
<p>We had Mike McKee that joined us in the studio prior to this event and was broadcast.- We got some great feedback about and also we had (inaudible) Rio Grande was on there as well, a representative for Rio Grande.- We had some great updates about it.- And I encourage those who are listening to voice their opinions and also share their comments as well. I wanted to add a few things to this.- One of the things that came up was the money, the funds, that were used for the CIB board.- During our conversation today, Mike McKee, announced that the monies that were -- the grant money that they had received upon the commercialization that that money will be returned back to the CIB.- And that the commitment that they have made, and it is a contract commitment.- So, that's a substantial return of the CIB money back, so that that money can be used for further projects through the CIB board at their discretion</p>	<p>Please refer to response to Comment UBR-DEIS-00039-1 above.</p> <p>OEA notes that analysis of the economic feasibility of and financing for this or any rail construction project is outside of the scope of OEA's review under NEPA.</p>
Walter Dandy (UBR-DEIS-00421-3)	
Comment	Response
<p>(I doubt it will be business as usual for Eagle River Water and Sewage.) How many households will be at risk on the Eagle, on the Arkansas? Will the oil congeal and accumulate into a new kind of dam on the river? As water backs up behind these, and then releases, will there be unaccustomed flash flood exposure? Since only 3% of our oil moves by rail, and in light of the unique nature of this waxy crude, how do we know these questions, and lots more, have been rigorously examined? Are there historic disasters of relevance? A nice thing about the Valdez spill is it all went to one long, somewhat accessible beach. How do you even get men and equipment down mountain white water with steep banks? How do you get the oil out and away? What we do know is the track record of Tennessee Pass. It is one of hard luck. It is one of the steepest grades in country. Gypsum in the soil makes the substrate of the railway an ever-shifting one. Elevation reaches perhaps 11000 feet subjecting it to extraordinary winter temperatures. It is subject to the frequent and unpredictable descent of boulders-some house sized-in spring and avalanches in winter. All of the track is just up-hill of the river for scores of miles. I think I can understand, given the sensitivity of our drinking water source, and the long history of train wrecks on this stretch, why the Union Pacific has chosen to attempt to obfuscate the real reasons for returning this stretch to freight use by using a surrogate lessee pretending to seek milk run freight</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

<p>and family picnic passenger excursions. I hope you can examine interstate implications of this in their entirety. Do you know that we finally have at least two nesting pairs of Bald Eagles on the Eagle River in Eagle County? Prior to ten years ago, no one alive had first hand exposure to the species that gave the place and the river their names. What do you want the future to hold, we must wonder.</p>	
Joseph Leonhard (UBR-DEIS-00423-1)	
<p>Comment</p> <p>Please do NOT authorize the railroad line along the Arkansas River to go back into operation. I frequently visit the Arkansas valley to raft, bike and camp. I seek out the natural beauty and peacefulness that this area offers. By allowing trains to travel through these sensitive habitats, the qualities I mentioned above will be tarnished. I also fear that any kind of derailment or spill would jeopardize the environment and the recreational opportunities. It's not worth it. Please don't operate trains along the Arkansas River.</p>	<p>Response</p> <p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>
Craig Wallentine (UBR-DEIS-00426-3)	
<p>Comment</p> <p>2) EIS Does Not Address Serious Netback Pricing Risk for UIB Crude - The US oil & gas industry has always been unstable but it has never before been faced with the existential threat of actually having to deal with the externalized costs that it has previously pushed on to the general public. [Underline: By 2030, the following material events not described in the EIS are all likely to happen:] (a) The equivalent of a \$50 per ton carbon tax to take effect in the United States; (b) an increase in federal royalty rate from the century old 12% to a modern benchmark of 18%; (c) a significant drop in demand for transport diesel fuel due to electrification of short haul transport, buses and local service vehicles (d) capture of diesel market share by biodiesel produced by modern refineries at Phillips 66 in Rodeo, CA and Holly Frontier in Cheyenne WY; (e) capture of significant jet fuel market share by biofuels due to technology advances from Boeing, (f) flat demand for automotive gasoline as fleet fuel efficiency standards increase and (g) gradual drop in demand for automotive gasoline as hybridization and electrification of passenger vehicles (especially SUVs) continues. [Underline: Uinta Basin producers will have no pricing power leading to almost certain economic difficulties in a non-diversified economy.]</p>	<p>Response</p> <p>OEA notes that analysis of the economic feasibility of, or funding for, this or any rail construction project is outside of the scope of OEA's review under NEPA. As discussed in Chapter 1, <i>Purpose and Need</i>, the Coalition expects that the proposed rail line would primarily transport crude oil produced in the Basin to markets elsewhere in the country. However, because the proposed rail line would be a common carrier, the rail operator would have to provide service to any shipper upon reasonable request. OEA has revised Subsection 3.13.2.3, <i>Employment and Income</i>, in the Final EIS to note that the economy of the Basin has historically been dependent on the energy industry and has been subject to "boom-and-bust" cycles. OEA has also revised Subsection 3.13.3, <i>Impacts Common to All Action Alternatives</i>, to note that, although the Coalition believes that the proposed rail line would primarily be used to transport crude oil and frac sand, shippers might also use the proposed rail line to transport other various heavy and bulk commodities found in the Basin. To the extent that the proposed rail line could be used to transport commodities other than crude oil, the availability of a rail transportation option could support the diversification of local economies in the Basin.</p>

Craig Wallentine (UBR-DEIS-00426-7)	
Comment	Response
<p>6) EIS Fails to Make a Plausible Case For Private Funding for the UIB Railway: Given the large number of highly probable risks with negative implications for the UIB, it is difficult to believe that private investors will actually put their own money into a one-dimensional project no matter how much the investment bank takes out in "advisory fees". There are far lower risk alternatives for investors wishing to gain exposure to the fossil fuel industry and there are far higher potential returns for investors looking to invest in renewable energy. It is difficult to see why investors would choose this project unless it has a financial backing by the State of Utah which is not disclosed in the EIS. The opportunity cost to Utah taxpayers of losing their top-notch credit rating due to this project would be staggering in terms of more socially valuable projects (broad band internet for rural counties, mental health support given the high rate of suicides in Utah, better childhood education for rural school districts etc.) and not addressed by the EIS.</p>	<p>Please see response to Comment UBR-DEIS-00039-1 above. OEA notes that the transportation merits and analysis of the economic feasibility of, or funding for, this or any rail construction project is outside of the scope of OEA's review under NEPA.</p>
Craig Wallentine (UBR-DEIS-00426-8)	
Comment	Response
<p>7) Most Probable Outcome of EIS is UIB Railroad Bankruptcy - With problematic initial financing (if done, then most likely done at well above quality borrower rates) and with the majority of project profit being siphoned off by out of state interests, the impact of falling oil demand and fluctuating oil prices suggests that the UIB will never operate profitably and will likely be completely obsolescent over the next several decades. As has happened so many times in the past, a poorly planned railroad will lose the initial investors money and will eventually be sold at loss before or after bankruptcy. The STB should indicate "No Action" for a railroad with such a grim economic future.</p> <p>8) EIS Does Not Guarantee that the SCIC will not ask for Utah Taxpayer Funding in the Future: If the UIB Railway is threatened with bankruptcy because of its fatally flawed business plan, there is little doubt that the SCIC will return to the government of Utah for a direct taxpayer bailout. The SCIC has not been shy about using Utah tax payer funds for their special interest project to date and it is unlikely that they will hesitate to lobby for and likely receive another taxpayer bailout in the future.</p>	<p>OEA notes that the analysis of the economic feasibility of and financing for this or any rail construction project is outside of the scope of OEA's review under NEPA. OEA also notes that issues related to state subsidies for the energy industry development are beyond the scope of the environmental review of the construction and operation of the proposed rail line. OEA also notes the commenter's concerns and their preference for the No-Action Alternative. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

Elaine Schoch (UBR-DEIS-00439-1)	
Comment	Response
<p>We are writing to you today to express concerns about Colorado Midland and Pacific Railway's application for an exemption of Board approval for the lease and operation of 163.1 miles of the Tennessee Pass Rail line, Docket No. FD 36284. The 163.1-mile Tennessee Pass Line segment between Parkdale and Sage, Colorado closely parallels critical waterways, including the upper Arkansas River and the Eagle River. The rail line was routed through numerous rivers and mountain-oriented communities that place a high value on the recreational, ecological, cultural, scenic and historical attractions. With the line being dormant for the last 24 years, both the ecological and human environments have adapted and flourished in the absence of any rail traffic. Including our community in Eagle County, Colorado. As homeowners in Avon, CO our house and community will be directly impacted as the rail lines run through the heart of the downtown and adjacent to the popular ski destination, Beaver Creek. Our home sits directly between the train tracks and the Eagle River in the Eagle Bend community. We are extremely concerned about the impacts to our property value, our local community in Avon, the economic impacts to Eagle County and the environmental impacts in the Arkansas and Eagle River corridors. The economic impacts of this rail line will weigh heavily on the tourism and hospitality industries and individuals who rely on winter and summer recreational tourism for their livelihood. - According to the Eagle Country Economy Overview, the top three industries in 2019 were Restaurants, Traveler Accommodations and Amusement and Recreation Industries. With trains barreling through town multiple times a day, tourists will find other areas to visit. Resulting in job and business loss among these industries, as well as others. Source: https://files.vailvalleypartnership.com/sites/4/2020/01/Economy_Overview_Eagle_County_CO_9523.pdf - The tourism sector accounts for 44% of all Eagle County jobs. Those jobs have an average annual salary just shy of \$35,000 - about \$17.50 an hour based on working 2,000 hours a year. Source: https://www.aspentimes.com/news/eagle-county-economy-growing-slightly-more-diverse/ - The Arkansas River sees 40% of Colorado's total commercial rafting days and contributes close to \$100 million to the local economy. Source: https://www.cobizmag.com/outdoor-industries-report-rafting-economy/ We also believe there will be significant environmental impacts not only in</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

<p>Avon and the Eagle River, but to the scenic and natural values of the Arkansas River that flows through Colorado's newest national monument, Browns Canyon. Not to mention the 10,000 acres of wildlife habitat in northeastern Utah that will disrupt migration corridors negatively impact wetlands. We request you deny the Colorado Midland and Pacific Railway this exemption on the grounds that it is not in the best interest of the public and environment.</p>	
Seven County Infrastructure Coalition, Kathryn Floyd (UBR-DEIS-00446-1)	
Comment	Response
<p>Please find attached the Seven County Infrastructure's response to recent requests to further extend the public comment period on the DEIS. For the reasons described therein, the Coalition does not believe an extension is warranted and asks that OEA end the comment period on January 28, 2021. In addition, I am attaching a verified statement from Mark Hemphill, Senior Vice President - Program Management of Rio Grande Pacific Corporation. Rio Grande Pacific's counsel, Karl Morell (copied on this email), planned to submit this to you today in response to the extension requests. However, Mr. Morell is not able to do so due to internet connectivity problems and asked me to provide you with the verified statement</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above.</p>
Seven County Infrastructure Coalition, Kathryn Floyd (UBR-DEIS-00446-2)	
Comment	Response
<p>On behalf of the Seven County Infrastructure Coalition, I am writing in response to recent requests submitted to the Surface Transportation Board asking for an additional extension of the public comment period on the draft environmental impact statement (DEIS) for the proposed Uinta Basin Railway. These requests contend that such extension is appropriate because the Notice of Exemption filed by the Colorado, Midland & Pacific Railway Company ("CMP") on December 31, 2020 (FD 36471) "materially alters the necessary scope of the evaluation of the anticipated impacts of the [Uinta Basin Railway]." [Footnote 1: See, e.g., Motion for Extension of Time and Petition for Reconsideration, Eagle County, CO in FD 36284 (Jan. 25, 2021).] As explained below, a further extension of the comment period is not warranted. OEA should close the comment period on January 28, 2021 and deny the requests for an additional extension. First, the recent unrelated Notice of Exemption in FD 36471 does not "materially alter" the scope of potential impacts from the proposed Uinta Basin Railway. The Tennessee Pass Line referenced in the recent submissions to the Board is</p>	<p>OEA notes this comment from the Coalition.</p>

an existing rail line on which UP is authorized to operate rail traffic, and this issue concerning potential use of the Tennessee Pass Line is not new. Other submissions to the Board previously have raised concerns regarding potential traffic originating from the Uinta Basin Railway and traveling on the Tennessee Pass Line. [Footnote 2: See, e.g., Comment filed by Mayor P.T. Wood in FD 36284 (July 7, 2020); Comment filed by Julie Mach in FD 36284 (July 6, 2020); Comment filed by Alan Robinson in FD 36284 (July 16, 2020).] Because concerns about these potential impacts (which are unfounded for the reasons discussed below) are not new, as characterized in recent submissions, no additional time to comment on the DEIS is necessary. In fact, OEA has considered potential downline impacts in the DEIS, using a downline study area likely to experience an increase in Uinta Basin Railway-related traffic. To conduct that analysis, "OEA used two PC Rail Miler routing functions to identify the shortest route and the 'most practical' route from the Basin to example refineries, where the most practical routing simulates the most likely movement of general merchandise train traffic with preference given to main lines over branch lines." [Footnote 3: Uinta Basin Draft EIS, Appendix C - Downline Analysis Study Area and Train Characteristics at C-4.] Based on this modeling, "all rail traffic moving from Kyune to destinations in the east would travel over the existing rail line between Kyune and Denver, Colorado. From Denver, many different routings could be used for rail traffic to/from the identified refining regions." [Footnote 4: Id.] Notably, the model did not anticipate any traffic moving over the existing Tennessee Pass Line. Finally, contrary to the assertions in recent submissions to the Board, the Notice of Exemption in FD 36471 is unrelated to the proposed Uinta Basin Railway. It is the Coalition's understanding that if Rio Grande Pacific Corporation (the parent company of CMP) were to operate the Uinta Basin Railway, it does not intend to transport Uinta Basin oil over the Tennessee Pass Line. The Coalition understands that it would not be practical or economical to run trains carrying Uinta Basin Oil over the Tennessee Pass Line because that route is the highest-cost option for moving oil from the Uinta Basin to destination refineries anywhere east of Utah. Rather, as Rio Grande Pacific has stated to the Board, its primary interest in the Tennessee Pass Line is providing passenger rail service. [Footnote 5: Reply to Motion to Reject Notice of Exemption, Colorado, Midland & Pacific Railway Company in FD 36471 (Jan. 26, 2021).] In light of the foregoing, it is not necessary to extend the

<p>public comment period on the DEIS for the proposed Uinta Basin Railway. The Coalition therefore requests that OEA deny the recent extension requests.</p>	
<p>Rio Grande Pacific Corporation, Karl Morell (UBR-DEIS-00447-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>BEFORE THE SURFACE TRANSPORTATION BOARD Finance Docket No. 36284 SEVEN COUNTY INFRASTRUCTURE COALITION- CONSTRUCTION AND OPERATION-IN UTAH, CARBON, DUCHESNE, AND UINTAH COUNTIES, UT. VERIFIED STATEMENT OF MARK W. HEMPHILL 1. My name is Mark W. Hemphill. I am Senior Vice President - Program Management of Rio Grande Pacific Corporation. My office is located at 6100 Southwest Blvd., Suite 320, Fort Worth, Texas 76109. 2. As Senior Vice President - Program Management, I lead Rio Grande Pacific's program for development of greenfield railways and terminals, and other major projects that integrate commercial, regulatory, engineering, and operational planning and execution. I have over 40 years of experience in the railroad industry. 3. I am submitting this Verified Statement in connection with the Uinta Basin Railway proposed by the Seven County Infrastructure Coalition in FD 36284, currently undergoing environmental review by the Board's Office of Environmental Analysis. 4. Rio Grande Pacific is a railroad holding company for regional freight railroads. The company's operations include five short line railroads operating on approximately 860 total route miles in seven states, including the Colorado Midland & Pacific Railway Company (CMP). Rio Grande Pacific is also the operator of the "A" Train, a commuter railroad owned by the Denton County (Texas) Transportation Authority. 5. I am actively involved in and am familiar with CMP's commercial agreement with Union Pacific Railroad (UP) for the majority of the Tennessee Pass Rail Line in Colorado. CMP has filed for common-carrier authority to operate the Tennessee Pass Line with the Board (FD 36471). 6. The planned operation of the Tennessee Pass Line by CMP is unrelated to the Coalition's proposed Uinta Basin Railway, and Rio Grande Pacific and CMP have no plans to transport oil originating from the Uinta Basin Railway along the Tennessee Pass Line. 7. It is not practical or economical to transport oil on the Tennessee Pass Line. A route using the Tennessee Pass Line is the highest-cost option for moving oil from the Uinta Basin to destination refineries anywhere east of Utah, in terms of both capital expenditures and operating expenditures. 8. Rio Grande Pacific's primary interest in leasing the Tennessee Pass Line</p>	<p>OEA notes this comment from Rio Grande Pacific Corporation.</p>

<p>is to provide passenger rail service. VERIFICATION I, Mark W. Hemphill, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this statement. Executed on this 26th day of January, 2021.</p>	
Eagle County, Colorado, Allison Fultz (UBR-DEIS-00450-1)	
Comment	Response
<p>Attached please find the Motion for Extension of Time and Petition for Reconsideration of Eagle County, filed on January 25, 2021, in the Board's main docket. Eagle County seeks a 30 day extension, to February 27, 2021, of the comment period on the DEIS. Eagle County and other Colorado communities potentially affected by the Seven County Coalition's proposal received constructive notice of Colorado, Midland, and Pacific Railway's Notice of Exemption for its lease of the Tennessee Pass Line from UP on December 31, 2020, and accordingly have had very limited time to understand the implications of both proposals. Please let me know of any questions.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above and Summary Response 5: <i>Tennessee Pass Line</i>. To the extent that the commenter may be raising issues related to its Petition for Reconsideration, those are outside of the scope of OEA's review under NEPA.</p>
Eagle County, Colorado, Allison Fultz (UBR-DEIS-00450-2)	
Comment	Response
<p>BEFORE THE SURFACE TRANSPORTATION BOARD STB Docket No. FD 36284 SEVEN COUNTY INFRASTRUCTURE COALITION RAIL CONSTRUCTION & OPERATION EXEMPTION IN UTAH, CARBON, DUCHESNE, AND UINTAH COUNTIES, UTAH MOTION FOR EXTENSION OF TIME AND PETITION FOR RECONSIDERATION Eagle County, CO ("Eagle County"), through undersigned counsel, hereby submits this Motion for Extension of Time and Petition for Reconsideration in the above-referenced proceeding. Eagle County engaged counsel in the last week and, because issues presented in the instant proceeding are potentially linked to the analysis of impacts in connection with the Notice of Exemption filed by the Colorado, Midland & Pacific Railway Company on December 31, 2020, in Docket No. FD 36471, Eagle County requests the relief set forth below to permit this Board to create a complete record addressing the anticipated impacts of both proposals. Eagle County entered its appearance in Docket No. FD 36471 on January 19, 2021. Eagle County has received communications from a number of other local governments and other stakeholders in Colorado who have indicated that they also intend to participate in this proceeding.</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above and Summary Response 5: <i>Tennessee Pass Line</i>. To the extent that the commenter may be raising issues related to its Petition for Reconsideration, those are outside of the scope of OEA's review under NEPA.</p>

Eagle County, Colorado, Allison Fultz (UBR-DEIS-00450-3)	
Comment	Response
<p>MOTION TO EXTEND TIME TO COMMENT ON DRAFT ENVIRONMENTAL IMPACT STATEMENT Eagle County seeks a 30 day extension of the comment period in this proceeding, to February 27, 2021, because CMP's filing of its Notice of Exemption in FD 36471 on December 31, 2020, materially alters the necessary scope of the evaluation of the anticipated impacts of the instant proposal. The Seven County Infrastructure Coalition's ("Coalition") desired route for the Uinta Basin line would intersect with a line of railroad owned by Utah, and rail traffic originating in the Uinta Basin would proceed east along that line (Seven County Infrastructure Coalition Rail Construction & Operation Exemption In Utah, Carbon, Duchesne, and Uintah Counties, Utah, Petition for Exemption, STB Docket No. FD Petition The line at issue in FD 36471, Union Pass Line, joins the same UP line near Dotsero, Colorado (KCVN, LLC and Colorado Pacific R.R., LLC Feeder Line Application Line of Union Pacific R.R. Co., Located in Pueblo, Fremont, Chaffee, Lake and Eagle Counties, Colo., Feeder Line Application, STB Docket No. FD 36386, at 4 (Filed Feb. 14, 2020)). The Tennessee Pass Line is steeply graded and traverses Eagle County through a narrow canyon subject to frequent rockfall. No rail freight or passenger rail traffic has operated on the Tennessee Pass Line for over twenty years (Colorado, Midland & Pacific Ry. Co. Lease and Operation Exemption Containing Interchange Commitment Union Pacific R.R. Co., Notice of Exemption, STB Docket No. FD 36471, at 5 (Filed Dec. 31, 2020)). Because a common rail line links the southern terminus of the proposed Uinta Basin line and the western terminus of the Tennessee Pass Line, traffic from the Uinta Basin, which is proposed to consist primarily of crude oil and fracking sand (Coalition Petition at 9), could travel over the Tennessee Pass Line if both proposals move forward. After decades of inactivity, the Tennessee Pass Line has seen two proposals to reactivate rail freight service in the past year: (a) the first, by KCVN, LLC, and Colorado Pacific Railroad, LLC, filed on February 14, 2020, involved a feeder line application that this Board rejected, without prejudice, as incomplete on March 13, 2020 (KCVN, LLC and Colorado Pacific R.R., LLC Feeder Line Application Line of Union Pacific R.R. Co., Located in Pueblo, Fremont, Chaffee, Lake and Eagle Counties, Colo., STB Docket No. FD 36386 (Service Date March 13, 2020), slip op. at 7); (b) the second is Notice of Exemption filed by CMP in FD 36471 on</p>	<p>Please refer to response to Comment UBR-DEIS-00023-1 above and Summary Response 5: <i>Tennessee Pass Line.</i></p>

<p>December 31, 2020. The timing is significant here, because the Coalition filed its Petition for Exemption for the proposed Uinta Basin greenfield rail construction project on May 29, 2020, and the Board issued its Draft Environmental Impact Statement in that proceeding on October 30, 2020, in the period after the Board had denied the feeder line application in FD 36386, but before CMP filed its Notice of Exemption in FD 36471. Accordingly, there was no pending proposal involving the reintroduction of freight rail service on the Tennessee Pass Line when CMP filed its Petition or when the STB issued the DEIS, and Eagle County received constructive notice of CMP's proposed transaction to lease the line from UP only on New Year's of 2020. The significant safety concerns presented by the proposed reintroduction of freight rail traffic on the Tennessee Pass Line and the potential for that line to carry crude oil unit trains from the Uinta Basin demand that affected communities and other stakeholders have the opportunity to evaluate any proposal that relates to the resumption of service on a line with the potential to connect to the Tennessee Pass Line. Localities along the corridor must have the opportunity to thoroughly evaluate the potential impacts on their residents and other constituents. Because of the short window between CMP's filing of its Notice of Exemption in FD 36471 and the deadline for commenting on the DEIS in FD 36284, compounded by the difficulties in communication and coordination due to the ongoing COVID-19 pandemic, a 30 day extension of the DEIS public comment period is reasonable and will not prejudice any party or impose administrative burdens on the Board or parties to this proceeding.</p>	
<p>Eagle County, Colorado, Allison Fultz (UBR-DEIS-00450-4)</p>	
<p>Comment</p> <p>Petition for Reconsideration of the Board's January 5, 2021 Decision In accordance with 49 C.F.R. § 1115.3(a), Eagle County respectfully petitions this Board to reconsider its unusual 5 Decision 85- mile long rail line, a greenfield development, satisfy the criteria for exemption from the prior approval requirements of 49 U.S.C. § 10901 (Seven County Infrastructure Coalition -Rail Construction & Operation Exemption. In Utah, Carbon, Duchesne, and Uintah Counties, Utah, Petition for Exemption, STB Docket No. FD 36284 (Service Date Jan. 5, 2021), slip op. at 11), while leaving analysis of the potential environmental impacts of the proposal to be determined pending the completion of environmental review. Under 49 U.S.C. § 10502(a) of 49 U.S.C. § 10901 when it finds the application in</p>	<p>Response</p> <p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>. This comment raises issues that are outside of the scope of OEA's environmental review process. OEA notes that it is the responsibility of the Board, not OEA, to apply the agency's statute at 49 U.S.C. § 10502 and to consider the transportation merits under the exemption criteria contained in that statutory section. Therefore, no changes to the Draft EIS are warranted in response to this comment.</p>

whole or in part of a provision of this part (1) is not necessary to carry out the transportation policy of section 10101 of this title; [bold: and] (2) either (A) the transaction or service is of limited scope; or (B) the application in whole or in part of the provision is not needed to protect shippers from the abuse of market power. (Emphasis added.) Although the Board focused its discussion on the lack of potential for market power abuse under 49 U.S.C. § 10502(a)(2)(B) to support its decision (Jan. 5 Decision at 4, 9), the Board is required to evaluate both elements of 49 U.S.C. § 10502(a) and failed to address other policy priorities of Section 10101 that it is also required to take into account. Most relevant here, 49 U.S.C. § By performing only part of the necessary analysis to justify an exemption, the Board has essentially pre-judged this case by failing to consider whether unit trains of crude oil traveling through mountainous terrain will not incur any C.F.R. § 1115.3(b) require that a petition for reconsideration demonstrate that (1) the prior action will be affected materially because of new evidence or changed circumstances or (2) the prior action involves material error. Here, two elements of the recently filed proposal to reinstate freight rail service on the Tennessee Pass Line demand that the Board reconsider the Jan. 5 Decision. First, 31, 2020, filing of its Notice of Exemption to propose the reactivation of freight service in the Tennessee Pass corridor constitutes a materially changed circumstance that this for an exemption to construct a new rail line in the Uinta Basin. Second, in addition to potential safety and operational impacts on the Tennessee Pass Line, CMP is a wholly owned subsidiary of Rio Grande Pacific Press Release, December 31, 2020, available at: <https://rgpc.com/news/colorado-midland-pacific-railway-companys-cmp-commercial-agreement-on-the-tennessee-pass-line/>. Given the existing junction from the Tennessee Pass Line to the UP main line to which the Uinta Basin line proposes to connect, the potential for coordinated operations by affiliated railroads on the proposed Uinta Basin line and reactivated Tennessee Pass Line presents a question of market competition and whether the exemption criterion at Section 10101 allow, to the maximum extent possible, competition and the demand for services to establish reasonable rates for transportation by rail is, in fact, satisfied. Eagle County also adopts the arguments Chairman Oberman presented in his dissent to the Jan. 5 Decision, summed up succinctly in his preliminary remarks: "the Board should not make a finding now that an application [italics: is not] necessary and should not and cannot reach a conclusion on the

transportation merits, even preliminarily, prior to completing the project's financial viability" (Jan. 5 Decision, dissent, at 11).	
William Newmark (UBR-DEIS-00451-0012-2)	
Comment	Response
In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015 to protect one of the wildest stretches of the Arkansas River	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .
Candace Galen (UBR-DEIS-00451-0017-1)	
Comment	Response
Having rafted that river with my family and friends nearly every summer I am horrified at the thought that this short sighted and destructive plan would deny its beauty and thrill to my grandchildren and their generation. Chaffee County depends on tourist dollars that flow from the Arkansas River recreation industry. This plan would decimate those small businesses and the lives of people who depend on them.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .
Alan Robinson (UBR-DEIS-00451-0112-1)	
Comment	Response
My comments will focus on the potential for impacts to Colorado and the Arkansas River Valley, but it is obvious that not approving the Uinta Basin proposal is key to avoiding the whole issue of impacts in Colorado. In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, and more than 100 miles adjacent to the Arkansas River through multiple rural counties. The direct environmental impacts of accidental train cargo entering the river could be disastrous, and the secondary impacts on the economy of those counties which are heavily dependent on river recreation would be huge. A busy reactivated RR would effectively interrupt and delay connectivity from the center of the valley both east and west into extremely popular and heavily used public lands. Estimated visitation to the valley and those public lands was 4 million in 2020 expected to double by 2026. Reactivation of the TPL with any type of freight transported in slow long trains would have severe negative consequences on traffic patterns up and down the valley. Dozens of grade crossing would have to be upgraded and even when upgraded would cause serious potentially severe delays in access of children to school, citizens to medical and food services and, extremely important,	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .

<p>emergency access by wild fire and medical vehicles to thousands of homes and hundreds of thousands of acres of public lands. The public does not have a reliable answer to the question whether or not Uinta Basin heavy shale-derived oil would be the primary product to be transported. It seems obvious that the Tennessee Pass Line would have to be used for this purpose to make economic sense, yet the Colorado Midland Pacific and Rio Grande Pacific companies have denied this is their intention. Until this future plan is honestly portrayed I cannot muster any support for the upstream Uinta Basin RR.</p>	
Herb Daugherty (UBR-DEIS-00451-0122-1)	
Comment	Response
<p>AS A BUENA VISTA COLORADO RESIDENT, I CAN ASSURE YOU THAT THIS RAIL LINE WILL POSE NOT ONLY AN ENVIRONMENTAL HAZARD, BUT A ROAD SAFETY HAZARD TO MY COMMUNITY. IN THE NEARLY 25 YEARS SINCE TRAINS ROLLED THROUGH OUR TOWN WE HAVE GROWN SUBSTANTIALLY, AND IN AREAS THAT WILL BE NEGATIVELY IMPACTED BY A BLOCKED RAILROAD CROSSING. FOR EXAMPLE, ANY EMERGENCY VEHICLE LEAVING OUR MEDICAL CENTER (EAST OF THE TRACKS) WILL NEED A MINIMUM OF AN EXTRA 5-10 MINUTES TO REACH THE MAJORITY OF THE POPULATION WHICH LIVES WEST OF THE TRACKS. THIS LINE IS A HORRIBLE IDEA!</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>
Jay Ginrich (UBR-DEIS-00463-4)	
Comment	Response
<p>The rail routes follow waterways, including the Colorado River, increasing the likely impact of accidents. The Eagle and Arkansas rivers, for the so-called "shortcut" are not mentioned in the EIS. This line has 3% grades, a 10400ft pass, and serious rockfall and avalanche hazards.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>
Florian Maderspacher (UBR-DEIS-00465-2)	
Comment	Response
<p>PS. the EIS website is classed as non-safe and hard to reach. That's embarrassing! Please use state of the art internet safety, providing maximum accessibility.</p>	<p>OEA acknowledges the commenter's concern. Because this comment does not raise any specific concern regarding the conclusions or adequacy of the Draft EIS, no revisions are necessary.</p>
Paul Gorbold (UBR-DEIS-00540-1)	
Comment	Response
<p>Bringing back rail road transportation in the Eagle Valley does not seem to make any sense. The impact to the communities with noise and pollution does not offset the financial benefits to the community. Why bring back an antiquated transportation technology? The for profit companies that operate</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

<p>the rail line look to be leaning on the communities to fund this project through grants with little benefit for the communities. So really funding this project would be on the tax payers of the regions it will be running through with little benefit. Trains are loud and dirty, We do not want them back in our community.</p>	
Will Biedermann (UBR-DEIS-00557-1)	
Comment	Response
<p>As a resident of the Arkansas River Valley, I am concerned about the track usage of the rail system along the Arkansas River. I am against the transport, along the Arkansas River, of any chemical or substance that could present a threat to the natural environment and people of the area. Physical threats to the environment, noise pollution, property devaluation, and impedance to recreational opportunities are all potential negative outcomes of track use involving the transport of hazardous materials through the valley. The Arkansas River environment is an exceptionally beautiful part of Colorado. Any threat to that beauty threatens tourism and the economics associated with tourism. In short, trains carrying hazardous materials through the Arkansas River Valley and beyond, have very far reaching effects should/and when an environmental accident could/will occur. The natural beauty of the Arkansas River provides life for so many in, around, and downstream. The risks to this unique gem of an ecosystem are just too many with the proposed freight component of the proposed control exemption for rail use along the Arkansas.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-31)	
Comment	Response
<p>The economic data, contracts, letters of intent, etc. simply do not appear to exist to adequately prove the project's long-term viability. Per slide #3 of the Union Pacific Railroad Meeting powerpoint presentation dated April 18, 2018, [Footnote 16: 190416 UBRYP UP Presentation dated April 18, 2018] which was recently obtained through my appeal to a Government Records Access and Management Act Request, the Uinta Basin Oil Field contains a "700 million bbl resource". Slide #4 indicates current average production of 90,000 bbl/day, 80,000 bbl which are trucked to Salt Lake City Refineries, and 10,000 bbl/day trucked to Price River Terminals and transloaded to rail, and purports that by 2022 270,000 bbl/day demand is expected at the Gulf Coast refineries, bringing the estimated total daily production to 360,000 bbl/day when the proposed Uinta Basin Railway would be</p>	<p>OEA notes that the analysis of the economic feasibility of and financing for this or any rail construction project is outside of the scope of OEA's review under NEPA.</p> <p>OEA also acknowledges the commenter's preference for the No-Action Alternative. Please refer to response to Comment UBR-DEIS-00426-3 above.</p>

<p>constructed and in operation. A simple math equation taking the 700 million bbl resource and dividing it by an estimated 360,000 bbl/day production results in exhaustion of the identified crude oil reserves in the Uintah Basin within 1,944 days, or 5.32 years! These are numbers that have been provided by the Seven County Infrastructure Coalition - the Uinta Basin Railway's proponent! What then becomes the fate of the railway once the oil reserves have been exhausted? Verifiable data that other industries and resources of sufficient size and shipping volume to then support the operation of and payback of the initial construction costs for the railway does not exist. I therefore submit that the Surface Transportation Board and the Office of Environmental Analysis have no other option than to select the No-Action Alternative for this project.</p>	
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-51)

Comment	Response
<p>Equally disturbing is the fact that the Coalition's public/private partner, Drexel Hamilton Infrastructure Partners L.P. (Drexel Hamilton) also has not, according to information publicly available, invested any of its own money or financial resources in the project to date, based on statements made in the June 13, 2019 Utah Permanent Community Impact Board Meeting (CIB) [Footnote 22: https://jobs.utah.gov/media/housing/cib/061319cib.mp3] by Drexel Hamilton executives, again due to the speculative nature of the project and lack of contracts from potential shippers who would purportedly utilize and therefore fund the construction and operation of the railway. Such an absence of capital investment from any of the project's proponents and purported benefactors speaks volumes as to the railway project's financial feasibility and risk profile. To date, the project is being funded solely by what I feel are illegal CIB grants of Federal Mineral Lease monies which, by Utah State Statute, must be spent to alleviate impacts on rural Utah communities resulting from mineral extraction on federal lands. Instead, the Coalition is using the CIB funds to "railroad" a project of questionable long-term viability and financial stability over the top of the very communities those funds are intended to protect, uplift, and benefit. It is my belief and my fear that the OEA and STB will overlook the ever-mounting evidence of the project's fatal flaws, unsubstantiated viability, and ultimate dependence on a single "boom and bust" industry, and approve the project to move forward with construction. The railway construction will begin, oil prices will drop,</p>	<p>OEA notes that the analysis of the economic feasibility of and financing for this or any rail construction project is outside of the scope of OEA's review under NEPA Please refer to response to Comment UBR-DEIS-00426-3 above.</p>

the economy will slow (global economic indicators are already illuminating this with distinct clarity) and the railway construction will never be completed.	
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-60)	
Comment	Response
<p>The railway's financial viability will be dependent on choices and decisions of oil producers who have no financial stake in the construction and operation of it, such that when oil prices are low the producers will simply choose to slow or stop oil production and shipping until market conditions become more favorable. Make no mistake, oil producers are not going to put themselves in any position to lose money if oil prices drop and the economy slows. They will not ship their product, and the necessary funding required to pay back the initial billions of dollars of construction costs will fall to the public. Data to suggest that other industries such as agriculture, manufacturing, gilsonite, and other exports from the Uintah Basin can pay for the costs of and financially justify the construction of the railway does not exist! A railway whose feasibility solely rests on a single, volatile, fossil fuel industry - an industry that is largely accountable to no one - is not consistent with public convenience and necessity. I strongly urge the OEA to choose the no action alternative in light of the preponderance of evidence that suggests that the railway is completely dependent on a single industry, true costs for construction and operation are unknown, the Coalition has not been honest and truthful about their route selection processes and therefore approval of any of the three proposed routes cannot be determined with any degree of certainty based on the information currently available.</p>	<p>OEA acknowledges the commenter's preference for the No-Action Alternative. Please see response for UBR-DEIS-00426-3.</p>
Jack Harlan (UBR-DEIS-00607-0002-1)	
Comment	Response
<p>I live within about 1/2 mile from the proposed railway. Basically, this is a long-ago-mothballed section of track that runs through the recently-created Browns Canyon National Monument. I'm sure you'll hear about the economic, social and ecological impacts of the track. But from a perspective of one who lives there, this is just clearly a ridiculous venture. One has to wonder if the proposed action is merely a 'let's throw it out there and see if it sticks' effort. Therefore, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>. OEA acknowledges the commenter's preference for the No-Action Alternative.</p>

Capitol Hill Action Group, Stanley Holmes (UBR-DEIS-00609-5)	
Comment	Response
We are also concerned that the SCIC would take tens of millions of Mineral Lease Act dollars meant to mitigate negative impacts of oil, gas, and coal extraction and instead use the funds to further subsidize the industry responsible for those impacts by building the UBR. The DEIS should have considered the societal costs of rural development opportunities squandered as the SCIC misused funds to finance UBR.	OEA notes that issues related to subsidies for the energy industry or the leasing of public land for oil and gas development are beyond the scope of the environmental review of the construction and operation of the proposed rail line. Further, the transportation merits and analysis of the economic feasibility of or funding for this or any rail construction project is outside of the scope of OEA's review under NEPA.
Paul Martin (UBR-DEIS-00635-1)	
Comment	Response
Using this very old and in disrepair Railway is very foolish and dangerous to the Arkansas river and surrounding communities on it's path. It has not been used in many many years and has not been kept up in maintenance whatsoever. Many heavy trucks have crossed this railway without permission or authorization because it has not been monitored and maintained by anyone. Using it for any reason would be very foolhardy and very dangerous in every way. Any Official approving this would be open to a tremendous liability because it unhas proposed this surely does not know anything about the zero maintenance it has received in many many year. It is truly a Dangerous Proposition to the Arkansas River and to anyone along its pathway to be used at all! It would take a tremendous amount of resources to bring it back to a viable Railway.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .
American Whitewater, Kestrel Kunz (UBR-DEIS-00651-5)	
Comment	Response
Tennessee Pass Line. The fact that Rio Grande Pacific Corporation is poised to be the operator of both the Uinta Basin Railway and of the Tennessee Pass Line coupled with the fact that Tennessee Pass provides the most direct transport line from Utah to the Gulf Coast is cause for serious concern. If crude oil from the Uinta Basin were to be transported over Tennessee Pass, the potentially devastating impacts to the surrounding human environment are immeasurable and necessitate a complete and thorough review before either the Tennessee Pass Line or the Uinta Basin Railway projects can move forward. The Potential for Crude Oil to be Transported over the Tennessee Pass Line in Colorado is a Reasonably Foreseeable Future Action of the Uinta Basin Railway Project The possibility of the Tennessee Pass Line in Colorado being used to transport crude oil from the Uinta Basin to Gulf Coast refineries is an indirect effect of the Uinta Basin Railway Project and is a reasonably	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .

foreseeable action that would have devastating impacts to the ecological and human environments in the Tennessee Pass Line corridor as it runs along the Eagle and Arkansas Rivers in Colorado. While Rio Grande Pacific Corporation and its subsidiary, Colorado, Midland & Pacific Railroad (CMPR), repeatedly deny the possibility of crude oil being transported on the Tennessee Pass Line, we believe this is a real and foreseeable future action. CMPR's argument against the crude oil scenario is based on the fact that they do not have trackage rights for the portion of the line between Sage and Dotsero, a necessary connection to the national rail network.[Footnote 10: Sara Cassidy, February 8, 2021. Chaffee County Commissioner Work Session hosted via Zoom Video Communications, Inc.] However, in their own filing to the Surface Transportation Board, CMPR states that "While KCVN is technically correct that CMPR's rights currently end at Sage and not Dotsero, in its negotiations with Union Pacific Railroad Company ("UP") CMPR was informed that once the line is rehabilitated, UP will consider granting CMPR overhead trackage rights to Dotsero with a right to interchange with BNSF." [Footnote 11: Reply to STB Docket No. FD 36471, January 26, Colorado, Midland & Pacific Railway Company --Lease and Operation Exemption Containing Interchange Commitment-- Union Pacific Railroad Company, Reply to Motion to Reject Notice of Exemption, Page 1] When pressed on this detail, CMPR and Rio Grande Pacific Corp. representative, Sara Cassidy, said that CMPR would consider future operations based on the current market. [Footnote 12: Sara Cassidy, February 8, 2021. Chaffee County Commissioner Work Session hosted via Zoom Video Communications, Inc.] Based on both CMPR's formal filings with the STB and their communications with local county officials, there is reason to believe that transporting crude oil over the Tennessee Pass Line could be a possibility in the future. Rio Grande Pacific Corp. is simultaneously involved in both the Uinta Basin Railway and the proposed reactivation of the Tennessee Pass Line. Both projects would take multiple years to construct and rehabilitate, respectively - at which time CMPR and their parent company could secure trackage rights to connect Tennessee Pass with the national rail network and thus significantly shorten their ultimate transportation route between the Uinta Basin and Gulf Coast refineries. Based on this evidence and direction under the National Environmental Policy Act, [Footnote 13: See 40 C.F.R. §§ 1508.8, 1508.7 (definition of both indirect and cumulative impacts includes the impacts that are "foreseeable")] the

transportation of crude oil over Colorado's Tennessee Pass Line is a reasonably foreseeable outcome of the Uinta Basin Railway and needs to be fully evaluated in the EIS. The EIS Should Complete a Full Assessment of the Direct and Indirect Impacts of Transporting Crude Oil Over the Tennessee Pass Line The 163.1 mile Tennessee Pass Line segment between Parkdale and Sage, Colorado closely parallels critical waterways, including the upper Arkansas River and the Eagle River. The dormant line is routed through numerous river and mountain oriented communities that place a high value on the recreational, ecological, cultural, scenic, historical, and other values that exist within these river corridors. The segment of rail line in question has been dormant for over 24 years and in that time, both the ecological and human environments have adapted and flourished to thrive in the absence of any rail traffic. Local communities make their livelihoods off of river recreation and outdoor tourism in the region and the public travels from throughout Colorado and from across the country to visit the unique characteristics of the area, including Browns Canyon National Monument which was recently designated in 2015. [Footnote 14: <https://obamawhitehouse.archives.gov/the-press-office/2015/02/19/presidential-proclamation-browns-canyon-national-monument>] This is further demonstrated by the significant economic impact of river recreation in the Arkansas River corridor. The Arkansas River sees over 40% of Colorado's total commercial rafting days and contributes close to \$100 million to the local economy. [Footnote 15: <https://www.cobizmag.com/outdoor-industries-report-rafting-economy/>] Eight to ten trains of crude oil being transported over the Tennessee Pass Line would have detrimental impacts to the scenery, wilderness character, cultural, fish and wildlife, and recreation values that are prominent in the Eagle and Arkansas River corridors. These impacts would be significant just from the rehabilitation of the railroad, visual train traffic, and noise. In the case that an oil spill were to occur, many of the values and the economy in the river corridor may never recover. When the line was active, Tennessee Pass commonly made regional and national news for its deadly and ecologically devastating derailments. In the 1980s and again in the 1990s train cars filled with coal derailed off the tracks downstream from what is now Browns Canyon. [Footnote 16: Blevins, Jason, New plans for rail traffic over Colorado's Tennessee Pass spark protest from grain-hauling competitor, Colorado Sun (Jan. 8, 2021), <https://coloradosun.com/2021/01/08/tennessee-pass-railroad-rio-grand-pacific-colorado-midland/>]

<p>Worse, in 1996, train cars filled with sulphuric acid derailed between Leadville and Minturn, killing two people and spilling 27,000 gallons of sulphuric acid. [Footnote 17: Train wreck kills 2, spills acid. February 22, 1996. The Journal Times. h https://journaltimes.com/news/national/train-wreck-kills-2-spills-acid/article_3f4d7349-d5d1-51c4-a5d3-44ecbc57a3d8.html; Wald, Matthew L., A Derailment in Colorado Kills Two, NY Times (Feb. 22, 1996), h https://www.nytimes.com/1996/02/22/us/a-derailment-in-colorado-kills-two.html.] The acid almost made it into the Eagle River and if the derailment had occurred in a different location, it very well could have. The Tennessee Pass Line is notorious for its steep grade and dramatic geology, which attributes to spectacular recreation opportunities throughout the Eagle and Arkansas river corridors. The character of the landscape simultaneously makes it very dangerous for long, heavy trains filled with hazardous substances. The transportation and potential derailment of crude oil on the Tennessee Pass Line needs to be recognized and analyzed as a foreseeable action of the Uinta Basin Railway. We ask that the Office of Environmental Analysis conduct a complete analysis of direct and indirect impacts to river recreation and that the indirect effect of transporting crude oil over the Tennessee Pass Line in Colorado be included in the Uinta Basin EIS. Without this additional analysis as required under NEPA, the only reasonable action is the "No Action Alternative" identified in the DEIS.</p>	
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Cathy Hummel (UBR-DEIS-00661-1)

Comment	Response
<p>I am writing to tell you that I am not in favor of trains running through Salida, CO as I live right across the street from the railroad tracks and it will be environmentally unsafe to have these trains running multiple times a day and night because of noise pollution, unsafe cargo of waxy crude oil which could spill out over our beautiful public land and also cause forest fires since it is very dry around here. Not to mention the Arkansas river is also right next to the railroad tracks which is also unsafe if it spills into the river. There is nothing good about this situation and it should be rerouted through different towns or not done at all. We do not want the noise, pollution, or possible fires to be started from these trains it will ruin our environment for sure. So please help our community by voting against this happening. Thank you!</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

Jacob Chamberlain (UBR-DEIS-00673-1)	
Comment	Response
I have some objections to the train traveling on the proposed route. 1. We have a National Monument in the same area as the rails in the proposed route. This national monument (Browns canyon) is placed at risk with train accidents, and leakage from the shipment. 2. The area has changed since trains we last allowed through this area. This area has an increased population, large amount of travel in the spring, summer, and fall. This impacts the tourism of our area, without leaving potential benefit to having the train. 3. This area has become a quiet area since the train has left, and having the train would bring large amounts of noise along the route. 4. This area does not receive any compensation for these problems, we are not receiving any goods, or services. So for this area having a train will have a negative impact, with the possibility of having a disastrous impact in our community.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .
Friends of Browns Canyon, Joe Stone (UBR-DEIS-00677-1)	
Comment	Response
If approved, the proposed UBR in northeastern Utah would be by far the most significant U.S. freight railway project undertaken in several decades. We are convinced that this proposal is ill-advised. In addition to its egregious disregard for multiple environmental threats, including anthropogenic climate change, the project is mired in controversy that has precipitated ongoing litigation asserting malfeasance and misappropriation of federal funds. As a grassroots conservation organization dedicated to protecting the natural landscape, Friends of Browns Canyon opposes the proposed UBR. We strongly request that the Surface Transportation Board (STB) Office of Environmental Analysis (OEA) prepare a revised DEIS that fully addresses all relevant impacts and issues along the Tennessee Pass rail line and allow for an adequate public comment period for the revised DEIS, including public meetings and public notices in communities along the Tennessee Pass rail line in Colorado.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> . OEA notes the commenter's concerns regarding the environmental impacts on the proposed rail line and other issues outside of the scope of OEA's environmental review under NEPA.
Friends of Browns Canyon, Joe Stone (UBR-DEIS-00677-3)	
Comment	Response
As documented in the UBR DEIS, RGP has been selected to develop and operate the UBR, the primary purpose of which is to subsidize some of the most costly, difficult to extract, low-value energy resources on the planet, specifically, kerogen-bearing "oil shale" and bitumen-rich "tar sands." Additionally, RGP subsidiary New Orleans and Gulf Coast Railway Co., serves a Gulf Coast crude oil	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> . Please also refer to Chapter 1, <i>Purpose and Need</i> , which explains that the Coalition's purpose in seeking Board authority to construct and operate the proposed rail line is to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable

<p>terminal near New Orleans. The Tennessee Pass line would provide the most direct rail route from the Uinta Basin to Gulf Coast refineries, identified in the DEIS as a probable destination for the petroleum precursors extracted from the basin. By reducing the cost of transporting these climate-damaging products to large refineries and greatly increasing the volume of these products that can be transported to refineries, the UBR would cause needless environmental damage while perpetuating policies rooted in climate-change denial.</p>	<p>alternative to trucking. OEA notes that the Coalition does not anticipate that the proposed rail line would be used to transport oil shale or tar sands and OEA is unaware of any plans for shippers of those commodities to request rail service on the proposed rail line. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>
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Friends of Browns Canyon, Joe Stone (UBR-DEIS-00677-4)

Comment	Response
<p>Inadequate Scope of the UBR DEIS The scope of the UBR DEIS is inadequate because it fails to consider impacts along the Tennessee Pass rail line that has been leased to CMPR, a subsidiary of UBR parent company RGP. At a minimum, to comply with the National Environmental Policy Act, the following sections of the DEIS must be revised and expanded to address impacts of the proposed UBR operations along the Tennessee Pass line: -3.2 Rail Operations Safety -3.2.1.1 Study Areas -3.2.2 Affected Environment -3.2.3 Environmental Consequences - 3.3 Water Resources -3.3.1.1 Study Areas -3.3.2 Affected Environment -3.3.2.1 Surface Water -3.3.3 Environmental Consequences -3.4 Biological Resources -3.4.2 Affected Environment -3.4.2.1 Wildlife -3.4.2.2 Fish -3.4.2.3 Vegetation -3.4.3 Environmental Consequences -3.6 Noise and Vibration -3.6.1.1 Study Areas -3.7 Air Quality and Greenhouse Gases -3.7.2 Affected Environment - 3.7.3 Environmental Consequences -3.9 Cultural Resources -3.11 Land Use and Recreation -3.11.1.1 Study Areas -3.11.2 Affected Environment -3.11.2.2 Recreation -3.11.3 Environmental Consequences - 3.12 Visual Resources -3.13 Socioeconomics - 3.13.1.1 Study Area -3.13.2 Affected Environment - 3.13.2.5 Nonmarket Values and Quality of Life - 3.13.3 Environmental Consequences</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

Friends of Browns Canyon, Joe Stone (UBR-DEIS-00677-5)

Comment	Response
<p>Noise, air and water pollution; visual blight; and wildlife disturbance would have significant impacts on quality of life, quiet recreation, and the recreation-based economies of the affected communities along the Tennessee Pass rail line. The risk of derailment of crude-oil trains along the Tennessee Pass Line is another major concern For example, in the final years of the Tennessee Pass line's previous operations, coal cars derailed into the Arkansas River just below Browns Canyon. A flash flood sent cars into the river near Cotopaxi,</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

<p>and trains derailed on the steep grade just below Tennessee Pass, including an accident in 1996 that killed two crew members and spilled sulfuric acid. These derailments and many others played a role in Union Pacific's decision to cease operations on the Tennessee Pass line. Furthermore, the waxy heavy crude oil from the Uinta Basin would be virtually impossible to remove from the waterways that the Tennessee Pass line follows. Given the 11th-hour announcement of the reactivation of the Tennessee Pass line, the DEIS needs to be revised to address all environmental and socioeconomic impacts along the Tennessee Pass line that could result from operation of the UBR. The DEIS should then be re-issued and another public comment period opened.</p>	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-6)	
Comment	Response
<p>Finally, the EIS must be revised to analyze potential impacts along the Tennessee Pass Line in Colorado, which Colorado, Midland & Pacific Railway Company-a wholly owned subsidiary of Rio Grande Pacific, the proposed operator of the Uinta Basin Railway-recently proposed to reactivate. The construction of the Uinta Basin Railway and reopening of the Tennessee Pass Line could result in crude trains traversing the Arkansas River Valley and Browns Canyon National Monument, threatening significant harm to these sensitive resources and recreational tourism.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-31)	
Comment	Response
<p>In light of these serious errors, the Surface Transportation Board's (STB) Office of Environmental Analysis (OEA) must prepare a revised EIS fully addressing the issues raised in our comments and should recirculate the revised EIS for public comment.</p>	<p>OEA has appropriately revised the Draft EIS in response to public comments, as described in this Final EIS and in detail in this Appendix to the Final EIS. Therefore, preparation of a new Draft EIS is unnecessary. OEA has responded to the specific issues raised by the commenter in the applicable response tables included in this appendix.</p>
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-177)	
Comment	Response
<p>The EIS Must Analyze the Potential for Crude Oil Trains to Traverse the Tennessee Pass Line On December 31, 2020, Colorado, Midland & Pacific Railway Company (CMPR)-a wholly owned subsidiary of Rio Grande Pacific, the proposed operator of the Uinta Basin Railway-proposed reactivation of the Tennessee Pass Line in Colorado and petitioned the Surface Transportation Board to exempt from environmental review operation of the line. The 163.1-mile Tennessee Pass Line segment between Parkdale and Sage, Colorado connects to the Uinta Basin Railway via a Union Pacific line</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

<p>between Kyune, Utah and Dotsero, Colorado. Thus, if the proposed oil railway is approved and the Tennessee Pass Line is reactivated, crude unit trains from the Uinta Basin could traverse the Tennessee Pass Line on their way to Gulf Coast refineries. The Tennessee Pass Line closely parallels critical waterways, including the upper Arkansas River and the Eagle River. The dormant line is routed through numerous river and mountain oriented communities that place a high value on the recreational, ecological, cultural, scenic, historical, and other values that exist within these river corridors. The segment of rail line in question has been dormant for over 24 years, and in that time, both the ecological and human environments have adapted and flourished to thrive in the absence of any rail traffic. Local communities make their livelihoods off of river recreation and outdoor tourism in the region and the public travels from throughout Colorado and from across the country to visit the unique characteristics of the area, including Browns Canyon National Monument which was recently designated in 2015.</p>	
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Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-178)	
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Comment	Response
<p>The EIS must be revised to address the potential impacts of crude trains traveling through this highly sensitive area. The EIS should describe the following existing conditions and resources along the Tennessee Pass line and how oil train traffic would affect them: - Population in the affected corridor has significantly increased since the rail line was last active. There are innumerable train crossings in developed, urban areas that intersect with state and county highways that have seen increased traffic in the last 24 years. The paving and reopening of Cottonwood Pass (Chaffee County Road 306 and Gunnison County Road 209) has led to significant increase in traffic in the Town of Buena Vista and specifically at a traffic intersection (Main Street and Hwy 24) that is within a hundred feet of a major rail line crossing. - The Arkansas River corridor has numerous unique characteristics between Parkdale and Leadville, Colorado including Browns Canyon National Monument, Browns Canyon Area of Critical Environmental Concern, Browns Canyon Wilderness Study Area (7,451 acres adjacent to railroad tracks), multiple river segments determined "suitable" for inclusion in the National Wild and Scenic River System, a 102-mile Gold Medal Trout Fishery between Lake Fork Creek and Parkdale, and the Arkansas Headwaters Recreation Area, among others. The Browns Canyon Wilderness Study Area is included in H.R.2546</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

introduced by Rep. DeGette (D-CO-1), which would designate the WSA into the National Wilderness Preservation System. - Local and regional economies are heavily dependent on the river corridor and healthy rivers that are accessible to the public. Noise, air and water pollution, visual blight, and disturbance of wildlife could have significant impacts on the affected communities, quiet recreation, and tourism economy. The risk of derailment of crude trains along the Tennessee Pass Line is another major concern, which must be addressed in the EIS	
Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-179)	
Comment	Response
In any event, the EIS should analyze the proposed reactivation of the Tennessee Pass Line and the Uinta Basin Railway's cumulative effects on air quality, climate change, rail safety, and any other resources that may be affected by both projects. Given the very recent announcement of the potential reactivation of the Tennessee Pass Line, the EIS should be revised to address the project's direct, indirect, and cumulative effects on resources surrounding the Tennessee Pass Line, and recirculated for public comment to allow the public to weigh in on these issues.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .
Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00685-16)	
Comment	Response
Finally, an adequate EIS should evaluate whether the Railway project is sufficiently commercially viable to weather the boom and bust cycle of the oil industry generally, and in the Uinta Basin. If it finds that there is a substantial risk that the Railway will become a stranded asset, it should evaluate the associated risk that environmental standards administered by UDAQ, the BLM, and the EPA will be weakened in order to prop up a bankrupt Uintah Railway.	This comment is unclear. However, please refer to Section 3.13, <i>Socioeconomics</i> , which includes information regarding potential impacts on the economy from construction and operation of the proposed rail line. OEA notes that the transportation merits and analysis of the economic feasibility of, or funding for, this or any rail construction project is outside of the scope of OEA's review under NEPA. To the extent that the commenter may be concerned about potential future changes to existing environmental laws and regulations, OEA notes that OEA considered current environmental laws, regulations, and guidelines, in its analysis of impacts of the proposed rail line, as listed Appendix B, <i>Applicable Regulations</i> . Evaluating the potential changes in environmental standards would be speculative and outside the scope of OEA's analysis requirements under NEPA.
Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00690-1)	
Comment	Response
Wild Idaho Rising Tide is experiencing difficulties uploading our extensive comments through this soon closed portal. So we are sending these	OEA confirms that it received Wild Idaho Rising Tide's comment letter on February 15, 2021, which OEA assigned as submission number UBR-DEIS-00704. OEA's responses to the comments associated

comments directly via email to Joshua Wayland of the Surface Transportation Board.	with submission UBR-DEIS-00704 are contained in this appendix.
Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-1)	
Comment	Response
Eagle County urges the OEA to address serious flaws in the DEIS, including most importantly the lack of consideration of a proposal to offer new service on a 163.1 mile long connecting line between Parkdale, Colorado, and a location known as Sage, near Dotsero, Colorado, known as the Tennessee Pass Line (Colorado, Midland and Pacific Railway Co. ("CMP"), Verified Notice-Lease and Operation Exemption Containing Interchange Commitment-Union Pacific R.R. Co., STB Docket No. 36471 (Filed December 31, 2020) (the "CMP Notice of Exemption")), as well as failures to adequately state the Project's purpose and need, consider downline impacts and reasonable alternatives, evaluate environmental impacts, or propose mitigation measures. Because CMP filed its Notice of Exemption after the STB issued the DEIS, this Board must, at a minimum, publish a supplement to the DEIS to address the potential effects of the Project on the Tennessee Pass Line.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .
Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-3)	
Comment	Response
THE PROJECT'S DEIS FAILS TO CONSIDER NEW PROPOSED OPERATIONS OVER THE TENNESSEE PASS LINE, EITHER AS A CONNECTED ACTION OR IN ITS DOWNLINE IMPACT ANALYSIS. CMP's recent Notice of Exemption to conduct freight service on the Tennessee Pass Line in Colorado demonstrates that the proposal to provide new service on the Tennessee Pass Line and the Uinta Basin Railway are connected actions, and they must be analyzed together in a Supplemental DEIS. Despite the assertions of CMP's parent, RGP, that it does not currently plan to ship crude oil over the Tennessee Pass Line (Seven County Infrastructure Coalition, Comment, STB Docket No. FD 36284 - STB OEA Document Number EI-27080 (Filed January 26, 2021), Verified Statement of Mark W. Hemphill), the Coalition also observes in that filing that the Tennessee Pass Line has not been abandoned, and therefore remains part of the national freight rail network. The Coalition does not rule out what future operations CMP may conduct on the Tennessee Pass Line. According to the DEIS, if the STB authorizes the proposed construction and operation of the Uinta Basin Railway, RGPC would operate and maintain the line. DEIS at 2-1. Further, OEA states that RGPC is intended to be included when the DEIS refers to the Coalition. DEIS at 1-1 n.	Please refer to Summary Response 5: <i>Tennessee Pass Line</i> .

<p>1, 2-1 n. 1. Accordingly, RGPC is the party that will be subject to a common carrier obligation and is effectively an applicant in this proceeding. On December 31, 2020, RGPC announced that its wholly owned subsidiary, CMP, had entered into a lease with Union Pacific Railroad for the majority of the Tennessee Pass Line between Parkdale and Sage, Colorado, and that it had filed for common-carrier authority to operate with the STB. RGP Notice of Exemption. In its press release announcing the lease with UP, CMP stated that it intended to explore development opportunities for freight rail services originating or terminating on the Tennessee Pass Line. [Footnote 9: See https://rgpc.com/wp-content/uploads/2021/01/TN-Pass-press-release-final-CMP.pdf.] While the same release states that RGPC had no plans to carry crude oil from Utah over the Tennessee Pass Line, it appears this was included only to address speculation and community concern; nothing in the RGPC Notice of Exemption or CMP Notice of Exemption precludes transport of oil and, as a common carrier, RGPC would be required to provide rail service to any shipper upon reasonable request.</p>	
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Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-4)

Comment	Response
<p>The proposal to reinstitute freight rail service on the Tennessee Pass Line is a federal action that must be considered connected and evaluated together with the Project for the purposes of NEPA. The Tennessee Pass rail line is connected to the Uinta Basin Railway for the purposes of NEPA analysis. CEQ regulations provide that an agency must consider connected actions in determining the scope and significance of a federal action. 40 C.F.R. §§ 1501.3(b), 1501.9(e)(1). Actions are connected if they are "closely related," 40 C.F.R. § 1501.9(e)(1). CMP is a wholly owned subsidiary of RGPC, a real party in interest in the instant STB proceeding, and a physical connection between the Uinta Basin Railway line and the Tennessee Pass line in Colorado could be readily established. Moreover, the Tennessee Pass line would connect the Project line with the most likely markets for the crude oil that is expected to be transported from the Uinta Basin, and would serve as an alternative route to the line that has been identified as likely to be used for the vast majority of daily shipments expected to result from the Project. The Uinta Basin Railway and the Tennessee Pass line are interrelated parts of a larger action -- a rail network in Utah and Colorado for the transport of freight -- and they depend on</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

this larger action for their justification. Id. § 1501.9(e)(1)(iii).	
Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-5)	
Comment	Response
<p>CMP's lease with UP and related STB proceeding to transport freight over the Tennessee Pass Line represent fundamental changes in the scope of the "project" to be analyzed in the Uinta Basin Railway EIS. The introduction of freight service on the Tennessee Pass Line - including, potentially, oil from the Uinta Basin - presents a significant new circumstance that raises new environmental concerns about the impacts of the Uinta Basin Railway. Transport of crude oil over the remote, steep, winding, and mountainous Tennessee Pass Line would introduce risks associated with accidents, including spills or releases in or near sensitive areas such as a river, wetland, important wildlife habitat area, or recreational sites. In such circumstances, OEA must prepare a Supplemental DEIS. The duty to prepare a Supplemental DEIS is based on the need to facilitate informed decision making.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>
Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-6)	
Comment	Response
<p>While failure to issue a supplemental EIS is not unlawful if the relevant environmental impacts have already been considered in the NEPA process, <i>Friends of Marolt Park v. U.S. Dept. of Transp.</i>, 382 F. 3d 1088, 1097 (10th Cir. 2004), that is not the case here. The DEIS for the Project considers downline impacts in Colorado only in the Moffat Tunnel Subdivision, and the Tennessee Pass Line is not mentioned at all. Indeed, the Tennessee Pass Line could conceivably serve as an alternative to the UP's Moffat Tunnel Subdivision to Denver, which under the DEIS is currently expected to carry the vast majority of increased rail traffic caused by the Project. See the Map attached as Exhibit A to these Comments, showing the relationship between the Project, the Tennessee Pass Line, the connection both lines share to the UP Central Corridor, and the surrounding freight rail network. Consideration of the Tennessee Pass Line proposal in conjunction with the Uinta Basin Railway is necessary to prevent OEA from conducting piecemeal environmental reviews that will not result in an understanding of the full impacts of the rail system additions being contemplated.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-7)	
Comment	Response
<p>Even if not a connected action, opening of the Tennessee Pass Line must be considered as part of the downline impacts of the Project. Even if the introduction of new service along the Tennessee Pass Line did not constitute a "connected action," it would nevertheless need to be considered in the downline impact analysis. The DEIS defines the "downline study area" as "segments of existing rail lines outside of the Uinta Basin that could experience an increase in rail traffic above OEA's thresholds at 49 C.F.R. § 1105.7(e)(5) if the proposed rail line were constructed." DEIS at 3.2-1. As discussed above, the OEA analyzed potential markets and rail routes in order to identify rail lines over which downline impacts should be assessed. This assessment did not anticipate the introduction of new service over the Tennessee Pass Line, although it has not been abandoned. However, RGPR's and CMP's recent filings regarding renewed operations over the Tennessee Pass Line, combined with the strategic connection that the Tennessee Pass Line makes between the Project and the most likely markets for Uinta Basin-sourced crude oil, make consideration of the downline impacts to the area and communities adjacent to the Tennessee Pass Line necessary in order to consider all reasonably foreseeable impacts caused by the Project. The need to evaluate impacts is particularly important here given the general absence of service along this line for more than 20 years, the growth of development in the area that may increase the severity of safety risks and impacts, and the often-difficult access and challenging terrain of the route. The Board's environmental regulations at 49 C.F.R. § 1105.7(e)(3) require the assessment of impacts a project may have on land use patterns in affected communities.</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>
Multiple County Governments in Colorado, Allison Fultz (UBR-DEIS-00703-8)	
Comment	Response
<p>The terrain through which the Tennessee Pass Line travels is characterized by rangelands and a narrow mountain river valley. Communities along the line have experienced significant development since the line was last active in the mid-1990s and many are laid out longitudinally in parallel with the river and rail line because of the topographic limitations imposed by steep canyon sides. Examples of development that a Supplemental DEIS must take into account include: -The Town of Minturn has developed and is expanding a significant network of trails. See the Town of Minturn 2009 Community</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

<p>Plan at 21-22, available at: https://www.minturn.org/sites/g/files/vyhlf3486/f/uploads/2009communityplan.pdf -The rail line runs through the downtown Avon, which has been developed as a pedestrian and bicycle zone that is a significant focus of resident and visitor activity. See the Town of Avon's website at: https://www.avon.org/2038/Free-Spaces-to-Explore. -The Town of Buena Vista is bisected by the rail line, and any slow or stopped trains that block at-grade crossings would hamper emergency response. -In general, the re-introduction of freight rail service will drive additional expense and impose the administrative burden on municipalities of training local first responders to address rail-related accidents and incidents.</p>	
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Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-02)

Comment	Response
<p>WIRT earnestly encourages and requests STB to: 1) Include these and all of our written objections and enclosed information in the public record for the draft EIS and related project comment periods, 2) Extend this public comment period an extra 30 to 90 days, due to the ongoing COVID-19 pandemic, 3) Hold additional, open, public hearings in the most project- impacted communities, conducted by phone and online, 4) Better assess the regional significance, scope, and precedence of this project, through a revised and/or supplemental draft EIS and its public input processes, 5) Perform a more community-preferred, scientifically rigorous, independent, unbiased, full environmental study examining this controversial project, and 6) Reject the Uinta Basin Railway, as an unnecessary and harmful, fossil fuel infrastructure fiasco.</p>	<p>Regarding item 1), OEA confirms it received Wild Idaho Rising Tide’s written comment letter, which has been assigned submission number UBR-DEIS-00704. OEA’s responses to the comments associated with submission UBR-DEIS-00704 are contained in this appendix.</p> <p>Regarding item 2), please refer to response to Comment UBR-DEIS-00023-1 above.</p> <p>Regarding item 3), please refer to Subsection 5.1.2, <i>Draft EIS Public Comment Period</i>, which describes public involvement during the environmental review process leading to the issuance of this Final EIS. OEA provided a full opportunity for public participation in these meetings and does not believe that additional meetings are necessary.</p> <p>Regarding items 4) and 5), OEA, in close consultation with cooperating agencies, has conducted an extensive analysis of the potential environmental impacts of the proposed rail line as required by NEPA. OEA’s analysis used scientifically valid methods and data. The scope of OEA’s analysis was informed by public comments received during the NEPA scoping process. OEA has prepared this Final EIS in response to public comments received on the Draft EIS. This appendix, Appendix T, <i>Responses to Comments</i>, includes public comments and OEA’s responses to each comment, including what, if any, changes OEA made to the Final EIS in response to comments, by EIS chapter or section.</p> <p>Regarding item 6), OEA acknowledges the commenter’s objections to the proposed rail line. No changes to the EIS in response to this comment are necessary.</p>

Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-11)	
Comment	Response
<p>While belatedly sending a WIRT-recorded, audio file of the December 1, STB hearing on the project, WIRT noticed and shared three Colorado news articles and opinion pieces about the Uinta Basin Railway with fellow, oil train resisters, who have been protesting for a decade the still mostly undeveloped, only tar sands mine in the U.S., another likely beneficiary of construction of the Uinta rail line. Coloradans are not only opposing Utah oil trains, but forming government and nonprofit coalitions prepared to litigate another proposal to reopen 20-years- defunct, Colorado tracks that they suspect would bring bomb trains through mountain valley communities, in a state already overrun by coal trains from mines in northwest Colorado and nearby Wyoming [Footnote 18: Digest: Colorado Town Will Help Fund Legal Challenge to Tennessee Pass Revival, January 18, 2021 Trains https://trn.trains.com/news/news-wire/2021/01/18-digest-colorado-town-will-help-fund-legal-challenge-to-tennessee-pass-revival; Footnote 19: Guest Opinion: Oil Trains through Our Valley Could Spell Disaster, January 21, 2021 Ark Valley Voice https://arkvalleyvoice.com/guest-opinion-oil-trains-through-our-valley-could-spell-disaster; Footnote 20: Opponents Urge Federal Board to Reject Revival of Tennessee Pass Railroad along Arkansas, Eagle Rivers, January 22, 2021 Colorado Sun https://coloradosun.com/2021/01/22/tennessee-pass-railroad-colorado-midland-pacific-opposition-chaffee-lake-eagle-county]. In its second comment period extension notice, STB says: OEA is extending the comment period for the draft EIS, in response to a request from Eagle County, Colorado [Footnote 21: Eagle County Motion for Extension of Time and Petition for Reconsideration, January 25, 2021 Surface Transportation Board http://www.uintabasinrailwayeis.com/comment_submissions/UBR-DEIS-00450.html]. Eagle County states that the comment period should be extended due to a recent request in docket number FD 36471, from Colorado, Midlands, and Pacific Railway Company (CMPR), for [Surface Transportation] Board authority to lease and operate a rail line in Colorado known as the Tennessee Pass Line, which has had no rail traffic in more than 20 years. According to Eagle County, stakeholders in Colorado are concerned that rail traffic from the Uinta Basin Railway, including unit trains carrying crude oil, could travel on the Tennessee Pass Line, if both the</p>	<p>Please refer to Summary Response 5: <i>Tennessee Pass Line</i>.</p>

proposed construction and operation of the Uinta Basin Railway and the proposed lease and reactivation of the Tennessee Pass Line were to move forward. Eagle County requests an extension of the comment period, to allow localities and other stakeholders along the Tennessee Pass Line to have the opportunity to evaluate potential impacts. The Seven County Infrastructure Coalition, the project applicant for the Uinta Basin Railway, and Rio Grande Pacific Corporation, the proposed operator of the Uinta Basin Railway and the owner of CMPR, state that there are no plans to transport oil originating from the proposed Uinta Basin Railway on the Tennessee Pass Line [Footnote 22: Rio Grande Pacific Corporation Verified Statement, January 26, 2021 Surface Transportation Board http://www.uintabasinrailwayeis.com/comment_submissions/UBR-DEIS-00447.html]. According to Rio Grande and CMPR, the primary objective of the proposed lease and reactivation of the Tennessee Pass Line would be to provide passenger rail service, and it would not be practical or economical to transport oil on the Tennessee Pass Line [Footnote 22: Rio Grande Pacific Corporation Verified Statement, January 26, 2021 Surface Transportation Board http://www.uintabasinrailwayeis.com/comment_submissions/UBR-DEIS-00447.html]. OEA is nevertheless providing a 15-day comment period extension, to allow Eagle County and other concerned stakeholders to further evaluate and comment on the draft EIS for the proposed Uinta Basin Railway [Footnote 17: Extension of Comment Period for the Draft Environmental Impact Statement, January 28, 2021 Surface Transportation Board <https://files.constantcontact.com/c18cf65c601/108b391b-e2a7-461a-bc4a-418e1b9e54f3.pdf>]. With residents of the four-state Northwest and now Utah and Colorado directly impacted and/or frightened by the prospects of further oil train derailment disasters, like in Lac-Mégantic, Quebec, in July 2013, Mosier, Oregon, in June 2016, and Custer, Washington, in December 2020, fossil fuels frontline activists suggest that STB exercise reticence in approving the Uinta Basin Railway that could similarly invade and devastate Utah's outstanding river valleys. On the shores of Idaho's largest, deepest lake, Pend Oreille, WIRT accordingly also dreads Burlington Northern Santa Fe (BNSF) Railway infrastructure expansion, as later explained in these comments. We plan to persuade President Biden's selected cabinet member, Secretary of Transportation Pete Buttigieg, to banish decades-long but soon-obsolete, coal and oil trains from

<p>American railways, the hasty haulers of the fossil fuel industry's increasingly stranded mine, well, and production assets, and to advance more sustainable and less destructive energy alternatives.</p>	
<p>Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-12)</p>	
<p>Comment</p>	<p>Response</p>
<p>In conclusion, WIRT activists offer our perspectives and experiences of the constant pollution, noise, and terror that fossil fuels and hazardous materials trains violently and unilaterally impose on small, trackside communities: trauma that residents and businesses along all of the proposed Uinta Basin Railway routes will likely suffer if STB approves this project. In downtown Sandpoint, Idaho, the WIRT office overlooks the BNSF tracks only 700 feet away, well within the deadly, 2,640-foot blast zone of fiery, exploding, derailed, oil trains. This lakeside city endures about 60 trains per day on the rail line that BNSF is expanding to increase its traffic capacity up to 100 trains per day, including coal, oil, and other freight from converging Montana Rail Link (MRL) tracks, and in addition to cargo on the dangerously at-grade, bisecting, Union Pacific (UP) Railroad line. As the largest, freight railroad network in North America, BNSF carries intermodal and manifest containers and bulk cargo, such as grain, coal, and crude oil, and burns the second largest volume of diesel fuel in the country, behind the U.S. Navy, spewing carcinogenic diesel emissions and toxic coal dust into the Clark Fork-Pend Oreille air and water sheds that contribute over 40 percent of the water to the Columbia Basin drainage. As WIRT and other Northwesterners have directly experienced, railroad accidents will predictably and profusely happen on Utah's heedless, needless, oil train bridge to nowhere. Within much less than the length of the proposed Uinta Basin Railway, BNSF, MRL, and UP wrecked nine trains in four years, within a 50-mile radius of Sandpoint in north Idaho and western Montana. Major derailments and collisions included: 1) a fatal, UP crash into a vehicle with two teenagers in a Post Falls, Idaho, on February 7, 2017, 2) a mountainside slide toward a river dam of a UP, grain train above Moyie Springs, Idaho, on March 15, 2017, 3) a derailment over a washout into Lake Pend Oreille of an empty, BNSF-MRL, coal train in Ponderay, Idaho, on March 17, 2017, 4) another, injurious, UP encounter with teenagers in a vehicle in Rathdrum, Idaho, on April 13, 2017, 5) a BNSF, grain train wreck near a historic, Cocolalla, Idaho, barn on May 1, 2017, 6) a derailment and dump of 7,000 pounds of coal into a Heron, Montana, river reservoir with endangered fish on August 13, 2017, 7) the</p>	<p>Please refer to Section 3.2, <i>Rail Operations Safety</i>, which includes information on potential rail safety impacts from operation of the proposed rail line, including downline impacts. Please also refer to Summary Response 2: <i>Rail Accident Analysis Methodology</i>, which describes the methods OEA used to analyze risk of rail accidents. Section 3.3, <i>Water Resources</i>, includes information regarding potential impacts on water resources from accidental spills of hazardous materials. Information regarding potential impacts from noise are discussed in Section 3.6, <i>Noise and Vibration</i>. Please also see Summary Response 1: <i>Downline Impacts Analysis Methods</i>. Accordingly, no changes to the Draft EIS are warranted in response to this comment.</p>

submersion, 2,000-gallon diesel spill, and cross-river removal of two BNSF, mixed freight train locomotives in the Kootenai River, upstream of an indigenous fish hatchery and Bonners Ferry, Idaho, on January 1, 2020, 8) a fire under a combustible, coal car in Sandpoint, on June 4, 2020, and 9) an empty, grain train collision with a loaded log truck near Samuels, Idaho, on Election Day, November 3, 2020 [Footnote 23: BNSF TRAIN WRECK ANNIVERSARY & YEARLONG SNAFUS! January 1, 2021 Wild Idaho Rising Tide <https://www.facebook.com/wildidaho.risingtide/posts/1949412631874901>]. The January 1, \$3.55 million, BNSF locomotive disaster, arguably the worst of all these accidents, may have caused downstream, drinking water contamination that has emerged during the last month. It also underscores the potential for all fossil-fueled trains, no matter their cargo, to inflict seemingly endless, reckless risks, endangerment, and damages on trackside communities, especially in river and lake valleys of the mountainous West prone to rock falls, mudslides, floods, and wildfires. But the February 13, 2020, CSX, ethanol/sand train crash into an eastern Kentucky landslide and river serves as a horrific omen of similarly possible, but more destructive, regional incidents involving oil trains moving through eastern Utah and crossing north Idaho [Footnote 24: Fiery Train Derailment in Pike County, Kentucky, Spills Ethanol into River, February 13, 2020 WBIR <https://www.youtube.com/watch?v=Y1ouZo1Mvmjs>]. Every day, BNSF hauls about three fully loaded, mile-long, volatile, Bakken crude oil trains along the remote, Highway 2 corridor, beside mountainous Glacier National Park and the Flathead River, and through rugged, Kootenai River canyons in Montana and north Idaho. If the January 2020, rockslide-caused, BNSF locomotives derailment, diesel fuel spill, and cross-river removal in endangered fish habitat had ignited and engulfed oil or ethanol tank cars, it could have trapped crew members in a flammable locomotive submerged in a fiery river, like the CSX crash. A similar scenario could arise instantaneously on the Utah Basin Railway, among its more numerous oil trains. Despite all of these railroad snafus, BNSF is risking additional, community harms with its construction since September 2019 of the 2.2-mile Sandpoint Junction Connector project in and near downtown Sandpoint, doubling tracks and building three parallel rail bridges beside a historic, active, passenger train station, over Sand Creek and Bridge Street to popular City Beach Park, and almost one mile across Lake Pend Oreille. Driving 1000-plus

<p>piles into lake and creek beds for temporary work barges and second railroad bridges, BNSF is accommodating passage of more derailment-vulnerable, bi-directional, and double-long trains through threatened bull trout critical habitat, regional drinking water, and accumulated railroad pollution. As with the Uinta Basin Railway proposal, grassroots, WIRT, #No2ndBridge, and allied activists continue to denounce, observe, photograph, and document this infrastructure expansion and increasing numbers of westbound, BNSF, unit coal and oil trains and derailments that jeopardize environmental and public health and safety, as these climate disrupters rampage otherwise idyllic, Northwest enclaves, toward West Coast export terminals and refineries.</p>	
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Notes:

EIS = Environmental Impact Statement; OEA = Office of Environmental Analysis; NAAQS = National Ambient Air Quality Standards; Board = Surface Transportation Board; C.F.R. = Code of Federal Regulations; Coalition = Seven County Infrastructure Coalition; NEPA = National Environmental Policy Act; FD = Finance Docket; UDOT = Utah Department of Transportation; UP = Union Pacific; Basin = Uinta Basin; U.S.C. = United States Code

Table T-27. Comments and Responses—Support and Opposition

Robin Davidson (UBR-DEIS-00004-1)	
Comment	Response
<p>I fully support the Uinta Basin Railway. The state of Utah NEEDS to shore-up the Oil/Gas industry and make the Utah crude oil more accessible to other markets. The Uinta Railway will keep the Utah O&G industry healthy for many years to come. FULL SUPPORT</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Duchesne County Chamber of Commerce, Carole Gibson (UBR-DEIS-00006-1)	
Comment	Response
<p>in my opinion, the proposed Railway to serve the Uintah Basin offers multiple use hauling of commodities, products and will address a wide verity of needs particular to The Uintah Basin. I am 100% on board (no pun intended) in favor of this project. I believe the coalition has engaged in many studies, recognized and acknowledged the demands of regulations in order to identify the most environmentally low impact route. I'm excited to see this project begun and come to full fruition.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Roosevelt Economic Development Committee, Kason Goodrich (UBR-DEIS-00007-1)	
Comment	Response
<p>I highly recommend the railway be approved for construction using the Whitmore Park Alternative as identified as the best route in the draft EIS. All projects will have some environmental impact but this route provides the best alternative to mitigate as much impact as possible. I have lived in the Uintah Basin for most of my life and have experienced the boom and bust cycles that come with oil production and a non-diverse economy. Over the years the Uintah Basin has improved its infrastructure in many ways but lacks major infrastructure for importing/exporting goods to and from major economic centers. There have been many who have voiced both opposition and support for a railroad in the Uintah Basin. I add my support for the</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

railroad based on the following factors: I have been involved in discussions with outside manufacturers who would love to bring or expand their business in the Uintah Basin if they had rail or interstate access. I see many Requests for information (RFI's) from potential business looking to start, expand their imprint, or grow their business. In those RFI's the Basin can meet all but one expectation; access to Interstate or Rail. Many opponents of the rail have stated "we need to work on diversifying our economy without the rail." Interstate is not a viable or cost effective option in the Basin but rail is both viable and economical. With a new inland port being built in Salt Lake City, efficient rail access to that area is critical to helping the Uintah Basin get into regional, national, and global markets. As the Greater Salt Lake Area and Silicon Slopes continues to develop and grow it will be important for surrounding rural areas to be able to provide support industry for that growth. The railroad will aid in our ability to receive and distribute products efficiently and cost effectively. The railroad will provide more options for distributing oil products. Opponents argue that the boom and bust of oil will never stop. That is probably true but during bust cycles the Railroad would still provide more options for distribution of waxy crude which has many diverse applications above and beyond just fueling cars, trucks, and semis. The railroad will provide an outlet for natural gas. Currently the Basin has some of the greatest natural gas reserves in the United States. As natural gas is becoming an alternative fuel option the ability to export that product will be extremely important. The railroad would provide an effective and efficient way for that. Opponents have argued that crime will increase, truck traffic will increase, and our current roads will not be able to support the increased traffic. This demonstrates their lack of understanding and knowledge about what actually happens in the Basin. We have dealt with the truck traffic during many boom cycles. Our roads have fared just fine and crime has remained lower than other areas in the nation. Truck traffic will increase within established oil field roads but will not have a major impact on surface streets. Opponents have also made false claims that truck drivers will lose their jobs. This is not true. The need for truck drivers remains constant. There is actually a national shortage of truck drivers. There is enough oil in the basin to keep rail and trucks busy. Opponents have complained that the only reason they don't become full time residents is due to a lack of educational opportunities in their recreational areas. They emphasize the importance of having quality educational opportunities. What they don't realize is that the production of oil and the sale thereof funds over 50% of education in the State of Utah. Oil production and export is vital not just to the Basin but to the entire state.

Logan Welding Inc., Mark Logan (UBR-DEIS-00008-1)	
Comment	Response
This rail needs to be built!	OEA notes this comment. No changes to the Draft EIS are warranted.
Jeff Miller (UBR-DEIS-00009-1)	
Comment	Response
I oppose this project because of the unnecessary risks to the environment. This is amazing and beautiful country that there will be no amount of reclamation that will be able to restore it properly. Eventually the oil fields will no longer be productive or economical.	OEA notes this comment. No changes to the Draft EIS are warranted.

Aline Devaud (UBR-DEIS-00011-1)	
Comment	Response
I understand the need for jobs. I do not support the Uinta Basin railway because of the damage it will do to the Uinta basin natural area and its wildlife. Wildlife and wild land preservation is crucial to everyone's survival and our efforts to slow down and halt climate change is essential. Wildlife need wild corridors to thrive. Please don't put these jobs ahead of nature conservation. If you do, we'll be putting money from oil extraction and transport ahead of our planet's health and our own.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mathias Sanyer (UBR-DEIS-00012-1)	
Comment	Response
To whom it may concern, I have grown up camping, fishing, hunting and skiing in the Uintah's. They mean so much to me, and this railroad is travesty against this place. The Uintah basin and mountains are already greatly impacted by humans and industry, and I believe the balance needs to be maintained. This excessive railroad is completely unnecessary; no one but wealthy developers and their friends in the legislature wants this. It will destroy a beautiful place, poisoning water and air key for the biodiversity and human life around the Uintahs. Please, put development money towards the future, not environmental destruction and fossil fuels. This is not about long term production, but instead short term developer gain. Don't build a rail road.	OEA notes this comment. No changes to the Draft EIS are warranted.
Irene Upyirs (UBR-DEIS-00013-1)	
Comment	Response
I recommend we scrap this proposed railway and adopt the New Green Deal immediately. The continued use of fossil fuels is costing the taxpayer more in dealing with wildfires, flooding, and other climate change problems caused by the fossil fuel industry. Republicans are protecting this one industry and it's oligarchs at the expense of the world's health and the taxpayer. Do not continue to deny climate change like with the Covid. We all know what is going on with the fires the floods, the encroaching sea, the Covid deaths, none of the misinformation is working, only hurting the GOP as evidenced by the 2020 election	OEA notes this comment. No changes to the Draft EIS are warranted.
Michael Durrant (UBR-DEIS-00014-1)	
Comment	Response
Please allow the construction of the railway to go through. No other action will have longer lasting benefit to the residents of this community than having inexpensive, safe, and reliable transportation into and out of the Basin. Transportation is key to the success of any community and has hampered the success and development of the uintah basin for the past 100 years. Thanks for your consideration	OEA notes this comment. No changes to the Draft EIS are warranted.
Brad Hafen (UBR-DEIS-00015-1)	
Comment	Response
I support this rail project, and I am willing to do whatever I can to help.	OEA notes this comment. No changes to the Draft EIS are warranted.

Rodney Prows (UBR-DEIS-00018-1)	
Comment	Response
I've looked through the EIS and I am in favor of building the Uinta Basin Railroad	OEA notes this comment. No changes to the Draft EIS are warranted.
Jason Newman (UBR-DEIS-00020-1)	
Comment	Response
This is a waste of time and money. A few county commissioners will get rich and the tax payers will get stuck holding the bag. If this is such a great idea why isn't price Utah a thriving metropolis?? Don't do it!!	OEA notes this comment. No changes to the Draft EIS are warranted.
Cheri McCurdy (UBR-DEIS-00024-1)	
Comment	Response
I am in support of the Uinta Basin Railway Project. Every year, railroads save consumers billions of dollars while reducing energy consumption and pollution, lowering greenhouse gas emissions, cutting highway gridlock and reducing the high costs to taxpayers of highway construction and maintenance. Freight railroads mean more jobs and a stronger economy. This is greatly needed in the Uinta Basin as transportation has always been a major issue in getting our commodities (primarily oil and gas) out. This would diversify a historically struggling economy and provide stability to those that call the Uinta Basin home. I can see a brighter future with the Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brian Gorum (UBR-DEIS-00025-1)	
Comment	Response
After reviewing the EIS, I am in favor of moving forward with the Uinta Basin Railway!! The economic growth in The Basin and the positive impact on our local economies will far outweigh any negative impacts on the environment. I look forward to see the train in our near future.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karen Howcroft (UBR-DEIS-00026-1)	
Comment	Response
I just want to say that I think the railroad is so important to the economy in Uintah Basin area. There are so many people out of work and so many people and businesses hurting and closing. The railroad will help bring work to our area. There will be environmental effects no matter which way the railroad goes, but when you weigh that against the damage that it will cause to the people who live here its not really an issue. The good for majority of the People must be considered too! There are railroads networking all across the nation and it has helped bring prosperity to every place they touch! With Joe Biden as our future president and dealing with the higher taxes he has promised, we are going to need more help than ever to keep our citizens working and being able to feed and house their families, and help keep our businesses from going bankrupt. The railroad will provide much needed help. Please pass the building of this railroad! We need it- we need it- we need it! Thank you Thank you for all the work you all have put into this project and the vision you have for prosperity for all of us.	OEA notes this comment. No changes to the Draft EIS are warranted.
Suzanne Stensaas (UBR-DEIS-00027-1)	
Comment	Response
To the Board: There will be less demand for coal. The price is not competitive. There is no need to build a railroad or to use tax payers money. I oppose.	OEA notes this comment. No changes to the Draft EIS are warranted.

Kirt Williamson (UBR-DEIS-00028-1)	
Comment	Response
Lets get serious. According to all the science organizations and university departments that focus on Climate issues, heat trapping gasses in the atmosphere pose a serious threat to civilization as we know it. That is the Truth. Humanity needs to get serious about reducing our use of fossil fuels. The good news is renewable energy innovation--solar panels, battery storage, Electric vehicles, are making great strides in helping us convert out of the extraction industrial monopoly. The extraction industry has donated millions of dollars in their ploy to buy the votes of Republican politicians and as a result Washington has failed to enact legislation that would reward and facilitate the conversion to renewable energy. Here in Utah Republican politicians reap the reward of supporting the extraction industry by continuing to deny the reality of Climate Change and thwart movement towards the needed solution. But, as temperatures and sea levels continue to rise, as permafrost thaws and sea ice in the arctic, antarctic melts away, as wild fires get more and more intense, as droughts get worse and crops wilt and die, as our incessant pumping of the Aquifers results in dry wells and empty reservoirs, eventually the extraction industry will run out of money to buy votes and Republican intransigence will wither and die as they are voted out of office by the younger generations whose lives will be greatly impacted. Therefore, please do not allow the construction of this proposed 85 mile long rail spur that will soon be obsolete.	OEA notes this comment. No changes to the Draft EIS are warranted.
Francesca Hansen (UBR-DEIS-00029-1)	
Comment	Response
Appreciate your allowing comments from the public on this issue. I realize i reside in WA State and not Utah, and I also realize this railway would probably bring jobs to the area and help the economy HOWEVER i don't believe that would be worth the impact to the environment and especially the wildlife if this project actually got the green light. We have to think about the future, and what type of world we leave behind. I believe this would be devastating to the wildlife and do not believe the monetary value should take precedence over the flora and fauna. I hope i am not the only one who lends their voice to this issue. Thank you for your time and consideration	OEA notes this comment. No changes to the Draft EIS are warranted.
Keltek Specialty Tool Design & Mfr. Inc., Annette Keller (UBR-DEIS-00030-1)	
Comment	Response
Hi, I have spent many years in Utah and appreciate its variety of natural landscapes. As a nation we need to protect these. Building a railroad to take oil, which should be left in the ground, and send it out of the country so some people who don't care about Utah can get richer is unconscionable! Conservatives who usually support these type of projects are living like the people who shot all the buffalo while claiming to have family values and laying claim to the word "conserve"! Not only are we trashing our own country for the benefit of a few who don't care, but we are selling the feedstocks of future generations. How will they find the feedstocks to make things - mine the dumps? Please visualize this situation! Thank you.	OEA notes this comment. No changes to the Draft EIS are warranted.
Capstone Commercial Finance, Brent Lawyer (UBR-DEIS-00031-1)	
Comment	Response
I support the initiative as proposed to promote economic development and job creation in the Uintah basin. I am in favor of this project. The project as proposed has done a good job of addressing environmental concerns and	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>minimizing environmental while also meeting the development needs of the population of the Uintah basin. Using Whitmore Park rather than the alternatives is a better route altogether as it reduces the impact even further compared to the other alternatives, thereby protecting water resources and the sage grouse population. Please approve the project as recommended</p>	
<p>Sally Weigel (UBR-DEIS-00032-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am writing to express my strong opposition to the Uinta Basin Railway. With this project, 28 million dollars of public funds will be used to the benefit of oil companies and to the detriment of our public health. This railway will greatly increase oil and gas extraction in the region, which we know will poison the Uinta Basin's air and water and harm people and wildlife. We are investing in a risky and harmful project and essentially giving an interest-free loan to a private industry. Those funds should be used to benefit our communities, not benefit extractive industries. We need to stop all projects that will further promote oil and gas extraction as we have essentially ten years to combat the worst effects of climate change. The fact that we are looking to give more funds to an industry that only harms us is extremely unnerving. We need to be putting our funds into clean, renewable energy and if anything, high speed rail that transports people, not more oil and gas.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Roy Patel (UBR-DEIS-00033-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I support the initiative as proposed to promote economic development and job creation in the Uintah basin. I am in favor of this project. The project as proposed has done a good job of addressing environmental concerns and minimizing environmental while also meeting the development needs of the population of the Uintah basin. Using Whitmore Park rather than the alternatives is a better route altogether as it reduces the impact even further compared to the other alternatives, thereby protecting water resources and the sage grouse population. Please approve the project as recommended whitmore park is the rout</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Judy Mallory (UBR-DEIS-00034-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am writing in regards to the 85 mile Uinta Basin Railway. I disagree, please preserve this beautiful and natural habitat. I suggest decreasing carbon output and diversify your resources to greener energy</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Dave Karschner (UBR-DEIS-00035-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Thank you for the continuing updates, I am very excited about this project and hope it continues to completion.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Mike Stengel (UBR-DEIS-00036-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I cannot express enough how important this project is to the future of the Uintah Basin economy, which is largely dependent on revenue from oil and gas companies. While the railroad will greatly increase the export of oil from the basin, it also does another thing that will allow the opportunity to connect with the rest of the world. Allow for the Uintah basin to compete with other oil suppliers, and allow opportunity for manufacturing, both inbound raw materials, and export of finished goods. This project allows for additional</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>opportunity for the basin to bid for the Utah inland port that is currently being worked on by Utah legislators. Every rural town in Utah has a railroad which supports the economy. This project is 90 years late, and couldn't have come at a better time. I have taken the time to read through the draft EIS and I appreciate the time and care that has been put into the report. I believe we have a solemn responsibility to be good Stewards of the land and resources. I'd like to thank each organization that has work diligently in creating this document. I have reviewed the environmental and mitigation factors in this report and feel that SCIC has not only done a good job in considering these routes, they have done a fantastic job listening to the concerns of land owners and making changes where possible to accommodate their concerns. Based on the information in this report, I ask that the STB approve the draft EIS and pave the way for the construction of the Uinta Basin Railroad, without further delay. I fully support the railroad project and ask the the STB approve the Uinta Basin Railroad so that the SCIC can begin construction. This means so much to the families of the Uintah Basin. I'd like to publicly thank Mike Mckee with SCIC for his leadership on this project. Without Mike this project would not have happened. He is a friend to the people of the Uintah Basin.</p>	
Chelsea Solorzano (UBR-DEIS-00037-1)	
Comment	Response
<p>Hello, I do not support the Uinta Basin Railway project. As a country, we must make conscious efforts to support infrastructure and projects that support CLEAN AIR and a healthier environment. We have pillaged Mother Earth enough -- we do not need this train; the environmental impacts will be far worse than the possible travel convenience it may have. I vote NO on continuing with this project. Thank you.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Anna Raven (UBR-DEIS-00038-1)	
Comment	Response
<p>I support the railraod!!!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Ashley Communications Inc, Steven Evans (UBR-DEIS-00040-1)	
Comment	Response
<p>I have owned and operated radio stations in the Uintah Basin for over 25 years. I have also served in many community service organizations including president of the Vernal Area Chamber of Commerce. These experiences have provided me the opportunity to consult with numerous local retail business owners about the challenges they face. The Uintah Basin is the most challenging place to do business in the State. This is due to the cyclical nature of the extraction industry which is the primary source of local jobs. Although we have huge amounts of energy resources here, producers are limited due to the inability to transport product to market. Additionally, they are limited to selling their product to the North Salt Lake refineries who monopolize prices by placing big discounts on Uintah Basin Crude. The proposed railway will not influence the market price of oil however, it will place crude exported from the Uintah Basin in a competitive market environment and help to stabilize the industry. The Uinta Railway would allow producers the ability to transport to national and international markets, thereby, allowing the free capital system to work by creating a competitive bid for energy products produced in the Uintah Basin. Utah's population is estimated to double by the year 2050. Communities along the Wasatch Front (SLC, Ogden, Provo) are already struggling with the unprecedented growth of the past decade. There</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>simply isn't room to meet this projected demand. The Uintah Basin has an able workforce and room to grow. The Uinta Railway would provide a means to expand and diversify our local economy by creating local jobs and through mineral lease revenue, a means to build our local infrastructure to meet the foretasted State growth. With the ability to transport goods and services via rail, our economic development offices will then be able market this growth toward the Uintah Basin where we have an amble workforce, transportation, and affordable land. With a stable economy comes more stable families. With this last phase of energy layoffs, hundreds of families from throughout the Uintah Basin have been separated as the family's primary breadwinner has been forced to leave the home to work a 10 on 10 off shift in another energy producing state. Local crime statistics prove that when there is a downturn in the local economy, crimes involving substance abuse, domestic violence and juvenile truancy increases. The Uinta Railway will help mitigate these social problems by creating economic diversity and the development of local jobs. My wife Lisa and I have 6 children and 12 grandchildren. Four of our children have had to find work outside of the Uintah Basin. They have each expressed a desire to move closer to home if they could find a job to support their families. On behalf of local businesses and the many families affected by our unstable energy - based economy, I urge your support for the Uinta Railway project. Thank you for taking my comments under consideration.</p>	
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Argyle Wilderness Preservation, Margaret Bringham (UBR-DEIS-00041-1)

Comment	Response
<p>Thousands of tired, nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home; that wilderness is a necessity." - John Muir Ever had a week where you felt tired and nerve-shaken? Or is that the norm? Maybe you need to unplug. Get away. Go to the mountains. Sometimes we think that life has become a fast-paced frenzy, but Muir points out that this was a problem decades ago. His solution? Go to the mountains. - Social Hiker trail guide. Around thirty years ago after packing up our kids and tent trail for a fun week-end at one of Utah's campgrounds we had to come back home because every place we went was full. After that disappointing experience we started looking for recreational property to buy. We looked at several pieces within a few hours from our place but almost gave up after a few years until we found Indian Canyon Summit and Argyle Canyon properties. Vern, the original surveyor and then Real Estate agent, took us to three properties for sale. We started getting excited because past properties didn't have the pine trees we wanted. We asked him if there was anything with both shade, sunshine and pine trees. Shade for Kent and sun for me. When we drove into our future place we felt like we were on sacred ground. We spent every liquid dollar we had to buy it. That was twenty seven years ago. We love going to "the property". We have had multiple reunions and many wonderful memories. Last summer I counted 15 cars ,2 trailers and around 17 tents. Our place is frequented by deer and elk plus a variety of migrating birds, chipmunks, rabbits and squirrels. One grandson called it "deer poop property". Imaginations run wild and the little people have build multiple "forts", and before the fire of 2012 the grand kids found enough dead trees for a zoo that they proudly introduced their parents to. There was a pirate ship and a sea-saw. The teenagers have sufficient room to be away from the crowd and build friendships that otherwise wouldn't have happened. The adults siblings and spouses circle up for chatting and table games. At night we share talents and skits and we don't need to be quite by 10PM which means that they could tell scary stories in the dark. It becomes a place for the young and old to find commonality. The discovery of beaver</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>ponds and little dribble water falls was a delight for years. Kent and I could sit in our trailer and watch the chipmunks chase each other and ground feeding birds looking for food. It is soothing and healing. To me, the most powerful reason for not building in Argyle Canyon is the report given during by a former coal miner/property owner about the instability of the mountains in this area. Men were injured/killed by a gas explosion during an exploratory operation to build another coal mine. At 2:48 a.m. on Aug. 6, 2007, University of Utah Seismograph Stations recorded a seismic event measured at 3.9 on the Richter scale near the Crandall Canyon Mine, Nearly an hour later, the Emery County Sheriff's Office is alerted of a mine collapse that has left six men trapped. It was later discovered the collapse caused the seismic activity. "This mine is going to be sealed and closed. I will never go back in there," Murray told NPR in an Aug. 23, 2007 interview. "The mountain is alive, it's a deadly mountain and I'm not going near it. Who is to say that Uinta Basin RR project will not cause more seismic events and destruction to the Area.</p>	
Pat Annoni (UBR-DEIS-00042-1)	
Comment	Response
<p>Construction of the 85-mile railway would have major impacts in and of itself, and the all the new drilling and fracking it would purportedly induce would be even more catastrophic for the region's air, water, wildlife and wildlands, causing a massive new release of greenhouse gases, exacerbating the ongoing climate crisis</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
OKOKOK Productions, Katherine Hunter (UBR-DEIS-00046-1)	
Comment	Response
<p>I am writing to voice my concerns and objections to the almost 28 million dollars in CIB public monies that have been given to the Seven County Infrastructure Coalition for the purpose of constructing the Railway to increase the production and transportation of fossil fuel extraction in the Uinta Basin. By law, CIB funds are required to serve communities by alleviating the impacts of mineral extraction on nearby public lands; instead, they are being given in a huge lump sum to help private oil companies extract and transport more oil. The project's backers (a Public Private Partnership" agreement with Drexel Hamilton Infrastructure Partners and the Seven County Coalition) have continually failed to involve the public, including landowners in the path of the railway, in what should be a public process about how public money is being spent has turned into a give-a-way to a private corporation. The State is always crying out for more revenue yet here we are subsidizing a private industry</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
OKOKOK Productions, Katherine Hunter (UBR-DEIS-00046-4)	
Comment	Response
<p>WASTE: Public money is being misspent to push the Uinta Basin Railway forward instead of investing in diverse economic strategies to make struggling rural communities independent from exploitive fossil fuel industries. BOOM & BUST: This misguided proposal would make the Uinta Basin even more captive to the fickle global price of oil, and would drag the region's economy deeper into an unhealthy dependence on fossil fuel extraction.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Harshadrai Patel (UBR-DEIS-00047-1)	
Comment	Response
I am in Favor off uintah rail project. and i prefferd whitmore park as a prefferd rout	OEA notes this comment. No changes to the Draft EIS are warranted.
Utah Royalty Owners Association, Allan Smith (UBR-DEIS-00048-1)	
Comment	Response
As President of the Utah Royalty Owners Association I submitted our support for the Seven County Infrastructure Committee (SCIC) proposal to build a rail line connecting the Uinta Basin with nation's interstate rail system both orally and written at the Scoping meeting on July 18th, 2019 in Roosevelt, UT.	OEA notes this comment. No changes to the Draft EIS are warranted.
Utah Royalty Owners Association, Allan Smith (UBR-DEIS-00048-3)	
Comment	Response
The Uinta Basin Railway project is the most important socioeconomic event affecting us and would provide economic stability, well-paying jobs from construction and operation of the rail line, consistent, all-weather freight in to the Basin like Frack Sand, oil industry and farm machinery plus incentivize new businesses to come to the Uinta Basin providing an increased tax revenue. Our Association is proud of our Ute Indian Tribe neighbors for being in favor and part of the Uinta Basin Railway which will safely transport Yellow and Black Crude Oil to more refineries and markets not presently available. We have reviewed the affected Environmental Consequences addressed in Sec 3.1-3.15 and have full confidence that the proposed rail line can be built and operated if the actions noted in these sections are followed.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jill Merritt (UBR-DEIS-00050-1)	
Comment	Response
I object to this project because of its inevitable damage to air and water. Air pollution in the Uinta Basin already exceeds federal standards because of existing oil and gas development in the region -- by increasing oil and gas development, this project would make it worse. The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the entire area with 443 stream crossings, impacting over 61 miles of streams and 26 acres of floodplains. All the alternative routes connect to the existing railroad at the same spot: directly adjacent to important wetlands along the Price River. These are unacceptable impacts to the precious perennial waterways in our semi-arid state.	OEA notes this comment. No changes to the Draft EIS are warranted.
Adair Kovac (UBR-DEIS-00051-1)	
Comment	Response
This project will support the oil and gas industry that has already caused a miscarriage crisis in the Uinta Basin and is fueling the climate crisis. In addition, it will negatively impact the land and waterways it goes through. The negative environmental impacts of this wasteful project are clear and it's absurd to put public monies toward it.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nancy Orr (UBR-DEIS-00052-1)	
Comment	Response
I object to this project because it is a use of public funds to benefit private industry. Those funds would be better used to help diversify employment opportunities for the workers in the Uinta Basin, rather than enabling the oil and gas industry further opportunity to add to the already severe pollution levels in the area. Each time I travel through the Basin I note that the air	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>pollution is worsening, which borders on criminal for such a sparsely populated and beautiful area. I would prefer that my tax dollars be invested in infrastructure which will encourage sustainable energy development, rather than supporting companies which extract the fossil fuels and leave behind a scorched earth which must be remediated at further public expense. I grew up in Appalachia, and witnessed firsthand the greed of the coal companies which destroyed the land and polluted the air and water. The local populace made good money for a while, but were left destitute after the coal companies could no longer make a profit and pulled out of the area. It took decades of publicly funded efforts to restore the land, and the Ocoee River was so polluted that it did not support any fish or other organisms. The extreme poverty of the area remains testament to the greed of the fossil fuel industry. Please do not approve this railway.</p>	
<p>Paul Zuckerman (UBR-DEIS-00053-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I vehemently oppose the proposal to build the Uinta Basin Railway for all the environmental damage that will result. It will intrude into pristine animal habitat and waterways in our state. Animal corridors for migration and mating will be disrupted. This would follow a trend of human encroachment on wildlife habitat that promotes the threat of extinction. The expense of burning fossil fuels to our planets health and its inhabitants and the financial impacts of cleaning up our air, water and soil in the wake of transporting it and burning it is far greater than the short term gains realized by those who stand to profit. Shipping it by rail to remote parts of the world does not lessen these negative impacts on the country of origin. I stand firmly against any effort to provide life support to a fuel source that markets have shown is not economically viable on its own. This welfare effort must stop and let this source fend for itself, as all products must, in the world of economic reality and the court of public opinion. The permanent costs of this project to our natural lands and species must take precedence over human ambition.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Kristin Forbis (UBR-DEIS-00055-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>My husband and I fully support this project. We live in Vernal and believe this area has a lot to offer the world but is literally limited by transportation issues. We also believe the entire country could benefit from the energy resources located in northeastern Utah and a railway would open the door for that to happen. Thank you for your consideration and work on this project. David and Kristin Forbis Vernal, UT</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Mark Winterton (UBR-DEIS-00056-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I've looked at the lines they were looking at and knowing that the environmentalists have okayed this, I'm all for this. This will boost the economy of Eastern Utah not just for oilfield but for all aspects of the economy in Eastern Utah where we rely heavily on Oil. With the railroad maybe we can have other thriving industries pop up in the area.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>David Grainger (UBR-DEIS-00058-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>As a citizen and voter in Utah, I am very concerned with the proposed Uinta Basin Railway draft EIS. The draft focuses solely on mineral extraction as the only benefit, but public lands and diverse Utah communities and citizenry interests are profoundly and negatively impacted. Let's consider the neglect</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>from this profit-driven proposal: 1. Waterways and water quality across thousands of miles of the Utah route are needlessly risked and poorly protected. 2. Poor air quality in the Basin that is already national news and routinely exceeding federal statutes given current energy industry neglect is even further worsened. 3. Much public land is traversed without regard to current inhabitants, human or animal, nor general Utah citizen input. Easements don't accommodate needed protections for either people or wildlife. Only Uinta Basin is served. 4. Further fossil fuel-based energy extraction does not promote energy self-sufficiency nor exit from the dying fossil fuels industry or its environmental calamities. We need to move beyond oil, gas and coal. 5. Uinta Basin needs to think 50 years downline, not 5 years downline, with regard to safeguarding the welfare of its citizens and communities. This is short-sited out-of-state profit-taking proposal at the expense of the rest of Utah's 99% population that receives only adverse impact. Tax revenues are marginal compared to the environmental costs. Ultimately, the draft plan benefits few Utah residents, primarily out-of-state investors and commercial interests and a relative minority of Basin residents, while adversely impacting many other Utah citizens. This results in a lopsided, ill-conceived and disingenuous impact to Utah citizens. Most oppose it. I oppose it. Please do not support the draft or the Uinta Basin Railway EIS</p>	
Randy Clower (UBR-DEIS-00059-1)	
Comment	Response
<p>This railway has been shut down for too many years. We need this and have needed this for decades. Self interest from a couple local families have been a hinderence for the rest of us that stand to gain from a railway in the community. Job creation, economic diversity, and a sustained growth are a good thing! Please do this!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
LaRee Hurley (UBR-DEIS-00060-1)	
Comment	Response
<p>I'm a small business owner in Roosevelt, Utah. I'm writing this letter in support of the proposed railroad spur linking our community to the major line in Price, Utah. I've been in business in Roosevelt for over 10 years now and have seen the ups and downs of the economy. This area is heavily vested in oil production, but we are also a great area for farming and ranching and the possibility for other industry to build and bring job opportunities here. I believe that a railway spur would open up the possibilities immensely for industries to look to invest in this wide open area and benefit us greatly. Thank you for your time.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Utah Citizen, Paul Rogers (UBR-DEIS-00061-1)	
Comment	Response
<p>When I first heard this proposal to develop a railway corridor to the Uinta Basin I was estatic! Finally, Utah is waking up to the beauty of (actually revisiting a historical precedent) to passenger transport by rail...but then reality struck. Are you kidding me? In this time of climate crisis you would consider INCREASING oil/gas production in the Uinta Basin by up to 4x current levels? This is the 21st century; we are moving away from fossil fuels. In addition to myriad environmental problems with this proposed rail initiative, there is a purely dumb business decision: fossil fuels are on the way out. They simply have to be and more citizens are realizing this fact every day. We need to stop treating eastern Utah like the "throwaway" part of the state and prserve our clean air and (currently) suitable climate. I vehemently</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

say "no" to this project and suggest you re-work your priorities for the Uinta Basin, Utah, and the world. Thanks for hearing me out.	
STRATA Networks, Bruce Todd (UBR-DEIS-00062-1)	
Comment	Response
<p>UBTA-UBET Communications, Inc. dba STRATA Networks (STRATA) was founded in 1948 with the mission of delivering telephone service to the residents of the Uintah Basin. Today we are much more than a telephone company; we are now the Uintah Basin's telecommunications solution, offering nationwide wireless coverage, the fastest broadband internet in the Basin, advanced Cable TV, and home telephone service. Helping people connect with each other has always been our major focus. We connect people through the Internet using a state-of-the-art fiber broadband network. We believe our efforts have helped many people connect personally and professionally on a virtual level. However, the ability to connect to people through the Internet can only go so far to benefit the residents of the Uintah Basin. STRATA is in support of the Uinta Basin Railway and its efforts to provide new transportation infrastructure and cost-effectively transport goods to and from the Uintah Basin. It is STRATA's belief that this infrastructure project will promote economic stability for the vast majority of the Uintah Basin's citizens. STRATA has reviewed the draft EIS and its recommended mitigation conditions. This railway project will require many permanent project features such as communication towers and signaling and safety equipment. These permanent features will visually impact sensitive areas. STRATA has the expertise to construct and install communication towers and fiber communication lines in a manner to reduce visual impacts and in compliance with environmental regulations. The railway coalition proposes construction of up to four new communication towers. STRATA is certified and capable of constructing these communication towers in a manner that complements the natural landscape, to the extent practicable. STRATA is willing to meet the OEA's mitigation recommendations to use colors and surfacing that mimic natural features and blend into surrounding landscaping, to the extent practicable. STRATA is also cognizant of the fact that this infrastructure project will not be viewed as a positive for some business owners, ranchers, farmers, and landowners. However, most Uintah Basin residents will experience increased road safety to and from Salt Lake City, boost in local jobs, increase in economic development, and help enable sustainable communities with a higher quality of life</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Kurt McFarlane (UBR-DEIS-00064-1)	
Comment	Response
<p>I am opposed to this railroad. It is a big waste of public money and we do not need a railroad going across the mountain where I like to hunt and camp. A pipeline would be a better option. DO NOT let this go in. You can see by the attached picture that the train even kills Reindeer. We might have to cancel Christmas. Thank You</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Jim & Kim Brown (UBR-DEIS-00065-1)	
Comment	Response
<p>Good Afternoon I have been following this ridiculous proposal for years. It is inconceivable to me that this transportation build out for the oil and gas industry is even being proposed this day in age. The science is clear on global warming and pollution world wide and more importantly in the Uinta Basin where I have a home. Any money invested in oil & gas extraction is just a stupid move when the long term viability of the planet is concerned. As a</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>resident of Earth, Utah and the Uinta Basin I adamantly oppose this project and believe the residents of the Basin need to view a much bigger picture than their own personal interests. Its time to move ahead and invest in energy ideas with carbon neutral footprints. Please use a bit of common sense in these times of crisis. Thank You</p>	
<p>Kevin Rogers (UBR-DEIS-00066-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I've owned land in Argyle Canyon since 2008 and I personally built a cabin that sits within earshot of the trains that will pass through any of the proposed lines. Now I am sure that you have hours if not days of emails and comments that detail the visual, environmental, and quality of life impacts, along with the associated value-losses that this railway will impose upon the Argyle Canyon area, so I'll focus my comments on perhaps a larger issue. There's a principle in real-estate taxes called "Highest and Best Use" that basically taxes a parcel based on what it's reasonable potential might be rather than what it is. I am an owner of a multi-million dollar business in Salt Lake City. We employ 55 employees and we make internal decisions that involve the principle of Highest and Best Use every day, only in business we refer to it as "opportunity cost analysis", and rather than a government taxing us based on their view of potential, we essentially hold ourselves accountable for the ramifications of the decisions we make by enduring 100% of the consequences when we fail to identify, and act on the better option. Where I want to focus my comments is on this element. I have no doubt that the SCIC and Drexel Hamilton Infrastructure Partners have done the math and have concluded that this project will be profitable for their organizations, or in the case of the SCIC, the industries they represent. DHIP would not be where they are today if they weren't good at determining the potential costs and benefits. Where the SCIC and DCIP differ from the business that my partners and I run, is that their model largely relies on either the government (in the form of the STB or the EPA) to act on behalf of shareholders that do not have a voice within their companies, voices that may raise potential concerns that add to their cost column. These shareholders are landowners and the general public, and we bear a portion of the cost without any benefit. Our company relies on manufacturing partners across the country. We thoroughly vet these relationships as they represent a symbiotic bond in the business landscape. After personally forming dozens of these relationships, many that have lasted for decades, I can comfortably say that I know what it looks like when a company has your best interests in mind, and when they are looking to take an advantage. I have attended 8 of the SCIC meetings in-person. I can unequivocally say that their posture is not that of one seeking a symbiotic bond with the communities they hope to operate in. They have gone to great lengths (holding meetings at incredibly inconvenient times, changing meeting venues and times at the last minute, limiting comments to 30 seconds, or none at all, etc.) to make sure the community voice has been stifled. When viewed through the eyes of a businessman, this tells me one thing. Their business model doesn't require a lasting relationship with the public to make money. This alone constitutes reason for denial. Once access is granted, and the project is complete, the community voice won't be heard over the sound of oil train traffic. DHIP and the SCIC are left to reap the benefits and the costs are shouldered by the hundreds of landowners, wildlife, and outdoor enthusiasts who's lives will be forever impacted. We have to ask ourselves, with the known challenges of refining Uinta Basin crude, and with oil projected to play a diminishing role in the US energy portfolio, is the cost of this project too great to ignore? We can't simply look at the numbers</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>provided by the SCIC and DHIP determine if the "highest and best use" of this land is a future rail line. They have done their analysis, and I can guarantee that they'll come out on top. The landowners and the general public meanwhile, will pay a toll that can never be paid back. What small voice they have left, will fall on the SCIC's deaf ears. Please deny them access and be a strong voice for those who stand to lose the most.</p>	
<p>David Anson (UBR-DEIS-00070-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I have tried to look at all of the costs and benefits of this project and conclude that the significant environmental costs to the air, the water, the land, the wildlife and to humans speak loudly that it should be denied and no action taken. In addition to the local effects, there will be regional pollution increases. Also, the effect on the Ute Indian tribe was substantial for your preferred option. Finally, the spending of money reportedly earmarked to mitigate oil company damage may or may not be in your jurisdiction, but it will leave a stain on citizen's trust in government. Please take no action.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Bullriver Ranch, Thad Beal (UBR-DEIS-00072-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am in favor of the proposed Railroad linking the Uintah Basin with a national rail system. It will provide much needed Transportation to export our petroleum products. What we fail to see is the ripple effect of this transportation link. These unforeseen benefits will come but only after the rail line is in place. Men of vision have brought it to this stage against all odds from the environmental lobby. If these people had their way we would not have had the transcontinental railway either. We would not have dams or irrigation systems that feed all of us jobs and a a great standard of living the envy of the world. The same forces against this rail line have guaranteed government jobs such that they could care less about the security of our citizens. I care about the future economic health of this region and want the men, sons and grandsons of all families to be able to stay in this beautiful place to raise their families. Those that oppose this rail line say it will damage the ecology of this or that and make it ugly and noisy. I say it is they and they alone that make this wonderful place ugly and noisy with their endless doubt. Let the men of vision lay their railroad!!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Tim Negus (UBR-DEIS-00073-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am very grateful that we are considering a rail for the Uintah Basin. I have lived here for 20 years and have seen the ups and downs of the oilfield and seen many friends and family experience the booms and busts. I am in support of the rail as I feel that in addition to increasing jobs through the oil industry, I am excited about the diversity in jobs that it will eventually bring in as it will connect us to the rest of the world, where we are currently cut off due to our wonderful location. This will allow us to still enjoy the country and home that we have and help to provide diversity so that we don't constantly lose our friends and loved ones. I am 100% in support of the rail and through my profession as a banker, I work with a majority of businesses here in the basin and most feel the same way as I do. Thanks for your time!!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

William Ingalls (UBR-DEIS-00074-1)	
Comment	Response
<p>If this Railroad was not so serious it would be funny. The fact that millions of dollars have been diverted from Community impact funds to subsidize the oil and gas industry should be criminal. From the standpoint of air quality in the basin, it doesn't make sense that since we cannot meet Federal standards due to oil and gas development, some are suggesting a four fold increase in production. For the past 13 years my neighborhood friends and I have suffered through, and basically been at the mercy of which way the wind is blowing. A foul odor which many describe as a "dirty and dusty garage smell" burns the eyes and dries the sinuses on a mild day. Nauseating and suffocating at it's worse. The source seems to be an industry hazardous waste disposal site directly south west of us. For the past 8 years I have marked a calendar of the date, duration and intensity of the pollution. I have also alerted the health department on particularly heavy days. I have not read the DEIS yet but have one thought I feel should not be left out. With climate at a tipping point due to fossil fuel burning and greenhouse emissions, the EIS should carefully consider the full impact of exploration, drilling and production, along with the eventual combustion of these fuels on climate and the environment. As a resident of the Uintah Basin I firmly express my opposition to this misguided project.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Ed Long (UBR-DEIS-00075-1)	
Comment	Response
<p>I support the Board's approval of the Uinta Basin Railway EIS with any appropriate modifications that results from the public comment period. The draft EIS thoroughly addresses the potential environmental, cultural and safety concerns along with appropriate mitigations. I do not support extending the public comment period. This process has been transparent and public for most of the year. Ample time for those wanting to provide input to do so during the current public comment period. I've been part of a management team trying to raise capital (\$300M) for a Uinta Basin energy startup for the past 2 years. We've met with 20+ capital providers during that period. Most recognized the tremendous potential for development the Basin provides. The Basin is unique and has the potential to compete economically with most other US basins. The deal killer in every negotiation was the oil takeaway and price differentials due to the SLC refinery being the only option for Basin oil. For the Uinta Basin and it's communities to benefit from the Basins large resources, connecting to national markets has to happen. The clearest option to access these markets is rail. Under the requirements of an approved EIS, the Uinta Basin Railway can be constructed safely while minimizing environmental impacts. It will eliminate the largest barrier to increased long term investment in the Basin. The railway will stimulate a very challenging economy, bring jobs to the basin, infuse funds into the community's schools and infrastructure, bring business to local merchants. It will provide additional commerce beyond energy that will benefit our communities in the long run and make the economy less dependent on oil price cycles. Moving crude by rail is a much safer, environmentally friendly transportation mode that trucking. The Uinta Basin currently transports ~ 90,000 bbls of oil a day using ~ 500 trucks per day traveling on HWY 40 and 191. The safety, environmental and wildlife impacts associated with transporting by truck far outweigh rail. Please move this project forward by timely approval of the EIS.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Bryan Cook (UBR-DEIS-00076-1)	
Comment	Response
I am in favor of the proposed railroad. The Uintah basin need to develop a more diverse economy. I know the primary reason for the railroad is the oil industry and hope this will help the extraction industry become more stable in the basin. I also believe the railroad will help the basin expand and diversify its economy in other areas.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brandon Todd (UBR-DEIS-00077-1)	
Comment	Response
I would like to support the railway in the Uintah Basin. The railway will provide benefits to not only the Uintah Basin, but also the state of Utah as a whole. The economic impact will help the area diversify the economy which should help the area survive the boom and bust cycle attributed to oil. Thank you. Sincerely, Brandon Todd	OEA notes this comment. No changes to the Draft EIS are warranted.
Stephen Moon (UBR-DEIS-00078-1)	
Comment	Response
I feel a railway is about the only hope we have to stabilize the Basin's economy	OEA notes this comment. No changes to the Draft EIS are warranted.
John and Patty Allred (UBR-DEIS-00079-1)	
Comment	Response
We are writing in regards to the Uintah Basin Railway. I believe it will be a great financial boon to the whole Basin, allowing us to diversify in so many areas. Farmers and ranchers will benefit, the oil industry will benefit, regular businesses like ours will benefit. We believe it will bring many great opportunities to the Uintah Basin that have been unattainable due to transportation limitations. Along with the greater opportunities for many businesses, it will also bring more people into our area, helping us to sustain a more stable economy. We believe it will open the way for manufacturing jobs to come to the Basin, as well, which will be a huge advantage for our young people. They will be able to find good jobs right here at home, instead of having to move to big cities in order to find employment. If they are able to stay here and start their families, it will be an enormous boost to our schools and to every other economic interest. We are totally in favor of the Railway coming to the Uintah Basin, and we truly appreciate all those that are working so hard to make it a reality	OEA notes this comment. No changes to the Draft EIS are warranted.
Tracy Ross (UBR-DEIS-00080-1)	
Comment	Response
I am in favor of the railroad coming to the Uintah Basin. If I need to voice my positive vote another way please let me know	OEA notes this comment. No changes to the Draft EIS are warranted.
Sommer Weight (UBR-DEIS-00081-1)	
Comment	Response
I am writing this email to state that I support the railroad coming through the Uinta Basin. I believe it will bring economic growth. Thank you	OEA notes this comment. No changes to the Draft EIS are warranted.

Denise Brooksby (UBR-DEIS-00082-1)	
Comment	Response
I'm writing this in support of the railroad coming to the Uintah basin. I believe we will all benefit from the growth that will come with it	OEA notes this comment. No changes to the Draft EIS are warranted.
John Weight (UBR-DEIS-00083-1)	
Comment	Response
I am sending this in support of the railroad. It will be a great economic driver for the area as well as bring in new jobs to the community	OEA notes this comment. No changes to the Draft EIS are warranted.
Skoby and Annie Downs (UBR-DEIS-00084-1)	
Comment	Response
We as a business, Downs Plumbing, and individuals are very much in favor of the railroad. It would reduce semi traffic on the highways while increasing our ability to be connected to the rest of the country. It would bring the possibility of more diversity to our area. Which brings more job opportunities to our young people. As well as supporting the industries already here. Increased connectivity, through the railroad, would be a huge boost to our local economy and residents. We are in favor of the railroad.	OEA notes this comment. No changes to the Draft EIS are warranted.
Dorothy Carter (UBR-DEIS-00085-1)	
Comment	Response
I want to express my deepest concern, and support for the EIS that is currently in the comment stage for the Uinta Basin Railroad under docket No. FD36284. I am a person that is going out and meeting with all the businesses in Duchesne County. I see the extreme importance that this project holds for all the hard working individuals in Duchesne County. I have spoken with oil field workers, farmers, small businesses, and the non profits in our area. All in all it is apparent that the large majority see the importance that this project holds for our communities. We need the opportunity to diversify and allow our area to have a stable economy. With having a major railroad this allows for manufacturers and other types of businesses to look at us as a place of interest. In the last twenty five years only two manufacturers have checked this area out and the first questions asked were: Do you have a major highway? Do you have a major airport? Do you have a major railroad? We're sorry, but we are not interested... is the answer from the past, and may I say it would be so gratifying to finally say yes we do, and besides that we have the best workforce in the state. I hear from the farmers that they could get a cuber and send out their hay over rail. We did a feasibility study about two years ago in regards to a grain mill, and it came back very positive with even more positive comments on the feasibility if we were to obtain a railroad. I see this as something that could really bring our area to life, and I for one want to voice my total and undying support to the proposed rail line. I wish I could record the comments that have been spoken to me, but that is not doable. I only hope that a portion of those Individuals will see that their comments do matter and that they need to no longer remain silent. We dearly need this railroad and hopefully you will understand that we who live in the area truly see the benefit it would bring. Thank you for the opportunity to express my support	OEA notes this comment. No changes to the Draft EIS are warranted.

Michelle Miles (UBR-DEIS-00086-1)	
Comment	Response
My husband and I would like to show our support for the railroad coming to the Uintah Basin. We are both life-time residents of Duchesne County. My husband is a rancher, and we own many acres of property in Duchesne and Uintah counties. I am a high teacher and taught for 23 years and for the past two years have been in the counseling office at Altamont High School. We believe the railroad would have a positive impact on our economy and strongly support it.	OEA notes this comment. No changes to the Draft EIS are warranted.
Andrew Pullin (UBR-DEIS-00087-1)	
Comment	Response
Hello, In support of the railway, it will bring jobs to the Uintah Basin's stale economy. With the railway the oil in the area will be able to make it to larger markets and become more valuable. It is time to make the railway happen, ever since I can remember with being born in the basin there has always been talk about putting a rail in, but there was always some reason for stopping it. Myself and a large majority of the residents here support it. If the railway does not get put in, the economy and area will continue to suffer. Please take in consideration of the people in the area	OEA notes this comment. No changes to the Draft EIS are warranted.
Mike Allred (UBR-DEIS-00088-1)	
Comment	Response
I am a business owner in Roosevelt. My business relies heavily upon oilfield activity. I would like to proffer my voice in support of the railroad coming to the Uintah Basin. I feel it would greatly benefit our economy, not only the oilfield, but our agricultural economy as well. I know that we would see substantial growth In our area and many companies have expressed interest in Doing business in our area if the railroad becomes a reality. We need the railroad! The benefits far outweigh the cons in my view	OEA notes this comment. No changes to the Draft EIS are warranted.
Ben Allred (UBR-DEIS-00089-1)	
Comment	Response
I am a lifetime resident of Uintah County. As the owner of several businesses in the Uintah basin I am very much in favor of a railroad. I feel that a railroad would help diversify our economic base and help us survive the cyclical cycle of the oil field. I am very excited to see the completion of the railroad happen and for the increased stability that it will bring	OEA notes this comment. No changes to the Draft EIS are warranted.
Diana Traeger (UBR-DEIS-00090-1)	
Comment	Response
I am writing to voice my opinion on the proposed railroad in the Uintah Basin. I have a son that hauls Crude from Basin to Salt Lake nearly every day. He looks forward to no longer driving over the canyon and mountain passes. He would love for his job to change simply from the job site to the railroad. It would make his job safer with the shorter runs and less snowey travel in canyons. Thus making our highways safer as well. Think of the reduction in traffic if all the trucks hauling crude and gas were eliminated! There would be less deaths on Highway 40 and our air would be cleaner. My husband works for a hay ranch. His boss looks forward to being able to sell his hay to markets that he can reach farther and faster if he was using the railroad. His hay would become much more marketable and profitable. Shipping by rail would be faster and cheaper. I personally would like the option of being able to travel out of the basin by means other than car or air. I road on the train as a	OEA notes this comment. No changes to the Draft EIS are warranted.

child once, it was very pleasurable! To sum it up the railway would benefit more than just people of the Uintah Basin, The state of Utah would benefit with cleaner air, safer roads and a more positive economic impact. Thank you for your time	
Jordan Martin (UBR-DEIS-00091-1)	
Comment	Response
I'm writing this in regard to the railroad in our area. I think the railroad in this area is a much needed means of transportation. From what I have heard much of the opposition of the railroad is coming from the land owners that have second homes at the top of Indian canyon. Seeing that they can afford 2 homes I would like to say that we need the rail so I can keep my 1 home. The basin has already missed 2 good swings in the oilfield. Just build the thing	OEA notes this comment. No changes to the Draft EIS are warranted.
Skyler Atwood (UBR-DEIS-00092-1)	
Comment	Response
Yes we need the railroad or the Uinta basin will be left behind.	OEA notes this comment. No changes to the Draft EIS are warranted.
Devin Caldwell (UBR-DEIS-00093-1)	
Comment	Response
To whom it may concern: I want to comment in support of the railway happening in the Uinta Basin. I work for a proppant and logistics company that provides proppant for the oil and gas wells in our area. I feel that having a railway will increase the economic opportunities for businesses. It will add a new way for products to move in and out of our area. I believe the study addresses the impacts and provides good alternates if the board feels the original route would be too difficult to justify. Please consider approving the plan presented with any recommendations as the Surface Transportation Board may see appropriate to further this project to the next phase of development.	OEA notes this comment. No changes to the Draft EIS are warranted.
Shanna Quick (UBR-DEIS-00095-1)	
Comment	Response
In my opinion I believe the railway would benefit our community and supply a bigger range of jobs. I am pro railroad, I also think the ground laying plans could be more efficient. Thank you	OEA notes this comment. No changes to the Draft EIS are warranted.
Vernal City, Doug Hammond (UBR-DEIS-00096-1)	
Comment	Response
I am all in for the Railway. Our economy can use a boost	OEA notes this comment. No changes to the Draft EIS are warranted.
Wayne Justice (UBR-DEIS-00097-1)	
Comment	Response
am a third generation citizen of the Uintah Basin area (Uintah & Duchesne counties). I am 64 years old. I am a property owner. My career include working in the oil field, heavy equipment operator, coal fired power plant operator, farmer/rancher and owner of several small businesses. In 1896 my grandfather came to Vernal from Kentucky with his father when he was 8 years old. My grandfather and my father always talked about the one major thing that was holding back the economic growth of the Uintah Basin was the lack of a railroad to economical move large quantities of raw materials out of the Basin and move needed supplies into the Basin. During my life a few	OEA notes this comment. No changes to the Draft EIS are warranted.

attempts have been made to get a railroad built into the Basin so we could be economically connected to the world. A rail road would help smooth out the boom and bust cycles of the oilfield because the market for Basin High was crude oil would have a much larger market than one refinery in Salt Lake City. There are those who claim a railroad out of the Basin will destroy the existing Uintah Basin crude trucking businesses. According to the trucking business owners that I have discussed the Basin railroad with their businesses would probably increase because there will be much more crude moved from the wellhead to the rail loading depot. And the demand for crude to be trucked to Salt Lake would still be there. I have listened to those who are against the railway being built and found their objections to be based on fear of the unknown. And their unreasonable demands for a guaranteed outcome. When ever a major project is proposed there are always those who fail to see the big picture. When the Central Utah Water Project was proposed there were many objections to the cost, the land covered by lakes and reservoirs. If we had listened to the naysayers we would not have Steinkjer Reservoir, Bottle Hollow Reservoir, Starvation Reservoir, Upper Stillwater and several smaller lakes which provide irrigation water, culinary water, recreation opportunities to the Basin residents. For those who want to have a guaranteed outcome on the building of the railroad out of the Basin are living in a fantasy world. There are no guarantees in life. We do our best and reap the rewards. We need this railway built. My Dad used to tell me and my siblings when we set out to reach a goal that was hard and had risk of failure the in life two principles applied to us. First: Nothing ventured! Nothing gained! Second: The faint heart never won the fair lady. Let's not be fair of heart and venture what is needed and get this railroad and facilities built

Cambria Redmond (UBR-DEIS-00098-1)

Comment	Response
<p>As a Utah native, growing up in Southern St. George, I had always maintained a deep gratitude for the wide open spaces and the ease with which we may walk into those green spaces. I felt this especially when standing upon the unique landscape and habitat of the 'Isolated Empire'. This is my purpose in commenting on the proposed plan; changing undeveloped land and land used for public recreation, wildlife habitat, agriculture, and grazing, to land for rail construction and operation should not be taken lightly nor should it be undertaken as hastily as 2021, such that this proposal projects. A myriad of issues arise with regard to future economic and ecological stratifications affirmed by the EIS, such will be highlighted to describe the devastation that each route alternative could pose to Utah's future prosperity. One of the biggest issues with regard to construction of this railway is that of Environmental Impacts. Many commenters have given insight to indelible ramifications upon already suffering soil, water, and air quality of all proposed project site areas. Upon EIS review, it was determined that air quality was unaffected. Such analyses were woefully inadequate, as they failed to assess what effect increased refinery (of crude oils) as a result of production would have upon greenhouse gas emissions and subsequent air quality loss. Such losses of soil air and water quality can not be feasible when looking beyond the next two decades. Furthermore, with regard to endangered threatened and special status animals we must realize that any losses of habitat, especially from already isolated and fragmented areas must mean devastating consequences. Regardless of mitigative tactics provided through replanting of native plant species and subsequent plans of reformation, the projected losses during construction are striking; especially by way of fire, through loss and degradation of drought resistant shrubs.</p>	<p>OEA notes this comment. Regarding potential air emissions from downstream end uses of crude oil transported on the proposed rail line, please refer to Subsection 3.15.5.7, <i>Air Quality and Greenhouse Gases</i>, in Section 3.15, <i>Cumulative Impacts</i>. No changes to the Draft EIS are warranted in response to this comment.</p>

Native vegetation, particularly the Colorado Plateau Mixed Low Sagebrush Shrubland vegetation community, and woodlands also the Colorado Plateau Pinyon-Juniper Woodland vegetation community) would be most affected by any of the Action Alternatives provided, fostering a loss or stressor upon these fire resistant species could provide a horrible fate for surrounding areas. Despite consultation with multiple agencies and affiliates, federal and state, many indigenous tribes either had no comment or declined the multiple invitations to comment. The only Tribe that participated in the process was the Ute Tribe who is also an equity partner in the project. Two of the proposed alternatives cut through reserved tribal lands that have already seen much dwindling acreage in the past century. Private profit and easement for petroleum should not be a reason to further strip land and mineral rights. I must ask... why must we continue to invest and reform natural landscapes for the sake of propagation and sustenance of an unsustainable practice? Hydraulic Fracturing has been seen to have negative ecological impacts upon animals and surrounding municipal agricultural areas, these trends have been highlighted in countless esteemed peer reviewed literature (Souther et al. 2014; Keighley D. 2015). Instead of investing 1.4 billion dollars to construct a railway, which will not be built, utilized and maintained by public or governmental entities, but by private firms that intend its sole use for the escalation of extraction and transport of oil and gas and minerals should be cause for concern- our public lands should not be at the mercy of merchants with no true value provided to the community. For all the grievances aforementioned, I request to petition for the No Action Alternative denying the request of the coalition for operation authority over this proposed railway. There are countless viable options for diversifying markets, raising revenues and increasing employment, as the Coalition so advocates for this project, but these are everlasting ecological effects that provide no true sustainable benefits. Extraction and Economic Markets should not be established just because the resource is vastly available in the basin, the land has innate value and new and emerging energy markets would provide more lucrative opportunity of continual service and expansion. Perhaps divestment is overdue, countless sustainable substitutes have been proven to be not merely economically viable but advantageous. 50-100 permanent railway jobs does not justify the upwards of 10,000 acres of undisturbed habitat that would be demolished. Muradov N. (2015) provides a systematic model for transition to a more robust productive and green market, yes more efficient transportation is needed, but antiquated intents of industry can no longer be a justified driver of land management and construction.

Dustin Wood (UBR-DEIS-00099-1)

Comment	Response
I am a citizen of Roosevelt city in Duchesne county and I am very much in favor of the railway being built. And I do not think our economy in the uintah basin should be dictated my non residents who live on the wasatch front. We are very capable of taking care of our environment and public lands out here and building and sustaining our economy and giving it stability. This railway will help reduce wear and tear on our highways and offer jobs beyond just working in the oil and gas industry. BUILD THE RAIL!!!!	OEA notes this comment. No changes to the Draft EIS are warranted.

Gerald Ross (UBR-DEIS-00100-1)

Comment	Response
Short and sweet, I'm for the railway. I'm local, oilfield worker and small business own. There is a lot of opposition against us bettering our economy out here in the basin by those that do not live here, shop here, work here or	OEA notes this comment. No changes to the Draft EIS are warranted.

have anything to do with us here. They want us to continue to travel great distances and line their picket with our money. This project will be great for OUR community. Those in the city that oppose it need to worry about their own back yards before trying to dictate how we cultivate OURS	
Daryl Duncan (UBR-DEIS-00101-3)	
Comment	Response
I work and have lived in the Uintah basin most of my life I'm 51. I have seen the ups and downs of the oil field and the impact it has on the community. Bringing the Railroad to the Uinta Basin would curb this impact it will not eliminate it but help diversify other trades and businesses. I also lived in Salt Lake City for 19 years the ups and downs were not as impactful to the communities. Those that oppose this railway are citizens outside of the Uinta Basin and do not feel the economic impacts this community does in low times. Those individuals just want their vacation home sites preserved while holding back other individuals to please themselves. The Uinta Basin needs the railroad.	OEA notes this comment. No changes to the Draft EIS are warranted.
Weldon Construction, Mike Weldon (UBR-DEIS-00102-1)	
Comment	Response
I am in favor of this railroad as it will only enhance our local economy and provide good steady jobs and opportunities for existing businesses.	OEA notes this comment. No changes to the Draft EIS are warranted.
Spyco Oilfield Services, LLC, Paul Yoder (UBR-DEIS-00103-1)	
Comment	Response
I support the Uinta Basin Railway and all the benefits it will bring not only in energy production but commercial and agriculture.	OEA notes this comment. No changes to the Draft EIS are warranted.
Janece Murray (UBR-DEIS-00104-1)	
Comment	Response
I am fully in support of the railroad coming to the Uintah Basin. The railroad would serve to provide stability to our region, jobs to our residents, and help lessen the highs and lows associated with our oil field industry.	OEA notes this comment. No changes to the Draft EIS are warranted.
Vernal City, Ted Munford (UBR-DEIS-00105-1)	
Comment	Response
We are excited about the opportunity of rail coming to our area. This has the potential to open new and diverse economic options for us, which we severely lack right now. Thank you to anyone who is involved in assisting this project to move forward.	OEA notes this comment. No changes to the Draft EIS are warranted.
Weldon Construction, Kelvin Stanley (UBR-DEIS-00106-1)	
Comment	Response
I am all for the railroad, I think it would be a great thing of the economy of the Uinta basin. I have lived in Vernal for the last nine years and this is where I plan on retiring. I want to see this railroad built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Darren Anderson (UBR-DEIS-00107-1)	
Comment	Response
Please mark me down as 100% in support of the Uinta Basin Railway, Docket #: FD36284. I do not have a preference to the route, as long as the route chosen is the most conducive to the completion and ongoing success of the railway.	OEA notes this comment. No changes to the Draft EIS are warranted.

Jed Meyer (UBR-DEIS-00108-1)	
Comment	Response
This railway is something the basin has needed for a very long time not just to get our oil to market but also to get all our goods in and it could really help bring different industries to the basin	OEA notes this comment. No changes to the Draft EIS are warranted.
Troy Young (UBR-DEIS-00109-1)	
Comment	Response
I'm in favor of the railroad here. I'm looking forward to the opportunity it will bring to the basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Stephanie Espinoza (UBR-DEIS-00110-1)	
Comment	Response
The Uintah basin needs this! It will sustain our community & give us more opportunities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Bo Brady (UBR-DEIS-00111-1)	
Comment	Response
The Uintah Basin is landlocked by no Interstate & no Railway access. This puts our residents at a disadvantage in higher prices for food, fuel, materials, and causes a hindrance on attracting manufacturers, farmers, and other industries. We should have the greatest say so in how we as a community intend to grow for our benefit and not be held back by the Wasatch front or surrounding areas! I vote yes to our future and our prosperity with markets made available with a railway!	OEA notes this comment. No changes to the Draft EIS are warranted.
Janece Murray (UBR-DEIS-00113-1)	
Comment	Response
I am fully in support of the railroad coming to the Uintah Basin. The railroad would serve to provide stability to our region, jobs to our residents, and help lesson the highs and lows associated with our oil field industry.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brady Davis (UBR-DEIS-00114-1)	
Comment	Response
Bringing the railroad to Vernal would help improve a lot of residents lives. It would grow our economy and provide more jobs for people in the Uintah Basin. Also be more cost effective for oil and gas companies to ship product. Overall bringing the railroad to the uintah basin would effect a lot of peoples lives in a great way.	OEA notes this comment. No changes to the Draft EIS are warranted.
Trisha Hedin (UBR-DEIS-00115-1)	
Comment	Response
To Whom it May Concern, I am writing in regards to the Uinta Basin Railway and it's possible impacts on, specifically wildlife and wildlife habitat. It should be stated that this railway would be another component on the US government subsidizing the hydrocarbon industry. Unfortunately, this industry is one, that with climate change, is dying....or should be. We are seeing the devastating effects that carbon emissions is having on our environment, economy and societal health. The US must begin to move away from fossil fuels and fossil fuel extraction and embrace alternative forms of energy. In that, it is of archaic thinking to be investing monies into a railway that is backing a dying industry. This railway will move some of the more remote reaches our of state which holds an abundance of big game. In the	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>building of this railway that would run near an existing highway, we would be disturbing vital habitat and wildlife that is a component of our state's natural resources. Wildlife and wildlife habitat do not only provide resources for nonconsumptive purposes (aesthetics and recreation), but also for consumption and provide for our UDWR. I hope that you will seriously consider rejecting this proposal. It is not a wise use of our public lands and public land resources.</p>	
Steven Hamblin (UBR-DEIS-00117-1)	
Comment	Response
<p>This rail line is very important to the Basin. With it the area has a chance to grow. Without it we limited and at a disadvantage in getting products freighted to market. We have great oil but need to get it where it can be used. We have Ag products that would benefit from cheaper transportation costs. I am very much in favor of the railway.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Weldon Construction, Alfonso Herrera (UBR-DEIS-00118-1)	
Comment	Response
<p>I live in Grand Junction Colorado but have worked for Weldon Construction and in the units Basin for 12 years. The railroad will have a big impact on my living and I would really like to see it built.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Tim McDonald (UBR-DEIS-00119-1)	
Comment	Response
<p>This rail road would bring in some new businesses that would give the locals who have a lot of pride in their work to build things for the people in the city's. Who knows maybe even a Amazon distribution center ?</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Tim McDonald (UBR-DEIS-00119-2)	
Comment	Response
<p>This rail line is needed to put some stability in this area.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Edward Parker (UBR-DEIS-00120-1)	
Comment	Response
<p>I am very much a proponent of the construction of this railway. It appears that the environmental impacts caused by this have been addressed in a very reasonable way. Further, I feel that the impacts that the extraction industries have on the roadways in the area must be offset, and rail is the best way to do that. The Uintah Basin has a high quality of life and, in order to preserve it, it is imperative that a more effective and efficient transportation system be created.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Casey Long (UBR-DEIS-00121-1)	
Comment	Response
<p>I support the Uinta Basin Railway project. This project, on it's completion, will provide new and diverse economic opportunities to the Uintah Basin.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Zack Hatch (UBR-DEIS-00122-1)	
Comment	Response
<p>I think the railroad would be a great for the basin it would bring jobs and money into our community.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

James Costello (UBR-DEIS-00123-1)	
Comment	Response
I am a proponent to the railway. I also think that choosing the the most cost effective and most ecological route should be chosen. Progress needs to be made.	OEA notes this comment. No changes to the Draft EIS are warranted.
Richard Yager (UBR-DEIS-00124-1)	
Comment	Response
The proposed Uintah Basin railway is a project with speculative benefits, and real and permanent environmental costs. Moreover, the fact that nearly \$30 million of public funds have been spent on this proposal thus far, without any matching private investment, warrants skepticism of the projected benefits. This continuing public subsidy of the fossil fuel industry, which is already subsidized by the minimal royalty rates paid for oil extraction from federal land, is counter to the direction that our country should be heading to ameliorate the demonstrated effects of human emissions of greenhouse gases on global warming.	OEA notes this comment. No changes to the Draft EIS are warranted.
Richard Yager (UBR-DEIS-00124-3)	
Comment	Response
These funds were designated to alleviate the impacts of oil and gas extraction in Utah, not to subsidize the further expansion of the fossil fuel industry. These moneys would be much better spent on forward looking projects that expand next generation, renewable energy sources, or diversify the local economy in the Uintah Basin. These significant expenditures would be better used to develop the solar industry and create new jobs, or to expand the non-motorized trail network to encourage more visitors to this area.	OEA notes this comment. No changes to the Draft EIS are warranted.
Trever Arnold (UBR-DEIS-00125-1)	
Comment	Response
I am for the railroad.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kenneth Farrer (UBR-DEIS-00126-1)	
Comment	Response
I am in support of the railway. as it will bring new jobs and more opportunity for growth in the area. It will also cut down on haul traffic on main roadways in the areas around the railway. Which in turn will cut back on big truck pollution in the form of hydrocarbons, roadway spills, and equipment lost off of vehicles. It will bring property values up where hubs are set up due to cheaper delivery of goods and better building materials and lower prices on goods delivered as well.	OEA notes this comment. No changes to the Draft EIS are warranted.
Casey Reeves (UBR-DEIS-00127-1)	
Comment	Response
We need this! The economy here has been so up and down. Feast or famine. This community is a great place with good people. Not only will it help with our oil and gas industry it will encourage other industry to come.	OEA notes this comment. No changes to the Draft EIS are warranted.
Braden Olsen (UBR-DEIS-00128-1)	
Comment	Response
I believe that the rail road would be a great asset to our community adding jobs and better and stable income to this dying economy. In the past 5 years of work I have been laid off 7 times due to the economy and prices of oil.	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>Please keep in mind the long run of this rail road coming thru little towns and what it could bring to the community. Thanks you</p>	
<p>Steven McKee (UBR-DEIS-00129-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Over my lifetime in the basin I experienced the difficulties of transportation here. As a child there was approximately 10-12 Dairies that supported multiple families within a 10 mile radius of my home. Shipping was a major expense to this business activity. Both for moving product out and receiving products. That number of dairies dwindled down to 1 for years and now currently there are only 2 operating dairies in that same area. Shipping products has always been a major expense and cause for decline. I have witness the agriculture environment in the Basin decline and change over the years due to the lack of access to markets and because of shipping costs for fuel, equipment and products. Where once most of my town was supported by agriculture only a few families remain with full time agriculture employment. Many times then and now I have made major equipment purchases outside of the basin due to lack of selection in part because of shipping restraints. I have had to alone stand the cost of transportation costs. I believe a rail system would support this business endeavor, increase selection, decrease goods and service costs, and support the local social and cultural environment that we desire. Many of my extended family have worked in the extraction industry over the years and so I am familiar with the swings that take place in that industry. These swings have forced all but one of my 10 siblings to leave the Uinta Basin for better and more stable employment. The two of us that remain have also had to find employment in other industries. I believe that railway would help to provide stability and diversity to that economic environment. The Uinta Basin is uniquely qualified to provide skills and services to industry that need rail support. Manufacturing, housing, resource extraction, Educational training for those industries (UBTEC) and the desire of the people here to insert themselves into those industries. In addition it would provide diversity to the economy beyond resource extraction. I currently work in the Telecom industry, my day to day responsibilities do not rely upon physical transportation that the rail would provide, however my ability to grow and develop my industry does. I consider my skills and business essential to the developmental growth of the Basin. Therefor, without the railway the Basin will remain somewhat stagnate and monolithic as it has for the past 50 or more years. As I have traveled most of the various routes proposed for the railway I believe that the environmental concerns that exist can be minimized and in many ways the environment could be enhanced with this project. Most of the routes contain unused and mostly empty land. There have been far more impactful projects easily approved in the state of Utah for far less economic value. As a member of the Basin I feel that it is time that we are allowed to join and have a voice with that of the Wasatch Front. We wouldn't take away their rail system or freeway system because of environmental factors. We would find a way to accommodate. Please value and weigh the comments of the local people and our desires more than the organizations from outside of the area and their agenda. This will affect us, our lives, socially, economically, environmentally, and financially, not theirs. The country was founded on local people making local decisions about our own lives and not outside influences dictating what they do not directly participate in. The settlement of Utah was done so that people would have refuge to live our own lives as we seem fit, to take refuge from other's agendas. The Uintah Basin was set aside for people to establish homes and businesses by the sweat of our own brow. Please allow us in the</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

basin to continue that tradition. I fully support this project it will benefit, me, my family, my neighbors, my culture, and business. This is much more than an oil project. Please allow this project to be built.	
Jake Huber (UBR-DEIS-00130-1)	
Comment	Response
I am in full support of getting this railway into the Uinta basin, as is the majority of the community. Please don't let outside voices dictate the future of our community.	OEA notes this comment. No changes to the Draft EIS are warranted.
Johnetta Magee (UBR-DEIS-00131-1)	
Comment	Response
Our area needs more than oil and gas to sustain our community for the future growth	OEA notes this comment. No changes to the Draft EIS are warranted.
Dawn Huber (UBR-DEIS-00132-1)	
Comment	Response
I support the Uintah Basin Railway	OEA notes this comment. No changes to the Draft EIS are warranted.
Weldon Construction, John Krizan (UBR-DEIS-00133-1)	
Comment	Response
I think it would be a good idea to have a railroad in the Uinta basin. It would help economically to strengthen this area.	OEA notes this comment. No changes to the Draft EIS are warranted.
Aaron Gooding (UBR-DEIS-00134-1)	
Comment	Response
Im all for the railroad coming thru the basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Zach Hatch (UBR-DEIS-00136-1)	
Comment	Response
As someone who was born, raised, and still living in the basin, I am for this rail way. All our communities are driven by oil, and this rail way would only solidify our jobs, our securities, our families and our lives. Especially if cheater Biden is actually going to be our president, we are going to need all the help we can get! If we could export oil out of the basin to somewhere other than salt lake, you would see alot more jobs. A huge factor in how much oil comes out of the basin is the refinery capacity in salt lake. They are constantly maxed out, limiting the oil that can be produced here. And I really dont think that anyone who has an opinion on the rail way that doesnt live here should matter. The people who are going to thrive or suffer are the people living here.	OEA notes this comment. No changes to the Draft EIS are warranted.
Ruth Watterson (UBR-DEIS-00137-1)	
Comment	Response
In support of the railway, is a needed transportation option to support oil and gas industry	OEA notes this comment. No changes to the Draft EIS are warranted.

Tebeau Piquet (UBR-DEIS-00138-1)	
Comment	Response
In favor of railway. Im a homeowner in mini ranches	OEA notes this comment. No changes to the Draft EIS are warranted.
Kelly Behrman (UBR-DEIS-00139-1)	
Comment	Response
I have been a proud Uintah Basin citizen for 30 years. I have seen the up's & downs in the Basin. I support the unita basin railway! I believe any environmental issues are far out weighed by the economic growth this endeavor will bring. The stabilization of the Basin economy it whats needed. Not only the growth in the oil industry, but also the simulation of the Gilsonite, agricultural, phosphate, new industrial & commercial opportunities. !!!! We Must Support the Railway !!!!	OEA notes this comment. No changes to the Draft EIS are warranted.
Cameron Robinson (UBR-DEIS-00141-1)	
Comment	Response
I believe the railway will bring up the economy in the basin, and enhance the stability of the work that takes place in the basin, with low environmental impact.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brandy Haskins (UBR-DEIS-00142-1)	
Comment	Response
I think that the railway is a great idea not only to open the basin for other transportation opportunities but jobs as well. In the basin we know the ups and downs of the oilfield, this railway could give some needed stability to a lot of families around the basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Russell Brinkerhoff (UBR-DEIS-00143-1)	
Comment	Response
Joshua, Our office has been through every down turn in the oil economy since the 70s. Each one has its own set of challenges. This last one we are in really brings to light how much our economy needs diversity. Oil drives everything around here. We insure many oil companies or I should say we did. Many are going out of business, but what surprises me more are the number of businesses going out of business that are not in the oilfield. Many of our other clients we insure that are not in the oilfield still are going out of business with the oil bust. Grocery stores sales are dropping. Those in the entertainment business are hanging on by a thread if not closed. The food industry is a tossup on who is open. I have heard many mention it is because of Covid-19 and some of that may be true. However we have gone through enough down turns throughout the years that I can tell you it happens every time the oil busts. It doesn't matter what shuts the oil down, because when its down most don't have any other way to provide for the family. Having the railroad in the basin could bring the diversity we need to have a stable economy. We could have a community that can flourish through the years instead of recessing every couple of years. For what it is worth I believe it is the change that needs to happen in the Uinta Basin. Thank you, Russell Brinkerhoff	OEA notes this comment. No changes to the Draft EIS are warranted.
Glenn Ellingford (UBR-DEIS-00144-1)	
Comment	Response
Joshua, I would like to express my support for the new railroad in the Uinta Basin, I feel like it will help our economy to be more stable and bring more better paying and stable jobs to our community. It will also give us the	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>opportunity to bring in new industry and tax base here in rural Utah. From a safety aspect it will take a lot of tanker traffic off US Hwy 40 from here to Salt lake City, We have several wrecks and spills a year along that route not counting the congestion that brings to this corridor. The transportation jobs won't be closed just re- vamped , instead of the 3-4 hour trip to Salt Lake City and going over 2 mountain passes, transportation will change to continuing to pick product at the well head and transporting to a central station to be loaded onto the rail here in the basin. Instead of 1 trip a day to Salt Lake, a driver would be able to haul 2-4 loads a day locally and ease the congestion off Hwy 40. The rail would also open the door to manufacturing here as we have the land and space available, bringing new stable jobs to our area and making it where our children could stay in the area and have a sustainable income. I know there is push back from some residents about this project and the changes it will bring, but theses loud voices are a few that do not want change and would like to keep their power they have had in the community for generations and they would like to keep this part of the world stuck in the 50s and 60s. I believe that ship has sailed. Yes it will bring in new people to our area to live and take advantage of new jobs and a life style we enjoy out here. New people bring new ideas and perspective. This is not a bad thing as we are isolated somewhat in the Northeastern part of the state, and some people want to keep the good ole boy status quo going. People are naturally skeptical of change, I get that. But it is time to bring this opportunity to the Uinta Basin. We have missed out on quite a few over the last few decades due to fear and misinformation spread by a few. The economic impact the rail will bring , not counting the environmental and safety aspect, I think that we will be monumental and positive for our community. Regards, Glenn Ellingford</p>	
<p>Chance Hayes (UBR-DEIS-00145-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I support the railroad.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>C&T Construction, Mondy Taylor (UBR-DEIS-00146-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>To whom it may concern, We are in support of the rail system coming to the basin. We are also interested in maybe working for the rail system. If you could send info on where we may obtain training to be able to be able to start working for them when they are close to completion please let us know.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Gary's Insulation Inc., Jason Scholes (UBR-DEIS-00147-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>My name is Jason Scholes and I have been a lifelong resident of the Uintah Basin. My Family owns and operates a small oilfield service company. We are writing to you today to let you know that the staff here at Gary's Insulation Inc. are all in full support of the Railway coming to the Uintah Basin. We have been in business here in the oil & gas industry for the past 30 years and hope to continue that to the next generation of our family. We believe it would bring opportunities for our industry to stabilize as well as other industries the opportunity to come to this great place. Having additional transportation in and out of the area would allow for movement of commodities we can produce providing more stable jobs to the residents. We have skilled labor force here who would optimize the full potential of the rail line here in the Uintah Basin. It could bring opportunities to the agricultural, mining, timber, and potentially and possibly some manufacturing. The possibilities are</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

endless, from furthering education to broadening our tax base for infrastructure and bettering the lives of many here, we believe the rail would thrive and be a great help and connection to the world. Thank you for your time.	
Michael Weber (UBR-DEIS-00148-1)	
Comment	Response
Dr. Wayland, I am sending this e-mail in support of the proposed Uintah Basin Railroad here in Utah. As a member of our community, I fully support a railway through the basin. I am a Pharmacist employed by Uintah Basin Healthcare and I see many residents on a daily basis. I hear from many that are in support of this and I can also see the potential positive impact bringing a railroad would have to this region. Many people here have struggled for a long time with an up and down economy and the railroad would be an opportunity to provide a much needed boost. Amongst other things, a railroad would provide much needed jobs and stability without a significant negative impact to the environment. My hope is that you would seriously consider supporting this project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Derek Nielsen (UBR-DEIS-00149-1)	
Comment	Response
The Uintah basin needs a railway to help grow and enhance our economy. We are an energy hub that wastes hours of travel time getting oil to the refinery. It's time to grow and expand, no more status quo. Please help us get the railway to the uinta basin!	OEA notes this comment. No changes to the Draft EIS are warranted.
Jason Newman (UBR-DEIS-00150-1)	
Comment	Response
I am against the railroad into the Uintah basin. The only people it will help is make a few crooked county commissioners millionaires and the residents will have to pay more taxes to pay for it.	OEA notes this comment. No changes to the Draft EIS are warranted.
Don Dulen (UBR-DEIS-00151-1)	
Comment	Response
I am for the railroad in the Uintah Basin. I believe it can only strengthen our economy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Chetan Patel (UBR-DEIS-00152-1)	
Comment	Response
I am writing to support the proposed initiative to promote economic development and job creation in the Uintah basin. I am in favor of this project. The project as proposed has done a good job of addressing environmental concerns and minimizing environmental, while also meeting the development needs of the population of the Uintah basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Becca Alexander (UBR-DEIS-00153-1)	
Comment	Response
My family supports the railroad! We think it will boost the economy and will bring many wonderful new things to our city	OEA notes this comment. No changes to the Draft EIS are warranted.

Morgan Fabrizio (UBR-DEIS-00154-1)	
Comment	Response
<p>Hello, I would just like to write a letter in my support of the Uintah Basin Railroad. As a business owner and parent I'm honestly baffled to hear that anyone would be against this project! The instability of our economy here is troubling as we try to navigate our finances and see a possible future for our families here in Duchesne. Having this railway would create that stability that we all so desperately need! Not only would it help every single business and family feel stable, it would actually help us PROSPER! We have the product here, we just have limited, expensive and dangerous transportation to get that product to where it needs to go. I know that crude oil truckers are worried about losing their work. I look at it as there will be a lot more production still needing to get to the railroads, plus the need for more water trucks and other positions to keep up with production. I see it is a positive trade off. We cannot hurt our whole community because it could require a few companies to adapt. Please move forward with this project! Our future in the Basin depends on it!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Liz Ivie (UBR-DEIS-00155-1)	
Comment	Response
<p>To whom it may concern: My husband and I live in Bridgeland, Ut about 5 miles east of Duchesne. I have lived her for 19 years and my husband for 41 year. We are looking forward to the railway connecting the Uintah basin to the main railway. We own two businesses and a farm and are looking forward to economic impact that this railway will bring. Let me know if you would like more insight from either of us.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
This is our life plus 5 (UBR-DEIS-00156-1)	
Comment	Response
<p>I am a resident of Duchesne county. I am emailing you to Inform you that I am FOR the railroad! Let it come and help out struggling economy.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
RaeAnn Mecham (UBR-DEIS-00157-1)	
Comment	Response
<p>I am writing to show my support and approval of the railroad project here in the basin. Thank you</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Andrew Jackson (UBR-DEIS-00158-1)	
Comment	Response
<p>The economy here is stagnant. There are viable routes. I have heard the comment that this is one of the largest population centers without Rail Service. Frankly we need it. A safer way to transport oil, mitigating the risks of spills, while making the highway safer for the general public. We need a way to lower the cost of heavy freight in general. THANK YOU!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Carolyn Ellingford (UBR-DEIS-00159-1)	
Comment	Response
<p>I am in support for the RR in our Uintah Basin. This will create jobs and open opportunities beyond measure. Our economy is stagnant! How can we not embrace the positive effects this will have on everyone? Thanks for the opportunity to voice my support.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Melody Hillegeist (UBR-DEIS-00160-1)	
Comment	Response
<p>Hello Joshua, I am voicing my opinion about the railroad in the Uintah Basin. I am 100% for it. I've lived here for 40+ years. I have seen the boom and bust of the oilfield over and over. I think that the railroad would not only stabilize the oilfield directly but also the entire community here. We're a great crowd of people who struggle to make ends meet like everyone else. If this is something that would bring a baseline then we wouldn't have the boom and bust economy. I want to say one more thing. The people who are against the railroad do they live here? I know everyone gets to have an opinion but they need to feel the boom and bust. Not only that but the great community spirit here that rides it out every single time. We find a way to make it work. If your not from here then you just move off. My kids are here, my work is here, my life is here.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Greg Hardy (UBR-DEIS-00161-1)	
Comment	Response
<p>To whom it may concern, I fully support and endorse any and all efforts to increase economic opportunities in the Uintah Basin. Growth means family stability and opportunities to live and stay here. Expanded transportation in the area is greatly desired to this end.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Brady Thompson (UBR-DEIS-00162-1)	
Comment	Response
<p>A railway to the Uintah Basin would be very beneficial to our community. Please approve so that we may grow our community. -- Basin Flood & Fire</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Cody Ivie (UBR-DEIS-00163-1)	
Comment	Response
<p>I am excited for the prospect of the railway in the Basin. I am very involved in the local business community and I see a great opportunity for sustainable growth. I see opportunity not only for our oil industry but also for agriculture and manufacturing. A railway opens the door for Basin products to a global market. I am for the railway and the added opportunity and stability that it will bring to those willing to take advantage of it.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Craig Timothy (UBR-DEIS-00164-1)	
Comment	Response
<p>I am excited to have a railroad in the Uintah Basin. I feel that this will help improve a struggling economy by offering an opportunity for diversity. It also provides a better mode of exporting our number one product which is oil and gas to other areas of the country that is cost prohibitive currently. I fully support the railroad both as a business owner and individually. Craig Timtohy</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Aimee Freston (UBR-DEIS-00165-1)	
Comment	Response
<p>I am in favor of the Uintah Basin railway.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Kris Maylett (UBR-DEIS-00166-1)	
Comment	Response
I really appreciate all of the work for our rail road! We really need this to stabilize our economy in the basin!	OEA notes this comment. No changes to the Draft EIS are warranted.
Louise Thompson (UBR-DEIS-00167-1)	
Comment	Response
For the Uintah Basin to have the opportunity to stabilize and diversify our economy is so important. A stable community and opportunity available to grow is the upmost importance for the success of a community. The inability to prosper kills communities. Fossil fuels being one of the only industry in our area limits the stability where fossil fuel is so unstable of a commodity. Having another means of transportation would be a game changer, providing opportunity for other industry and manufacturing to stabilize the Uintah Basin. The Railroad will also stabilize or fossil fuel industry with it providing availability to other markets. A stable market and economy brings more taxable revenue which then in turn helps the State's and the US economy. In my point of view this out weighs the minimal negative impacts. Without tax dollars public lands can not be maintained, without other means of transport roads would need to be expanded. Relying on roads for transport increases the likelihood of more accidents that can cause large environmental impacts, unlike the minimal probability of accidents happening with the Railroad. I, being a resident of the Uintah Basin, am very much for the opportunity of having a Railroad.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kebbie Montgomery (UBR-DEIS-00168-1)	
Comment	Response
Ok I would love ?? for the Rail road to come to the uintah basin it would bring so much opportunities to people and maybe even have company's move here like things in the manufacturing industry's there's so much potential here please please	OEA notes this comment. No changes to the Draft EIS are warranted.
Kathy Hadlock (UBR-DEIS-00169-1)	
Comment	Response
I am writing to voice my opinion about the railroad in our community. We are a rural area that has been dependent upon the oil industry for many years for the majority of our employment. With the changing interests I feel that there is a great need for expansion to our area to enable our youth to have the opportunity to stay in the area and raise their families. The railroad will offer that diverse employment. I feel like this will bring more businesses to open our area-up to be able to sustain a great quality of life. It will be our good fortune to welcome the Railroad to our community and the surrounding counties.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brandon Scholes (UBR-DEIS-00170-1)	
Comment	Response
Due to the economic state of the uintah basin. The railway is going to be a huge positive impact to all of the communities. The people here need the railway to stabilize the economy. The people here who are against the railway coming have no idea the positive impact the railway will have. If anything else we need the rail here to continue to live here. Let's get it here ASAP.	OEA notes this comment. No changes to the Draft EIS are warranted.

Brad Rowser (UBR-DEIS-00171-1)	
Comment	Response
Joshua, I am in favor of the rail into the Uintah Basin. With our local refineries so often running at capacity, it is needed to create a more economical market for our product. I work for Ovintiv and today we have many wells shut in due to refineries being unable to take it. This causes our executive team to look elsewhere to invest capital. Additionally, I believe there are countless benefits to the other local industries as well	OEA notes this comment. No changes to the Draft EIS are warranted.
Bobbijo Casper (UBR-DEIS-00172-1)	
Comment	Response
Hi Joshua, I am in full support of the railroad going through Duchense County. I feel that this is what is essential to our economy for agriculture and our oil and gas industry. By having a railroad, product can be transported to other areas of our country that cannot be transported otherwise. This railroad will create much needed jobs and support our local struggling businesses. Thank you for allowing me to comment.	OEA notes this comment. No changes to the Draft EIS are warranted.
Wendy Hargis (UBR-DEIS-00173-1)	
Comment	Response
I would like to express my opinion on the railway coming to the basin, we desperately need it! We need a way for things to get to the basin since we have no major roads out here! It would create jobs that are needed and would just be an all around good thing. Thank you for taking the time to read this email.	OEA notes this comment. No changes to the Draft EIS are warranted.
Casey Stevenson (UBR-DEIS-00174-1)	
Comment	Response
We need this railroad to keep this Basin alive and prospering! Thank you	OEA notes this comment. No changes to the Draft EIS are warranted.
Cami Rose (UBR-DEIS-00175-1)	
Comment	Response
To whom it may concern, My family and I are very much FOR bringing the railroad to the Uintah Basin. Our economy desperately needs more opportunity here	OEA notes this comment. No changes to the Draft EIS are warranted.
Kendra Embleton (UBR-DEIS-00176-1)	
Comment	Response
Public comment was requested for the proposed railroad connecting the Uintah basin to major rail lines. I am against this proposal. I am frustrated that large amounts of public money have been spent to subsidize large companies. These businesses claim the railroad will bring commerce to the Basin. Yet, no evidence of increased commerce has been presented. People say, look how railroads have helped communities. They say it will bring us into the future. These comments are baffling to me. The railroad communities in Utah are certainly not thriving. And, since this is the third or fourth time a railroad has been proposed for the Basin (and failed each previous time) in the last 100 years, I certainly don't see how this would bring our community into the future. I am pro commerce and building the strength of the economy in the Basin, but no evidence has yet been shown that this project will do that. If there are studies showing benefits, please publish those. From what I've seen so far, this project looks like the spending of massive amounts of public	OEA notes this comment. No changes to the Draft EIS are warranted.

funds to line the pockets of a few businesses (that frankly should be able to fund the railroad themselves if it is truly that good of a business plan).	
Tony Smith (UBR-DEIS-00177-1)	
Comment	Response
Dear Mr. Wayland, I'm writing to you in hopes to add my voice to the positive voices I favor of the railroad. I'm an owner of oil rigs in the area and a member of the Duchesne county school board. I'm an advocate for bringing as much opportunity to the Uintah Basin as is possible. We here have endured 6-7 years of low oil prices and in turn many businesses have faltered and have been forced to close their doors. One of those people was my younger brother who had to close his doors due to some very difficult times Having a railroad here would open our small market to not only the wasatch front but also to the gulf coast. So in closing please bring us the railroad or things here may never change	OEA notes this comment. No changes to the Draft EIS are warranted.
High Country Pizza & Deli, Russ Newsome (UBR-DEIS-00178-1)	
Comment	Response
To whom it may concern: I am a small business owner in Roosevelt. My wife and I Own and operate High Country Pizza & Deli. We moved to Roosevelt and opened our restaurant in Sept. of 2018. Until that time we did not know much about the possible railway coming to the Basin. As we began to meet people around the area and hired local high school kids to work at the restaurant, we realized what kind of impact the railway would have on this community. Most of my employees have either parents or other family members in the gas and oil industry. I learned real quick how dependent this community is on the oil and gas industry. Wanting to learn more I sat in on a economic development meeting my first year here in the basin. At that meeting I met numerous other business owners throughout the community and they all have one goal in common, and that is the survival of our community. A railroad would not only help the oil and gas industry, but would help in the development and progress of bringing other industry to the Basin as well. Our community would not be completely dependent on oil. The Basin has so much more to offer. We have amazing people, a proud Ute Indian tribe, outstanding scenery and recreation and available land for future Industry. I do hope that all parties that are involved in the process of bringing the railroad to our community will look at all aspects of this project and see how much the railway would truly benefit this great community.	OEA notes this comment. No changes to the Draft EIS are warranted.
Michael Harrington (UBR-DEIS-00179-1)	
Comment	Response
To whom it may concern: I am a longtime resident of Vernal, Utah. I benefit from the presence of the local mineral extraction industry, both personally and professionally. With that in mind, and in support of the many locals who absolutely rely on the industry, I wholeheartedly support the Uinta Basin Railroad project. I have closely monitored the progress of the project, and I have attended nearly all local meetings on the subject. I understand that there are going to be environmental impacts associated with this kind of project, but they are slight and pale in comparison to the huge economic benefit both locally and statewide	OEA notes this comment. No changes to the Draft EIS are warranted.

Harold Gibson (UBR-DEIS-00180-1)	
Comment	Response
Joshua I have lived in the Uintah Basin sense 2002. The mainstay industry for the basin has been the Oil Industry. I have been able to watch the Oil industry have both ups and downs. I feel that the railroad would bring many additional opportunities for industry to become a player in the basin. One thing that you see on a yearly basis is the constant repair of the highway from the basin to the Wasatch Front. With the advent of the railroad, the constant running of large tankers trucks would be cut down, not eliminated but cut down. The rail system would give the basin an opportunity to invite other business to come to the basin. As of now, to have new business establish in the basin, we have a logistic problem. I feel the railroad would open the basin to have the new business. Thank you for the opportunity to respond.	OEA notes this comment. No changes to the Draft EIS are warranted.
George Zamantakis (UBR-DEIS-00181-1)	
Comment	Response
The Uintah Basin Railway is needed for many reasons but will assist with creating jobs to help the local economies. The railroad will also provide a needed transportation for crude oil, agricultural products and industrial materials. Currently, all of these items are being transported by semi's which creates traffic issues with all the long haul loads being done. By creating the railway, we will also help to ensure the roads are safer for the general public by reducing the amount of long haul semi loads daily. I am in full support of this railway and I hope that those considering this see the huge benefits that it will provide to the local economies, roadways, industry, etc.	OEA notes this comment. No changes to the Draft EIS are warranted.
E&B Oilfield Services Inc., Danny Abegglen (UBR-DEIS-00182-1)	
Comment	Response
There is no question this rail would spur the economy in the basin into overdrive. It would bring a huge number of jobs not just by the construction but also having the businesses in the area able to utilize the benefits of a rail. Some jobs would of course eventually be dissolved. But nowhere near to vast amount of jobs that would be created by the rail. I am 100% for this project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mike Zamantakis (UBR-DEIS-00183-1)	
Comment	Response
It will reduce semi traffic on US 40 and Indian Canyon. There has been a lot of wrecks involving semi tankers on both highways. As a former fire chief for Helper Fire Dept., we responded to some tanker wrecks in Indian Canyon, some of them were fatalities involved. It will also create a lot of jobs in Carbon County that is hurting now for employment opportunities. Jobs will be created during construction and afterwards. The highways in both US 40 and Indian Canyon will also see less wear because of the reduced weight of tanker trucks. This a win, win opportunity.	OEA notes this comment. No changes to the Draft EIS are warranted.
Shelby St Thyne (UBR-DEIS-00184-1)	
Comment	Response
While any type of infrastructure undoubtedly will have an impact on the environment, it is apparent that this railroad will have a positive outcome for the people of the Uintah Basin. The rest of the nation has been privileged with all kinds of types of infrastructure and they benefited from not having to ever worry about an environmental impact statement. The Uintah Basin has not been benefited by this type of massive infrastructure project. There are many reasons as to why. Part of it is our bumpy relationship with the Ute Indian	OEA notes this comment. No changes to the Draft EIS are warranted.

Tribe. This however doesn't need to be one of those bumps. This railway will undoubtedly benefit this minority and the majority. This is a no brainer. Now you're going to hear from the vacation home owners. While their concerns must be heard, their skin in the game must also be measured. They have been individuals who for one or a dozen strokes of fortune they were able to purchase pristine Basin property. They have broken up old homesteads, and riddled holes in our local agricultural industry by creating cheapened ranchettes. And now you are going to hear claims from them that it will adversely affect the environment. I imagine that it wouldn't have much more of an affect than their summer staycation cabins had, especially when considering the effect of all of the cabins that have been constructed. Really the only problem that the cabin owners have with a railroad is that it won't be pretty too look at and hear. They are only here when it is convenient not when the local economy has crashed. Their dollars don't support or help or counties all that much, most of their food comes from Costco not Stewart's. Sad, really. A group of people that will try to accuse an industry of stability that they will disrupt the environment awfully. What a convenient rebuttal. If we weigh and measure the environmental effect that it will actually have, with the economic stability that will be brought the Uintah Basin we see it outweighs any disruption of sight, and annoying noise that could possibly be emitted to a summer home owner. The other consideration, is you have an opportunity to help dissuade the death of rural America. There is an ever increasing trend of movement away from rural areas and into sub urban and urban areas. We in the basin are not immune. We need stability and because of our boom bust economy, we need options other than the oilfield that a railway can answer.

Casey Koon (UBR-DEIS-00185-1)

Comment	Response
<p>To Whom it may concern, I am writing in regards to Docket Number FD 36284 - Uinta Basin Railway. I can say that we and the community are in support 110% of this project. Our community can be positively impacted by this addition which could bring 100's to 1000's of jobs to a struggling oil field and Covid impacted community. Everyone I talk to in our area is counting on this railroad to help support this community. It is also a great opportunity for our area and our state to see additional work and revenue. I think it connects Eastern Utah with so many other areas and allows connection to additional commodities that normally would not be available. It also reduces cost of transportation to the area as well as reduces truck traffic on many roads. This could be cost savings in lives lost on many county, state and federal highways. No matter how I look at it, it will more positively affect the area and the state then it will negatively affect anything. This is something that has been discussed for many years. It has gone through great review, discussion, planning, and engineering. It is time that this project take off and get underway. Thank you for your time.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Jon Wilson (UBR-DEIS-00186-1)

Comment	Response
<p>Dear Mr. Wayland, I am writing in support of the proposed Uinta Basin Railway that will provide important and needed transportation infrastructure to the entire region of the Uinta Basin in the state of Utah. I have lived here collectively for nearly 30 years and my wife and I have operated two local businesses in the town of Roosevelt over the last 20 years. Both of our businesses serve the public (an eye care clinic and a fine arts center), so we have daily opportunities to visit and talk about community</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>issues with the public. The overwhelming majority of people here are excited about the Uinta Basin Railway for the following reasons: 1. Increased capacity to transport resources and goods out of the area (oil/gas/agriculture) 2. Increased job opportunities for local residents 3. Increased opportunities for a stronger and more diversified economy 4. Increased opportunities to bring goods into the area as the railway expands the economy 5. Increased highway safety over US Highway 40 due to a decrease in longer haul trucks Thank you for your consideration in this much needed transportation project that will serve a substantial region of our state and tens of thousands of hard working people. I sincerely appreciate your time and efforts regarding the Uinta Basin Railway.</p>	
Roger Burton (UBR-DEIS-00187-1)	
Comment	Response
<p>My name is Roger Burton and I have lived in the Uintah Basin my entire life. I have seen the oil industry boom and bust. I think the Uintah Basin Railway will help bring stability to the area. I give my full support, as a citizen of the Uintah Basin. Thank you,</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Ben Mecham (UBR-DEIS-00189-1)	
Comment	Response
<p>To Whom it may Concern, I have lived in the Uintah Basin my entire life and so has my dad, all of my siblings are also still here. We all have spent a lot of our lives traveling out of town for work, just so we can live where we want to live and raise or families. Bringing rail into the basin could provide us some opportunities to make a living close to home and continue to raise our families here I am 110% for it!!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Ruth Ann Chivington (UBR-DEIS-00190-1)	
Comment	Response
<p>I am in the oil and gas industry and I think the railroad would really benefit our community. I think we should all come together with this project!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Kelly Heaton (UBR-DEIS-00191-1)	
Comment	Response
<p>It would be nice to add passenger rail to this to bring in tourism. We could also use it to travel. I know it will never happen but would be a good thing.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Kim Mecham (UBR-DEIS-00193-1)	
Comment	Response
<p>I would like the railroad to come the the Basin. It would be beneficial for my family and also the economy in the Basin as a whole.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Dennis Spackman (UBR-DEIS-00194-1)	
Comment	Response
<p>I am in favor of the railroad. I have lived in Vernal since since 1975. I have supported a railway since I arrived. I think it will help our area economically. It will help with traffic on our roads and make traveling safer. It will reduce road repair. The routes have been well researched. It is way past time that we construct this railway. I see no negative aspects that can not be solved. I grew up near a railroad and I enjoyed hearing them and seeing them. And I would love being a passenger, although that probably isn't possible.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Jared Jackson (UBR-DEIS-00195-1)	
Comment	Response
Our rural community really suffers from economic fluctuations and I believe the railway will help stabilize our economy, including providing stable jobs for people.	OEA notes this comment. No changes to the Draft EIS are warranted.
Luxury Homes, Steve Palmer (UBR-DEIS-00196-1)	
Comment	Response
I have studied the facts about the proposed railway. I would like to ask that this project be considered for the survival of the Uintah Basin. The increase in oil production products would be a big boost to our local economy. But even more the capabilities of shipping and receiving products other than oil into the area would open doors for our local economy to diversify and attract other businesses. I sell manufactured homes the factories I presently work with are stretched to the limit presently deliveries of homes used to be a 3 month process we are now seeing lead times of 6 to 8 months for a home. I know the factories are considering new manufacturing facilities closer to their customer bases and help pick up the back log of homes. The limiting factor to consider an area like Uintah Basin for such a factory is getting lumber, sheet rock and appliances shipped to a factory location. We have a great work force for just such a factory. The jobs in these factories are carrier employment with great pay and opportunities to grow. I would like to see this project approved for the future of our local economy. Thank you for allowing us a voice to weigh in on such a crucial project for our area.	OEA notes this comment. No changes to the Draft EIS are warranted.
William Deppe (UBR-DEIS-00197-1)	
Comment	Response
The railway will not only benefit the oilfield. It will benefit American Gilsonite, El Tiburion, Simplot, and agriculture. Railways run both ways so it will help get products to the Basin. I'm all for it.	OEA notes this comment. No changes to the Draft EIS are warranted.
Wayne Gingell (UBR-DEIS-00198-1)	
Comment	Response
This project is long over due. This will benefit all businesses of all in the Uintah Basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Cedar Bear Naturales, Kevin Remington (UBR-DEIS-00199-1)	
Comment	Response
As President of Cedar Bear Naturales, I am excited about the proposition of adding a railway to the Uintah Basin. Each time talk about the railway surfaces there is also accompany talk about other companies that would follow its completion. If this does happen, it will only further diversify the local economies. Cedar Bear Naturales manufactures liquid dietary supplements and the addition of a local railway has to potential to decrease our shipping cost and timeframe to our clients who live throughout the United States. The railway also has the potential of allowing us to be better connected to our suppliers. As a business, we are excited about this prospect and look forward to the progress which will be made in the coming months and years.	OEA notes this comment. No changes to the Draft EIS are warranted.

Duane Boggs (UBR-DEIS-00200-1)	
Comment	Response
As a former resident of Roosevelt, Utah and a driver that hauled crude oil for many years between the Uintah Basin and the Wasatch Front, I believe this railroad will be a benefit to the Basin and the environment. It will also increase the number of jobs available to the trucking community, as they will haul to the railhead instead of the long single loads to SLC. It will reduce the risk of environmental impacts in various places along Hwy. 40 and reduce traffic as well. I strongly encourage the railroad be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brett Huber (UBR-DEIS-00201-1)	
Comment	Response
I am in favor of the Uintah Basin Railway project. It is vitally needed to sustain the viability of Northeastern Utah's mineral deposits, and open up many more economic options to further diversify the economic base of the area. It will also provide for overall safer vehicle travel to and from the basin. For the area that we love to continue to evolve and play a roll in the global economy, this rail connection is absolutely necessary.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jessica Gildea (UBR-DEIS-00202-1)	
Comment	Response
Please do NOT harm the environment. Humans have done enough. I'm sick of it. Leave it alone and stop exploiting mother nature for financial gain. We need the Earth, seh does not need us. Males have [redacted] everything up. Stop it already!!	OEA notes this comment. No changes to the Draft EIS are warranted.
Roosevelt Vision Clinic, Jason Kowallis (UBR-DEIS-00203-1)	
Comment	Response
I believe this rail project is vitally important to our community in bringing some stability to our community and new job opportunities. Being a business owner and seeing how our community struggles or thrives on oil I believe the rail would not only bring some stability but would help our farmers also. I have seen a lot good families move in and then out of our community from changes in jobs related to oil field. From a local business owner this would improve our community.	OEA notes this comment. No changes to the Draft EIS are warranted.
Cade Kowallis (UBR-DEIS-00204-1)	
Comment	Response
I want to put in my support for the Uinta Basin Railway. I was born and raised in the uinta basin and operate a business in Roosevelt. In talking with other around the community I have not meet anyone that does not see the need for this project. It will provide significant ability to stabilize and diversify our economy. We have always suffered the ups and downs that come with the oil industry. By having a railway it would not only help stabilize our oil industry but provide ways to have additional industry in our area. Many of the comments that I read that oppose this project site environmental issues. I have to disagree with them as the railway would provide a safer way to transport our oil out of the region taking long haul crude trucks off of highway 40 along with the emissions that they create. I am excited for the prospect of this project and fully support the opportunities that it provides for this great community and great area of the state of utah.	OEA notes this comment. No changes to the Draft EIS are warranted.

Torr McCurdy (UBR-DEIS-00205-1)	
Comment	Response
I believe that the economic impact to the Uintah is critical. It will make are roads safer!! Also bring more jobs to our area. It also will bring shipping rates to the Uintah Basin. Which may put our economy on an even playing field.	OEA notes this comment. No changes to the Draft EIS are warranted.
Shawn Keel (UBR-DEIS-00207-1)	
Comment	Response
I think that the railway would be a good thing for the basin as far as getting the oil out of the basin. but what are they going to do with the oil they talk about taking the oil to S.L.C. but they will only take so much so just wondering how much will it help the basin ? I do think it will be a good thing if it will put the oil field back to work..	OEA notes this comment. No changes to the Draft EIS are warranted.
Randy Clower (UBR-DEIS-00208-1)	
Comment	Response
This railroad will be an amazing long term asset to the Basin with mote opportunities to import/export more than just oil. I love this idea and support it 100 percent and so does every single person i know here. It's not right that a few land owners and farmers always get to shut any progress down. These are the same people every single time and they do not represent the majority of the Uintah Basin's view on this. Im 42 years old and have lived here the majority of my life since the early 1980's	OEA notes this comment. No changes to the Draft EIS are warranted.
Jeremy Mackay (UBR-DEIS-00209-1)	
Comment	Response
This rail project is absolute vital to the survival of these countries. Especially Uintah Basin and Duchesne county. And is wanted by nearly everyone that will be effected by this project. Please ho through with the creation of the railway	OEA notes this comment. No changes to the Draft EIS are warranted.
Stephanie Merrell (UBR-DEIS-00210-1)	
Comment	Response
I support the railroad. I also look forward to the progression in the Basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Will Wright (UBR-DEIS-00211-1)	
Comment	Response
The economy of the Uintah Basin has historically been highly dependent upon natural resource (particularly oil and natural gas) development and extraction, which has resulted in "boom or bust" cycles that generally characterize mining. Although all three counties are similarly isolated geographically from any major metropolitan area, they do differ somewhat economically. While Duchesne and Uintah Counties are predominantly dependent upon gas and oil production, Daggett County relies heavily on government, travel and tourism industries for their economic base. Because the counties are so heavily dependent on one major economic activity, it makes the economy very fragile and susceptible to sudden declines and even reversals of economic growth. This is why it is so important for local leaders of both government and private industry to work together to diversify the economy to make the area less vulnerable to the up and down cycles of having only one major economic cluster. Another major obstacle to economic independence in the Uintah Basin is the lack of transportation infrastructure to this region. This deficiency is a major impediment for this region's ability	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>to reach its economic potential and in its ongoing efforts to diversify the economy. Because of the Basin's rural and somewhat isolated location, local residents and business men must deal with costly distances. In order to access major Inter-mountain and Western U.S. markets businesses and industries within the Uintah Basin usually needs to transport to Salt Lake City first. With no major rail line servicing the area, nearly all materials produced or manufactured must be trucked in or out of the area by semi-tractor trailers adding significant costs to the transportation of goods. Salt Lake City serves as the nearest and most effective connection for rail and major air (freight or passenger) service to other U.S. markets. For the above reasons of being overly dependent on natural gas and oil development/extraction as well as the restricted transportation access to this region, the Uintah Basin Railway (UBRY) project offers the Uintah Basin expanded economic prospects to strengthen and stabilize its economy as well as to create additional markets for economic opportunities that will diversify its economy. For these reasons, I strongly support the Uintah Basin Railway project and ask the Surface Transportation Board to favorably consider this project in its evaluation process for the economic welfare and benefit of this region.</p>	
<p>Glenn Farrer (UBR-DEIS-00213-1)</p>	
<p>Comment</p> <p>I am writing to you to show support for the Railway between Duchesne and [illegible] Park. I've lived in Roosevelt and every county for over fifty years. I've worked in the oilfields - [illegible], etc. I've seen multiple changes in these areas of the state over the years. I think that if people in the Basin will use an open mind, that they'd see the benefits that could come from the railway, in moving petroleum products, farm goods, cattle, and numerous products to and from the area. It'd create much needed jobs, services, and income to the area. I've also seen the changes that have come to the area down Indian Canyon. There are several new houses, fields cleared and farms or ranches that have started down the canyon. I've seen what happens when new development comes to the area. Farms, etc. being split in half, to make way for progress to be made for the economy, and to improve the area. Some people don't like to see progress. Many environmentalists will fight anything that they don't think will benefit them. But in all reality, in the end, they'll use all the products that come from building this railway. I think that in the end everyone involved in this project will reap the benefits from the building of the railway. Thanks for letting me comment on this subject.</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Clint Morton (UBR-DEIS-00214-1)</p>	
<p>Comment</p> <p>As a local resident, I am in full support of the railway coming in. I look forward to the benefit and impact it will have on our local economy.</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Jason Blankenagel (UBR-DEIS-00215-1)</p>	
<p>Comment</p> <p>I live and work in the Uintah Basin with my family. We are in support of the railway because of the increase to our quality of life that the rail would bring. Our community is isolated from the rest of the state and this infrastructure would provide an essential connection for our economy. This would also reduce hazardous truck traffic on our major highways. Please approve this as benefit for the community most affected by it.</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Dusty Monks (UBR-DEIS-00216-1)	
Comment	Response
I am in favor of adding a rail system to our area. Currently, the options for transporting goods in and out of the basin is cost-prohibitive in being able to competitive with other areas in Utah. We need a more cost-effective way to move the good already produced here and to provide economic growth opportunities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Russell Sorensen (UBR-DEIS-00217-1)	
Comment	Response
We need the rail in the basin for sustainable economic growth	OEA notes this comment. No changes to the Draft EIS are warranted.
Clark Timothy (UBR-DEIS-00218-1)	
Comment	Response
As a resident of the Basin, and a taxpayer, I wholeheartedly disagree with bringing this railway here. The tax money spent on the study alone is absurd. Also, I like our rural way of life. If you want to live in a metropolis where there is railway, then by all means, please move there. There is also no indication that private companies will waste their money towards over a \$1 BILLION spend to get it here. If there are, why are they not listed? Are you in partnership with them? Which companies are they? How much are they willing to commit to this venture (fiasco)? The waste of spending so much \$\$ for such a great unknown is a complete travesty. Taxation is theft. Please don't use this thievery towards this project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Keldon Sorensen (UBR-DEIS-00219-1)	
Comment	Response
I believe the railway will be a good economic boost for our community.	OEA notes this comment. No changes to the Draft EIS are warranted.
B&B Roustabout, Inc., Justin Birchell (UBR-DEIS-00220-1)	
Comment	Response
I own a oilfield company in vernal and I'm for the railway anything to help the basin economy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Uintah Basin Medical Center, Jim Marshall (UBR-DEIS-00222-1)	
Comment	Response
The addition of a new railway into the Uintah Basin will go a long way to allow our region to diversify our economy by expanding manufacturing, agriculture, and other industries. The railway will also allow our oil industry to reduce the cost of transportation, open new markets across the country and world, increase the sales price of our crude, etc. Our waxy crude is sold in the state at a discount due to the difficulty and cost of transportation and a limit number of local buyers. Because our oil is sold at a discount, when oil prices drop, we quickly fall below a price point sufficient to continue drilling and local production halts while other regions can continue to produce. By expanding our market, we will be able to increase our sale price to market pricing or possibly a premium. This change in sales price will allow our local economy to become more stabilized by reducing the impact and frequency of production and exploration interruptions. The addition of the rail terminals on the South Myton and Leland Benches will greatly increase the number of	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>short trucking routes in Duchesne and Uintah Counties increasing the number of local trucking jobs. The addition of permanent railway jobs, agricultural and manufacturing jobs will also allow our local economy to stabilize and grow helping us to rebound from our 2015 recession. Uintah Basin Healthcare is investing in the future of healthcare for the Uintah Basin. We have begun construction on an estimated 45-million-dollar healthcare expansion project expanding healthcare services in both Duchesne and Uintah Counties. This expansion will ensure that primary and specialty care services are available across the Uintah Basin. The railway project will help ensure the financial success of this investment while we support the needs of the growing industry.</p>	
Bruce Timothy (UBR-DEIS-00223-1)	
Comment	Response
<p>As a business in Roosevelt I feel very strongly that a railway connecting the Uintah Basin to the rest of the nation would be very beneficial. I have lived here for nearly 70 years and transportation for freight has always been an issue for doing business here. For any manufacturing of anything many materials have to be freighted to the basin then freighted out. With rail freight available the development of our natural resources and other industries could be increased and the economic results would be a great benefit for the area and the whole state as well. I greatly support the building of a railway to the Uintah Basin.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Leah Richardson (UBR-DEIS-00225-1)	
Comment	Response
<p>I do not support the Uinta Basin Railway. Please consider the effect this will have on air pollution in the Uinta Basin. I already exceeds federal standards because of existing oil and gas development in the region, and this project would make it worse. Also, the proposed route of the Uinta Basin Railway traverses roadless areas, steep canyons, and rugged terrain. Over 10,000 acres of big game habitat will be affected by the railroad. Some of this area has been designated as crucial big game habitat by the U.S. Forest Service. The route also impacts the 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cress.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Marlin Michaelson (UBR-DEIS-00226-1)	
Comment	Response
<p>Getting a railway will be a great benefit to our communities here in the Uintah Basin not only through the added benefit of exporting materials out of our area but also being able to receive more items. This will most definitely help our environment by reducing the amount of semis on the road and thus improving our air quality. I would also expect we would see a decline in the amount of auto fatalities as many of these accidents involve semis. I fully support this proposal and am excited for the new opportunities it will bring.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Dee Miles (UBR-DEIS-00227-1)	
Comment	Response
<p>I am writing in support of the Uintah Basin Railway project. I own land in the indian canyon area and do not feel it will be a hindrance to my use of the property nor a detraction from the beauty of the mountains. I'd love to see a railroad there. There's already new roads and old roads and the railroad would clean up the looks from past use of that area. The railroad would not only bring new jobs but also protect the viability of existing jobs and industries. It would also provide opportunities for expansion and</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

diversification of industries in the Basin which are both badly needed. Again, I wholly support the project and urge approval to proceed.	
Jackie La Rose (UBR-DEIS-00229-1)	
Comment	Response
I heavily support this railway project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Steven Hansen (UBR-DEIS-00230-1)	
Comment	Response
I'd like to give my comment in support to the Uintah Basin Railway project. I live and work in Roosevelt City, in Duchesne county, Utah. I think the idea of railway access to our communities will greatly help the local economy. I even think that the environment will be positively impacted by the railway because it will optimize transportation resources necessary to move goods and materials into and out of the Uintah Basin. Please note my support for this project to improve our transportation infrastructure.	OEA notes this comment. No changes to the Draft EIS are warranted.
Torr McCurdy (UBR-DEIS-00233-1)	
Comment	Response
I believe that the economic impact to the Uintah is critical. It will make are roads safer!! Also bring more jobs to our area. It also will bring shipping rates to the Uintah Basin. Which may put our economy on an even playing field.	OEA notes this comment. No changes to the Draft EIS are warranted.
Stewarts Investments, Tyson Stewart (UBR-DEIS-00234-1)	
Comment	Response
My name is Tyson Stewart we own and operate a small chain of grocery stores located in Duchesne and Emery county. We employ almost 200 employees. Bringing the railway to the basin is of the strongest ways to ensure and build up our economy for the long term. This would be a way to ensure that no matter what is going on there is stability in our economy something there has not been to this point. I feel i have somewhat different perspective as the proposed rout is something i drive on a weekly basis for work. Indian Canyon is a beautiful place but with the institution of the railroad. I do not believe it will make a dramatic impact on the area. There are already homes and oil wells down the canyon along with a major road. The benefits of having the railway in place far out way the impact of putting a railway in as there is already so much activity down the canyon at any rate. Also by putting the railway in you will say the negative impact of trucks run 24-7 between the salt lake refinery and the basin each week.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nielson Construction & Materials, John Nielson (UBR-DEIS-00235-1)	
Comment	Response
I wanted to add my full support to moving forward with this project and the preferred route. I am a business owner that operates in the basin as well as in Carbon/Emery/Grand counties. I think the project will provide jobs and other potential industry to the basin area. All environmental concerns that were brought up have been mitigated and addressed in the interest of all. There will always be challenges to overcome but doing nothing is not an option I support.	OEA notes this comment. No changes to the Draft EIS are warranted.

Alfred Elison (UBR-DEIS-00236-1)	
Comment	Response
I am in support of the Uintah Basin Railway. The economic growth that the Uintah Basin and surrounding areas will receive will be well worth the costs involved in constructing the rail spur. The Uintah Basin is quite isolated from other areas, with zero interstate freeways, and only US40 AND US191 Highways entering and exiting the basin. I trust that all environmental regulations will be closely followed when the planning and construction of the railway is underway and completed. The Uintah Basin will be able to see new growth and prosperity with the access to the national railway through the construction of this railway spur. The area is in such need of this railway at the present time.	OEA notes this comment. No changes to the Draft EIS are warranted.
Steve Hatzidakis (UBR-DEIS-00237-1)	
Comment	Response
I am a retired Law Enforcement Officer that worked in the Uintah Basin for the bulk of my career. This railway would help the Basin as well as surrounding areas. More of the oil could be shipped easier and quicker as well as other items. The basin's economy has always been up and down down....boom or bust. This would help stabilize the Basin's economy in a way that has never been attempted. It would be greatly appreciated if this railway were completed and help the Basin as well as other areas.	OEA notes this comment. No changes to the Draft EIS are warranted.
Thomas Winterton (UBR-DEIS-00239-1)	
Comment	Response
I am a small business owner here in the Uintah Basin. In the past 20 years, I have owned a construction business that specialized in customer homes and small commercial. I also owned two motels in Roosevelt and Duchesne, The Winterton Suites. 90% of our business was oil field related. At the present time, I am partners in a consulting company that focuses on start up companies and strategic partnerships. In my business, I help companies find solutions to their problems. Having grown up in Roosevelt, and living here for most of my 40 years, I am well aware of the boom/bust cycles that come with the oil industry. Both boom and bust cycles presents problems for the people who live in the Uintah Basin. I know that the oil industry will benefit greatly from railway to the Basin, but I am advocating for the railway for completely different reasons. I have had multiple opportunities to align local investment dollars and talent with outside needs. In one case, I was consulting with a company that needed additional machining and manufacturing. The Basin is attractive because of very low power rates, business friendly atmosphere, and capital from local business owners who would build the facility to produce the needed products. In the end, it did not happen because of a lack of transportation in and out of the basin. No interstate, no major airport, no railway. To entice any type of serious manufacturing, we need one of the three. This railway would allow the basin to more seriously compete for manufacturing. It would allow the Basin the opportunity to better diversify our economy, lessening our dependence on the oil extraction industry. I know that some environmental groups may oppose the railway because of the benefits it will bring to the oil industry in the area, but if they are serious about lessening the oil industry in the Basin they would realize that they need to help provide tools to the Basin to reduce our dependence on oil and gas. The Basin needs to diversify our economy. Right now, a large portion of our economy is based on oil. Almost everyone has a family member who makes a good living working in some aspect of energy extraction. Our voice is united	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>and strong in our support of the oil industry. But bring in new manufacturing, the likes of which does not depend on the oil, and with it will come citizens and employees who also are not dependent on it. The railroad will bring many new jobs to the Basin, and many could be in industries that have nothing to do with the oil industry. I personally could have profited off of deals bringing new industries to the Basin had I had the availability of the railroad when I was pitching the projects. One last thing I want to address, the trucking industry. While the railroad will provide a way to haul oil out of the basin, trucking will be needed more than ever. The railway will not travel to each oil well. Because more oil will be sold outside the Basin, it will require more local trucking to get it from the wells to the railway. Highway 40 between Roosevelt and Interstate 80 is dangerous with all the increased oil tankers traveling it. I cannot imagine that truck traffic could increase much without serious consequences and major investment in highway expansion and upgrades. The railway can be a great solution to increase the safety on Highway 40. I strongly support the railway project. It is time that the Uintah Basin have an opportunity to compete in the world of commodities. It is time that our area be given equal footing when it comes to recruiting manufacturing and diversifying our economy. I hope to see this project become a reality.</p>	
<p>Harold Marshall (UBR-DEIS-00240-1)</p>	
<p>Comment</p> <p>The Uintah Basin has been isolated from the nation. The Basin economy needs a transportation alternate from the 2 highways. Most of the people transportation from the basin is consistent driving HWY 40 west to Salt Lake City. Basin people connect to wide transportation (airlines), shopping, colleges, music and entertainment, conferences and political connections, and hospitals and medical services. The transportation for people competes on the road with the oil tankers and delivery trucks and people coming to the basin from Salt Lake City for entertainment. There are massive number of -campers, boats, and hauling entertainment vehicles using HWY 40 from Salt Lake City to the basin to access the basin and the mountains. Depending the day, I count 30 to 150 trucks passing by (one direction) in 3 hours of driving to Salt Lake City. Rail is the best way to transport heavy loads. Rebuilding the HWY over and over because the heavy loads that destroy the highway is costly. The environment costs more for shipping on the HWY than the rail. In other words; the trucks burn more fuel for shipping and the trains use. The truck maintenance is more than the train. Maintenance for the HWY is more than the rail which means that the environment cost is less with the rail. Wildlife "kills" from trucks (deer, elk, moose, and small game) are more than the rail. The safety issues driving with the trucks on the HWY are more than transportation than rail. There is a crude pipeline that services from Rangely, CO area to Salt Lake City but that pipeline is limited to capacity and the type of crude that can transport. The basin crude is heavy with paraffin waxes which limits transportation with pipelines. Tank trucks are used for transportation from the basin using Highway 40 through Heber and to Salt Lake City. Resources that have to transport on the HWY 40 in and out of the basin such as: frac sand, gilsonite, oil shale, oil sands, timber, phosphate, coal, natural gas, propane, acids, cattle, and crops. Any of the routes will benefit the basin. Choosing the route is about the alternate that will harm less the environment. In my opinion that the Rail will help the basin economy and the investment of the Rail will pay back multiple times. The environment and safety will benefit with the rail. The basin people will benefit with the rail.</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

The State will benefit with the rail. The people from Salt Lake City will benefit with the rail. The wildlife will benefit with the rail.	
Michael Budig (UBR-DEIS-00241-1)	
Comment	Response
I oppose the proposal to subsidize and build the Uinta Basin Railway (UBR). The subsidy is a misappropriation of the Utah Permanent Community Impact Funds, which are supposed to be used by communities impacted by fossil fuel development to diversify their economy. The proposed railway will necessitate increased drilling and oil extrapolation and result is increased pollution in the Uinta Basin, an area which already suffers from excessive pollution levels.	OEA notes this comment. No changes to the Draft EIS are warranted.
Ganesh Parvati IX, LLC., Anshu Jain (UBR-DEIS-00242-1)	
Comment	Response
The rail project is an absolute must for Vernal and the surrounding areas. For the past several years, the economies have suffered drastically. Businesses still remain closed. Many business continue to struggle and wonder when they will have to turn the keys back to the bank. The rail project will bring new life to the area. It will revive the economy and help lodging, restaurants, and other businesses. The census population in Vernal and surrounding areas has not shown any rapid growth. This project must begin ASAP to help our economy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Yogesh Kumar (UBR-DEIS-00243-1)	
Comment	Response
I think this project is needed for economic development of this region. All walks of people will be benefitted from this project and region will see unprecedented growth. Businesses of all kinds will flourish and noone will have to leave their homeland to work in bigger cities and jobs will be in plenty in their own area. Besides economic growth other things like better education and cultural growth will be there which will benefit the young generation	OEA notes this comment. No changes to the Draft EIS are warranted.
Heather Huber (UBR-DEIS-00244-1)	
Comment	Response
I am in favor of the railway project. The Uintah Basin depends on the oil and gas industry. The oil and gas industry is very unstable. The railway project is a great way to open up opportunities to expand the economy in the Uintah Basin beyond oil and gas. If the oil and gas industry goes away, so does life for most of us in the Uintah Basin. Oil and gas effects everyone in the Uintah Basin regardless if they are employed in the oil field or not. If the oil and gas industry goes away, so does the livelihood of every person in the Uintah Basin. I think it is crucial to add the railway to open up opportunities for a variety of avenues industry in the Uintah Basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Cole Horrocks (UBR-DEIS-00245-1)	
Comment	Response
I am in favor of the Uintah basin railway. I feel that the railway will provide more jobs to help the economy of the basin. It will also provide a more cost effective method of transporting product out of the basin.	OEA notes this comment. No changes to the Draft EIS are warranted.

Dustin Rasmussen (UBR-DEIS-00247-1)	
Comment	Response
Build it! We need the rail!	OEA notes this comment. No changes to the Draft EIS are warranted.
Kris Maylett (UBR-DEIS-00248-1)	
Comment	Response
This rail spur is very important for our economy and the livelihood of us here in the basin. Please approve this!	OEA notes this comment. No changes to the Draft EIS are warranted.
Kristy Scholes (UBR-DEIS-00249-1)	
Comment	Response
I feel we need this railroad to better our economy and lives of Uintah Basin residents. It will provide stability in our economy and allow for more industries to come to our area to provide jobs.	OEA notes this comment. No changes to the Draft EIS are warranted.
Joel Lefevre (UBR-DEIS-00251-1)	
Comment	Response
As a life long 4th generation resident of the uintah basin I approve of the railroad. The opportunity that it will provide for diversity in our local economy, employment stability, and jobs that will be created will help with the struggles that the basin has faced for decades.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mindy Karren (UBR-DEIS-00253-1)	
Comment	Response
I want to see the Railway go thru our economy needs it! I think it would help more than just the oilfield industry especially as things evolve.	OEA notes this comment. No changes to the Draft EIS are warranted.
Francie Bomer (UBR-DEIS-00254-1)	
Comment	Response
There is a history of running trains through the Arkansas River valley. Our town was settled because of the railroad. The long abandoned tracks represent days gone by, when passenger trains brought tourists and workers to and from the area. The roundhouse and depot have were demolished many year ago. Renewing that history, for tourism, may have some merit, however, the idea of hauling oil through the pristine river valley and the BROWNS CAANYON NATIONAL MONUMENT is a distaste waiting to happen. Not only is there a risk of derailment, and spills, but the noise and pollution created would spoil an area known for recreational value. It would disrupt the beautiful wildlife corridor. I urge you, DO NOT GO FORWARD with this proposal. It is unnecessary and irresponsible.	OEA notes this comment. To the extent that this comment may be referring to another proceeding previously before the Board, OEA notes that the notice in Docket No. FD 36471 has been rejected and the proceeding is no longer active. No changes to the Draft EIS are warranted.
Georgia Moen (UBR-DEIS-00255-1)	
Comment	Response
I cannot believe that this is even being considered! DO NOT run crude oil trains through pristine wilderness/tribal lands nor Browns Canyon, which is a National Monument. I want to preserve our beautiful Colorado environments, not destroy them. I was born and raised in this state and despise it when greedy companies come here and don't give a darn about how their operations are going to affect my state. Fossil fuels are horrible for our environment and you should be investing in renewable energy instead.	OEA notes this comment. To the extent that this comment may be referring to another proceeding previously before the Board, OEA notes that the notice in Docket No. FD 36471 has been rejected

	and the proceeding is no longer active. No changes to the Draft EIS are warranted.
Katherine McCoy (UBR-DEIS-00256-1)	
Comment	Response
This environmental cost and risk of this rail proposal makes no sense in a time when alternative energy is replacing fossil fuels. The price of oil is depressed and likely to remain so, as demand decreases and global supplies remain abundant. WE oppose this proposal.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nicole Rosa (UBR-DEIS-00259-1)	
Comment	Response
I am very much against this project. This sentence: "According to the DEIS, an estimated 3.68-10.52 trains per day would traverse the new rail line, and those trains, with approximately 100 oil tankers each, would then travel along the Arkansas River's 100-mile stretch of Gold Medal trout waters, including Browns Canyon." ABSOLUTELY INSANE! It's not a matter of "if" there will be a spill, but "when". Recreation in Chaffee county completely depends on this river. Fishing completely depends up on this river. Thousands of people depend on the river for clean drinking water in that area, and tens of thousands downriver into Pueblo Reservoir and further East. Colorado Springs Southern Delivery System uses water from the Arkansas River. This river needs to be protected at all costs, and running trains of up to 100 oil tankers is a VERY BAD IDEA.	OEA notes this comment. To the extent that this comment may be referring to another proceeding previously before the Board, OEA notes that the notice in Docket No. FD 36471 has been rejected and the proceeding is no longer active. No changes to the Draft EIS are warranted.
Bharat Devana (UBR-DEIS-00260-1)	
Comment	Response
I see opportunities not only for our oil industry but also for agriculture and manufacturing when this project is established. I think The Whitmore Park path is harmless to the nature when compared to other two options.	OEA notes this comment. No changes to the Draft EIS are warranted.
Ken Bonetti (UBR-DEIS-00261-1)	
Comment	Response
I am writing to state my strong opposition to the Uinta Railroad project. Not only will it risk environmental damage to the area in Utah through which it runs, it will be the first link in a line that will ultimately run through Colorado's upper Arkansas Valley and the Browns Canyon National Monument where an accident would be catastrophic for the Monument, the river and the large tourist industry that supports Chaffee County. Most importantly, we do not need to increase oil and gas production, since the industry is the prime driver of climate disruption and needs to be wound down, not up. Please deny any and all permits requested by the developers.	OEA notes this comment. No changes to the Draft EIS are warranted.
Reed Dils (UBR-DEIS-00262-2)	
Comment	Response
This project will have huge impacts to our county and state, many which are very negative, both from an environmental and social perspective.	OEA notes this comment. No changes to the Draft EIS are warranted.
Willard Marriott (UBR-DEIS-00263-1)	
Comment	Response
Farmers and ranchers will benefit, the oil industry will benefit, regular businesses like ours will benefit. I and my family 100% support the Whitmore Route because of its various benefits.	OEA notes this comment. No changes to the Draft EIS are warranted.

Wasatch Energy Management, Riley Brinkerhoff (UBR-DEIS-00267-1)	
Comment	Response
<p>Wasatch Energy Management is a Utah based oil and gas producer that would greatly benefit from having better transportation options for the oil we produce. As you know, currently all produced oil is trucked over narrow highways, either over Indian Canyon Pass or Daniels summit, both at around 8,000' elevation and subject to winter weather. Trucking is expensive, dangerous, creates significant emissions and causes travel delays for the general public on the only two significant highways linking the Uinta Basin with the rest of the state of Utah. For our company, having a rail option would increase our revenue per barrel by 10%-25%. The railroad would be an absolute gamechanger for our company and our 22 employees. Moreover, other industries in the Uinta Basin, such as aggregate, gilsonite & phosphate mining, light manufacturing, the construction trade, and agriculture would all greatly benefit. Our highways would be safer and require much less slow, expensive, and dangerous construction. It has been said often that the Uinta Basin is the largest geographic region in the lower 48 without rail service, which has been a serious drag on our local economies. Without the railroad, I see the highways continuing to be overloaded with semis hauling crude oil over steep mountain passes, and more fatalities resulting from motorists trying to pass in either poor conditions or with oncoming traffic. My cousin Ronson McKee lost his mother in just such an accident. I see local businesses continuing to struggle, and most of our children continuing to move elsewhere for employment.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Roosevelt Golf Course, Aaron Brown (UBR-DEIS-00269-1)	
Comment	Response
<p>Thank you so much to all those involved in the process of bringing the railway to the Basin. This project will mean so much to this rural part of the State. It will bless and benefit so many people not only here in the Basin but everyone that the railroad services from its routes with supplies for centuries to come. Please keep up the great work and make it come to fruition. Don't hesitate if Roosevelt Golf Course or the Brown family can be of any assistance. We are all in on the railway!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Mckenzie Lyle (UBR-DEIS-00271-2)	
Comment	Response
<p>I am certainly against the project!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Uintah Engineering, LLC, Jill Jensen (UBR-DEIS-00274-1)	
Comment	Response
<p>I would like to express my full support for the current progress and approval of the Uintah Basin Railway. I feel that it would be a huge asset to the Basin in regards to economic development within our small community. It would give a great bump economically, thus benefiting local businesses, restaurants and small entrepreneurs looking to branch out into bigger cities. Merchandise coming in and out would be extremely beneficial as well as being able to procure better supplies for our local restaurants. A boost like this will do wonders for our little town.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Susan Greiner (UBR-DEIS-00275-1)	
Comment	Response
I would like to voice my opposition to the Uinta Basin Railway proposal. As I see it, the proposal has the following serious flaws:- It would use public taxpayer funds to help develop the rail line, justified as improving the economy in Utah. Using public money to unfairly benefit one industry is wrong. This money could and should be spent on public needs that serve the greater good instead.- It seeks to create additional markets for Utah oil, much of which would be pumped from oil wells on public land that were allowed through controversial low cost leases granted by the Trump administration. Utah's spectacular public lands should not be drilled and damaged by oil companies for profit at the expense of the greater public good. Again, one industry would benefit at the expense of the rest of Utah's economy, including its tourism and outdoor recreation economy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Susan Greiner (UBR-DEIS-00275-7)	
Comment	Response
-Once the damage is done to Utah's lands by the oil industry and oil is extracted and shipped out, the oil companies will leave, and Utah will be stuck with a land and water table damage to mitigate, loss of jobs, and only short term partial profits to show for it.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jeremy Dickens (UBR-DEIS-00277-1)	
Comment	Response
We are into the petroleum business and we think that Whitemore park has better advantages for businesses compared to other routes. All of my partners support this project via this route.	OEA notes this comment. No changes to the Draft EIS are warranted.
Maria Rojas (UBR-DEIS-00278-1)	
Comment	Response
I have lived in Uintah area for 25 years. My family is still living there. We feel that a lot of development is required for this area and we are sure this new railway project can achieve this. The online discussions were helpful for us to get environmental knowledge, as result, we feel that Indian Canyon and Wells Draw lines are damaging. So we support the Whitemore Park line for this project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karen Dils (UBR-DEIS-00279-2)	
Comment	Response
1-Because the goal of this is to increase profit to a company using a declining natural resource, AND a declining NEED for this resource, I am opposed at this point.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karen Dils (UBR-DEIS-00279-5)	
Comment	Response
4 - Because ultimately this company wants to continue hauling this oil into MY community, along MY river, I am opposed because of several issues: a) potential devastating environmental damage to our Gold Medal Fishing river b) potential devastating damage to the quality of this water which is relied upon for drinking by municipalities. c) Disruption and delay at multiple crossings in our quiet town. We've had trains before and didn't like the impact and noise then and this could be MUCH worse. Safety issues at crossings. d) Loss of property values to adjacent property owners. e) Loss of wilderness values in Browns Canyon National Monument.	OEA notes this comment. To the extent that this comment may be referring to another proceeding previously before the Board, OEA notes that the notice in Docket No. FD 36471 has been rejected and the proceeding is no longer active. No changes

	to the Draft EIS are warranted.
AvoAvaz.com, llc, Dan Cox (UBR-DEIS-00281-1)	
Comment	Response
As a 45 year oil/gas geologist, i understand the need for a company to continuously find ways to be more economic, have higher returns. I also understand how important US energy independence is. I am still working in the industry. The proposed rail serves these business desires. If Uinta basin oil is currently being refined in Salt Lake city, why not continue refining there? If the supply of oil exceeds refining capacity, why not expand current facilities? if this railway goes thru, no matter how many times the company says they will not repair and access the Minturn to Leadville to Salida to Canon City segment of the line and on the the Gulf coast refineries, we all know better. It is always about money. An oil spill will devastate the Arkansas River based tourism and agricultural, including rafting, fly fishing, kayaking, ranching, farming, for 1000's of people. we all know that an oil spill on the river WILL HAPPEN. it is just a matter of when. Due to no fault of anyone's, be it rock slides, avalanches, flooding, earthquakes, the rails will always be in jeopardy of damage, the trains will always be in danger of derailment. IT HAPPENS ALL THE TIME!!!! Just read the paper. ONE tanker of oil would do irreparable damage to the Arkansas river and all of the people that depend on it for a living. And to send oil through this area makes absolutely no sense in terms of distance and time to get it to refining in Texas or Louisiana. Spend time here in Chaffee County. Look at the local economy and how integral the river is to this part of Colorado. Do NOT COME THIS WAY WITH YOUR OIL TANKERS. Please continue studying alternate solutions. Truly i wish you great fortune on your project, but please use common sinse and reasoning.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mike McAinsh (UBR-DEIS-00282-4)	
Comment	Response
This is Michael McAinsh, M-C-A-I-S-H.- - - - - I would like to make one quick comment about the last two commenters.- California is going to be selling all electric cars by 2035.- As California goes, so goes the rest of the nation. - - - - - We need to be thinking about what's going to happen in the future.- Our future is not extractive industry.- Our future is tourism.- And if we don't do something about keeping the ground pristine, people will find other places to go. - - - - - And Utah is a wonderful place, but it is getting really overworked in a lot of areas.- We have to decide what we value most.- Do we value the extractive industries that we dig holes in the ground, leave oil spills, leave all kinds of environmental destruction, or do we value the fresh air, the open ground, the open country that we have all come to love?	OEA notes this comment. No changes to the Draft EIS are warranted.
Ray Dillman (UBR-DEIS-00283-1)	
Comment	Response
My name is Ray Dillman, and I own a piece of property in the Argyle Canyon area, 160 acres, and I have a beautiful cabin on that property and my family has enjoyed it for years. - - - - - The proposed -- all three of the routes will climb right past -- right through my property and into a tunnel right there, and we're concerned -- I'm concerned and my family is concerned that -- we've seen at our cabin an abundance of wildlife, including black bears, deer, elk, owls, that the -- sage grouse, golden eagles, and even a mountain lion.And like I say, we spend a lot of time there, and right where the railroad goes, there is also a stream that has been damned off, and there are beavers that live there, and we've seen them this fall.- And the proposed railway would	OEA notes this comment. No changes to the Draft EIS are warranted.

directly impinge and destroy -- or, at least, alter that for us. - - - - - We are very concerned that the construction and the -- and then the future noise and the impact from the many railcars coming and going and the vibrations and -- would definitely drive away the wildlife and ruin the area for us, as far as enjoyment of our cabin and our property.- And this damage would be permanent as the railway would be there for many, many years. - - - - - And it is such a richly diverse habitat, and we have come to know it and love it, and I would like to just register mine and my family's concern.- And we would prefer it didn't -- it didn't happen.- So as far as our enjoyment and what we've come to -- one of our most prized things is that.

Raphael Cordray (UBR-DEIS-00284-1)

Comment	Response
<p>My name is Katherine Raphael Cordray.- It's R-A-P-H-A-E-L C-O-R-D-R-A-Y. - - - - - I would like to say that I -- first of all, I believe I -- thank you for taking comments.- I feel that this -- [technical difficulties] -- different and we could be together, and I do too.- But I feel like the government could do more to make the -- [technical difficulties] -- meetings more together. We don't have any way of knowing how many people are participating in this meeting, and I would like to know that in the meeting.- I would like to be able to see more of who is here, and I think that you could do more to fix that, the STB. - - - - - I also am very concerned because the Seven County Coalition, who is driving this project, is very closed off, and they are --[technical difficulties]-- who are pushing forward to try to -- the Uinta Basin into a future that we don't want.- And the people of this world do not want to be locked into this fossil fuel future that we can't afford, and people are turning away from it in droves right now around the world.- And there's not even going to be a market for colluding fossil fuels that they want to get out of the Basin. - - - - - We don't -- there's not even enough money to build this railroad because people are seeing the foolishness to pursue this project.- We can't tolerate this.- Our health, our water, our air cannot tolerate this project.- The Uinta Basin faces purple air days. They have some of the worst air pollution in the entire nation, and they -- it is not from --[technical difficulties]-- regulated frac wells in, and Utah is an extremely poor regulator of environmental --[technical difficulties]-- and do not do a proper job managing the area.[technical difficulties]-- any type of pollution. Future generations do not deserve this, and they don't want to --[technical difficulties]-- public money is urgently being stolen to pay the lawyers for the --[technical difficulties]-- refused to listen to the public.- They moved their meetings online, and they don't even allow public comments on their meetings online, which is illegal, but they don't follow the law. Citizens have to follow the law, but these leaders do not follow the law.- They don't -- they are -- the Seven County Coalition are not properly registered with the Utah Governor's Office and --[technical difficulties]-- and so forth.- I want this committee to know that the environmental impacts of this are being -- are being minimized by that, the Seven -- and the future of this area --[technical difficulties]-- project.- We deserve better.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Raphael Cordray (UBR-DEIS-00284-2)

Comment	Response
<p>I'm very offended that Mark Hyde took the time to characterize my comments as threatening.- I think that that is very rude and inappropriate, and this is a public forum.- I have the right to free speech.- - - - - I do believe that the Seven County Coalition is, in fact, in violation of the law.- You know, I -- they are using community impact Board money.- That money is designated by the</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>law for mitigation of environmental impacts of oil and gas, and, in fact, is not appropriate to be used by the Seven County Coalition.- - - - - I believe that Eric Johnson is a bad lawyer, and I believe that Mike McKee is getting paid way too much to push forward a project that has been repeatedly brought to the attention that it's a bad idea for the community.- The environmental impacts are overwhelming, and the public has said in every single chance they've got a moment to speak that we are extremely concerned. We do not want this project. - - - - - Calling the Seven County Coalition foolish is not being threatening.- That is my opinion.- And these white, male figures that are in, pushing this forward, are harming the future generations.- The Uinta Basin has an extreme infant mortality based on the air quality there, and I'm tired of these men threatening the lives of women and babies. - - - - - And I'm tired of Mark Hyde and others telling me that I'm -- cannot have my opinion on this railway.</p>	
Mike Hyde (UBR-DEIS-00285-1)	
<p>Comment</p>	<p>Response</p>
<p>Hello, this is Mike Hyde, community developer director for Duchesne County.[pause]Mike is M-I-K-E, Hyde is H-Y-D-E. - - - - - I didn't really intend to make comments today, but just kind of listening in.- I just wanted to say that I started reviewing the Draft EIS, and I found, thus far, that it is very well done. Looks like the mitigation measures that are being proposed to address environmental impacts are right on the money.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Curtis Miles (UBR-DEIS-00287-1)	
<p>Comment</p>	<p>Response</p>
<p>These are from Curtis Miles, C-U-R-T-I-S M-I-L-E-S.- "I think the rail project is a good thing for the Uinta Basin.- A lot of our children have to leave the area to find jobs that will sustain them.- The railway would provide more jobs and help the economy. - - - - - I think the people who have been involved in this project have done a good job looking out for the best interest of the Uinta Basin and residents.- The rail would help more than just the oil and gas industry,"</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00288-2)	
<p>Comment</p>	<p>Response</p>
<p>So as I was saying, virtually all the planning and discussions and everything surrounding this project has been done in secret and outside of the public eye.- The Coalition meets in subcommittees where a quorum isn't present, so they don't have to make those discussions available to the public.- I feel like that's deceitful, and that's just not the way that a public body that is supposed to represent us as the public should conduct their actions.- - - - - You know, we are not against economic prosperity in the Uinta Basin.- You know, all of us landowners that are up in that area, in the Argyle Canyon area, you know, the vast majority of us are not full-time residents, but we still pay significant property taxes to Duchesne County every single year. - - - - - We get no exemption from being a permanent resident.- We get hammered on our taxes, and we get virtually no services from the county up there whatsoever.- And then the county comes in and is going to run this project over the top of us, and yeah, we are angry, and we are upset about it and we don't feel like it is appropriate. - - - - - And while they are doing that, they continue to raise our property taxes in the area, when, clearly, this project, and even the possibility of this project, significantly decreases the value of our properties in that area. - - - - - You know, nobody knows and understands the environmental impacts that this is going to have in this area, specifically in Argyle Canyon,</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>better than us who are residents and landowners in that area.- I don't know where the OEA gets their standards that they feel like are permissible and acceptable, but, you know, the impacts that are going to come from this project are far reaching and will -- many of them will be irreparable. - - - - - In addition, there's still no private financing in place for this project.- So the Coalition is spending all this public money to plan this project, and they don't even know whether it will ever be built, because Drexel Hamilton, the private investment company, still doesn't have any investment in place and funding in place to fund this project.</p>	
<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00288-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>You know, I feel like that speaks volumes to just how -- just how questionable this project is.- You know, if there is not financing already in place for it, why not?- If this project is so vital and so viable, why isn't the financing already in place for it?- Why aren't the investors and the oil companies that are going to benefit from this project putting up the funds to plan it, rather than relying on the Coalition, a government entity, gambling with our public moneys to plan this project that may never happen? - - - - - It's just flat-out wrong, and I totally disagree with it.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00288-5)</p>	
<p>Comment</p>	<p>Response</p>
<p>And then my second comment, just in regard to Mr. Todd's comment, you know, if oil and gas production is going to begin declining in 2030, this railroad will be far from paid for.- And that is one of our big concerns also is the financial viability of this rail. - - - - - Again, it goes back to all the information that we've requested from the Coalition that they sent to us redacted because they don't want to share what the true economic viability of the railway is.- But I can tell you that it is going to take more than seven or eight years to pay for this railway.- And so if oil production begins to decline or there is another, you know, economic impact such as this pandemic, what then? You know, what happens then? - - - - - I feel like there's far too much uncertainty surrounding this project, and it has the potential to, sure, improve the booms and make them exponentially larger, but at the same time, it also has the ability to exponentially increase the negative impacts of the bust cycles that are inherent --[pause]-- that are -- those are inherent in the petroleum industry.- I feel like that public moneys are better spent investigating and planning and pushing alternatives to fossil fuel production to create a stable economy for the Uinta Basin.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Tyson Todd (UBR-DEIS-00289-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Tyson Todd, T-Y-S-O-N T-O-D-D.- I'm with the SITLA, the School and Institutional Trust Land Administration. - - - - - I just had some high-level comments here. Looking at the International Energy Agency, it looks like they project oil demands to grow to 2030, and then after 2030, it will start the -- the demand for oil will start decreasing at that point, not disappearing but decreasing after 2030, which I think was, just from a high-level demand for the product, primarily being shipped on the rail, both for the long-term economics of the rail. - - - - - We all know that there are demand disruptions as evident by the COVID-19 pandemic, but generally looking forward, it looks like the level amount for oil is trending upward. - - - - - I also have here a report from the Bingham Research Center in Vernal, Utah, out of Utah State University, talking about winter ozone production decreasing over time.- In</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

part, it reads:- For a given set of metrological conditions, winter ozone concentrations are now lower than they would have been in the past.- The annual ozone reduction has been about four parts per billion per year, from 2011 to 2020, with a total drop of more than 30 parts per billion.- And the number of ozone exceedance stays per year has also decreased.- Evidence is that the decline in wintertime ozone is driven by changes in emission, not metrology. I think that's an important environmental factor to consider as well.- At the same time, gas production has gone down over the last couple years in the Uinta Basin, but there are industry controls and new regulatory environments that are helping with the ozone pre-cursor emissions that allows the oil and gas industry to be a cleaner industry in the Uinta Basin. - - - - - And there are lots of people in the Uinta Basin working in the oil and gas industry.- I think it's a fair assessment to say that it is the backbone economic driver of the Uinta Basin, even though we are trying to diversify.- Those economic factors and environmental factors regarding oil and gas development in the Uinta Basin need to be strongly considered. - - - - - And also from a trust land's perspective, you know, we issue oil and gas leases depending on the price of oil and gas.- It's a substantial amount of our revenue.[pause]-- oil and gas.- And the rail and the opportunities to find new markets for oil and gas developed on trust lands would help grow the trust, and in turn, fund public education across the state. - - - - - Thank you.[pause]Thank you.- Just to clarify my comment, I was hoping to communicate that oil productions is not going to decrease in 2030.- Rather, that the International Energy Agency predicts that the rate at which demand grows will decrease in 2030.

Katie Pappas (UBR-DEIS-00290-1)

Comment	Response
<p>My name is Katie-Pappas, and I live in Salt Lake City.- I have three main-concerns about this project, two of them are not related-to the Draft EIS, but I've not seen another forum to-bring them up so I will mention them.- - - - - The Draft EIS concludes there would be-significant negative impacts to water resources,-wildlife, vegetation, land use, recreation, air-emissions, and biological resources and cultural-resources.- - - - -These seem like insurmountable effects, and I-believe that they, alone, should stop the project dead in-its tracks.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Katie Pappas (UBR-DEIS-00290-2)

Comment	Response
<p>And my second concern is that CIB money is -- this money is supposed to go back to communities to-alleviate the impacts of oil and gas development and not-support private development.- Rural communities are-suffering.- I read yesterday that some have lost their-only medical facilities during the pandemic.- The money-should be used for services and creating sustainable,- long-term jobs, not supporting boom and bust industries.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Katie Pappas (UBR-DEIS-00290-3)

Comment	Response
<p>And then my third concern is climate change. We are in a climate crisis that will require all of our cooperation to address.- We should be working toward more sustainable energy sources, not accelerating the use of dirty fossil fuels like waxy crude.- In Utah, these types of projects continue to be proposed, despite evidence that they are killing us. - - - - - The projected costs of these projects never factor in the impacts of climate change, which run in the</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

billions of dollars and cause untold human suffering.- - - - - So I hope you'll take all three of those things into consideration.-	
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00291-2)	
Comment	Response
In Section 4.2.2 of the mitigation section of the Draft EIS, the Board, quote:- Encourages applicants to negotiate mutually acceptable agreements with affected communities to address potential environmental impacts, end quote. - - - - - Despite our repeated requests, the Coalition has refused to do so with the Argyle Canyon community, and instead, uses public moneys to pay their attorney, Eric Johnson, to fight us at every turn. - - - - - We are not wealthy landowners.- Virtually all of us in Argyle Canyon have meager means, especially when it comes to finding tens of thousands of dollars to fund a legal challenge to such a project as this.- - - - - Instead of the Coalition, and specifically Duchesne County commissioners, representing us as the public and us land owners, their constituents, they instead choose to shun anyone who is opposed to the project or who expresses concerns with it.- They use public moneys to deliberately and intentionally suppress the voice of the public. - - - - - This is inherently wrong and sheds significant light on the true viability, purpose and associated negative impacts that this project will irreparably impose on the environment and communities that the proposed railway will bisect.	OEA notes this comment. No changes to the Draft EIS are warranted.
Raphael Cordray (UBR-DEIS-00293-2)	
Comment	Response
They are saying -- in one meeting, they say they are going to reduce the truck trips off of -- in Utah by building this railroad, and in another meeting, they testified to a judge saying that it will not affect the truck trips. - - - - - And so I just -- I'm really concerned about the Seven County Coalition and the duplicative answers that they give to the public and the commission for the legislature and in court hearings.- And I think that the STB should not approve this railroad because the information is inaccurate that they are providing.	OEA notes this comment. No changes to the Draft EIS are warranted.
Dwight Schneider (UBR-DEIS-00294-2)	
Comment	Response
Also, I would like to state that this project, I believe, is very good for the community.- The community is struggling very hard in the Uinta Basin these days to provide good jobs.- The waxy crude is at the limits, as one other commenter stated, in shipping to Salt Lake at max capacity, and that probably will not change with the railroad because they are using that crude in the refineries. - - - - - The expansion of light crude in the U.S. has caused numerous refineries in the U.S. to run at reduced capacities because the design was for heavier crude, and this crude will help refineries be able to better handle the light crudes in the U.S. by blending it in and improve refinery operations. - - - - - And by improving refinery operations, it will reduce emissions in refineries and stuff.- So there are -- there are some very positive benefits of this project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brent Lawyer (UBR-DEIS-00295-1)	
Comment	Response
This is Brent Lawyer, L-A-W-Y-E-R. - - - - - I would like to voice my support of the plan as proposed, in that it significantly addressed the environmental concerns, and it would prove to be economic benefit to surrounding area.- - - - - I understand that we have gone through several iterations of this and	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>made modifications to address things such as Sage Grouse and other environmental concerns, and I think we have done a good job of doing that. - And I would encourage the committee to support the plan as proposed.</p>	
<p>Margaret Bringham (UBR-DEIS-00296-1)</p>	
<p>Comment</p> <p>I'm Margaret Bringham, M-A-R-G-A-R-E-T, B as in boy, R-I-N-G, as in girl, H-U-R-S-T. - - - - "Thousands of nerve-shaken, over-civilized people are beginning to find out that going to the mountains is going home, that wilderness is a necessity." Quote from John Muir. - - - - Ever had a week where you felt like a nerve-shaken -- and -- nerve-shaken, or is it the norm? Maybe you need to unplug, get away, go to the mountains. Sometimes we think that life has become a fast-paced frenzy, but Muir points out that this was a problem decades ago. - His solution: - Go to the mountains. - That's from the Social Hiker Trail Guide. - - - - Around 30 years ago after packing up our kids and tent trailer for a fun weekend at one of Utah's campouts, we had to come back home because every place we went was full. - - - - After that disappointing experience, we started looking for recreational property to buy. - We looked at several pieces within a few hours from our place, but almost gave up after a few years until we found Indian Canyon Summit and our Dog Canyon properties. - Vern, the original surveyor and then real estate agent, took us to three properties for sale. - We started getting excited because past properties didn't have the pine trees we wanted. - We asked him if there were anything with both shade and sunshine and pine trees, shade for Kent, sun for me. - - - - When he drove to our future place, we felt like we were on sacred ground. - We spent every liquid dollar we had to buy it. - That was 27 years ago. - We love going to the property. - We have had multiple reunions and many wonderful memories. - Last summer, I counted 15 cars, 4 trailers, and around 17 tents. - - - - Our place is frequented by deer, elk, plus a variety of migrating birds, chipmunks, rabbits, and squirrels. - Our son calls it "deer poop property." Imaginations run wild, and the little people have built multiple forts. - And before the fire of, I think it was 2012, grandkids found enough dead trees for a zoo that they proudly introduced to their parents. - There was a pirate ship and a seesaw. - - - - The teenagers had sufficient room to be away from the crowd and build friendships that otherwise would not have happened. - - - - Adult siblings and spouses circled up for chatting and table games. - At night, we share talents and skits, and we don't need to be quiet by 10:00 p.m., which means that we can tell scary stories in the dark. - It becomes a place for the young and the old to find commonality. - - - - Discovery of beaver ponds and Little Dribble Waterfall was a delight for years. - Kent and I could sit in our trailer and watch the chipmunks chase each other around the ground and feed birds looking for food. [pause] The most important thing is that this is seismic area. - The Crandall Canyon Mine disaster in 2007 was due to seismic activity. - There are also pockets of gases, and it's beyond me as to why they want to use this mountainous area for a railroad.</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Mike Stengel (UBR-DEIS-00297-1)</p>	
<p>Comment</p> <p>I live in the Uinta Basin, unlike some that are commenting or may have commented. - - - - My experience with the Uinta Basin started about 9 years ago. - My wife and I are originally from California, and we moved to the Uinta Basin. - I took on an oil field job, and shortly thereafter left the field after a year and a half and went to go work in the real estate industry. - - - - I have gotten to know some wonderful people both in the oil and gas industry that</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

provide for their families as well as those that are looking to find a better way of life. - - - The Uinta Basin and the mountains and the beauty and the majestic views that are here, everything that is being described is real.- It's a wonderful place to live and raise a family.- It's kind of like 50 years ago, maybe longer, from where Salt Lake or even Heber was. - - - -There are beautiful parts of the basin.- Also, there's a lot of rocks and terrain and some areas are desert so that the terrain changes throughout the basin. You have the wilderness forest areas, and you have just a lot of rocks and dirt.- - - -I have always been proud to have a real estate license and defending home ownership and land as well. And I believe that this proposed rail project is definitely needed for the Uinta Basin, especially when it comes to providing alternative jobs, not only just in the oil providing what -- the means they're talking about with the oil and gas, but also the means of providing raw goods -- raw materials and finished goods and product going out.- It opens it up for other industries. - - - -There are other counties, cities, states that have railroads, even smaller towns than ours that have railroads, and they do quite well.- Here, it's about 100 years overdue.- And so I'm grateful that the Seven Counties Infrastructure Coalition has presented this project, that the EIS has been -- that the EIS is in this process of being completed.- And that I look forward to the rail project going to completion, which will mean jobs for families in, not only just oil and gas but a diversity of jobs out here, which is very welcome out here.- - - -People, the residents here, want to see opportunity.- They want to see -- they don't want to have the ups and downs of the economy, the hard crashes and the booms that happen which make it very difficult financially for families.- - - -I'm grateful for Mike McKee with the Seven County Infrastructure Coalition.- I've gotten to know him really well, as well as others -- Ron Winterton, who supports this.- Even our Spencer Cox has come out and supported it, and grateful for that.- We have support from a state level, from a county level, and the cities as well that are getting prepared for this growth. - - - -So I think it's a good project.- And I think that just reviewing the different routes that are being reviewed through the EIS as well as the mitigating reasons or mitigating -- mitigation they're working on to mitigate the impact to the environment, I think it's done -- being done responsibly.- And I welcome additional feedback.

Mike Stengel (UBR-DEIS-00297-2)

Comment	Response
<p>I wanted to just quickly add one of the things that we've had as a great discussion within the Uinta Basin is -- I hold a weekly radio program, a local radio program on the AM/FM bands.- We've had quite a number of guests on.- And the local support for this project is overwhelming, to say the least, with the public.- And it's something that would help not only the frac sand and the oil and everything everybody has talked about before, but I wanted to spend just a little bit more time talking about the economic impact if we don't do anything. - - - -The roads are going to have to continue to be maintained.- There's going to be additional trucks on the roads in addition to what we already have.- The infrastructure is not there to sustain and support the growth that's expected. - - - -Additionally, the railroad opportunity provides a little bit of what I talked about earlier, it provides a lot of opportunity for other industries to come in.- We don't have that opportunity right now because the rail isn't here.- The cost of goods and services here, commonly people refer to it as "basin prices."- There's an expense that we pay that's even over gas.- We ship our oil out to Salt Lake, they refine it, and they charge us more for gas to bring the gasoline out for our petro stations. - - - -So there's a lot of things to consider, and not just simply look at the</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

environmental impact, but also look at the human and financial impact as well, which the environmental impact study is largely about what mitigation needs to be happening as far as if there's an economic hit -- or not economic, but an environmental hit, how to mitigate that. -But a lot of focus should also be on the economics of doing nothing.- If nothing is done, we're going to have the same status quo. - - - -As a real estate agent, I have sat across from families that have lost their homes to foreclosure and are considering short sales and losing their homes because of a market crash.- This may not be something that happens all the time in Salt Lake or Colorado or Wyoming or even California, but it happens quite regularly here.- About every five years, there's a crash, and it's a hard crash.- And this project will allow for that to level off.- It will allow other industries to come in. - - - -We welcome all industries.- If there's other energy options that are available that want to come out, if they want to bring solar and wind, if they want to bring other, what they call "green" or "renewable energies," I think the environment that's here as far as the people that I talk to, they're open to all options. - - - - But that's not what's being discussed here. It's, We need to try to kill the rail for environmental reasons or for, you know, You don't have the right paperwork or filing information, or whatever it may be. I think that those arguments are important to have, and I think it's good to have the dialogue.- But I also think there needs to be an understanding that the economic impact to these tens of thousands of families that live here are greatly impacted because of decisions of doing nothing.- We already know what nothing, doing nothing does.- We have the last 100 years of very stagnate growth and lots of booms and crashes. - - - -So with that, I just wanted to add the additional comments, and I appreciate the additional time.

Mike Stengel (UBR-DEIS-00297-3)

Comment	Response
<p>I wanted to add a little bit of clarification, and I appreciate Darrell's comments.- Thank you. - - - -So as far as thinking it's a fallacy or things aren't going to happen, I personally know the saw mill owner in Duchesne, and they plan on loading up and using the railroad to ship their finished good products.- A lot of that will go to the mines, the local mines that are in Price and Helper.- So there is an industry for that.- - - -As far as an opportunity for other things, competing for the Inland Port, as a hub for the Inland Port, allows the Uinta Basin to compete there.- So definitely an opportunity there as well. - - - -And then in regards to his comment about Delta. Delta is not the Uinta Basin.- Delta doesn't have the oil that the Uinta Basin has.- And that's an opportunity for us.- We welcome the additional traffic on the roads.- We welcome that because it means jobs for the families. - - - -So I think that it's one thing to sit back when you're not in the basin and to say something like that, and then to live here and deal with the realities of it. And so definitely, you know, as far as the last comment about misinformation and lies and being careful for what you wish for, we do hope we do get this rail.- And I personally hope I do because it will benefit our family, our friends' families, the oil field workers that I've come to know and love, and the people that live here in the Uinta Basin.- So this will definitely help the basin and help the people that live here. - - - -And as far as outsiders, we're not fond of outsiders to begin with, with the basin.- It's kind of a basin thing.- But we welcome people that are here to visit our lovely sceneries and forests and the hunting, fishing, and camping that's available. - - - -But we need to do this.- This needs to happen. It's about time.- It's overdue.- So we look forward to the Uinta Basin rail project happening.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Daniel Mauchley (UBR-DEIS-00298-1)	
Comment	Response
<p>I am Daniel Mauchley from Roosevelt, Utah.- Thanks for saying my name right. - - - -Just want to second almost everything that Mike just said.- I think that's very appreciated.- And I am aware -- I work at the library, and I have, you know, been helping people who are being affected by the railway, no matter what route's taken, on their properties, and helping them find information on the EIS and things like that.- And there's no doubt that that's going to affect some people.- And we heard from one tonight. - - - -And I think whatever happens, there needs to be adequate compensation.- And, I don't know.- There's no way to make this without some loss.- And so there's - - I don't want to be bullish about that.- - - -But I must say that I think having lived in the basin and seeing the up and down of the primary residents here who work and keep this community going and this county going and the Uinta Basin, our neighboring counties -- you know, the roads are good, but it's -- this will definitely change things.- And it will not only make the oil better but, as mentioned, some of the other things.- - - -Like, for example, we're trying to build a new library here in Roosevelt.- And there is big concern over the cost of materials and just transporting that stuff to get it out here.- It's a big problem that's increasing the costs of our projects that -- we'd like to offer similar things to our residents here, but it comes with an extra tag price.- So hopefully, the rail line would help with something like that. -I would look forward to some increased stability that the rail line would bring.- It certainly would affect -- I don't know how it would affect traffic on our road.- I think we would still see a lot of local traffic back and forth from that terminal.- But overall, I think this will be a positive thing.- And I wanted to add my voice to that. - - - -And it's not just about the oil, I think there's other things that will positively come out of this for those that live here all the time.- And hopefully impacts on the environment and things like that will be mitigated -- and on primary residents that are being affected by it.- Whatever can be done to mitigate that for everybody would be the best.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Raphael Cordray (UBR-DEIS-00299-2)	
Comment	Response
<p>I have spent months and months out in the woods in the Uinta Basin, and I care about it deeply. - - - -I think it's important to talk about the things that the real estate agent is bringing up and what Darrell Fordham brought up and to hash that out a little bit more. - - - -I think that it's -- that the real estate agent should find out how the lumber is going to get on the train.- Because again, it's very expensive to get a transloading facility.- And, you know, who is going to pay for the transloading facilities in the Uinta Basin? Who is going to maintain them?- Who is going to maintain the railroad? - - - -Claiming -- or if the Uinta Basin hitches themselves to this railroad, they're practically guaranteeing a reliance on a bust and boom future.- The railroad will be dependent on the price of gas, and the railroad is extremely expensive and extremely limited in how people can use and access it.- - - -It is true that the public is being deceived about the reality of the use of the railroad.- I'm sure that many people in the Uinta Basin do want the railroad and do want to continue making money off of oil and gas. - - - -But the impact of climate change is a reality. And the impact of the air quality on the Uinta Basin on the birth weight and miscarriages of babies in the Uinta Basin is a reality.- You really want to trade more jobs for more babies being stillborn?- This is not a good tradeoff for our future.- Everybody doesn't want this. People are afraid.- People want jobs.- But to hitch your future to the railroad when the future of</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>oil and gas is so unstable is a terribly bad decision for the future generations of Utah. - - - -And whether you're an outsider or an insider, you're hitching the future generations of Utah to an unstable path that's very expensive.- There's no guarantee. - - - -And ask your friend how he's going to get the lumber on the railroad.-</p>	
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00302-1)

Comment	Response
<p>This is Darrell Fordham. - - - -I just wanted to make a few comments about how this project came about, at least from the public perspective, from the perspective of those who are concerned about this railway. - - - -Very, very little information has been shared with the public with regard to what is the financial feasibility of this project?- At what price per barrel of oil is this project feasible?- And we also find it hard to believe that the projected cost for this project is now somewhere between 1.2 to \$1.4 billion when all the previous studies in the past that followed a similar route were upwards of \$5 billion. - - - -I think a lot of the public, especially out in the Uinta Basin -- you know, I totally understand that you feel like this is -- this is the solution to all of your economic woes out there, and I'm sympathetic to that.- But there's a lot of numbers and a lot of information that's been deliberately withheld from the public. - - - -I have submitted numerous government records access requests, which are returned with all of that pertinent information redacted from them.- You know, we have no way to verify any of the construction estimates and cost estimates because the Coalition refuses to provide any of the information that they relied on to make those assumptions and those estimates. - - - -In addition, you know, there's communities all over the state of Utah that have rail.- Just think about Price and Wellington as one example.- Delta would be another example of a rural community that's connected by rail, and there are not numerous industries beating down the doors to move into those communities simply because they have rail service available.- So the notion that this rail project is going to bring in all this new industry and all these new jobs and everything that are not strictly oil related is a fallacy that's being propagated by the Coalition and the other supporters of this project.- It's not reality. - - - -The fact is that there are no plans at this point, at least no plans that the public has been made privy to, for a transloading facility out in the basin connected to this railway that will handle anything other than crude oil and extraction-related products.- - - -So, you know, you can build this rail, and you can think that Walmart is going to ship all your goods in on it and that the lumber yards are going to use it and all of that, but do you really think that these companies are going to invest millions of their own dollars to build their own transload facilities to be able to utilize this railway?- Where are the plans for those facilities?- And if there aren't any plans for those facilities, that's a huge red flag.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00302-2)

Comment	Response
<p>Just to follow up on my previous comments and respond to Mr. Stengel. - - - - You know, perhaps part of the problem of why there aren't more businesses out in the basin is because these basin residence label people like me as "outsiders," just like Mr. Stengel did, which I found very inappropriate. - - - - The fact is I spend almost as much time in uchesne County as I do in my home county of Utah County. So to say that I'm an outsider and that my opinion doesn't matter is highly offensive and flat out wrong. - - - -You know, one of my biggest concerns is just all the secrecy surrounding this project.- From Day 1, the Coalition has tried to hide the project from us landowners that</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

were going to be affected by it.- They are extremely rude to us when we attend their meetings, when we ask for information, when we asked questions. - - - -They didn't involve any of us who were going to be directly affected by this railway at any point in the planning process for our input, for our feedback.- You know, we could have been partners in this planning, and sure, maybe it couldn't have avoided our community completely, but at least we would have had a seat at the table and had an opportunity to give our input and feedback instead of just being run over the top of.- And that's categorically wrong the way that we've been treated and the way that this project's been handled from the beginning.- - - -You know, the fact is that I probably pay more taxes in Duchesne County than many, probably the majority of the permanent residents in the county actually pay. And for my taxes, I get virtually no services.- So you know, me and the hundreds of other landowners in that area are just handing over thousands of dollars in tax money to Duchesne County every year as a gift, basically. We get nothing in return, except, you know, rude and snide comments like we received here today which I feel like is in very poor taste and is very unfortunate.

Chris Maylett (UBR-DEIS-00303-1)

Comment	Response
<p>First of all, I want to reach out and just say how much I appreciate everything that the Seven County Infrastructure Coalition is doing there in rural Utah and the areas there that they operate.- These are people that live in rural Utah.- These are people that understand rural Utah and really have our voice in mind.- And so I really want to say how much I appreciate all of their efforts in the projects and the things that they're doing there. - - - -And first of all, as far as the Uinta Basin Railway, when this first started, you know, back a few years ago, I feel like I was very well-informed.- I feel like they've done a fantastic job of reaching out to the communities there that's going to be impacted by this there.- And I appreciate the openness there that we've seen with this project.- I know I get emails.- I get stories about it at least a couple of times a week, and so I really appreciate that. - - - -So as far as the market for the railway coming in here, you know, I work in the oil and gas here in the basin.- And one of the things, you know, for years -- I've been here for 25 years, so I'm a local.- I've worked local for 25 years.- I've been in the basin around other industries as well. - - - -And one of the things, you know, right now, our crude -- the only market we have for our crude oil is Salt Lake City.- So what happens when a refinery in Salt Lake City, they're in a shut down?- Well, all of sudden, we're having to shut in wells here.- We're having to lay people off.- We're having to -- whatever the case is because our market right now is completely the Wasatch Front.- And so I look forward to this project to open up more markets for us. - - - -And we have this stuff called "waxy crude" here in the basin, and it's awesome to see the opportunities for our waxy crude and the opportunities to be able to sell the wax out of our crude and have those opportunities for us to diversify the market there that we're able to push out to.- And so I really, you know, Mike Stengel, I appreciate your comments there. I absolutely look forward to it, you know, as far as people that live in the basin, people that work in the basin.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Chris Maylett (UBR-DEIS-00303-2)

Comment	Response
<p>And as far as tax dollars go, when we look at the amount of money that is generated off of oil and gas, you know, I'd love for all that money just to stay right here in the Uinta Basin because we would be diversified. We would have economic stability.- But unfortunately, a lot of that money goes to building I-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>15.- It goes to building the highways that are along the Wasatch Front. - - - - - And so like as far as air quality goes and the environment and stuff, the oil and gas industry invests so much money into the environment and restoring the environment and those types of things.- And so I appreciate all of the effort that is made by our local oil and gas companies in caring about our air quality and our environment.</p>	
Brandon Anderson (UBR-DEIS-00304-1)	
Comment	Response
<p>This project is very supported by me and my household. This project will provide opportunity to diversify our local economy and will provide economic stability for our community in the future. I fully recommend to send this project forward.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Natalie Thomas (UBR-DEIS-00305-1)	
Comment	Response
<p>In regards to Docket No. FD 36284. I think the railway will be a huge addition to the Uintah Basin for future jobs. Also for road safety, reducing long haul trucking on our highways. We moved our family out here 8 years ago and would like to retire here. If the railway doesn't come out here and the oil industry falls, we will be one of many families that will have to leave the area. We have built our home and our future here, we wouldn't want to have to move away.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Gwen Fillingim (UBR-DEIS-00306-1)	
Comment	Response
<p>I grew up in the Uinta Basin, and live here. As a resident, I can see great value in the construction of the railway in our area. This would be a great boost to our weakened economy. Since the oilfields have drastically slowed down, and so many are unemployed. I can easily see the benefits of this venture and the future positive impact it would hold for our area and community. As a resident, I say yes to the Uinta Basin Railway.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Martin Pierce (UBR-DEIS-00308-1)	
Comment	Response
<p>I currently live in the Vernal area. I have recently been effected by the economic downturn and had to get a different job to be able to keep my home and property. I love living in this area and believe it is a great place to raise my children. I believe that the railroad project would improve the economy in this area and help to bring diversification possibilities for business of the Basin.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Jacie Mitchell (UBR-DEIS-00309-1)	
Comment	Response
<p>As a born and raised resident of the Uintah Basin, I fully support the railroad and I hope to see it progress. This railroad will be a great cost effective way to import and export products, and our businesses can continue to thrive. It will also help decrease tax dollars for residence because heavy highway construction will be required less frequently. The railroad will help reduce energy consumption. Pollution and green house gas emissions will decrease. And our roads will be less congested. Our economy will grow, the job market will increase and it will be a very beneficial part of our community.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Mark Monsen (UBR-DEIS-00310-1)	
Comment	Response
It is very important that the Uintah Basin resources are moved to the market place. Railroads are a proven safe and efficient way to move those resources. In this time of uncertain economic conditions a rail road would give the Uintah Basin more opportunity to develop alternative economic development so our life style here in the basin can grow and flourish.	OEA notes this comment. No changes to the Draft EIS are warranted.
T.C.G. Consulting, Inc., Alberto De la Torre (UBR-DEIS-00311-1)	
Comment	Response
I am completely opposed to this project. I can not understand how politicians continue to put things like this which destroy the environment over protecting the environment for our children & grand children.	OEA notes this comment. No changes to the Draft EIS are warranted.
Daniel O'Malley (UBR-DEIS-00312-1)	
Comment	Response
This production, potentially four times the current amount, will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point; we shouldn't expand fossil fuel development. It will also further pollute the air in the Uinta Basin, which already exceeds federal standards because of existing oil and gas development. It will harm wildlife as the proposed routes traverse roadless areas, steep canyons, and rugged terrain. Over 10,000 acres of big game habitat will be impacted. The route also impacts 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cress. The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the area with 443 stream crossings, over 61 miles of streams and 26 acres of floodplains, as well as wetlands along the Price River. These are unacceptable impacts to the precious perennial waterways in our semi-arid state. Finally the UBR would change the way of life for those who live and recreate in the area. Landowners in Argyle Canyon and other off-grid canyon communities along the proposed routes fear the disruption oil trains will bring with noise and clouds of diesel smoke. Mile-long trains will disrupt beloved wildlife, create traffic delays and significant potential for accidents, derailments, spills and sparks, which could ignite disastrous wildfires. This is an unacceptable threat to community health, safety and well being.	OEA notes this comment. No changes to the Draft EIS are warranted.
Tyler Yeates (UBR-DEIS-00313-1)	
Comment	Response
This project would be a disaster for the region's air, water, lands and wildlife. Oil and gas extraction are already poisoning the Uinta Basin's air and water, harming people and wildlife. The railway would make things worse and contribute to the climate crisis. We urge you to choose the no action alternative for the proposed UBR. It would do irreparable harm to the air, water, land and wildlife in the region and should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Steve Shuput (UBR-DEIS-00314-1)	
Comment	Response
This railway would threaten wildlife, pollute the climate and is not needed. It is costly and disruptive.	OEA notes this comment. No changes to the Draft EIS are warranted.

M Law (UBR-DEIS-00315-1)	
Comment	Response
Please- No to the Uinta Basin Railway!! We have such an unhealthy and embarrassing problem with air quality already. Consider our air, water, climate, and wildlife! No UBR!!!	OEA notes this comment. No changes to the Draft EIS are warranted.
Lauri Taylor (UBR-DEIS-00316-2)	
Comment	Response
This project would be a train wreck for the region's air, water, lands and wildlife. Oil and gas extraction are already poisoning the Uinta Basin's air and water, harming people and wildlife. The railway would make things worse and contribute to the climate crisis. I urge you to choose the no action alternative for the proposed UBR. It would do irreparable harm to the air, water, land and wildlife in the region and should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Lauri Taylor (UBR-DEIS-00316-3)	
Comment	Response
This production, potentially four times the current amount, will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point; we shouldn't expand fossil fuel development. It will also further pollute the air in the Uinta Basin, which already exceeds federal standards because of existing oil and gas development. It will harm wildlife as the proposed routes traverse roadless areas, steep canyons, and rugged terrain. Over 10,000 acres of big game habitat will be impacted. The route also impacts 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cress. The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the area with 443 stream crossings, over 61 miles of streams and 26 acres of floodplains, as well as wetlands along the Price River. These are unacceptable impacts to the precious perennial waterways in our semi-arid state. Finally the UBR would change the way of life for those who live and recreate in the area. Landowners in Argyle Canyon and other off-grid canyon communities along the proposed routes fear the disruption oil trains will bring with noise and clouds of diesel smoke. Mile-long trains will disrupt beloved wildlife, create traffic delays and significant potential for accidents, derailments, spills and sparks, which could ignite disastrous wildfires. This is an unacceptable threat to community health, safety and well being.	OEA notes this comment. No changes to the Draft EIS are warranted.
Joshua Chiles (UBR-DEIS-00317-1)	
Comment	Response
STOP this railway! We do NOT need this, it will only create more air pollution! Instead let's concentrate on solar and wind! thank you, Josh	OEA notes this comment. No changes to the Draft EIS are warranted.
Amy Dall (UBR-DEIS-00318-1)	
Comment	Response
I am against the proposed Uintah Basin Railway as the impacts will be far reaching and harm our air quality, wildlife, waterways, just to name a few things.	OEA notes this comment. No changes to the Draft EIS are warranted.
Stacey Cole (UBR-DEIS-00319-1)	
Comment	Response
I OPPOSE the proposed Uinta Basin Railway because of the devastating and destructive impact it would have on the air, water, land and wildlife.	OEA notes this comment. No changes to the Draft EIS are warranted.

Mark Barone (UBR-DEIS-00320-1)	
Comment	Response
I am concerned about protecting Utah's air and climate. A Uinta Basin Railway would degrade the region's air, water, lands and wildlife. Oil and gas extraction are already poisoning the Uinta Basin's air and water, harming people and wildlife.	OEA notes this comment. No changes to the Draft EIS are warranted.
William Nicholls (UBR-DEIS-00321-1)	
Comment	Response
This project will destroy thousands of acres of wildlife habitat, will do tremendous damage to the Indian Creek riparian habitat, will further degrade the air quality of the Uinta Basin, and is oblivious the world's urgent need to eliminate fossil fuel reliance.	OEA notes this comment. No changes to the Draft EIS are warranted.
Marcie McCleary (UBR-DEIS-00322-1)	
Comment	Response
I've spent time in Roosevelt and was dismayed at the air quality. I expected a small town like that to have clean clean air. Also, I believe the impact on the land and wildlife would be disastrous. I hope you can find a cleaner, less damaging alternative to the railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Laura Kent-Jensen (UBR-DEIS-00323-1)	
Comment	Response
I support the No Action Alternative for the Uinta Basin Railway (UBR). I live within the impact study zone, and I am very concerned about air quality because many of my family members have asthma or lung disease. The UBR project would facilitate oil and gas extraction-related activities, resulting in increased exploration, drilling, and overall production. Given the negative effect of these activities on our health and the environment, I believe we should be limiting rather than expanding fossil fuel development	OEA notes this comment. No changes to the Draft EIS are warranted.
Laura Kent-Jensen (UBR-DEIS-00323-3)	
Comment	Response
Although I detest the trucks, my hope is that the disadvantages of using trucks will help keep production low until there is less need for fossil fuels because better alternatives are readily available. Additionally, my understanding is that air pollution in the area already exceeds federal standards. If that is the case, we should be working to reduce production or to impose better pollution controls, rather than making it easier for developers to pollute more. It would be irresponsible to pursue a project like the UBR that takes us further from our goals for a clean environment. I am writing these comments because my family's health is at stake.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nicola Nelson (UBR-DEIS-00324-1)	
Comment	Response
This project is not something Utah needs. Please do not approve or fund this railway project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kristin McBeth (UBR-DEIS-00325-1)	
Comment	Response
Please do not put profit above health and beauty. We live in a one of a kind, gorgeous area. The bad air is making people sick and also degrading the beauty around us. Do the right thing b	OEA notes this comment. No changes to the Draft EIS are warranted.

Frederick Adler (UBR-DEIS-00326-1)	
Comment	Response
I would like to express my strong opposition to this plan. It has not been properly evaluated, would destroy air and water quality, permanently damage the environmental value of the entire Uinta Basin, and is also an unnecessary waste of money. This is wrong time for a climate-destroying boondoggle.	OEA notes this comment. No changes to the Draft EIS are warranted.
Alexandra Jensen (UBR-DEIS-00327-1)	
Comment	Response
I am sincerely and firmly against the proposed Uinta Basin Railway (UBR). If we build this railway, it will allow more production and destruction by the industries that actively poison us and our beautiful state. As I read "shippers would use the proposed rail line primarily to transport crude oil from the Basin to markets across the United States" it simply reinforces my fears. As a professional skier and an avid climber, I truly believe in the preservation of our state's national forests and natural resources!! I believe we need to protect ourselves and our land from the devastation caused by refining and mining industries. Already, our air quality is unsafe for sensitive populations and forest fires are at an all-time high. I beg the OEA to reassess the potential harm that the UBR will inflict on everyone living here.	OEA notes this comment. No changes to the Draft EIS are warranted.
Susan F Fleming (UBR-DEIS-00328-1)	
Comment	Response
Please do not allow the Uinta Basin Railway to continue. If it is allowed, it will seriously impact our air, water, and land. Already we have an air pollution problem and increasing congestion and pollution in the Salt Lake City area and the Wasatch corridor. Thinking about the future, we must utilize only clean renewable power--electric, wind, possibly geothermal. Transportation will have to be electric, powered by the sun. Railway access will exacerbate environmental impact. Future generations must be considered carefully.	OEA notes this comment. No changes to the Draft EIS are warranted.
Dianne Anderson (UBR-DEIS-00329-1)	
Comment	Response
PLEASE do NOT construct the Uinta Basin Railway. We already have so many sources of pollution in our state, we surely don't need any more. Fossil fuels are the major source of pollution in Utah. Building this railroad to facilitate extraction and transportation of more fossil fuels will be a grave mistake. It will negatively impact wildlife, our air, our water, as well as our people. I've struggled for 19 years with an autoimmune disorder that has diminished my lung capacity by two thirds of normal. This has made even walking a challenge. There are others like me, plus many that suffer from asthma and other lung conditions that are aggravated by more pollution. PLEASE don't make our lives harder by building this railroad. Thank you for your time and consideration!	OEA notes this comment. No changes to the Draft EIS are warranted.
Chamaine Nelson (UBR-DEIS-00330-1)	
Comment	Response
It's bad enough we are fighting the inland port. We don't need more air pollution. We need reduction.	OEA notes this comment. No changes to the Draft EIS are warranted.

Anissa Caiazza (UBR-DEIS-00331-1)	
Comment	Response
There is too much liability and risk. That paired with cost and length of time for this project outweighs any potential benefits. Derailments, spills, noise and air quality will all have negative environmental, recreational and subsequent economic impacts to our community citizens and wildlife. This is a matter of public safety, environmental preservation, and protecting our natural resources. The time and money would be much better spent making the rail line into a recreational path. More recreational opportunities will bring more tourism dollars to our communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Neurology Dept, University of Utah, Christopher Jones (UBR-DEIS-00332-1)	
Comment	Response
I say "NO" to the the Uinta Basin Railway. The financial cost appears to be very high, possibly in the billions of dollars. The railway will decrease local air quality in a way that exacerbates not just my personal medical condition but also the health of children across the board.	OEA notes this comment. No changes to the Draft EIS are warranted.
Angie Yates (UBR-DEIS-00333-1)	
Comment	Response
Good Afternoon! The Uinta Basil Railway will be a disaster for those of us who have family with asthma here in Utah. I have 3 family members who are currently significantly affected by Utah's air. My father even moved out of the state to get away from Utah's air. As someone who plans trips to see our wild places each year, I don't want more roads & disruption to the peaceful surroundings. This will also affect the peace & lives of our wildlife. Please do not approve the railway. Thanks for your time!	OEA notes this comment. No changes to the Draft EIS are warranted.
Female, Sandra Briggs (UBR-DEIS-00334-1)	
Comment	Response
All of us who are concerned about protecting Utah's air, climate and wildlife need to show our opposition to this project. Now is the time. Create stronger environmental and social protections. I advocate for environmental justice that benefits people & the planet and especially in my own backyard ----- Utah needs protecting from Uinta Basin Railroad!!!	OEA notes this comment. No changes to the Draft EIS are warranted.
Save Not Pave, Ellen Birrell (UBR-DEIS-00335-3)	
Comment	Response
It will harm wildlife as the proposed routes traverse roadless areas, steep canyons, and rugged terrain. Over 10,000 acres of big game habitat will be impacted. The route also impacts 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cress. The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the area with 443 stream crossings, over 61 miles of streams and 26 acres of floodplains, as well as wetlands along the Price River. These are unacceptable impacts to the precious perennial waterways in our semi-arid state. Finally the UBR would change the way of life for those who live and recreate in the area. Landowners in Argyle Canyon and other off-grid canyon communities along the proposed routes fear the disruption oil trains will bring with noise and clouds of diesel smoke. Mile-long trains will disrupt beloved wildlife, create traffic delays and significant potential for accidents, derailments, spills and sparks, which could ignite disastrous wildfires. This is an unacceptable threat to community health, safety and well being	OEA notes this comment. No changes to the Draft EIS are warranted.

Sam Rushforth (UBR-DEIS-00336-1)	
Comment	Response
This proposed railroad is not only a huge fiscal absurdity, it is also an ecological disaster. It will have a large impact on the Book Cliff ecosystems and will increase pollution in an area already burdened with fossil fuel emissions. No serious assessment could conclude this is a necessary project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Dianne Gaschler (UBR-DEIS-00338-1)	
Comment	Response
We need to PROTECT Utah's air, climate, wildlife. Not add to our already Climate Emergency. We have lived in Utah for over 50 years and do vehemently oppose this railroad.	OEA notes this comment. No changes to the Draft EIS are warranted.
Time for You Coaching, Danielle Droitsch (UBR-DEIS-00339-1)	
Comment	Response
I urge you to choose the no action alternative given harmful impacts to air, water, land and wildlife resources.	OEA notes this comment. No changes to the Draft EIS are warranted.
Patricia Annoni (UBR-DEIS-00341-1)	
Comment	Response
I urge you to choose the no action alternative for the proposed UBR. It would do irreparable harm to the air, water, land and wildlife in the region and should not be built. Oil and gas extraction are already poisoning the Uinta Basin's air and water, harming people and wildlife. The railway would make things worse and contribute to the climate crisis.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kimberly Beck (UBR-DEIS-00342-1)	
Comment	Response
I am against the Uinta Basin Railway. It's disruption to this pristine country should not be allowed. Please vote no.	OEA notes this comment. No changes to the Draft EIS are warranted.
Sarah Siebach (UBR-DEIS-00343-1)	
Comment	Response
I'd like to express my opposition to the Uinta Basin Railway. The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the area with 443 stream crossings, over 61 miles of streams and 26 acres of floodplains, as well as wetlands along the Price River. These are unacceptable impacts to the precious perennial waterways in our semi-arid state. Finally the UBR would change the way of life for those who live and recreate in the area. Landowners in Argyle Canyon and other off-grid canyon communities along the proposed routes fear the disruption oil trains will bring with noise and clouds of diesel smoke. Mile-long trains will disrupt beloved wildlife, create traffic delays and significant potential for accidents, derailments, spills and sparks, which could ignite disastrous wildfires. This is an unacceptable threat to community health, safety and well being.	OEA notes this comment. No changes to the Draft EIS are warranted.
Chelsea Qualls (UBR-DEIS-00344-1)	
Comment	Response
Please reconsider putting this railway in place. We can't afford further disruption to our environment in this state. Our winters are getting drier and we are facing serious consequences of industrialization. You may not believe that climate change is real, but the thing is, if it is, every action we take to save our environment helps save humankind as well, and if it isn't? The worst	OEA notes this comment. No changes to the Draft EIS are warranted.

thing that happens is that we end up with a cleaner planet. Please put the health of our people and our state above money. Thank you	
Best Friends, Susan Martell (UBR-DEIS-00345-1)	
Comment	Response
I think the idea of a railway through Utah is a bad idea. It is an extension of the Inland Port which will only bring more bad air days to the Salt Lake Valley and beyond. Do not build a railway system. I am against it because of the environment.	OEA notes this comment. No changes to the Draft EIS are warranted.
LeRoy Anderson (UBR-DEIS-00346-1)	
Comment	Response
This project is wasteful, regressive, and will contribute to pollution, decreased air quality, climate change, and harmful health impacts and premature deaths. It would be vastly preferable to spend the funds rebuilding the economies of impoverished rural Utah communities by having them be centers for the production of clean energy windmills and solar panels instead of mining centers. Healthier for the residents, safer, more profitable, and more sustainable. We can have healthy bodies, a healthy earth, and economic growth if we just make RATIONAL and sustainable decisions. The Uinta Railway is a giveaway to special interests that have no place in a truly healthy Utah.	OEA notes this comment. No changes to the Draft EIS are warranted.
Sean Slack (UBR-DEIS-00347-1)	
Comment	Response
This project should be halted without any further progression. Local and statewide constituent opposition is well documented for a multitude of reasons. Oil transport through these areas poses risk and the long term reward and financial viability is minimal. Please oppose this project. Thank You	OEA notes this comment. No changes to the Draft EIS are warranted.
Amy Kopischke (UBR-DEIS-00348-1)	
Comment	Response
My family has been in Utah since 2012 and we've observed blatant disregard for the environment and the health of its citizens. We've lost OR due to our disregard for the environment losing millions of dollars a year to the states business. It's time to prioritize people over the extractive industry. Stop the Wasatch rail.	OEA notes this comment. No changes to the Draft EIS are warranted.
Angie Parkin (UBR-DEIS-00349-1)	
Comment	Response
To whom it may concern, Please add my comment as an individual who strongly urges you NOT to proceed with the Uinta Basin Railway Project. The environmental impact would be tremendous. This is exactly the type of project that will contribute to the tipping point of our climate crisis. Oil and gas extraction is quickly becoming more and more unnecessary and some would argue obsolete. Look at the numbers, the demand for oil and gas is diminishing, the price of getting energy in other ways is also going down. There is no need to pursue this. Please look at the big picture, not only of the world you want to leave to your children/grand children, but also in terms of who would benefit in the short term? Very short term. Oil and gas representatives want you to believe the impact is minimal. This is not true. The environmental impact would be irreparable. The demand for this type of energy is diminishing... please let's change the focus to better ways to produce the energy (and jobs) we need in a sustainable way. It is possible.	OEA notes this comment. No changes to the Draft EIS are warranted.

Josiah Helbling (UBR-DEIS-00350-1)	
Comment	Response
To the board members, Thank you for your time. I strongly recommend that we halt any future fossil fuel projects and only move forward when we have no other options. Fortunately we have plenty of renewable resources and have no reason not to use them. It is time to move forward. I urge you to stop the Uinta Basin Railway Project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Irene Hansen (UBR-DEIS-00351-1)	
Comment	Response
I have had the pleasure of providing the leadership for economic development in Duchesne County for over 20 years. I have worked with business leaders, elected officials, investors, developers and entrepreneurs. During this time I have observed time and time again the limitations of trying to diversify the economy in Northeastern Utah. Our region is the largest geographic area not served by a rail or interstate highway in the United States. This reality has left us with a fragile economy and a struggle to build sustainable communities. However in spite of our struggles our leaders have built a region dedicated to its residents and showing a willingness to turn every opportunity into a challenge that has been accepted. Our residents work so very hard, taking care of their neighbors and families. Currently we have a once in a lifetime opportunity to finally turn the tide by leveling out the ups and downs of depending on one industry. I have waited with great anticipation for the release of the Draft EIS for the Uinta Rail Project. - The DEIS estimates that the preferred alternative, Whitmore Park, would create approximately 3,000 construction jobs; \$209,700,000 in direct, indirect, and induced labor income; and \$311,800,000 in direct, indirect, and induced value added (page 3.13-26). In a community that experienced double digit unemployment in mid-2014 through 2016 the construction jobs that may range in the 2,000-3,000 with a value of approximately \$210,000,000 direct economic impact and induced labor income means that local contractors can put local residents, local tribal members and out of work construction workers in neighboring counties to work; local employees then spend money in retail, auto and home improvement of new construction generates sales tax revenue, centrally assessed tax revenue and allows rural communities to upgrade infrastructure and for a diversified economic landscape that comes with railroad infrastructure. I sincerely hope that my letter will assist you in this very important decision. I remain supportive of all the efforts that have been made to bring this project to fruition. I remain appreciative of the process.	OEA notes this comment. No changes to the Draft EIS are warranted.
Red Rock Extended Stay, Kori Thompson (UBR-DEIS-00352-1)	
Comment	Response
Hello, I'm sending this email in regards to the Uinta Basin Railroad project I'm the manager for the Red Rock Extended Stay in Duchesne and I wanted to let you know how I feel about this. I support this project and am willing to help in any way. We are a small lodging property located in Main Street in Duchesne, and this project would greatly impact business, not only for us, but for of our neighboring businesses. Covid-19 really has impacted lodging not only in Duchesne, but statewide. This would be such a great opportunity for our business to grow, keep our doors open, and provide service. The Duchesne community is a strong, hard working group of individuals, and if this project is approved, it will give a new light and hope for everyone to grow.	OEA notes this comment. No changes to the Draft EIS are warranted.

Anne Wolfer (UBR-DEIS-00353-1)	
Comment	Response
To whom it may concern, I am against the development of the Uinta basin railroad due to the environmental impact that the railroad would impose on the land and wildlife.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kristen Rogers-Iversen (UBR-DEIS-00354-1)	
Comment	Response
I have deep family ties to the Uinta Basin and I strongly oppose this railway, with the cumulative destructive effects on land and wildlife. It's time to bring Utah into the 21st century and into reality, one in which fossil fuel use and development will decline. I know the communities of the Uinta Basin need to have an economic base, and now is the time to re-imagine and create a new future. The huge amount of money that would be spent on this railroad could be used for much more productive endeavors to ensure the long-term health and welfare of the Uinta Basin and its residents.	OEA notes this comment. No changes to the Draft EIS are warranted.
Douglas Roberts (UBR-DEIS-00355-1)	
Comment	Response
We humans don't need another source of air pollution and carbon dioxide. The world climate is already at a tipping point. STOP THE RAILWAY!	OEA notes this comment. No changes to the Draft EIS are warranted.
Meagin Mohar (UBR-DEIS-00356-1)	
Comment	Response
I am writing to express my full support for the proposed Uinta Basin Railway project through Uintah, Duchesne & Carbon Counties in northeastern Utah. As a resident of the area, the economic benefits that the railroad would have to our local and regional communities would be significant. Oil & gas producers would have a stable & consistent transportation system to regional and national markets, increasing the value of natural resources in the Basin. It would also allow for freight optionality and commercial, industrial and agricultural imports and exports to the area, which is often difficult due to the proximity to the interstate system. I believe that the proposed railway project would have a substantial benefit to the economic development and diversification for our community, and can be constructed & operated in an environmentally safe manner.	OEA notes this comment. No changes to the Draft EIS are warranted.
Rebecca Noonan Heale (UBR-DEIS-00357-1)	
Comment	Response
I am opposed to the Uintah Basin Railway Project and concerned at how the EIS has not considered the full impact that the UBR-caused exploration, drilling, production and eventual combustion of fossil fuels would have on air quality and the environment, both in communities close to the project and more broadly on the state. I have read proponents of the project say advocate that this project would bring more money to the Utah School System. However, it would also lead to air quality degradation. Studies show that kids miss more days of school when the air is bad, in addition to the negative affects on their health. And poor air quality limits kids ability to play outside and get exercise. As a mom, it's very important that we make choices that will benefit, not harm the health of our community.	OEA notes this comment. No changes to the Draft EIS are warranted.

D.K. Kilmer (UBR-DEIS-00358-1)	
Comment	Response
The Uinta Basin does need a future economically, but big money, and a railroad costs big money, is not betting in fossil fuels now. Your efforts and tax payer funding would be better spent on education resources, perhaps a university extension, or training center, in this area. The Uinta Basin is also suffering from serious pollution from the current fossil fuel extractive industry- another reason to support a different economic activity. Abandon the Uinta Railway plan.	OEA notes this comment. No changes to the Draft EIS are warranted.
Cris Barbero (UBR-DEIS-00359-1)	
Comment	Response
I do not support this project. I believe it will cause unnecessary harm to the air and water of the Uinta basin. We don't need to further extract oil from this area.	OEA notes this comment. No changes to the Draft EIS are warranted.
MaryAnn Wright (UBR-DEIS-00360-1)	
Comment	Response
In reading through the draft EIS, it notes large swaths of disturbance of previously undisturbed lands. It notes acres and acres of virgin territory of wildlife habitat. It denotes obliteration of some of the last remaining leks for sage grouse as well as impacts to waters and watersheds that are irreversible. This railway is not sustainable in the any terms, monetary or ecological. The NO Action alternative, is the only one to choose. This proposed project is an insult to our lands, our wildlife and our way of life in Utah in proposing to rip up vast tracts that will never be restored in our lifetime for some shortsighted, very questionable gain. There is already a way to get the crude to processing. This is a capitalistic ploy to bring pricing down that only benefits a few already wealthy promoters. Choose the NO ACTION alternative.	OEA notes this comment. No changes to the Draft EIS are warranted.
Ken Hunt (UBR-DEIS-00361-1)	
Comment	Response
The Uinta Basin Railway is a pork barrel project that will take needed funds for local enhancements and add to severe air pollution in the Basin. This is poor public policy on a dated business model based on subsidies. Please do not move forward with this project	OEA notes this comment. No changes to the Draft EIS are warranted.
Chad Mullins (UBR-DEIS-00362-1)	
Comment	Response
I grew up in the Uinta Basin, have relatives there and return on a regular basis to hunt and fish. My Grandfather homesteaded in the Uinta Basin and my Father grew up there with Ute playmates and spoke Ute fluently. The Uinta Basin is a beautiful example of the best of Nature's gifts and one of the places that deserves our protection. Furthermore, we should be conserving the fossil fuel resources that are most difficult to develop. There are so many reasons from a climate change and environmental standpoint to slow down the development and extraction of fossil fuels. Perhaps most importantly, we should conserve a resource like this until it is proven that it's extraction is absolutely necessary. At that point we will be thankful that we protected and held some fossil fuels in reserve.	OEA notes this comment. No changes to the Draft EIS are warranted.

Eric Weldon (UBR-DEIS-00363-1)	
Comment	Response
This railway will be a great addition to the infrastructure of Eastern Utah. It will have a great positive impact on our economy in the area for many people. I fully support this railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Marv Poulson (UBR-DEIS-00365-8)	
Comment	Response
Finally the Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires. And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting outdoorsy tourism many locals rely on for their livelihood.	OEA notes this comment. No changes to the Draft EIS are warranted.
Lisa Romero (UBR-DEIS-00367-1)	
Comment	Response
I am in support of the railway. I believe it will be beneficial for the economy of the Uintah Basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Red Rock Extended Stay, Sharon McDowell (UBR-DEIS-00368-1)	
Comment	Response
I'm sending this email in regards to the Uinta Basin Railroad project I am one of the business owners in downtown Duchesne, UT, business name Red Rock Extended Stay. I support this project 100%. We are a small lodging property located on Main Street in Duchesne, Utah and this project would greatly impact business, not only for us, but for of our neighboring businesses. Covid-19 really has impacted lodging and every business not only in Duchesne, but statewide. This would be such a great opportunity for our business to grow, keep our doors open, and provide services. The Duchesne community is a strong, hard working group of individuals, and if this project is approved, it will give a new light and hope for everyone to grow. I would like to see the project move forward and I support this,	OEA notes this comment. No changes to the Draft EIS are warranted.
Tara Maylett (UBR-DEIS-00369-1)	
Comment	Response
Please except this as my official support for the UINTA rail project in Utah. I am a full-time school teacher in Roosevelt Utah. I feel very blessed to have been able to make my living here. My husband my father and almost everyone I know is either directly or indirectly employed by the energy industry here. We are proud of the fact that we supply energy to America and we believe that that has helped make our country more secure and has greatly increased the ability for America to make sure That production is done in an environmentally safe way unlike other countries who do not have such strict regulations. The rail is needed to help our area diversify the transportation system. We are deeply limited both trying to diversify the economy and service other industries that are here including agriculture. This will probably be our last opportunity to bring additional transportation options to this huge region of the state of Utah that is now not served. Please help us bye giving approval to the environmental impact statement. This is a	OEA notes this comment. No changes to the Draft EIS are warranted.

good project and my children will need these options to be able to stay in this region.	
Quinn Bennion (UBR-DEIS-00370-1)	
Comment	Response
Full name is Quinn Bennion, and I live in Vernal, and I currently work as City Manager of the City of Vernal and appreciate all of the presentation and information and making it available online, really, really thorough. My comments relate to the economics of the railway in the EIS referred to as the socioeconomic section.- I am supportive of the railway primarily for the economics. I, and many, work diligently to try to boost and help our local economy in the basin.- We are making some strides, but it is very difficult to change an economy that currently is heavily in oil and gas. I look at the railway as a way to diversify the economy.- It's much better and much easier to diversify and move into other markets or other types of industry with a railway than without a railway. I know there's a lot of negative comments from certain groups about the use of the rail infor-extraction product oil -- oil crude, particularly. And I, you know, respect those comments.- However, I see long term this allows the basin to -- to get into other industries to help and grow our economy that needs it.-	OEA notes this comment. No changes to the Draft EIS are warranted.
Stanley Holmes (UBR-DEIS-00373-1)	
Comment	Response
My name is Stanley Holmes.- I live in Salt Lake City.- And I appreciate the opportunity to comment. In my opinion, the Uinta Basin Railway represents yet another huge subsidy for the fossil fuel industry, specifically oil and gas, but from government agencies that should be using public monies to advance the public's long-term interests in rural communities. Unfortunately, the Seven County Infrastructure Coalition in concert with the Utah Community Impact Fund Board or CIB have been -- [audio distortion] in this regard preferring to continue propping up the fossil fuel industry with Mineral Lease Act monies meant to mitigate impacts of fossil fuel extraction, witness the \$53 million CIB authorized funds for an Oakland, California coal port developer, and the \$20 million advanced payment offered by SCIC commissioners to bail out that coal port developer from bankruptcy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Monica Hilding (UBR-DEIS-00374-1)	
Comment	Response
My name is Monica Hilding.- Thank you for the opportunity to speak about this project, although I have very little faith that public input is actually included in the decisions that ill be made on the Uinta Basin Railway. As Covid-19 ravages the population, Utah legislators and County commissioners are taking advantage of this time of Zoom meetings to pass and promote all sorts of boondoggle projects. The proposed railway is intended to facilitate the vast expansion of oil, gas and other fossil fuels in the Uinta Basin to distant markets. Without the railway, these fuels would have no place to go and thus would not be developed.- This increase in oil production, potentially four times the current amount, will contribute irreversibly to greenhouse gas emissions to climate change. Our climate is already at a tipping point. We must not allow an expansion of fossil fuel development on this scale.- To add insult to injury, Seven County Infrastructure Coalition along with the community impact board want to use public money.- Under law, these funds are supposed to go to communities that have been negatively impacted by oil and gas development.- Instead, these commissioners want to waste this money to subsidize the oil and gas industry. It should instead be investing in	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>alternative of economic development for these rural communities so they can be part of the solution to the climate crisis.</p>	
<p>Monica Hilding (UBR-DEIS-00374-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>This is a very expensive project because the proposed route of the Uinta Basin Railway traverses roadless areas, steep canyons and rugged terrain, over 10,000 acres of wild game [audio distortion] habitat will be affected by the railroad.- Some of this area has been designated as crucial big game habitat by the Forest Service.- The route also impacts the 1,600 acres of greater sage-grouse habitat in the areas inhabited by the endangered [inaudible].The environmental impacts of this project are huge, not only to the Uinta Basin.- Those oil refineries on Beck Street in Salt Lake will be busier than ever polluting our air with the oil and tar sand extracted from the Uinta Basin. Who are the beneficiaries of this project? Is it worth polluting our air, land and water to construct a project that will increase carbon emissions in the state?- Your statement is important.- Please explore all of the destruction to the environment this project would cause.- With wildfires raging across the American West, destroying communities, blocking out the sun, filling the air with illness-causing soot, and inflicting immense economic damage.- It makes no sense to keep burning fossil fuels within the community, pushing us closer to an unfixable global warming. I urge this project be denied.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Utah Physicians for a Healthy Environment, Brian Moench (UBR-DEIS-00375-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>Utah Physicians for a Healthy Environment request that you deny the project.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Mark Winterton (UBR-DEIS-00376-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>All right, it has been interesting to listen to most of these people.- I can tell this, they're reading from someone.- Most of them are from the city.- I live right here in the Uinta Basin, basically smack dab in the middle of it.- We talk about pollution.- We talk about this railway being mainly for fossil fuels.- It could be -- we're actually looking at it to be for all industries.- The other thing is that they talk about how it's being -- it's tax dollars, it's government dollars.- Whereas if they've actually looked at it, it's all going to be paid for by private investors. As far as pollution out here, I live out here because the pollution in the city is where -- is bad; right?- And I've seen these studies and I honestly don't know what they're doing if they stick it right in front of an exhaust pipe because -- because -- yeah. Basically, I call bull crap on these studies about pollution. Leave us the hell alone is kind of what I want to tell the people from the city, Salt Lake, wherever you are, stay out there.- Why don't you stay out there where we're running this railroad, it's -- it's land that mostly is basically wasteland.- Nobody is there.- Animals don't live there.- We've had the environmental impact statement done.- It's -- they do a great job.- And most of them are environmentalists, so you can give them that. Anyways, as far as that goes, if you don't live out here, I don't feel like you should even have a say.- Get lost.- That's all I have to say.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Great Salt Lake, Heather Dove (UBR-DEIS-00377-1)	
Comment	Response
<p>My name is Heather Dove.- I am president of the Great Salt Lake Audubon, which is the oldest conservation organization in Utah. Our members are very concerned about the extensive habitat loss this project would cause.- We in Utah have already lost a great deal of critical habitat due to urban sprawl and to the extraction industries, including oil and gas.- We do not want to see further loss, especially to an industry that only exacerbates the rise of greenhouse gases and global warming, especially now that we are feeling the very real effects of climate change with drought, massive wildfires, storms and flooding all over the planet. We are also concerned about the further degradation of public lands.- This state and this country's public lands have already sustained repeated assaults in the last four years.- We think these he -- it is time for these assaults to stop. We're sympathetic to the needs for economic development and jobs in rural areas of the state, but we should be investing in 21st Century businesses and industries, not in industries that are destined to die. This project would be a huge waste of public funds and would be devastating to our wildlife and our wild lands.- We urge you to deny this project.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Marina Grossman (UBR-DEIS-00378-1)	
Comment	Response
<p>Hey, my name is Marina Grossman and I live in Salt Lake City.- I'm concerned about this project and the long-term effects it will have on our state and economy.- Putting in a rail line would create another human-made impact that not only compromises the integrity of the land, but the preferred route, the Whitmore Park Alternative, which is a revised version of the Indian Canyon Alternative, would affect 61 miles of streams and has 443 stream crossings. According to the letter from the Office of Environmental Analysis, "OEA concludes that construction and operation of any of the Alternatives would result in significant environmental impacts. Major impacts would include temporary and permanent impacts on surface waters and wetlands.- Impacts on biological resources, including federally listed threatened and endangered species and other protected species, permanent changes to land uses on public and private lands and noise impacts on residences near the proposed rail line during rail operations." Along with the negative long-term human-made impacts this railway would have on our state's economy, the long-term negative effects of increased oil production would not only deplete our already dwindling water resources, but it is not sustainable to life. Where will the water come from that would be needed for increased oil production?- Are you going to start buying water from our ranchers?- From our farmers? We are not living in the late 1800s.- In fact, last I checked, we are coming to the end of the year 2020.- And we have a new president-elect who shares a different vision for our country and how the economy will be stimulated. The long-term future of our state economy is not dependent upon rail lines for extraction.- I'm asking for the No-Action choice.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
David Bennett (UBR-DEIS-00379-1)	
Comment	Response
<p>Let me -- Jennifer, let me first congratulate you on the professionalism of moderating this afternoon and Dr. Wayland on the comprehensiveness and thoroughness of addressing this issue perhaps with the exception of considering a No-Action plan, but the overall process is a good one. We're here today to take a look at that process and to comment accordingly.- There</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

have been a lot of comments regarding the impact of this railway, this proposed railway on life in the Uinta Basin.- I'm going to take this conversation to a new level to a 30,000-foot level literally.- We are ending this era of ignoring science, of science being politics, of science being something to be derived.- We are done with that era now.- We are moving into an era of -- moving this country and this planet forward as we go beyond 2020.Climate change is very real.- It is upon us.- And we need to begin right now in stopping, slowing down, ending the use of fossil fuels.- So while we can talk about the need to mitigate the impact of this particular railway, what is really at stake here is a need to commit to moving on from the use of fossil fuels. The science has told us, there's no question that continuing burning fossil fuels is going to doom the planet.- We can see that every day.- We can see that in weather changes, in wildfire activity in the west. The approval of this project will continue this escalation of an assault on the climate that needs to stop. To quote Lin-Manual Miranda and his Broadway show Hamilton, "History has its eyes on you." No longer can we deny science.- No longer can we deny the impact of climate change.- It starts right here. We need to deliver a message.- It needs to be a No-Action message as far as this project is concerned, that we are not going to tolerate a continued assault on the environment. I urge you to vote No-Action and to shelf this project.-

Melissa Peck (UBR-DEIS-00380-5)

Comment	Response
<p>And a previous call there is a resident from Duchesne is saying that everyone else needs to stay out of his business and at this place the train is going through a wasteland.- That is very untrue.- Yeah. I -- I have property in Duchesne.- And I have family in the Basin.- And there's -- there's part of the train route that may be isolated more, but this is going through a canyon that it's going to affect many people in this canyon. The tunnel, for one, is going to need three miles of one tunnel and then a second tunnel -- I don't know how long that is going to be.- It's going to be another couple of miles.- So it has got to one, raise the price of this project dramatically.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Jay Griffith (UBR-DEIS-00381-1)

Comment	Response
<p>On so many levels, it is difficult to understand how a project like this even gets this far, knowing the circumstances of climate and what -- over 90 percent of our scientists are telling us. We are on an urgent phase and unprecedented time where humanity is causing global warming.- It isn't coming from some other source.- We -- we have an impact that is -- is so dangerous right now.- And so many things have been mentioned that are important, whether it's, you know, the sage-grouse on the ground there locally or the pollution, both in that Basin and that will be added to Salt Lake City proper and everything in between, refineries.- I just urge you to reject this -- this proposal.- It -- I -- I know it makes sense financially for a few people, but it doesn't make any sense for the majority of people near and far.- So that's all I have to say.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Jeremy Raymond (UBR-DEIS-00382-1)

Comment	Response
<p>I am 100 percent in support of this rail project.- This will help create jobs, sustain our economy, at the same time protect our way of life. I love the outdoors.- I -- I didn't like science in high school, but I understand that it is important.- And I think that along with the Coalition, the landowners, the neighbors, that we can all find a common ground in order to see this project</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>come to fruition. I, again, support this project 100 percent. Our economy depends on oil and gas, and I would urge you to see this project through and support it.</p>	
<p>John Gills (UBR-DEIS-00383-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>his is a project that's, you know, been kicked around since the turn of the century, 1900s. There's probably a reason it hasn't been done yet because it's not really a viable project then, nor is it really a viable project now. I would just question why we're moving forward with an exemption before the approval on this project.- The estimated cost for this project is \$1.5 billion. They estimate that it will have about 100 permanent jobs and 300 periphery jobs.- And that comes out to about \$3 million per job.- It seems like we could spend money in a better way than that. The cost per mile is going to be \$17 million, 85 miles long and a half a mile wide.- It just seems like this money could be spent in a better place.- There's also a lot of State and federal money tied up in this.- That also does not include the maintenance costs, which are projected at \$4 million a year. The railroad will cut through -- only cut 60 miles off the road route.- And a lot of money has also been already invested into this project from the UPCI funds, which are supposed to be spent to reinvest money in projects other than the oil and gas industry that raised them to mitigate and offset the problems that the oil and gas industry cause.- I don't think we should be investing that money back into the same industry that -- that caused the problem in the first place. We shouldn't be promoting more of the same. We should be trying to move on in a different direction. Whenever anybody uses the word "sustainable," you have to question it because the word sustainable actually means to maintain at the same level, not add to the current problem. I don't see how we can sustain anything when all we're doing is adding to the current problem.- The Uinta Basin has some of the worst air quality in the nation every single winter.- It affects old people.- It affects children.- It affects people with respiratory problems. Given the current status of our problems, this is evidently, certainly not a good idea.- I would please urge you to reject this proposal.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>John Gills (UBR-DEIS-00383-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>I would just have to add that possibly the bridge project should be good competition to it, the worst project ever in the nomination.- They want to provide an 85-mile road through the Book Cliffs just east of this project, which would also be a huge environmental impact.- Both of these projects would be funded by the UPCI fund, which should not be used for these type of projects. Another project that probably would be in the running for worst ever projects is the inland port in Salt Lake City.- And all these projects are promoted by a very small handful of people in Utah including the Utah Legislature.- And the citizens of Utah should just be very concerned about projects like this that spend millions and millions of dollars by people on boards and in committees that are not elected by citizens. So I would just extend to everybody an invitation to do some more homework on these projects.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Will Munger (UBR-DEIS-00384-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>These sorts of projects have long-term impacts, and I think that is an important thing to consider in a Draft EIS statement. We all understand that the point of this railroad is to increase Uinta Basin oil production. And I have</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>friends who work in that industry, and I myself have worked out in the Uinta Basin in ranching. And yes, oil has powered the Uinta Basin for a long time, but that's not the future. As young people, we understand that we need to be moving toward a clean economy, and it's frustrating to see public money and private money being used to lock us into a future of dirty energy.- And the thing that needs to be considered in a draft environmental impact statement is how that lock-in affects not only climate, not only air quality, not only wildlife, not only water, but the long-term economic future for the people who live in the Uinta Basin and live across Utah. We need to be thinking about how we use our money wisely and conservatively to transition into a clean energy future.- And so, while a number of the details of the environmental impacts have been well put today, I just want to think about the future of people in the Uinta Basin, because when the -- when oil and gas production is increased, what that means is that those wells that are [audio distortion] are next to native communities.- They are next to rural communities.- And I really appreciate the locals who are jumping on this call to talk about what that means for their water and their livelihood.</p>	
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<p>Jack Green (UBR-DEIS-00385-1)</p>	
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<p>Comment</p>	<p>Response</p>
<p>I'm joining many students, both college and secondary students, around the state who wish to compliment SITLA on its interest and investment on renewable energy, who have deep concerns.- Also, these students who have deep concerns for their future in a climate compromised planet. The School Trust Lands Administration is reporting an incredible surge in interest in renewable energy products, particularly solar, across the state on parcels of land that it owns.- We who have wind leases and 23 solar leases with 2 more under review, said Ron Torgeson, deputy assistant director for school trust lands.- There have been a steady flow of applications for school trust lands, which is good. The administration will get money once a lease is secured and then additional revenue after the project is operational. The last board of trustees's expert named to serve for SITLA is a renewable energy expert expected to guide the industry into new horizons that include green hydrogen generated from solar energy production.- Torgeson has oversight of the ambitious Castle Solar Lease which offers expansive development in 450 acres that will not only include the features, but a canal, a power substation and more.- He said it will easily be the most efficiently used parcel of land within the administration's portfolio once complete. Rocky Mountain Power's partner, DE Shaw Renewable Energy Investments, has an accomplished track record in the renewable energy arena.- My students and I urge you to deny in the proposed railway and invest in a long-term economically viable energy solutions for the Uinta Basin in the State of Utah.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>John Prehn (UBR-DEIS-00387-1)</p>	
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<p>Comment</p>	<p>Response</p>
<p>It occurred to me listening to the comments maybe this is a Monte Python spoof or a maybe Borat pilot.- This project is, obviously, the most backward, corrupt, dirty and cynical project you could possibly imagine for Utah.- And so all I can think of is that it's some kind of test for the citizenry to see what the bottom level of acceptance could possibly be. So, I think all you have to do is just look at it as it was put forward in the presentation.- It takes you 30 seconds to realize that it's completely nonviable and a complete step backward into the dark ages.- So, I would vote no on this project.- I think it should be canceled today.- And No-Action is the only action.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Living Rivers, Sarah Stock (UBR-DEIS-00388-1)	
Comment	Response
<p>I share many of the concerns that were voiced here today, especially about the impacts of increased oil and gas production that would be possible only because of this project in the Uinta Basin.- And those -- those impacts include air quality and climate change.- But today I'd like to speak more specifically about water and water resources. So the railway itself would have direct impacts on almost 450 miles -- or there would be almost 450 stream crossings.- And we need to -- we need to take care of and preserve our perennial streams in Utah.- We are the second most arid state in the nation. And these perennial waterways are incredibly important for big game and fish species and birds and all kinds of things. So the fact that the railway would run almost right on top of Indian Canyon Creek for almost its entire duration is a huge concern to us.- Also, where the rail line would connect to the existing railway up near Soldier Summit, up in the mountains, is right on the Price River where there are these special wetland environments.- And so we're really concerned about the loss of wetlands, the habitat associated with that and the impacts on water quality.- And then, above and beyond the railway itself, the increased drilling for oil and gas in the Uinta Basin depletes the waters in that area, and it also pollutes the waters in that area.- And the Colorado River system -- as I said before, the Duchesne River, the Indian Creek flows into the Duchesne River, the Duchesne flows into the Green River and that flows into the Colorado River.- The whole Colorado River system supports nearly 40 million people and agriculture. So to increase oil and gas production in the Uinta Basin is folly.- And this project should be denied on those grounds.- The impacts to water are too great.- The impacts on climate change are too great. And the impacts on wildlife are also very great.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Ms. Wright (UBR-DEIS-00390-1)	
Comment	Response
<p>I don't have a prepared statement, and I'm speaking only for myself.- I -- I am speaking in favor of the No-Action Alternative. I think this is a really devastating idea to put a rail line in.- And I think that there are better ways to move this crude to processing and I -- I really -- I -- I think that devastating effects on the environmental are just paramount to put a rail line through this area, especially through sage-grouse lek and across the streams and on and on and on.- And environmentally, I think it is bad, even for the humans.- And I'm just --[audio distorted] that money has been given towards this project as supposedly a means to mitigate mineral impacts on the -- on the residents of the area. Because, in truth, this is -- I don't see how in any way, shape or form this is mitigating any impacts, economically or otherwise on any residents in the area. In fact, it's -- it's doing an opposite effect of imposing what is proposed and posing terrible effects upon the environment and also have terrible effects on the environmental health of people in the area.- And that concludes my comments.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Jan Ellen Burton (UBR-DEIS-00391-2)	
Comment	Response
<p>I'm not sure that oil and gas-related jobs in the Uinta Basin is a good return for this amount of money.- Actually, I am fairly sure a good investment advisor would not think so.- So I urge you to take no action, and thank you for the opportunity to comment.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Utah Tar Sands Resistance, Lionel Trepanire (UBR-DEIS-00392-3)	
Comment	Response
I am just getting started.- There is so much more to say.- I want to say that this -- that the Board -- I urge you to deny this project, deny a permission for this project because of the devastating climate change, impacts that the project would certainly cause and also because there's not a -- in the future, there's not the public need to support this railroad. And finally, I would urge the Board to deny the request for an exemption because the use of this railroad currently is merely speculative.- And the transportation merits proceeding is justified in this instance.-	OEA notes this comment. No changes to the Draft EIS are warranted.
Mike Hyde (UBR-DEIS-00395-1)	
Comment	Response
What we have heard today are not substantive comments, but the height of hypocrisy.- The people from the Salt Lake area lecturing us in the Uinta Basin on air pollution, climate change, water quality, et cetera, while they themselves live in the midst of the most polluted area of the state.- During the winter, you have to chew the air in Salt Lake before you can breathe it.- And that air drifts eastward into the Uinta Basin and contributes to our wintertime ozone problems. There's a full range of infrastructure in the Salt Lake valley, including railways, freeways and airports, which have enabled that area to prosper economically.- In contrast, the Uinta Basin has been left behind when it comes to such prosperity, the main reason is that the basin is subject to the booms and busts of the oil and gas industry.- Due to the lack of transportation infrastructure, we in the basin are at a competitive disadvantage when it comes to attracting new companies that might help diversify our economy. Duchesne County and Uintah County have been found by the department of workforce services to have the least diversified economies in the state.- If the oil and gas industry dies as some of the climate change activists speaking today suggest, the rail line will still be here to help support new industries who might be attracted here for our better quality of life, less crime, less traffic and lower land costs. The DEIS does a great job of analyzing the environmental impacts and how mitigation would minimize those impacts.- I am in full support of the project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Richard Spotts (UBR-DEIS-00396-1)	
Comment	Response
I am deeply concerned about climate change and its worsening effects on these public lands and resources. These factors are all connected to the proposed Uinta Basin Railway. This project would encourage and facilitate the extraction and eventual burning of more fossil fuels. This is exactly the opposite of where our government should be going. The climate crisis demands that we take aggressive steps to immediately phase out the extraction and burning of fossil fuels as we accelerate the development of solar, wind, geothermal, and other clean alternative energy sources. President Biden and other leaders have properly called the climate crisis "an existential threat" to our future health and that of our biosphere. Despite this reality, most Utah Republican politicians are still beholden to fossil fuel interests. They shamelessly put short- term corporate profits over the long-term health of their own constituents. They likely illegally use funds intended to mitigate for harmful community effects from fossil fuel development to instead push this project to enhance such development and increase the associated adverse effects. They are clearly out of step with the increasingly serious concerns of most Americans, and regressively acting against the	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>public interest. I believe that the DEIS "No Action Alternative" is the only reasonable choice given the relevant laws and best available scientific information, and consistent with the public interest. I urge all relevant agencies with permit and/or funding authority to support and adopt this "No Action Alternative" and thereby reject this harmful and unnecessary project. Limited government funds should instead be used to advance clean alternative energy sources and to increase protection for our public lands.</p>	
Richard Spotts (UBR-DEIS-00396-7)	
Comment	Response
<p>Community - The Uinta Basin Railway would change the way of life for those who live and recreate in the area. Landowners in Argyle Canyon and other off-grid canyon communities along the proposed railway route fear the disruption and disfigurement of the stunning landscapes they love. Each locomotive would disturb beloved wildlife, bringing noise and clouds of diesel smoke. Mile-long trains would create traffic delays and the real potential for accidents, derailments, spills and sparks, which could ignite disastrous wildfires. This is an unacceptable threat to community health, safety and wellbeing. Please ensure that these issues are all thoroughly and objectively addressed in any Final EIS.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Price River Watershed Conservation District, Jake Pressett (UBR-DEIS-00398-1)	
Comment	Response
<p>The concerns that we have are:- Effects on Greater Sage Grouse and the leks that are in the Emma Park and Whitmore - Park areas Effects on water resources including riparian areas - Impacts to grazing and livestock safety - Noxious and invasive weeds being introduced and spread to new areas - Impacts to private landowners - Soil Erosion These concerns also reflect the concerns of many of the public that use the area that will be affected by the construction of the railway. The construction of this railway will have too much of a detrimental effect on the natural resources along the proposed route and due to that we as the Price River Watershed Conservation District do not support the construction of this railway.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00399-1)	
Comment	Response
<p>My name is Darrell Fordham.- I've participated in each of the five prior online public comment meetings.- I've listened to many who are in support of this project and listened to many more who are opposed to it.- Those who are in favor of it have touted economic growth and a Field-of-Dreams mentality, that somehow if we build it all of the Uinta Basin's economic woes will be a thing of the past. I also note that no one who has spoken in favor of the project stands to lose anything.- It is easy to support a project that doesn't directly negatively affect you or impact your own property, way of life, happiness or quiet enjoyment.- So many who have spoken in favor of the project have stated that they are life-long Uinta Basin residents.- What I find curious is that these same individuals, while touting alleged economic growth and falsely claiming that all sorts of diverse industries will move into the area if the railway is built, at the same time deride, disparage and belittle anyone who does not live in the basin, even going so far as to say that anyone who is not a full-time Uinta Basin resident doesn't deserve to have a say in this project and should "get lost." How are you going to attract new businesses and the required influx of population with such an attitude of people you label as outsiders?- How many of you who support this project have actually read the draft EIS?- Did you skip over Chapter 6?- Or are you just simply</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>choosing to ignore it completely? Chapter 6 identifies the short-term and the long-term affects of this project, most of which are identified as being irreversible.- Some of these include permanent lands, productivity losses for public recreation, wildlife habitat, agriculture and grazing, including permanent loss of irrigated crop lands and severance of private land parcels.- Permanent reduction of water resources due to water use during construction and permanent operations, permanent loss of wetland functions and values, permanent alteration of surfacewater flow and flood plains needed to convey flood waters due to as many as 506 the stream crossings and as many as 59 stream realignments. Short- and long-term impacts on vegetation, fish and wildlife resources, habitat loss, alteration and fragmentation for wildlife resulting in an increased mortality, barriers to wildlife movement, impacts on fish populations and decreases in breeding success. Permanent loss of existing habitat to a number of animal and plant species, including many federal endangered species, irretrievable commitment of materials to build the track structure, irretrievable commitment of ground water and surface water resources, irreversible changes to wetlands, irreversible removal and alteration of vegetation and wildlife habitat Increased accessibility to wind and water erosion and irreversible loss of soil product activity, irreversible use of nonrenewable fossil fuels, irreversible loss of cultural resources to include archeological sites, tribal resources and build resources, irreversible loss of scientifically important fossils and paleontological resources, permanent and irreversible negative changes to the permanent landscape, permanent and irreversible negative changes to the visual quality of the surrounding rural landscape.</p>	
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Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00399-3)

Comment	Response
<p>And then to reference my previous comments, listing all of the permanent and irreversible impacts that will accompany this project, essentially what the Seven County Coalition and what the Uinta Basin residents are saying, is that all of these impacts don't matter.- The profits and enrichment of private oil companies and wealthy oil executives are more important than these permanent and irreversible impacts.- Making rich oil companies richer is more important than the lives, properties, farms, ranches and quiet enjoyment of everyone who is in the path of the railway.- Our concerns and our rights don't matter. I for one call BS on such notions. Profitability of private companies should not come at the massive expense of private individuals, the environment, wildlife, endangered plants, et cetera.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00399-4)

Comment	Response
<p>And then, referencing the trucking in the Uinta Basin and the associated pollution, how do you guys think that the oil is going to get to the train? It's not going to levitate there.- It's going to be trucked to the trains.- And if oil production increases four times what it is now, that means four times the amount of trucks on the roads and the highways in the basin.- The only trucks that are going to come off the roads from this project being built are the few that go from Duchesne to Wellington to the current transloading facility down there. I'm also -- you know, if you spent a billion-and-a-half dollars on economic growth of other types, what would the Uinta Basin look like?- It certainly wouldn't -- would have much more diversity than this billion-and-a-half dollars is going to create. As far as other businesses coming in, I'm a business owner myself.- I truck a dozen semi loads of products in for my business every year.- It doesn't come by rail because it's not cheaper to ship it</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>by rail, which is the reason that the rail hasn't made price boom with other industries -- [pause]-- and it is not going to do it for the Uinta Basin either. You guys are being sold a bill of goods on the backs of -- of public monies to benefit private oil companies.- It's only going to create bigger booms, sure, and also much, much, bigger busts.- You really need to think about this and look at the complete picture of this project.-</p>	
<p>Utah Physicians for a Healthy Environment, Malin Moench (UBR-DEIS-00401-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>I thought the point about what would you get if you did an alternative investment of a billion-and-a-half dollars was a very interesting point. I have an economics degree, and one of the things that I have learned studying that subject is that the employment impact of low carbon energy swamps the employment impact of carbon-based energy.- It's -- the international monetary funded study of energy costs in the United States.- And their study concluded that if you spend a million dollars buying energy in a year, you could support 1.9 permanent jobs.- If you spent that same million dollars on wind-powered energy, you would support 5 jobs annually.- If you spent that million dollars on solar, you would support 7 permanent jobs. So, if you were to spend that \$1.5 billion on massive solar farms, which the Uinta Basin is excellently suited for, could you have triple or more the employment impact on the people in the basin.- And it wouldn't be adding to their pollution problems.- It wouldn't be ruining the health of the people who live there.- And it would have had higher pay and more stable jobs.- It wouldn't be this boom-and-bust cycle of what has been plaguing the Uinta Basin's economy for the last 40 years.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Melissa Peck (UBR-DEIS-00402-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>He wanted to bring up is that the SCIC is pushing so hard right now to get this finalized before the end of the year because President Trump is still in office.- If a new president is elected that is not President Trump, then (inaudible) will be drastically reduced and that makes this project a very unwise and unsafe investment. None of the oil companies are investing in this project because they don't want to be on the hook for the billions of dollars it is going to take to finish this railroad. Another concern because of that is that the railroad will never be finished and all of the environmental impacts will go ahead and be permanently done and yet the railroad will still not be finished. He also wants everyone to know that we are a member of the Argyle Wilderness Preservation Alliance, and we have a petition of about 3,800, as of today, of signatures in opposition to this railroad, against it, because it is not a good economic or environmental project. We do feel for the people -- everyone in the basin.- We have family in the basin and everything, but there has to be something else besides crude oil and fracking and tar sand and all of that.- In order to make a community, you have to come up with several different resources for income.- And this is a possibility.- And they need to go back to the table and come up with different ideas because these fossil fuels may be something of the past.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Teri Durfee (UBR-DEIS-00403-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>My name is Teri Durfee, and I oppose this being put through.- I don't believe that public money should be spent on this railway at all.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Teri Durfee (UBR-DEIS-00403-4)	
Comment	Response
I'm worried about the animals that will be affected by this because having the railway go through will permanently change the landscape.- And it would disturb the wildlife because each if you're just using the train, I mean, you have the noise, you have diesel smoke.- And also there's a chance for derailments.- And the biggest one of spills is of a huge concern, also a chance for wildfires.- It's been extremely dry and the sparks that could be created from the train could definitely spark wildfires. And so it is a huge threat to the community and the wildlife.- And it's also damaging to the water, besides the impact of the actual railway on the water, there would also -- because of the increased production of the fossil fuels it would also threaten the Colorado River and the wildlife.- And it is already -- the flows have already been reduced in the area because of the drought.- And so it would only harm those areas even further.-	OEA notes this comment. No changes to the Draft EIS are warranted.
Reed Joseph Page (UBR-DEIS-00404-1)	
Comment	Response
I would like to express my strong approval and support for the Uinta Basin Railway Project. Access to the national rail system is the only path to allowing basin communities to finally participate in global markets and having any chance of diversifying the local economy away from primary dependents on extracted industries. While I acknowledge that for at least the first decade of operation, the majority of the value moved by rail, will be derived from crude oil and related products.- Admittedly, the total opposite of economic diversification.- The presence of rail service will finally allow for other commercial opportunities in agriculture and manufacturing. A global transition away from a fossil-based economy is inevitable.- The timing of it is entirely up for debate.- I am, in fact, supporting of the coming energy transition and recognize that the global decarbonization is a necessary and inevitable step to human progress and even long term survival. I believe that this railroad will and can be viable subject still shipper commitments and will provide a healthy return for its investor during of the first 20 years of operation and likely beyond.- But during that time frame, the railroad operator has every incentive to diversify its customer base to include shippers is to encourage many other uses for an asset that will continue to serve the Uinta Basin long after our last barrel is produced. A just transition will not be possible without the Uinta Basin Railway.- Any stated wishes for a just a transition, or the basin, while denying the key necessary component for such a transition would be disingenuous.- My support for the railroad is subject, however, to the conditions and operations are performed in a way that will minimize environmental and community impacts.- I am not a biologist or ecologist and must defer to the judgement of those professionals involved in the approval of this project.- I hope to see my home flourish and grow possibly to return one day for more than just a visit.	OEA notes this comment. No changes to the Draft EIS are warranted.
Donald Jex (UBR-DEIS-00405-1)	
Comment	Response
Great.- I only -- I have a couple of concerns that I don't feel have been adequately addressed by the draft copy of the EIS.- First of all, from an economic standpoint I appreciate the residents of the Uinta Basin in wanting to have this type of economic opportunity for their residents.- However, the numbers that I've seen, and I'm a tax accountant and a rural agent for the internal revenue service.- The numbers I've seen do not justify the cost that	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>it's going to take to put in this rail line and maintain it after the fact.- So that's my first objection to this rail line even being considered at this time.</p>	
<p>James Robinson (UBR-DEIS-00406-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I'd like to echo the comments of Reed Page.- I agree as a resident of the Uinta Basin currently involved in an industry not related to fossil fuel exploration.- I see a benefit for having rail services in the basin to increase our economic diversity in the long run. I do understand that in the short term fossil fuel growth will increase as that is one of the major driving factors for getting the railway started out here in the basin.- But I look forward to the opportunity to grow different industries in the basin in the long run to a period of time when we move away from our dependance on fossil fuel exploration as the primary economic driver in the basin. As the saying, I've heard out here several times, we live and die by the price of crude in the basin.- So I look forward to seeing that be less true. Not that I don't support all industry in some regards, but I -- I would also like to remind everybody that the amount of heavy truck traffic that is currently moving through the basin also contributes to particulate emissions.- And the engines on diesel trains are highly efficient and very clean as compared to most freight-moving trucks.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Kerry Farrer (UBR-DEIS-00407-2)</p>	
<p>Comment</p>	<p>Response</p>
<p>Nobody feels that environmental risks or what they have going on is any less important than the next.- It's -- the difficult part for me to understand is how a few can say that they would want this when this could affect many as far as industry.- And there's been several industries unlike Carbon County with their rail that have wanted to come in here that have refused to come in here because we didn't have a rail, which is, you know, one of the main things of why people want it -- or would want the rail to get their industry in here is because it is cheaper to haul stuff in and out. And let's talk about the big corporations that we have. Nufill [phonetic], before they sold to McCann [phonetic], spent hundreds of thousands of dollars a year in helping environmental problems getting rid of environmental problems and helping local issues, donated millions of dollars in the time that they have been here to do that.- And they left -- they sold out and left with a big corporate company because it just wasn't feasible for them to stay here. And when it comes to stuff like that, if people can't open their eyes and see that that -- that this could be good for up and coming companies that are willing to do the same, then maybe they need to relook at what we have going on and how we've been sitting stagnant for -- long, long before Covid.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Kerry Farrer (UBR-DEIS-00407-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>I believe that this rail is a safer means of transportation.- I've grown up here most of my life. If I grow up part of my life in Alaska, and so I know about pipelines.- And so I know the hazards of pipelines and how they go in.- And you read about those breaking.- And they're -- very, very seldom hear anything about a car -- a railcar derailling and spilling oil everywhere.- And when a pipeline breaks, it empties the pipeline on the ground.- I think this will be one of the best alternatives that we can have. I agree with -- the truck traffic is part of that. From living here, you can see when the air quality goes bad out here it's usually when the wind blows in from Salt Lake City. The opportunities that it's going to bring for growth, we need them.- And I would ask that, you know, the people in charge don't let people that don't live here</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>dictate how we need to grow or need to live. I don't believe that someone that has a vacation home should be able to come out here and say, "Hey, you guys, you can't do this," you know?- We got people that have been suffering, struggling.- We have companies that can't even -- that spent millions of dollars to help the environment to help local businesses.[pause]And all that goes away when the work goes down.- This gives us the opportunity for growth, not just in the oil industry, but in other industries.- And I think that this is something that we need, and I am a big advocate for this.- I hope that this comes through.- And I hope that, you know, we can find the safest route.- We can find -- but work in agreeance [sic] with most people that -- you know, not disturb other people.- And hopefully it's something that we can make up.</p>	
<p>Kerry Farrer (UBR-DEIS-00407-5)</p>	
<p>Comment</p> <p>I am in agreeance [sic] with the railroad. For one, I believe that the EIS -- that the members of the EIS are professionals.- I think they know what they're doing.- And I believe that this is something that we need.- It's no secret that the basin has been stagnant since before Covid-19.- Industry-wise, we need some sustainability and not just the oil field, but a window to get other industries in here to get growth. For example, if I can get a car skipped on rail from Maine to Salt Lake for \$500 but I have to pay a truck to haul it from Salt Lake City to Roosevelt for \$1500.- And when it comes to stuff like that, this railway is going to open up the window for a lot of small businesses. You're going to get rid of the big corporate thumb that's on the neck of everybody out here, running, you know, keeping us -- you know, all our prices at a certain -- and the complication that we can't compete with them.</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Jean Mold (UBR-DEIS-00408-2)</p>	
<p>Comment</p> <p>I'm concerned about the air quality, the noise pollution.- I mean, that's what we are going to hear when we are in that area.- Everyone has invested a lot of time and energy in building the spots that they can take their family.- And I think that has been even more relevant during these Covid times to see how important those places are to our families.- And the privacy -- I am concerned that the privacy will be lost with the railway coming in.- The tunnel impact is huge. Because we all know that that kind of construction will disrupt more likely than not the water, the wildlife, the movement of everything up there.- I've tried to get detailed maps on exactly where the proposed routes come through, which landowners are affected and what areas and what waters are affected. Everything is pretty vague.- I have not been able to get real concrete, pinpoint answers.- And I know those things are still being worked on, but those are my concerns.- I understand the long term.- We need to do long term economic development for the Uinta Basin.- I agree with that.[pause]I do -- I am unclear.- You know, we keep saying if we can have the railway in the Uinta Basin it will open up our economy and solve our problems, but I sometimes wonder.- Because Price, Utah has a railway goes right through it and their economy struggles, too.- And so what will be the difference that the railway will provide for us if the oil and gas industry is slowed down with that incoming, you know, government administration? So, those are my concerns.- Again, I'm proeconomic development.- I just am not in support of these route proposals.</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

AJ Kendall (UBR-DEIS-00409-1)	
Comment	Response
<p>I just got on this meeting tonight just to listen, but I'm surprised to hear that so many people are against the railway.- Just from what I've seen of this area over the years that it's very boom-and-bust with oil, and I think it's kind of silly that a railroad hasn't been constructed.- I think it could have been used 40 years ago.- I think it would have been the best thing for this area, and it would have helped it grow and there would be different industries here.- And people wouldn't struggle so much when oil's down because things would have been able to happen that have not happened. I think that it would be foolish for us to not try to get this railroad here.- I think it would open up a ton of communities.- Shipping would be a lot cheaper.- People could start manufacturing stuff here in the basin and ship it out at a competitive price. I think the semitrucks are -- on the highways, those are dangerous, a lot of pollution.- And I think the railroad would have paid for itself and would have been a great thing to do years ago. I think some people might be kind of afraid of change or have fear of the unknown and they worry that a railroad might be noisy or cause fires or something, but I'm pretty sure -- I feel like they're not that dangerous.- I think it would only help the Uinta Basin a lot, but -- let's see.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Cambria Redmond (UBR-DEIS-00410-1)	
Comment	Response
<p>So I propose No-Action.- Woefully inadequate is all too correct of a statement.- There is no assurance that there will be a movement towards decarbonization for use with this rail line as well as this is a privately funded project.- So public use is not assured or intended. So diversification of markets is minimal. I think that if there was any possible way of construction, assurance that movement towards decarbonization and a movement towards more sustainable markets, energy production, such as wind turbines or solar energy, could provide even more jobs than traditional coal or gas and minimize ecological impacts. There really is no reason that we should be continually investing in a market that will not sustain our generations from here on out.-That's really it. All of the ecological impacts have been mentioned by others.- And there is no possible way that a private company should have the say on people's private or public national lands.- That's really it. For the well-being of our children, if we wish to have any in the next coming generations.- And the lands of the Uinta Basin just because there is so much natural gas does not mean that we should be using it.- There is better ways.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Julie Jex (UBR-DEIS-00411-3)	
Comment	Response
<p>have so many conflicting and confusing ideas here because I hear these comments about how everything is going to help the basin.- Well, where's the responsibility of the government leaders in the basin for not investigating or proposing additional resources or alternative ideas rather than focusing on this railway, which they proposed was going to run all of this oil out of the basin.- Well, part of the problem is they couldn't get a pipeline because the oil is so low grade and not that many people wanted it is my understanding. And then, my second confusing idea is I don't think that the people in the basin realize that we are not opposed to a railway going out of the basin. We are just opposed to it going through private property that we have put a lot of investment, time, energy, money into, just as they have with their farms and</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

ranches, which we -- which we agree with.- And we contribute to the economy of the basin. And so, we just don't want it to go through any piece of Argyle Canyon.-It's -- it's such a commodity now.- And I don't know if these folks realize it, because they're on multiple acres, but it is very, very scarce now.- And at some point, the Uinta Basin if they think that it's going to be a bedroom community of Wasatch Front, it may or may not.- But number one, there's a lot of infrastructure that needs to be improved.- We have family in North Dakota that have seen booms and busts, and they build schools and now the schools are empty. There's just too many what-ifs with no types of guarantees.- It's going to take ten years to pay for this railroad as stated in earlier comments. Do we have ten years?- What if it doesn't get finished? Then the tax payers of the Seven County Commission will be on the hook.- So I don't think that people are really following this through.- We just don't have any type of guarantee. And so I think that the government officials in Duchesne and Vernal and surrounding areas need to take a good hard look at their responsibility in all of this.- If they want to build a railroad, fine.- Just don't do it on my tax dollars and don't take it through Argyle Canyon.

Steve Evans (UBR-DEIS-00412-1)

Comment	Response
<p>The Uinta Basin is the most -- one of the most challenged -- is the most challenging place to do business in the State of Utah.- This is due to the cyclical nature of the extraction industry, which is the primary source of local jobs here.- Although we have huge amounts of energy resources under our feet, producers are limited due to the inability to transport product to market.- Additionally, they are limited to selling the product to just the North Salt Lake refineries to monopolize prizes by placing big discounts of Uinta Basin goods.- Proposed railways will not influence the market price of oil.- However, it will put crude exported from the Uinta Basin in a competitive market environment and help stabilize the industry.- The Uinta railway would allow producers the ability to transport to a national and international markets, thereby allowing the free capital system to work by creating a competitive bid for energy produced in the Uinta Basin. It should be noted here that Utah's population is expected to double by the year 2050. Communities along the Wasatch Front, Salt Lake City, Ogden and Provo are already struggling with unprecedented growth this past decade.- There simply is not enough room along the Wasatch Front to meet the projected demand.- The Uinta Basin however, has an able workforce with room to grow. The Uinta Basin would provide a means to expand and diversify our local economy by creating jobs and through mineral lease monies and other taxes, a means to build a local infrastructure to meet the forecasted state growth.- With the ability to transport goods and services via rail, our economic development offices would then be able to market this growth toward the Uinta Basin where we would have the workforce, transportation and affordable land. With the stable economy comes more stable families.- With this last phase of energy layoff, hundreds of families from throughout the Uinta Basin have been separated from the family's primary bread-winner and have been forced to leave home to work a 10-on and 10-off shift in another energy producing state.- Local crime statistics conclude, when there is a down turn in the local economy, crimes involving substance abuse, domestic violence, juvenile truancy increases. Uinta railway, in my opinion, will help mitigate those social problems by creating economic diversity and the development of local jobs.-</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Pamela Underwood (UBR-DEIS-00413-1)	
Comment	Response
I'm a landowner in Argyle.- This property has been in my family for over 40 years. I have -- I also come from a family who has worked in the oil field for over 30 years. I support drilling and keeping the country oil-independent, but not at a cost of destroying the environment, people's health, communities, the destruction of private-owned land and the possibility my grandchildren will not have the opportunity to enjoy this land. I've heard the comments about people who support this.- What they so easily forget is just a few years ago during the last boom, rent went from \$500 a month to \$2,000 a month in the basin.- They forgot how after the boom was over, people lost their homes and their way of life.- I ensure you, this will happen again, as Melissa Peck said.- As soon as we get a democratic president, it will happen. I live in Price, and I heard people say, "Oh, the railway is going to bring more industry here." That railway has not brought any new industry to Carbon County in decades.- We rely on coal.- That is the only thing we use that railway for.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mike Stangel (UBR-DEIS-00414-1)	
Comment	Response
I just wanted to voice my public opinion and support of this.- I think the project is going to be great.- I think that it is an opportunity for the basin residents as a whole to experience an opportunity of growth, not only within the oil extraction business but also diversification of other businesses and energy. I will also add that the Uinta Basin doesn't have a rail.- There's other places that do, the larger cities, Salt Lake City.- There is also some rural areas that have rail.- My question to those that are opposing it is:- Why are those areas more important than the families that live here in the basin?- Because these families need jobs.- They need to be able to provide for their family, save for their retirement and be able to take care of the next generation as well. So, I think when we look at this as a whole as a big picture we need to consider everybody not just what we want but what is good for everybody as a whole as a population.-	OEA notes this comment. No changes to the Draft EIS are warranted.
Krayden Haslem (UBR-DEIS-00415-1)	
Comment	Response
Yeah, I just wanted to provide a little different perspective.- I was a pilot that flew this area quite a bit as a pipeline controller for compressed natural gas, both towards Craig and towards Price.- The area that is going to be impacted by the Craig route that all the people in Argyle Canyon are proposing is a way bigger area, and it's beautiful. Both areas are beautiful.- I get that.- I get that they are upset that their cabin places are getting encroached on.- I get that.- I get how that's upsetting.- I get how the sage grouse are important. I also get that this community needs some extra things. If oil and gas is truly going away, this rail line won't be used for moving oil and gas.- It will be used for whatever is new.- And I'm excited to see that growth.	OEA notes this comment. No changes to the Draft EIS are warranted.
Reid Allen (UBR-DEIS-00416-1)	
Comment	Response
Thank you.- My name is Reid Allen.- And I'd like to enforce everything that Darrell has said. This -- it is a pretty canyon, and it's going to screw up the water, which we all depend on up in there, the springs, the fire hazard. You put -- I personally put a trailer up there.- And when the fire comes, they won't even let me go in and take that out.- It's just a bad deal.	OEA notes this comment. No changes to the Draft EIS are warranted.

Amy Hemphill (UBR-DEIS-00417-1)	
Comment	Response
I would like to support the railway as we need diversification to soften the blow of our current boom-and-bust cycle.- I believe that the expansion of drilling will benefit the entire state in the form of tax revenue.- I believe the amount of pollution due to truck traffic will be reduced as a distance required to transport crude to market by truck will be reduced. I would like to echo the support given in the comments by Steve Evans.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jeff McKee (UBR-DEIS-00418-1)	
Comment	Response
I am 100 percent in favor of this railway.- I feel for those landowners that have issues and I think they really need to be looked at. If we have some land and had the issues with, and it would be the similar thing and I think there are some great points.- If there is another route that works, and it's doable, great. But so far, living here in the basin, I am very frustrated with these busts.- I'm tired of us not having other economical ways to succeed.- And if this is available, the other options I haven't heard are available -- the one guys said if you dumped another billion dollars into the basin, you know, what would that do?- I'm all up for that idea too, but to my knowledge there haven't been any other billion dollar offers to come in. So real quick, I have -- I do a little bit in the agricultural world.- That is most of my life. I think this will help me.- I think it will help others. And I'm ready for it.- I would like to see us not struggling every time there is a bust.- And I think it's just a good option for us.- I am in favor of it and 100 percent supportive of it.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nate Wilkins (UBR-DEIS-00419-1)	
Comment	Response
I learned about the rail when I moved back to Vernal in October of 2020. I had grown up in Vernal but left after graduating. After moving back I heard of the rail I was interested to see this come through because I have constantly heard conversations about how the rail could be a huge benefit to our community in many ways. From the people I have spoken to, the rail brings them hope in having a more stable economy as it would be a vital resource to bringing in different industries other than gas and oil.	OEA notes this comment. No changes to the Draft EIS are warranted.
Sonja Norton (UBR-DEIS-00420-1)	
Comment	Response
I served on the Vernal City Council for eight years and as Mayor of Vernal City from 2014-2017. I was born in Vernal and have lived here my entire life. I serve on many boards and committees, trying to stay involved in my community. I believe the rail coming to our area would greatly benefit the majority of citizens living in the Uinta Basin. As you well know, we have been mostly reliant on the oil and gas industry for a very long time. I think the rail will help this area to finally diversify our economy and bring light manufacturing, along with other industries to help all to prosper. I also think it will bring positive economic impacts here. I am in full support of the process that has been initiated and the rail coming to our area!	OEA notes this comment. No changes to the Draft EIS are warranted.
Larry Dean (UBR-DEIS-00422-1)	
Comment	Response
I am opposed to the Uintah Basin Railway (UBR) due to the fact that fossil fuel demand is in decline. Investing taxpayer dollars into this railway cannot even be considered to be an investment as there will be no return except for a	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>few opportunists who will profit. The railway will endanger water resources, wildlife, and historic/cultural resources. The railway will contribute to air pollution in an area already suffering from the effects of bad air. The railway would also contribute to the air pollution at it's destination along the Wasatch front, an area already plagues with pollution. I believe tax dollars would be better spent by investing in clean energy production not in a dying industry.</p>	
Craig Wallentine (UBR-DEIS-00424-1)	
<p>Comment</p>	<p>Response</p>
<p>More thoughtful energy industry project sponsors around the country have demonstrated safer and far more economic alternatives that could be used to expand Uinta Basin energy production than the out of date, single-purpose crude oil railroad. These superior transportation alternatives would actually provide public convenience and effectively serve the oil & gas industry. The project as proposed is clearly neither a public convenience nor a necessity for any Americans except the special interests who are proposing it. I respectfully request that the STB deny the SCIC proposal and require them to upgrade and improve their proposal to address the major safety and health problems created by their proposal.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Craig Wallentine (UBR-DEIS-00424-12)	
<p>Comment</p>	<p>Response</p>
<p>What is particularly tragic from a worker safety standpoint is that there is clearly a superior fuel transport alternative to the SCIC proposal that is being ignored in favor of an option that essentially maximizes worker exposure to hydrocarbons from production all the way to the US Gulf Coast. The Surface Transportation Board would be doing a great service to the Seven County Infrastructure Coalition and to the citizens of the United States by choosing "No Action" on the current project because it creates such detrimental impacts on public convenience and health. I respectfully request that the STB exercise wise stewardship in denying this permit as currently formulated.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Craig Wallentine (UBR-DEIS-00424-14)	
<p>Comment</p>	<p>Response</p>
<p>I am writing to you to point out that only the "No Action" alternative addresses the unresolved problems with the proposed Uinta Basin rail line which will create significant safety and health issues for workers and citizens of the United States. The Seven County Infrastructure Coalition (SCIC) proposal, which clearly only benefits the oil & gas industry, should be denied so that it can be reformulated to actually serve the public interest of the workers and citizens of Utah, Colorado, and the rest of the United States in a safe and economic manner. The UIB EIS creates major public inconveniences by not adequately addressing the major safety considerations ([underline: not minor considerations as labeled in the EIS]) with the antiquated and inefficient rail line proposed by the SCIC.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Craig Wallentine (UBR-DEIS-00425-1)	
<p>Comment</p>	<p>Response</p>
<p>I am writing to you to highlight unresolved problems with the proposed UIB rail line that will exacerbate tremendous environmental issues for the public in Utah and Colorado. The SCIC proposal should be denied so that it can be reformulated with a truly sustainable value proposition to serve the public interest in a sustainable and economic manner. I respectfully request that the STB deny the Coalition proposal and require them to improve their proposal</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

to address the massive environmental and economic problems created by their proposal.	
Craig Wallentine (UBR-DEIS-00426-1)	
Comment	Response
I am writing to you to highlight the fact that a bad business proposition will always be a bad business proposition no matter how much public money is wasted trying to fix it. The current SCIC proposal is simplistic, one-dimensional and antiquated. It may temporarily generate profits for a small number of special interests within the oil & gas industry but it will certainly create massive external costs borne by the citizens of Northeastern Utah and Western Colorado while generating a high risk of operational and environmental disaster. The most likely outcome of bad business proposition is eventual bankruptcy and regional economic decline. The responsible action for the STB at this time is to deny the SCIC petition as currently presented and recommend that they return to you with a more sustainable business proposal that addresses the real stakeholder and socioeconomic issues outlined below.	OEA notes this comment. No changes to the Draft EIS are warranted.
Craig Wallentine (UBR-DEIS-00426-9)	
Comment	Response
What is particularly unfair is that this project, which is not for the public convenience or a necessity, and which imposes major safety and environmental costs on the general public, could eventually drain more resources from the 3+ million citizens of Utah who did not benefit from the project. At least the citizens of Colorado will be free from the financial insult of having to bail out a failed project on top of the injuries they will have already sustained.	OEA notes this comment. No changes to the Draft EIS are warranted.
Elders Rising, Elise Lazar (UBR-DEIS-00427-1)	
Comment	Response
I am adamantly opposed to this misguided project. It's tremendously unsound in terms of the environment, both the Utah environment as well as globally, it's catering to a dying industry, and it's a waste of taxpayers money. Do not proceed!	OEA notes this comment. No changes to the Draft EIS are warranted.
David Pedersen (UBR-DEIS-00428-1)	
Comment	Response
As a railroad enthusiast, it pains me to say this but this proposed project is a terrible, no-good, economically-problematic idea, and I would like to explain why. Simply stated, more fossil-fuel extraction is the exact OPPOSITE of what we need right now as a civilization. The empirical and scientific evidence surrounding fossil-fuel extraction, transportation, refining, and consumption (combustion) is grim and indisputable. We have roughly a decade left to get our greenhouse-gas emissions under control, and that's an optimistic estimate. More and more scientists are saying we are actually on the "worst-case" path, which means it may already be too late, and so we don't want to make a terrible situation even worse. The state of Utah is already terribly polluted in terms of air, water, and - yes - land. The Wasatch Front suffers so terribly from pollution that it has become a de-facto "guinea pig" for examining the effects of air pollution on public health. The proposed construction of the now-infamous Inland Port project will only make the pollution worse, and yes - it will handle the oil and gas mined from the Uinta Basin.	OEA notes this comment. No changes to the Draft EIS are warranted.

David Pedersen (UBR-DEIS-00428-4)	
Comment	Response
I think not! If Utah is serious about expanding its railroad network, then high-speed electric passenger and freight rail powered by clean renewable electricity is the way to do it. Building new railroads for the sole purpose of transporting dirty and increasingly-obsolete fossil fuels makes no sense whatsoever and wastes money that could be put to better purposes (e.g. installing air purifiers in buildings along the Wasatch Front). Please do the right thing and reject this awful project before it's too late. The tribes and members of the public are counting on you. Thank you very much.	OEA notes this comment. No changes to the Draft EIS are warranted.
Joel Ban (UBR-DEIS-00429-1)	
Comment	Response
The comments below highlight our opposition to the proposed railway expansion in the Uinta Basin. We request that a no action alternative be analyzed and followed.	OEA notes this comment. No changes to the Draft EIS are warranted.
Marc Bubar (UBR-DEIS-00430-1)	
Comment	Response
As a former resident of eastern Utah and current resident of the eastern United States I hold this issue with great seriousness. Based on the evidence from the draft environmental impact statement, I can not agree or consent to this proposed railway in the Uintah Basin. Below are some of the main reasons why I find this project extremely objectionable:	OEA notes this comment. No changes to the Draft EIS are warranted.
Marc Bubar (UBR-DEIS-00430-6)	
Comment	Response
Water - ?The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the entire area with 443 stream crossings, impacting over 61 miles of streams and 26 acres of floodplains. All the alternative routes connect to the existing railroad at the same spot: directly adjacent to important wetlands along the Price River. These are unacceptable impacts to the precious perennial waterways in our semi-arid state. ? Community -? The Uinta Basin Railway would change the way of life for those who live and recreate in the area. Landowners in Argyle Canyon and other off-grid canyon communities along the proposed railway route fear the disruption and disfigurement of the stunning landscapes they love. Each locomotive would disturb beloved wildlife, bringing noise and clouds of diesel smoke. Mile-long trains would create traffic delays and the real potential for accidents, derailments, spills and sparks, which could ignite disastrous wildfires. This is an unacceptable threat to community health, safety and wellbeing. As someone who currently resides in the state of Maine, I live "down stream" - in terms of the atmospheric jet stream - from this project. The air pollution in the Uintah Basin directly affects my own air quality many miles away. In addition, I share the same earth, and I am not willing to accept the impact to the climate that this project will have.	OEA notes this comment. No changes to the Draft EIS are warranted.
Terri Gilfillan (UBR-DEIS-00432-1)	
Comment	Response
I am quite concerned that money that should go to local communities and their specific needs is being funneled into a single regional project only for the purpose of propping up fossil fuel extraction. This is ludicrous. Following the bleak result of the environmental impact of such a project, we all know that fossil fuel extraction is no longer economical, let alone damaging to our	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>environment and to the health of the people in these communities. We need different priorities that put the community of people ahead of businesses who cling to expensive and polluting sources of energy. I strongly oppose any funds being submitted to such a arcane project that will literally go to waste in a few years. Let's move to more sustainable projects that provide healthy environmental impacts for future generations. Thank you.</p>	
Jane Washington (UBR-DEIS-00433-1)	
Comment	Response
<p>Please STOP the Uinta Basin Railroad! We already cannot breathe in Utah. We only go to SLC once a month for a very few hours to avoid the air. I have asthma and SLC is like death for me now...you're trying to make it worse!! We need less extraction and to be a progressive state with solar, wind. Please stop this mess.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Canyon Fork Ranch, Geri Nielsen (UBR-DEIS-00435-1)	
Comment	Response
<p>We own the Canyon Fork Ranch in Indian Canyon which consists of almost 400 acres we also have a forest grazing permit. If this railroad goes thru it will ruin our whole ranching operation which is part of our livelihood. It will take out our ponds that run the water to our wheel lines that water out hayfields. It will go thru the middle of our barn and cabin where we stay all summer to run the place. It will reduce the number of cows we can run on our permit plus we have to worry about cows getting hit by trains or worse then that forest fires getting started by the trains. Our ranch will be no good to us of this goes thru. It's been in our family for four generations. You can't replace that. The wildlife that hangs out on our place is unbelievable! We have herds of elk and deer. Rocky Mountain sheep, mountain lion, bear, skunk, raccoon, eagles and there are ducks that will be displaced when the ponds are drained. They nest there every year. Please find another route.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Duchesne County, Mike Hyde (UBR-DEIS-00436-78)	
Comment	Response
<p>Summary Comments: The Duchesne County Commission believes that the Uinta Basin Railway project will fulfill a critical infrastructure need. The railway is anticipated to help diversify the regional economy as businesses needing rail access would then be able to consider locations in the basin. The railway would also reduce our dependence on trucks to move products into and out of the basin. In the event of emergencies or unforeseen events, it is always preferable to have more than one mode of transportation available for sending and receiving materials needed to support a population. While there will be environmental affects associated with construction and operation of a railroad, we agree that the applicant's voluntary mitigation measures and the OEA's recommended mitigation measures will minimize those affects. We feel that the environmental analysis is well-done and accurately depicts the impacts; while applying appropriate mitigation. We agree that the Whitmore Park Alternative is the best choice and recommend that the final EIS continue on that course. We have noted in many of the public comments that commenters are focused on their anti-oil philosophy or the business dealings of the applicant. We trust that the OEA and STB will recognize such comments as non-substantive as they do not address the purpose and need for the project or its environmental impacts.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Courtney Henley (UBR-DEIS-00437-1)	
Comment	Response
<p>Uinta basin crude is already slated to be an artifact of history much like Pacific ocean whale oil. Some industries just aren't meant to last forever because technology and innovation provide more efficient, higher quality products that are safe for the environment and the public health. Alternative energy sources are to crude oil what crude oil was to whale oil -- the future. And take a page from whale oil history, the economic prosperity associated with valuing the natural environment outproduces and outlasts extracting industries that destroy the landscape and the life that inhabits it. The Uinta Basin Railway is another lesson in Bad Ideas That Lead To Economic Ruin. I strongly encourage OEA to put a rubber stamp of FAIL on this project for the irreversible damage it will do to the environment and everything Americans hold dear.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Uintah County Commission, Ross Watkins (UBR-DEIS-00440-1)	
Comment	Response
<p>On behalf of Uintah County we are writing in support of the Uinta Basin Railway project. The Uinta Basin relies heavily on natural resource extraction and agricultural production, and because our community is in a remote location it has become increasingly difficult to transport such goods in a safe and timely manner. Due to this issue, Uintah County has stressed the importance of transportation planning. The Uintah County General Plan (2017) specifically states that a "standard-gauge freight-only railway into the Uinta Basin" that would connect our community "to the national railway network" should be considered as a possible regional infrastructure project (pg. 29, Capital Facilities and Infrastructure). Each of the proposed alternatives would place a terminus in the Leland Bench area, as well as several miles of railroad before exiting Uintah County's borders. Due to the small footprint within Uintah County, we do not believe that the railroad would have a significant physical/environmental impact to the county. However, the socioeconomic impact the railroad could have on our communities would be significant. For this reason we are writing in support of each of the alternatives that pass through our county.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Uintah County Commission, Ross Watkins (UBR-DEIS-00440-7)	
Comment	Response
<p>We appreciate and thank you for this opportunity to comment on the Draft EIS for the Uinta Basin Railway project. We are of the opinion that the environmental impacts to Uintah County would be minimal, and it is our hope that a local railway connection would decrease the amount of long-distance trucking required by our local industries, and in turn decrease the overall emissions produced by our transportation services and increase the safety on our local highways. None of the alternatives would negatively impact any residences, major roadways, waterways, cultural resources, visual resources, or the general welfare of Uintah County's communities. Uintah County only stands to benefit from the Uinta Basin Railway project, and it is our hope that one of the proposed alignments may be approved after going through the NEPA process.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

William Preston Durant (UBR-DEIS-00441-1)	
Comment	Response
<p>The proposed Uintah Basin Railway is a 19th century answer to a 21st century NON-PROBLEM. As we are and must be transitioning away from fossil fuels, the further embrace of oil and natural gas makes little sense except as the briefest of stopgaps until we can get to level of renewable energy use that will forestall cataclysmic climate change. It will not re-vitalize this part of Utah and, beyond a certain horizon that we MUST reach, will make the railway quite obsolete. I know your sights are set on making oil shale extraction viable, and so it seems you are bent on further sacrificing the Book Cliffs by turning it into an industrial zone. I suppose there is some merit to that if we look merely at the fortunes it would make for a very few. But we are trading our outdoor heritage for a "mess of pottage," as poor Esau did in the Bible. In my mind there is no justification for the expense and land disruption of railroad construction--and the hoped-for industry that it would promote--in an age where the rest of the technologically advanced world is running far beyond this paradigm. I know enough about Environmental Impact Statements (I have responded to scores of them) to know that it really doesn't matter how much assumed or possible environmental or ecological disruption is identified in the study or by the comments to the study; that lots of companies are now making a very good living by pleasing their clients with a favorable EIS; and that, in the end, the proposed action will always be chosen despite any unfortunate and disruptive impact of the project in question. There are ALWAYS unforeseen problems, because that is the nature of the Universe and of our poor power to anticipate what will result in 50, 100, 200 years from a proposed action. This much I know: Anything that perpetuates the use of carbon-based combustible fuels is hastening the day toward a future we and our descendants will regret. The fossil fuel industry in the Uintah Basin is a small but not negligible part of that. If our society is still extracting fossil fuel at boomtown rates in another 20 years it will signal that something was horribly wrong about the way we planned our future and that of our children and their children. I long ago came to the conclusion that all EIS's are kabuki (ritualized) theater to show and say that one has done something before one goes ahead with the action he or they intended in the first place. Mitigation is always promised, but, in my long memory, it is either impossible or never done. I have known very few EIS's or EA's that ever stopped an unfortunate or unwise action when political power was a factor in the decision. So count me against this expensive and untimely anachronism.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
South Valley UU Society, Ann Scarborough (UBR-DEIS-00442-1)	
Comment	Response
<p>I am strongly opposed to the Uinta Basin Railway. Its benefits are far outweighed by the costs to 400 streams that would be damaged, and to the air, water and wildlife-which always cause harm to humans. I am opposed to supporting the fossil fuel industries. There are far better ways to support local communities, such as pivoting to renewable resource alternatives that can provide jobs and help our environment and health</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Robert Scarborough (UBR-DEIS-00443-1)	
Comment	Response
<p>I am strongly opposed to the Uinta Basin Railway. Its benefits are far outweighed by the costs to 400 streams that would be damaged, and to the air, water and wildlife-which always cause harm to humans. I am opposed to supporting the fossil fuel industries. There are far better ways to support</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>local communities, such as pivoting to renewable resource alternatives that can provide jobs and help our environment and health</p>	
<p>Nancy Weiser (UBR-DEIS-00444-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am vehemently against any and all proposals that promote the continued use of fossil fuels and coal. I have lived in Utah since 1995. This state has so much to be proud of with all our state and national parks, monuments, other-worldly rock formations, mountains, trail systems and so much more. To continue down the path of overburdening the sacred resources through over population, over building, over use of water, crowded streets and highways resulting in ever increasing air pollution, loss of habitat, challenge to water availability and a myriad of other health related issues is not acceptable. Our national healthcare system is already pushed beyond its limits in responding to the COVID pandemic in addition to the ever increasing health issues of compromised human life. In the end, success cannot be defined simply in \$\$\$Monetary terms: Quality of life especially health must be at the top of the scales.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Fred Decker (UBR-DEIS-00445-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I'm a full supporter of the Uinta Basin Railway. This will help our local economy and help our residents survive in these tough times. we have the man power and resources here to make this a great success</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Dustin O'Dell (UBR-DEIS-00448-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Just wanted to say I support the proposed railroad. I believe that if something isn't done to change the transportation for commodities to and from the area vernal will stay dependent on a very unstable oil and gas market which has devastated families over the past years especially recently, this new biden administration is detrimental to our families because we depend on the field to bring new money to the area.... We need a way to bring new business to the area, a railroad would give new businesses the opportunity to established a footprint here in the area and it would be able to safely export goods including during the winter. We need better opportunities for jobs in Vernal, the railroad just might give big business the resources needed to bring that here so we can break that dependency with oil and gas, granted it'll always be here but it's not the sole source of good paying jobs as it has been, also break the need for government assistance by developing new jobs with better pay, no longer would the people have to worry about a sudden collapse in the energy market knowing they are about to be hungry and homeless. I've seen to many families have to combined households to try and survive because one family's income is not enough. The last interview that I went to I was told that there was over 2700 applicants for this one job... That's insane, typically the good jobs go to friends and family of current workers because they are struggling too, we need manufacturing jobs or some better source of employment. As a bonus this will not only help provide more options for work it'll bring in revenue from taxes for the city/county. The railroad could open these options up for us. So I say build it now and if you need help in any way I'm ready and willing to start immediately!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Cherree ODeIl (UBR-DEIS-00449-1)	
Comment	Response
In favor of the railroad	OEA notes this comment. No changes to the Draft EIS are warranted.
Catherine Grimes (UBR-DEIS-00451-0001-1)	
Comment	Response
The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. As a native of Colorado, we have to recognize that the irreparable harm that can be done by this action is just that. permanent damage to the entire ecosystem.	OEA notes this comment. No changes to the Draft EIS are warranted.
Richard Carr (UBR-DEIS-00451-0002-1)	
Comment	Response
This draft environmental impact statement fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kristen Muench (UBR-DEIS-00451-0003-1)	
Comment	Response
Please respect the land, the inhabitants both wild and human, and do not pass this harmful plan. Use the information you have learned over the many, many years of oil spills and destruction of natural areas and waterways.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kathleen Doyle (UBR-DEIS-00451-0004-1)	
Comment	Response
I strongly urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Miki Laws (UBR-DEIS-00451-0005-1)	
Comment	Response
With a Master's Degree in Regional Planning, I served on the Colorado State Land Use Commission staff, and more recently as a resident of both Summit County UT, and Boulder County CO, and got to know well both the beauty and the frailties of the Colorado and Utah landscapes.	OEA notes this comment. No changes to the Draft EIS are warranted.
Pamela Benton (UBR-DEIS-00451-0006-1)	
Comment	Response
We are able to make a better choice that does not cause harm to this area. please consider WHO is going to benefit as opposed to who will be harmed.	OEA notes this comment. No changes to the Draft EIS are warranted.
Tom Tripp (UBR-DEIS-00451-0007-1)	
Comment	Response
And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting outdoors tourism many locals rely on for their livelihood.	OEA notes this comment. No changes to the Draft EIS are warranted.
Victoria McCoy (UBR-DEIS-00451-0008-1)	
Comment	Response
PLEASE CHOOSE THE NO-ACTION ALTERNATIVE FOR THE PROPOSED UINTA BASIN RAILWAY. The proposed railway would do irreparable harm to our region's air, water, land and wildlife. It MUST NOT be built. This draft	OEA notes this comment. No changes to the Draft EIS are warranted.

environmental impact statement totally fails at what it's SUPPOSED to do: Assess the harm this oil railway would have on the environment, wildlife and nearby communities. The new production resulting from the railway expansion - potentially four times the current amount - will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point. WE MUST sharply REDUCE fossil fuel use, NOT expand it.	
Victoria McCoy (UBR-DEIS-00451-0008-2)	
Comment	Response
Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil trains would inflict on the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite DISASTROUS WILDFIRES. And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting outdoors tourism many locals rely on for their livelihood. This project is a DISASTROUS and UNACCEPTABLE threat to the health, safety and well-being of wildlife, humans and the planet. YOU MUST CHOOSE THE NO-ACTION ALTERNATIVE.	OEA notes this comment. No changes to the Draft EIS are warranted.
Adele Riffe (UBR-DEIS-00451-0009-1)	
Comment	Response
I STRONGLY urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Edward DeFrancia (UBR-DEIS-00451-0010-1)	
Comment	Response
It is NOT NECESSARY nor WANTED!	OEA notes this comment. No changes to the Draft EIS are warranted.
Bonnie Beach (UBR-DEIS-00451-0011-1)	
Comment	Response
This project is a disaster waiting to happen and is an unacceptable threat to the health, safety, and well-being of wildlife, humans, and the planet. PLEASE, choose the no-action alternative.	OEA notes this comment. No changes to the Draft EIS are warranted.
William Newmark (UBR-DEIS-00451-0012-3)	
Comment	Response
I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built	OEA notes this comment. No changes to the Draft EIS are warranted.
Kent Borges (UBR-DEIS-00451-0013-1)	
Comment	Response
As a Coloradan concerned with the protection and preservation of public lands, I strongly urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karen Collett (UBR-DEIS-00451-0014-1)	
Comment	Response
This project is an totally unacceptable threat to the health, safety and well-being of wildlife, humans and the planet.	OEA notes this comment. No changes to the Draft EIS are warranted.

Elisa Townshend (UBR-DEIS-00451-0015-1)	
Comment	Response
This sensitive area is too important as wildlife habitat to despoil it in this way.	OEA notes this comment. No changes to the Draft EIS are warranted.
Catherine Mendoza (UBR-DEIS-00451-0016-1)	
Comment	Response
As a Colorado native, concerned about the health and future of our state, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Pauline Reetz (UBR-DEIS-00451-0018-1)	
Comment	Response
I have hiked, driven and watched wildlife in Brown's Canyon National Monument and along the Arkansas River between Buena Vista and Salida. For that reason, and others, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Pauline Reetz (UBR-DEIS-00451-0018-2)	
Comment	Response
Oil spills could completely derail rafting seasons on the Arkansas, which hosts more recreational rafting than almost any other river in North America. The Uinta Basin Railway would harm people who live and recreate in both states.	OEA notes this comment. No changes to the Draft EIS are warranted.
Lori McDonald (UBR-DEIS-00451-0019-1)	
Comment	Response
I love in Utah and know the proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. The draft environmental impact statement fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities and will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point.	OEA notes this comment. No changes to the Draft EIS are warranted.
Chris Evans (UBR-DEIS-00451-0020-1)	
Comment	Response
I cannily hope you're getting thousands of messages like this one. The more I read about the proposed Uinta Basin Railway, the clearer it gets that the best path is the no-action alternative.	OEA notes this comment. No changes to the Draft EIS are warranted.
Chris Evans (UBR-DEIS-00451-0020-2)	
Comment	Response
In Colorado - where my wife and I live and work - the project could mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast.	OEA notes this comment. No changes to the Draft EIS are warranted.
Chris Evans (UBR-DEIS-00451-0020-3)	
Comment	Response
It proposes moving us in exactly the wrong direction. Please choose the no-action alternative.	OEA notes this comment. No changes to the Draft EIS are warranted.

David Rudin (UBR-DEIS-00451-0022-1)	
Comment	Response
This is one bad idea. Leave the wild, wild!	OEA notes this comment. No changes to the Draft EIS are warranted.
Nancy Hartman (UBR-DEIS-00451-0023-1)	
Comment	Response
This issue is important to me as well as to millions of our fellow Americans across our country. Therefor I trust that my comments regarding this critically important issue will be addressed and thoughtfully considered. Thank you for your time.	OEA notes this comment. No changes to the Draft EIS are warranted.
Sheri Svoboda (UBR-DEIS-00451-0024-1)	
Comment	Response
We have to start putting the well-being of our eco-system before profits!	OEA notes this comment. No changes to the Draft EIS are warranted.
Rick Andrews (UBR-DEIS-00451-0025-1)	
Comment	Response
This is my community and I could not be more strongly opposed to the rolling hazard.	OEA notes this comment. No changes to the Draft EIS are warranted.
Amy Sherwood (UBR-DEIS-00451-0026-1)	
Comment	Response
Greed and exploitation of our lands would be allowed to continue for profit that is destructive.	OEA notes this comment. No changes to the Draft EIS are warranted.
Madelyn Garrett (UBR-DEIS-00451-0027-1)	
Comment	Response
No. No. No. NO!	OEA notes this comment. No changes to the Draft EIS are warranted.
Melissa McHarg (UBR-DEIS-00451-0028-1)	
Comment	Response
When will we stop railroading through short-sighted plans that benefit corporations only, endanger our climate, and put our long-term health at unacceptable risk? The science is more than clear --we no longer have the luxury of delay. We are at a tipping point with climate change. Continuing to proceed with these types of projects is nothing less than insanity. In CO specifically, the Uinta Basin Railway project puts some of our most precious land --which supports our economy more than oil --at unacceptable risk. In short, this plan represents the same predatory decision-making as Exxon, who knew the devastating harm they would cause, and discounted all human, environmental, wildlife and climate repercussions, soley for the sake of a dollar. Decades later, how are we still making decisions based on the good of the oil industry? Let's be sane. Ignoring the reality of climate change is now nothing less than a death wish. Scientists tell us we have a very short window to change the trajectory of our current climate path. In no possible sane world does the Uinta Basin Railway contribute to health, or long term prosperity. Please act accordingly and stop this project, now.	OEA notes this comment. No changes to the Draft EIS are warranted.

Susan F Fleming (UBR-DEIS-00451-0029-1)	
Comment	Response
We must now choose saving the environment with the planet at all species at risk.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jimmy San Pedro (UBR-DEIS-00451-0030-1)	
Comment	Response
Don't be a [redacted]	OEA notes this comment. No changes to the Draft EIS are warranted.
Barbara Macalpine (UBR-DEIS-00451-0031-1)	
Comment	Response
As a Colorado resident who treasures our mountains and has major concerns about the environmental degradation I've seen already, this would be just another disaster in the name of oil.	OEA notes this comment. No changes to the Draft EIS are warranted.
Virgil Salzman (UBR-DEIS-00451-0032-1)	
Comment	Response
Climate calamity is at our door and we have a window of just about 10 years to avoid the worst possible impacts. Oil and gas are the major culprits. Their use must be curbed immediately if we are to have a chance of leaving our children a habitable planet. Rather than investing in dangerous, toxic fossil fuel infrastructure, we should be ramping up clean, renewable energy. If not now, when? If not us, who? President Theodore Roosevelt said it best: "Leave it as it is."	OEA notes this comment. No changes to the Draft EIS are warranted.
Suzanne MacAulay (UBR-DEIS-00451-0033-1)	
Comment	Response
I write to urge you to abandon plans for the proposed Uinta Basin Railway. The extensive land with its diverse habitats through which the proposed railway would pass would be deeply affected by it, causing irreparable harm to our region's air, water, land and wildlife and should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Barbara Christopherson (UBR-DEIS-00451-0034-1)	
Comment	Response
I have been a land owner for past 40 years in Argyle Canyon, in very close proximity of Indian Canyon and Nine Mile Canyon. I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Melissa Reinstadtler (UBR-DEIS-00451-0035-1)	
Comment	Response
Dr Wayland and the Surface Transportation Board, We are at a crucial time in history where we must implement procedures to help tackle the climate crisis. For this reason I, along with many others, are begging you to take the no-action alternative for the proposed Uinta Basin Railway. This railway would do irreparable damage to our region's air, water, land and wildlife and is- to be frank- an absolutely idiotic approach considering all that needs to be accomplished in our ongoing battle with changing climate and increasing CO2 levels. I do not think this draft encompasses all that it needs to when it comes it's impact on the environment, both in the Uinta and Great Basin area as well as the world as a whole. We're not only looking at the direct damage it would do to the ecosystems, migration patterns of wildlife, and countless other physical factors, but also the moral implications that it would cause with	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>encouraging continuation of digging for oil. Not only in Utah, but all over. Physical repercussions we're looking at include over 10,000 ACRES of habitat for wildlife and their migration paths as well as rare species like the sage grouse. In addition we're talking crossing and degrading over 400 streams and precious perennial waterways. While these reasons should be enough in or of themselves we're talking about a major increase in greenhouse gas emissions, as much as four times! This seems like a no brainer, but we are at a point in time where adding to the presence of greenhouse gases in the atmosphere is just unacceptable and potentially irreversible. Lastly, these negative effects reach far past Utah animals and habitats, but also is a threat to human life and well-being, as well all of the above in surrounding states like Colorado. Across the board this project is heinous and unacceptably harmful to wildlife, humans, habitats, and atmospheric carbon levels. I beg you to chose the no-action alternative.</p>	
George Hartman (UBR-DEIS-00451-0036-1)	
Comment	Response
<p>This project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. Please choose the no-action alternative. Thank you for the opportunity to add my voice to the millions of our fellow Americans for whom this issue is important. I appreciate your consideration of my comments.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Tom Craddock (UBR-DEIS-00451-0037-1)	
Comment	Response
<p>Projects of this scale should be focused toward the future of energy production (wind & solar), not the past (fossil fuels & trains). This project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. Please choose the no-action alternative. Thank you for your consideration</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Brett O'Sullivan (UBR-DEIS-00451-0038-1)	
Comment	Response
<p>Our climate already faces deadly impacts such as horrifying wildfires. Thus, we desperately need to sharply reduce fossil fuel use instead of expanding it.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Peg Rooney (UBR-DEIS-00451-0039-1)	
Comment	Response
<p>I support the no-action alternative for the proposed Uinta Basin Railway. The draft EIS does NOT assess the harm this oil railway could have on the environment, wildlife, wildlife watching, angling, rafting, & enjoying the values of wild places. Traversing roadless areas, steep canyons and rugged terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the threatened Greater Sage Grouse. In Colorado, the project could mean reopening a rail line through Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. These trains would pass through Browns Canyon National Monument with the Gold Medal waters and rafting expeditions on the Arkansas River put at risk from oil spills due to derailments. This stretch of the Arkansas River is visited by threatened Bighorn Sheep, Peregrine Falcon, Mexican Spotted Owl, and other unique and imperiled birds. The idea of an oil spill in their habitat is appalling. New oil production resulting from the railway expansion will contribute irreversibly to increased greenhouse gas emissions. The Uinta Basin in Utah, already exceeds federal standards</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

because of existing oil and gas development. Why would we want to further contribute to devastating climate change? The preferred project route would run almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River. How can that be an acceptable alternative? The No Action alternative is the only sensible course of action.	
Nancy Peterson (UBR-DEIS-00451-0040-1)	
Comment	Response
I live in western Colorado and love visiting the wild lands of my neighbor state, Utah. I also enjoy driving over beautiful Tennessee Pass and visiting Camp Hale, the monument to the 10th Mountain Division and the 99th Infantry Battalion.	OEA notes this comment. No changes to the Draft EIS are warranted.
Glenn Daly (UBR-DEIS-00451-0041-1)	
Comment	Response
This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment.	OEA notes this comment. No changes to the Draft EIS are warranted.
James McClure (UBR-DEIS-00451-0042-1)	
Comment	Response
I strongly urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. This draft environmental impact statement completely fails to properly evaluate the harm this oil-driven railway would have on the environment, wildlife, and nearby communities. The new oil production resulting from the railway expansion - potentially four times the current amount - will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point, and the critical need is to sharply reduce fossil-fuel use rather expanding it. The railway's emissions will also increase air pollution in the Uinta Basin, which already exceeds federal standards because of existing oil and gas development. Traversing roadless areas, steep canyons and rugged terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cress. The preferred project route would run almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River - harming the semi-arid state's precious perennial waterways. In Colorado, the project would mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains would rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015 to protect one of the last-remaining wild and scenic stretches of the Arkansas River. Finally the Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite disastrous explosions and/or wildfires. he people in Colorado would be exposed to the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting outdoors tourism many locals rely on for their livelihood. This project is an unacceptable threat	OEA notes this comment. No changes to the Draft EIS are warranted.

to the health, safety and well-being of wildlife, humans and the planet. Again, I strongly urge you to choose the no-action alternative.	
Carole Hossan (UBR-DEIS-00451-0043-1)	
Comment	Response
Colorado already has issues with polluted air, which affects children, seniors, and people with compromised lung efficiency. This project would add yet more air pollution.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mitchell Broadbent (UBR-DEIS-00451-0044-1)	
Comment	Response
It's time to start supporting renewable energy - not throwing money at fossil fuel infrastructure and endangering wild lands in the process!	OEA notes this comment. No changes to the Draft EIS are warranted.
Robin Ayers (UBR-DEIS-00451-0045-1)	
Comment	Response
The Uintah Basin is one of our last pristine, beautiful wild places. It is a refuge for many who escape the crowding, pollution and stress of the city. It is also home to countless wildlife, moose, mt.lion, coyote, deer, big horn sheep, elk and bear not to mention all the smaller creatures and the many different types of trout. The environmental impact of this project will kill all of that.	OEA notes this comment. No changes to the Draft EIS are warranted.
J T (UBR-DEIS-00451-0046-1)	
Comment	Response
The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. It is not in the best interests of the people of this region nor in the best interests of the country.	OEA notes this comment. No changes to the Draft EIS are warranted.
Connie Ball (UBR-DEIS-00451-0047-1)	
Comment	Response
We must move away from the fossil fuel industry if we are going to survive climate change. The proposed railway moves into the practices of the past, not a future where we are only going to be forced to find alternatives to oil/gas in order to preserve the area and its natural habitat and wildlife, People can be moved, people can learn new trades but the environment and its wildlife cannot move.	OEA notes this comment. No changes to the Draft EIS are warranted.
Rick Jones (UBR-DEIS-00451-0048-1)	
Comment	Response
I STRONGLY urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities and thus BREAKS FEDERAL LAW! At MINIMUM, the scope of this project REQUIRES an Environmental Impact Statement, to truly assess all the impacts on State and Federal Heritage Lands. The new production resulting from the railway expansion - potentially four times the current amount - will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point, so we need to sharply reduce fossil fuel use instead of expanding it. The railway's emissions will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of existing oil and gas development. The short-term economic gain generated by this project would be MORE than	OEA notes this comment. No changes to the Draft EIS are warranted.

ADVERSELY OFFSET by the Long-Term damage to our Natural and Cultural Heritage Lands and the World's Climate.	
Richard Spotts (UBR-DEIS-00451-0049-1)	
Comment	Response
This project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. Please choose the no-action alternative. Thank you very much for your consideration.	OEA notes this comment. No changes to the Draft EIS are warranted.
Vickie Eberle (UBR-DEIS-00451-0050-1)	
Comment	Response
To All It May Concern at Surface Transportation Board: Please support what little the West has left of quality habitat by NOT approving the UNITA Basin Railway proposal. I don't need to bother you with all the reasoning because you know it all ready.	OEA notes this comment. No changes to the Draft EIS are warranted.
John Schellenger (UBR-DEIS-00451-0051-1)	
Comment	Response
This draft environmental impact statement fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Lezlie Adler (UBR-DEIS-00451-0052-1)	
Comment	Response
Please support the uniqueness of UTAH!!!!	OEA notes this comment. No changes to the Draft EIS are warranted.
Kirk Mendenhall (UBR-DEIS-00451-0053-1)	
Comment	Response
The Uinta Basin Railway represents an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. It would be a train wreck for our air, wildlands, climate and communities. This multi-billion-dollar boondoggle would ruin more than 10,000 acres of habitat for migratory wildlife and endangered species - all while worsening the climate crisis. Please choose the no-action alternative, and stop the Uinta Basin Railway in its tracks..now.	OEA notes this comment. No changes to the Draft EIS are warranted.
Edith OBrien (UBR-DEIS-00451-0054-1)	
Comment	Response
Climate change is killing us. Facilitating fossil fuel hurts more rather than helping.	OEA notes this comment. No changes to the Draft EIS are warranted.
David Grainger (UBR-DEIS-00451-0055-1)	
Comment	Response
As a Utah citizen and voter, I respectfully urge your Board to wisely choose the no-action alternative for the ill-fated, poorly planned, proposed Uinta Basin Railway. This railway project has failed to consider myriad environmental recommendations, thus producing irreparable harm to our region's air, water, land and wildlife if constructed. Given the balance of pros and cons, this railway should not be built. The draft EPA's environmental impact statement assessing the project is a joke - it completely fails in its expectations. The EIS does little to actually analyze and describe the harm this oil railway could have on the environment, wildlife and nearby Utah communities. The new increased oil production enabled from the proposed	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>railway expansion has no other alternative but to contribute irreversibly to increased greenhouse gas emissions. The Uinta Basin has one of the worst ozone hazard records in Utah - the climate is already at a tipping point. Priorities should be focused on reducing fossil fuel use instead of expanding it. The railway's emissions in transport roles will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal air quality standards from already existing oil and gas development. In the poorly planned rail route, traversing Utah roadless areas, steep canyons and rugged wilderness terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife, while harming important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cress. The preferred proposed railway project route runs almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River - harming substantial semi-arid state's precious perennial waterways. Once in Colorado, the project could mean reopening a former rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015 to protect one of the wildest stretches of the Arkansas River. Finally the Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil that these trains will bring along the proposed routes. A significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires is well-recognized. And people in Colorado won't escape the air pollution drifting downwind from the Uinta Basin, even as the railway cuts through a national monument and other scenic areas supporting a vibrant outdoor tourism that many locals rely on for their livelihood. This railway project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. There is no balance in the risk-reward, and no justice in the biased EPA EIS. Please choose the no-action alternative to this environmental disaster.</p>	
<p>Robert Lippman (UBR-DEIS-00451-0057-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built or subsidized by public funds. The project is wholly inconsistent with modern reality, and with social, economic and environmental goals of transforming the dirty and unhealthful fossil fuels economy to a clean and renewable energy economy.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Barbara Frame (UBR-DEIS-00451-0058-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Please leave our wild land to be protected. We love our wild places in Colorado We need to quit giving big oil our land. Let's work on alternative energy. Politically Kansas may like a railroad better and it is almost flat. Ask them if they want the rail. Some day you may be sorry for the damage you do to your planet. Let's work together to keep our planet healthy. There is so much more to life than money.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Larry Hardebeck (UBR-DEIS-00451-0059-1)	
Comment	Response
In my opinion the Uinta Basin Railroad is a total boondoggle. The funds are not intended to increase coal mining and distribution. This project totally defeats what they were intended for. These funds could be far better used by helping the people in these areas develop better jobs that will be around in the future. Fossil fuels are really a dying energy and to extend them any longer is bad for the environment and for the people of these counties. Let's use these funds to help the people that were impacted by the loss of these jobs due to their replacement by superior renewable energy sources.	OEA notes this comment. No changes to the Draft EIS are warranted.
Sara Coulter (UBR-DEIS-00451-0060-1)	
Comment	Response
As a co-founder of the San Juan Corridors Coalition, I worked for 10 years to preserve wildlife habitat and corridors in the Northwest San Juan region of CO. We worked with counties, CDOT, and CDOW to shape development in the region to preserve habitat and corridors and to educate citizens on the habits of wildlife and how development threatens their survival. Railroads come and go and investment in oil is already shifting to renewables, but loss of habitat and the wildlife dependent on it is permanent. It is a choice between preserving the legacy of millennia vs relatively trivial contemporary politics.	OEA notes this comment. No changes to the Draft EIS are warranted.
David Bell (UBR-DEIS-00451-0061-1)	
Comment	Response
I am very concerned about climate change and the consumption of hydrocarbons is a big cause this RR is primarily for the transportation of Uintah Basin oil. We should be developing more sustainable energy for the future of our children and planet earth.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jeff Bartleson (UBR-DEIS-00451-0062-1)	
Comment	Response
This is a fragile valley ecosystem. Adding rail service to the impacts of the growth which has already taken place throughout the river valleys over the last 25 years would only compound the environmental damage that has occurred.	OEA notes this comment. No changes to the Draft EIS are warranted.
Molly Butler (UBR-DEIS-00451-0063-1)	
Comment	Response
Please choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to our region's air, water, land and wildlife, as well as pollute neighboring communities, and should not be built. At a time when most agencies see the need to cut oil and gas extraction to combat climate change, this railway expansion will increase such extraction - potentially four times the current amount - which will contribute irreversibly to increased greenhouse gas emissions.	OEA notes this comment. No changes to the Draft EIS are warranted.
Marv Poulson (UBR-DEIS-00451-0064-5)	
Comment	Response
This Draft Environmental Impact statement is one of the most shallow, incomplete, and factually deficient I have ever encountered. That alone should disqualify the project on its face. It's as though the principals pushing this economically flawed rail project assume some right to proceed in spite of its gross deficiencies. This project is an unacceptable threat to the health,	OEA notes this comment. No changes to the Draft EIS are warranted.

safety and well-being of wildlife, vulnerable plant species, humans and the planet. The only viable option is the no-action alternative.	
Marilyn McCord (UBR-DEIS-00451-0065-1)	
Comment	Response
I live in Colorado's Four Corners area, close to Utah, and have been to much of the area that would be disrupted by the Uinta basin Railway. I also greatly enjoy the wildlife and wild areas that would be affected.	OEA notes this comment. No changes to the Draft EIS are warranted.
Rebecca Kindred (UBR-DEIS-00451-0066-1)	
Comment	Response
As a resident landowner in Colorado, I ask you to please choose the no-action alternative.	OEA notes this comment. No changes to the Draft EIS are warranted.
Samantha Grant (UBR-DEIS-00451-0067-1)	
Comment	Response
Please stop the proposed Uinta Basin Railway. Why create infrastructure that supports oil extraction when the future is in renewable energy? In fact, our future depends on more renewable energy. Why create a railway that will damage the habitats of many animals, add to the climate change crisis, and put a scar on a beloved and beautiful land?	OEA notes this comment. No changes to the Draft EIS are warranted.
Bruce Plenk (UBR-DEIS-00451-0068-1)	
Comment	Response
The proposed railway would do serious harm to our region's air, water, land and wildlife and should not be built. It will encourage a destructive water wasting, climate damaging industry that should be shut down, not encouraged! The draft EIS totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities. Instead it describes the damage and then encourages more!! We need to sharply reduce fossil fuel use instead of expanding it. Isn't the air quality in the Basin (and along the Wasatch Front) bad enough now? Ruining roadless areas, damaging steep canyons and degrading streams, the railway will wreck more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cress. In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, and wrecking Browns Canyon, a 22,000-acre national monument designated in 2015 to protect one of the wildest stretches of the Arkansas River. Finally the Uinta Basin Railway would make life difficult for those living in Utah's Argyle Canyon and nearby off-grid canyon communities due to the disruptive noise, traffic delays, and clouds of diesel smoke oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires. This project is a mess!!!	OEA notes this comment. No changes to the Draft EIS are warranted.
Kathy Olsen (UBR-DEIS-00451-0069-1)	
Comment	Response
This railway will do more harm than good - no one will want to live in the world that is created by the pollution and disruption that is caused. We must take into consideration not the almighty dollar but the quality of life for human and non-human animals, as well as plant life and water quality. Decisions like this throughout the world will determine whether we can continue to live on this planet.	OEA notes this comment. No changes to the Draft EIS are warranted.

Susan Ambler (UBR-DEIS-00451-0070-1)	
Comment	Response
I strongly urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Meghann Burke (UBR-DEIS-00451-0071-1)	
Comment	Response
Please support stopping the destruction of the wilderness and our environment for human enjoyment.	OEA notes this comment. No changes to the Draft EIS are warranted.
Larry Caswell (UBR-DEIS-00451-0072-1)	
Comment	Response
I am against the Uinta Basin railway project. It goes against our national plan to phase out fossil fuels and at the same time works against the 30 by 30 plan to protect 30% of our natural lands for biodiversity by 2030. This project is contrary to the stated goals of the Biden administration in addition! We must move away from past inappropriate solutions to present and future problems!	OEA notes this comment. No changes to the Draft EIS are warranted.
Kathryn Chouinard (UBR-DEIS-00451-0073-1)	
Comment	Response
This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife, and humans. This project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. It is bad for Colorado and bad for Utah.	OEA notes this comment. No changes to the Draft EIS are warranted.
Bruce MacBryde (UBR-DEIS-00451-0074-1)	
Comment	Response
I urge you to choose the EIS no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to the region's air, water, land, and wildlife - it should not be built. This draft Environmental Impact Statement fails at what it's supposed to do: assess the harm this 'oil railway' could have on the environment, wildlife, and nearby communities. The new production resulting from the railway expansion - potentially four times the current amount - would contribute significantly to increased greenhouse gas emissions. Our climate is already at a tipping point; we need to sharply reduce fossil fuel use from here and everywhere, instead of expanding it. This summer I had to evacuate from two Colorado wildfires -- exacerbated by global warming. The railway's emissions would further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of existing oil and gas development! Traversing roadless areas, steep canyons and rugged terrain, the railway would degrade more than 10,000 acres of habitat for migratory wildlife and would harm important habitat needed by the rare greater sage grouse and the Endangered Barnaby ridge-cross. The preferred project route would run almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River - harming the semi-arid state's precious perennial waterways. In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre National Monument designated to protect one of the wildest stretches of the	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>Arkansas River. These values are important. The Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil trains would bring along the proposed routes - plus the significant potential for accidents, derailments, spills, and sparks that could ignite disastrous wildfires. That's real. People in Colorado won't escape the air pollution drifting downwind from the Uinta Basin, even as the railway rips through a National Monument and other scenic areas supporting outdoors tourism many locals rely on for their livelihoods. This project is thus an unacceptable threat to the health, safety, and well-being of wildlife and rare wild plants, humans, and the warming planet. Please analyze carefully and thoroughly, and choose the no-action alternative.</p>	
Ralph and Kay Packard (UBR-DEIS-00451-0075-1)	
Comment	Response
We urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Steve Grabowski (UBR-DEIS-00451-0076-1)	
Comment	Response
You must choose the no-action alternative!	OEA notes this comment. No changes to the Draft EIS are warranted.
Robert Torres (UBR-DEIS-00451-0077-1)	
Comment	Response
We must be good stewards of our Earth.	OEA notes this comment. No changes to the Draft EIS are warranted.
Susan Repp (UBR-DEIS-00451-0078-1)	
Comment	Response
When are we going to stop destroying our environment!	OEA notes this comment. No changes to the Draft EIS are warranted.
Janet Houtz (UBR-DEIS-00451-0079-1)	
Comment	Response
Please...we do not need a railroad in or through the Uintas. We need to preserve every bit of wildlands/wilderness that we can...for us and our future generations. Having vast wilderness areas makes Utah special. The Uintas wilderness is a unique place...it needs to be left alone and preserved.	OEA notes this comment. No changes to the Draft EIS are warranted.
Terri Stewart (UBR-DEIS-00451-0080-1)	
Comment	Response
Please choose the no-action alternative and protect the Uinta Basin and the irreplaceable Brown's Canyon.	OEA notes this comment. No changes to the Draft EIS are warranted.
Diane Brown (UBR-DEIS-00451-0081-1)	
Comment	Response
Please do not approve the Uinta Basin Railway!	OEA notes this comment. No changes to the Draft EIS are warranted.

Michele Barnard (UBR-DEIS-00451-0082-1)	
Comment	Response
Let us act with foresight and wisdom-- I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karen Naiman (UBR-DEIS-00451-0083-1)	
Comment	Response
I support the "No Action Alternative" for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to our region's air, water, land and Wildlife and should not be built. This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, Wildlife and nearby communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karen Naiman (UBR-DEIS-00451-0083-2)	
Comment	Response
Mile-long oil trains could rip through sensitive areas like National Monument Browns Canyon, a rugged 22,000-acre designated in 2015 to protect one of the wildest stretches of the Arkansas River. Finally the Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays and clouds of diesel smoke oil trains will bring along the proposed routes. There is also the significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires like what recently happened in southwest Colorado with another railroad. Additionally, Colorado won't escape the air pollution drifting downwind from Uinta Basin. This project is an unacceptable threat.	OEA notes this comment. No changes to the Draft EIS are warranted.
Larry Kimball (UBR-DEIS-00451-0084-1)	
Comment	Response
Exactly the wrong direction. We are supposed to be limiting fossil fuel production, for our future.	OEA notes this comment. No changes to the Draft EIS are warranted.
Larry Kimball (UBR-DEIS-00451-0084-2)	
Comment	Response
How about bringing the Uinta Basin 'production area' into compliance with those air quality standards?	OEA notes this comment. No changes to the Draft EIS are warranted.
Larry Kimball (UBR-DEIS-00451-0084-3)	
Comment	Response
There is no 'extra' water in the west, certainly not in Utah. Those crossings will bring more pollution to those areas.	OEA notes this comment. No changes to the Draft EIS are warranted.
Larry Kimball (UBR-DEIS-00451-0084-4)	
Comment	Response
Not to mention the impacts it would have on the wild Bighorn Sheep population along the Arkansas River in the canyon of the same name. One of the big drivers of our economy in this area is white water rafting which will suffer a great deal with bomb trains roaring through our landscape.	OEA notes this comment. No changes to the Draft EIS are warranted.

Reba Reiser (UBR-DEIS-00451-0085-1)	
Comment	Response
As a Utahn born and raised in this great state I've been camping and hiking all over the state and I see what an impact any construction has on our wild lands and the incredible wildlife that lives or migrates thru my state. I am asking you please choose the no-action alternative for the proposed Uinta Basin Railway. I know as well as you that this proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built, any while I may not have written all of the below message I agree with it 100 percent, thank you for reading and listening to the people of Utah.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kathleen English (UBR-DEIS-00451-0086-1)	
Comment	Response
I am really opposed to increasing fossil fuel consumption. Building this railway is backward thinking. Utah needs to address climate change now.	OEA notes this comment. No changes to the Draft EIS are warranted.
James Campbell (UBR-DEIS-00451-0087-1)	
Comment	Response
At a time that we need to be reducing our dependence on oil and gas and pursuing job creating clean energy options I strongly oppose the Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Robert Waters (UBR-DEIS-00451-0088-1)	
Comment	Response
This issue is really important to me! The health of our communities, the state of Utah, and our global climate cannot withstand this project going forward!	OEA notes this comment. No changes to the Draft EIS are warranted.
Jean Grieve (UBR-DEIS-00451-0089-1)	
Comment	Response
In my opinion there has been no demonstrated need for this railway other than expanding oil company profits. This is absolutely counter to the national desires of environmental improvement and reduction of greenhouse gases as demonstrated by recent national election results, The proposed railway would cause IRREPARABLE HARM to our region's air, water, land and wildlife and should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jacob Fillion (UBR-DEIS-00451-0090-1)	
Comment	Response
As a Colorado resident, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Peggy Reeves (UBR-DEIS-00451-0091-1)	
Comment	Response
You can do it..... protect sensitive lands in Colorado.	OEA notes this comment. No changes to the Draft EIS are warranted.
john burnett (UBR-DEIS-00451-0092-1)	
Comment	Response
You absolutely MUST choose the no-action alternative for the proposed Uinta Basin Railway. I frequently explore the area and its rich environmental and even cultural/archaeological resources- and they should be left in pristine condition for environmental, wildlife, community, cultural, and	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>archaeological reasons. Of course, when i visit, I leave the resources untouched- but the proposed railway would have a devastating effect, doing irreparable harm to our region's air, water, land and wildlife. It MUST NOT be built. We need to invest in moving *away* from fossil fuels, not invest in moving fossil fuels to markets! The rest of this letter is from biologicaldiversity.org, and i fully concur with it.</p>	
<p>Brian Grella (UBR-DEIS-00451-0093-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am a real life, tax paying citizen of Utah, and I vote.I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Danny Lyon (UBR-DEIS-00451-0094-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Please do not do this, Railway in the Uinta Basin. We MUST respect the nature we have not yet destroyed.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Sheila Tarbet (UBR-DEIS-00451-0095-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>With respect, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to the Uinta Basin region's air, water, land and wildlife. Because of this harm, the railway should not be built. The draft environmental impact statement provides an inadequate assessment of the harm this oil railway could have on the environment, wildlife and nearby communities. It's clear the railway expansion and the increased fuel that will be produced - up to about four times the current amount - will contribute to increased greenhouse gas emissions. We know our climate is already at a critical point, and that we must reduce fossil fuel use instead of expanding it in order for our children and grandchildren to have a habitable planet. Emission from the railway will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of current oil and gas development. These are two critical points against the project. Future generations need us to reduce our fossil fuel use, and we must! The people who live in the Uinta Basin deserve clean air. The railroad will threaten more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cress. We are already in a major extinction event that we must reverse. It makes no sense to further threaten the habitat of migratory wildlife and these special species, the greater sage grouse and the Barnaby ridge-cress. The preferred project route would run almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River - harming the semi-arid state's precious perennial waterways. The potential harm to these waterways is huge. In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015 to protect one of the wildest stretches of the Arkansas River. Do we really want to mar these special places? Finally the Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>sparks that could ignite disastrous wildfires. And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting outdoorsy tourism many locals rely on for their livelihood. We must prioritize clean air, and additional air pollution must not be created. As one of those Americans that love to recreate in Utah and Colorado, I want to see these special places remain attractive to tourists. I love supporting the local economies in these places while experiencing the beautiful scenery and all the region has to offer.</p>	
Ben Lobrot (UBR-DEIS-00451-0096-1)	
Comment	Response
<p>Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite Utah's already dry landscape. And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting outdoorsy tourism many locals rely on for their livelihood. This project is an obscene and unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. Please choose the no-action alternative, and help put a stop to the continued degradation of our planet.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Cynthia dos Santos (UBR-DEIS-00451-0097-1)	
Comment	Response
<p>I think it's imperative that this project not take place. It is too detrimental for the natural world. This is so out of step with what we need to be doing now and into the future to take care of what we have, and keep our world in tact for the health of all.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Sylvia Wilcox (UBR-DEIS-00451-0098-1)	
Comment	Response
<p>I took a trip to Dinosaur National Monument about 5 years ago. In that 3 or so hour drive, I counted 60 trucks going the opposite direction carrying oil and gas. When I went home, I counted about 60 trucks also returning to the basin. This is in only 3 or 4 yours time, so you can imagine how many trucks per day are travelling this road, polluting the air. You might say then that a train carrying all that oil and gas instead of hundreds of trucks might result in fewer emissions and better air quality. You might say that if the railway isn't built, then eventually the road will need to be widened which would also damage plant and animal habitat. I don't know the true answers to any of these questions. But I do know that we should not be pursuing more and more drilling in the Basin. I oppose the development of the Uinta Basin Railway, and I also oppose any other road developments on that corridor.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Leah Redwood (UBR-DEIS-00451-0099-1)	
Comment	Response
<p>We need to work together to protect our Earth. Please be on the right side of history and help save us all.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Angie Branch (UBR-DEIS-00451-0100-1)	
Comment	Response
Please choose the no-action alternative for the proposed Uinta Basin Railway. The outdoors, wildlife, air quality, and water quality are important to me. I would prefer to move Utah's energy needs AWAY from destructive items like oil.	OEA notes this comment. No changes to the Draft EIS are warranted.
Amanda Millstein (UBR-DEIS-00451-0101-1)	
Comment	Response
My name is Amanda Millstein. I am a pediatrician and a mother. Every day in my clinic I see first-hand the ways in which climate change is impacting the health of children -- from increased asthma to worsening allergies to anxiety and depression.	OEA notes this comment. No changes to the Draft EIS are warranted.
Dolly Garlo (UBR-DEIS-00451-0102-1)	
Comment	Response
This proposed railway is a TERRIBLE idea, being put through pristine wilderness that should be protected, not developed! The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities. Which is exactly what putting a railway where proposed would do: irreparable harm.	OEA notes this comment. No changes to the Draft EIS are warranted.
Elizabeth Braymen (UBR-DEIS-00451-0103-1)	
Comment	Response
My wish is for Utah to be on the cutting edge of climate change solutions!	OEA notes this comment. No changes to the Draft EIS are warranted.
Steffany Toppin (UBR-DEIS-00451-0104-1)	
Comment	Response
I have lived in Colorado for 20 yrs. My family relishes spending time in the outdoors. We have raised our boys doing the activities in Colorado's parks and open spaces that we have so enjoyed ourselves. Our backpack trips take us deep into the wilderness that we so love. We moved to Colorado those many years ago because of its unique opportunities to explore these untouched areas- to see and hear wildlife and to get away from the highways, cars, ATVs, trains, etc. that are present in states that don't place such a high value on open spaces. We don't want further development (for roads or trains) to disturb the wilderness that we prize so highly.	OEA notes this comment. No changes to the Draft EIS are warranted.
JD Cleveland (UBR-DEIS-00451-0105-1)	
Comment	Response
Derail this plan!	OEA notes this comment. No changes to the Draft EIS are warranted.
Jerry Straley (UBR-DEIS-00451-0106-1)	
Comment	Response
STOP RUINING THE LIVES OF OTHER ANIMALS for the convenience of the humans! We are NOT God's only creature!!!!	OEA notes this comment. No changes to the Draft EIS are warranted.

Karen McCormick (UBR-DEIS-00451-0107-1)	
Comment	Response
The air in the Basin is already compromised and the health of the residents already impacted. Inversions in the winter are longer lasting and more polluted. This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities. The new production resulting from the railway expansion - potentially four times the current amount - will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point, so we need to sharply reduce fossil fuel use instead of expanding it. The railway's emissions will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of existing oil and gas development. The winter inversions are longer lasting and more polluted. The impact on the health of the residents, especially pregnant women, is increasing.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karen McCormick (UBR-DEIS-00451-0107-2)	
Comment	Response
Compromising our water resources seems a short sighted decision looking at the long range prediction of drier climate changes.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karen McCormick (UBR-DEIS-00451-0107-3)	
Comment	Response
For the health and well being of our state and its residents, both human and wildlife, this is a disastrous choice.	OEA notes this comment. No changes to the Draft EIS are warranted.
Paul Schutt (UBR-DEIS-00451-0108-1)	
Comment	Response
This is very important to me. Please choose the no-action alternative.	OEA notes this comment. No changes to the Draft EIS are warranted.
Todd Olk (UBR-DEIS-00451-0109-1)	
Comment	Response
Yes, strongly agree. Now please! (TAO)I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Julie Lawless (UBR-DEIS-00451-0110-1)	
Comment	Response
I strongly urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Linda Thompson (UBR-DEIS-00451-0111-1)	
Comment	Response
I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. I have a home near Brown's Canyon, and I love the undeveloped nature of that gorgeous part of Colorado.	OEA notes this comment. No changes to the Draft EIS are warranted.

Laura Cordova (UBR-DEIS-00451-0113-1)	
Comment	Response
I'm strongly urging you to choose the no-action alternative for the proposed Uinta Basin Railway. We need to keep wild areas wild so not to destroy the biodiversity that makes our world so amazing, balanced, and healthy. Future generations will thank us.	OEA notes this comment. No changes to the Draft EIS are warranted.
Julia Lawrence (UBR-DEIS-00451-0114-1)	
Comment	Response
I am a Colorado citizen, and I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to my region's air, water, land and wildlife and should NOT be built In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, causing probably irreparable damage to scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015 to protect one of the wildest stretches of the Arkansas River. It might put the rafting companies out of business causing a big hit to Colorado's economy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nalani Jay (UBR-DEIS-00451-0115-1)	
Comment	Response
I ask you to choose the no-action alternative for the proposed Uinta Basin Railway. Why? Because the railway's emissions will further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of existing oil and gas development. (I live in Utah, and my throat already burns regularly during the winter due to our poor air quality.)	OEA notes this comment. No changes to the Draft EIS are warranted.
Nalani Jay (UBR-DEIS-00451-0115-2)	
Comment	Response
Because the project could mean reopening a rail line through the scenic Tennessee Pass in Colorado, despoiling lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015 to protect one of the wildest stretches of the Arkansas River. Because there is significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires. (We've seen the terrifying wildfires on the West Coast...we don't need even more wildfire devastation.) Just because some people may want to build and get money for contracts is not a reason to forever damage ecosystems.	OEA notes this comment. No changes to the Draft EIS are warranted.
Carla Tuke (UBR-DEIS-00451-0116-1)	
Comment	Response
This is not a sustainable industry, it never has been, and it is definitely not the best use of our tax dollars. We have been subsidizing and supporting this industry that is literally killing us, and they do nothing to clean up the disasters and death that they leave behind, all the while banking their huge profits. Our dollars should be diverted to supporting and subsidizing clean sustainable non polluting energy sources. There is not time to loose! This must be done now!	OEA notes this comment. No changes to the Draft EIS are warranted.

Thomas Mader (UBR-DEIS-00451-0118-1)	
Comment	Response
The Uinta Basin Railway is clearly a disaster waiting to happen.	OEA notes this comment. No changes to the Draft EIS are warranted.
D. Rehmel (UBR-DEIS-00451-0119-1)	
Comment	Response
"Trains are fun, I agree. But not enjoyable at the expense of the wonderful lands and wildlife. Take the wonderful Georgetown Loop for the experience. Wildlife can't continue to take the rapid loss of habitat. We need the lands we have intact to share with future generations."	OEA notes this comment. No changes to the Draft EIS are warranted.
Robert Williams (UBR-DEIS-00451-0120-1)	
Comment	Response
I implore you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jane Perkins (UBR-DEIS-00451-0121-1)	
Comment	Response
I have lived in Utah for over 45 years and now in Colorado for four years. Your proposal is a destructive and unnecessary program and you must stop now. It will do irreparable damage to the ecology and wildlife of these regions in Colorado and Utah, and it's totally unnecessary as we move toward alternative, clean energy in this country.	OEA notes this comment. No changes to the Draft EIS are warranted.
Alex Artio (UBR-DEIS-00451-0123-1)	
Comment	Response
As a resident of Colorado and frequent visitor to our public lands in both Colorado and Utah, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mary Ann Drescher (UBR-DEIS-00451-0124-1)	
Comment	Response
Considering the choices being made to reduce Carbon based energy, this seems like a boondoggle. Vernal's air was hazardous this past Winter. Oil is a necessary product, but oil shale is the least efficient extraction method resource of energy I can imagine. It would be helpful if you could find other jobs and industries in less impactful industries for the people of these counties.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nadja Thompson (UBR-DEIS-00451-0125-1)	
Comment	Response
We need to protect nature and wildlife native to Utah!! Please choose the no-action alternative. I need to be able to show my little brother the beauty of wild Utah when he grows up.	OEA notes this comment. No changes to the Draft EIS are warranted.
Bob Brister (UBR-DEIS-00451-0126-1)	
Comment	Response
Please choose the no-action alternative for the proposed Uinta Basin Railway. I've lived in Utah for 20 years and I highly value the Tavaputs Plateau's natural areas and wildlife. The railway project will surely degrade this special area of Utah. I am also concerned about the project's contribution to the	OEA notes this comment. No changes to the Draft EIS are warranted.

atmosphere's CO2 burden. It is way past time to take climate disruption seriously.	
Pam Littig (UBR-DEIS-00451-0127-1)	
Comment	Response
Please choose NO ACTION alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mana Jennings-Fader (UBR-DEIS-00451-0128-1)	
Comment	Response
The proposed railway would do irreparable harm to our region's air, water, land, and wildlife and should not be built. This draft environmental impact statement totally fails at what it's supposed to do. It fails adequately to assess the harm this oil railway could have on the environment, wildlife, and nearby communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Michael Marquardt (UBR-DEIS-00451-0129-1)	
Comment	Response
I'm just wondering whether or not you are aware that there is a raging Climate Crisis affecting our nation and the world. The so far uncontrolled warming is melting icecaps, raising sea levels and playing havoc with our weather systems.	OEA notes this comment. No changes to the Draft EIS are warranted.
Sandy Lehr (UBR-DEIS-00451-0130-1)	
Comment	Response
Please do not allow the Uinta Basin Railway to be approved. I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. As we have recently seen the Keystone pipeline not be approved due in part to the increase in Greenhouse Gases that will occur as a result of this pipeline being built, this railway will also lead to significant GHG emissions.	OEA notes this comment. No changes to the Draft EIS are warranted.
Gordon James (UBR-DEIS-00451-0131-1)	
Comment	Response
Please do not act on the proposed Uinta Basin Railway. It would have bad environmental impacts. Thank you.	OEA notes this comment. No changes to the Draft EIS are warranted.
Cindy Bur (UBR-DEIS-00451-0132-1)	
Comment	Response
We must not let the Uinta Basin Railway go through.	OEA notes this comment. No changes to the Draft EIS are warranted.
Cody Curtis (UBR-DEIS-00451-0133-1)	
Comment	Response
As a voting, lifelong Utah resident, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway and whole heartedly agree with all of the following.	OEA notes this comment. No changes to the Draft EIS are warranted.
Cody Curtis (UBR-DEIS-00451-0133-2)	
Comment	Response
This project is an unacceptable, unnecessary threat to the health, safety and well-being of wildlife, humans and the planet.	OEA notes this comment. No changes to the Draft EIS are warranted.

Lance Long (UBR-DEIS-00451-0134-1)	
Comment	Response
This is a backward-looking rather than a forward-looking project. The environment, the economics, and the ethics will not support construction of this railway. Please do not cater to special interests of the fossil fuel industry. Let's put America's might into building our new energy economy--one that will not include fossil fuels. This is a waste of money and time.	OEA notes this comment. No changes to the Draft EIS are warranted.
Virginia Lee (UBR-DEIS-00451-0135-1)	
Comment	Response
The Uintah Basin is notorious for having the worst air quality in the State. There is no need to cause miscarriages of even more babies. This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities. Earth is already in the midst of its sixth mass extinction episode, the proximate causes of which are 1) overpopulation and continued population growth and 2) over-consumption by the rich. These proximate causes have resulted in depopulating habitat conversion, climate disruption, over-exploitation, toxification, species invasions, disease, and (potentially) nuclear war--all tied to one another in complex patterns and usually reinforcing each other's impacts. https://pnas.org/cgi/doi/10.1073/pnas.1704949114 No reasonable person(s) with a conscience would act to expedite the rapidity of Earth's sixth mass extinction episode or make it worse.	OEA notes this comment. No changes to the Draft EIS are warranted.
Alan Cammack (UBR-DEIS-00451-0136-1)	
Comment	Response
Running a train through the Upper Arkansas Valley, especially through the Browns Canyon National Monument, is a step in the wrong direction. It would be a move in stark opposition to the future commercial growth of the Valley which is so heavily dependent upon tourism and access to the pristine natural environment. Such a development would endanger the fragile Arkansas River watershed and all of the last 30 years worth of hard work and investment to restore and rehabilitate the Arkansas River corridor.	OEA notes this comment. To the extent that this comment may be referring to another proceeding previously before the Board, OEA notes that the notice in Docket No. FD 36471 has been rejected and the proceeding is no longer active. No changes to the Draft EIS are warranted.
Ceil Slauson (UBR-DEIS-00451-0137-1)	
Comment	Response
The draft environmental impact statement does not assess the harm this oil railway could have on the environment, wildlife and nearby communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Elke Touchette (UBR-DEIS-00451-0138-1)	
Comment	Response
Nowadays, we must stop intrusions into the natural world more than ever before. Please choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.

Michael Lott (UBR-DEIS-00451-0139-1)	
Comment	Response
I implore you to choose a no-action alternative stand on the proposed Uinta Basin Railway. The drafted environmental impact statement falls short by failing to frame the primary drivers behind the initiative: oil shale and oil sands development in the region. The failure to establish the drivers behind the initiative obscure the hidden environmental costs beyond the railway. These drivers can be traced back to an industry that has proven to decimate both environment and community also resulting in irreparable damage to our region's air, water, land and wildlife. Investing in infrastructure in an effort to serve petroleum based energy development is an added level of irresponsible commitment. As a dying industry and a major contributor to climate change, the application of resources and funds to this initiative when alternatives abound is an unacceptable commitment. Failure to cover the aforementioned impacts that are driving the demand for the railway has resulted in a failure to provide clarity and transparency in the true cost of this development. Thank you for your consideration and I sincerely hope you join me in opposition to the proposal.	OEA notes this comment. No changes to the Draft EIS are warranted.
James Ott (UBR-DEIS-00451-0140-1)	
Comment	Response
I have a recreational property that I very much enjoy in the Uinta Basin. I believe there is a large economic opportunity for the development of many areas of the Uinta Basin that will be ruined if this railway is built. An investment in recreation is a long-term financial and personal gain for the residents of Utah, whereas the railway is a short-term gain for a select number of persons--who mostly live outside of Utah and benefit from the profits of oil production. I also very much agree with the following points	OEA notes this comment. No changes to the Draft EIS are warranted.
Catherine Johnson (UBR-DEIS-00451-0141-1)	
Comment	Response
This draft environmental (impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Armin Wright (UBR-DEIS-00451-0142-1)	
Comment	Response
The proposed railway would do irreparable harm to the region's air, water, land and wildlife and should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Pamela Krch (UBR-DEIS-00451-0143-1)	
Comment	Response
As a Coloradan who values my state's-and the West's-beauty, I urge you to think in terms of preservation rather than development. Let's also consider long term effects and how this project will negatively impact future generations. Thank you.	OEA notes this comment. No changes to the Draft EIS are warranted.
Alex Schmidt (UBR-DEIS-00451-0144-1)	
Comment	Response
As a Utahn, I am know the diverse uses that our public lands have supported to help make this a great state to live in. The railway through the Uinta's is a thing of the past. We need you to lead for our future by choosing the "no-action alternative" that allows these lands to remain as we found them. I support the statements below. Thank you	OEA notes this comment. No changes to the Draft EIS are warranted.

David Inouye (UBR-DEIS-00451-0145-1)	
Comment	Response
I am a resident of Colorado, and frequently raft the Arkansas River through Brown's Canyon, so am very familiar with that section of the proposed Uinta Basin Railway, and how it could be damaged by a train accident.	OEA notes this comment. No changes to the Draft EIS are warranted.
Bradley Gibson (UBR-DEIS-00451-0146-1)	
Comment	Response
We love to tout how beautiful our state is in the tourism industry here and to outsiders and non-native alike, how can we keep it that way with this kind of development? Let's keep it beautiful!	OEA notes this comment. No changes to the Draft EIS are warranted.
Mark Houdashelt (UBR-DEIS-00451-0147-1)	
Comment	Response
The new oil and gas production resulting from the railway expansion - potentially four times the current amount - will contribute irreversibly to increased greenhouse gas emissions.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mark Houdashelt (UBR-DEIS-00451-0147-2)	
Comment	Response
Finally, the Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke that oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires. And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting outdoorsy tourism that many locals rely on for their livelihood.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nancy Roen (UBR-DEIS-00451-0148-1)	
Comment	Response
Climate change requires all agencies and individuals do their part to mitigate the effects on our environment. This project appears to be primarily to facilitate the transportation of oil and gas train loads to the coast. Oil and gas extraction contribute heavily to climate change.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nancy Roen (UBR-DEIS-00451-0148-2)	
Comment	Response
The railway's emissions will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards. Traversing roadless areas, steep canyons and rugged terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cross. The preferred project route would run almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River - harming the semi-arid state's precious perennial water sources.	OEA notes this comment. No changes to the Draft EIS are warranted.
Barbara Magnuson (UBR-DEIS-00451-0149-1)	
Comment	Response
This is a lame-brained idea with no thought at all to the most important crisis of our time...climate change.	OEA notes this comment. No changes to the Draft EIS are warranted.

Barbara Magnuson (UBR-DEIS-00451-0149-2)	
Comment	Response
Again, I live here as do many others who actually care about our environment and that existential threat called...say it.....climate change.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mary Hardy (UBR-DEIS-00451-0150-1)	
Comment	Response
Thus is crazy. Please stop this railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
James Barber (UBR-DEIS-00451-0151-1)	
Comment	Response
The proposed railway would do irreparable harm to our region's air, water, land, wildlife, fauna and scenic equity and should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
James Barber (UBR-DEIS-00451-0151-2)	
Comment	Response
This degrading project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet.	OEA notes this comment. No changes to the Draft EIS are warranted.
Gwendy Haas (UBR-DEIS-00451-0152-1)	
Comment	Response
Please choose the no-action alternative. Please just keep it in the ground.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nancy Reed (UBR-DEIS-00451-0153-1)	
Comment	Response
Please say NO to the Uinta Basin Railway. The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. This draft environmental impact statement does not assess the harm this oil railway could have on the environment, wildlife and nearby communities and exacerbate climate change and decrease air quality. We must protect what is left of the wildlands of Utah and Colorado for the wildlife and for all of us - our health, safety and well-being. Please take the no-action alternative.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karissa Killian (UBR-DEIS-00451-0155-1)	
Comment	Response
The proposed railway would cause catastrophic damage to our region's air, water, land and wildlife and should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karissa Killian (UBR-DEIS-00451-0155-2)	
Comment	Response
Snow pack is dismal this year in Utah and natural disasters are increasing in frequency and severity across the world as a result of fossil fuel pollution.	OEA notes this comment. No changes to the Draft EIS are warranted.

Craig Weir (UBR-DEIS-00451-0156-1)	
Comment	Response
Whenever the soil is disturbed there is potential for invasive species to establish and then over-run and choke out native species. The area has already been damaged enough and the industries responsible have not been held accountable. Until the responsible industries clean up their current environmental damage and mitigated their air pollution no more soil disturbance or development should be allowed.	OEA notes this comment. No changes to the Draft EIS are warranted.
Andy Bottagaro (UBR-DEIS-00451-0157-1)	
Comment	Response
The proposed railway would do grave harm to our region's air, water, land and wildlife and should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Marissa Alvarez (UBR-DEIS-00451-0158-1)	
Comment	Response
What more can be said other than this is such a colossally bad idea. Why spend all that time and money doing something so harmful?!	OEA notes this comment. No changes to the Draft EIS are warranted.
Anne Dal Vera (UBR-DEIS-00451-0159-1)	
Comment	Response
Although I live in Colorado, I would love to visit Utah, and I don't want to breath the air there. It is already very polluted and this train would increase the air pollution. It is not worth the cost to people who are sensitive to particulates	OEA notes this comment. No changes to the Draft EIS are warranted.
Anne Dal Vera (UBR-DEIS-00451-0159-2)	
Comment	Response
The rail line over Tennessee Pass is a favorite ski trail of mine. I would hate to see it opened for oil trains.	OEA notes this comment. No changes to the Draft EIS are warranted.
Anne Dal Vera (UBR-DEIS-00451-0159-3)	
Comment	Response
And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting outdoor tourism many locals rely on for their livelihood.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kate Falconer (UBR-DEIS-00451-0160-1)	
Comment	Response
A better use would be a rails to trails plan. Better for the people, wildlife, and the environment	OEA notes this comment. No changes to the Draft EIS are warranted.
Linda Farley (UBR-DEIS-00451-0161-1)	
Comment	Response
Why spend millions of dollars and destroy thousands of acres on a dying industry? We are all aware that the oil industry won't last for much longer but the destruction will last forever. It is long past to think about future generations and what kind of world we are leaving to them.	OEA notes this comment. No changes to the Draft EIS are warranted.

Carolyn Borg (UBR-DEIS-00451-0162-1)	
Comment	Response
Please choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Angela Mastaloudis (UBR-DEIS-00451-0163-1)	
Comment	Response
As a Utah resident and tax paying citizen, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Dale Gray (UBR-DEIS-00451-0164-1)	
Comment	Response
The lack of consideration that the railroad should be electric shows a complete disregard of environmental impacts.	OEA notes this comment. No changes to the Draft EIS are warranted.
Marcus Pegasus (UBR-DEIS-00451-0165-1)	
Comment	Response
You know the maxim: 'first do no harm.' Undoubtedly the ~current~ plan for the project would cause oodles of harm. Everyone agrees that the proposed railway would do irreparable harm to our region's air, water, land and wildlife and, under the current plans, your moral conscience dictates to YOU that it should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Erica Neisler (UBR-DEIS-00451-0166-1)	
Comment	Response
I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The jobs that this will bring are low paying jobs, which doesn't help the areas economy, or if it does it won't be by much and it will be temporary. Our nation needs more jobs that produce a livable wage that do not destroy the environment and subsequently people's health.	OEA notes this comment. No changes to the Draft EIS are warranted.
Janice Hornbeck (UBR-DEIS-00451-0168-1)	
Comment	Response
Traversing roadless areas, steep canyons and rugged terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse, the endangered Barnaby ridge-cross, and dozens of other threatened and sensitive species in the Uinta Basin and along the proposed route alternatives.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mary Paul (UBR-DEIS-00451-0169-1)	
Comment	Response
As a fifth generation Utahn and avid hiker and camper, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jacqueline Allen (UBR-DEIS-00451-0170-1)	
Comment	Response
As a steward of this Earth and a Colorado resident, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. There is not a profit in the world worth the price of our clean resources that are vital for all life everywhere. The	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>environmental impact statement is supposed to assess the harm this oil railway could have on the environment, wildlife and nearby communities and this draft fails to accurately do so. In addition to the stark environmental consequences both in the Uinta Basin and in Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015 to protect one of the wildest stretches of the Arkansas River. The company proposing the Uinta Basin Railway is the parent company of the one attempting to open the Tennessee Pass Rail Line in Colorado. At first glance, it may seem they are entirely unrelated projects which is what they're hoping for to sidestep initial warranted scrutiny. If either railway is allowed to operate, they will join forces as they have always intended to and all impacted ecosystems will suffer indefinitely. The Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires. And we in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through our national monument and other scenic areas supporting our vital outdoor tourism our local economies depend on. Ultimately, this project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. Please choose the protection of our vital resources over their blatant pollution, please support our local economies of clean outdoor tourism, please choose the no-action alternative.</p>	
Karen Newton (UBR-DEIS-00451-0172-1)	
Comment	Response
<p>Please chose no-action on this railway expansion. It is a waste of tax payer funds and is absolutely unnecessary. It is time to start focusing on alternative energy and stop allowing the oil industry to hold on to a dying industry while ignoring the impacts on the environment. Instead lets offer an alternative to people to travel by train from our major Western cities and famous destinations. Upgrade our rail to reach small rural counties to major cities.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Diane Engles (UBR-DEIS-00451-0173-1)	
Comment	Response
<p>We need to preserve our wild spaces and not harm them by degrading the environment. The railway would do irreparable harm to our region's air, water, land and wildlife and should not be built.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Linda Ray (UBR-DEIS-00451-0174-1)	
Comment	Response
<p>My mother spent part of her childhood in the Uinta Basin, this natural area needs to be saved from this thoughtless development.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
MARC COLES-RITCHIE (UBR-DEIS-00451-0175-1)	
Comment	Response
<p>This proposal is bad for the environment and an unwise investment in infrastructure that will increase fossil fuel combustion and lead to more climate chaos. I ask that you choose the no-action alternative for the proposed Uinta Basin Railway.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

MARC COLES-RITCHIE (UBR-DEIS-00451-0175-2)	
Comment	Response
An environmental impact statement should assess the harm this oil railway could have on the environment, wildlife and nearby communities. It does not do that. Expanding the railway will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point, so we need to sharply reduce fossil fuel use instead of expanding it. The railway's emissions will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of existing oil and gas development. The railway would cross roadless areas, steep canyons and rugged terrain, which will degrade more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cress. It is a terrible idea to have the railway run almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River - harming the semi-arid state's precious perennial waterways.	OEA notes this comment. No changes to the Draft EIS are warranted.
Carol Weed (UBR-DEIS-00451-0176-1)	
Comment	Response
Causing health and safety problems by extracting oil here to be shipped elsewhere only benefits the oil barons.	OEA notes this comment. No changes to the Draft EIS are warranted.
Diana Keyser (UBR-DEIS-00451-0177-1)	
Comment	Response
IN THESE DIFFICULT ENVIRONMENTAL CLIMATE, WE NEED TO PROTECT OUR LAND. What will you do with the economic growth once we don't have a planet to live on???	OEA notes this comment. No changes to the Draft EIS are warranted.
Mitchell Stevens (UBR-DEIS-00451-0178-1)	
Comment	Response
I am writing because of my concerns over the proposed Uinta Basin Railway. Please consider the irreparable environmental impact that such a railway would cause (air pollution, damaged habitats, and disrupted migratory patterns). We do not need to destroy any more of our natural areas to continue our consumption of fossil fuels. Please do what is right by residents of Utah and all our beautiful wildlife. Thank you for your time.	OEA notes this comment. No changes to the Draft EIS are warranted.
Glenn Andersen (UBR-DEIS-00451-0179-1)	
Comment	Response
We don't need another give away to special interests at the expense of public lands.	OEA notes this comment. No changes to the Draft EIS are warranted.
Sue McHenry (UBR-DEIS-00451-0180-1)	
Comment	Response
Additionally, it would encourage and support increased oil and gas extraction at a time in our history when we need to come to terms with climate change and protecting the environment.	OEA notes this comment. No changes to the Draft EIS are warranted.

DavidandLinda Rea (UBR-DEIS-00451-0181-1)	
Comment	Response
As a resident of Colorado I urge the STB to choose the no-action alternative for the proposed Uinta Basin Railway. The oil & gas industry puts all of its efforts to expanding dirty fuel transportation with little effort into prevention of degradation of the environment. It continues to put almost NO effort into what to do when there is a spill or release of toxic material, instead it continues to expect taxpayers to repair environmental damage.	OEA notes this comment. No changes to the Draft EIS are warranted.
John Prehn (UBR-DEIS-00451-0183-1)	
Comment	Response
A SMALL GROUP IS WILLING TO PROFIT FROM A DESTRUCTIVE EXTRACTIVE PLAN FROM THE STONE AGE...AT THE EXPENSE OF ALL UTAHNS AND THE EARTH. THIS DEGENERATE MENTALITY CAN BE STOPPED IN ITS 'TRACKS' BY YOU, OUR GUARDIANS! DO NOT APPROVE THEIR VENAL IMMORAL AND DISGUSTING PROJECT TO WRECK CENTRAL UTAH. WE THANK YOU, AND OUR CHILDREN AND GRANDCHILDREN DO TOO.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kathryn Rose (UBR-DEIS-00451-0184-1)	
Comment	Response
America does not need a train to nowhere.	OEA notes this comment. No changes to the Draft EIS are warranted.
Sandra Farkas (UBR-DEIS-00451-0185-1)	
Comment	Response
The proposed railway would do irreparable harm to this region's air, water, land and wildlife and should not be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Katharine Kaulbach (UBR-DEIS-00451-0186-1)	
Comment	Response
In fact, I believe all projects should require an environmental re-review since the last administration allowed for projects to move ahead with little review. At the least projects need to be re-evaluated with more time for public comment as well as a honest open way for people to know what is proposed for our nation's public lands.	OEA notes this comment. No changes to the Draft EIS are warranted.
Rose Chilcoat (UBR-DEIS-00451-0187-1)	
Comment	Response
Please choose the no-action alternative for the proposed Uinta Basin Railway. This railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. I live in Colorado and recreate in the Arkansas River Valley where we were recently pleased to protect Browns Canyon as a National Monument. This railway will put our treasured Arkansas River and the Monument at grave risk. These both are economic drivers for the region and sources of precious water for people, wildlife, farmers and recreation. Not to mention the planet as it would dramatically increase fossil fuel production and contribute to climate disruption.	OEA notes this comment. No changes to the Draft EIS are warranted.

Julia Ballard (UBR-DEIS-00451-0188-1)	
Comment	Response
I am writing today to ask that you choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Marion Klaus (UBR-DEIS-00451-0189-1)	
Comment	Response
This plan significantly impacts our region in significantly negative ways and only promotes faster extraction and delivery dirty fuels.	OEA notes this comment. No changes to the Draft EIS are warranted.
Stacey Eichner (UBR-DEIS-00451-0190-1)	
Comment	Response
The ?? was not GIVEN to us by our parents, but rather, LENT to us by our children. We must honor that obligation & duty & bequeathing the ?? back to our children in far better shape than was bequeathed to us.	OEA notes this comment. No changes to the Draft EIS are warranted.
Peggy La Point (UBR-DEIS-00451-0191-1)	
Comment	Response
This DEIS totally fails to assess the harm to the environment, wildlife and nearby communities. The railway will degrade more than 10,000 acres of habitat for migratory wildlife, harm important habitat, degrade more than 400 streams and important wetlands along the Price River and through Tennessee Pass, Browns Canyon and one of the wildest stretches of the Arkansas River.	OEA notes this comment. No changes to the Draft EIS are warranted.
Thomas Kuehler (UBR-DEIS-00451-0192-1)	
Comment	Response
THE E.I.S. IS HIGHLY INADEQUATE AND SERIOUSLY FLAWED! HAVING LIVED IN THIS REGION FOR 30/YEARS, COLORADANS WANT INDUSTRY OUT OF THE MOUNTAINS, CANYONS AND WATERWAYS OF OUR STATE. HOW THE HELL WILL A MAJOR SPILL BE CLEANED UP ALONG THE EAGLE RIVER, COLORADO RIVER, ARKANSAS RIVER? DIESEL FUMES COLLECTING IN THE DEEP VALLEYS AND CANYONS OF THE EAGLE, LAKE COUNTY REGIONS??? NON STOP INDUSTRIAL SOURCED NOISES 24/7 FROM THE TRAIN OPERATIONS DESTROYING THE PEACE AND TRANQUILITY OF EVERY TOWN ALONG THIS TERRIBLY PROPOSED, CONCEIVED FILTHY TRAIN ROUTE. SWITCHING YARDS FULL OF TOXIC EXPLOSIVE TANKER CARS, LEAK, SPILLS ACCIDENT, DERAILMENTS, ARSON, IDLING DIESEL LOCOMOTIVES 24/7!!!!!! I MEAN WHAT THE [redacted] IS WRONG WITH THIS ENTIRE PROJECT; DAMN NEAR EVERYTHING. LEADVILLE, MINTURN, EAGLE ARE SO NICE AND PEACEFUL SINCE THE RAILROAD SHUT DOWN DECADES AGO. ABSOLUTELY NO PROPERTY OWNERS, RESIDENTS OR VISITORS MISS THOSE FILTHY LOUD DIRTY NOISY TRAINS AND ASSOCIATED EQUIPMENT. I VOTE TO BLOCK THIS PROPOSED PROJECT AND TO SEND THE INVESTORS STRAIGHT TO THE GREASE PIT WHERE THEY BELONG!	OEA notes this comment. No changes to the Draft EIS are warranted.

Jack Greene (UBR-DEIS-00451-0193-1)	
Comment	Response
This project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. Please choose the no-action alternative.	OEA notes this comment. No changes to the Draft EIS are warranted.
Linda Serio (UBR-DEIS-00451-0194-1)	
Comment	Response
Too much damage has already been done to the air we breath, planet we need to respect and life on the planet. Please, do not let this Railway go forward ! Thank you.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karen Blakney (UBR-DEIS-00451-0195-1)	
Comment	Response
The planet and our country is already being methodically destroyed to further financial interests. It is time we value wildness and the other inhabitants of our planet! Without them human lives are irrevocably diminished. Growth has to cease. Our resources are finite and the sooner we learn to live within bounds the better the chance for a healthy environment, cutrently in grave jeopardy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Yvonne Short (UBR-DEIS-00451-0196-1)	
Comment	Response
Being a longtime resident of CO I *strongly* urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would commit irreparable harm to our region's air, water, land and wildlife and should not be built. We don't have the right to keep desecrating the environment in the name of business. This is an era of critically needed change! This draft environmental impact statement utterly fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Danielle Montague-Judd (UBR-DEIS-00451-0197-1)	
Comment	Response
I'm writing as a rural Utah citizen to urge you to choose the no-action alternative for the proposed Uinta Basin Railway.	OEA notes this comment. No changes to the Draft EIS are warranted.
Carmen Johnson (UBR-DEIS-00451-0199-1)	
Comment	Response
There is a real climate crisis. Saving wild places is a proven way to do the work to help herl our planet.	OEA notes this comment. No changes to the Draft EIS are warranted.
Carmen Johnson (UBR-DEIS-00451-0199-2)	
Comment	Response
Please practice sound judgement and abandon this environmentally destructive project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kristina Hicks-Hamblin (UBR-DEIS-00451-0200-1)	
Comment	Response
We need to develop other industries in our area, such as tourism, not more oil development that will wreck the land and keep polluting our air and water. The railroad is misappropriation of funds that should be used to improve our lives and make up for the damage the oil industry causes. My	OEA notes this comment. No changes to the Draft EIS are warranted.

family, with multi-generation ancestry in this area, does not support the railway.	
Jose C. Alvarado (UBR-DEIS-00451-0201-1)	
Comment	Response
PS Think out of the box !! Fossil fuels are destroying life on earth as we know it. You know it ,I know it. IT MUST STOP !	OEA notes this comment. No changes to the Draft EIS are warranted.
Anne Harrison (UBR-DEIS-00451-0202-1)	
Comment	Response
We have racked up a record of destruction of the environment the last 4 years. Time to put on the brakes!	OEA notes this comment. No changes to the Draft EIS are warranted.
Holly Stuart (UBR-DEIS-00451-0203-1)	
Comment	Response
The proposed railway would do irreparable harm to our region's air, water, land and wildlife. It should not be built. The Uinta Basin is already suffering great harm from the outmoded and dying fossil fuel industry; the proposed railroad would only worsen the situation. This draft environmental impact statement fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities. A failed survey is of no use to base such an important decision on.	OEA notes this comment. No changes to the Draft EIS are warranted.
Holly Stuart (UBR-DEIS-00451-0203-2)	
Comment	Response
Traversing roadless areas, steep canyons and rugged terrain, the railway will greatly degrade more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cress. The preferred project route would run almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River - harming Utah's precious semi-arid perennial waterways. Water is scarce here; we cannot afford to endanger and ruin any more of it. In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015 to protect one of the wildest stretches of the Arkansas River. This also is unacceptable. Finally the Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities oppose the disruptive noise, traffic delays, and clouds of diesel smoke oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires. And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting the outdoor tourism many locals rely on for their livelihood. This project is a grave and unacceptable threat to the health, safety and well-being of wildlife, humans and the planet.	OEA notes this comment. No changes to the Draft EIS are warranted.

Sam Karthan (UBR-DEIS-00451-0204-1)	
Comment	Response
This draft environmental impact statement fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Gertrud Firmage (UBR-DEIS-00451-0205-1)	
Comment	Response
I support this letter 100% and hope that this project will be stopped. It seems to be a unethical and immoral step that would harm precious land, wildlife, would foul the air and endanger everything and everyone living alongside this vast project. Please do NOT approve it!	OEA notes this comment. No changes to the Draft EIS are warranted.
Michael House (UBR-DEIS-00451-0206-1)	
Comment	Response
Along with all that; it is an investment in dated, fading, resources. The profit is very finite the damage done to the environment is virtually forever. Please Take the long view.	OEA notes this comment. No changes to the Draft EIS are warranted.
Margaret Johnson (UBR-DEIS-00451-0207-1)	
Comment	Response
This seems like such an evident boondoggle. Please do not build in the Tennessee Pass area or any other area that would cause damage to wildlife.	OEA notes this comment. No changes to the Draft EIS are warranted.
Dan Dugan (UBR-DEIS-00451-0208-1)	
Comment	Response
I urge you to re-evaluate the decision on the proposed Uinta Basin Railway. The proposed railway would do little to nothing to improve the quality of life of the 7 county residents while doing irreparable harm to their land and wildlife and the very place they call home. -- Think about the price of oil and coal on the future market compared to the cost to extract and transport from the Uinta Basin. -- Think about the current inventory and production of oil and coal. The US is saturated with excess supply. -- Think about future demands. Demand for oil and coal is on a downward trend. -- Think about the total cost of this project for the 100 jobs. The State of Utah is paying out a lot of money for these 100 jobs. The State could better spend its money by paying for the re-training of the individuals and infusing sustainable money into the 7 counties. -- Think in this term -- if you personally had enough money to fund this project, would you risk/spend the money to do it? In addition to a poor business decision, the damage to the backyard of these 100 families and 7 counties is irreversible. The railway will degrade more than 10,000 acres of habitat for migratory wildlife, ruin more than 400 streams and important wetlands along the Price River - harming the semi-arid state's precious perennial waterways. In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument. Finally the Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires. And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>the railway rips through a national monument and other scenic areas supporting outdoor tourism many locals rely on for their livelihood. This project, besides a poor business decision, is an unacceptable threat to the health, safety and well-being of local residents and their backyard wildlife. Please make the correct decision and choose the no-action alternative.</p>	
Doug Brady (UBR-DEIS-00451-0209-1)	
Comment	Response
<p>I am asking you to choose the no-action alternative for the proposed Uinta Basin Railway because of the irremediable environmental damage it will do to the environment, both during construction and in the future. The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. The use of the petroleum products it produces will further contribute to climate change, and it is time to stop burning carbon to mitigate this. The draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Doug Brady (UBR-DEIS-00451-0209-2)	
Comment	Response
<p>This is where I live and I value this area's natural environment. I was here when the trains previously ran, and there were one or two 'mixed freight' trains a day, nothing like this project would produce. The line was closed to further use after a fatal accident spilling sulphuric acid, closing the adjacent highway.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
FRITZ BACHMAN (UBR-DEIS-00451-0210-1)	
Comment	Response
<p>Please, protect our Earth while we may. Your money is not worth it!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Mark Danford (UBR-DEIS-00451-0211-1)	
Comment	Response
<p>I've hunted that area in the past and it would be shameful destruction to use it for the shipment of fossil fuels that is destroying our climate. Please choose the no-action alternative. Thank You.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Ronald Martin (UBR-DEIS-00451-0212-1)	
Comment	Response
<p>Support our president's work to save out planet's life capacity from climate change. I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. We need wildlands and clean air. We do not need more petroleum.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Cybele Knowles (UBR-DEIS-00451-0240-1)	
Comment	Response
<p>Traversing roadless areas, steep canyons and rugged terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife and will harm 1,600 acres needed by the rare greater sage grouse and the endangered Barnaby ridge-cress.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Cybele Knowles (UBR-DEIS-00451-0240-2)	
Comment	Response
This project is an unacceptable threat to the health, safety and wellbeing of wildlife, humans and the planet.	OEA notes this comment. No changes to the Draft EIS are warranted.
Elizabeth VanDenzen (UBR-DEIS-00451-0898-1)	
Comment	Response
Traversing roadless areas, steep canyons and rugged terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife and will harm 1,600 acres needed by the rare greater sage grouse and the endangered Barnaby ridge-cress.	OEA notes this comment. No changes to the Draft EIS are warranted.
Elizabeth VanDenzen (UBR-DEIS-00451-0898-2)	
Comment	Response
This project is an unacceptable threat to the health, safety and wellbeing of wildlife, humans and the planet.	OEA notes this comment. No changes to the Draft EIS are warranted.
Center for Biological Diversity, Griselda Olvera (UBR-DEIS-00451-1)	
Comment	Response
I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. This draft environmental impact statement totally fails at what it's supposed to do: assess the harm this oil railway could have on the environment, wildlife and nearby communities. The new production resulting from the railway expansion - potentially four times the current amount - will contribute irreversibly to increased greenhouse gas emissions. Our climate is already at a tipping point, so we need to sharply reduce fossil fuel use instead of expanding it. The railway's emissions will also further pollute the air in the Uinta Basin in Utah, which already exceeds federal standards because of existing oil and gas development. Traversing roadless areas, steep canyons and rugged terrain, the railway will degrade more than 10,000 acres of habitat for migratory wildlife and will harm important habitat needed by the rare greater sage grouse and the endangered Barnaby ridge-cress. The preferred project route would run almost the entire length of Utah's Indian Canyon Creek, crossing and degrading more than 400 streams and important wetlands along the Price River - harming the semi-arid state's precious perennial waterways. In Colorado, the project could mean reopening a rail line through scenic Tennessee Pass, despoiling scenic lands and wildlife habitat to get oil trains to the Gulf Coast. Mile-long oil trains could rip through sensitive areas like Browns Canyon, a rugged 22,000-acre national monument designated in 2015 to protect one of the wildest stretches of the Arkansas River. Finally the Uinta Basin Railway would harm people who live and recreate in both states. Landowners in Utah's Argyle Canyon and nearby off-grid canyon communities fear the disruptive noise, traffic delays, and clouds of diesel smoke oil trains will bring along the proposed routes - not to mention the significant potential for accidents, derailments, spills and even sparks that could ignite disastrous wildfires. And people in Colorado won't escape the air pollution drifting downwind from Uinta Basin, even as the railway rips through a national monument and other scenic areas supporting outdoorsy tourism many locals rely on for their livelihood. This project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. Please choose the no-action alternative.	OEA notes this comment. No changes to the Draft EIS are warranted.

Anonymous (UBR-DEIS-00452-1)	
Comment	Response
<p>Hello. I'm calling because I heard that you're accepting comments until January 28th. My name is [audio distortion] and my number is 360-584-7083. As a resident of Utah, I feel strongly that the 10,000 acres of habitat for migratory wildlife and endangered species and the further endangerment of everyone due to climate change is pretty dire and the existence of this oil train is directly detrimental to that. So I just wanted to cast my vote and leave my comments with you saying that I don't support this and I would like to see it stopped</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Margaret Nakagiri (UBR-DEIS-00453-1)	
Comment	Response
<p>I am opposed to the funding of the railway. This amount of money should not be used to continue investment and development of fossil fuels. Clean energy funding and development is a better use of the funds. Thank you.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Miles Tiffany (UBR-DEIS-00454-1)	
Comment	Response
<p>My parents are property owners that will be effected by this project. This place has been in my family for five generations. My kids are the 6th generation to spend time there and work cattle there. That may not mean much to some, but I think it is pretty sad that our family has had to sacrifice land and livelihood, not only for this, but for the highway that went thru there already. Figure out a different way that does not effect the land owners at the bottom that do not want to sale!! My parents haven't even been made an offer, and I guarantee the amount they are given will not be even enough to replace the place that they have, besides the fact that no amount of money is enough to see a place that has been built by the hands of your ancestors stolen from you!! This will directly effect the way that we are able to run our cattle operation and they do not want to sale! Yet county commissioners and radio ads are running around town making it sound as though all the property owners are on board and happy with their price. Lets be real here, the only property owners that have even been given an ounce of say and thought in any of this is the Ute Tribe!! I cant wait to see the effect that this sham railway has on our economy when the current presidential administration halts the oil we can haul out of here and that ridiculously expensive train is just more collateral damage that I'm sure will be deferred to the tax payers. Not enough information about HOW this will diversify our economy has been given to make me trust that is even on the agenda at all! The whole thing is just a sham to line a few peoples pockets and I strongly oppose it!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Geri Nielsen (UBR-DEIS-00455-1)	
Comment	Response
<p>We own the Canyon Fork Ranch in Indian Canyon which consists of almost 400 acres we also have a forest grazing permit. If this railroad goes thru it will ruin our whole ranching operation which is part of our livelihood. It will take out our ponds that run the water to our wheel lines that water out hayfields. It will go thru the middle of our barn and cabin where we stay all summer to run the place. It will reduce the number of cows we can run on our permit plus we have to worry about cows getting hit by trains or worse then that forest fires getting started by the trains. Our ranch will be no good to us of this goes thru. It's been in our family for four generations. You can't</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>replace that. The wildlife that hangs out on our place is unbelievable! We have herds of elk and deer. Rocky Mountain sheep, mountain lion, bear, skunk, raccoon, eagles and there are ducks that will be displaced when the ponds are drained. They nest there every year. Please find another route.</p>	
<p>Lezlee Whiting (UBR-DEIS-00456-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>This is the first time we have submitted any comment for an EIS - or anything really. So hopefully this submission is within the scope of what is needed to show our support. RE: Environmental Filing, DOCKET No. FD 36284 We moved to the Uintah Basin in 1984. We have ridden out each boom and bust. Neither my husband or I work in the oil industry, nor do any of our 4 married children who have been able to return to the area after college and medical school for one. They have lived all over the United States but returned to this area to raise their families. I came here as a city girl (from Denver) kicking and screaming. Now I would not want to live anywhere else. Well, okay, almost. For decades we have known how important a rail line would be for our area but never imagined it could be feasible. Until now. The proposed railroad is the only way the Uintah Basin can become competitive is to have a rail line in order to transport not only our crude, but agricultural products and lumber, as well as import. As regular, rank and file residents we are aware of the tremendous value this proposed project holds for our area. This is a win-win-WIN for our economic development and survival. We have the utmost faith and confidence in the local leadership supporting this and working towards this and thank them for their efforts. We urge the Powers That Be to move forward in approving the Uintah Basin Railroad.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>UELS, LLC, Amy Doebele (UBR-DEIS-00457-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>UINTAH Engineering and Land Surveying is pleased to provide this letter of support for the proposed Uintah Basin Railway project. We believe that the addition of this infrastructure will have a lasting and prosperous effect for the communities of northeastern Utah. As a local company, founded in 1964, UEELS has witnessed our local community endure countless economic hardships over the years. As an area which heavily relies upon the extractive industry for stability and growth, the development of a railway system from our region to greater markets is a solution that can't come soon enough. Our local extractive industries are hit hard by transportation logistics, which in turn results in discounts for goods and products supplied by the Basin. Once the railway is developed, oil & gas producers would have a stable & consistent transportation system to regional and national markets, increasing the value of natural resources in the Basin. It would also allow for optionality for commercial, industrial and agricultural imports and exports to the area, which is often difficult due to the proximity to the interstate system. UEELS has reviewed the Draft Environmental Impact Study and is in support of the proposed environmental and safety mitigation proposed with the project. We believe that the proposed railway project would have a substantial benefit to the economic development and diversification for our community, and can be constructed & operated in an environmentally safe manner. Respectfully, Tracy Henline President/CEO L.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Hal Crimmel (UBR-DEIS-00458-1)	
Comment	Response
<p>1. Utah's Wasatch Front already has a significant winter particulate pollution problem and serious summer ozone problem. Allowing Diesel trains to carry crude oil for refining in Salt Lake's refineries is a very bad idea. The last thing we need are more hydrocarbon-related emissions in the valley. I am therefore opposed to the construction and operation of this proposed rail line. 2. The rail line will further fragment wildlife habitat and degrade the landscape. 3. Utah should be pushing for clean energy not more fossil-fuel energy-related development. This rail line will only facilitate more oil and gas operations in the Uinta Basin. Again, I am therefore opposed to the construction and operation of this proposed rail line.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Amy Doebele (UBR-DEIS-00459-1)	
Comment	Response
<p>I am writing to express my full support for the proposed Uinta Basin Railway project through Uintah, Duchesne & Carbon Counties in northeastern Utah. As a resident of the area, the economic benefits that the railroad would have to our local and regional communities would be significant. Oil & gas producers would have a stable & consistent transportation system to regional and national markets, increasing the value of natural resources in the Basin. It would also allow for freight optionality and commercial, industrial and agricultural imports and exports to the area, which is often difficult due to the proximity to the interstate system. I believe that the proposed railway project would have a substantial benefit to the economic development and diversification for our community, and can be constructed & operated in an environmentally safe manner</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
James Miska (UBR-DEIS-00460-1)	
Comment	Response
<p>As a small business owner and resident of the State of Utah, I am adamantly opposed to any ongoing progress of Seven County Infrastructure Coalition's proposed railway project. I have read the Board's Statement on the project, and read that: "Based on the analysis in the Draft EIS, OEA concludes that construction and operation of any of the alternatives would result in significant environmental impacts. Major impacts would include temporary and permanent impacts on surface waters and wetlands; impacts on biological resources, including federally listed threatened and endangered species and other protected species; permanent changes to land uses on public and private lands; and noise impacts on residences near the proposed rail line during rail operations" If that weren't enough to give you the idea of how bad this project could be, I would like to make the following comments in addition. The already very poor air quality in the Uinta Basin (exceeding federal standards due to existing fossil fuel extraction) would further get worse. The potential quadruple increase in oil production will contribute irreversibly to greenhouse gas emissions in the region, and further exacerbate our worsening climate catastrophes. Because the current project would run almost the entire length of Indian Canyon Creek, it would affect the entire area with 443 stream crossings. This would have a regular impact on the 61 miles of streams and beyond, to the 26 acres of floodplains. This risk posed to the waterway is unacceptable in this otherwise extremely dry region. The proposed route of the Railway goes through vast roadless areas, truly wild territory. Over 10,000 acres of big game habitat will be affected by the railroad. Some of this area has been designated as crucial big game</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>habitat by the U.S. Forest Service, and it would also negatively impact Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cross. On top of all this, there are numerous residents of the area that, themselves, do not want the project running through nor near their land; land that for some has been in their families for generations, and in other cases, generations beyond counting, as is the case with indigenous peoples. Exceedingly long trains would create traffic delays and the potential for accidents, spills, and also derailments, and inevitable sparks which could ignite wildfires. This is an unacceptable threat to the health and well-being of this community of people.</p>	
John Pope (UBR-DEIS-00461-1)	
<p>Comment</p> <p>I believe this is the First thing I have seen to start diversification in the Uintah Basin. Not only can we get our oil out safely to the Texas refineries but other industries can come here to manufacture products, they can ship raw materials in and ship finished products out economically. We have a very good workforce here but have been stuck in the boom and bust cycle of oil. Jobs will be created in the beginning with the construction of the RR then jobs working on the RR with great opportunities for new market to move here. I have been here for 62 years and very excited for this to happen</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Susan Corth (UBR-DEIS-00462-1)	
<p>Comment</p> <p>The Uinta Basin Railway is and will continue to be a grave misuse of public funds Investing Money that was intended to support rural Utah projects in a dead end industry is not how to help these communities thrive. Destroying streams and other habitat, and increasing harmful air pollution for short term economic systems doesn't make long term sense. Using these funds to create and finance sustainable energy will help these communities thrive into the future.</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Jay Ginrich (UBR-DEIS-00463-1)	
<p>Comment</p> <p>The Uinta Basin shale oil is marginal in terms of economic return on energy and pollution created to get it to markets outside of Utah. BTU Analytics has noted the high cost of directional drilling, the difficulties in transporting the waxy crude in pipelines- requiring tank trucks or rail tank cars. The crude must be discounted \$10/barrel and transported to far away refineries. Present output can be used by Salt Lake area refineries. When oil prices drop the return on the investment disappears, leaving infrastructure idled. The US taxpayer is always left to clean up the mess, after bankruptcies and depleted resources. At the outset, \$28 million Community Impact Board funding is being used to fund this EIS, which would promote-more impacts. This is at a time when communities are facing economic hardship and a pandemic. This funding is the essence of economic injustice. Climate Change - Our climate is already at a critical point, We must not allow an expansion of fossil fuel development on this scale. Increasing Uinta Basin oil production -up to four times the current amount-- will contribute heavily to greenhouse gas emissions and climate change. This is especially pronounced with the inefficient production and transportation of the heavy, waxy crude to distant refineries- much of it for export. Wildlife - Over 10,000 acres of big game habitat will be affected by the railroad. The proposed route of the Uinta Basin Railway traverses roadless areas, steep canyons, and rugged terrain. Some of this area has been designated as crucial big game habitat by the U.S. Forest</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Service. The route also impacts the 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cress.	
Jay Ginrich (UBR-DEIS-00463-6)	
Comment	Response
The Uinta Basin Railway doesn't make economic sense. But more importantly its environmental cost makes it a unjustifiable. Conclusion: The proposal has poor net economic outcomes. The environmental risks are greatly understated. The purpose and need not are not demonstrated. No-Action Alternative must be chosen.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kathryn Albury (UBR-DEIS-00464-1)	
Comment	Response
I strongly oppose the Uinta Basin Railway. The purpose is primarily to facilitate the transport of extracted gas and oil products from the Uinta Basin to production facilities and markets around the country. The Uinta Basin is already suffering tremendously from the environmental impacts of this extraction and the railway would only make it worse for local residents while increasing the emission of greenhouse gases and worsening climate change for all of us. It is clear that we can only avoid disastrous climate change by eliminating the use of fossil fuels and there are already regulations being put into effect which will accomplish this. To expend the funds for this infrastructure is a waste as we begin to wind down our dependence on fossil fuels. Furthermore, the expenditure of Community Impact Board funds on this railway is a travesty. These funds were meant to help communities deal with the already extensive damage the fossil fuel industry has inflicted on them. This railway would only increase the damage. Please stop any further expenditures on this wasteful and damaging project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Florian Maderspacher (UBR-DEIS-00465-1)	
Comment	Response
To whom it may concern. I vehemently oppose the proposed Uinta Basin Railway. It's costs for our natural environment, our natural resources and wildlife in the area stand in no relation to the proposed benefits for a few greedy extractive industries. Wilderness is a rare and precious resource whose protection must be our foremost priority in a time of planetary scale environmental crisis whose impacts are felts especially harshly in Utah. End this insane project now. Focus on renewable energies, keep fossil fuels in the ground. For us, for life on Earth and for our children!	OEA notes this comment. No changes to the Draft EIS are warranted.
Richard Boyer (UBR-DEIS-00467-1)	
Comment	Response
A railroad through Uinta County is the last thing they need. Elevated levels of Ozone and other toxins in the air should be quite obvious. Just look at your records of increased health care in the area, miscarriages, and cancer rates. Please set your sights on a sustainable future commodity not some archaic old school fossil fuel energy.	OEA notes this comment. No changes to the Draft EIS are warranted.
S deVall (UBR-DEIS-00468-1)	
Comment	Response
No new infrastructure to enable climate changing industries. NO!	OEA notes this comment. No changes to the Draft EIS are warranted.

Pamela Underwood (UBR-DEIS-00469-1)	
Comment	Response
I believe in light of the new administration in the White House and termination of drilling oil and gas wells this railroad is useless and a waste of money. If allowed to continue it would forever destroy an entire mountain, landscape, wildlife and water for nothing. Even if a future administration allowed for the drilling, this railway would lay in rust for years to come. With a Country trying to convert to other means of energy we do not know what the future of gas and oil will be like in 4+ years so why allow for something that will very possibly cost millions more then its worth just to lie and rust? Please say NO to the Uinta Basin Railway and especially no to their Petition for Exemption.	OEA notes this comment. No changes to the Draft EIS are warranted.
Matt Vukin (UBR-DEIS-00470-1)	
Comment	Response
I am concerned about the impact of this railway on surrounding habitats for wildlife but am just as concerned about the implications for air quality which would impact local communities that theoretically would benefit economically from this project. Also it seems convincing that this use of funds is not congruent with their intent and would instead subsidize corporations and not benefit directly local communities, as intended	OEA notes this comment. No changes to the Draft EIS are warranted.
Kerry Farrer (UBR-DEIS-00472-1)	
Comment	Response
I'm commenting on this because I feel it is very important to help do my part. I've lived in the basin most my life. I've started and raised some of my family here and am continuing to raise the remainder of my children here. I've seen this place flourish economically as well as crash due to the crisis of oil prices and lack of infrastructure. I've worked in the oil fields and I've had jobs that don't focus on oil but in order to sustain growth in an economy that's solely based on a thriving market for oil we need to have some expansion. One major mile stone for that expansion would be this rail I'm in favor of this rail. I've done my very neat to get the word out and get people involved. I'm getting their opinion out good or bad. I can see where there needs to be a extensive research done to ensure a safe and economically way to complete this rail and it's my hope that we can do this and more. I feel that not only will this rail help to stabilize the struggling economy here but help ensure the future of the Ute tribe and the members that this will directly effect. This rail would bring more than a stable economy it brings commerce to areas that normally wouldn't have been looked at for certain industries. Its in my hope that while reviewing the EIS it's taken into consideration that this rail could do more than get oil to parts of the country and world that normally wouldn't be an option due to cost. This is a new beginning for most and a stability for others not to mention the use of this rail to get Valuables in and out of the basin that normally wouldn't be entertained because of trucking costs. This rail isn't just going to help a small few in the basin the potential to help the 30,000 plus residents that are spread across the basin the Ute tribe and the trickle down effect for jobs industries and revenue that would effect not just the basin but help build infrastructure to the entire state of utah would be unprecedented so I Kerry Farrer am in favor of this rail and hope to see this happen as soon as possible!	OEA notes this comment. No changes to the Draft EIS are warranted.

L. Carl Robinson (UBR-DEIS-00473-1)	
Comment	Response
<p>I am a business owner but am speaking to this issue personally. I am also in my mid 60's so I've been around the track a few times personally, business-wise and politically. I am also an environmentally conscious left of center Independent voter, so I cannot be considered a reactionary right-wing Republican by any measure. That said, and given all the environmental considerations, both by government and special interest agenda inputs, the idea of a railway being built and used into the Uinta Basin is a needed thing that's been a long time in the happening. Fact is, railway transportation, from building/constructing to utilizing to repairing to ongoing use, is one of the least impactful means of transportation on the environment and ecology of the land there is. Building and construction of a railway is constrained to a specific and very narrow strip of land with the access roads being minimal in number as most rail material is railed in on the already built track. 2. There is minimal to no chemical or pollutant seepage effects as would be seen with the tars, asphalt and oils seepage into the ground as seen with construction, maintaining or rebuilding a highway system. 3. Unlike the ubiquitous trash and litter pollution that is strewn along highways and roads, railways have the lowest trashing and littering along their railway paths - a huge factor in ongoing environmental impact. 4. The exhaust pollution of a train engine is largely of a particulate nature and contained to the railway path, and not of the novel and highly toxic pollutants road vehicles produce and tend to effect the environment well beyond the point of exhaust. 5. The maintenance factor! While highways and roads require constant maintenance, repair and replacement, railways only require minor maintenance and repairs and replacement is decades apart, factors that play a huge role in reduced impact on the environment and surrounding ecology. 6. Any mention of negative impact on communities, etc., is NOT an environmental issue per se' and per this impact study, but is a socio-political and economic issue for the communities to deal with, independent of this study. Yes, there may be other problems to be considered with this project, as there are with any project, but as far as environmental impact problems, the construction, maintenance and repairs of a railway system and its utilization overall pose one of the lowest impacts on the environment when compared to all other forms and types of transportation</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Baylee Thompson (UBR-DEIS-00478-1)	
Comment	Response
<p>I'm sending this email in regards to the Uinta Basin Railroad project. I support this project 100%. This project would greatly impact all businesses in and around the area. Covid-19 really has impacted every business in and around Duchesne and statewide. This would be such a great opportunity for our business to grow, keep our doors open, and provide services. The Duchesne community is a strong, hard working group of individuals, and if this project is approved, it will give a new light and hope for everyone to grow. I would like to see the project move forward and I support this.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Carolyn Borg (UBR-DEIS-00479-1)	
Comment	Response
<p>I appreciate the work that went into preparing this DEIS. However, I vigorously oppose this proposed "fossil foolish" railroad line, regardless of which route may be chosen. The No Action Alternative is the only appropriate course of action. At a time when climate change impacts are worsening, and</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>we need to speed the transition away from fossil fuels, this project would be a huge step backwards. It would encourage the expansion of fossil fuel extraction, transportation, and burning. The health of the public, along with the health of public lands and resources, would all suffer over the long-term to increase the short-term profits of fossil fuel interests. I am sick and tired of the corrupt companies and their Republican politicians that always put private profits over the public interest. Indeed, Utah politicians may have illegally diverted community impact funds (meant to mitigate harm) to promote this project (to increase that harm) and its associated NEPA. This is outrageous!</p>	
<p>William Hansen (UBR-DEIS-00480-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Dear Sir, I am so pleased to submit this letter to support that Uinta rail project as you take comments for the EIS. I am fortunate to live in Roosevelt Utah after having a 50 year career. I worked 30 years was in retail management and 20 years working for companies that supported energy production. I sincerely hope others can also retire from careers that they enjoyed and be able to stay in the community where they have the support of families and friends. Diversity of Transportation options is the key to that becoming reality. I believe the merits of the purpose in need are at simplified by the fact that increased production of Uintah Basin oil with increase US energy security. Recent global events demonstrates decades long trend of instability and unpredictability in foreign supplies. Basin waxy crude is highly sought after in global markets further securing the market is the ability to use waxy crude in a variety of blended crude and lubricants. On a sidenote this crude is low sulfur and has a high pour point which makes it much safer to transport by rail.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Devan Winterton (UBR-DEIS-00482-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am happy to endorse the building of a railway into the Uintah Basin. I feel it would be great for our economy, and could possibly bring more jobs and businesses to our area. Please push to have this happen!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Uinta Valley Shoshone Tribe, Dora Van (UBR-DEIS-00484-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Draft EIS - public comment. Utah's tri-counties and its former Colorado Ute citizens illegally seized management control of the Uinta River Valley Basin Indian Reservation in 1954 (aka Uinta & Ouray Reservation), and over the past 60 years, they have not invested in the kind of infra-structure in the valley sufficient to sustain the kind of population growth or jobs they purport the railway will produce. The Gas & Oil industries were hyped in this same manner several times under their mismanagement and they have failed several times. Absent a well-planned reservation infra-structure, a properly certified tribal-federal authorization, and a sound universal foundation set 'first', the people (red and white) living in the Uinta Basin Reservation cannot economically continue to repeat this intermittent prospect that financially only benefits a few at the top without reciprocity. No railway or other project of this short-sighted nature should be approved by any federal agency on this federally recognized Indian reservation.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Multiple Individual Commenters (UBR-DEIS-00485-1)	
Comment	Response
We do [underline: not] recommend the railroad going on the Reservation (Uinta Valley Shoshone). It destroys all our lands. Lots of history on Nine mile. It may take jobs away from People	OEA notes this comment. No changes to the Draft EIS are warranted.
Realtor -Century 21 Parker Real Estate Professionals, Bethany Trouberman (UBR-DEIS-00488-1)	
Comment	Response
The Uintah Basin Railway project is a necessary means to encourage growth and stimulus for the Uintah Basin. We hope that you will approve the project and move forward as soon as possible	OEA notes this comment. No changes to the Draft EIS are warranted.
Dan McCurdy (UBR-DEIS-00489-1)	
Comment	Response
I am concerned about the potential for significant environmental impacts from this project	OEA notes this comment. No changes to the Draft EIS are warranted.
Sage Lazar (UBR-DEIS-00490-1)	
Comment	Response
I am adamantly opposed to this misguided project. It's tremendously unsound in terms of the environment, both the Utah environment as well as globally, it's catering to a dying industry, and it's a waste of taxpayers money. Do not proceed!	OEA notes this comment. No changes to the Draft EIS are warranted.
Elaine Wolff (UBR-DEIS-00491-1)	
Comment	Response
The threat posed by the transportation of heavy crude through this irreplaceable scenic area far outweighs any economic benefit. Public use of this area for fishing, rafting, hiking and more has grown exponentially over the past ten years and now supports a vibrant sustainable economy in several scenic small towns in the area (this past summer use spiked because of Covid-19 travel restrictions; many of those visitors have now "discovered" the area and will be back). The area has largely recovered from the mining pollution and scars of a century ago, and is now a timeless resource for future generations. Oil, on the other hand, is in its sunset phase. A focus on present value and future generations requires a rejection of this commercial rail use. Thank you.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jill Case (UBR-DEIS-00492-1)	
Comment	Response
Without interstate or railway the Uintah Basin is landlocked. This puts our residents at a disadvantage in higher prices for food, fuel, materials, and causes a hindrance on attracting manufacturers, agriculture, and other industries. Locals should have the greatest say in how we as a community intend to grow for our benefit and not be subject to outsiders opinions. I support the Uinta Basin Railway project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Bobby Drake (UBR-DEIS-00493-1)	
Comment	Response
I am very much in support of the railroad. As I've advocated to the public I have found that nearly all of the objections are from misinformation. I'm sure that will be a major consideration when looking at the comments. Even with the coalition's hard effort, people are still receiving a lot of false information. The railroad is an amazing opportunity for our area and having a private	OEA notes this comment. No changes to the Draft EIS are warranted.

partner step in to shoulder the costs upfront seems to be nothing short of a miracle. I am a very strong "for!" Thank you.	
Brian Hawks (UBR-DEIS-00495-1)	
Comment	Response
<p>The Uinta Basin needs economic diversity. Oil is something that will continue to come under attack by politicians and environmental groups, and the price is so volatile there can never be true stability relying on it as the primary income source for a population as large as spans from Fruitland to Jensen. A railway will benefit those in the most need of economic benefit in Utah: Rural Utah. As more items are shipped both ways, the economic benefits will continue to compound. On top of this, none of the highways in or out of the Basin are really well designed for large vehicle traffic, and every double trailer semi driving through a mountain pass increases risk for all of those around them, no matter how competent our fantastic truck drivers are. This is good for the Basin. This is good for Utah. Support the railway, we need it!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Dennis Judd (UBR-DEIS-00496-1)	
Comment	Response
<p>The proposed Uintah Basin railroad is a critically needed transportation link for the Uintah Basin. It will provide a more efficient and economical means of transporting goods and products to and from the Uintah Basin and will reduce significantly the heavy truck traffic on US Highway 40. That truck traffic adds a more dangerous element to the highways leading to and from the Uintah Basin and damages Highway infrastructure and creates additional pollution. Until the railroad is constructed it is impossible to get goods and products to and from Uintah Basin area other than through use of heavy trucks. The railroad will provide a safer more environmentally friendly transportation link for the Uintah Basin. The highway relied upon for transportation to and from the Uintah basin are narrow and dangerous and are often rendered impassable by winter weather or accidents. A safer more efficient transportation link will greatly benefit local communities and improve the health, safety and welfare of thousands of citizens.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Taylor Christensen (UBR-DEIS-00499-1)	
Comment	Response
<p>I am writing in regards to the railroad coming to the Uintah Basin. I am against it coming here. My parents own the Canyon Fork Ranch; my dad is the fourth generation in his family to have owned it. I feel as though the negative effects of the railroad outweigh the positive ones. Indian Canyon has a delicate system of springs that provides water to, not only cows, but also wildlife. If the railroad disrupts these, it will impact all the many different types of wild animals. The railroad also poses a risk of starting wildfires, this would, obviously, affect wildlife, the landscape, and even the city of Duchesne. I also believe the economic benefits have been exaggerated. The days of the oilfield booming in the basin are over; there are too many places where oil is so much cheaper to produce. With a new administration focusing on shifting away from oil all together, the prognosis is not looking good. As far as other manufacturing goes-there really are not a lot of other commodities that come out of the basin. Every meeting that representatives from the railroad have attended have been very vague and evasive when asked to give specifics on how the local economy will be improved by said railroad. Frankly, I would like to see a break down of how the approved funds will be allocated-I'd be interested to see who's pockets are getting lined by the approval and building of the railroad. It breaks my heart that my children will no longer be able to</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>enjoy the cabin and barn that their great-grandfather built. They will not be able move cows down the canyon while their grandpa tells them stories of his own childhood, and stories of their ancestors. While I realize that my small voice means nothing to whom ever is reading this, I would just like it on the record that I strongly oppose the railroad being built, and believe a different route should be chosen.</p>	
<p>Barch Huber (UBR-DEIS-00500-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Anything that can help the Uintah Basin with transportation, getting goods into and out of the basin is a very good idea. We need job growth, hopefully the railroad will help in that area also.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Douglas Tolman (UBR-DEIS-00501-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Hello, My name is Douglas Tolman, a descendent of settlers who filled the Uinta Basin with cattle ranches and oil rigs. I now live 80 miles downstream from the Uinta Basin on the Green River, and fear that increased oil extraction will further disturb the delicate ecology of the Green River drainage. Despite the fact that my family heritage is built on oil and coal extraction in Eastern Utah, I have learned the science behind climate change, and how fossil fuel dependence has a very real impact on that. Knowing that the energy production market is moving towards renewables, it is also a financially unwise decision to use our tax dollars in a dying industry. Though Utah is long overdue for a railway, that should be a high-speed passenger train which connects underserved rural areas with jobs and education in urban areas.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Lee Badger (UBR-DEIS-00503-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>We don't need to abet fossil fuel extraction by building another railroad. And an 85 mile railroad is sure to impact habitat for the local species. I oppose permitting the railroad construction.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Susan Kuehn (UBR-DEIS-00504-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>Climate Change ?- The proposed railway is intended to facilitate the vast expansion of oil, gas, and other fossil fuels in the Uinta Basin to distant markets. Without the railway, these fuels have nowhere to be sold, and thus, cannot be developed. This increase in oil production --potentially four times the current amount-- will contribute irreversibly to greenhouse gas emissions and climate change. Our climate is already at a tipping point, we must not allow an expansion of fossil fuel development on this scale. ? Air Quality ?- Air pollution in the Uinta Basin already exceeds federal standards because of existing oil and gas development in the region -- by increasing oil and gas development, this project would make it worse. ? Wildlife? ?-? The proposed route of the Uinta Basin Railway traverses roadless areas, steep canyons, and rugged terrain. Over 10,000 acres of big game habitat will be affected by the railroad. Some of this area has been designated as crucial big game habitat by the U.S. Forest Service. The route also impacts the 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cress. ? Water - ?The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the entire area with 443 stream crossings, impacting over 61 miles of streams and 26 acres of floodplains. All the alternative routes connect to the existing railroad at the same spot: directly adjacent to important wetlands along the Price River.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>These are unacceptable impacts to the precious perennial waterways in our semi-arid state. Community -? The Uinta Basin Railway would change the way of life for those who live and recreate in the area. Landowners in Argyle Canyon and other off-grid canyon communities along the proposed railway route fear the disruption and disfigurement of the stunning landscapes they love. Each locomotive would disturb beloved wildlife, bringing noise and clouds of diesel smoke. Mile-long trains would create traffic delays and the real potential for accidents, derailments, spills and sparks, which could ignite disastrous wildfires. This is an unacceptable threat to community health, safety and well being.</p>	
<p>Heidi Tribe (UBR-DEIS-00505-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am in favor of the railway. I have experienced first hand the ups and downs of the economy in my industry and the industry of my husband due to the oil and gas industry. This railway will help to bring other industry to the area in addition to the oil and gas industry and I support the railway coming to the Uintah Basin.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Taylor Monney (UBR-DEIS-00506-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>The Uinta Basin Railway would result in immeasurable damage to an already fragile landscape, further deteriorate the climate, and degrade precious waterways. For the sake of the land, our future, and our water, I urge the Surface Transportation Board to reject the Railway proposal. An adequate environmental impact study should account for the impact of increased fossil fuel emissions and their impact on global climate. Additional oil projects, such as this railway, would increase oil development and emissions, at a time when most scientists agree that humanity only has until 2030 to cut our emissions by half to maintain the livability of this planet. The Uinta Basin Railway ignores this scientific consensus in favor of short term economic expediency, and this will contribute to the devastation wrought on our climate by fossil fuels. In addition to global effects, the local effects from the Railway will be acute and destructive. The air quality in the Uinta Basin already suffers due to fossil fuel projects, and this railway will only lead to more mining and drilling, and a further deterioration of air quality. The Board should also reject the Railway because of its impacts on the non-human residents of the basin. The proposed route crosses through roadless areas, streams, wetlands and through the habitat of endangered and threatened species such as the Sage Grouse. The impact on water is severe, and in an arid place like the Uintah Basin, protecting water resources should be a top priority of any environmental impact analysis. Contrary to the goal of riparian protection however, this proposed route of the train will impact over 61 miles of streams and 26 acres of floodplains, in addition to requiring approximately 433 stream crossings. The impacts of the railway on the climate, land, water, and local species disqualify the Uinta Basin Railway as environmentally sound, and I urge the board to reject the proposal.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Lonnie Mecham (UBR-DEIS-00507-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Having lived in the Uintah Basin for many years and knowing the traffic situations on the highways I can only see that this railway will improve the situation by taking many trucks off the roadways. This will also bring good jobs to the area.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Barch Huber (UBR-DEIS-00508-1)	
Comment	Response
Anything that can help the Uintah Basin with transportation, getting goods into and out of the basin is a very good idea. We need job growth, hopefully the railroad will help in that area also.	OEA notes this comment. No changes to the Draft EIS are warranted.
Tyson Mitchell (UBR-DEIS-00509-1)	
Comment	Response
I am a resident of the Uintah Basin, I was born here and have lived here my whole life. I believe the benefits this railway would give us would be tremendous. This is something that has needed to happen for a very long time. I am in full support of this railroad.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jennifer Kious (UBR-DEIS-00510-1)	
Comment	Response
I am very much against this railway. The devastating environmental impacts are NOT worth it. Please reconsider throwing away this beautiful land for our children. It is our job to preserve it.	OEA notes this comment. No changes to the Draft EIS are warranted.
Ella Ruth (UBR-DEIS-00511-1)	
Comment	Response
It's very disheartening to see projects like these continuing to be pushed forward. I understand that it's going to take generations of cultural and ideological change before "we" start prioritizing the health of the Earth over the wealth of the few. But still. It makes me sad. I wanted to write to say that I recognize that thousands of comments in disagreement with this project will make no difference, but I'm writing one any way as an offering to the Earth. She knows what's up and I want Her to know I see Her. We are literally in an environmental crisis which is threatening to cause the extinction of the human species. Like...what is the point of these projects when we have no future? Who gets all the money from this project when there is no functioning society because everything is fucked? Yikes. I'm just trying to live my life by adding love and hope to the world because it feels like there is so little of that at the moment. Does this project bring love and hope to the world? Do YOU bring love and hope to the world?	OEA notes this comment. No changes to the Draft EIS are warranted.
Century 21 Country Realty, Tracy Ross (UBR-DEIS-00512-1)	
Comment	Response
I am for the railroad coming to our area because I feel it will make a huge positive impact on our economy here in the basin. We are dependant on oil to keep our economy a float and the railroad will help in making the oil industry a bit more stable by giving more options to sell and export our oil out of the basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Stephanie Bateman (UBR-DEIS-00514-1)	
Comment	Response
My family has lived in the Uintah Basin for 39 years and we love our community. The main source of income here is the oilfield and at this time the oilfield is dying. Many families need the railway to come here so they can continue to raise their families here. The railway would create jobs and income, which we need greatly. The railway would only help improve our community in many way and bring more opportunities	OEA notes this comment. No changes to the Draft EIS are warranted.

Dans Tire, Shannon Karren (UBR-DEIS-00515-1)	
Comment	Response
I strongly support the railroad coming to the Basin!! It will be a great asset to our economy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Crown Compliance Advisors, LLC, John Bruch (UBR-DEIS-00516-1)	
Comment	Response
While there are legitimate concerns over the routes, construction, and operation of the railway, I believe it is in our best interest to move forward with this project. This may not be the end-all solution for the Basin, but it is a step in the right direction. The regulations and mitigation measures in place will help to lessen the possibilities and impacts of incidents.	OEA notes this comment. No changes to the Draft EIS are warranted.
Virginia Bottorff (UBR-DEIS-00517-1)	
Comment	Response
There are enormous consequences, both short-term and long-term when it comes to destruction of the environment, especially when it comes things that are not required for our survival. Knowing that doing this will result in such destruction, this project should be shelved for good. We need to protect and defend our precious places, nature, water resources, animal habitats, etc. Now and in the future, this should be foremost on our minds and wallets, both!	OEA notes this comment. No changes to the Draft EIS are warranted.
Jennifer Kious (UBR-DEIS-00518-1)	
Comment	Response
I am very much against this railway. The devastating environmental impacts are NOT worth it. Please reconsider throwing away this beautiful land for our children. It is our job to preserve it.	OEA notes this comment. No changes to the Draft EIS are warranted.
Stephen Borton (UBR-DEIS-00519-1)	
Comment	Response
From everything I've read and after talking to a number of oil/gas people, I see no way that the railroad can pay for itself. Oil and natural gas from the Permian Basin is far cheaper. The big companies are pulling out of the Uintah Basin. Like the Seep Ridge Road to nowhere and the Conference Center that was going to pay for itself, the railroad looks like a loser. Further I am concerned about the affect it will have on wildlife. How many deer and elk will die or be injured in wildlife train accidents? Wouldn't a pipeline be far more cost effective? What happened to the pipeline that was proposed several years ago?	OEA notes this comment. No changes to the Draft EIS are warranted.
Ron Gardner (UBR-DEIS-00520-1)	
Comment	Response
I am so in favor of this rail road comin to the basin ,it seems to me we need it for our economy we need it for our kids !! We need it !!!! The possibilities are in known to what it may bring here !! You build it they will come !! We need it !!! Don't screw this up !! Have I said it we need it yes build it !! Yes yes yes !!	OEA notes this comment. No changes to the Draft EIS are warranted.
Whit Beal (UBR-DEIS-00521-1)	
Comment	Response
Im currently out of work due to the downturn in the oil and gas industry. My family has ridden a couple of the up and downs while living here, but this one definitely is different than the others. So many of my friends and family have expressed concern about our future as a community...I for one do not want	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>my kids to face the same ups and downs, wondering if they'll have a job in a week, month, the following year, or every single election! We are currently looking for work in and out of state, and if the railroad doesn't come to fruition, we're leaning heavily towards leaving the area. My great grandparents dealt with the same exact scenarios as well as my grandad, whom ultimately left the basin to go work at Geneva Steel...and here we are, still fighting for the diversity that we desperately need to help the basin thrive. Hell yes I support the rail road!</p>	
<p>Scott Fenn (UBR-DEIS-00522-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>Anyone that has a business in the Uintah Basin will benefit from the railway by shipping and receiving products cheaper than ever before. I work in the Oil and Gas which supports the large majority of the income and tax paid dollars within the Uintah basin. Our industry now more than ever needs every avenue to reduce cost, and increase returns on our products, this railway does just that. I and most others within oil and gas support and know our jobs rely on this railway being completed.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Jacob Lyman (UBR-DEIS-00523-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I support the Uinta Basin Railway project for its ability to increase rail traffic in the state, remove oil trucks from the roads, and improve shipping into and out of the basin. The route will provide an alternate from the highway and open up more economic opportunity into the region. The removal of oil trucks from the road will affect everyone in the state, including those in Salt Lake City and the Wasatch Front where many of the trucks currently terminate. Increased road congestion along the highways in the Wasatch Front is a growing issue, and with more and more of the rail crossing grades now separated in the valley, it means that trains that came off the Uinta to terminate in SLC would be less disruptive than the trucks. Increased train traffic leaving the Uinta Basin down eastbound through Helper too would increase local tourism via attracting the railfan crowd to the region which would be a boon for Helper's historic downtown and the Western Mining and Railroad Museum, as railfans will want to watch train traffic off the Uinta Basin then head down the canyon to visit Helper's historic areas for food and rest.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Charmian Siddoway (UBR-DEIS-00524-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I am in favor of the railway into the Uintah Basin. It will be such a big benefit to all the communities in this area. I believe it will help improve the safety of our highways and support and prosper industry in our area. The Uintah Basin has needed an alternate source of transportation for business to help business be more cost effective. This will improve business and industry in the eastern corner of the state of Utah.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Ion Madan (UBR-DEIS-00525-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I think railroad is necessary in order to grow our economy and improve living of our citizens here in Vernal and surroundings. Thanks.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Lance Siddoway (UBR-DEIS-00527-1)	
Comment	Response
This railway is a vital part of the long-term economic stability and growth of the Uintah Basin.	OEA notes this comment. No changes to the Draft EIS are warranted.
Michael Valentine (UBR-DEIS-00528-1)	
Comment	Response
I am writing in support of the proposed Uinta Basin Railway proposed project as a visitor with friends and business relations to the area. This project has first and foremost a safety benefit by reducing the number of trucks hauling oil and supplies on route 191. This highway was not built for the capacity needs of hauling large quantities of crude oil, thereby posing a safety threat to those that use it. As an example here is a video of a crude-oil truck that spilled on Rt. 191: https://kutv.com/news/local/crude-oil-covering-highway-191-in-carbon-county-road-closed There is a known environmental improvement building the railroad by hauling the oil by rail which will aid carbon reduction goals of the new Biden Administration as rail transport uses less energy to transport. This will literally reduce thousands of truck hauls off the road annually, saving millions of gallons of fuel and carbon emissions. Lastly, there is a significant economic benefit to the region and tribal members by providing high wage jobs, as the railroad would increase economic activity and opportunities because products would more efficiently get to market. Not only does this create jobs, but also increases the area's tax base which would help improve schools and provide educational opportunities, and creating skills for now locally available jobs, should the railroad be built. In summary, the proposed Uinta Basin Railway Project would significantly improve highway safety, would be better for the environment and improve the local economy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Dan Bolyard (UBR-DEIS-00529-1)	
Comment	Response
Count me as in favor of this project. Rail is the safest and most efficient way of transportation in the US, and the railroads are no-where near capacity. The area in question is in need of this transportation service and the footprint of the railroad in the landscape is such a small amount, there really isn't any way that natural resources will be harmed in any way for it's construction. The project is important to this rural part of Utah, as it will provide needed jobs.	OEA notes this comment. No changes to the Draft EIS are warranted.
Paul Liddiard (UBR-DEIS-00530-1)	
Comment	Response
I feel that more items transported by rail, the better off Utah and the US will be. This project is important for the state of Utah and it's residents. Please approve, and let this project go forward.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jim Pallow (UBR-DEIS-00531-1)	
Comment	Response
I am for the building of the Uintah Basin railway. It will open up jobs for a sparsely populated area of the country. It will also help pay the maintenance of the ex-Rio Grande Railroad which is currently underused. The USA will always run on oil so please be pro!	OEA notes this comment. No changes to the Draft EIS are warranted.

David Harmer (UBR-DEIS-00532-1)	
Comment	Response
Please approve the railroad. The more traffic we can get off the roads and onto the rails, the better for all of us.	OEA notes this comment. No changes to the Draft EIS are warranted.
Joshua Bernhard (UBR-DEIS-00533-1)	
Comment	Response
To whom it may concern, As a citizen of Utah living within the interchange region of the proposed Uinta Basin Railway, i want to express my support for the project. The oil fields of the Uinta Basin will not stop producing within my lifetime, and the current truck traffic (approximately one loaded semi with two trailers every 5 to 10 minutes in addition to their empty counterparts moving the other way) on Highway 191 is dangerous to motorists and to the environment. The steep grades and tight curves of this road, the only way in or out of the basin for traffic like this, results in many runaways, flipped trailers, and leaks. These trucks expel thousands of pounds of carbon emissions and their engine brakes are loud and obnoxious, far more so than any train's dynamic braking which is simply converting the force of the train into electricity. The railroad will cut the truck traffic down to a minimum, so that instead of approximately 200 trucks daily, there will only be three to five freight trains. Science has proven that a diesel locomotive is far more efficient and environmentally friendly in terms of emissions than a semi tractor. It only makes environmental sense to use a railroad to reduce the impact on the high ozone and carbon pollution in the Basin. In addition, as a student of Native American history, I support the rights of the Native peoples of the Uinta Basin to use their land and mineral rights to their own benefit. We as Americans have spent two centuries taking that right from them, and now that they have reached a point where they are able to use their own remaining resources, the move to eliminate their means of transportation to the outside market is just another way for the white man to steal from the Indian. Socially, I support the Uinta Basin Railway project because I understand that the Ute Nation of the Uintah-Ouray Reservation supports it. The benefits to Utah, to our wilderness areas, and to the Native peoples of the Uinta Basin far outweigh the negatives. The Uinta Basin Railway project must be built if we are going to move towards more sustainable and careful energy use. Please consider my support and approve this project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Rhonda McKenna (UBR-DEIS-00534-1)	
Comment	Response
After listening to the Podcast I am very concerned about the environmental impact this will have on the Uintah Basin. During the height of the last boom around 2012-2015 our air quality was the worst in the state and rivaled places like Los Angeles, California. We had low birth weights and higher miscarriage levels. We also have the highest rate of lung cancer in the State. With increased oil and natural gas production I am very concerned about returning to a state of very poor air quality. Also what about water use for fracking. We live in the arid West and Utah does not have water to spare. What about the water that is being tainted with carcinogenic fracturing chemicals that now is being put in the ground and not viable for daily use such as drinking water. Frack water use also competes with agricultural water use. What are your solutions for these issues. There must be a cap on what can be produced that balances the health of the local community as well VS. profit.	OEA notes this comment. No changes to the Draft EIS are warranted.

Brandon Uresk (UBR-DEIS-00535-1)	
Comment	Response
I believe that the railway would greatly benefit our area. It would bring stability to our up and down economy.	OEA notes this comment. No changes to the Draft EIS are warranted.
Yankton Johnaon (UBR-DEIS-00536-1)	
Comment	Response
Wayland, I am writing in support of the Uinta Basin Railway project. I moved from Southeast Arizona to the Uintah Basin 20 years ago. In 2001, the Basin was just coming out of a pressed economy, as a result of a down turn in the oil industry. It was very challenging to find a job during this time. I often heard the locals talking about the "ups and downs" of the oil patch. After working for the Uintah Basin Association of Government for 7 years, a local oil company for 3 years and now the local cooperative. I have realized the need for diversity in our community. I believe that this project "Uinta Basin Railway" would bring just that...to a majority of the citizens living in the Basin. This project will create stability and diversification that has been discussed for decades. The ability to export and import goods on a Class 1 railroad, will not only create new jobs, but also safeguard our existing economic base and stimulate the economy through taxes and future jobs. I look forward to the day that this project will be complete and the future of the Basin becomes much more stable for generations to come.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jane Perkins (UBR-DEIS-00538-1)	
Comment	Response
A disaster in the making is the new proposed Uinta Basin Railway! I have lived in Utah for over 45 years, and the state of Utah has unparalleled beauty and promise for a future of restoration and protection of its natural resources and treasures. And, in a time of a global crisis of unprecedented proportion, and an enormous need and requirement that fossil fuel extraction and development BE PHASED OUT for the good and health of our planet, and all life, including human beings, therein -- Utah proposes this inane plan for an 88-mile railroad through these rural counties and significantly increasing fossil-fuel extraction in the Uinta Basin?!! What is Utah thinking? Besides this being an insane and disastrous plan for the nature and ecological nature of the Uinta Basin, we must address the misuse of state funds to build the Uinta Basin Railway - funding that is supposed to be used to support projects for Utah communities, including fire trucks, flood control, road construction projects, and community centers! While Utah's Permanent Community Impact Board has dedicated public funds to support these much-needed projects, in recent years, the board has taken a wrong and frankly, ignorant and misguided turn by handing over nearly \$28 million in public money to the Seven County Infrastructure Coalition in hopes of ramming this 88-mile railroad through these rural counties and significantly increasing fossil-fuel extraction in the Uinta Basin. This is unequivocally WRONG and absolutely unnecessary at this time in our history. There is no doubt that this would negatively impact the surrounding communities and the ecological and environmental nature of this area. I AM DEEPLY OPPOSED TO THE UINTA BASIN RAILWAY!	OEA notes this comment. No changes to the Draft EIS are warranted.

Sean Slack (UBR-DEIS-00539-1)	
Comment	Response
<p>This project should not proceed and as a state resident I express my strong opposition. This project will create unrepairable long term changes to the open lands including uninterrupted wilderness area. There may be some short term gain for few but as many local residents oppose the project, the idea that this will stimulate local jobs is a farce. Transporting oil through small towns and wilderness poses massive environmental risk that does nothing to benefit the tax paying citizens of Utah. Please oppose this project from ever starting.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Kris Maylett (UBR-DEIS-00541-1)	
Comment	Response
<p>Please except this as my official support for the UINTA rail project in Utah. I am a full-time energy worker here in Roosevelt Utah. I feel very blessed to have been able to make my living here. I am also a volunteer Youth Pastor at Roosevelt Baptist church. Everyone I know is either directly or indirectly employed by the energy industry here. We are proud of the fact that we supply energy to America and we believe that that has helped make our country more secure and has greatly increased the ability for America to make sure That production is done in an environmentally safe way unlike other countries who do not have such strict regulations. The rail is needed to help our area diversify the transportation system. We are deeply limited both by trying to diversify the economy and service other industries that are here including agriculture. This will be our last opportunity to bring additional transportation options to this huge region of the state of Utah that is now not served. Please help us by giving approval to the environmental impact statement. This is a good project, and my children will need these options to be able to stay in this region. I not only work here but I live and recreate in the Uintah Basin as well. This project is very important to us who live and try to support our families in this area.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Sarah John (UBR-DEIS-00542-1)	
Comment	Response
<p>I'm against the railroad. Here's why:1. Democrats are against us using our natural resources. The government in Washington, D.C. needs to change before Utah will have enough control over its own land to make this happen.2. What businesses will this really benefit? The list you give on the website looks like only speculation. Which farmers, livestock owners, oil & gas businesses have said they will actually use it?3. From your website: "Pipelines can only transport oil & gas and because the waxy crude oil extracted in the Uinta Basin has to be heated, increasing costs." This doesn't make any sense. If it's hard to go through pipelines, how are you going to get it on & off the train? It's got to be contained and therefore by riding on the train, it will be hard to get in and out of containers on a train because of the "waxy crude."4. Who's paying for it? I don't believe this won't hurt our local taxes. Businesses are already hurting in Vernal. They aren't signing up for more expenses when they are already hurting. That just means to me that it will come back to hurt the small people who pay taxes. No thank you.5. Around here we spell it Uintah Basin. It's annoying that you leave off the 'h' at the end. I've said enough. I am against it.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Bethany Trouberman (UBR-DEIS-00543-1)	
Comment	Response
I am writing to express my hopes that you will approve the EIS concerning the Uintah Basin Railway project. This project is vital towards stimulating and continuing growth in the Uintah Basin. It will play a vital role in community growth and development and open up many more job opportunities. With the face of America rapidly changing, and as we are an oil and gas community, we need options that will open up trade in other areas. We fully support this project and hope that you will too.	OEA notes this comment. No changes to the Draft EIS are warranted.
Carbon County Commissioners, Todd Thorne (UBR-DEIS-00544-1)	
Comment	Response
On behalf of the Carbon County Commissioners, we appreciate the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS). Carbon County believes that the Uinta Basin Railway project will fill a gap in major infrastructure that will help develop and diversify the regional economy. The railway would also reduce the region's dependence on trucks while alleviating road congestion and air pollution. Carbon County supports the conclusion of the Office of Environmental Analysis (OEA) that the environmental impacts from this project will be mitigated for or addressed to reduced impacts from the project. Carbon County believes the proposed Whitmore Park Alternative is the alternative that best meets the needs of the project. The environmental analysis for the Whitmore Park Alternative is thorough and will apply appropriate mitigation that will avoid or minimize major environmental impacts compared to the other action alternatives.	OEA notes this comment. No changes to the Draft EIS are warranted.
Elise Hamann (UBR-DEIS-00549-1)	
Comment	Response
I support the Railroad! I think it will help Vernal a great deal, and I believe that it can be done in a way that will be low impact on the environment and beneficial to is all. Build the Railroad!!!	OEA notes this comment. No changes to the Draft EIS are warranted.
David Abeles (UBR-DEIS-00550-1)	
Comment	Response
To Whom it may Concern: This comment is in support of the proposed Uinta Basin Railway. Currently, tens of thousands of truck trips are used to move freight through this region, making for congested and dangerous roads. Trucks are a very dirty and inefficient form of transportation. I see that this new company has done its homework to create the most viable new way to move this freight by railroad. The railroad is the safest, most environmentally sensitive way to move these commodities. The Whitmore Park Alternative would deviate from the Indian Canyon Alternative in areas to the north and south of Indian Canyon in order to avoid or minimize impacts identified during scoping, including impacts on residences and impacts on greater sage-grouse leks in the Carbon Sage-Grouse Management Area - this shows the proper work has been done to move this project in the right direction. The economic impact is huge and will help provide good jobs for area residents, including those on the railroads throughout Utah moving freight cars beyond the proposed new railroad. Please allow this project to advance - this is a win-win for all parties involved.	OEA notes this comment. No changes to the Draft EIS are warranted.

Uintah County Commissioners, Brad Horrocks (UBR-DEIS-00561-1)	
Comment	Response
<p>On behalf of Uintah County we are writing in support of the Uinta Basin Railway project. The Uinta Basin relies heavily on natural resource extraction and agricultural production, and because our community is in a remote location it has become increasingly difficult to transport such goods in a safe and timely manner. Due to this issue, Uintah County has stressed the importance of transportation planning. The Uintah County General Plan (2017) specifically states that a "standard-gauge freight-only railway into the Uinta Basin" that would connect our community "to the national railway network" should be considered as a possible regional infrastructure project (pg. 29, Capital Facilities and Infrastructure). Each of the proposed alternatives would place a terminus in the Leland Bench area, as well as several miles of railroad before exiting Uintah County's borders. Due to the small footprint within Uintah County, we do not believe that the railroad would have a significant physical/environmental impact to the county. However, the socioeconomic impact the railroad could have on our communities would be significant. For this reason we are writing in support of each of the alternatives that pass through our county. Based on information provided in the Draft Environmental Impact Statement, we would like to share the following comments with the Surface Transportation Board:</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Uintah County Commissioners, Brad Horrocks (UBR-DEIS-00561-7)	
Comment	Response
<p>We appreciate and thank you for this opportunity to comment on the Draft EIS for the Uinta Basin Railway project. We are of the opinion that the environmental impacts to Uintah County would be minimal, and it is our hope that a local railway connection would decrease the amount of long-distance trucking required by our local industries, and in turn decrease the overall emissions produced by our transportation services and increase the safety on our local highways. None of the alternatives would negatively impact any residences, major roadways, waterways, cultural resources, visual resources, or the general welfare of Uintah County's communities. Uintah County only stands to benefit from the Uinta Basin Railway project, and it is our hope that one of the proposed alignments may be approved after going through the NEPA process.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Barb Gardner (UBR-DEIS-00562-1)	
Comment	Response
<p>My main concern is the environment. We are already extracting more fossil fuels w/o regard to the environmental effects on our air, water and communities in the Basin. This railway or the cost there of should be funneled into alternative forms of energy. This railway is a total waste of taxpayers money. Fossil fuels may always be needed to provide our energy needs but we have enough extraction in Utah already</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Stephen Henderson (UBR-DEIS-00563-1)	
Comment	Response
<p>I have owned a hotel in the Uintah Basin since 1997. We have endured many ups and downs. I want to add my name to the list of supporters for the Uinta Basin Railway. Our economy depends of the energy sector. The railroad will be a monumental addition to oil and gas, as well as many other businesses. I</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

believe the railroad will help stabilize the economy and provide many needed jobs	
Utah Department of Transportation, Carlos Braceras (UBR-DEIS-00564-1)	
Comment	Response
The Utah Department of Transportation has goals of improving mobility and preserving infrastructure in our state. We support the project because it helps us accomplish both goals by allowing an alternate method of travel for trucks carrying freight in and out of the Uinta Basin	OEA notes this comment. No changes to the Draft EIS are warranted.
Jake Karren (UBR-DEIS-00565-1)	
Comment	Response
The Uintah Basin has been struggling economically for a long time. We need some stability and growth here to sustain all of our people and more people that will come with the railroad moving forward bringing some new life and hope into our economy. Failure to move forward with this would be a mistake hurting the people in the basin and further extending our drought for a a sustainable economy	OEA notes this comment. No changes to the Draft EIS are warranted.
Annette Bastian (UBR-DEIS-00566-1)	
Comment	Response
I support the local railroad being put in. Our economy needs the revenue and also the jobs it will create. Please put in the railroad.	OEA notes this comment. No changes to the Draft EIS are warranted.
Nicholas Eaton (UBR-DEIS-00567-1)	
Comment	Response
I think the railway will make an excellent pillar in supporting a healthy economy in the Uintah basin. It is also going to improve logistics on the areas highways by providing a more efficient way to move commodities out & into this unique area.	OEA notes this comment. No changes to the Draft EIS are warranted.
Common Sense Inspection, Robert Karren (UBR-DEIS-00568-1)	
Comment	Response
I have a local business that provides from 10 to 50 jobs depending on the economy. I think that the rail road would be great for the uintah basin. It will not only create hundreds of jobs, but will open this area to other sectors. from improving our oil and gas to manufacturing and so on. It will help the farming and ranching to reach out to other areas. The price for shipping will drop helping us in many ways. Railroad tracks have crossed america for hundreds of years. It will also lower the amounts of trucks on our high ways. This will reduce accidents and amount of game killed on our roads. In my opinion the rail will be the best thing that could happen to our area. As it will give us a more secure economy than we have ever had in our history of boom and bust cycles. when you have a more sustainable economy you have better schools and stores and oportunities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Justin Zufelt (UBR-DEIS-00569-1)	
Comment	Response
I want the railroad to come through here so we can have a stable economy. I want the railroad so my kids will have better oppportunities The railroad will not hurt our environment.	OEA notes this comment. No changes to the Draft EIS are warranted.

Michael Valentine (UBR-DEIS-00570-1)	
Comment	Response
<p>I am writing in support of the proposed Uinta Basin Railway proposed project as a visitor with friends and business relations to the area. This project has first and foremost a safety benefit by reducing the number of trucks hauling oil and supplies on route 191. This highway was not built for the capacity needs of hauling large quantities of crude oil, thereby posing a safety threat to those that use it. As an example here is a video of a crude-oil truck that spilled on Rt. 191: https://kutv.com/news/local/crude-oil-covering-highway-191-in-carbon-county-road-closed There is a known environmental improvement building the railroad by hauling the oil by rail which will aid carbon reduction goals of the new Biden Administration as rail transport uses less energy to transport. This will literally reduce thousands of truck hauls off the road annually, saving millions of gallons of fuel and carbon emissions. Lastly, there is a significant economic benefit to the region and tribal members by providing high wage jobs, as the railroad would increase economic activity and opportunities because products would more efficiently get to market. Not only does this create jobs, but also increases the area's tax base which would help improve schools and provide educational opportunities, and creating skills for now locally available jobs, should the railroad be built. In summary, the proposed Uinta Basin Railway Project would significantly improve highway safety, would be better for the environment and improve the local economy.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
CosNet Realty, LLC, James Costello (UBR-DEIS-00571-1)	
Comment	Response
<p>I have been following the railroad project from the beginning of inception. I find it very disturbing that there are a large group of people that are from outside the area that feel that they need to determine should be allowed to go forward or not. I can only imagine how they would feel if their job was on the line based on those decisions In discussing this project with the people that live here in the basin I have receiving over whelming for the project. As a resident of Duchesne County I feel that as long as every effort is made to protect the environment, that this project should be allowed. Our American rights to be free to choose should be respected. With the millions of acres of land in the Uinta Mountains, maybe the few people that issues the rail passing through or near their property could trade with the Federal Government with like property. The lively hood of tens of thousands should take precedence over a few. Especially when most of those complaining don't live full time on their property and only use it as a recreation property. Please vote to allow us to have the railroad.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
John and Monica Spehler (UBR-DEIS-00572-1)	
Comment	Response
<p>As Utah taxpayers, Duchesne County landowners, and members of the Argyle Wilderness Preservation Alliance, we are STRONGLY OPPOSED to the construction of the Uinta Basin Railway Project. After reading the-pages and pages of potential environmental impacts spelled out in the EIS, we believe the "no-action alternative" is the only alternative to this expensive and destructive railway project. Mr. Wayland, your own words were, "The Draft EIS concludes significant impacts on the environment." It is time to transition away from boom-and-bust fossil fuel economies, NOT pour more taxpayer money into this Uinta Basin Railway project. Large amounts of methane emissions is a major contribution to global warming and local climate change.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>Pollution in the Uinta Basin due to oil and gas extraction is already at dangerous levels. The oil companies' plan to quadruple production in the region will have disastrous effects on public health and safety. As a taxpayer, I am dismayed at the \$27.9 million dollars in public funds which have already been dedicated to this railway project. The estimated \$1.2 BILLION is far too high a price to pay. Back in 2014, extensive UDOT studies concluded that the routes through Indian Canyon and Argyle Canyon were too steep of a grade, too rugged, and far too expensive to build. Now the oil companies are telling the Coalition the railway can be built across this same fragile terrain with only a third of the previously estimated costs. Yet they have not provided to the public any engineering documents to substantiate their claims. The cost overruns on this project are going to be enormous! As your Draft EIS fails to point out, this proposed railway will destroy the property values of hundreds of landowners like ourselves. Even if the trains do not run directly across our land, all of us will experience the noise, air and groundwater pollution, wildlife disruption and risk of catastrophic wildfires. BUILD THIS RAILWAY SOMEWHERE ELSE, or better yet, don't build it at all.</p>	
Utah Petroleum Association, Jennette King (UBR-DEIS-00574-1)	
Comment	Response
<p>The Utah Petroleum Association (UPA) supports the proposed Uinta Basin Railway project and the draft environmental impact statement (EIS) completed by the Surface Transportation Board (STB). The railway is a vital infrastructure asset for the economy of the Uinta Basin, which is heavily focused on oil and natural gas development and will be a critical catalyst for new production by creating better access to world markets. The railway would be a vital stimulant to economic opportunity and job creation for the four counties in the basin and the Ute Indian Tribe, and the project has successfully mitigated environmental impacts. As such, STB should finalize the EIS in an expeditious manner. UPA is a statewide oil and gas trade association established in 1958 representing companies involved in all aspects of Utah's oil and gas industry. UPA members range from independent producers, to midstream and service providers, to major oil and natural gas companies widely recognized as industry leaders. UPA represents Utah's oil and gas workers, and celebrates their role in delivering safe, clean and local energy that drives Utahns and our way of life</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Utah Petroleum Association, Jennette King (UBR-DEIS-00574-4)	
Comment	Response
<p>Given that the analysis has demonstrated that project impacts are fully manageable while also demonstrating the significant benefits this project is anticipated to have on the surrounding communities and Ute Indian Tribe, we support timely completion of the project review process.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Wayne Gingell (UBR-DEIS-00575-1)	
Comment	Response
<p>This project is long over due. This will benefit all businesses of all in the Uintah Basin</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Helper City, Lenise Peterman (UBR-DEIS-00576-1)	
Comment	Response
<p>firmly believe this project will serve as driver of economic diversity for Helper. The ESI process serves as a measure of confidence in proactively protecting the environment while simultaneously allowing for industry</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

growth. As a struggling rural community, the impact of the rail project cannot be underestimated. This effort would be a win-win for the community, for industry and for the protection of the environment.	
3rd East Auto Parts NAPA and Echo and mud flats car washes, Chad Orme (UBR-DEIS-00577-1)	
Comment	Response
As a small business owner, I cannot tell you how important this rail project will be to our struggling economy. 2020 has been extremely hard year for us with Covid and oil trading in the negative. Business has been down 30%. We have been fortunate enough to keep all our employees at full time without a cut in pay. If things continue and we do not see any growth in our future, this will change. Employees may have wage cuts or job loss. The rail would be great for expansion and stability for the oil companies that is a fact. But I also would like to see other industry come to our area that could also utilize this less expensive mode of transportation. As a small business owner I see a lot of potential for manufacturing jobs in our area. There is a lot of unemployed skilled labor in our area that would love a job that had some type of stability. There are several aspects to this project that may be negative, but from my view, the positives greatly outweigh the negative.	OEA notes this comment. No changes to the Draft EIS are warranted.
Alec Rimmasch (UBR-DEIS-00578-1)	
Comment	Response
I live in the basin and my job is directly connected to having the railway built. I am 100% for this project. It will improve our overall economy insurance rural area!	OEA notes this comment. No changes to the Draft EIS are warranted.
Annie Uresk (UBR-DEIS-00579-1)	
Comment	Response
The oil and gas industry is the Main driving force of the Uintah Basin, without it our lively hood is in jeopardy. With the new outline that The President is wanting to put into place, The Uintah Basin is heading for endangerment. The Railroad will be a Great opportunity for the Uintah Basin to Transform its future. I am a Supporter of the Railroad project.	OEA notes this comment. No changes to the Draft EIS are warranted.
Craig Kelsey (UBR-DEIS-00580-1)	
Comment	Response
I have been a businessman fir 40 years here in the Uintah Basin. I have watch our only refinery leave and watch the problems with transporting our oil to market. I believe the railway is needed to keep our local economy strong and healthy. It has my support	OEA notes this comment. No changes to the Draft EIS are warranted.
Joseph Bowden (UBR-DEIS-00582-1)	
Comment	Response
This Uintah Basin needs a dependable Transportation way other than Trucking. we have always had to depend on the Roads out of this valley no matter what the weather is and at times in the winter the roads can get very bad, also the truck traffic to Salt Lake or to Price with one of the Basins largest export products Crude Oil is upward of 100 trucks a day, with night a day routs. I am for the Railway for the safety factor on the roads. And to give the Uintah Basin more industrial competitive, Without the Oil and Gas Industry, The Uintah Basins only other industry is, Farming and Ranching which there is not a lot of good paying Jobs for young people we and the public needs more opportunity for Job and the Railway may give us the help we need.	OEA notes this comment. No changes to the Draft EIS are warranted.

Duchesne County Library, Daniel Mauchley (UBR-DEIS-00583-1)	
Comment	Response
<p>The library's financial stability depends on our residents having stable work and residing in our area. The railway will be an important foundation towards that goal, particularly helping improve the cost of supply transportation into the Uintah Basin. It is difficult for businesses to expand to, or for local businesses to start up in, our area when supplies are limited and pricy. This has hampered economic diversification. In just the last six years, a few waves of residents have left the area due to unemployment. Without residents in homes, and businesses open, the library's revenues drop usually during times when more citizens need our services as things get tough. Though that impact is indirect, we are also embarking on the long awaited construction of a new replacement library in Roosevelt City. We feel the burden of the extra cost of transportation and supply keenly as economical means to transport the needed materials are very limited, requiring us to allocate extra tax dollars and reduce some of the project to remain within budget constraints. These few examples demonstrate how the railroad would benefit even the library and the community building influence it has. It isn't just about supply and transport; it's also about the trickle down effects that will build the community overall, including the provision of essential services. We realize the railroad will have impacts on some of our residents and particularly our secondary home owners. We acknowledge they should be appropriately compensated for their losses; however, the impacts on the primary residents and their communities aggregate into a necessary positive step for their daily progress and stability. Thank you for your consideration and hard work to create the least impactful route compromise possible!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Joshua Schmidt (UBR-DEIS-00584-1)	
Comment	Response
<p>The proposed Uinta Basin Railway would be a train wreck for our air, wildlands, climate and communities. This multi-billion-dollar boondoggle would ruin more than 10,000 acres of habitat for migratory wildlife and endangered species while worsening the climate crisis</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Mark Daniels (UBR-DEIS-00585-1)	
Comment	Response
<p>I have lived in the basin all my life (44)years and I love it here. I'm in full support to the rail system. We need this to better help our community.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Scott Hartman (UBR-DEIS-00586-1)	
Comment	Response
<p>Reutilization of the existing railroad tracks through Lake and Chaffee Counties does not take into consideration economic and recreational changes that have occurred since trains last ran through the valley. Climax Mine is not longer a major employer. Recreation is by far the biggest economic driver in the Upper Arkansas Valley. Focusing on just the traffic impact in Buena Vista with its three RR crossings, the impact would be immense. Traffic has increased just since the paving of the west side of Cottonwood Pass. With the added inconvenience of traffic backed up in virtually all directions while waiting for a train to pass, this is a situation that should not happen.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Addy Wilz (UBR-DEIS-00587-1)	
Comment	Response
To whom this may concern, My name is Addy and my husband and moved to the basin 9 years ago seeking work in the oil field. My husband a mechanic and I came to help in the medical field. We have been here for the highs and are surviving the low time. We both want to express how much we want the railroad to come to our area. We believe it to be a positive in so many issues. We love this area and the fine people who we shatter this community with. We believe it will not only help the oil industry but so many more such as agriculture and new businesses to come. Please consider bringing in the much needed railway to our are.	OEA notes this comment. No changes to the Draft EIS are warranted.
Kris Maylett (UBR-DEIS-00588-1)	
Comment	Response
I am writing in support of the railway coming into the II tag basin! I appreciate all of the hard work and careful consideration of our environment by all of those involved. This is very important for us who live, work, recreate an enjoy the UNITA Basin. Please make sure and allow this for the well-being of all of us here who are trying to support our families	OEA notes this comment. No changes to the Draft EIS are warranted.
Austin Abbott (UBR-DEIS-00589-1)	
Comment	Response
I think the railway will be a great thing! Boosting the local economy and making highway 40 safer	OEA notes this comment. No changes to the Draft EIS are warranted.
Clark Stacey (UBR-DEIS-00590-1)	
Comment	Response
As a citizen of Utah and frequent recreational user of the lands in question, I implore you to reject any permutation of the railway proposal. The OEA draft EIS should make this decision obvious and emphatic. The grave and persistent impacts on waterways, ecosystems, and wildlife the OEA foresees are, if anything, understated. And this we would sacrifice for what? Fewer jobs than the burgeoning green energy sector generates in a year? The extraction of fuels we need to proactively eschew if we're to leave our children a habitable planet? Fuels that already shorten our lives and whose market value is on an irreversible downhill slide? Please add my name to those of Utah citizens who strenuously oppose this project. Thank you for your kind attention to these words	OEA notes this comment. No changes to the Draft EIS are warranted.
Argyle Wilderness Preservation Alliance, Darrell Fordham (UBR-DEIS-00591-61)	
Comment	Response
I further submit that the public is not generally in support of the project as evidenced by my petition on change.org [Footnote 25: http://chnng.it/cKYJ9yy5] which currently has 3,717 signatures opposing the project. Those who appear to support it either stand to directly benefit from anticipated resultant increases in oil production or have not taken the time to fully evaluate the project and all of its impacts.	OEA notes this comment. No changes to the Draft EIS are warranted.
Cameron Westergard (UBR-DEIS-00592-1)	
Comment	Response
i would love to see this railroad come into the basin i think it would serve our struggling economy well bringing hundreds of jobs to the area and stabilizing our economy. also helping cut down on the truck traffic through town and over the mountains	OEA notes this comment. No changes to the Draft EIS are warranted.

Emma Taylor (UBR-DEIS-00593-1)	
Comment	Response
As a Resident of Uintah County I agree 100% with going forward with this project. I believe it will bring jobs to our area as well as enhance our economic growth. Thank you.	OEA notes this comment. No changes to the Draft EIS are warranted.
Virgil Taylor (UBR-DEIS-00594-1)	
Comment	Response
I think that the railroad would be a great economic boost to uintah county.	OEA notes this comment. No changes to the Draft EIS are warranted.
Jason Szwedko (UBR-DEIS-00595-1)	
Comment	Response
I oppose of the railway going through our sanctuary.	OEA notes this comment. No changes to the Draft EIS are warranted.
Conner Morgan (UBR-DEIS-00596-1)	
Comment	Response
Don't ruin the peace	OEA notes this comment. No changes to the Draft EIS are warranted.
Joel Peterson (UBR-DEIS-00597-1)	
Comment	Response
We own property right where they want to put this Railway. This will greatly affect our family and pretty much ruin our land and investment. Terrible terrible idea.	OEA notes this comment. No changes to the Draft EIS are warranted.
Eileen Woffinden (UBR-DEIS-00598-1)	
Comment	Response
Let me start by saying we purchased property in Argyle canyon over 20 years ago, so I could have something to show for the inheritance I received when I lost my parents within seven weeks of each other. So I am sure you can understand how much our little piece of heaven means to us. We lost a lot of it in the Church camp fire over 8 years ago and the thought of trains going through and the possibility of more fires being sparked makes me sad and angry. We also worked and saved so we could have a cabin which we got occupancy on from Duchesne county about 3 years ago. I have no problem with the basin having the means to get ahead and improve their situation. My problem is that too much of it has been politically motivated for more counties gain. Why is money being put to send the commodities/oil further southwest when the refineries the oil will be refined in are southeast of the basin? It makes no logical sense to destroy our canyon when there is a route with less mountainous area going in an eastern direction to those eastern refineries, which would have less impact on the environment, than the 85 miles of destruction to our lands. What it does reflect is a political move to increase political pockets at the expense of the taxpayers that will be hit with the bill. I am one of those taxpayers who will be hit twice; first, with the destruction of our area and second, with the waste in taxpayers money to send it 85 miles in the wrong direction. Sadly common sense doesn't seem to be as common as it used to be. Please use our taxpayer money wisely, that's all we can ask. Thank you for letting us voice our concerns.	OEA notes this comment. No changes to the Draft EIS are warranted.

Matt Carlson (UBR-DEIS-00599-1)	
Comment	Response
I am very concerned about the overall impact this project will have on the proposed route and In particular the effect this will have on the natural water distribution and springs in the area that will potentially stop the flow of area springs leaving the land owners no water resources from our existing water rights and springs There are many other issues this can and most likely will affect that are very well detailed out in the Argyle Wilderness letter written and submitted by Darrell Fordham I and many other land owners are not in support of the current selected route. Please read his letter in detail that outlines the many factual concerns we have as a community in the Argyle canyon area. Thank you for your time and consideration in your review and final decision that will impact many.	OEA notes this comment. No changes to the Draft EIS are warranted.
Debbie Jones (UBR-DEIS-00600-1)	
Comment	Response
Please, please, please can you just listen to the property owners for once and not think about lining your pockets with money. This whole project is being pushed by a small group of men who are eager to ruin a beautiful mountain and the people that live there just to get money in their pockets. We are getting mowed over and buried. Please DO NOT let this project continue!!!!!! AGAINST THIS PROJECT!!!! Let my vote count!!!	OEA notes this comment. No changes to the Draft EIS are warranted.
Nikki Frisby (UBR-DEIS-00601-1)	
Comment	Response
Our Frisby Family owns a total of almost 30 acres in Argyle Canyon for decades. We have planned for years to retire and be full time residents there beginning in 2022. We have scrimped, saved and worked hard to make our future home as environmentally friendly as possible. The air in the Uinta Basin already EXCEEDS federal standards. Bringing more oil & gas development would make it much worse! The proposed routes traverse over 10,000 acres of this beautiful unspoiled area. The wildlife here is diverse & lovely. The project would kill Indian Creek Canyons ecosystem. Including areas of endangered species. The noise & pollution from diesel trains would forever mar our beloved area. We love our future home. We love watching the wildlife, enjoying the peace, serenity and the fresher air. Please, DO NOT DESTROY OUR CANYON.	OEA notes this comment. No changes to the Draft EIS are warranted.
David Frisby (UBR-DEIS-00602-1)	
Comment	Response
Please do NOT ruin our mountain home. My family owns a total of 30 + acres in Argyle Canyon. We love our land. We have worked hard for it. We have planned for 25 plus years to retire and move to our land in 2022. The mountains and wildlife are beautiful and natural. A noisy polluting railway is NOT what we need. There is already too much pollution in the Uintah basin. The wildlife in the area is abundant and delicate. Our waterways are important in this semi-arid state. Our lives would be forever changed and disturbed by this railway. DO NOT DO IT.	OEA notes this comment. No changes to the Draft EIS are warranted.
Lorie May (UBR-DEIS-00603-1)	
Comment	Response
I believe that allowing a train to pass through the proposed area would be and detriment to the wild wife that exists in this area. I have seen endangered species, such as sage and grouse hens living in the proposed area. It is also	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>the homes and property of many families who have enjoyed the peace and quiet of nature for generations. I believe there are other areas that could be used I stead of destroying years of effort by the property owners to live amongst the wild life without disturbing them. What you are proposing is WRONG!</p>	
Tonya Barnes (UBR-DEIS-00604-1)	
Comment	Response
<p>I strongly oppose the Uinta Basin Railway project. The impact this would have on the animals, land, air quality, and property owners is absolutely devastating. My family has spent nearly every weekend in the summers at this mountain property for 4 generations. We love the land, take care of it, and would be crushed to see it ruined by the construction and use of a railway. I plead you to consider the preservation of this area. Thank you for your time!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Denise Hudson (UBR-DEIS-00605-1)	
Comment	Response
<p>I would like to let you know I am against the Uintah Basin Railway. It will ruin the environment and waste tax payers money. I have owned property in the area for over 50 years, I dont want the area ruined for me or my neighbors. Please stop this useless project before you ruin our canyons. It is totally unnecessary for this to go forward.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Jeffery May (UBR-DEIS-00606-1)	
Comment	Response
<p>This is not right to ruin so many people's and families life's and property, to take the easy route! When there is an alternative route that doesn't affect so many people!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Center for Biological Diversity, Griselda Olvera (UBR-DEIS-00607-1)	
Comment	Response
<p>Attached please find 35 comments from supporters of the Center for Biological Diversity about the Uinta Basin Railway. Thank you for your consideration.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Joan Entwistle (UBR-DEIS-00607-0001-1)	
Comment	Response
<p>As a resident of Utah, I urge you to choose the no-action alternative for the proposed Uinta Basin Railway. The climate is at a tipping point, there is no need for further development to support fossil fuels. This development will add to the air pollution in the area, which already exceeds federal standards. It will permanently damage the area. In this time of climate change, we need to look at how every development can mitigate against the on-going damage from droughts and extreme weather events. This railway will make these impact far worse. Every species contributes to the web of defense against climate change, protecting the habitat and every species protects humanity. The proposed railway would do irreparable harm to our region's air, water, land and wildlife and should not be built. This project will cost permanent jobs in our region's outdoor tourism economy, which infuses money to our local businesses. This project is an unacceptable threat to the health, safety and well-being of wildlife, humans and the planet. Please choose the no-action alternative.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Alison Frates (UBR-DEIS-00607-0003-1)	
Comment	Response
<p>Please choose the no-action alternative for the proposed Uinta Basin Railway. The damage done to our air, water, land and wildlife is not worth the construction of this railway. The pollution in the Uinta Basin is already deplorable, and negatively impacts the health of its residents. This railway would exacerbate the problem, and will affect people in Colorado as well. It seems to me that the last thing we want to do in the Southwest is defile some of our last remaining healthy waterways. This railway would cross and pollute more than 400 streams and wetland areas. Browns Canyon would also be impacted, which is a national monument and should be protected! There will inevitably be spills and sparks that cause wildfires. This is a terrible idea and quite frankly unacceptable.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Ann Harvey (UBR-DEIS-00607-0004-1)	
Comment	Response
<p>The proposed Uinta Basin Railway's purpose is to make profitable the exploitation of a vast amount of currently unprofitable shale oil reserves. Thus, approval of the railway would be a direct decision to accelerate global warming. Global warming is already causing huge suffering and economic harm throughout much of the world through increased droughts, hurricanes, floods, wildfires, invasion of disease vectors into new regions, and direct heat related diseases and deaths. Global warming will inflict much worse consequences on us all if we don't take bold action now to massively decrease our greenhouse gas emissions. Approval of the railway would also be a decision to subject people, plants, and animals in Utah (and Colorado) to worse air and water pollution and destruction of wildlife habitat. The shale oil must be left underground, for the sake of all of us living beings on earth. I urge you to choose the no-action alternative for the proposed Uinta Basin Railway.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Ray Dillman (UBR-DEIS-00608-1)	
Comment	Response
<p>I own a small cabin on 160 acres in Argyle Canyon estates. My property will be crossed on its southeast border by the proposed railway on all three of the proposed routes. The mouth of the proposed tunnel is within a few hundred yards of the stream which crosses my property. The portion of my property and adjacent property that would be crossed by the proposed railroad is heavily forested with centuries-old Colorado Blue Spruce and Limber Pines. Beautiful small groups of Quaking Aspen surround the stream and dot the hillsides. Finding and purchasing the property fulfilled a dream that originated in childhood. I spent my early years from birth to age 16 in the Uinta Basin and the most memorable of those days were spent roaming the hills and valleys of Duchesne County. Fishing, hunting, camping, hiking, and exploring the beauty and diversity that is so plentiful there became the core of my childhood happiness. This property we call Dillman's Argyle Canyon Ranch sits at 9,100 feet at the mountain's crest and descends on down the canyon. It is heavily forested in parts and much of it is open to magnificent views of the mountains and valleys to the south. My family's roots run deep in the Uinta Basin. My great grandfather Simon Peter Dillman arrived in Ashley Valley, now Vernal, in 1877. My grandfather Ray Eugene Dillman and my father Ray Earl Dillman were both raised and lived much of their lives in Duchesne County. My great grandfather William Miles owned one of the first ranches in Nine Mile Canyon, close to Argyle, where he raised seven</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>daughters. One of them my grandmother, Mildred Miles Dillman who authored 'History of Duchesne County. 'Thus the name 'Nine Mile Canyon.' Owning and enjoying this property has long been a dream and now that dream has been realized I fear it will be destroyed by the greedy desires of a few powerful oil companies. I have carefully reviewed all aspects of the proposed railway and it seems very clear to me that this is an ill-conceived plan to profit a few at the expense of many who have more than a monetary interest.</p>	
Capitol Hill Action Group, Stanley Holmes (UBR-DEIS-00609-1)	
Comment	Response
<p>Members of the Capitol Hill Action Group (CHAG) oppose construction of the proposed Uinta Basin Railway (UBR) and submit this public comment for the Draft Environmental Impact Statement (DEIS) process. The UBR would cause significant local, regional, and global environmental harm while expending monies the Seven County Infrastructure Coalition (SCIC) should more responsibly invest in projects helping rural communities transition beyond their current economic dependence on the declining fossil fuels industry. We support the DEIS' "No Action" alternative and request that the SCIC be denied any and all permits to proceed with the UBR. The STB's Office of Environmental Analysis (OEA) has already determined that construction and operation of the Uinta Basin Railway "would result in significant environmental impacts." OEA admits that there would be "major impacts" on surface waters and wetlands, threatened and endangered species, public and private lands, and on people residing nearby. This alone should stop the UBR.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Barry Pritchett (UBR-DEIS-00610-1)	
Comment	Response
<p>We purchased our land in Argyle Canyon in 1979. It was to be our "Retirement Get A Way." Some place remote, but not too far out there. My family is STRONGLY OPPOSED to this railway coming through our beautiful canyon.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Lutisha Merrill (UBR-DEIS-00611-1)	
Comment	Response
<p>I am very much against this railway. It will negatively impact the quality that My family has enjoyed in Argyle Canyon as a land owner for 30+ years.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Janice Guymon (UBR-DEIS-00612-1)	
Comment	Response
<p>I am fully against building a railroad across pristine mountain land and down Indian canyon. It will ruin the migration paths of the elk and deer. What limited springs there are will be disturbed. It will be a fire hazard. I feel that the expense will be far beyond what has been estimated and once the project reaches a ridiculous cost it will be abandoned and the land left destroyed. Please do not authorize any further progress on this project.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
CKC Operations LLC, Charles Hamilton (UBR-DEIS-00613-1)	
Comment	Response
<p>We at CKC Operations LLC are in full support of the proposed Uinta Basin Railway Project. It is rare when an area like the basin has the opportunity to connect with the rest of the country more economically than through trucking. What is great about this project is that it is inclusive in regards to all that will benefit from the project. We at CKC Operations LLC have found the</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>value in employing a diversified base of employees including several Ute Native Americans. The fact that the tribe is in support of the project and an active participant is exciting and ensures its sustainability. Having worked on several projects with the Forest Service we understand the importance of minimizing environmental disturbance. In the this case the 10,000+ acres that will be impacted should be minimal. The fact that it is linear will help, and if proper methods are implemented there will be less environmental impacts than what the trucking causes daily between the basin and Salt Lake City. In conclusion lets make this great project happen.</p>	
<p>Mark Ivins (UBR-DEIS-00614-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>I strongly oppose the Uinta Basin Railway Project as it currently stands. It is my opinion that natural resources will be ruined which does not need to happen. I believe the coalition has worked behind close doors and only shared with the public bit of information and not the whole story. I also believe members of the coalition will financially benefit from this project which is wrong.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>EP Energy E&P Company, L.P., Chad England (UBR-DEIS-00615-4)</p>	
<p>Comment</p>	<p>Response</p>
<p>The Uinta Basin needs the Uinta Basin Railway. Surrounded by high mountains, there is no route out of the Uinta Basin that does not involve crossing at least one mountain pass. A common carrier railroad into the Uinta Basin would not only allow the expansion of energy production by providing high-volume access to alternate markets but would also allow a superior transportation method for inbound materials. Every well that we drill in the Uinta Basin requires large volumes of drilling mud, cement, chemicals, steel casing and pipe, and frac sand or engineered proppants. The vast majority of these materials originate at points sufficiently distant from the Uinta Basin to make rail transport attractive. Finally, the railway can not only be used for the development of energy resources, but also can be used for construction materials, agriculture supplies, livestock transportation, and consumer goods benefiting the entire economy of the Uinta Basin.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Julye Jex (UBR-DEIS-00616-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>II am in full agreement with the statement of OPPOSITION submitted by Darrell Fordham, dated January 28, 2021. His arguments are specific and well documented. Please consider each carefully. Thank you for this opportunity to voice my OPPOSITION to the Uinta Basin Railway. There are multiple unanswered questions. Many comments in support of this project are HOPING for things that cannot be guaranteed. As we observe the direction and steps already taken by the current federal administration, it is apparent that oil production in the Basin will be critically diminished. Thus, cancelling the air quality concerns generated by truck traffic. Even if this project goes forward, it seems that Basin residents are hoping this railway will answer all of their employment/financial problems without taking into consideration all of the costly, negative consequences. Without raising taxes, can we afford any increased population needs for housing, schools, roads, first responders, hospitals, etc.? Crime rates would realistically increase. Since only taxpayer funds have been used for the project, what would be the additional taxpayer burden should this railway start construction and not be completed? What would happen to all of those new schools, roads and hospitals? What about the permanent environmental scars and damage to area resources? Is it any</p>	<p>OEA notes this comment. Regarding potential impacts related to the availability of housing and the provision of public services during construction and operation of the proposed rail line, please refer to Subsection 3.13.3, <i>Environmental Consequences</i>, in Section 3.13, <i>Socioeconomics</i>. No changes to the Draft EIS are warranted in response to this comment.</p>

<p>wonder that government practices at all levels are being questioned and, yes, distrusted? I ABHOR the Seven-County Coalition's lack of cooperation and transparency throughout this process. How is it that the affected landowners found out about this project just a few years ago by a third party? Why were dates and times of meetings changed with short notice? Why were ALL of the last three proposed routes only affecting Argyle Canyon, Avintaquin, and Emma Park areas? Why were requested project documents stalled and redacted? Why do we see work going forward to benefit private railway locations that would involve this project BEFORE it has final approval? I have personally witnessed the above inconsistencies. Why are the unsubstantiated claims by the Coalition even being considered by the STB? Is this a done deal, just going through the formalities? If the encroachment on private property by governments and their agencies continue, Utah will truly be a "nanny" state, completely owned and controlled by state and federal agencies and their industry partners. I am PLEADING with the STB to be an advocate for over 400 private landowners and their extended families. Will the STB make the hard choice to preserve the fragile environment, limited resources, beauty, and tranquility of the area? This is a critical issue for Utahns and all Americans and their families for generations to come! PLEASE, PLEASE, PLEASE DENY the Uinta Basin Railway.</p>	
Trevor Bone (UBR-DEIS-00617-1)	
Comment	Response
<p>The proposed Uinta Basin Railway would be a train wreck for our air, wildlands, climate and communities. This multi-billion-dollar mistake would destroy more than 10,000 acres of habitat for migratory wildlife and endangered species while worsening the climate crisis. Our world matters and we need to start caring about it in our actions and not just words.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Jordan Jex (UBR-DEIS-00619-1)	
Comment	Response
<p>I am opposed to the Uinta Basin Railway. There are several reasons but I will only list a couple. They have completely ignored common sense in that there was a shorter, less expensive route that they could have used to tie into an ALREADY EXISTING RAIL LINE! From their point of origin and going due south would tie into the existing rail line in a fraction of mileage than the current proposal. Additionally, those mountains are mostly shale. What do you think digging a tunnel through those mountains is going to do?! It is dangerous not only during the construction process, but would weaken the immediately surrounding areas. Do not allow this project to go through!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Jodi Loveless (UBR-DEIS-00621-1)	
Comment	Response
<p>I am in opposition to the Uintah Basin railway. My parents worked hard for several years to have the funds able to invest in a property for our family to enjoy. There are other options for the railway to use including federal lands or less drastic routes that will not impact individuals private property and structures. It is in the states best interest to set a precedents that they respect individuals rights to own property without fear of government interference.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Jonathan Jex (UBR-DEIS-00622-1)	
Comment	Response
<p>I'm opposed to the units basin railway project. No only will it devalue surrounding areas but disrupt the wildlife and their seasonal migrations</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Karli LaMar (UBR-DEIS-00623-1)	
Comment	Response
To whom it may concern: As a resident of the state of Utah I am wholeheartedly opposed to this project. Our state is currently battling increased air pollution and pressure from climate change caused by the burning of fossil fuels. The last thing we need is a project that will continue to contribute and exacerbate these issues. The economic and environmental danger of continued reliance on fossil fuels far outweighs any short lived dollars this project will bring in. We must find new ways of fueling the economy and meeting our energy needs. Please do not allow this project to continue.	OEA notes this comment. No changes to the Draft EIS are warranted.
Lance Hemmert (UBR-DEIS-00625-1)	
Comment	Response
It's February 11th, and it's 55 degrees today in Salt Lake City. Do any of you feel any alarm over that? I look at the air and it's brown. We're breathing brown air. Don't take my word for it. Just look at it. It's brown. At what point do you feel responsibility for breathing brown air? It's said that no one rain drop blames itself for the flood. At some point you'll have to stop turning off your conscience, and be accountable to yourself, to our state, to our country, and to our planet. You have the opportunity to do that now. No more fossil fuel investments. It's the only way.	OEA notes this comment. No changes to the Draft EIS are warranted.
Greg Perry (UBR-DEIS-00628-1)	
Comment	Response
I support the Uinta Railway Project. It will bring much needed jobs, opportunities & economical support to the basin. With a rail system that links to other rails, we have a better option of import & export opportunities. The Uintah Basin is "DYING" economically because it costs too much to bring in freight and export goods.	OEA notes this comment. No changes to the Draft EIS are warranted.
Shelley Petrik (UBR-DEIS-00629-1)	
Comment	Response
I believe the railroad would benefit the communities of the Uintah Basin and I hope that it will be built.	OEA notes this comment. No changes to the Draft EIS are warranted.
Buck Taylor (UBR-DEIS-00630-1)	
Comment	Response
The railroad would be a great benefit for the community.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brian Allridge (UBR-DEIS-00631-1)	
Comment	Response
I am in support of bringing the rail to the Uintah Basin. I feel it is critical to our local economy for economic growth.	OEA notes this comment. No changes to the Draft EIS are warranted.
Karley Peck (UBR-DEIS-00632-1)	
Comment	Response
I am against this project, here are several of my reasons why. 1) The cost for this project has been severely underestimated. They will run out of money before they can finish it. 2) There is a fault line in the area that causes frequent falling rocks. Adding a massive train that will cause immense	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>vibrations multiple times a day will make that so much worse! 3) The wildlife in the area will be hardly impacted! Many animals will be forced to relocate. Causing a drastic shift in the ecology of the area. 4) the railroad will will make the surrounding area less safe sure to the risk of, fire from sparks caused by the train, risk of being run over, and the risk of the tunnels and bridges collapsing. 5) it will negatively impact the air quality 6) there are better location options for the train that don't cut through hundreds of private property and would be more cost efficient.</p>	
Don Hall (UBR-DEIS-00633-1)	
Comment	Response
<p>I believe the railway will be a great benefit to the community. It will provide better access for goods and services to be both imported and ex ported from our area. In my career I have had to travel to many states to work and provide for my family. During those travels I have seen more than a few small towns that have basically withered away from the lack of ability to adjust to the times and diversify their area and economy to keep their community vibrant. I have noticed many comments with supposed environmental concerns, many from people out of state. I believe those concerns to be minimal. Every job I have been involved with for over 20 years has had absolute concern and oversight for the environment, often including features to benefit the area, (water catchment ponds for wildlife, erosion protection, reseeded and wildlife habitat enhancement). It seems like we get a lot of advice and second opinions from people out of the area nowadays. I believe the decisions for this project should be with the local people with more skin in the game.-----</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Carolyn Toth (UBR-DEIS-00634-1)	
Comment	Response
<p>My family has owned a family cabin on a 10-acre lot in the Argyle Canyon area for over 50 years. Among other and real impact issues of the Uinta Basin Railway, if allowed to move forward, would be the severe impact on the peace, quality and serenity of this pristine area, and will result in a permanent scar that cannot be hidden and, even with the best designs, will result in permanent unsightly damage. Lastly, for me, a major and unacceptable impact will be the air quality and climate change issues as well. Please do not allow the Uintah Basin Railway to come through this area.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Dan Love (UBR-DEIS-00636-1)	
Comment	Response
<p>I think we've seen enough manipulation of laws and regulations being bent to satisfy power. We are better than this and need to invest in clean energy and sustainability. Is there simply no point to accept science until it's too late. I think we are experiencing what that strategy bought us. Time for bold and honest leadership. Do the right thing.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Ingrid Nygaard (UBR-DEIS-00637-1)	
Comment	Response
<p>I am opposed to the proposed Uinta Basin Railway. When even GM has announced a firm decision to move away from fossil fueled vehicles, surely we should not support further expansion of the fossil fuel industry.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

RainDance, Keith Goodspeed (UBR-DEIS-00638-1)	
Comment	Response
<p>In 1980, then Governor Mathison extolled the virtues of the Uinta Basin, saying that in 10 years the development of the Basin would increase its population to 90,000 residents. I moved to Roosevelt, Duchesne County, Utah, in 1980, and established my business, sales and service of agricultural irrigation equipment and septic tanks. The governor's growth forecast seemed to be on track. For five years we sold about 300 septic tanks each year, and we were not the only tank supplier in the Basin. There was another tank manufacturer here in the Basin, and tanks from manufacturers on the Wasatch Front were being delivered. In 1985, the 10th Circuit Court ruled that much of the Basin, including my home in Roosevelt, had not been properly removed from Tribal lands, and restored it to Tribal ownership. Banks wouldn't loan any one 30 cents for development on "Tribal Land". In 1986 and again in 1987, we sold 10 tanks each year, and most of them were replacement of old steel tanks that had rusted out. Needless to say, the governor's growth forecast hit the skids. It took over 5 years for the Supreme Court to decide that congress had properly removed the homestead lands, and that my home did not belong to the Tribe. My irrigation business has also had ups and downs over the years, affected primarily by the weather, and national market trends. In drought years, a customer with 6 center pivots may have only had enough water for 3 of them. They borrowed parts from unused machines to keep the others running, and had time to do the service themselves. A major factor in the up and down economy of the Basin is the price of crude oil. In 1986, it was \$9.00 a barrel here in the Basin, and has gone up to over \$100.00 at times. For over 40 years, I sold irrigation equipment here for 5 years before moving here, I've heard of various plans to smooth out the ups and downs of the economy, and put the Basin back on track to meet Governor Mathison's vision of development. A railroad has often been the focus of those plans. I am happy to see the present plan that is being studied at this stage of development. I know that this project can be completed in a way that is environmentally sound, and allow the Basin the benefits of rail transportation. I am very much in favor of the Uinta Basin Railway Project.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Philip Richardson (UBR-DEIS-00639-1)	
Comment	Response
<p>I am greatly opposed to the construction of this railway. As a property owner along the corridor, I have great concerns about the water quality and disturbance. The EIS identifies that it there is potential to affect the water quality both on the surface and underground. We depend on both of these sources for our water. The surface and underground construction can and will have adverse effects on the way the waters flow. The railway is also proposed to pass through areas of forest and grasslands that are already stressed by the limited amounts of moisture. This potential disturbance will have further effect on the landscape not only by altering the flows but increasing the risk of fire and damages caused by these fires. storm events occurring in burn scar areas have proven to have serious impacts on the landscape. we have seen valleys carved out of mountains and large boulders moved great distances. All of these will be impacted greatly by the construction of this railway. There is already a highway built to transfer materials out of the Basin. Spend money to improve the highway. The Presidential administration has already limited or restricted new production on federal grounds, and we know the wells in place will not flow forever.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>With government pushes to limit greenhouse gasses by eliminating gas and diesel vehicles in the next 20 years, does it really make sense to destroy more of the beautiful landscape and install this railway for the short time it may be considered beneficial? Does it make sense to alter and pollute more of our waterways? From the beginning, this project has been a land-grab scheme designed and pushed by a few who stand to benefit from it for a short time while the general public will bear the burden and pay for the disastrous consequences for many years to come.</p>	
<p>Susie Peterson (UBR-DEIS-00641-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>We have owned this property for many years, we pay taxes and deserve to choose what happens to our property. please find another route to put your railroad. we worry about the environmental aspects of air pollution and spills. The forest would not be fit for animals or humans to be there.. please find another route.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Allan Carlson (UBR-DEIS-00642-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>If the railway goes through it will ruin our ecosystem for the canyon the beautiful and quality peaceful areas we worked together for will be gone forever please don't let this happen ??</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>BHI, Brett Haslem (UBR-DEIS-00643-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>As a citizen and business owner of the Uintah Basin I stand behind the Uintah Basin Railway project. As Chief Operating Officer at BHI and having worked heavily in the construction sector of the oil and gas industry I am well aware of the many benefits that this project would bring to our local and state economy. BHI is an advocate of this project and has had heavy involvement in building a team of Utah companies that will be soliciting the proposal to work on the construction of the rail. We are proud and excited to be a part of this team. The construction of the rail will bring thousands of jobs to the local area that will also disseminate out into the Wasatch Front and across Utah, bolstering the economy. As one of the largest employers in eastern Utah currently with over 500 employees, there are many qualified local construction workers that would find pride in being part of this project. It would benefit their families, the local business owners of hotels, retail stores, suppliers, etc. The construction of the rail would be a huge benefit to all and would provide the economy with a sustainable, affordable means of transportation allowing more of our waxy crude into the market on the gulf coast. This would allow our area to more easily provide a sought after commodity at a competitive price, which would open up our area thus providing a continued increase in jobs for the local economy. It is my opinion that this project is the largest game changer for Eastern Utah and its economy in my lifetime. This is why I am such a big supporter of what it will do for the state of Utah. Our Governor has recently pushed with his initiative for "jobs, jobs, jobs" in rural Utah, and is wanting to promote activity that will bring these jobs to rural Utah. There is nothing that could accomplish what the Governor is pushing for more than the Uintah Basin Railway Project. It is my hope, as a business owner and citizen of this great state, that we do all that is necessary to move this project forward, allowing it to bless the lives of all within this state for generations to come.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Sam Pettingill (UBR-DEIS-00644-1)	
Comment	Response
<p>? Air Quality? - Air pollution in the Uinta Basin already exceeds federal standards because of existing oil and gas development in the region -- by increasing oil and gas development, this project would make it worse. ? Wildlife? -? The proposed route of the Uinta Basin Railway traverses roadless areas, steep canyons, and rugged terrain. Over 10,000 acres of big game habitat will be affected by the railroad. Some of this area has been designated as crucial big game habitat by the U.S. Forest Service. The route also impacts the 1600 acres of Greater sage grouse habitat, and areas inhabited by the endangered Barnaby ridge-cress. ? Water - ?The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the entire area with 443 stream crossings, impacting over 61 miles of streams and 26 acres of floodplains. All the alternative routes connect to the existing railroad at the same spot: directly adjacent to important wetlands along the Price River. These are unacceptable impacts to the precious perennial waterways in our semi-arid state. ? Community -? The Uinta Basin Railway would change the way of life for those who live and recreate in the area. Landowners in Argyle Canyon and other off-grid canyon communities along the proposed railway route fear the disruption and disfigurement of the stunning landscapes they love. Each locomotive would disturb beloved wildlife, bringing noise and clouds of diesel smoke. Mile-long trains would create traffic delays and the real potential for accidents, derailments, spills and sparks, which could ignite disastrous wildfires. This is an unacceptable threat to community health, safety and wellbeing.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Duchesne County School District, David Brotherson (UBR-DEIS-00645-1)	
Comment	Response
<p>The board members of our Duchesne County School District unanimously support the Uinta Basin Railway Project and the work being done by the STB and Office of Environmental Analysis's EIS. As with many rural community's infrastructure development is welcomed and with good reason. The railroad will not only help diversify our economy but provide jobs that ensure that the youth we educate in our public schools have the opportunity to stay in our community following their higher education and technical training. The railroad is planned for the oil industry and agriculture industry that we believe will develop once its operational. The benefits of mineral lease dollars back to our community and state education system is critical to future generations of Duchesne County youth.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Lynnette Ivins (UBR-DEIS-00646-1)	
Comment	Response
<p>am 100% opposed to the proposed construction and operation of the Uinta Basin Railway Project (UBR). I have read and studied the various opinions and materials written in regards to this project and find that the Seven County Infrastructure Coalition (Coalition) have been dishonest and not forthcoming on the impact this project would have to the Argyle Canyon, Indian Canyon, Avintaquin Canyon and Emma Park areas. While this Coalition has ignored other routes such as the Whitmore Part alternative, that would have far less negative impact and have vigorously pursued going through such beautiful areas that will forever harm the landscape, wildlife and over 400 privately owned properties for their personal gain is so wrong. The fact that these private owners have not been allowed any voice or representation in the decision that will impact them permanently is also wrong. The noise and</p>	<p>OEA notes this comment. Regarding potential impacts from construction and operation of the proposed rail line on water, please refer to Section 3.3, <i>Water Resources</i>. Regarding potential impacts on plants and endangered species, please refer to Section 3.4, <i>Biological</i></p>

<p>vibration of construction and running trains will destroy the tranquility, recreation, wildlife and vegetation forever. The destruction of this landscape which has been in families for generations past and generation in the future should have been a consideration. The natural resources such as water, plants, endangered species and geological impact should have been considered and studies. We know there are pockets of natural gases that could be a danger if disrupted by drilling and construction. Also, there are no utilities in the area and cell phone service is spotty. If sparks from construction or running trains cause wildfires, the entire area would be at risk of being destroyed, many people would lose their lives because there is no way to contact them. Another negative impact would be hazardous waste from oil tankers and derailment, not to mention the air pollution that would change the air quality to this area. All these items should be considered and their impact. I literally could write pages and pages of the negative impact of this proposal. On top of that there is the consideration of if there is enough money to complete the project and the long-term sustainability of the project. It has been projected that the oil resources would run out long before the project would be paid for. It seems the Coalition and some government representatives and boards have not done their homework. This seems to be driven by the desire for profit at the expense of all else. I know that private citizens don't have the resources of big oil companies and big government, but the Constitution does give us the right to land ownership and certain protections. We have the right to be heard and equal representation which has not happened in this case where big money is rushing this through without the proper studies and consideration. Please review other possibilities if this project really needs to move forward.</p>	<p><i>Resources.</i> Regarding impacts related to geology, please refer to Section 3.5, <i>Geology, Soils, Seismic Hazards, and Hazardous Waste Sites</i>. No changes to the Draft EIS are warranted in response to this comment.</p>
Trey Trawick (UBR-DEIS-00647-1)	
Comment	Response
This would be a stain on a beautiful state for the sake of a dying industry.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brittany Carlson (UBR-DEIS-00648-1)	
Comment	Response
My dad owns a cabin in Argyle Canyon and that is a special place to us. I do not want to see a railroad tear up the natural beauty and have to listen to it when we go there for peace and solitude. I vote no for the railroad.	OEA notes this comment. No changes to the Draft EIS are warranted.
Sheri Sandbeck (UBR-DEIS-00649-1)	
Comment	Response
My family and I have owned property in Argyle Canyon for over 30 years! We do not agree with the railroad! The environmental impact is too great! This would impact forest and ground water. Could cause more fires in the area and impact wildlife!	OEA notes this comment. No changes to the Draft EIS are warranted.
Blaire Brookshire (UBR-DEIS-00650-1)	
Comment	Response
I vote no	OEA notes this comment. No changes to the Draft EIS are warranted.

Alesha Bijolle (UBR-DEIS-00652-1)	
Comment	Response
The railroad shouldn't go in because it will be noisy, take away from the peaceful and quiet that we go to our cabin to enjoy and get away from the noise, we go to see the wildlife and enjoy the area away from the city, it could have an impact on the environment and wildlife in the area, could potentially put the area at greater risk of fire.	OEA notes this comment. No changes to the Draft EIS are warranted.
BHI, Derek Ulm (UBR-DEIS-00653-1)	
Comment	Response
As Director of Business Development for BHI I see 1st hand the potential the rail project brings to companies in the basin. Knowing that historically it has been an area of both boom and bust, why would we not look to bring opportunity and stability to a market that for years has been forced to look outside their own backyards for a means of employment. From the initial construction of the project, to the long term ability to import/export goods, this project has the ability to solidify growth in an area ripe with talent that for too long has either been without work, or without home lives due to the logistics of chasing work out of state. Beyond just those that will benefit from work related directly to the rail's presence, I believe you will see sustainable growth generated by the dollars now being made also being spent locally. Rather than watch Basin residents work out of town and spend their per diem out of town, or unemployed residents holding onto their money, you have the opportunity to push that money throughout the community. Gas stations, stores, restaurants, etc will reap the benefits of the expansion economically presented by the rail project. I firmly believe that the decision to push this project through opens the door to immeasurable growth not only financially, but in ways most find priceless. Parents home at night with their kids because they are working in and around home, relationships no longer strained by distance, a sense of pride knowing what you do each day is actively contributing to communities most have been loyal to for generation after generation. I hear people say "you have to be strong to be from The Basin" and in keeping with that mantra, a project like this allows The Basin to be just that..... strong.	OEA notes this comment. No changes to the Draft EIS are warranted.
Utah State Legislature, Senator David Hinkins (UBR-DEIS-00655-2)	
Comment	Response
I am writing today in support of the work being done on the draft EIS (DEIS) for the Uinta Basin Railway Study, offered by the Seven County Infrastructure Coalition, and to affirm my support of a project which will benefit the residents of Utah Senate District 27 and surrounding communities.	OEA notes this comment. No changes to the Draft EIS are warranted.
Utah State Legislature, Senator David Hinkins (UBR-DEIS-00655-3)	
Comment	Response
This is a worthwhile project that needs to happen. Its an opportunity for regional prosperity and economic stabilization which, is long overdue. I thank you again Mr. Wayland, for the opportunity to submit a comment on behalf of my constituency.	OEA notes this comment. No changes to the Draft EIS are warranted.
Dustin Nielson (UBR-DEIS-00657-1)	
Comment	Response
I vote no for this as we have a cabin in the proposed area and would not appreciate an train coming through it.	OEA notes this comment. No changes to the Draft EIS are warranted.

Greg Hardy (UBR-DEIS-00658-1)	
Comment	Response
I fully support and strongly advocate for the initiative to expand economical transportation options that will strengthen our local economy in the Uintah basin. I urge all decision makers or individuals who can influence decisions and/or resource allocation to fight to make a railway in the Uintah basin a future reality. I look forward to a day when more of my family have employment opportunities here and fewer of them are forced to relocate to get a job sufficient for their needs.	OEA notes this comment. No changes to the Draft EIS are warranted.
Mandi Batty (UBR-DEIS-00659-1)	
Comment	Response
Any project that could bring work to Vernal and that would stay in Vernal would be incredibly important to our economy. Vernal is a great place to live and raise a family, but recent economic conditions have made it all but impossible for families to remain in the area. If the railway could create long term jobs for the people of Vernal and the surrounding areas, I wholeheartedly support it.	OEA notes this comment. No changes to the Draft EIS are warranted.
Ron Hummel (UBR-DEIS-00660-1)	
Comment	Response
I am totally opposed to the Uinta Basin Railway. It would totally disrupt the rural community that I live in. The benefits could not possibly outweigh the possible environmental impacts that could occur. The railway runs along the Arkansas river and a spillage into the river would do incredible damage to the environment and the community. Not worth the risk.	OEA notes this comment. No changes to the Draft EIS are warranted.
Brittany Carlson (UBR-DEIS-00662-1)	
Comment	Response
My dad owns a cabin in Argyle Canyon and that is a special place to us. I do not want to see a railroad tear up the natural beauty and have to listen to it when we go there for peace and solitude. I vote no for the railroad.	OEA notes this comment. No changes to the Draft EIS are warranted.
Utah, Office of the Governor, Redge Johnson (UBR-DEIS-00663-1)	
Comment	Response
The state of Utah (State), as a Cooperating Agency, appreciates the opportunity to review and comment on the Draft Environmental Impact Statement (DEIS), published October 30, 2020. The State appreciates the diligent work of the Surface Transportation Board's Office of Environmental Analysis (STB or OEA) to analyze the proposed rail line and any environmental impacts from the project. The State supports the conclusion of the OEA that the environmental impacts from this project will be mitigated for or addressed to reduce impacts from the project. The Uintah Basin Railway project supports the development of key infrastructure needed to transport energy resources to market, such as road lines and pipelines, which is a key goal of Duchesne and Uintah counties. See, e.g. Uintah County Resource Management Plan at page 68. The rail line will provide future opportunity to transport a wide variety of commodities to world markets. The State supports the proposed Whitmore Park Alternative. The Whitmore Park Alternative best meets the purpose and need for the project and avoids or minimizes major environmental impacts compared to the other action alternatives. The State provided scoping comments May 9, 2020, and as a Cooperating Agency provided administrative comments March 25, 2020, June 29, 2020, July 20, 2020, August 28, 2020, and October 2, 2020. The State	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>thanks STB for incorporating aspects of those comments into the proposed rule. The State incorporates the previous comments by reference and provides the additional technical and general comments for your consideration. The railway is a vital infrastructure asset for the economy of the Uinta Basin, which is heavily focused on oil and natural gas development and will be a critical catalyst for new production by creating better access to world markets. The railway will be a vital stimulant to economic opportunity and job creation for the four counties in the basin and the Ute Indian Tribe. As such, STB should finalize the EIS in an expeditious manner. The State appreciates STB's leadership moving this important project forward. The Uinta Basin Railway will be influential in achieving the counties' transportation needs while maintaining prudent environmental protections. 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.</p>	
Brittany Carlson (UBR-DEIS-00664-1)	
Comment	Response
<p>My dad owns a cabin in Argyle Canyon and that is a special place to us. I do not want to see a railroad tear up the natural beauty and have to listen to it when we go there for peace and solitude. I vote no for the railroad.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Blaire Brookshire (UBR-DEIS-00665-1)	
Comment	Response
<p>I vote no</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Connie Cluff (UBR-DEIS-00667-1)	
Comment	Response
<p>I've been following this situation for the past year and a half. I read the economic impact study as well as the environmental impact study. It appears that even though both economically and environmentally there will be a lot of impact to individuals who own property in these affected mountain areas as well as many species of animals and birds, what matters is just the business interests who will make lots of money off of this mis-adventure. Why is it that the little people who scraped and saved to have a little piece of heaven in nature without the encroachment of noise and people and the hustle and bustle of cities, is now being threatened by more noise and a disruption of nature? The animals and birds don't really matter. Even the sage grouse, which is protected doesn't matter as long as money is being made by individuals with a little power. Those being impacted are real people. They have a close community and have worked hard to keep it as natural as possible. Having to take a railroad through it is inexcusable. The construction and devastation of drilling through a mountain in addition to laying tracks and a bridge over the ravines fault line seems incredibly stupid. There have to be better ways of getting the railway through. In the materials I've read there is even a question about how much oil there is actually available. It seems that estimates are that by increasing to the number of barrels they are thinking of transporting, it will diminish the available oil in less than 10 years. Then the basin will be empty of oil and the railroad will not have been paid for yet. The basin will be a ghost town because of this move. The truckers will be out of their jobs, too. But all of the individuals involved will have fleeced the accounts of their stockpile of funding as well as their ways of making a living. What a greedy, short-sighted proposal. From the beginning</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>those doing the proposal and studies have never had answers to the hard questions. They talk a big talk, but the numbers and plans don't have hard evidence of even working. And, as we are now in the Biden administration term of office, he has admitted that he is not in favor of oil and has even closed down the Keystone XL Pipeline, costing thousands of jobs already. This is not the time to be proposing to do something counter to that. I can't think of one GOOD reason why this proposed railroad should be considered as a good investment for the future of the Uintah Basin or any of those being impacted economically or environmentally. Please take a step back and consider more than the business aspects of this proposal. There are so many living things and people who will be adversely affected if this proposal comes to fruition.</p>	
Bonnie Clark (UBR-DEIS-00668-1)	
Comment	Response
<p>I do not the Uinta Basin Railroad to go thru Argyle Canyon. We have had a cabin their for over 50 years. It has been so peaceful and quite. You are trying to destroy the land, wildlife, water supply, and cause undue pollution to an area that was pristine. We will no longer have a quiet place to go with trains running up and down the line numerous times a day. It is so wrong.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Douglass Bills (UBR-DEIS-00669-1)	
Comment	Response
<p>The Uintah Basin Railway should not be approved using any route across Argyle Canyon. My wife and I are trustees for The Bills Family Trust with properties we lease for cattle grazing in Argyle. We oppose the railway route through Argyle for the following reasons: 1. The railway would ruin our natural environment. Including deer, elk, ruffed grouse, and all native plants, etc. 2. The railway would interfere with the rock art and historical ruins. 3. The railway will not be needed when the oil industry ebbs and more eco-friendly power sources dominate. 4. We like the way Argyle Canyon is presently structured. We don't need additional noise to break up our peace and quiet.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Missy Peck (UBR-DEIS-00670-1)	
Comment	Response
<p>I'm in opposition to the Uinta Basin Railway for many reasons, First, I want to protect the sage grouse along Whitmore & Emma Park and the Forest Grouse in the higher elevations. Second, air quality by Train usage & upping the production of oil to make the railway worthwhile. The Basin as already operating at max air quality levels. Third, the transportation of Utah/US oil being taken to the coast to be shipped over seas, is a waste when we (the US) are buying oil from over seas. Fourth, the destruction of the Indian Canyon /Ashley Nat. Forest area in the name of progress. the type of construction it will take to construct this project will destroy this area, its water sheds & springs, it's animal population and the potential for fire would most certainly destroy human lives as well. Fifth, The SCIC board already has lawsuits against the board from environmental organizations. They also illegally used funds from the CIB board which they are supposed to pay back. I can certainly think of better uses to build up the Basins economy with 1.3 billion dollars, than a rail line that only the Oil Companies and a few select businesses will use. It WILL NOT Benefit the Citizens of the Basin. Finally, The Democratic administration will never let it see completion. Just like the Huge Pipeline case that's going on right now. What a waste of Tax Payers Money! Not to mention, The same people that are heading the Uinta Basin Railway</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Project are the same people who built the Highway to nowhere that to this day has never been completed. You can google it if you like. All around, this is a Poor Investment of Federal Funds! I would also hate to see the Basin hurt because of it!	
Ken Schow (UBR-DEIS-00671-1)	
Comment	Response
I am related to a family who owns property in Argyle Canyon, in the midst of this railway project land. I see with the plans taking place in that area that there will be immense impact on their private property, and also moreover to the private properties of land owners in that entire region. I believe that this project and its construction and operation will have a serious negative impact on those properties, which the landowners have occupied, developed and maintained for many years. They use these private properties for the benefit and recreation of many family members, friends and associates, all who find great value in these resources. Other serious negative impacts of this project include natural resources and wildlife. There are also concerns with vegetation and forestation impacts. Beyond that are traffic and rail operation safety, construction and operation noise and pollution. There are many negative impacts that cannot be avoided in this process. I am completely against this railway project and development.	OEA notes this comment. No changes to the Draft EIS are warranted.
Janine Barnes (UBR-DEIS-00672-1)	
Comment	Response
We have been going to this property of my sisters for so many years. we have helped with improvements and enjoyed the peace and quiet of this beautiful canyon for years. we have made friends with other property owners too who have put so many years of work in their properties so family and friends could come and have somewhere to enjoy camping and spending time in the outdoors. these are hard working people who have made a beautiful place to stay. please reconsider putting this railroad somewhere else so these good people can continue to enjoy this canyon in prace.	OEA notes this comment. No changes to the Draft EIS are warranted.
Todd Feld (UBR-DEIS-00674-1)	
Comment	Response
I strongly protest the building of the railroad thru Argyle Canyon. We own property in the area and don't want the disruption of the serenity and environmental impact this will cause.	OEA notes this comment. No changes to the Draft EIS are warranted.
Judy Feld (UBR-DEIS-00675-1)	
Comment	Response
I absolutely disagree with the railroad coming into Argyle Canyon. I am very concerned about the environmental impact. The cutting out of land and drilling into the mountains will possibly release gases as well as change the current landscape. the greater chance for forest fire due to sparks. Plus we have land nearby and don't want to have the noise and pollution. We have our family reunions and weekend getaways there and have done so for years. Please, there are other routes that will not impact so many personal property owners.	OEA notes this comment. No changes to the Draft EIS are warranted.
Russell Cluff (UBR-DEIS-00676-1)	
Comment	Response
I want to go on record to state that I am very much opposed to the Uintah Basin Railway proposal.	OEA notes this comment. No changes to the Draft EIS are warranted.

Friends of Browns Canyon, Joe Stone (UBR-DEIS-00677-6)	
Comment	Response
We believe the serious adverse environmental and socioeconomic impacts of the proposed UBR significantly outweigh the highly speculative benefits touted in the DEIS. Therefore, we urge the OEA to recommend that the STB choose the "no action" alternative, and we request that the STB deny the petition for exemption.	OEA notes this comment. No changes to the Draft EIS are warranted.
Allen Steckler (UBR-DEIS-00678-1)	
Comment	Response
Assuming that when referring to the environment in "environmental impact statement", our communities, the citizens living there, and companies working within are included. I have been a resident of the Basin for 13 years. I have been hearing about the rail for nearly 10 of those 13 years. After the many discussions that I have been apart of, I have concluded that the rail is critical for our community. I love the Basin, but as a one industry town, it has taken too many beatings. It must branch into additional industries. This necessitates the rail. I currently work in the Basin in HR. During my career, I have sent employees all over the states in an effort to keep them employed. Additionally, I have sent so many job seeking workers away due to having little work in the Basin. I have literally had job applicants in my lobby tear up stating their need to "come home". The Basin's residents are hard working Americans. They pride themselves in their ability, desire, and the reality of their work. Any company would be benefited by their work ethic. However, companies cannot logistically come to the Basin without improved forms of distribution. The rail does not only support the oil and gas industry. It will open the door for new industries, which create additional jobs in town, keeping these workers home. Workers being home is not only about monies staying locally, it's about families being together. That's the kind of environmental impact we need. Please approve this project	OEA notes this comment. No changes to the Draft EIS are warranted.
Utah State Legislature, Ron Winterton (UBR-DEIS-00679-1)	
Comment	Response
The Uinta Basin Railway Project is important to the oil and gas industry, and the community I live in and represent. It is critical for improving our economic future in rural Utah. For those reasons I submit the following comments in support of the Uinta Basin Railway EIS. Thank you for permitting me to include my thoughts as you conclude the draft analysis review. Too often we hear from environmental communities that oil and gas production is not the only option for economic development in eastern Utah. While some may believe that to be true, our economy is based on energy and construction as is indicated in your socioeconomics analysis noted in 3.13.4 (pages 6-7). The challenge has been how to attract new markets beyond the current energy and construction businesses. We are grateful for the value these industries bring to our community and find our business relationships important to Uintah Basin as is our retail and tourism. But to offer transportation alternatives to current export options of our highly desirable waxy crude to markets outside of Utah means that we can grown our construction industry alongside other supporting business industries. We are geographically stranded and the current option for transporting our crude to market is by truck over Highway 40 and Highway 191. With rail service we can reach broader domestic markets and attract manufacturing by industries and more jobs in the construction markets. We will also benefit from an increased tax revenue and mineral lease funding that not only allows us to	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>mitigate the impacts of energy production but also encourage infrastructure expansion. This will attract new manufacturing businesses and expand our current agriculture production in addition to providing better returns on waxy crude produced in the Basin as we expand our ability to export. The 500+ page analysis indicates your team has taken a comprehensive approach in reviewing the value of this project. I sincerely appreciate that effort. I hope that the opportunity to grow and diversify our economic future is as important to your team as it is to my district when considering the benefits of the Uinta Basin Railway. Reaching new markets outside of Utah can help stabilize our local production market and jobs. Similarly, eastern Utah will be much more attractive for new businesses with this rail service alternative. Thank you for the opportunity to share my support for the project.</p>	
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Sherolyn Schow (UBR-DEIS-00681-1)

Comment	Response
<p>We are siblings of a property owner in Argyle Canyon who have invited seven siblings including us up to their property every summer for a week each year. My sister and her husband who own this property have a cabin built on it, and an outdoor kitchen facility attached to the cabin with long tables to eat on or to play games on. There is a round fire pit above the ground that we enjoy an evening fire by that we enjoy sharing conversation with each other while we are there. They have also built two nice bunk houses, and a nice outhouse and shower room facility for all of us, their children and their grandchildren to enjoy. They have also landscaped the whole property with beautiful furnishings. Part of the beauty of this property are the wild animals that can be seen around their camping areas. They have owned and worked on this property for years and years, as a quiet beautiful place to relax and enjoy nature. This railway project is planned to be built so close to this site that it will take all of this away. We are very much against this project that would destroy this property and many others around this whole area.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Center for Biological Diversity, et al., Wendy Park (UBR-DEIS-00683-180)

Comment	Response
<p>We appreciate the opportunity to comment on the Uinta Basin Railway Project. Although the DEIS's environmental analysis is severely deficient, it is clear that the project would significantly harm air and water resources, irreversibly damage the climate, devastate wildlife habitat and public lands, and endanger residents of the Uinta Basin and downline communities. These serious harms heavily outweigh the project's claimed economic and public benefits, which are highly speculative. We urge the Office of Environmental Analysis to recommend that the Surface Transportation Board choose the "no action" alternative, and respectfully request that the STB deny the SCIC's petition for exemption</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

CK Miller (UBR-DEIS-00686-1)

Comment	Response
<p>I am against the proposed Uinta Basin Railway, restoring and maintaining these lands for the future should be a priority of the public, lessening our dependence on fossil fuels and increasing public spending on education, and living infrastructure would create more jobs. Invest in research and science education that would provide a sustainable Earth for future generations. These lands are the only rural outposts for many of the charismatic megafauna that we are driving into urban spaces. Further development of these areas would significantly impact the migratory patterns of these animals! Haven't we learned anything from history about following the dollar</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

to it's most extreme conclusion? While this project may be profitable as a public investment, it will hurt the land, the future prospects for independence from fossil fuels and emphasize the government's alignment with profits over people. The "jobs" created are short term and the profits generated will be negligible compared to structural unemployment sure to follow.	
Ronald Litton (UBR-DEIS-00687-1)	
Comment	Response
I am from Uintah County, Utah. I am in favor of the Uintah Railway project and would like to see it go forward responsibly as planned. The positive impacts to the local economy, both to businesses and the citizenry far outweigh some of the impacts that will become invisible after a short time.	OEA notes this comment. No changes to the Draft EIS are warranted.
Marcus Batty (UBR-DEIS-00688-1)	
Comment	Response
I am excited for the railway. Our community will be blessed by this safer, more efficient, and economical form of transporting goods into and out of the basin. This will bring added growth and stability to many industries including farming and ranching, construction, recycling, and others. This is not just for oil. Please do all you can to help this happen	OEA notes this comment. No changes to the Draft EIS are warranted.
James Lee Weight (UBR-DEIS-00689-1)	
Comment	Response
In reference to Docket No. FD 36284 I respectfully submit the following Comments. I am a Uintah Basin resident, born, raised and worked in this area the majority of my life. I fully support the Uintah Basin Railway project. I understand and realize the diversification this Railway can provide for this area. The Railway would create more jobs and better economic stability advantages for the Uintah Basin. This project stands to benefit Oil & Gas along with Agriculture and Commerce opportunities. I understand and feel empathetic towards those property owners that may be effected through surface use agreements etc. I would hope that those effected are fairly compensated accordingly	OEA notes this comment. No changes to the Draft EIS are warranted.
Chad Hamblin (UBR-DEIS-00691-1)	
Comment	Response
I am a fifth-generation resident of the Uinta Basin and I am opposed to the Uinta Basin Railway for numerous reasons, and these reasons fit into three categories which I will now expound upon. 1. The funding for the initial stages of the project is illegal. The Utah Community Impact Board (CIB) granted almost \$30 million to the Seven County Infrastructure Coalition for the project, using funds that are meant to help communities like mine that are impacted by the oil and gas industry. At times other residents and I breathe some of the most polluted air in the nation because of ozone produced by oil and gas extraction. I see an oil well when I look out my window to the south, and I see another oil well when I look to the east, and yet another to the north. I hear their sounds, and I worry what they might be doing to the artesian well water my wife and I and our animals drink. To the northwest I see light from the burning of gases at a processing plant, and sometimes the sounds of the burning are audible even inside our house. I worry about pollution from the burning. The road that runs past our house is busy with oil and gas industry traffic. Community Impact Funds should be used to alleviate the impacts, such as the ones I've mentioned, from the oil and gas industry. Instead they are essentially being returned to the industry through projects like the railway. In June of 2019 I went to a "community" CIB meeting with	OEA notes this comment. No changes to the Draft EIS are warranted.

<p>the understanding that I would be able to express my concerns about the railway. I was surprised to see a heavy law enforcement presence at the meeting. At the beginning of the meeting a man in the audience stated that the meeting was illegal because the law requires an agenda to be posted and there was no agenda posted, and he was quickly handcuffed and removed from the meeting by officers. I was shocked and offended by what I saw. They didn't let anybody in the office say a word. A woman who tried to comment later in the meeting was told she was out of order and was immediately silenced. I guess they called it a community meeting so they could say they had a community meeting. Early in the discussion about funding the railway, the state assistant attorney general, Alison Garner, pointed out the possible illegality of what the board was doing. They are now being sued over this and I am convinced that what they have done by choosing to fund the railway is illegal, along with being unethical.</p>	
Chad Hamblin (UBR-DEIS-00691-4)	
Comment	Response
<p>Because of the illegal way it is being funded; and the negative impacts it would have on wild lands, wildlife, and recreation opportunities; and the way it would contribute to the existential threat of climate change - this project should not continue forward. Thank you for the opportunity to comment on this issue!</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Greg Foley (UBR-DEIS-00693-1)	
Comment	Response
<p>This rail way will bring economic stability to the entire Uintah Basin. It not only will create jobs for construction but will diversify our economy for endless opportunities for expanded and new business in our area. The people of Uintah and Duchesne counties need this rail way. It will be a lifeline for our economy.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Carrie Weight (UBR-DEIS-00694-1)	
Comment	Response
<p>I am responding to voice my support of the Uinta Basin Railway as it would stabilize our economy & open the way for growth, development & endless opportunities. As a resident of the Uintah Basin I see more advantages than disadvantages. I would hope all affected landowners would be well compensated for any loss or encroachment.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Tamra Ratieta (UBR-DEIS-00695-1)	
Comment	Response
<p>I'm against the railway for many reasons, but here are some of the specific ones, it will negatively affect the natural area that it will go through, the funding it is using is illegal and it will contribute to Climate change</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
Delmer Hamblin (UBR-DEIS-00698-1)	
Comment	Response
<p>I'm an eighty-six year old lifelong Uintah Basin Resident and I'm opposed to the Uinta Basin Railway. The oil and gas industry is declining - so even if they used the railway for ten years it wouldn't be worth the cost to build it. And it wouldn't be worth the impacts it would cause to scenic areas. I'm also concerned about the impacts it would have on wildlife. My wife and I spent forty-four years as Boy Scout leaders here in the Uintah Basin, and for twenty of those years we were in charge of all Kings Peak District camps. We worry about areas we visited with Boy Scouts being damaged directly by the</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>railway, and by the increased drilling that would occur here in the Basin. One of the proposed railway routes would cut through the Gate Canyon/Nine Mile Canyon area - the location of the historic Nine Mile Canyon Road. We visited that area every three years for a district-wide Historic Trails campout, with history-related educational activities. We would hate to see the irreparable damage the railway would cause to that historic area. Please stop all planning for the Uinta Basin Railway!</p>	
<p>James Willis (UBR-DEIS-00700-1)</p>	
<p>Comment</p> <p>I am a local resident and local business man. I am writing to voice my support of the long needed rail way. As you know Duchense & Uintah has two industries Oil & Gas, and farming with little opportunity for anything else. I have believed for many years with out a decent airport and rail head we would be forever limited. We have reopened the airport and now we need progress the rail head. The opportunities such an event would bring are limitless in my mind. Where there are those who believe the risk are too great, need to understand that risk can be mitigated as a former 43 year Oil & Gas man I have seen it many times all over the world, we can do it. We (the Basin) need this opportunity to grow and prosper. Please count myself and my family as supports and believers in the need for this project approval and development.</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>
<p>Roosevelt City, Mayor JR Bird (UBR-DEIS-00701-1)</p>	
<p>Comment</p> <p>My name is JR Bird and I'm the Mayor of Roosevelt Utah. We are the largest City in Duchesne County and are very excited for the opportunity to have rail as a form of transportation in our area for many reasons. As I'm sure you are aware, the Oil and Gas industry is the primary economic driver in our area and has been for years. This can be very good when things are going well, but is devastating when the energy industry is doing poorly. Our area seems to be hit much more drastically than other areas that rely on similar industries because of our inability to effectively, and economically market our oil to areas other than the Wasatch Front. Transportation has been a bottle neck for us, not only in the energy industry, but other economic opportunities including Agriculture, Manufacturing and Machining. Being able to export our products via rail will open up many avenues of opportunity that will help to stabilize our economy, provide good paying stable jobs, and governmental revenues to build and maintain necessary infrastructure for the residents in our area. Roosevelt City has the responsibility to maintain and upgrade Culinary and Secondary water systems, sewer, fire protection, police protection, and public roads just to name a few. Our city frequently accesses the Permanent Community Impact Board for Grants and loans to fund critical infrastructure projects. These funds are 100% funded with mineral lease monies which are generated by mineral production on Federal Land. Although these funds are helpful it is still very difficult to maintain parts of the infrastructure in the older parts of our community that are nearing the end of their useful life (some older than 40 years) due to the inconsistency of tax revenues that follow the same ebbs and flows trend of the industry. Our revenues can swing wildly every 4 - 5 years. Currently grants are becoming more difficult to find which means we will have to rely on loans which further challenges our ability to meet financial obligations. I would like to share a little of my vision of how this project will solve many of these problems we face as a government entity and citizens. As a community we are working on and have established buyers for our product in Texas and hopefully the west</p>	<p>Response</p> <p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

coast. The Crude Oil produced here in the basin has unique characteristics that are ideal for the production of pharmaceuticals, plastics and other consumables, which is highly desirable not only nationwide, but globally. By being able to economically transport our oil and due to its unique and desirable qualities for other uses other than gasoline and diesel production, it would mean a consistent demand regardless of energy consumption. That would equate to a more constant, stable industrial revenue stream to our area, solving to a large degree the large economic swings that we experience. Once the Railway is established, we would be able to capitalize on other areas of industry immediately starting with agriculture. We ship thousands of tons of alfalfa all over the country and even as far as china. The rail would enable us to ship that product economically and safely, increasing our ability to grow that market. As community partners in the Uintah Basin, we are actively working with the Inland Port Board to be considered as a rural rail spur when that project gets underway. Again that would give us world access to market those commodities described above. Manufacturing and other industries would soon follow, and before too long we would have a diversified, thriving, well balanced economy that would bring the ultimate stability desired by so very many in our area. This Rail Project will be the gateway for all of this to transpire. As eluded to above, and contrary to what some may believe, the Rail will also provide a safer, a more environmentally friendly, and more economic way of transporting our resources. Today I drove 191 from Duchesne to Price Utah and passed 4-5 double crude haulers taking crude to the rail in Carbon County. Traffic, Safety of our roads, wear and tear on infrastructure, and the overall environmental benefits a rail brings are all added bonuses that I can see in addition to the direct economic impacts and opportunities the rail will provide. I appreciate taking the time to consider my comments.

State of Utah School and Institutional Trust Lands Administration (SITLA), Dave Ure (UBR-DEIS-00702-2)

Comment	Response
<p>Financial Impact to Utah's School Trust SITLA's future oil and gas resource development outlook is currently constrained because its minerals represent a very small percentage of the current prospective horizontal drilling play being developed and therefore of the daily oil production. By way of background, SITLA' s minerals located in the unique oil play did not come directly through the typical checkerboard pattern at statehood (and hence the minority interest in productive minerals represented above) because many of those checkerboard lands were patented out during the Homesteading Act by the federal government and granted as tribal reservation lands. As such, SITLA' s reliance on oil and gas production sharing with private and tribal interest to generate revenue from its minerals within the heart of the Uinta Basin's horizontal play cannot be overstated. Because of this sharing methodology, SITLA's beneficiaries require enhanced recovery techniques to efficiently monetize their minerals and with the advent of horizontal drilling technology, oil production is now capable of volumes not seen in the Uinta Basin prior to 2015. However, the current infrastructure is limiting daily production volumes to local Salt Lake City refining capacity, creating pricing constraints, and chilling investment needed to stimulate activity. By mitigating the parent/ child well reservoir pressure depletion issues with quicker drilling and additional production takeaway, incremental investment needed can be justified to competitively and efficiently produce oil and gas that may otherwise be lost to lack of scale opportunity. Overcoming these limitations with the railway stands to</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>multiply economic output as the unique waxy grade of crude from the Uinta Basin can be used globally for premium products and blended with other non-waxy crudes to enhance value at refineries outside of Utah. This market is critical to SITLA's current endowment distribution model that is converting minerals into public school revenue via trust fund investments.</p>	
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State of Utah School and Institutional Trust Lands Administration (SITLA), Dave Ure (UBR-DEIS-00702-3)

Comment	Response
<p>Building a railway to support economic growth will remove road congestion caused by trucks by allowing up to 10.52 trains to run each day (EIS Summary: S.1.1 Purpose and Need, Pg. S-3). Socioeconomic impacts appear positive, with benefit to the state through production taxes, job creation and increased commerce in partnership with Drexel Hamilton, Rio Grande Pacific and the Ute Indian Tribe (id, Summary: S.1.2 Proposed Action. Pg. S-3). Three alternatives were reviewed; Indian Canyon, Wells Draw and Whitmore Park over the course of several years of analysis by the Utah Department of Transportation, the SCIC and Office of Environmental Analysis (id, S.3 Alternative, Page S-5). In addition, the Department of Agriculture, U.S. Forest Service, U.S. Army Corps of Engineers, Department of the Interior, Bureau of Indian Affairs, Bureau of Land Management and Public Lands Policy Coordinating Office acted as cooperating agencies in the EIS and intend to work on permit requests and address concerns relating to project approval (id Cooperating Agency Actions, S.1.3, Pg. S-3). SITLA has been working with the SCIC on easements covering the rail line and will continue to support these revenue generating permits for its beneficiaries with responsible stewardship in mind. SITLA has reviewed S.4.2, Minor Impacts and believes the criteria have been adequately met or mitigated and specifically notes that construction-related air emissions would not cause concentrations of criteria air pollutants to exceed the National Ambient Air Quality Standards (id Pg. S-10). While cumulative rail line impacts could be adverse, they are not clearly quantified and do not sway against the preferred Whitmore Park Alternative, which would generate more employment, labor income, local and state tax revenue during construction than the Indian Canyon Alternative. The Whitmore Park Alternative would also cross a smaller area of geological units that would be prone to landslides and wildfire hazard, thereby minimizing impacts of construction and operation on the environment, supporting its recommendation to the Board (id S.4.5 Environmentally Preferred Alternative, Pg. S-12).</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

State of Utah School and Institutional Trust Lands Administration (SITLA), Dave Ure (UBR-DEIS-00702-4)

Comment	Response
<p>SITLA highlights the positive economic activity, as measured under Oil and Gas Production - Oil and Gas Development 3.15.4.1, (Pg. 3.15.3). Production would increase by around 130,000bbl/ d under the low case and 350,000bbl/ d under the high case, which is significantly above the 90,000bbl/d average used for the current baseline circumstance, and roughly doubling, or tripling annual revenues SITLA is receiving from oil production. While Annual direct/ indirect employment of 3,000 jobs would be added, with increased labor income of \$209.7 million and value-added impacts of \$31.8 million under the preferred alternative - Whitmore Park (id Table 3.13-8, Pg. 3.13- 26). Additionally, State Tax Revenue of \$27,839,000 would be derived from in-state taxable expenditures (id Table 3-13-9, Pg. 3-13-28). These revenues will have significant beneficial impact to Utah's public</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

<p>schools, SITLA's largest beneficiary with 95% of land grants. The associated permanent fund that invests all revenue SITLA generates has grown from \$84 million in 1994 to \$2.5 billion today and provided public schools with an \$88.83 million endowment in 2020. Emphasis is placed on the value a large fund responsibly invested in the market has for perpetual or intergenerational public-school revenue. Converting minerals contemplated in this project to revenue will help build a larger fund capable of dispersing larger endowments without ever exhausting the original contributions and credit is owed to years of hard work on projects like these that balance fiscal opportunity with fiscal responsibility for Utah public schools growing needs. Conclusion SITLA is grateful for the opportunity to make comment on this very valuable project for its beneficiaries and believes that it will help resolve some of the market volatility issues facing the Uinta Basin oil production by increasing competitive business opportunities and streamlining transportation needs with logical railway solutions. The time for planning economic recovery efforts could not more critical than now, as the recent COVID pandemic has created a fragile oil and gas sector amongst many others, but the time will come when this railway can provide much needed stimulation efforts for Utah and the Nation</p>	
<p>Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-1)</p>	
<p>Comment</p>	<p>Response</p>
<p>For the official record of the draft environmental impact statement (EIS) for Seven County Infrastructure Coalition's (SCIC) Uinta Basin Railway (project) proposed for Carbon, Duchesne, Uintah, and Utah counties in Utah, I respectfully offer these written comments and accompanying information on behalf of Wild Idaho Rising Tide (WIRT) and its over 3,200 climate activists, members, friends, supporters, and allies, as citizens and residents of Utah, Idaho, Montana, Oregon, Washington, and other U.S. states, who own property, work, reside, and/or recreate in or near the surrounding water and air sheds that would be directly impacted by federal Surface Transportation Board (STB) approval of infrastructure construction and operation of the Uinta Basin Railway (docket FD 36284). We object to this project's invasion and significant impacts on affected communities, critical ecosystems, public air, water, land, climate, and resources, and private and public water sources within the floodplain, on the banks, and under the affected river valleys, as insufficiently identified and analyzed in the October 30, 2020, draft EIS and pertinent notices and government documents, offering public information via the STB project website and updates [Footnote 1: Uinta Basin Railway Environmental Impact Statement, Surface Transportation Board http://www.uintabasinrailwayeis.com/DocumentsAndLinks.aspx; Footnote 2: Issuance of Draft Environmental Impact Statement and Notice of Public Comment Period and Meetings, October 30, 2020 Surface Transportation Board https://icfbometrics.blob.core.windows.net/uinta-basin/_Dear%20Reader%20Letter.pdf; Footnote 3: Public Involvement: Draft EIS Comments, December 9, 2020 Uinta Basin Railway http://www.uintabasinrailwayeis.com/PublicInvolvement.aspx; Footnote 4: Uinta Basin Railway Draft EIS Online Public Meeting Instructions and Access Information, Surface Transportation Board https://icfbometrics.blob.core.windows.net/uinta-basin/UBR_EIS_DEIS_OnlinePublicMeeting_Instructions.pdf; Footnote 5: December 1, Zoom Meeting, Surface Transportation Board https://us02web.zoom.us/j/87481496515#success]. We also oppose this SCIC project's significant, direct and indirect, cumulative, adverse impacts on climate change, endangered species, cultural resources, socioeconomic and</p>	<p>OEa notes this comment. No changes to the Draft EIS are warranted.</p>

<p>environmental factors, and reasonable public needs, including human and environmental health and safety, drinking and agricultural water, and private property values, rights, uses, enjoyment, and insurability. As further public input and information shared with STB, we incorporate by reference into these remarks the written and oral comments and linked articles and documents of WIRT and all persons and organizations raising oppositional concerns about this project and its applications, documents, and processes relevant to project analyses, presented through all local, state, and federal public processes before, during, and after this extended, STB, public comment period on the draft EIS, concluding on February 12, 2021.</p>	
<p>Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-3)</p>	
<p>Comment</p>	<p>Response</p>
<p>Besides urging public participation in comments and testimony for this project's draft EIS, WIRT offers these formal remarks drawn from our Northwest colleagues' and our decade of direct experiences, knowledge, and interests in this and previous, related, project reviews and decisions considered via state and federal hearings and comment periods [Footnote 6: The Surface Transportation Board (STB) has released a draft environmental impact statement..., November 27, 2020 Wild Idaho Rising Tide https://www.facebook.com/wildidaho.risingtide/posts/1919692264846938 ; Footnote 7: YOUR PUBLIC INPUT NEEDED BY DECEMBER 14! December 8, 2020 Wild Idaho Rising Tide https://www.facebook.com/wildidaho.risingtide/photos/a.504017086414470/1928506823965482; Footnote 8: UTAH OIL RAILROAD COMMENT PERIOD EXTENDED UNTIL JANUARY 28, 2021! December 14, 2020 Wild Idaho Rising Tide https://www.facebook.com/wildidaho.risingtide/photos/a.504017086414470/1933678110115020; Footnote 9: COMMENT BY 9 PM ON THURSDAY, JANUARY 28! January 28, 2021 Wild Idaho Rising Tide https://www.facebook.com/wildidaho.risingtide/posts/1969078096575021 ; Footnote 10: UTAH OIL RAILROAD COMMENT PERIOD EXTENDED AGAIN, THANKS TO COLORADANS! January 28, 2021 Wild Idaho Rising Tide https://www.facebook.com/wildidaho.risingtide/photos/a.504017086414470/1969420076540823; Footnote 11: #NOUTAHBOMBTRAINS! February 12, 2021 Wild Idaho Rising Tide https://www.facebook.com/wildidaho.risingtide/posts/1980181605464670]. This letter of objection arises from detailed suggestions, testimonies at recent hearings, and multiple remarks expressing concerns, provided by a coalition of conservation and climate groups and project- impacted stakeholders, whose resistance to this proposal we fully support with these comments [Footnote 12: Uinta Basin Railway Public Zoom Meeting for Draft Environmental Impact Statement, Center for Biological Diversity et al. https://www.facebook.com/events/2951418975079011; Footnote 13: Ideas for Public Comment on the Uinta Basin Railway Draft Environmental Impact Statement, Utah Clean Infrastructure Coalition https://d5e9aa7b-1c19-41d1-be2a-67c6ae40c384.filesusr.com/ugd/b237b1_cae9199ef96d4ecabe90da2daa9c1f64.pdf; Footnote 14: Stop the Uinta Basin Railway, Utah Clean Infrastructure Coalition https://www.stopuintabasinrailway.com; Footnote 15: Draft EIS Public Comments, Surface Transportation Board http://www.uintabasinrailwayeis.com/Comments.aspx]. Together, we have identified these deficiencies of the project's current draft EIS analyses and its resulting implementation, which do not properly evaluate oil and gas extraction, transportation, and production risks.</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Wild Idaho Rising Tide, Helen Yost (UBR-DEIS-00704-13)	
Comment	Response
<p>Wild Idaho Rising Tide is grateful to provide these comments on the draft EIS for the Uinta Basin (Oil) Railway, through the online, STB, comment form [Footnote 25: Comment Form: Uinta Basin Railway Environmental Impact Statement (EIS), Surface Transportation Board https://public.commentworks.com/stb/UintaBasinRailDEISCommentForm]. As climate activists, we recommend that STB dismiss SCIC's misleading claims in the draft EIS, and require additional impact evaluations and a more rigorous analysis through a revised draft EIS, responsive to comment and hearing input that more accurately accounts for the project's upstream and downstream, climate pollution. During this decisive, project review phase, we request that STB consider and act in accordance with our and our colleagues' letters of objection that substantively address the deficiencies of SCIC's documents and processes, as we offer the counterbalance of regional insights so crucial to protection of watersheds essential to lives and livelihoods. For the previously stated and other commenters' reasons, we remain opposed to the Uinta Basin Railway, regardless of its route, and ask that STB ultimately deny the project that should never receive permits and be built. Thank you for accepting our comments, intended both to improve the draft EIS and to advocate for justifiably anticipated, Surface Transportation Board rejection of this SCIC scheme to further impose risks on Utah and Northwest citizens, while reaping the benefits of oil and gas exploitation</p>	<p>OEA notes this comment. No changes to the Draft EIS are warranted.</p>

Notes;

OEA = Office of Environmental Analysis; EIS = Environmental Impact Statement; FD = Finance Docket; Board = Surface Transportation Board

5.3 References

5.3.1 Biological Resources

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Service Date: August 6, 2021

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