

This comment letter is based on conversations with multiple participants in the Castle Country Adaptive Management Group, which focuses primarily on topics relevant to sage-grouse in Carbon County, Utah, and surrounding areas. **These comments do not reflect any consensus or official position by any entity.** Rather, they simply represent the variety of questions and comments raised by a diverse set of individuals during group meetings and other follow-up conversations, and are summarized here, with examples, by the group's facilitator. Some comments relate to process or trends throughout the document, so the examples provided are not specifically related to sage-grouse. These comments relate primarily to Chapter 4, Mitigation.

Comments

The EIS covers many potential scenarios and rail routes, but in doing so **does not provide sufficient detail** on any specific sites to allow a reader of the EIS to be certain of the exact actions that would be taken in a given area.

For example: 4.4.3 Bio-MM-14, which addresses removal of cleared vegetation from construction areas, does not provide adequate detail to determine what methods might be used or considerations taken. Nor does it address whether the methods for removing and clearing would be ecologically sound or have the potential to cause other problems, such as whether they include any applicable recommendations regarding treatment of potential invasive species in the vegetation debris.

There are multiple uses of the words "reasonable" and "practical;" at times in reference to state or local regulations, without clarity on how or by whom that determination would be made. If these determinations are to be made in consultation with relevant local agencies, there are rarely details included in the mitigation chapter relating to when, how, or with whom such consultation would be conducted. If there are details elsewhere in the document, this is not clear from reading the mitigation section or reviewing the Consultation chapter.

For example: Mitigation: 4.3.7 VM-30, regarding constructing stream crossings during low flow periods "when practical." It is unclear whose determination of practicality would be used: a construction contractor, a stream hydrologist, or some other entity?

Similarly, in 4.3.8 VM-38, noxious weed strategies from the Utah Strategic Plan on this topic are also planned to only be included in the Coalition's plan when "practical." How this is determined, and by whom, is unclear.

In 4.4.3, BIO-MM-10, it appears that the Ute Tribe could outline "requirements" for minimizing impacts on wildlife, fish, and vegetation, which would only be implemented if determined to be "reasonable." This appears to allow veto power over any tribal requirements by the project proponent, without any clarity regarding specifically who could make that determination, on what grounds, or through what process.

In 4.4.3, Bio-MM-13, it states that the state sage-grouse plan will only be followed to the extent the requirements within it are "reasonable." It is unclear who would make this determination. This suggests that the Coalition plans to selectively follow state regulatory requirements with regard to a highly visible and widely discussed species. Elsewhere in the section, 4.3.8 VM-35 states that a sage-grouse mitigation agreement will be "executed." However, as the draft mitigation document

in Appendix K does not provide a definition of “reasonable,” it is difficult to determine what might be judged to qualify as reasonable.

There are references to future plans which will be made, not all of which include commitments to subsequent plan implementation.

For example, 4.3.5, VM-21 references stormwater pollution plans which will be developed, and notes that all contractors will be required to follow water quality regulations. In other areas of the mitigation section, such as 4.3.7 VM-27, however, there is an agreement to prepare a plan, but no parallel commitment to actually implementing it.

Specific comments related to sage-grouse:

Noise impacts to sage-grouse during specific seasons and times of day are mentioned as a concern on pages 3.4-41 and 3.4-43. There is a note on page 3.4-44 that mitigation for noise and other impacts of construction activities would be included in the future mitigation agreement. However, no mention of noise mitigation with regard to sage-grouse or other wildlife is made in the mitigation chapter’s section (4.4.5) on noise. Moreover, it is not clear whether the inclusion of any noise or other stipulations in the future mitigation plan will be subject to any public comment on their appropriateness.

4.3.8 VM-35 does not reference the draft version of the future mitigation plan/agreement which is found in Appendix K. That draft lists possible items for inclusion beyond those mentioned in the mitigation chapter, but specifically does not commit the proponents to any particular actions. Thus, it is difficult to analyze these potential actions.

4.3.8, VM-37 suggests that the BLM would not be involved in the development of the CSGMA Mitigation agreement, but rather asked to join as a signatory at the end. Although it appears from Appendix K that BLM was involved in development of the existing draft document, it is not clear what process will be used to ensure continued partner agency inclusion. A clear process to include all relevant agencies in planning early on would be of value, and closer to the collaborative way sage-grouse planning in Utah has been conducted for many years.

4.3.8 VV-34, point b: this section states *both* that birds can be hazed, and also that certain birds will not be hazed to avoid nest establishment. It is not clear how the Coalition and its agents will avoid hazing some species of birds but not others, what hazing methods might be used, or how sage-grouse would be addressed if found in the area. There is insufficient detail in this section, with no other sections cross-referenced, to determine whether this mitigation measure would be implemented in an appropriate or adequate fashion.

General comment:

The large and linear scope of the project means that a vast array of counties, state and federal agencies, etc. will need to be consulted on an ongoing basis, particularly given the lack of specificity in the document on many topics. An overlay map of different agency jurisdictions, to ensure that appropriate local field offices are consulted during project implementation, could provide an important guide to the many contractors, engineers, and others who might be involved. The level of detail currently included in Chapter 5, Consultation and Coordination, lacks local-scale information and process that would be valuable and may merit inclusion.