



DUCHEсне COUNTY COMMISSION

Greg Todd, Chairman, Irene Hansen, Member, Gregory Miles, Member

P.O. Box 270

Duchesne, Utah 84021-0270

Phone (435) 738-1100

Fax (435) 738-5522

January 25, 2021

Joshua Wayland, PhD
Surface Transportation Board
c/o ICF
9300 Lee Highway
Fairfax, VA 22031
Attn: Environmental Filing, Docket No. FD 36284

Dear Dr. Wayland:

The Duchesne County Commissioners, the elected officials governing the majority of the lands along the proposed routes of the Uinta Basin Railway, submit the following comments on the Draft Environmental Impact Statement:

Page S-8 Socioeconomics: ...the Wells **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 ~~affect~~ **affecting** larger property owners and ranching and farming operations.

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 ~~measures~~ **corridors**.

Page S-11 Visual Resources: Among other measures, OEA is recommending mitigation requiring the Coalition design bridges, ~~design bridges~~, communications towers, and other project-related features to complement the natural landscape and minimize visual impacts on the landscape.

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, ~~Help~~, **Helper**, Price, and other locations in Utah, and would transfer the materials to trucks for final delivery to the project footprint.

Page 2-31 Staffing and Worker Housing: Most construction personnel would reside in their own personal residences or in existing **recreational vehicle parks**, commercial hotels and motels, but dedicated construction camps would be needed for some staff. **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.**

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. **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.**

Page 2-47 Environmentally Preferred Alternative: **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.**

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,... **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?**

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. **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.**

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. **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.**

Page 3.3-25 Surface Water Hydrology: This could cause increased streambed erosion and sediment loads, changes to stream structure, and increased transport of nutrients and other pollutants (USEPA 2007).

Page 3.4-7 Table 3.4-2: **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.**

Page 3.4-10 Fish: UDWR has since stocked Colorado River cutthroat trout in Indian Canyon Creek by UDWR, and the species were observed in Indian Canyon Creek by Forest Service biologists in fall of 2019 (Brunson pers. comm.).

Page 3.4-11 Vegetation Communities (Table 3.4-4): **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 within 500 feet of the railway centerline; especially within Indian Canyon.**

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). **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.**

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). **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.**

Page 3.4-37 Dust Deposition: However, any dust accumulation on vegetation would be temporary and would last only for the duration of construction **or a lesser amount of time if sufficient precipitation falls to wash away the dust.**

Page 3.5-11 Earthquakes (Table 3.5-4): **Comment: The notes under this table refer to a footnote (a) but the footnote does not appear within the table.**

Section 3.6 Noise and Vibration: **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.**

Page 3.9-8 Archaeological Resources: OEA has preliminarily identified one National Register-eligible prehistoric archaeological site **within** the APE of the three Action Alternatives, which consists of a rock art and artifact scatter site (Table 3.9-2).

Page 3.9-10 Land Management Cultural Resources (Table 3.9-6): **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).**

Page 3.9-13 – (Table 3.9-10): **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).**

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. **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).**

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). **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).**

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. **Comment: these activities may also lead to discovery of previously unknown paleontological resources and add to the body of scientific knowledge.**

Page 3.10-9 Section 3.10.3.2 Construction: All ~~six~~ **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).

Page 3.11-15 Construction and Operations: The Wells Draw Alternative would also have the largest impact on livestock production because it would cause the loss of the most AUMs, followed by the Wells Draw **Whitmore Park** Alternative and then the Indian Canyon Alternative.

Page 3.11-20 BLM Special Designations: The Wells Draw Alternative would pass along the ~~northeastern~~ **northwestern** edge of the ACEC boundary and would affect only 0.1 percent of the ACEC.

Page 3.11-21 ~~Cooperating~~ **Cooperative** Wildlife Management Units: As the table shows, the Whitmore Park Alternative would result in the most disturbances to CWMUs, followed by the Wells Draw **Indian Canyon** Alternative and then the ~~Indian Canyon~~ **Wells Draw** Alternative.

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 ~~Avenue 18290 W~~ **County Road #29 (18290 West)** off of U.S. Highway 40 (US 40).

Page 3.12-5 Visual Resources – Affected Environment: The northeastern portion of the study area includes oil and gas facilities, rigs, and storage wells **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 ~~gas~~ **water** and maintenance trucks accessing well pads and other oil and gas facilities.

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 and US 40 ~~Avenue 5880 West, Avenue 3540 West,~~ Recreationists who use Sand Wash Road to access Desolation Canyon, and portions of Nine Mile Canyon Road.

Page 3.12-6 Visual Resources – Affected Environment: Reservation Ridge Scenic Backway, a state of Utah scenic backway, which follows Forest ~~Highway~~ Road 147 from US 191 to US 6.

Page 3.12-7 Temporary Nighttime Lighting: **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.**

Page 3.12-17 Table 3.12-2: **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.**

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 not expect that construction and operation would result in adverse visual impacts in these areas.

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 not expect that construction and operation would result in adverse visual impacts on these areas.

Page 3.12-29 Historic Sites: **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.**

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. **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).**

Page 3.13-4 Table 3.13-2: **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.**

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. **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.

Page 3.13-5 Public Schools: One elementary school in Roosevelt is operated by Uintah County School District (Uintah County School District 2020). **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?**

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, Roosevelt and Ballard would see the greatest influx of temporary construction workers from outside of the four-county study area.

Page 3.13-25 Displaced Economic Activity: The Coalition ~~need to~~ would **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.

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. **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.**

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 ~~des~~ **does** not expect that the influx of temporary construction workers would have a significant effect on housing prices. **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?**

Page 3.13-30 Table 3.13-10: Labor Income (\$ million)5

Chapter 3.13 Socioeconomics in general: **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.

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 development objectives of the Duchesne County General Plan and help the basin reach its economic diversification goals.

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. **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.**

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/~~5888 W~~. **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)?**

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/~~5888 W~~. **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)?

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, ~~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. **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.**

Page 3.15-19 Wildlife: Impacts on habitat would result from vegetation removal for road construction, pad installation, and ditch digging. **Comment: It is common in this area for oil and gas pipelines to be laid on the surface rather than in an excavated ditch.**

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. **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.**

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 ~~of the~~ proposed rail line cumulative impacts study area;

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. **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.**

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. **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.**

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. **Comment: This sentence should be reworded for clarity.**

Page 3.15-31 Cumulative Air Quality Effects: The Monument Butte development would be located in the Basin in Duchesne County, ~~southeast of Duchesne County~~ and south of Myton, and would extend eastward about ~~25~~ 5 miles into Uintah County. (See map of the proposal at: https://eplanning.blm.gov/public_projects/nepa/62904/75386/83254/Monument_Butte_Proposed_Action_Map.pdf).

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. **Comment: Such above-ground resources should be easy to avoid as the final route is engineered.**

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/~~5888 W~~. **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)?)**

Page 4-3 Grade Crossing Safety: **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...)?**

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, county and tribal environmental agencies as required under federal, state, and tribal law. **Comment: Hazmat incidents must be reported to the Duchesne County Fire and Emergency Management Department and the TriCounty Health Department.**

Page 4-5 Air Quality: VM-23. Where practical and in consultation with the 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. **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.**

Page 4-6 Water Resources: VM-32. For streams and rivers with a floodplain regulated by the Federal Emergency Management Agency, the State of Utah, local counties or the Ute Indian Tribe, the Coalition will 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.

Page 4-7 Biological Resources: VM-38. The Coalition will prepare a noxious and invasive weed control plan in consultation with the County Weed Control Departments and the Ute Indian Tribe as applicable.

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 or provided with underpasses to maintain big game migration corridors (see also LUR-MM-11).

Page 4-7 Biological Resources: VM-41. Where practical and necessary, the Coalition will install wildlife-safe fences to confine livestock within grazing allotments. **Comment: Who decides where such fences will be required? In consultation with landowners, land management agencies and UDWR?**

Page 4-7 Cultural Resources: VM-42. The Coalition will work with the Ute Indian Tribe, 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.

Page 4-8 Land Use: VM-48. The Coalition will coordinate with water districts, irrigators and the local NRCS office to develop irrigation infrastructure protection or relocation plans, if irrigation infrastructure will be impacted by construction.

Page 4-8 Noise and Vibration: VM-53. The Coalition, in consultation with 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.

Page 4-8 Recreation: VM-56. The Coalition will work with its construction contractor to maintain access to Forest Service, BLM, SITLA and County Class B and D roads used for recreation, during construction, where feasible.

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 ~~Alternation~~ Alteration Program, respectively, to ensure effects on stream functions are taken into account and minimized.

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 ~~on~~ within the construction area.

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 **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.

Page 5-4 NHPA Section 106: Department of the Interior, Bureau of Indian Affairs Affairs

Page 6-5 Energy Resources: **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.**

Exhibit N Resource ID 042 - 00-0009-4429 – Mobile Home – **Comment: This mobile home was demolished in August, 2020.**

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.


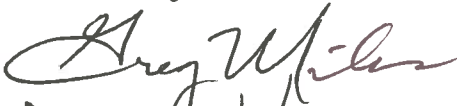

We agree that the Whitmore Park Alternative is the best choice and recommend that the final EIS continue on that course.

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.

If there are any questions regarding this letter, please contact Mike Hyde, Community Development Director, at 435-738-1151 (mhyde@duchesne.utah.gov).

Sincerely,

DUCHESNE COUNTY COMMISSIONERS



Mike Hyde, AICP
Community Development Director