

**Argyle
Wilderness
Preservation**



January 28, 2021

Mr. Joshua Wayland
Surface Transportation Board
% 9300 Lee Highway
Fairfax, VA 22031
ATTN: Environmental Filing, Docket No. FD 36284

Re: Uinta Basin Railway Draft Environmental Impact Statement

Mr. Wayland,

Thank you for the opportunity to submit comments regarding the Draft Environmental Impact Statement (“draft EIS” or “DEIS”) for the proposed construction and operation of the Uinta Basin Railway Project (UBR). As you are aware, a project of this type, size, and scope is always accompanied by numerous, significant, substantial, and serious impacts. After reviewing and studying the Surface Transportation Board, Office of Environmental Analysis (“OEA”)’s Draft Environmental Impact Statement issued in October 2020 I am very saddened and disheartened to discover that your office, consultants, and cooperating agencies have failed to fully study, evaluate, and address all direct, indirect, and cumulative impacts from this project. I have attempted to organize my comments according to the format and outline of the DEIS.

By way of information, my comments are based on my 15 years of Commercial Construction Management experience, coupled with 5 years of Small Business Ownership, as well as representation of the interests and concerns of approximately 400 landowners in the Argyle Canyon, Indian Canyon, Avintaquin Canyon, and Emma Park areas, of which I am a member and fellow landowner. I have spent a considerable amount of time researching the proposed project, the Seven County Infrastructure Coalition (Coalition), and project stakeholders. I first became aware of the proposed project in early April 2019 when landowners began receiving letters from Jones & DeMille Engineering (the Coalition’s Project Engineer) requesting access to private properties along the Indian Canyon and Wells Draw Routes for the purposes of field surveying. I have attended every public meeting concerning the project since that time in order to make an informed, educated opinion concerning the project and the Coalition. Unfortunately, this has proven to leave more questions unanswered than answered, and has led me to conclude that the Coalition, in my opinion, has and continues to act in bad faith as an Interlocal Government Entity. All relevant information regarding the proposed project’s financial feasibility, long-term viability, ownership, etc. have been maliciously

and intentionally withheld from the public. The Coalition has repeatedly ignored and delayed required timely responses to Government Records Access and Management Act Requests, and requests that have been answered have had all relevant financial data redacted, thereby rendering the public's ability to evaluate the project's and Coalition's financial feasibility and respective viability futile. The Coalition continues to act in bad faith regarding the financial aspects of the proposed project, suggesting that the project's viability and the Coalition and its partners' financial fitness to complete the construction of the project are questionable at best.

I am opposed to the proposed project in its entirety for many reasons which will be detailed herein. The Seven County Infrastructure Coalition ("SCIC" or "Coalition") has continued to act in bad faith with respect to the public and more specifically toward private landowners who will be permanently impacted by the proposed railway. 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 "*The three Action Alternatives examined in this Draft EIS – the Indian Canyon Alternative, the Wells Draw Alternative, and the Whitmore Park Alternative – were developed over the course of several years of analysis by the Utah Department of Transportation (UDOT) and the Coalition, and later OEA*"¹ (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 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. But alas, we the private citizens are left powerless against corrupt government entities like the Coalition and our concerns and interests are not protected by the OEA or STB, and we are left to forever suffer and sustain financial, social, and emotional devastation so that dishonest politicians and private oil companies can benefit from our losses.

While OEA clearly admits that "*OEA concludes that any of the Action Alternatives would result in significant environmental impacts*"² 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

¹ DEIS at S-3

² DEIS at S-1

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. In this OEA has been derelict in the performance of their duties and responsibilities.

MAJOR IMPACTS

WATER RESOURCES

In S.4.1 OEA uses terms such as “*unavoidable impacts*”, “*loss of wetland habitat*”, and “*permanent changes*”,³ 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 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 proposed 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. Yet another failure of our government to protect our environment and citizens.

SPECIAL STATUS SPECIES

OEA admits that “*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.*”⁴ 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.*”⁵ 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 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

³ DEIS S-7

⁴ DEIS S-7

⁵ DEIS S-7

cannot be determined at this time due to the OEA's haste in issuing the DEIS prior to the requisite consultations being completed.

Further, OEA indicates that *"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."*⁶ 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 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 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? Such an unfounded, preliminary conclusion by OEA is irresponsible at best, and in my opinion shows a clear bias toward affirmatively supporting the Coalition instead of remaining as a neutral regulatory body as OEA and STB should. This is incredibly frustrating and disheartening for private citizens like me. It seems quite clear that OEA is not truly concerned with protecting our environment, but instead is jumping through the requisite hoops to enable the Coalition to do whatever they want in wielding destruction with this project.

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 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.

LAND USE AND RECREATION

OEA states that *"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"*.⁷ 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

⁶ DEIS S-7

⁷ DEIS S-8

shows OEA's clear bias in favor of the Coalition and bias against, and lack of concern for, private landowners. Why does OEA and the Coalition exhibit such a cavalier attitude toward private property owners and the impacts that we will face? Any rational individual who reads the DEIS will quickly come to the conclusion that no one – STB, OEA, the Coalition, or Rio Grande Pacific (“RGP”) is concerned about the impacts of the UBR on private citizens. Such a wanton disregard for our properties and our rights to quiet enjoyment of our lands and residences is utterly disgraceful.

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 “*the Whitmore Park Alternative would affect the largest total area of private property*”⁸. This is in clear violation of Utah Code § 78B-6-506 which clearly states that projects must “*be located in the manner which will be the most compatible with the greatest public good and the least private injury*”⁹ OEA wholly dismisses the socioeconomic impacts on private property owners by summarily recommending the Whitmore Park Alternative.

TRIBAL CONCERNS

The DEIS briefly mentions impacts to the Ute Indian Tribe consisting of vehicle safety and delay, rail operations safety, biological resources, air emissions, and cultural resources. OEA indicates that they are “*working with the Ute Indian Tribe and other Section 106 consulting parties to develop a Programmatic Agreement that will set forth how cultural resources would be protected if the Board were to authorize the proposed rail line*”¹⁰ 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. Instead we have been categorically denied a seat at the table since the beginning of this project. Are our concerns and our lands somehow less important than those of the Ute Indian Tribe? If so, why?

MINOR IMPACTS

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 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

⁸ DEIS S-8

⁹ <https://le.utah.gov/xcode/Title78B/Chapter6/78B-6-S506.html>

¹⁰ DEIS S-8 & 9

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.

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.

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.

VEGETATION

The DEIS attempts to minimize the negative effects on vegetation due to construction and operation of the proposed railway. *"Vegetation within the footprint of the proposed rail line will be permanently removed, and vegetation in construction areas would be temporarily cleared or disturbed."*¹¹ 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.

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.

¹¹ DEIS S-9

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 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.

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.

VIBRATION

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.

AIR QUALITY AND GREENHOUSE GASES

The DEIS falsely claims that *"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."*¹² 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 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.

¹² DEIS S-10

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 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.

PALEONTOLOGICAL RESOURCES

The DEIS indicates that *“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.”*¹³ 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.

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.

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 with air quality, completely ignoring rail safety impacts.

CUMULATIVE IMPACTS

Referencing 26 relevant projects and an alleged analysis of potential future oil and gas development, OEA indicates in S.4.4 that *“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”*¹⁴. What is glaringly absent, however, is the proposed mitigation that would be required to properly and completely mitigate these cumulative impacts. Why?

¹³ DEIS S-11

¹⁴ DEIS S-11 & S-12

MITIGATION

DEIS S.6 indicates that *“The Coalition has proposed 56 voluntary mitigation measures to address the environmental impacts of construction and operation of the proposed rail line”*¹⁵ 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, 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.

PURPOSE AND NEED

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 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.

FINANCIAL VIABILITY

ECONOMIC FEASIBILITY

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

¹⁵ DEIS S-23

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.

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 *"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. Given the size of the Uinta Basin communities that this railway will serve, the only market segment that will make any significant use of the proposed railway will be the crude oil industry. Having spoken with many in the agricultural and ranching communities in this area, I found no agricultural producers whatsoever who intend to utilize the proposed railway in any manner. 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?

Given that the proposed railway will be financially supported by a single industry and commodity, it would be foolhardy to approve the Coalition's application with the accompanying safety, environmental, land use, socioeconomic, and other impacts. 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, 2018¹⁶, 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 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

¹⁶ 190416 UBRYP UP Presentation dated April 18, 2018

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. To do otherwise would prove gross negligence.

UNDER-ESTIMATED COSTS FOR CONSTRUCTION

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 study¹⁷, *“Rail to Rifle from Myton/Leland Bench 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, *“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, 2019¹⁸ 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 included transloading) to \$2.63 Billion and \$2.67 Billion respectively in order to artificially remove the Craig routes from evaluation and consideration.

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 Transportation¹⁹. The UDOT Study consisted of a Cost Estimating Validation Process (CEVP)²⁰ 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, *“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

¹⁷ Summary of RL Banks rail study

¹⁸ Draft Route Selection Technical Memorandum, Revision 1, dated March 14, 2019

¹⁹ Uinta Basin Railroad Feasibility Study Summary Report

²⁰ Appendix J Uinta Basin Rail CEVP Report

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.

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 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.

PUBLIC SAFETY

WILDFIRE

The proposed project is fraught with a myriad of public safety issues, challenges, and concerns, many of which I feel cannot be adequately mitigated. Of primary concern is the dramatically increased risk of wildfire danger. All of the Action Alternatives traverse steep, rugged, heavily forested mountain areas in the Indian Canyon and Argyle Canyon areas. Much of these forested areas are private land, accessed by privately owned, privately maintained roads. The Argyle Canyon area was heavily damaged during the Church Camp Wildfire in 2012, which burned 7,211 acres, destroyed 15 homes, and cost \$5.7 million to fight. That fire was sparked from a single ignition point. One can only imagine the widespread devastation that could result from a railway running through this area, where a defective or damaged railcar wheel or bearing could potentially throw sparks and ignite fires for several miles before being discovered. Despite claims that will be made to the contrary, rail car safety inspections will not prevent all mechanical failures that have the propensity to ignite wildfires. In addition, as can be witnessed along hundreds of miles of existing railways, continual maintenance and clearing of grasses, weeds, and other highly flammable fuels is performed haphazardly at best.

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.

PRIVATE ROAD CROSSINGS

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.

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.

HAZARDOUS MATERIALS

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 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.

TRANSPORTATION SYSTEMS

LOCAL TRUCK TRAFFIC

The Coalition and other project proponents have touted significant increases in Uinta Basin crude oil production as the main benefit from construction and operation of the proposed railway. 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. OEA can bury their heads in the sand and say that it is not within their scope to study these impacts, but I respectfully disagree. OEA is responsible for studying and evaluating ALL direct and indirect environmental and safety impacts of these projects.

LONG-HAUL TRUCK TRAFFIC

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. Nothing could be further from the truth. The Coalition's Director, Mike McKee, spoke on KVEL radio - a local Uinta Basin radio station - on November 1, 2018. Director McKee stated *"It's contemplated that the oil that's going to Salt Lake will continue. This is not to displace...let me state it this way...the study shows that it's a little bit more expensive to put it*

on rail than it is by truck. I can't promise you that a company wouldn't say well we want to put it on rail anyway, so there may be some company that says to do that. But according to the study it is slightly more expensive to put it on a rail to take it to Salt Lake than it is to truck it. It's cheaper to transport it on a truck to Salt Lake. The R.L. Banks Study, and based on a previous pipeline study...what it showed is that it generally costs about \$5.00 a barrel to get oil to Salt Lake by truck...Under the study that we did...it shows...that R.L. Banks did...it showed kind of a higher and a lower amount of oil being produced. Um, on the higher amount of oil, if it was on a train it would be about \$5.25 a barrel. On the lower amount it would be about \$6.19. So in all cases it's cheaper to put it on a truck than it is on a train. The primary idea of this rail is to be able to get this additional oil to market."²¹ Clearly, the Coalition will say whatever, to whomever, in order to garner support for the UBR project.

AIR QUALITY AND CLIMATE CHANGE

As stated in the paragraph above, air emissions from trains will be in addition to, not in place of, heavy truck emissions. The Uinta Basin already struggles to meet EPA air quality standards at current oil production levels. 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.

NOISE AND VIBRATION

Noise and vibration, both during construction as well as during subsequent operation of the railway, are of significant concern, especially to private landowners who own property directly on and adjacent to the proposed railway routes. My comments will primarily be focused on the Argyle Canyon and South Argyle Communities, but certainly mirror and echo the concerns of other private landowners, farmers, and ranchers whose land values, livelihoods, and quiet enjoyment will forever be negatively impacted and altered by the UBR project.

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

²¹ https://soundcloud.com/user-583590841/uintah-rail-project-11-1-18?fbclid=IwAR11553XiMTNB2UrDUAj2MHbARAYkacJ9W_PBmfrT_X-5I9kUnn5DaWaO5w

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. Such impacts are inherently evil and wrong, and devoid of reason and justification.

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. This resultant noise pollution will forever tarnish and irreversibly destroy the peace, quiet, and tranquility of these off-grid mountain communities. Already land that has been listed for sale has been negatively impacted by the mere proposal of the UBR, with land values plummeting and potential sales being canceled at an alarming rate.

LAND USE

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. It would appear that the Coalition spent very little time evaluating these proposed routes and even less time considering and evaluating the impacts that these routes would have on thousands of citizens and landowners, though the public and potentially affected landowners have no way to know because of the Coalition's secrecy regarding the route selection process. Government Records Access and Management Act Requests are still outstanding with the Coalition, rendering our ability to fully provide relevant, substantiated comments on land use along the routes futile.

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.

RECREATION

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 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. The sad fact is that the impacts on recreation in the area cannot be adequately mitigated.

BIOLOGICAL RESOURCES

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.

SOCIOECONOMICS

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.

The Coalition appears to be well-versed in the spreading of socioeconomic propaganda clearly intended to garner support from the general public who will march along to the pied piper rather than making an effort to verify the information presented or seek substantive proof. 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, and vastly overshadowed by the long-term, negative impacts. The proposed Uinta Basin Oil Railway will be no different. To suggest otherwise would be foolhardy at best.

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. 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)²² 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

²² <https://jobs.utah.gov/media/housing/cib/061319cib.mp3>

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, the economy will slow (global economic indicators are already illuminating this with distinct clarity) and the railway construction will never be completed. Communities will be damaged and disrupted, landowners will have lost their properties to the Coalition's exercise of eminent domain, and rural Utah counties will be left with billions of dollars of loans to repay. Such catastrophic consequences of this highly questionable, fatally flawed project will be unrecoverable.

WATER RESOURCES

The proposed several creeks and waterways stand to be impacted by the Action Alternatives. Of particular concern to me are Indian Creek, Willow Creek, and Gooseberry Creek. These water resources stand to be forever altered by construction activities. Having been a commercial construction manager for 15 years I have seen multiple instances where mitigation measures, erosion control plans, etc. were ignored or implemented incorrectly or were simply inadequate. Government oversight by responsible agencies has historically been grossly deficient in enforcing required measures and BMP's, and there is no reason to think this project will be any different. To expect that lasting, long-term, significant damage will not occur to any of the wetlands or waterways along the proposed routes is utter madness.

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.

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.

VISUAL RESOURCES

Significant visual impacts are inherent with the Action Alternatives. The Indian Canyon Route parallels U.S. Highway 191, which is part of the Dinosaur Diamond Prehistoric Highway National Scenic Byway. 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-feet²³ 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. It is impossible to replace 100+ year old pine trees with like and equal visual resources.

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.

GEOLOGY AND SOILS

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.

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

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 Disaster²⁴, 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). .

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.

CONCLUSION

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 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. 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

²⁴ https://usminedisasters.miningquiz.com/saxsewell/willow_creek_2000.pdf

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.

I further submit that the public is not generally in support of the project as evidenced by my petition on change.org²⁵ 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.

As an American, I am extremely saddened and disheartened by this entire project. The government, from the Seven County Infrastructure Coalition, to local county government representatives, to Utah State government officials, to the Federal Surface Transportation Board, are all doing nothing more than checking the boxes and going through the motions to approve a project that will benefit private oil companies – companies who have yet to invest any of their own money into the project. None of you government officials and employees who “work for the public” are concerned whatsoever about us – the little guys – the private landowners – the hard-working citizens who pay your salaries. We are being run over by this project, and we are 100% powerless to stop it. We are expected to work full time to pay our taxes and then somehow find hundreds of hours to read, study, and respond to things like this Draft Environmental Impact Statement, while you government officials use our money to pay your salaries and fight and oppress us as your full-time jobs. You use our tax money to pay for your attorneys and legal teams to fight us in Court, while we are forced to pay for our legal expenses out of our own pockets. You have the unlimited financial resources of the government to fight and oppress us, while we only have our limited personal means. Ultimately, those of us whose rights and properties and lives will be forever run over and destroyed and negatively impacted by projects such as these are rendered powerless by the actions of our government officials. You should all be ashamed that you are using our money to take away our rights and our properties and our happiness. I can only hope and pray that you will receive your just desserts someday – that you will reap what you sow. It is clear that this DEIS does nothing more than check the boxes in yet another government scheme designed to benefit big business at the expense of us average American citizens. In the end, it does not matter what we say or what we do. The big money oil companies will be allowed to destroy the environment, steal our land, and decimate our peace and quiet enjoyment, and there is not a damn thing we can do about it. The negative effects of this project cannot be mitigated. They cannot be remediated. The damage that is coming as a result of this project will be permanent, and you will all sleep at night because you checked the boxes and “did your job”. But rest assured, by permitting and approving this project your hands are forever dirty, and you are each personally responsible for every negative consequence that results from this project. Every animal killed, every

²⁵ <http://chnq.it/ckYJ9yy5>

stream polluted, every tree and forest destroyed, every private property stolen, every life lost, will be on your heads individually and collectively. I have done all that I can do, and sadly it will not be enough.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'D' followed by a horizontal line that tapers off to the right.

Darrell Fordham
Argyle Wilderness Preservation Alliance
511 South 600 East
Lehi, Utah 84043
(801) 301-4190
darrellfordham@hotmail.com