S.1 Introduction

On May 29, 2020, the Seven County Infrastructure Coalition (Coalition) filed a petition with the Surface Transportation Board (Board) pursuant to 49 United States Code (U.S.C.) 10502 requesting authority to construct and operate approximately 85 miles of new rail line in Carbon, Duchesne, Uintah, and Utah Counties, Utah. Also known as the Uinta Basin Railway, the proposed rail line would provide a common-carrier rail connection between the Uinta Basin in northeastern Utah and the existing interstate common-carrier rail network.

The Board's Office of Environmental Analysis (OEA), together with five cooperating agencies, prepared this ~~Draft~~ Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations, and the Board's environmental rules.[1] The ~~Draft~~ EIS is intended to provide federal, state, and local agencies; American Indian tribes; and the public with clear and concise information about the potential environmental impacts of the proposed rail line. In preparing the ~~Draft~~ EIS, OEA considered three reasonable alternatives, known as the Indian Canyon Alternative, the Wells Draw Alternative, and the Whitmore Park Alternative (collectively referred to as the Action Alternatives), as well as the No-Action Alternative. As summarized in the following sections, OEA concludes that any of the Action Alternatives would result in significant environmental impacts. Appropriate mitigation would lessen those impacts and this ~~Draft~~ EIS recommends mitigation conditions for the Board to impose if the Board decides to authorize construction and operation of the proposed rail line. Should the Board decide to authorize the Coalition's petition, OEA ~~preliminarily~~ recommends that the Board authorize the Whitmore Park Alternative to avoid and minimize environmental impacts.

OEA issued~~is issuing~~ the Draft EIS for public review and comment. ~~Following the end of the public comment period on **December 14, 2020,**~~ OEA ~~will~~ considered all comments received on the Draft EIS and responded to all substantive comments in the~~a~~ Final EIS. The Final EIS ~~will~~ includes OEA's final environmental recommendations, including final recommended mitigation conditions. The Board will now~~then~~ consider the entire environmental record, the Draft EIS and the Final EIS, all public and agency comments, and OEA's environmental recommendations in making its final decision on the Coalition's petition.

The sections that follow summarize the key elements of the development of the ~~Draft~~ EIS, including the project purpose and need, the Action Alternatives, and OEA's major conclusions regarding the potential environmental impacts of the proposed Uinta Basin Railway.

S.1.1 Purpose and Need

The proposed federal action in this case is the Board's decision to authorize, deny, or authorize with conditions the Coalition's petition. If the Board were to grant~~authorize~~ the petition, the proposed rail line would be operated as a common carrier rail line. As a common carrier, the Coalition would be required to provide rail service to any shipper upon reasonable request. The proposed rail line is not being proposed or sponsored by the federal government. Therefore, the purpose and need of the

[1] While much of the ~~Draft~~ EIS generally refers only to OEA, the document reflects input from all cooperating agencies, as well as other participating agencies that OEA consulted with during the preparation of the ~~Draft~~ EIS.

proposed rail line is informed by both the goals of the Coalition, as the project applicant, and the Board's enabling statute, 49 U.S.C. § 10901. Construction and operation of new rail lines requires prior authorization by the Board under 49 U.S.C. § 10901(c), which directs the Board to grant construction proposals "unless" the Board finds the proposal "inconsistent with the public convenience and necessity (PC&N)." This is a permissive licensing standard that presumes that rail construction projects are in the public interest unless shown otherwise. The Coalition, however, has sought an exemption under § 10502 from the regulatory requirements of § 10901; therefore, the public convenience and necessity standard in § 10901—although instructive—does not directly apply in this case. Under § 10502, the Board here must grant an exemption if it finds that the application of § 10901 (in whole or in part) is not necessary to carry out the Rail Transportation Policy contained in § 10101 and either the rail construction and operation is of limited scope or the application of § 10901 is not needed to protect shippers from the abuse of market power.

The Coalition's petition states that the purpose of the proposed rail line would be to provide common carrier rail service connecting the Basin to the interstate common carrier rail network using a route that would provide shippers with a viable alternative to trucking. Because it is surrounded by high mountains and plateaus, the Basin has limited access to all transportation modes and all freight moving into and out of the Basin is currently~~currented~~ transported by trucks on the area's limited road network. According to the Coalition, the proposed rail line would provide customers in the Basin with multi-modal options for the movement of freight; promote a safe and efficient system of freight transportation; further the development of a sound rail transportation system; and foster sound economic conditions in transportation and effective competition and coordination between differing modes of transportation. While the Board will ultimately determine whether to authorize or deny the petition, the Coalition's stated purposes appear to be consistent with the PC&N.[2]

S.1.2 Proposed Action

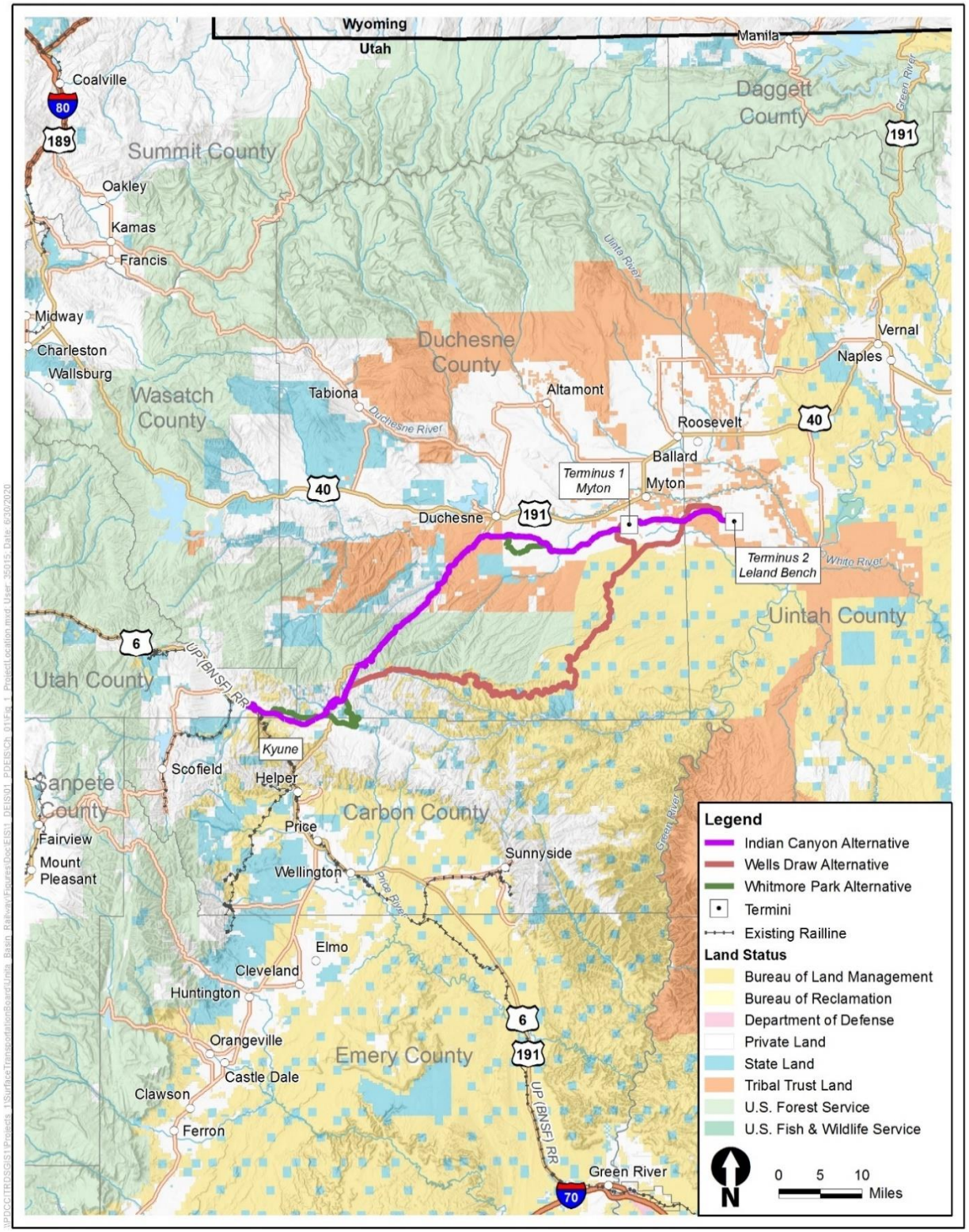
The Coalition is an independent political subdivision of the State of Utah established under an inter-local agreement by the Utah counties of Carbon, Daggett, Duchesne, Emery, San Juan, Sevier, and Uintah. The Coalition has entered into or intends to enter into agreements with Drexel Hamilton Infrastructure Partners (Drexel Hamilton), Rio Grande Pacific Corporation (RGPC~~Rio Grande~~) and the Ute Indian Tribe of the Uintah and Ouray Reservation (the Ute Indian Tribe). If the Board were to authorize the proposed construction and operation, the Coalition ~~'s petitions~~ states that Drexel Hamilton would be responsible for financing and commercialization of the proposed rail line and RGPC~~Rio Grande~~ would operate and maintain it. The Coalition expects that the Ute Indian Tribe would become an equity partner in the proposed rail line.[3]

The proposed rail line would consist of a single main track with sidings to let trains pass each other. The track would be constructed of steel rail supported by timber, steel, or concrete ties. The rail right-of-way would be approximately 100 feet wide along most of its length but could be considerably wider in some locations where the rugged topography would require large areas of cut-and-fill. Numerous bridges and culverts would be required to cross major roads, waterways, and

[2] The Board issued a preliminary decision on the transportation merits under the § 10502 exemption criteria in this proceeding on Jan. 5, 2021. *Seven County Infrastructure Coalition – Rail Constr. and Oper. Exemption – In Utah, Carbon, Duchesne, and Uintah Counties, Utah*, FD 36284 (Jan. 5, 2021).

[3] As used in this EIS, references to the Coalition as the project applicant also refer to any private partners that may be involved in the construction and operation of the proposed rail line, including Drexel Hamilton and RGPC.

Figure S-1. Project Alternatives



Each of the Action Alternatives would extend from two terminus points in the Basin near Myton, Utah and Leland Bench, Utah to a proposed connection with the existing Union Pacific (UP) Provo Subdivision near Kyune, Utah. The Indian Canyon Alternative, Wells Draw Alternative, and Whitmore Park Alternative would be approximately 81 miles, 103 miles, and 88 miles in length, respectively.

S.4 Conclusions on Environmental Impacts

OEA has conducted an extensive review of the environmental impacts that could result from construction and operation of the proposed rail line. Based on consultation with federal, state, and local agencies; consultation with tribes; input provided by organizations and the public; and its own independent environmental analysis, OEA has reached the following conclusions about the potential impacts of the Action Alternatives.

S.4.1 Major Impacts

OEA identified the following significant and adverse impacts that could occur as a result of the proposed rail line. Table S-1 provides additional details regarding these major impacts.

- **Water Resources**. Construction and operation of the proposed rail line, if authorized, would result in unavoidable impacts on surface waters and wetlands, including the loss of wetland habitat and permanent changes to surface water hydrology from crossing structures and stream realignments. Across the three Action Alternatives, the Whitmore Park Alternative would permanently affect the smallest total area of surface waters and wetlands, while the Wells Draw Alternative would affect the largest area. The Coalition has proposed voluntary mitigation measures related to water resources and OEA is recommending additional mitigation measures that would reduce but not eliminate impacts (Chapter 4, *Mitigation*). If the mitigation measures are implemented, the Coalition would need to obtain a permit from the Corps under Section 404 of the Clean Water Act before beginning construction of the proposed rail line. The Coalition would need to undertake efforts to avoid or minimize impacts on water resources during the final engineering and design phase, as part of the Section 404 permitting process. For unavoidable impacts on waters under the Corps' jurisdiction, the Coalition would need to develop and implement a plan for compensatory mitigation in consultation with the Corps.
- **Special Status Species**. 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. OEA 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. 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. The Action Alternatives would each pass near one or more greater sage-grouse leks, which are areas where male grouse perform mating displays and where breeding and nesting occur. Depending on the Action Alternative, several of those leks could experience significant increases in noise during construction and during rail operations, which would disturb the birds and potentially cause them to abandon the leks. OEA has determined that the Whitmore Park Alternative would avoid or minimize impacts on greater sage-grouse relative to the other Action Alternatives because it

Table S-1. Summary of Impacts

Impact	Action Alternative		
	Indian Canyon	**Wells Draw**	**Whitmore Park**
Vehicle Safety and Delay			
Total VMT during construction	194,035,062	328,384,855	234,989,847
Annual VMT during operations	• Low rail traffic scenario:[a] -902,385 • High rail traffic scenario:[a] 1,002,046	• Low rail traffic scenario: -15,409 • High rail traffic scenario: 2,346,551	• Low rail traffic scenario: -835,637 • High rail traffic scenario: 1,135,542
Average daily trips during construction	3,659	3,243	4,163
Average daily trips during operation	• Low rail traffic scenario: 4 • High rail traffic scenario: 104	• Low rail traffic scenario: 34 • High rail traffic scenario: 144	• Low rail traffic scenario: 4 • High rail traffic scenario: 104
Average number of accidents at grade crossings per year	• Low rail traffic scenario: 0.088 • High rail traffic scenario: 0.153	• Low rail traffic scenario: 0.324 • High rail traffic scenario: 0.559	• Low rail traffic scenario: 0.190 • High rail traffic scenario: 0.331
Average delay at grade crossings in 24-hour period	• Low rail traffic scenario: 4.07 minutes • High rail traffic scenario: 11.10 minutes	• Low rail traffic scenario: 7.67 minutes • High rail traffic scenario: 20.89 minutes	• Low rail traffic scenario: 3.99 minutes • High rail traffic scenario: 10.88 minutes
Rail Operations Safety			
Predicted rail accident (collisions and derailments) frequency	0.20 to 0.56 accident per year	0.24 to 0.72 accident per year	0.22 to 0.60 accident per year
Water Resources			
Temporary surface water impacts	• Perennial stream: 15.4 acres • Intermittent stream: 0.2 acre • Ephemeral stream: 8.6 acres • Canal/ditch: 1.3 acres • Pond: 1.0 acre • Playa: <0.1 acre	• Perennial stream: 6.5 acres • Intermittent stream: 28.1 acres • Ephemeral stream: 24.7 acres • Canal/ditch: 1.1 acres • Pond: 4.6 acre • Playa: 1.2 acre	• Perennial stream: 16.4 acres • Intermittent stream: 0.2 acre • Ephemeral stream: 15.7 acres • Canal/ditch: 1.3 acres • Pond: 0.9 acre • Playa: <0.1 acre
Permanent surface water impacts	• Perennial stream: 6.3 acres • Intermittent stream: 0.2 acre • Ephemeral stream: 4.1 acres • Canal/ditch: 0.9 acre • Pond: 1.0 acre • Playa: 0.1 acre	• Perennial stream: 3.0 acres • Intermittent stream: 30.4 acres • Ephemeral stream: 23.5 acres • Canal/ditch: 0.3 acre • Pond: 3.3 acres • Playa: 0.8 acre	• Perennial stream: 5.6 acres • Intermittent stream: 0.2 acre • Ephemeral stream: 6.4 acres • Canal/ditch: 0.9 acre • Pond: 0.4 acre • Playa: 0.1 acre

Impact	Action Alternative		
	Indian Canyon	Wells Draw	Whitmore Park
The largest percent removal of big game crucial habitat in UDWR management unit for any species in any management unit	≤0.38	≤0.97	≤0.59
Number of Big Game Movement Corridor Crossings	36 (6 low importance, 15 medium importance, 15 high importance)	31 (1 low importance, 9 medium importance, 21 high importance)	34 (6 low importance, 15 medium importance, 13 high importance)
Fish habitat degradation	Fewest impacts on fish habitat due to fewest number of surface waters crossed and fewest number of crossing structures	Greatest impacts on fish habitat due to greatest number of surface waters crossed and greatest number of crossing structures	Impacts on fish habitat due to surface water crossings and crossing structures
Temporary vegetation community impacts	2,467.8 acres	5,095.7 acres	3,087.9 acres
Permanent vegetation community impacts	1,340.5 acres	2,559.9 acres	1,430.5 acres
Temporary riparian vegetation impacts	57.1 acres	40.0 acres	54.0 acres
Permanent riparian vegetation impacts	36.5 acres	22.6 acres	27.6 acres
Temporary federally listed plant species habitat impacts	• Barneby ridge-cress Pinyon-juniper habitat: 46.0 acres • Barneby ridge-cress white shale habitat: 5.4 acres • Pariette cactus: 364.0 acres • Uintah Basin hookless cactus: 364.0 acres • Ute's ladies-tresses: 2.8 acres	• Barneby ridge-cress Pinyon-juniper habitat: 0 acre • Barneby ridge-cress white shale habitat: 0 acre • Pariette cactus: 396.5 acres • Uintah Basin hookless cactus: 396.5 acres • Ute's ladies-tresses: 0.1 acres	• Barneby ridge-cress Pinyon-juniper habitat: 97.3 acres • Barneby ridge-cress white shale habitat: 14.1 acres • Pariette cactus: 364.0 acres • Uintah Basin hookless cactus: 364.0 acres • Ute's ladies-tresses: 2.7 acres
Permanent federally listed plant species habitat impacts	• Barneby ridge-cress Pinyon-juniper habitat: 20.0 acres • Barneby ridge-cress white shale habitat: 3.4 acres • Pariette cactus: 140.7 acres • Uintah Basin hookless cactus: 140.7 acres • Ute's ladies-tresses: 1.5 acres	• Barneby ridge-cress Pinyon-juniper habitat: 0 acres • Barneby ridge-cress white shale habitat: 0 acres • Pariette cactus: 153.5 acres • Uintah Basin hookless cactus: 153.5 acres • Ute's ladies-tresses: <0.1 acre	• Barneby ridge-cress Pinyon-juniper habitat: 34.3 acres • Barneby ridge-cress white shale habitat: 6.6 acres • Pariette cactus: 140.7 acres • Uintah Basin hookless cactus: 140.7 acres • Ute's ladies-tresses: 1.5 acres

Impact	Action Alternative		
	Indian Canyon	**Wells Draw**	**Whitmore Park**
Temporary Mexican Spotted Owl habitat impacts	865.8 acres	3,535.1 acres	1,531.7 acres
Permanent Mexican Spotted Owl habitat impacts	584.8 acres	1,856.3 acres	777.8 acres
Temporary greater sage-grouse habitat impacts	• UDWR-defined: 459.8 acres • BLM-defined: 544.0 acres	• UDWR-defined: 459.8 acres • BLM-defined: 588.0 acres	• UDWR-defined: 1,123.6 acres • BLM-defined: 1,047.0 acres
Permanent greater sage-grouse habitat impacts	• UDWR-defined: 294.5 acres • BLM-defined: 360.3 acres	• UDWR-defined: 294.5 acres • BLM-defined: 328.3 acres	• UDWR-defined: 482.8 acres • BLM-defined: 486.4 acres
Train noise impacts on at five closest greater sage-grouse leks	37–79 dBA	37–79 dBA	49–64 dBA
Geology, Soils, Seismic Hazards, and Hazardous Waste Sites			
Distance of the proposed rail line that would cross unstable geologic units	21 miles	54 miles	18 miles
Area of soil disturbance	1,340 acres	2,560 acres	1,431 acres
Impacts on hazardous waste sites	None	None	None
Surface fault rupture and seismic ground shaking	Possibility for seismic movement with the potential to cause landslides, but expected to be minimized with mitigation	Same as Indian Canyon Alternative	Same as Indian Canyon Alternative
Noise and Vibration			
Number of receptors adversely affected by construction-related noise	0	0	0
Number of receptors adversely affected by construction-related vibration	0	0	0

Impact	Action Alternative		
	Indian Canyon	**Wells Draw**	**Whitmore Park**
Land Use and Recreation			
Temporary disturbance by land ownership	• BLM: 73 acres • SITLA: 285 acres • Tribal: 257 acres • UDOT: 4 acres • Forest Service: 234 acres • Private: 1,614 acres	• BLM: 3,246 acres • SITLA: 554 acres • Tribal: 0 acres • UDOT: 1 acre • Forest Service: 0 acres • Private: 1,293 acres	• BLM: 0 acres • SITLA: 283 acres • Tribal: 255 acres • UDOT: 4 acres • Forest Service: 234 acres • Private: 2,312 acres
Permanent disturbance by land ownership	• BLM: 46 acres • SITLA: 158 acres • Tribal: 121 acres • UDOT: <1 acre • Forest Service: 167 acres • Private: 847 acres	• BLM: 1,571 acres • SITLA: 327 acres • Tribal: 0 acres • UDOT: 0 acre • Forest Service: 0 acres • Private: 662 acres	• BLM: 0 acres • SITLA: 103 acres • Tribal: 118 acres • UDOT: 0 acre • Forest Service: 167 acres • Private: 1,042 acres
Temporary disturbance of agricultural land in the study area	• Irrigated cropland: 145 acres • Prime farmland: 56 acres	• Irrigated cropland: 35 acres • Prime farmland: 15 acres	• Irrigated cropland: 145 acres • Prime farmland: 56 acres
Permanent disturbance of agricultural land in the study area	• Irrigated cropland: 92 acres • Prime farmland: 6 acres	• Irrigated cropland: 6 acres • Prime farmland: 4 acres	• Irrigated cropland: 92 acres • Prime farmland: 6 acres
Temporary loss of AUMs	50	176	73
Permanent loss of AUMs	34	88	37
Special designations	Forest Service Inventoried Roadless Areas	Route would cross BLM's Lears Canyon ACEC, Nine Mile Canyon ACEC, two Lands with Wilderness Characteristics areas, and the Nine Mile SRMA	Same as Indian Canyon Alternative
BLM Land Use Plan Amendment Required	Yes	Yes	No
Forest Service Land Use Plan Amendment Required	Yes	No	Yes
Disturbance within Forest Service Inventoried Roadless Areas	394 acres	0 acres	394 acres

Impact	Action Alternative		
	Indian Canyon	**Wells Draw**	**Whitmore Park**
Cooperative Wildlife Management Units impacts	816 acres	466 acres	1,472 acres
Conservation Easements affected	1	0	1
Visual Resources			
RKOP scenic quality ratings on BLM-administered lands	No change in scenic quality rating	Same as Indian Canyon Alternative	Alternative does not cross BLM-administered land
Visual quality ratings on other federal, state, tribal, and private land	• No change in rating at 1 RKOP • -1 reduced rating at 2 RKOPs • -2 reduced rating at 23 RKOPs • -3 reduced rating at 1 RKOP • -4 reduced rating at 1 RKOP	• -1 reduced rating at 1 RKOP • -2 reduced rating at 12 RKOPs • -4 reduced rating at 1 RKOP	• -1 reduced rating at 23 RKOPs • -2 reduced rating at 32 RKOPs • -3 reduced rating at 1 RKOP
Sensitive viewscapes	• Ashley National Forest • BLM lands • Tribal trust lands • Indian Canyon Scenic Byway • Reservation Ridge Scenic Backway	• Ashley National Forest • BLM lands • Reservation Ridge Scenic Backway	Same as Indian Canyon Alternative
Infrastructure changes	• Install 4 new towers • Install 6 new sidings • Remove 3 nonresidential structures	• Install 4 new towers • Install 3 new sidings • Remove 4 residences • Remove 1 other structure	• Install 4 new towers • Install 9 new sidings • Remove 1 residence • Remove 5 other structures
Socioeconomics			
Land acquisitions required	3,808.2 acres	7,655.3 acres	4,518.3 acres
Impacts on private property	Greatest adverse impact on smaller private property owners because it would cross the greatest number of smaller-subdivided properties in the Argyle Canyon and Duchesne Mini-Ranches areas of Duchesne County	Route would affect the smallest area of private property, but would displace the largest number of residences	Route would affect the largest area of private property across the three Action Alternatives and would primarily affect larger property owners and ranching and farming operations
Annual employment, labor income, and value added impacts from construction	$290.6 million	$351.3 million	$311.8 million

Impact	Action Alternative		
	Indian Canyon	**Wells Draw**	**Whitmore Park**
Annual Employment (direct, indirect, induced) during Operations	• Low rail traffic scenario: 170 jobs • High rail traffic scenario: 420 jobs	• Low rail traffic scenario: 220 jobs • High rail traffic scenario: 530 jobs	• Low rail traffic scenario:190 jobs • High rail traffic scenario: 470 jobs
Annual labor income from operation	• Low rail traffic scenario: $8.3 million • High rail traffic scenario: $23.3 million	• Low rail traffic scenario: $10.4 million • High rail traffic scenario: $29.0 million	• Low rail traffic scenario: $9.3 million • High rail traffic scenario: $25.8 million
Operations-related state tax revenue	• Low rail traffic scenario: $0.4–0.5 million • High rail traffic scenario: $1.1–1.4 million	Same as Indian Canyon Alternative	Same as Indian Canyon Alternative
Environmental Justice			
Air Quality, Water Resources, Land Use, Socioeconomics, Vehicle Safety and Delay, Rail Operations Safety, Noise	No disproportionately high and adverse impacts on minority or low-income populations	Same as Indian Canyon Alternative	Same as Indian Canyon Alternative
Cultural resources	Impacts may disproportionately affect the Ute Indian Tribe but would be mitigated and would not be high and adverse	Same as Indian Canyon Alternative	Same as Indian Canyon Alternative
Biological resources	Effects on suitable habitat for the Pariette cactus and Uinta Basin hookless cactus would represent a disproportionately high and adverse effect on the Ute Indian Tribe	Same as Indian Canyon Alternative	Same as Indian Canyon Alternative
Downline			
Delay at downline at-grade road crossings	Increase delay up to 9.84 seconds per vehicle	Same as Indian Canyon Alternative	Same as Indian Canyon Alternative
Predicted downline rail accident frequency at grade crossings	Increase of 0.001 to 0.024 accident per year	Same as Indian Canyon Alternative	Same as Indian Canyon Alternative
Noise level increases at downline receptors	0.4 dB to 6.0 dB	Same as Indian Canyon Alternative	Same as Indian Canyon Alternative