

PUBLIC SCOPING MEETING

PRESENTATIONS AND ORAL COMMENTS

July 15, 2019

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PUBLIC SCOPING MEETING
FOR THE ENVIRONMENTAL IMPACT STATEMENT
ON THE UINTA BASIN RAILWAY

PRESENTATIONS AND ORAL COMMENTS

Taken on Monday, July 15, 2019

from 3:00 to 5:00 P.M.

At Ute Tribal Auditorium

6964 East 1000 South

Fort Duchesne, Utah 84026

Reported by: Kellie Peterson, RPR, CSR

<p style="text-align: right;">Page 6</p> <p>1 begin preparing a Draft Environmental Impact Statement. 2 The Draft Environmental Impact Statement will 3 examine the potential environmental impact of the 4 proposed rail line. And you will notice, as it says on 5 this slide, the public will have the opportunity to 6 review and comment on that draft document. And we will 7 hold another round of public meetings at that time to 8 solicit your comments. 9 After receiving your comments on the draft 10 EIA, OEA will prepare a final EIS, a final Environmental 11 Impact Statement, that will document OEA's final 12 conclusion and recommendations. And then the board will 13 make its final decision about the coalition's proposal. 14 In making a final decision, the board will 15 consider the transportation merits of the proposed rail 16 line but also the environmental impacts as discussed in 17 the Environmental Impact Statement. 18 I would like to emphasize again that the 19 proposed rail line that we're talking about today is not 20 being sponsored or proposed by the federal government or 21 by my agency. 22 So the purpose and needs of this project is 23 informed by the goals of the project applicant, which is 24 the Seven County Infrastructure Coalition. According to 25 the coalition, the purpose of the proposed rail line</p>	<p style="text-align: right;">Page 8</p> <p>1 rail line, and you can see -- you can also view this on 2 the project website. Project website by the way, is 3 www.uitabasinrailwayeis.com and there you will be able 4 to view this map in interactive form. This allows you to 5 zoom in and out and take a look at where these different 6 routes go. 7 Once again, the coalition's preferred route 8 is the Indian Canyon route, which is shown here in 9 purple. It would be approximately 80 miles long. And 10 then from two terminus points near Myton, Utah, and 11 Leland Bench, with two existing rail lines near Kyune. 12 The Wells Draw route would have the same 13 terminus points as the Indian Canyon route but would take 14 a different route in between those points, and it would 15 be somewhat longer at approximately 105 miles long. 16 And then finally, the Craig route would 17 extend eastward from Myton Bench -- or Leland Bench and 18 Myton to an existing rail line in Axial, Colorado. It 19 would be approximately 185 miles long. 20 As part of the scoping process, OEA welcomes 21 your comments on these proposed alternatives and any 22 alternatives that might not be included in this list. 23 In addition to identifying a set of 24 alternatives, OEA, my office, will examine the EIS. The 25 scoping process is also intended to identify potential</p>
<p style="text-align: right;">Page 7</p> <p>1 would be to provide common carrier rail service, 2 connecting the Uinta Basin to the interstate rail 3 network, using a route that would allow the coalition to 4 attract shippers, with a cost-effective rail alternative 5 to trucking. 6 To meet that goal, the coalition is going to 7 be proposing to construct and operate an approximately 8 80-mile rail line that would extend from two terminus 9 points in the Uinta Basin, to an existing rail line near 10 Kyune, Utah. And the coalition has also identified a 11 couple other potential alternatives that would meet the 12 purpose and need of the proposed project. 13 All together, the three proposed alternatives 14 are called the Indian Canyon route, which is the 15 preferred alternative -- the applicant's preferred 16 alternative that they are proposing, then there's Wells 17 Draw route and the Craig route. 18 Regardless of the route, the coalition 19 estimates that approximately seven trains per day would 20 travel along the proposed rail line, including loading 21 and unloading trains in each direction. And those trains 22 would carry a variety of products, including a speciality 23 crude oil, fracturing sand, other fracking equipment, 24 machinery and various mineral and agriculture products. 25 So this slide shows a map of the proposed</p>	<p style="text-align: right;">Page 9</p> <p>1 environmental impacts, different resource areas that 2 could potentially be affected by the proposed rail line. 3 So this slide shows the resource areas that 4 we have identified to date as something to consider in 5 the EIS, and they include public safety, a transportation 6 system, air quality and climate change, noise and 7 vibration, land use, cultural and historic resources, 8 biological resources, socioeconomics, recreation, water 9 resources, visual resources, geology and soils and 10 environmental justice. 11 Again, we welcome and encourage your comments 12 on this list. 13 So I want to turn now to a discussion of how 14 you can file your comments during this scoping process. 15 This is a screenshot of the board's website, www.stb.gov. 16 Here, you can find various information about the project, 17 such as the notice of intent that kicked off this scoping 18 process. 19 If you look up at the left-hand side of the 20 screen, you'll see a link called eFiling, where you can 21 submit comments on the project. 22 In addition to the board's website, there is 23 also a project specific website that I've already 24 referenced, uintabasinrailwayeis.com. This is specific 25 to this project and managed by my agency and here you</p>

<p style="text-align: right;">Page 10</p> <p>1 will find many or all of the project related documents, 2 including interactive maps of the proposed alternatives 3 and there's also a link for you to submit comments. 4 If you were to click on the submit a comment 5 link, this is what you will see. You will notice that 6 you have the option here to include location information 7 about your comments and you can include that. It will 8 populate automatically, if you click on the interactive 9 map on the right-hand side of your screen. 10 Of course, another way to submit your 11 comments is at today's meeting, orally. I know lots of 12 people are waiting to do that, and I want to leave plenty 13 of time to hear those comments. 14 So thank you all again for your participation 15 in the board's environmental review process. 16 I have one more slide that I will leave up, 17 which summarizes the different ways that you can submit 18 your comments, and then I will turn it back over to Laura 19 to facilitate the oral comment portion of the meeting. 20 Thank you. 21 LAURA ZIEMKE: Thanks, Josh. Can you turn 22 this microphone on for me? 23 All right. So now for those of you that 24 would like to give oral comments, this is your 25 opportunity to do that. I do have the cards that people</p>	<p style="text-align: right;">Page 12</p> <p>1 officials give their comments first, that wasn't noted 2 here but when I get to that, I'll ask if anyone is an 3 elected official. Followed by the general public. 4 I will call you up one at a time. The first 5 two I will call up together and have someone -- the 6 second person have a seat right here, so that they can 7 quickly -- when the first person is finished, they can 8 step up and I will call the next person down. 9 When you are here speaking, please speak very 10 clearly to the best of your ability. Look here towards 11 the court reporter because she is trying to capture every 12 word that you are saying. I will call your name to come 13 up, but also before you begin, if you could state your 14 name and spell it for her, that would be very helpful. 15 And if you are representing another individual or a 16 group, if you could please state that group as well. 17 Please do not provide any personal 18 information that you do not want in the record. This 19 will be part of the record for the EIS. So anything that 20 is said here will become public record. 21 Each person will be allotted -- should we go 22 with five -- we have seven people who have signed up. 23 Okay. Each person will be allotted five minutes to 24 speak, and we do this just so that everyone has a fair 25 opportunity to speak.</p>
<p style="text-align: right;">Page 11</p> <p>1 filled out and checked marked that they would like to 2 give oral comments. 3 We do have a court reporter here today and 4 she will be capturing everything that is stated, but if 5 you do happen to have your comments also typed up, we 6 could appreciate that you turn them in as well. 7 So is there anyone who, when you came in, you 8 planned on giving an oral comment but you did not 9 checkmark a box that you wanted to comment? If you did, 10 raise your hand and Matt here will bring a card over to 11 you. No? Okay. 12 All right. So throughout today's process and 13 commenting, I do just want to make sure everyone 14 understands that this is not a time for debate nor is it 15 a question and answer period. We will not be taking 16 questions at this meeting. It is the time for you to 17 share your concerns and issues that you have either 18 personally or for your community regarding the proposed 19 railway. 20 So I just want to make sure everyone 21 understands that while the OEA is here, they are not here 22 to answer questions during the oral comment period here. 23 So in order to move through the oral comments 24 efficiently, we have a few ground rules we would like 25 everyone to follow. No. 1, we would like to have elected</p>	<p style="text-align: right;">Page 13</p> <p>1 So as we are going through the process, as 2 you get to be 30 seconds before your time is up, I'll 3 just hold up a yellow card to help you know that you're 4 getting close to your end time. And if you reach the 5 five minutes, I'll hold up a red card. You'll be 6 standing here at this microphone. 7 So, hopefully, that will help you. And I 8 would ask that if you exceed your time and I ask you to 9 sit down, please do so, just because we want to give 10 everyone an opportunity to have their say. 11 Let's see, all right, I actually think that 12 covers everything there. Let's go ahead -- I will call 13 up -- is it Julye Jex? Julye? 14 Okay. If you could go ahead and come up. 15 And I will call also -- this is the hardest part of my 16 job, is I have to pronounce everyone's name. So, Iktomi 17 Favel. 18 So if you could go ahead and have a seat in 19 this first chair here, you'll be the second person up to 20 speak today. 21 I will be doing the recording here. That's 22 why I have my cell phone. I'm not texting. Go ahead. 23 JULYE JEX: Okay. My name is Julye Jex, 24 J-U-L-Y-E J-E-X. I'm here representing -- well, I don't 25 know if I want to say representing, but as a homeowner or</p>

<p style="text-align: right;">Page 14</p> <p>1 landowner in Argyle Canyon wilderness and also a taxpayer 2 of Duchesne County and Salt Lake County. 3 I have several concerns. First of all, the 4 \$30 million that was awarded by grant of taxpayer money, 5 is always seen as public propaganda, fancy, fake posters, 6 high salaries and travel reimbursements. 7 The route -- Indian Canyon route that has 8 been proposed was nixed 18 years ago and so I'm wondering 9 why all of a sudden it is acceptable. I don't see how 10 digging a tunnel for four and a half, or whatever miles, 11 under rock and sand is going to be more cost effective 12 than going straight to Craig, Colorado, which is very 13 flat and straight. 14 We know people who live in -- have gone to 15 North Dakota with the oil wells. The economy has gone up 16 and down, up and down, up and down. They have 17 experienced milk for \$6 a gallon. Insufficient and 18 overpriced housing, schools that are insufficient but are 19 now built, but the student population has declined and so 20 now they need more people. 21 What I don't understand is why the residents 22 of Uintah and Duchesne Counties have not been better 23 informed on these things. 24 I'm afraid that everybody's just seeing 25 dollar signs. We are concerned. We have been through</p>	<p style="text-align: right;">Page 16</p> <p>1 to the impact board's scoping meetings. This has gone 2 very fast for being at the very preliminary stages. 3 So please, will you be more specific, more 4 direct, and not give us a bunch of misinformation? 5 Thanks for this opportunity. 6 LAURA ZIEMKE: Thank you. 7 Okay. And then I-K-T-O-M-I, Iktomi, did you 8 want to give a comment? No? Okay. 9 Kenneth K. Sandiso? 10 KENNETH SANDISO: No, I decline. 11 LAURA ZIEMKE: No? Okay. 12 Melissa Peck? If you could state your name 13 and spell it, please. 14 MELISSA PECK: My name is Melissa Peck, 15 M-E-L-I-S-S-A P-E-C-K, and I'm affiliated with the Argyle 16 Wilderness Preservation Alliance. I have property in 17 Argyle Canyon, and the train is -- the original map I saw 18 was coming right through our cabin. And I think because 19 of all the pushback that they've received, they've moved 20 it about 100 yards west of us. 21 But whether it's through our cabin or in our 22 yard, it doesn't matter that much. It's still a big 23 impact. It's my understanding that the CIB board denies 24 the SCIC board in the fall. Their money to do the study 25 on this project -- because it was going out of state and</p>
<p style="text-align: right;">Page 15</p> <p>1 two fires now in this area, big fires with the fire 2 danger of a train going through these mountainous areas. 3 It's very difficult to fight the fires. In Salt Lake 4 County, we have had two grass fires already from trains 5 this summer. Those are easy to put out but not so in the 6 mountainous areas. 7 Right now, my property taxes in Duchesne 8 County are almost equal to what I pay in Salt Lake County 9 but I get no services. And I understand that my taxes in 10 Duchesne County will not decrease, even though the value 11 of my property will decline with the railway near it. 12 I grew up in rural Utah, so I understand the 13 desire for economic development, but I also would like to 14 caution the residents of Uintah and Duchesne Counties to 15 be careful what they ask for because they may be getting 16 things that they do not want in their counties. 17 And so I would encourage this board to be 18 more specific in giving information. All we've had is 19 these vague maps that have no names or property lines 20 given. We have really no idea and you have this huge 21 easement that could go anywhere. So we would like more 22 specifics. 23 I'm very concerned that we were told seven 24 months ago that we were in the very early preliminary 25 stages, and here we are now, seven months later, already</p>	<p style="text-align: right;">Page 17</p> <p>1 now that's why those three routes going to Colorado kind 2 of went off the map and they've come to Wells Draw and 3 Indian Canyon and out of those instead. 4 I don't see how that helps because they're 5 still hitting the rail line that goes out of state. All 6 of this is still going out of state. So what does it 7 matter if it's heading east to Colorado, all three routes 8 now? 9 Now it's just going to impact a community 10 full of people that have worked all their lives to have a 11 place that they can come and retire to and be in peace 12 and quiet because you can't get peace and quiet in the 13 cities anymore. This is -- this is where we go for pause 14 and to recharge and rejuvenate, and it's going to be 15 ruined. 16 I know that they have told a lot of the local 17 residents here in Duchesne and the Uinta Basin, that it's 18 going provide more jobs, that it's going to limit truck 19 traffic and things like this, but the long hauls are the 20 only things that will be affected. The short hauls are 21 going to be multiplied, probably four times, going from 22 Duchesne to Myton and back and forth. 23 When they increase production of the oil, 24 which is their plan, that is the whole reason for the 25 railroad, they're going to have an insane amount of</p>

<p style="text-align: right;">Page 18</p> <p>1 trucks going back and forth from Duchesne and Myton. 2 It's not going to decrease that truck traffic. The Uinta 3 Basin is still going to see that and more. It's just 4 going to be the long haul that will be decreased. 5 And the area that we are in, like Ms. Jex 6 said, fire hazard. I talked to the fire marshal, and he 7 agreed that this is going to dramatically increase the 8 fire risk. We have box canyons and dead-end canyons up 9 there. A train starts a fire, some of us aren't going to 10 get out. 11 And that's a very scary to me when I have 12 three generations up there. I've got kids and grandkids, 13 and they're up there -- we're up there, honestly, every 14 weekend. There might be two or three weekends a year 15 that we're not there, but we are there every weekend. 16 And I don't know who's going to come save us 17 when there's a fire. He -- I couldn't quote him on that 18 because he said he couldn't have -- he couldn't be quoted 19 because of his job. Now, that's sounds -- a little bit 20 too much politics for, you know, for me. 21 But no matter what, it is going to increase 22 the fire danger. And we have a well and -- or a spring, 23 and I really worry that that is our only water that we 24 have. And so if that is disrupted, there goes my water. 25 So there's going to be animals, all kinds of things. We</p>	<p style="text-align: right;">Page 20</p> <p>1 DAVID BIGELOW: My name is David Bigelow. 2 I'm a landowner in Argyle Canyon, and we have owned our 3 property up there approximately 12 years now. 4 It has always been our dream -- since we left 5 Colorado years and years ago and went down to Arizona 6 before we came back up to Utah, it has always been our 7 dream to build a mountain cabin. 8 Well, about 12 years ago, we had the 9 opportunity to purchase property in the Argyle Canyon 10 with the idea of camping, first of all, and enjoying the 11 beautiful canyon that we possess up there, along with our 12 fellow landowners. And we have enjoyed it immensely. 13 We got started on our cabin just about two 14 years before we retired. I'm now retired. I'm 76 years 15 old now, and I'm just about at the point where I wore 16 myself out building that cabin. But we got it to the 17 point where we can really enjoy it, along with our family 18 and along with our neighbors, who are in the same 19 situation. Everybody is up there to kind of get away 20 from the rat race, you might say, below. 21 In fact, we were up there before we built 22 this cabin, and there were some voices down below, and we 23 looked down at the bottom of our property, and there were 24 two cowboys on horses. And they saw our trailer and our 25 campfire, and so they turned around and headed back down</p>
<p style="text-align: right;">Page 19</p> <p>1 have forest grouse, sage grouse, we have all kinds of 2 things up there that will be impacted that will go away, 3 all because they wanted -- they say this will create new 4 jobs. 5 Well, look at Price and Helper. They brought 6 the railroad in and everything for coal and all this, and 7 their economy is still struggling. Their stores are 8 closing down on Main Street all the time. I don't think 9 it's going to bring what they say it's going to bring. 10 It's going to boom. It's going to bring 11 people to build the railway. It won't be locals building 12 it. It will be -- if they get the contractors. They 13 will bring all their people in from Utah County to build 14 it. So I don't see it helping the Basin. I see it 15 helping the oil companies. And that's all. 16 I think that the actual Basin itself and the 17 community is actually going to suffer in the long run. 18 They are going to have this boom, and it's going to 19 disappear, and you're going to be worse off for what you 20 have. You are going to be left -- we're going to be left 21 with an abandoned rail line. 22 So thank you for your time. 23 LAURA ZIEMKE: Thanks, Melissa. 24 All right, David Bigelow. Again, if you 25 could state your name and spell it, please.</p>	<p style="text-align: right;">Page 21</p> <p>1 the hill and I held them up to our position. I knew both 2 of them. One was Allen Jensen. The other was L.D. 3 Jensen, both individuals that I worked for in my 4 occupation. 5 He asked me what in the world was I doing up 6 there. I said, "We own ten acres up here." 7 And he said, "What do you do with it?" 8 And I said, "To get away from the rat race 9 down below." 10 And so that is, basically, what we have been 11 involved in for the last 12 years, just a place of refuge 12 from the stress of life down below. We live in Price, 13 Utah, by the way, so we can get up there quite often and 14 enjoy our property. 15 We built the cabin. It's turned out to be a 16 beautiful project and we enjoy it very much. And we 17 started getting wind of this railroad project. It was 18 always our understanding that that railroad project would 19 be coming down kind of parallel to the 191 Highway and 20 coming out down below, which is well below all of our 21 properties that we are involved in at that point in time. 22 Then we get the indications that that had 23 changed and that route was going to come right smack down 24 through our canyon, which is a very beloved to all of us 25 up there that own property around that area.</p>

<p style="text-align: right;">Page 22</p> <p>1 And then later on, we get information that 2 it's going to be a little bit further west or into the 3 Keel Canyon, is what we call it. I can't remember his 4 first name right now. I will just say the Keel Canyon. 5 And there will be a tunnel that is cut through the 6 mountain up there and then it will come down through 7 Keel's Canyon, come down just below the Peck property. 8 And there will be a massive bridge built to 9 get that rail across that canyon, over onto state land, 10 and then it's going to wind its way on the state land 11 and, eventually, come back around and snake around and 12 switch back and everything until it will start impacting 13 the lower landowners. 14 It will impact, approximately, 44 landowners 15 at that point in time. It's going to be expensive, first 16 of all, just to build a bridge. And then all of that 17 construction work that has to go on to maintain those 18 switchbacks and bring them down to where the grade will 19 be suitable for the railroad, which I understand is 20 supposed to be at least 2 percent, can't be anymore than 21 2 percent. 22 Well, there is an alternative. Let me read 23 this information here, and this is prepared by an 24 individual that we are very close to, that is involved in 25 the preparing sites for the gas wells down in Emery</p>	<p style="text-align: right;">Page 24</p> <p>1 meeting, very curious about what comments were made. I 2 thank you for that. That's quite clearing on that part 3 for the tribal members that are here. 4 I've asked questions with the people here on 5 the board. Didn't seem to be clear enough for me to 6 understand what your posters are about. And you don't 7 answer questions, so it's really futile to be able to 8 have to do a discussion like this. But since you just 9 call it open public meeting... 10 One of the things that I'm concerned about is 11 that I'm concerned -- my concerns are, I'm not informed, 12 not very well informed with the tribal council or at the 13 tribal government level at this point. So in my 14 understanding, this is futile to be trying to run a 15 railroad, a railway, without everyone's clear 16 understanding from my concerns as a tribal member. 17 We already have a huge impact dealing with 18 unanswered water issues. We already have questions with 19 the state of Utah. Many of these people are concerned 20 about fire -- well, we have water that comes from tribal 21 lands. We don't even get the benefits from that, who is 22 going to pay us back our fair share, if our tribal fires 23 go out there and we have to deal with the issues that you 24 are talking about? 25 There's a concern that's going on dealing</p>
<p style="text-align: right;">Page 23</p> <p>1 County area. This is his profession, you might say. 2 The north tunnel is at 8,100 feet elevation. 3 That tunnel will be the north entrance for either Option 4 A or Option B. We will call Option A, the high-impact 5 tunnel, which is a 3.15 mile tunnel. Starts at the north 6 tunnel in, and then it ends at the south exit, which is 7 8,224 in elevation, which is 124-foot rise. So that 8 train is going to be coming through that tunnel, and it's 9 going to be expiring -- 10 Are we almost there? 11 LAURA ZIEMKE: We are almost there. 12 DAVID BIGELOW: Okay. To go through the 13 low-impact tunnel is only 4.5 miles, and actually, that's 14 a drop of 389 feet, which is more than sufficient to 15 allow that 2 percent grade situation. And that will only 16 impact four properties versus 44. 17 And that is all I have to say. 18 LAURA ZIEMKE: Thanks, David. 19 All right. Claria Pinnecoose? If you can 20 please state your name and spell it so she gets the 21 spelling of your name. Thanks. 22 CLARIA PINNECOOSE: It's C-L-A-R-A 23 P-I-N-N-E-C-O-O-S-E. I'm a member of the Ute Indian 24 Tribe. 25 First time I've heard about this public</p>	<p style="text-align: right;">Page 25</p> <p>1 with lands, not just tribal lands, but lands that the 2 United States gave to individual families, our ancestors 3 and that was called allotted lands. Are these lands 4 going to be affected? And how is it going to affect it, 5 and how are we going to benefit from that? 6 The tribal people have a lot to lose here, 7 especially when you carry hazardous materials that you 8 labeled on this PowerPoint as "other" -- you will be 9 carrying "other" whatever. You didn't even clarify that. 10 So if it has a huge spill, what kind of 11 hazardous material are you bringing across this? You 12 need to state that clearly. 13 Tonight on Channel 2, I was listening that 14 they are -- that Gephart is going to discuss that, 15 because the railway workers are talking about there's 16 dangerous -- there's danger for this railway to come 17 through. 18 You need to answer that in a public hearing 19 also because you're not going to get very -- unless you 20 bully your way through, because the government does that 21 a lot. But we are a nation within a nation, and we have 22 sovereign rights here on this reservation, and that just 23 because the United State's president appoints you people 24 to sit there and just listen to us and not answer is not 25 enough to do this.</p>

<p style="text-align: right;">Page 26</p> <p>1 Sure, it's going to benefit the oil company 2 but there are taxpayers here. You need to consider that. 3 You give three choices of which lines it's going to go 4 through, goes straight smack through Duchesne down below. 5 I'm not sure, like she said, if they are 6 going to benefit. But on the other hand, if it will stop 7 hurting our environmental, the impact, what it does. I 8 haven't heard anything from our department called Energy 9 and Minerals. 10 I think you need to give the tribe some time 11 to sit down and let them have a discussion within our own 12 selves because this is just too quick. 13 This is old information way back that I 14 wanted to say. I was talking to one of our former 15 councilwomen, it reminds me of cowboy and Indian days 16 when that railroad was trying to cross down here. And it 17 wasn't in favor at that time, but yet the tribe was 18 trying to get that in. 19 Now it comes at your benefit, at your time, 20 what you want. My question is: What do you want out of 21 it? How much are you going to win? 22 (Ute language spoken.) 23 CLARIA PINNECOOSE: You win a lot of money 24 from us. We are Indian people that have a right, and you 25 need to have permission, just as this young man stood up</p>	<p style="text-align: right;">Page 28</p> <p>1 After having attended the past four SCIC 2 monthly board meetings, their pattern of withholding 3 details, particularly the financial details, and 4 deliberation and decisions from the public have been very 5 evident. 6 After nearly three months of requests for 7 financial feasibility information regarding the project, 8 just a few days ago, I received a response from legal 9 council of SCIC. The documents presented, however, have 10 virtually all financial feasibility information and 11 amounts redacted. Such that the information is virtually 12 useless in providing the public the opportunity to review 13 and evaluate the financial feasibility of the project. 14 SCIC continually touts that the railway is a 15 public project and will be a common area railway. Why 16 then is all pertinent information regarding the specifics 17 of the railway pro forma being withheld from the public? 18 SCIC is a government entity, and as such, 19 exists to aid in the conduct of the people's business. 20 Yet clearly, as evidenced by their actions, they feel 21 accountability to no one, especially to the public. 22 SCIC conducts business as a private entity 23 would, in deliberate and obvious violation of the Utah 24 Open and Public Meetings Act. SCIC continues to fail to 25 provide any tangible, verifiable proof that a need and</p>
<p style="text-align: right;">Page 27</p> <p>1 and said that. You are in our home territory, and you 2 must always ask permission before you cross our lands. 3 And not ignore it. 4 Like I said, you guys are fighting with us 5 with water already. Why should we agree to this 6 railroad, this railway, when you don't even give us our 7 water that is rightfully ours through the water compact? 8 Not just the state of Utah but that railway goes through, 9 where does it go? Past Colorado. Who's going to 10 benefit? Over -- probably over to where President Trump 11 is. 12 There are just so many questions right now, 13 you haven't answered enough. You need to make a timeline 14 on this, give us the proper time to be able to answer 15 back. Thank you. 16 LAURA ZIEMKE: Thank you, Clara. 17 All right. Darrell Fordham? 18 DARRELL FORDHAM: Hi, my name's Darrell 19 Fordham, D-A-R-R-E-L-L F-O-R-D-H-A-M. 20 I'm a landowner in Argyle Canyon and also 21 represent the Argyle Wilderness Preservation Alliance. 22 Many of our frustrations with the projects 23 are due to lack of transparency from the project 24 proponents, the Seven County Infrastructure Coalition, or 25 SCIC.</p>	<p style="text-align: right;">Page 29</p> <p>1 appetite for rail truly exists, especially outside of the 2 oil industry. 3 SCIC is deliberately using federal mineral 4 lease money to study, design and engineer a project that 5 will directly and almost exclusively benefit private 6 industry, specifically the oil industry. 7 Just like the previous speaker indicated, 8 they don't have any information either. And this project 9 is being pushed forward so quickly, with no information 10 to the public, to accurately assess the viability of this 11 project, the need for the project. You know, I would 12 like to know who's actually going to fund the 13 construction of the railway. SCIC claimed, up until May 14 of 2019, that SCIC would own the railway. 15 Then it appears that those plans changed when 16 the public began scrutinizing and asking questions about 17 the construction financing and who would be on the hook 18 to repay the federal loans that would finance the 19 project. 20 Then when SCIC entered into an alleged 21 public-private partnership with Drexel Hamilton 22 Infrastructure Partners. Once again, however, the 23 agreement and detail of the agreement, ownerships slid, 24 repayment, liability, etc., have been withheld from the 25 public.</p>

<p style="text-align: right;">Page 30</p> <p>1 SCIC has continued to refuse to disclose the 2 involvement of the Ute and ORA Indian tribes, in terms of 3 financial contributions, ownership, and anticipated 4 profits for the tribe from the construction and operation 5 of the railway. 6 Once again, if the railway is publicly owned, 7 common carrier railway, then the public has the legal 8 right to know the terms of any and all agreements 9 regarding ownership, finance and featured economic 10 benefactions the operation of the railway. 11 It is our understanding that the SCIC has 12 signed an MOU and nondisclosure agreements with the 13 tribe, yet it seems very clear that most of the tribal 14 members do not have any idea and have not been informed. 15 When will this information be provided to the 16 public and by whom? 17 SCIC consultants, railway feasibility and 18 route selection processes resulted in the selection of 19 Indian Canyon, Wells Draw and Craig routes principally 20 based on their consultants' own estimations of 21 construction cost for each route. 22 No measurable or verifiable data regarding 23 these discussions and exercises have been -- have been 24 made available to the public, nor have their estimates 25 been verified by any independent third-party entities.</p>	<p style="text-align: right;">Page 32</p> <p>1 DR. JOSHUA WAYLAND: No. Thank you all and 2 that was -- because we have so much time left over, now's 3 a good opportunity to ask a questions in an open house 4 format because we still have plenty of time. So I look 5 forward to speaking with many of you. 6 LAURA ZIEMKE: All right. We will go ahead 7 and set these back up, and representatives will come back 8 up to the front. 9 And please come forward and ask your 10 questions that you may have or share your concerns. 11 Thank you. 12 (The conclusion of the scoping meeting.) 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 31</p> <p>1 The public is expected to just take their word for it. 2 You know, if this is a viable project and 3 it's truly going to provide the economic benefits that 4 they claim that it is going to, then where is the proof 5 and why all the secrecy? The two just don't add up. 6 LAURA ZIEMKE: Thank you, Darrell. 7 All right so that is the last individual who 8 signed up to speak today. We do still have 45 minutes 9 left. So we will be setting the displays back up and 10 reopening the open house. So I would encourage everyone 11 to take a few minutes to come down, speak to the 12 representatives from OEA and their technical consultants. 13 The scoping period is open until -- 14 DR. JOSHUA WAYLAND: August 5th. 15 LAURA ZIEMKE: -- August 5th. And we 16 encourage everyone to please submit comments. You can do 17 it online, as Josh indicated. You can also mail them in. 18 We have comment forms at the back of the room here. 19 Debbie is holding them back there. You can grab one of 20 those. Those also have the information where to mail it. 21 It's really important right now for you to 22 make sure that OEA hear your issues and concerns so they 23 can be considered in the draft EIS. 24 So we thank everyone for coming. 25 Josh, anything else?</p>	<p style="text-align: right;">Page 33</p> <p>1 REPORTER'S CERTIFICATE 2 3 State of Utah) 4) 5 County of Salt Lake) 6 7 I hereby certify that the said meeting 8 was taken at the time and place herein named; 9 That the testimony of said speakers 10 were reported by me in stenotype and thereafter 11 transcribed into typewritten form. 12 I further certify that I am not of kin 13 or otherwise associated with any of the parties of said 14 cause of action and that I am not interested in the 15 events thereof. 16 IN WITNESS WHEREOF, I set my hand this 17 20th day of July, 2019. 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 Kellie Peterson, RPR</p>

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PUBLIC SCOPING MEETING

COMMENTS

July 15, 2019

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1
2
3 PUBLIC SCOPING MEETING
4 FOR THE ENVIRONMENTAL IMPACT STATEMENT
5 ON THE UINTA BASIN RAILWAY

6
7 COMMENTS
8

9
10 Taken on Monday, July 15, 2019


11
12 from 3:00 to 5:00 P.M.

13
14 At Ute Tribal Auditorium
15 6964 East 1000 South
16 Fort Duchesne, Utah 84026

17
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21
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23 Reported by: Kellie Peterson, RPR, CSR
24
25

<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 Dr. Joshua Wayland, OEA Project Manager</p> <p>4 Laura Ziemke, Meeting Facilitator</p> <p>5 David Navecky, OEA</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 development projects.</p> <p>2 And one was they were involved in a furniture</p> <p>3 factory, like making cabinets, kitchen cabinets, desks,</p> <p>4 office furniture. Some of the items they were shipping</p> <p>5 out, and at that time, the tribe thought about the</p> <p>6 railroad system, if there was a possibility of a</p> <p>7 railroad. And the tribe did kind of look into it, I</p> <p>8 think, with our former -- with other agencies, but I</p> <p>9 think at that time, it was not feasible because of the</p> <p>10 costs and, you know, going across to the Wasatch Front.</p> <p>11 And so at that time -- so it has been</p> <p>12 considered before by the Ute Indian Tribe because we</p> <p>13 thought it would be beneficial transportation wise,</p> <p>14 transporting the items in the Basin. And so I know the</p> <p>15 tribe owns almost 2 million acres of land and some of</p> <p>16 this -- there's a possibility that maybe here in the</p> <p>17 tribal lands are -- our reservation is checkerboard.</p> <p>18 It's a possibility it can cross tribal lands.</p> <p>19 So the tribe needs to be involved. You know,</p> <p>20 they need to be involved. And I'm just wondering what</p> <p>21 the position of the tribal council is. Of course, the</p> <p>22 tribal council is the governing body of the Ute Indian</p> <p>23 Tribe. They are the ones that make the decision, and I'm</p> <p>24 just here as an individual now.</p> <p>25 But I'm remembering my experience on the</p>
<p style="text-align: right;">Page 3</p> <p>1 C O M M E N T S</p> <p>2</p> <p>3 MELISSA PECK: I just have a question to put</p> <p>4 out there. There's been four studies on doing a railroad</p> <p>5 in the Indian Canyon since 2001, I believe, and they have</p> <p>6 all come back saying, "too steep, too rugged terrain, too</p> <p>7 costly."</p> <p>8 So why now did the CIB board just grant</p> <p>9 almost \$30 million for the study for another study when</p> <p>10 four has already been declined? That is a lot of money</p> <p>11 to waste on a study for the fifth time.</p> <p>12 DEANNA BIGELOW: First thing is my husband</p> <p>13 made a mistake. We have been up there 20 years, not 12.</p> <p>14 The other thing is on the slide that they</p> <p>15 showed the impact statement, they did not include people</p> <p>16 or people's property that that is going to be impacted.</p> <p>17 IRENE CUCHE: I'm a member of the Ute tribe</p> <p>18 and also I'm a lot-ee, a landowner. And also, I'm -- I</p> <p>19 have been on a tribal council several times, former chair</p> <p>20 of the Ute Tribe, from years 2007 to 2013. Right now I'm</p> <p>21 retired. Still active, I'm still involved.</p> <p>22 I thought about this. It brings back</p> <p>23 memories of the past, like when I got elected back to the</p> <p>24 tribal council back in 1969 to '73. And at that time,</p> <p>25 the Ute Tribe was getting involved in economic</p>	<p style="text-align: right;">Page 5</p> <p>1 tribal council, and I know it's needed, but we need to</p> <p>2 find a way of how we can utilize as a railroad system,</p> <p>3 going -- transporting things from here across the</p> <p>4 railroad.</p> <p>5 So make sure that if that is done, that we</p> <p>6 are involved and that the tribe is involved. So I would</p> <p>7 like to hear from our tribal leaders and council, their</p> <p>8 position is on this. And I think my personal comment</p> <p>9 would be that it would be beneficial, but we want to make</p> <p>10 sure it is done right, with our input.</p> <p>11 And if we can have someone -- like, I</p> <p>12 understand the president, President Trump, appoints the</p> <p>13 board, that someone from this tribe to be appointed to</p> <p>14 sit on the board because it sounds like it will be</p> <p>15 crossing or going by our reservation lands, that that</p> <p>16 would be protected. The tribe has to be protected for</p> <p>17 the children, and if it is environmental, that has to be</p> <p>18 looked at because of the artifacts and so on.</p> <p>19 And definitely, we have to have more</p> <p>20 involvement in that. I think the tribal council should</p> <p>21 be contacted because based on our</p> <p>22 government-to-government relationship, the tribal council</p> <p>23 should have some involvement or some say. I think it</p> <p>24 would be beneficial to the tribe, but it has to be done</p> <p>25 where it's done right.</p>

<p style="text-align: right;">Page 6</p> <p>1 That's my opinion. Thank you. 2 BYRON CONETAH: What I was going to say was 3 about the Indian Canyon. You know, a lot of people are 4 saying that, you know, "We go up there. We've had that 5 place for, like, ten years. We go up there and visit 6 every once in a while." 7 But like I was telling this guy down here, 8 why is it people get places like that up in the mountains 9 and you don't let anything go through? And it benefits 10 the tribe, and you -- it is stopped because they won't 11 let them go through there with the train and stuff like 12 that. 13 So that is what I was asking, if there was 14 another route that they would take. And he said, "Yeah, 15 going south through Myton." 16 But you need to find out what you are going 17 to do because you can't say, "Yeah, we will -- we will do 18 these papers and stuff like that," and then you turn and 19 later on, you go, "Oh, we decided to go through another 20 route." 21 But that is all I have to say. You know, 22 when they stop it on top of Indian Canyon -- or they 23 don't go that way because people have heard about the 24 cabins that they got up there. See, we can't go up in 25 the mountains to build cabins. We don't have the money</p>	<p style="text-align: right;">Page 8</p> <p>1 because if they built that big dam up above White Rocks, 2 we would have all the water we wanted and could even sell 3 it. But now you can't control it because it is all going 4 downstream. 5 And I just said, you know, I don't want 6 people to get -- I know what this is about. You know, 7 they are trying to do something for -- out here, but you 8 have to look at it. Are you getting ripped off? The non 9 tribal and tribal. You know, that is what we are looking 10 at. 11 But we just said -- that is just what I don't 12 want, you know. I want to get something going. I think 13 that is good, though, to have a -- what do you call it? 14 A railroad track. We talk about -- you know, a long time 15 ago the Indians didn't want the trains coming through 16 their towns and stuff like that now, but we need it. 17 They are talking about the spills. Sure, it happens all 18 over. It doesn't just happen here in Duchesne County. 19 It happens. 20 I think one happened in Salt Lake. I think a 21 train tipped over, oil got all over everything. And that 22 is part of that. That is the reason why we have to have 23 someone go in there and clean it up. 24 But a lot of us -- you know, high water 25 table, that is what it is. I don't know how far it goes</p>
<p style="text-align: right;">Page 7</p> <p>1 to do that. So, you know, these people can. And then 2 they said, we go down into the village and we go down to, 3 like -- what do you call it? Down to Price and down to 4 Duchesne or down to Salt Lake, or where they are from. 5 They go up there and visit their cabins, and that is what 6 I'm saying. Why are we cheated out if they are going to 7 do that? You know, like, they stop it because of ten 8 people that live up there. They have cabins up there, 9 and that cheats us out. 10 But there are a lot of things that we have to 11 look at too, like the kind of papers that you fill out. 12 You know, I don't know how these people feel about doing 13 all this, you know. It's the tribe has been screwed over 14 so many times, and they are not sure because they had a 15 dam one time. They had to have -- there are people that 16 stopped that, and they were from the council too that 17 stopped it. 18 But if they had that dam there, we could 19 control the water in here and in the Basin, but they 20 didn't build the damn, so Duchesne got it. And we have 21 to build a damn out there because of the state of Utah 22 and back east and Washington. You have to build a dam 23 out there. So Duchesne did that up there, up above Rock 24 Creek. They have a damn up there. That is what these 25 people lost out on, and that is what we lost out on</p>	<p style="text-align: right;">Page 9</p> <p>1 into the ground, but when you do that, spill oil out 2 there, how far it goes into the ground. That is the way 3 Myton is all the way up to Duchesne. That is the way it 4 is up there, and I don't know. 5 To do this, I would go south of Myton and do 6 that and just tell these people and say they chose 7 another route. What can you do about it? But what can 8 you do with these -- you know, some will listen, some 9 won't. 10 That is what it is about. Like, he was 11 saying it is about money. But, you know, if you go 12 across tribal land, you have to pay, you know, money to 13 cross tribal land. So it is still about money. Even 14 though it is oil, these people don't think -- these 15 people don't think that these people are still stealing 16 oil out here in the oil fields, which they probably are 17 still. And they don't look at that. 18 They have deep holes where they go dump their 19 oil and take it to whoever they are taking it to, and I 20 think that -- like, they are saying the long haulers and 21 stuff like that, they would suffer. But that happens. 22 It happens all -- look at Duchesne. Look at Price, you 23 know. Things dried up after that big oil deal came 24 along. Now it is all dried up. 25 They got them where they were all right. Now</p>

<p>Page 10</p> <p>1 they don't have to have many workers, and that is why 2 everybody quit school. Some went back to school, but 3 some found another job in another state. And that's the 4 deal here in this -- around here. That is sad. But in a 5 way, that is it. 6 (The oral comments were concluded.) 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	
<p>Page 11</p> <p>1 REPORTER'S CERTIFICATE 2 3 State of Utah)) 4 County of Salt Lake) 5 6 I hereby certify that the said meeting 7 was taken at the time and place herein named; 8 That the testimony of said speakers 9 were reported by me in stenotype and thereafter 10 transcribed into typewritten form. 11 I further certify that I am not of kin 12 or otherwise associated with any of the parties of said 13 cause of action and that I am not interested in the 14 events thereof. 15 IN WITNESS WHEREOF, I set my hand this 16 20th day of July, 2019. 17 18  19 _____ 20 Kellie Peterson, RPR 21 22 23 24 25</p>	

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