

## Appendix B

# Applicable Regulations

The Board, cooperating agencies, and additional federal, state, and local entities are responsible for the regulation of impacts on environmental resources. Table B-1 through Table B-14 describe the regulations and guidance related to each resource reviewed in the Draft EIS.

**Table B-1. Regulations and Guidance Related to Vehicle Safety and Delay**

Regulation, Statute, Guideline	Explanation
<b>Vehicle Safety and Delay</b>	
<b>Federal</b>	
National Environmental Policy Act (42 U.S.C. § 4321 <i>et seq.</i> )	Requires the consideration of potential environmental effects, including potential effects of (or on) contaminated sites in the environmental impact statement for any proposed major federal agency action. NEPA implementation procedures are set forth in the President’s Council on Environmental Quality’s Regulations for Implementing NEPA (40 C.F.R. § 1500–1508).
Federal Railroad Safety Act of 1970	Gives FRA rulemaking authority over all areas of rail line safety. FRA has designated that state and local law enforcement agencies have jurisdiction over most aspects highway/rail grade crossings, including warning devices and traffic law enforcement.
Highway Safety Act and the Federal Railroad Safety Act	Gives FHWA and FRA regulatory jurisdiction over safety at federal highway/rail grade crossings. USDOT has promulgated rules addressing grade-crossing safety and provides funding for installation and improvement of warning devices. All traffic control devices installed at railroad facilities involving federal aid projects must comply with 23 C.F.R. Part 655F. On certain projects where federal funds are used for the installation of warning devices, those devices must include automatic gates and flashing light signals. FRA has issued rules that impose minimum maintenance, inspection, and testing standards for at-grade crossing warning devices for highway/rail grade crossings on federal highways and state and local roads (49 C.F.R. Parts 234–236).
Federal Railroad Administration general regulations (49 C.F.R. Parts 200–209)	Regulates safety, including operations, engineers, and crew (e.g., control of alcohol and drug use), track, signaling, and rolling stock (e.g., locomotives and passenger and freight cars) for common carrier rail lines that are part of the general rail line system of transportation.
Federal Railroad Administration safety regulations (49 C.F.R. Parts 171–180)	Regulates hazardous materials shipment by rail with standards for packaging, training, emergency response, and tank cars.

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
<i>Railroad-Highway Grade Crossing Handbook</i> (Federal Highway Administration 2007); <i>Manual on Uniform traffic Control Devices</i> (23 U.S.C. § 109(d))	Allows states jurisdiction over grade-crossing safety issues, including the selection and placement of warning devices and enforcement of traffic laws. Provides guidelines for traffic control devices that consider delay, roadway classification, average daily traffic, number of trains per day, and train speed at grade crossings.
<b>State</b>	
Utah Administrative Code: Rule R930-5. Establishment and Regulation of At-Grade Railroad Crossings	Railroads have jurisdiction over and are responsible for the safety of private crossings.
Utah State Code *§ 10-7-29. Railway companies to repave streets	Provides guidance for maintaining pavement between different rails and tracks.
Utah State Code *§ 10-8-34. Change of grade and crossings	Provides guidance for the state to moving or changing the location of a grade or crossing of any railroad
Utah State Code § 41-6a-12. Railroad Trains, Railroad Grade Crossings, and Safety Zones	Provides guidance for railroad crossing signalization, including safety, access, maintenance, and diagnostic reviews.
Utah State Code § 54-4-14. Safety regulation	Requires utility companies to construct, maintain, and operate the utility to promote and safeguard the health and safety of its employees.
Utah State Code § 54-4-15. Establishment and regulation of grade crossings	Provides guidance for Utah Department of Transportation and public utility company responsibilities regarding rail crossing safety, access, and maintenance.
Utah State Code § 54-4-15.1. Signals or devices at grade crossings	Provides Utah Department of Transportation guidance for installation and maintenance of warning devices at rail crossings.
Utah State Code § 56-1-11. Maintenance of crossings	Provides guidance for management and maintenance of damages for safe rail crossings.
Utah State Code § 56-1-13. Fencing right of way – Gates	Provides guidance for construction and maintenance of fences on rail crossings.
Utah State Code § 56-1-14. Procedures at grade crossings	Provides requirements for train warning devices at crossings.
Utah State Code § 56-1-18.5. Railroad property -- Duty of care	Provides regulations for persons crossing railroad tracks.
Code of Colorado Regulations 4 CCR 723-7	Rules regulating railroads, rail fixed guideways, transportation by rail, and rail crossings
<b>Local</b>	
No local regulations, statutes, or guidelines apply to vehicle safety and delay.	

**Table B-2. Regulations and Guidance Related to Rail Operations Safety**

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
<b>Rail Operations Safety</b>	
<b>Federal</b>	
Federal Railroad Administration General Regulations (49 C.F.R. Parts 200–299)	Regulates safety, including operations, engineers, and crew (e.g., control of alcohol and drug use), track, signaling, and rolling stock (e.g., locomotives and passenger and freight cars) for common carrier rail lines that are part of the general rail line system of transportation.
<b>State</b>	
No state regulations, statutes, or guidelines apply to rail operations safety.	
<b>Local</b>	
No local regulations, statutes, or guidelines apply to rail operations safety.	
Notes:	
C.F.R. = Code of Federal Regulations	

**Table B-3. Regulations and Guidance Related to Water Resources**

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
<b>Water Resources</b>	
<b>Federal</b>	
National Environmental Policy Act (42 U.S.C. § 4321 <i>et seq.</i> )	Requires the consideration of potential environmental effects, including potential effects of (or on) contaminated sites in the environmental impact statement for any proposed major federal agency action. NEPA implementation procedures are set forth in the President's Council on Environmental Quality's Regulations for Implementing NEPA (40 C.F.R. Part 1500).
Clean Water Act (33 U.S.C)	Establishes the basic structures for regulating the discharge of pollutants into waters of the United States. <sup>a</sup> The three most common sections of the CWA that relate to impacts on waters of the United States for construction projects are Section 404, Section 401, and Section 402. EPA and USACE jointly administer the CWA.
Clean Water Act, Section 401	Requires a water quality certificate to ensure that a project does not violate state or tribal water quality standards. The CWA directly grants all states Section 401 certification authority. In Utah, the Utah Division of Water Quality administers the Section 401 Water Quality Certification program. A Section 401 Water Quality Certificate must be issued prior to the issuance of a Section 404 permit or Section 402 permit.

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
Clean Water Act, Section 402	Establishes the NPDES program to regulate point-source discharges of pollutants into waters of the United States. The NPDES Construction General Permit is required if construction activities would disturb 1 acre or more of land. The primary requirement for this permit is the development of a SWPPP. NPDES permits are issued by either EPA or authorized states/tribes. In Utah, EPA has authorized the UDWQ to issue NPDES permits under the UPDES program.
Clean Water Act, Section 404	Establishes a program to regulate the discharge of dredged or fill material into waters of the United States. USACE is responsible for administering the permitting program, while EPA provides program oversight and has permit veto authority.
National Flood Insurance Act	The National Flood Insurance Act establishes the NFIP, which is a voluntary floodplain management program for participating communities (cities, towns, or counties). The program is administered by FEMA. Under the program, communities are required to adopt sound floodplain management programs, and in exchange, FEMA makes floodplain insurance available to the community to protect against financial losses related to floods. Any development within a FEMA-mapped 100-year floodplain must comply with the community's floodplain management regulations. Permitting and compliance with the regulations are conducted by the participating community (city, town, or county).
Executive Order 11990, Protection of Wetlands	"Minimize[s] the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands." To meet these objectives, federal agencies, in planning their actions, are required to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. Does not apply to the issuance by federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-federal property.
Executive Order 11988, Floodplain Management	"Reduce[s] the risk of flood loss, to minimize impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains." To meet these objectives, each agency has the responsibility to evaluate the potential effects of its actions on floodplains. Applies to management of federal lands and facilities; federally undertaken, financed, or assisted construction and improvements; and federal activities and programs affecting land use, including land resource planning, regulating, and licensing activities.
<b>State</b>	
Utah Water Quality Act (Title 19 Environmental Quality Code, Chapter 5)	Establishes state programs designed to protect surface waters and groundwater. Programs include permits for actions that can impact surface and groundwater.

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
Utah Stream Alteration Program (Utah Code Section 73-3-29; Utah Administrative Rule R655-13. Stream Alteration).	Requires any person, governmental agency, or other organization proposing to alter the bed or banks of a natural stream to obtain written authorization from the State Engineer prior to beginning work. Canals, ditches, or other man-made channels are not considered natural streams under this program.
Utah Administrative Rule R317-15. Water Quality Certification	Establishes the procedures for applying for and processing State Water Quality Certification pursuant to Clean Water Action Section 401.
Rule R317-8. Utah Pollutant Discharge Elimination System (UPDES)	Establishes the UPDES program and permitting requirements, as part of the EPA's delegated authority under CWA Section 402.
<b>Local</b>	
Carbon County – Ordinance No. 513, Section 4.2.22, FPO Floodplain Overlay Zone, subsection C. Development Standards and Conditions	Implements county floodplain development regulations and the FEMA-approved NFIP floodplain management program.
Duchesne County – County Code, Title 8, Chapter 7: Flood Damage Prevention	Implements county floodplain development regulations and the FEMA-approved NFIP floodplain management program.
Utah County – Land Use Ordinance, Chapter 5: Regulations within Zones, 5-11: FPO Flood Plain Overlay Zone	Implements county floodplain development regulations and the FEMA-approved NFIP floodplain management program.
Uinta County – Code of Ordinances, Title 17, Chapter 17.26 – Floodplain Regulations	Implements county floodplain development regulations and the FEMA-approved NFIP floodplain management program.

**Notes:**

<sup>a</sup> A water of the United States is considered a jurisdictional surface water or wetland under the CWA; the regulatory definition is found at 33 C.F.R. § 328.3(a). Any surface water not meeting this definition is considered nonjurisdictional and, therefore, has no statutory protection under the CWA.

USACE = U.S. Army Corps of Engineers; EPA = U.S. Environmental Protection Agency; FEMA = Federal Emergency Management Agency; U.S.C. = United States Code; NEPA = National Environmental Policy Act; C.F.R. = Code of Federal Regulations; CWA = Clean Water Act; UDWQ = Utah Division of Water Quality; NPDES = National Pollutant Discharge Elimination System; SWPPP = Stormwater Pollution Prevention Plan; UPDES = Utah Pollutant Discharge Elimination System; NFIP = National Flood Insurance Program; FEMA = Federal Emergency Management Agency

**Table B-4. Regulations and Guidance Related to Biological Resources**

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
<b>Biological Resources</b>	
<b>Federal</b>	
Bald and Golden Eagle Protection Act of 1940 (16 U.S.C § 608 et seq.)	Protects bald and golden eagles from the unauthorized capture, purchase, or transportation of the birds, their nests, or their eggs.
Endangered Species Act (16 U.S.C. § 1531 et seq.)	Requires all federal agencies to seek to conserve threatened and endangered species. Section 7(a)(2) requires federal agencies, in consultation with the Services (USFWS and/or NMFS), to ensure that any action the agency authorizes, funds, or carries out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.
Migratory Bird Treaty Act (16 U.S.C § 703)	Protects migratory birds by prohibiting private parties (and federal agencies in certain judicial circuits) from intentionally taking, selling, or conducting other activities that would harm migratory birds, their eggs, or nests (such as removal of an active nest or nest tree), unless the Secretary of the Interior authorizes such activities under a special permit.
Executive Order 13186, <i>Responsibilities of Federal Agencies to Protect Migratory Birds</i>	Directs federal agencies to take action to further implement the Migratory Bird Treaty Act.
BLM Utah Greater Sage-Grouse Approved Resource Management Plan Amendment	BLM Utah manages greater sage-grouse habitat as part of its multiple use management in Resource Management Plans across the state.
Plant Protection Act of 2000 (7 U.S.C. § 7701 et seq.)	Authorizes the Secretary of Agriculture to restrict the importation, movement, and means of conveyance of plants, plant products, biological control organisms, plant pests, and noxious weeds, in order to prevent their U.S. introduction and interstate movement.
Executive Order 13112, <i>Invasive Species</i>	Federal agencies whose actions may affect the status of invasive species are directed to use relevant programs and authorities, to the extent practicable and subject to available resources, to prevent the introduction of invasive species, and to provide for the restoration of native species and habitat conditions in ecosystems that have been invaded. Agencies are directed not to carry out actions that they believe are likely to cause or promote the introduction or spread of invasive species unless the benefits of such actions clearly outweigh the potential harm, and all feasible and prudent measures to minimize risk of harm are taken.

Regulation, Statute, Guideline	Explanation
<b>State</b>	
Utah Noxious Weed Act (Utah Code § 4-17-101 et seq.); Utah Administrative Code R-68	Pursuant to the Act and Administrative Code, it is the duty of every property owner to control and prevent the spread of noxious weeds on any land in his/her possession or control.
Utah Conservation Plan for Greater Sage-Grouse	The goal of the plan is to protect, maintain and increase sage-grouse populations and habitats within Sage-Grouse Management Areas in Utah.
<b>Local</b>	
No local regulations, statutes, or guidelines apply to biological resources.	

**Table B-5. Regulations and Guidance Related to Geology, Soils, Seismic Hazards, and Hazardous Waste Sites**

Regulation, Statute, Guideline	Explanation
<b>Geology, Soils, and Seismic Hazards</b>	
<b>Federal</b>	
Earthquake Hazards Reduction Act of 1977 (42 U.S.C. §§ 7701–7706)	Established the National Earthquake Hazards Reduction Program, whose mission is to improve characterization and prediction of hazards and vulnerabilities, improve building codes and land use practices, improve mitigation capacity, and improve investigations, research, and education. Federal Emergency Management Agency is the lead agency.
Clean Water Act, Section 402 (NPDES)	Utah Department of Environmental Quality issues NPDES permits except on tribal lands, where EPA issues permits. NPDES permits require development of a stormwater pollution prevention plan to minimize construction-related erosion through best management practices.
Clean Water Act, Section 404	Establishes a program to regulate the discharge of dredged or fill material into waters of the United States. The Corps is responsible for administering the permitting program, while EPA provides program oversight and has permit veto authority.
<b>State</b>	
Utah Administrative Code Rule R156=56, Utah Uniform Standard Act Rule	Utah Administrative Code specifies that the State of Utah adopts the 2018 edition of the International Building Code, issued by the International Code Council. By law, each jurisdiction in Utah must also adopt the International Building Code.
Utah Abandoned Mine Reclamation Program (n.d.)	This program works to protect the public from dangers of old mines by sealing off access to openings and cleaning up waste.
<b>Local</b>	
Carbon County Master Plan [General Plan], Transportation access in case of landslide (Carbon County 1997)	Local policies governing transportation access except in case of winter closures, landslides, or other events.
Duchesne County General Plan, Geologic Hazards (Duchesne County 1997)	Local contextual information regarding landslide. No policies are formulated with respect to this issue.

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
Uintah County General Plan, Potentially Hazardous/Environmentally Sensitive Areas (Uintah County 2005)	Local policies governing development in areas subject to potential landslide, erosion, subsidence, and seismicity; and containing abandoned mines.
Utah County General Plan, Natural Hazards (Utah County 2014)	Local contextual information regarding earthquake; landslide, rock fall, and debris flow, and avalanche. No policies are formulated with respect to these issues.
<b>Hazardous Waste</b>	
<b>Federal</b>	
Federal Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act	The Federal Toxic Substances Control Act (1976) and the RCRA of 1976 established an EPA-administered program to regulate the generation, transport, treatment, storage, and disposal of hazardous waste. The RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous.
Comprehensive Environmental Response, Compensation, and Liability Act/ Superfund Amendments and Reauthorization Act	CERCLA, commonly known as “Superfund,” was enacted by Congress on December 11, 1980. This law (42 U.S.C. 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites, provides for liability of persons responsible for releases of hazardous waste at these sites, and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.
<b>State</b>	
Utah Administrative Code Rule R311-211-5, Cleanup Standards	Utah Administrative Code minimum standards to be met for any cleanup of regulated substances, hazardous material, and hazardous substances at an underground storage tank or CERCLA facility in Utah.
Utah Administrative Code Rule R311-211-3, Cleanup Standards Evaluation Criteria	Utah Administrative Code cleanup standards for remaining contamination which may include numerical, technology-based or risk-based standards or any combination of those standards, shall be determined on a case-by-case basis, taking into consideration the following criteria: <ul style="list-style-type: none"> <li>• The impact or potential impact of the contamination on the public health.</li> <li>• The impact or potential impact of the contamination on the environment.</li> <li>• Economic considerations and cost effectiveness of cleanup options; and</li> <li>• The technology available for use in cleanup.</li> </ul>



Regulation, Statute, Guideline	Explanation
<b>Local</b>	
Utah Division of Environmental Response and Remediation	The Division of Environmental Response and Remediation is charged with protecting public health and Utah's environment through cleanup of chemically contaminated sites, and by ensuring that underground storage tanks are used properly and by providing chemical usage and emission data to the public and local response agencies.

## Notes:

U.S.C. = United States Code; NPDES = National Pollutant Discharge Elimination System; EPA = U.S. Environmental Protection Agency; RCRA = Resource Conservation and Recovery Act; CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act

**Table B-6. Regulations and Guidance Related to Noise and Vibration**

Regulation	Explanation
<b>Noise and Vibration</b>	
Federal	
National Environmental Policy Act (42 U.S.C. § 4321 <i>et seq.</i> )	Requires the consideration of potential environmental effects, including potential effects of (or on) contaminated sites in the environmental impact statement for any proposed major federal agency action. NEPA implementation procedures are set forth in the President's Council on Environmental Quality's Regulations for Implementing NEPA (40 C.F.R. Part 1500).
Surface Transportation Board regulations (49 C.F.R. § 1105.7)	Sets two thresholds for noise analysis: <ul style="list-style-type: none"> <li>• An increase in noise exposure as measured by a DNL of 3 dBA) or more.</li> <li>• An increase to a noise level of 65 DNL or more.</li> </ul>
Noise Control Act of 1972 (42 U.S.C. § 4910)	Protects the health and welfare of U.S. citizens from the growing risk of noise pollution, primarily from transportation vehicles, machinery, and other commerce products. Amended the Federal Aviation Act to involve the EPA in airport noise regulation. Increased coordination between federal researchers and noise control activities; established noise emission standards; and presented noise emission and reduction information to the public (EPA 2014a).
Federal Transit Administration Transit Noise and Vibration Impact Assessment Manual (FTA Report No. 0123, September 2018)	Provides procedures and guidance for analyzing the level of noise and vibration, assessing the resulting impacts, and determining possible mitigation for most federally funded transit projects (FTA 2006).
Federal Railroad Administration High-Speed Ground Transportation Noise and Vibration Impact Assessment (October 2005)	Provides guidance and methods for "the assessment of potential noise and vibration impacts resulting from proposed high-speed ground transportation projects" (FRA 2012). Intended for trains ranging from 90 to 250 mph.
Occupational Safety and Health Administration, Occupational Noise Exposure Hearing Conservation Amendment (29 C.F.R. § 1910.95)	Sets duration limits for workers exposed to certain levels of sound. Mitigation measures are required when the permissible noise exposure limits are exceeded. Employers must take preventative measures such as hearing conservation programs, monitoring, or employee

<b>Regulation</b>	<b>Explanation</b>
	notification when an 8-hour time-weighted average of 85 dBA (referred to as the action level) occurs.
EPA Railroad Noise Emission Standards (40 C.F.R. § 201)	Established “final noise emission standards for surface carriers engaged in interstate commerce by railroad.” This rulemaking is pursuant to Section 17 of the Noise Control Act of 1972 (EPA 2014b).
FRA Railroad Noise Emission Compliance Regulations (49 C.F.R. § 210)	These regulations indicate the minimum compliance regulations necessary to enforce EPA’s Railroad Noise Emission Standards.
FRA Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings (49 C.F.R. § 222 and § 229)	Requires the sounding of locomotive horns at public highway rail grade crossings. Considers the allowance of “quiet zones” when the increase risk is mitigated with supplementary grade crossing safety measures.

### **State and Local**

No state or local regulations, statutes, or guidelines apply to noise and vibration.

Freight railroads are exempt from state and local noise ordinances so as not to impede interstate commerce (Interstate Commerce Act and “Joint Petition for Declaratory Order- Boston and Maine Corporation and the Town of Ayer, MA (The Board Finance Docket No. 33971, May 1, 2001).

#### Notes:

U.S.C. = United States Code; NEPA = National Environmental Policy Act; C.F.R. = Code of Federal Regulations; DNL = day-night average noise level; dBA = A-weighted decibels; EPA = U.S. Environmental Protection Agency; FTA = Federal Transit Administration; FRA = Federal Railroad Administration

**Table B-7. Regulations and Guidance Related to Air Quality and Greenhouse Gases**

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
<b>Air Quality and Greenhouse Gases</b>	
<b>Federal</b>	
National Environmental Policy Act (42 U.S.C. § 4321-4370h)	Requires the consideration of potential environmental effects. NEPA implementation procedures are set forth in the President’s Council on Environmental Quality’s Regulations for Implementing NEPA (40 C.F.R. Part 1500).
STB Procedures For Implementation of Environmental Laws (49 C.F.R. Section 1105.7 [e][5])	Sets OEA thresholds for analysis of anticipated effects on air quality. Thresholds are based on projected increases in rail traffic on segments affected by projects, as follows. <ul style="list-style-type: none"> <li>• Increase of at least eight trains per day in areas EPA has designated as attainment (having criteria pollutant concentrations within the NAAQS)</li> <li>• Increase of at least three trains per day in areas EPA has designated as nonattainment (having criteria pollutant concentrations greater than the NAAQS)</li> </ul> When a case before the Board would result in an increase in rail traffic that exceeds either threshold, OEA quantifies the anticipated effect on air pollutant emissions.
Clean Air Act of 1963 (42 U.S.C. § 7401 et seq.)	As amended in 1970, 1977, and 1990, requires EPA to develop and enforce regulations to protect the public from air pollutants and their health impacts.
Clean Air Act, National Ambient Air Quality Standards (40 C.F.R. Part 50)	Specifies the maximum acceptable ambient concentrations for six criteria air pollutants: CO, lead, NO <sub>2</sub> , O <sub>3</sub> , PM <sub>10</sub> and PM <sub>2.5</sub> , and SO <sub>2</sub> . Primary NAAQS set limits to protect

Regulation, Statute, Guideline	Explanation
Clean Air Act, Hazardous Air Pollutants (42 U.S.C. § 7412)	public health, and secondary NAAQS set limits to protect public welfare. Requires EPA to regulate HAPs through emissions standards. Mobile source air toxics (MSATs), a subset of HAPs, are typically associated with transportation sources including motor vehicles, construction equipment, and locomotives. The most important MSATs are acetaldehyde, acrolein, benzene, 1,3-Butadiene, DPM, ethylbenzene, formaldehyde, naphthalene, and POM.
Clean Air Act, General Conformity (Section 176(c)). General Conformity Rule (40 C.F.R. Part 93, Subpart B)	Prohibits federal entities from taking actions in nonattainment or maintenance areas that do not conform to the SIPs for those areas. To implement this provision, The General Conformity Rule defines the characteristics of a conforming project and requires that a federal agency must be able to exercise continuing program control over the operation of the project to be subject to the rule (40 C.F.R. Section 93.153). The Board does not exercise continuing program control over rail operation and would not exercise such control over the operation of the proposed rail line. Accordingly, operation of proposed rail line is not subject to the General Conformity Rule. The rule establishes emissions thresholds, or <i>de minimis</i> levels, for use in evaluating the conformity of a project. For a project that is subject to conformity, if the net emissions increases due to a project would be less than these thresholds, the project is presumed to conform and no further conformity evaluation is necessary. For a project that is not subject to conformity, these thresholds can be used to indicate whether further analysis may be warranted.
Clean Air Act, Prevention of Significant Deterioration	Protects certain lands designated as mandatory federal Class I areas because air quality is a special feature of the area. Also protects certain areas voluntarily designated as Class I areas at the request of those jurisdictions (e.g., the Northern Cheyenne Reservation). Utah DEQ, a federal land management agency, or a tribal agency may also identify Sensitive Class II areas.  In general, if a new major stationary source is located within 100 km (62 miles) of a Class I area, its impacts on concentrations of criteria pollutants in the Class I area must be determined. Impacts are compared to the EPA Significant Impact Levels (SILS) and, if needed, cumulative impacts are compared to the PSD increments, which are concentration thresholds issued by EPA and used in permitting major stationary emissions sources in attainment areas. PSD increments are designed to prevent air quality that is better than the NAAQS from deteriorating to the level set by the baseline concentration date for an area and thus they may be more restrictive than the NAAQS. Because the proposed rail line would not be a major stationary source, it is not subject to PSD; however, the PSD increments can be used as thresholds to

Regulation, Statute, Guideline	Explanation
	<p>indicate whether further analysis of air quality impacts may be warranted.</p> <p>In addition to criteria pollutant concentrations, damage to plants and ecosystems from ozone and PM<sub>2.5</sub>, visibility or regional haze, and acidic deposition are of concern in Class I areas.</p>
<p>Clean Air Act, Prevention of Significant Deterioration, <i>Visibility</i></p>	<p>Visibility impacts occur when emissions absorb and scatter light in the atmosphere, causing haze and reducing the clarity of views. Regional haze impairs visibility and is produced by emissions from numerous sources located across broad geographic areas. Regional haze is made up of directly-emitted PM<sub>2.5</sub> and secondary PM<sub>2.5</sub>, which is formed in the atmosphere from chemical reactions of fine particle precursors. PM<sub>2.5</sub> precursors include emissions of SO<sub>2</sub> and other SO<sub>x</sub>, NO<sub>x</sub>, ammonia, and VOCs. The most important secondary PM<sub>2.5</sub> particles for visibility impairment are sulfates and nitrates, which are formed from emissions of NO<sub>x</sub> and SO<sub>x</sub>, respectively.</p> <p>Visibility is measured over 24-hour periods and calculated as a percent increase in light extinction (reduced visibility) compared to a presumed pristine background. Impacts are expressed as the number of days annually that show visibility reductions of 5 percent and 10 percent calculated as reductions in deciviews, a measure of visibility impairment. Reductions of 5 percent and 10 percent correspond to 0.5 and 1.0 deciview respectively, where 1.0 deciview represents a perception of a <i>just noticeable change</i>. Federal land management agencies often consider a change of 0.5 deciview to be potentially significant and a change of 1.0 deciview to be significant. Visibility levels also may be expressed as a standard visual range in miles during the 20 percent of days with the clearest visibility, during the 20 percent of days with the worst (haziest) visibility, and as the mean visibility for all days. These thresholds are consistent with Federal Land Managers' Air Quality Related Values Work Group (FLAG) 2010 guidance as well as the EPA Regional Haze Regulations (40 C.F.R. Section 51.300 <i>et seq.</i>), which consider a 1.0 deciview change potentially significant in mandatory federal Class I areas.</p>
<p>Regional Haze Rule (Section 169A of CAA) (40 C.F.R. Parts 51 and 52); Federal Implementation Plan for Visibility (77 FR 23988)</p>	<p>Sets goals for visibility in many national parks, wilderness areas, and international parks and provides a comprehensive visibility protection program for mandatory federal Class I areas. The visibility improvement goal stated in the rule is to ensure that in Class I areas, visibility on the worst days improves toward natural conditions, and visibility on the best days does not get worse. The Regional Haze Rule requires states to develop SIPs to address emissions that contribute to regional haze. Utah DEQ issued a SIP for visibility, which is currently under revision. The Regional Haze Rule and the SIP do not contain requirements that apply to the proposed rail line. However, OEA assessed visibility</p>

Regulation, Statute, Guideline	Explanation
Clean Air Act, Prevention of Significant Deterioration, <i>Acidic Deposition</i>	<p>impacts of the proposed rail line on Class I and sensitive Class II areas in the context of cumulative impacts (Section 3.15, <i>Cumulative Impacts</i>).</p> <p>Acidic deposition occurs when nitrates and sulfates formed in the atmosphere are deposited to soil, vegetation, and surface water. Federal land management agencies often apply significance thresholds of 3 kg/ha-yr of nitrogen compounds and 5 kg/ha-yr of sulfur compounds (FLAG 2010). Acid deposition to lakes can impair water quality by reducing their acid-neutralizing capacity. For lake acidification, federal land management agencies often apply significance thresholds based on U.S. Forest Service guidance (Forest Service 2000; Fox et al. 1989). These thresholds consider a 10 percent change in acid-neutralizing capacity for lakes with a background acid-neutralizing capacity greater than 25 µeq/l, or a 1 µeq/l change for lakes with a background acid-neutralizing capacity less than 25 µeq/l to be significant.<sup>a</sup></p>
Clean Air Act, Federal Preemption of Locomotive Emissions Regulation	<p>In section 209(e) of the CAA, Congress preempted state and local governments from adopting or enforcing “any standard or other requirement relating to the control of emissions from ...new locomotives or new engines used in locomotives.” EPA established regulations that implement this preemption consistent with Congressional intent to prevent unreasonable burdens on interstate commerce. The regulations prohibit state and local governments from adopting or enforcing any controls that significantly affect a locomotive manufacturer’s or remanufacturer’s design. EPA believes that because it has established a strong federal program that addresses locomotive manufacturing, remanufacturing and in-use compliance, and has set emissions standards that take maximum advantage of available emissions control technologies, there is little that any state could do to further reduce locomotive emissions (EPA 1997).</p> <p>The effect of federal preemption is that states and localities have no power to require railroads to install emissions controls on their locomotives. In the event that a state or local agency determined that locomotive emissions were causing a violation of the NAAQS at a particular location the agency would have authority only to regulate the “use, operation, or movement” of trains as provided by CAA Section 209(d).</p>
Clean Air Act, Locomotive Emissions Standards	<p>In 1998, and amended in 2008, EPA created several tier standards for locomotive engines (40 C.F.R. Parts 1033, 1065, and 1068). The standards apply to all newly manufactured and remanufactured locomotives used in the United States. The tier standards were phased in over several years. The Tier 0 standards took effect beginning in 2001, Tier 2 in 2005, Tier 3 in 2012, and Tier 4, the most stringent standards, in 2015. The reductions required under the Tier 4 standards may necessitate the</p>

Regulation, Statute, Guideline	Explanation
	<p>use of advanced exhaust treatment technologies (e.g., diesel particulate filters and selective catalytic reduction) by locomotive manufacturers. A railroad typically has locomotives that were manufactured in different years and thus meet different tier levels. Over time the average emissions rates of the fleet will decrease as the railroad purchases newer, cleaner (Tier 4) locomotives and retires older (Tiers 0-3) locomotives. When an older locomotive is rebuilt, it must meet the same Tier+ emission rate for the relevant Tier being rebuilt.</p>
<p>Clean Air Act, Regulation of Pollutant Concentrations Including Nitrogen Dioxide</p>	<p>EPA designates geographic areas as attainment or nonattainment of the NAAQS, as discussed in Section 4.4.2, <i>Ambient Air Quality</i>. Under CAA Sec. 172, in nonattainment areas the state must develop a SIP that demonstrates how the area will reach attainment, and which must be approved by EPA for nonattainment areas other than those classified as marginal. No attainment SIP requirement applies in attainment areas. EPA determines attainment status based on air pollution measurements taken at fixed monitoring sites. If an area is remote from monitoring sites EPA may determine that the available measurement data are insufficient to determine attainment status and may designate the area “unclassified.” EPA treats unclassified areas as attainment areas.</p> <p>Stationary emissions sources (e.g., industrial plants) must obtain air quality permits from the state air quality agency whether they are located in attainment or nonattainment areas. In order to be granted the permit the facility must demonstrate that its emissions will not cause or contribute to a violation of the NAAQS. There is no such permit requirement for mobile sources such as locomotives.</p>
<b>State</b>	
<p>Utah Air Quality Regulations (Utah Administrative Code, Title R307)</p>	<p>Utah DEQ has jurisdiction over air quality and has established regulations to protect air quality.</p>
<p>Utah Air Quality Permit Requirements (Utah Administrative Code, Title R307, Sections 401-424.)</p>	<p>Utah DEQ requires stationary sources that would have emissions greater than certain thresholds to obtain air quality permits. The proposed rail line would not be a stationary source and is not subject to the Utah DEQ permit process.</p>
<b>Local</b>	
<p>No local regulations, statutes, or guidelines apply to air quality and greenhouse gases.</p>	

Notes:

<sup>a</sup> An equivalent is a measure of a substance’s ability to combine with other substances. The equivalent is formally defined as the amount of a substance, in moles, that will react with one mole of electrons. A microequivalent is 1 millionth of an equivalent.

U.S.C. = United States Code; NEPA = National Environmental Protection Act; C.F.R. = Code of Federal Regulations; STB = Surface Transportation Board; OEA = Office of Environmental Analysis; EPA = U.S. Environmental Protection Agency; NAAQS = National Ambient Air Quality Standards; CO = carbon monoxide; NO<sub>2</sub> = nitrogen dioxide; O<sub>3</sub> = ozone; PM10 = particulate matter 10 microns or less in diameter; PM2.5 = particulate matter 2.5 microns or less in diameter; SO<sub>2</sub> = sulfur dioxide; HAP = hazardous air pollutant; MSAT = mobile source air toxic; SIP = state

implementation plan; Utah DEQ = Utah Department of Environmental Quality; PSD = prevention of significant deterioration; SO<sub>x</sub> = sulfur oxides, NO<sub>x</sub> = nitrogen oxides; VOC = volatile organic compound; CAA = Clean Air Act; FIP = federal implementation plan; FR = Federal Register; kg/ha-yr = kilograms per hectare per year; µeq/l = micro-equivalents per liter; SIP = state implementation plan

**Table B-8. Regulations and Guidance Related to Energy**

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
<b>Energy</b>	
<b>Federal</b>	
The U.S. Pipeline and Hazardous Materials Safety Administration (PHMSA) has published PIPA [Pipelines and Informed Planning Alliance] Recommended Practice BL13, <i>Prevent and Manage Right-of-Way Encroachment</i> (PHMSA 2020).	PIPA RP BL13 provides guidelines to pipeline operators to manage potential encroachment into pipeline rights-of-way, including communication between pipeline operators and project developers for proposed projects that would enter or cross the pipeline right-of-way. The PIPA BL 13 Guidance references American Petroleum Institute (API) and Interstate Natural Gas Association of America (INGAA) Guidelines for property management of pipeline rights-of-way (API 2018; INGAA 2013).
<b>State</b>	
Utah Code Title 54, Chapter 8a, Section 4, Notice of Excavation (Utah Pipeline Safety Division 2011).	Requires excavators to provide notification to operators of any underground facility (including natural gas and petroleum pipelines, communication lines, electric power lines, and sewage lines) in the area at least 48 hours prior to the proposed excavation under Excavators may only begin excavation if all underground facilities have been located and marked; or if the operators notified have indicated that there are no underground facilities within the proposed excavation site. Section 5, <i>Marking of Underground Facilities</i> establishes procedures for marking of underground facility locations and use of utility location markers by excavators
Utah Pipeline Safety Division of Public Utilities, Pipeline Safety Section	
Utah Administrative Code Rule R649-3-24, Plugging and Abandonment of Wells,	Establishes requirements and procedures for plugging and abandonment of oil and gas and injection wells that are no longer in operation.
<b>Local</b>	
No local regulations, statutes, or guidelines apply to energy.	

**Table B-9. Regulations and Guidance Related to Cultural Resources**

Regulation, Statute, Guideline	Explanation
<b>Cultural Resources</b>	
<b>Federal</b>	
National Environmental Policy Act (42 U.S.C. § 4321 <i>et seq.</i> )	<p>Requires the consideration of potential environmental effects, including potential effects of (or on) contaminated sites in the environmental impact statement for any proposed major federal agency action. NEPA implementation procedures are set forth in the President’s Council on Environmental Quality’s Regulations for Implementing NEPA (40 C.F.R. Part 1500). NEPA requires federal agencies to consider the effects of a project on the environment, including historic and cultural resources (40 C.F.R. § 1508.8). NEPA states that agencies must take into account “the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (National Register) or may cause loss or destruction of significant scientific, cultural, or historical resources.” (40 C.F.R. § 1508.27(b)(8))</p> <p>If reasonable alternatives exist, NEPA requires agencies to rigorously explore and objectively evaluate them. Agencies should give a similar level of attention to cultural resources as that given to other types of resources for all alternatives to establish a baseline of information to consider during consultation and review (Council on Environmental Quality and Advisory Council on Historic Preservation 2013:13).</p> <p>NEPA requires a review of major federal actions for impacts on the cultural environment. The NHPA was signed into law on October 15, 1966, for the preservation of historic properties around the nation. The NHPA established the ACHP, SHPOs, and National Register.</p> <p>NEPA does not provide detailed regulations or a process for how a federal agency identifies and evaluates cultural resources or how it considers project impacts on such resources. Section 106 regulations, however, do set forth a detailed four-step process for reviewing historic properties (Council on Environmental Quality and Advisory Council on Historic Preservation 2013).</p> <ul style="list-style-type: none"> <li>• Establish the undertaking.</li> <li>• Identify and evaluate historic properties.</li> <li>• Assess effects on historic properties and resolve any adverse effects.</li> <li>• Solicit public involvement and consult with the SHPO or THPO; appropriate state, local, and tribal officials; Native American tribes; applicants; and any other consulting parties in identifying historic properties, assessing effects, and resolving adverse effects.</li> </ul> <p>OEA followed the more detailed Section 106 regulations to identify and evaluate cultural resources by reviewing existing information on recorded historic properties, conducting background research, consulting with appropriate entities, seeking information from knowledgeable individuals and organizations, and conducting a field survey. OEA is coordinating the NEPA analysis with the Section 106 consultation and review.</p>



<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
National Historic Preservation Act (54 U.S.C. § 300101 <i>et seq.</i> ) Section 106 (Public Law 102-575, 54 U.S.C. § 306108) and its implementing regulations (36 C.F.R. Part 800)	Requires federal agencies to take into account the effects of their actions on historic properties listed in, or eligible for listing in the National Register. Section 106 applies when a federal agency determines its action to be an undertaking, which may include issuing a federal license (36 C.F.R. 800.16(y)). In considering project impacts, federal agencies consult with their applicants, the appropriate state historic preservation officer/tribal historic preservation officer, tribes, other interested parties, and members of the public. Federal agencies must also provide the Advisory Council an opportunity to comment on the undertaking. The ACHP is an independent federal agency created under authority of the NHPA (16 U.S.C. 470). It is responsible for advocating consideration of historic preservation in federal agency decision-making, promulgating regulations to implement Section 106 of NHPA, and overseeing the Section 106 review process.
Antiquities Act of 1906 (16 U.S.C. § 431 <i>et seq.</i> )	Restricts the use of particular public land owned by the federal government.
Archaeological Resources Protection Act of 1979 (54 U.S.C. § 300101 <i>et seq.</i> )	Secures, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals (§ 2(4)(b)).
National Trails System Act 16 U.S.C. §§ 1241–1251	Established the Appalachian and Pacific Crest National Scenic Trails and authorized a national system of trails to provide additional outdoor recreation opportunities and to promote the preservation of access to the outdoor areas and historic resources of the nation.
American Indian Religious Freedom Act of 1978 (Public Law 95-341)	Protects and preserves the traditional religious rights and cultural practices of American Indians, Eskimos, Aleuts, and Native Hawaiians. These rights include, but are not limited to, access of sacred sites, freedom to worship through ceremonial and traditional rights and use and possession of objects considered sacred.
Section 4(f) of the Department of Transportation Act (49 U.S.C. § 303)	Protects historic resources from potentially adverse impacts of federal transportation projects.
Archaeological and Historic Preservation Act of 1974 (Moss-Bennett Act)	Requires that federal agencies provide for "...the preservation of historical and archeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of...any alteration of the terrain caused as a result of any Federal construction project of federally licensed activity or program (Section 1)."
Executive Order 11593, Protection and Enhancement of the Cultural Environment	Preserves, restores, and maintains the historic and cultural environment of the nation.
Executive Order 13007, Indian Sacred Sites Native American Graves Protection and Repatriation Act (25 U.S.C. §§ 3001 to 3013)	Requires that federal agencies administer cultural properties under their control and direct their policies, plans, and programs in such a way that federally owned sites, structures, and objects of historical, architectural, or archeological significance were preserved, restored, and maintained.

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
Federal Land Policy and Management Act of 1976 (as amended 2001) (43 U.S.C. 1701] (a) § 102 (8)	U.S. Department of the Interior and Bureau of Land Management declaration of policy that states, in part, the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural conditions.
<b>State</b>	
Native America Graves Protection and Repatriation Act (Utah Code Annotated (UCA) 9-9-401 and subsequent sections; Rule 230-1	Procedures for determination of the ownership and disposition of Native American remains; defines criminal violations for illegal trafficking of such remains; establishes Native American Remains Review Committee. Rule R230-1 (changed in 2012 to R456-1 Native American Grave Protection and Repatriation) provides procedures designed to preserve the sacred nature of Native American burials by protecting Native American burial sites and insuring final disposition of unidentified Native American remains, discovered on state lands or non-federal lands, are in keeping with that sacred nature.
Ancient Human Remains on Nonfederal Lands That Are Not State Lands (UCA 9-8-309)	Sets forth rules and procedures regarding the discovery of ancient human remains on nonfederal land that is not state land including required actions of the Antiquities Section and associated timeframes, and establishes ownership and control of ancient human remains of a Native American determined in accordance with Chapter 9, Part 4, Native American Grave Protection and Repatriation Act.
State Antiquities Act (UCA 90-8-301 to 9-8-308 and implementing rule)	Establishes Antiquities Section of the Division of State History. Requires that the survey, excavation, curation, protection, preservation, study, and exhibition of the state's archaeological and anthropological resources be undertaken in a coordinated, professional, and organized manner for the general welfare of the public and the beneficiaries of school and institutional land grants, and establishes that said parties have a right to the knowledge derived and gained from scientific study of those resources.
Title 9, Heritage, Arts, Libraries, and Cultural Development (UCA 9-8-404)	Sets forth roles and responsibilities of the state historic preservation officer in the review and approval of any Undertaking; defines such Undertakings; establishes timeframes for such participation; and, allows the Public Lands Policy Coordinating Office to request and carry out joint analysis of any Undertakings.

**Table B-10. Regulations and Guidance Related to Paleontological Resources**

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
<b>Paleontological Resources</b>	
<b>Federal</b>	
NEPA	The National Environmental Policy Act of 1970 requires the consideration of important natural aspects of our national heritage during the assessment of the environmental consequences of any proposed project
FLMPA	The Federal Land Management and Policy Act of 1976 authorizes the BLM to issue permits and requires the management of public land in a manner that will protect the quality of their scientific value.
PRPA	The Paleontological Resources Preservation Act states that the Secretaries of the U.S Department of the Interior and the U.S. Department of Agriculture shall use scientific principles and expertise to manage and protect paleontological resources on federal land.
<b>State</b>	
Utah State Code 79-3-501-79-3-510	paleontological resources are important and require the preservation of critical fossil resources on state land. The code mandates people removing or excavating significant fossils on state land be qualified and permitted under joint jurisdictional cooperation from the Utah Geological Survey, Utah Museum of Natural History, and the SITLA. Utah State Code 53B-17-603 also requires significant fossils be curated by an approved and qualified institution.
<b>Local</b>	
Tribal Requirements <sup>a</sup>	The Ute Tribe typically requires paleontological assessments of project areas on their land where there is potential for important paleontological resources. The appropriate officials must be contacted and where applicable, permits obtained prior to paleontological surveys or collection on these lands.

Notes:

<sup>a</sup> Requirements for paleontological assessments are unpublished and are assumed based on requirements from prior development projects on Ute Tribal Lands.

**Table B-11. Regulations and Guidance Related to Land Use and Recreation**

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
<b>Land Use and Recreation</b>	
<b>Federal</b>	
Federal Land Policy and Management Act (FLPMA) of 1976 (PL 94-579); 43 United States Code (USC) 1761-1771; 43 C.F.R. 2800	Right-of-way grant and temporary use permit
36 C.F.R. 251 – Forest Service, Land Uses	Special use authorization permit or easement
36 C.F.R. 219 – Planning	2001 Roadless Rule
<b>State</b>	
Utah Administrative Code R850	Authorizes the Utah School and Institutional Trust Lands, Administration
Utah Code 57-18	Utah Land Conservation Easement Act
<b>Local</b>	
2010 Carbon County Natural Resource Use and Management Plan Amending the Carbon County Master Plan (Carbon County 2010)	Conditional Use Permit, if applicable
2013 Duchesne County Code, Title 8 (Duchesne County 2012)	Conditional Use Permit, if applicable
2006 Uintah County Land Use Ordinance (Uintah County 2005)	Conditional Use Permit, if applicable
2014 Utah County Land Use Ordinance (Utah County 2011)	Conditional Use Permit, if applicable

**Table B-12. Regulations and Guidance Related to Visual Resources**

<b>Regulation, Statue, Guideline</b>	<b>Explanation</b>
<b>Visual Resources</b>	
<b>Federal</b>	
National Environmental Policy Act (42 U.S.C. § 4321 et seq.)	Requires the consideration of potential environmental effects, including potential effects of (or on) contaminated sites in the environmental impact statement for any proposed major federal agency action. NEPA implementation procedures are set forth in the President's Council on Environmental Quality's Regulations for Implementing NEPA (40 C.F.R. Part 1500).
National Scenic Byways Program (23 U.S.C. § 162)	Under this Federal Highway Administration program, roadways are designated as National Scenic Byways or All-American Roads based upon their scenic, historic, recreational, cultural, archeological, and/or natural intrinsic qualities. While governed for their scenic qualities by the Federal Highway Administration, these designated byways fall under jurisdiction of the local county, state, an Indian

Regulation, Statue, Guideline	Explanation
<b>State</b>	Tribe, or Forest Service (if on Forest Service lands) and are, therefore, protected largely under those jurisdictions.
Utah Scenic Byways and Backways (Rules R926-13, R926-14, and R926-15)	State of Utah Rules R926-13, R926-14, and R926-15 designate state scenic byways; and provide administration, designation, de-designation, and segmentation guidance; and designate scenic backways, respectively. Based on these rules, a nominated road must possess at least two unusual, exceptional, or distinctive intrinsic qualities that include scenic, historic, recreational, cultural, archaeological, or natural features that are considered representative, unique, irreplaceable, or distinctly characteristic of an area.
<b>Local</b>	<p><b>Agricultural Policy:</b> Use of agricultural land for crop production creates a green belt around the communities in the County and does much to establish the values of adjoining urban areas. Much of the beauty of the County and its attraction to visitors is related to agricultural open space. Because of the many benefits agricultural lands provide the County and its residents, Carbon County will pursue ways to preserve open lands and assist farmers to keep these lands in agricultural production if they wish to do so.</p> <p><b>Sensitive Lands Policy: Hillside &amp; Mountain Development:</b> Carbon County enjoys the benefits provided by the mountains and hills that surround many of its communities. These benefits include providing scenic vistas and habitat for wildlife. To preserve these benefits, local governments will identify some areas of the mountains and hillsides where development will not be allowed. The County will endeavor to protect these resources without unduly interfering with landowners’ ability to utilize their lands.</p> <p><b>Scenic Values Policy:</b> Carbon County enjoys spectacular scenic vistas that are unique to this area. Many of these vistas include large undeveloped parcels of public lands. Because the County prizes these scenic values so highly, the County wishes to preserve them whenever possible. Therefore, the County feels that surface disturbance and visual impacts of all activities on public lands should be minimized to the greatest degree possible. When visual impacts are likely to result from proposed activities on public lands, the County will encourage public lands agencies to consider alternate sites, designs, or orientations. The County also feels that a variety of other factors should be considered before approving a proposal, including engineering consideration such as suitability of soils and degree of surface disturbance, and aesthetic qualities such as visibility and air quality.</p>
Duchesne County General Plan (2019: 31, 46-47, 141-146, 246, 248, 329)	The Duchesne County General Plan contains county policies and the resource management plan for the county. There are

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no general plan policies pertaining to visual resources. However, there are resource management plan policies pertaining to visual resources.

**Land Use Policy 6:** Duchesne County supports the wise use, conservation and protection of public lands and their resources, including well-planned management prescriptions. It is the County's position that public lands be managed for multiple uses, sustained yields, prevention of waste of natural resources, and to protect the health, safety, and welfare of the public.

**Visual Resource Management (VRM) Policy:** In accordance with Section 63J-8-104 (m) of the Utah Code, it is the policy of Duchesne County that a BLM visual resource management class I or II rating is generally not compatible with the county's plan and policy for managing federal lands. However, special cases may exist where such a rating is appropriate if jointly considered and created by state, local, and federal authorities as part of an economic development plan for a region of the state, with due regard for valid existing rights, school trust lands and private lands within the area.

**Forest Legacy Program:** Utah's Forest Legacy Program is designed to facilitate state, local and private open space, and resource conservation initiatives by assisting with the purchase of conservation easements or fee title on nonindustrial private forest lands and by aiding private forest landowners with the development of long-term Forest Stewardship Plans. Proposed Forest Legacy Areas must contain one or more of the following important public values: scenic resources; public recreation opportunities; riparian areas; fish and wildlife habitat; known threatened and endangered species; known cultural resources; and/or other ecological values.

**Recreation on Federal & State Lands Policy 1:** The BLM or U.S. Forest Service must coordinate and closely consult with county and municipal governments who are conducting inventories related to recreation resources and opportunities or scenic values, and these inventories should reflect a consensus among those governmental agencies.

**Recreation on Federal & State Lands Policy 8:** When possible, development proposals will be sensitive to county outdoor recreation, scenic quality, and open space preservation objectives.

**Scenic and Back Country Byways Policy:** Duchesne County supports the continuation of the scenic and back country byway programs for their value in promoting tourism, provided that the county legislative body continues to have the authority to designate certain segments of these roads as nonscenic areas.

**Natural Resource Use and Development Objective:** The County feels that resource use or development on private, public, or tribal lands should be sensitive to Tribal interests and the County's rural lifestyle, quality of life, and scenic environment. Specific County interests to protect, maintain,

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Regulation, Statute, Guideline	Explanation
<p>Uintah County General Plan (2012: 3.18, 3.20, 3.21, 4.17, 4.18, 6.2)</p>	<p>and expand natural resource use and development include                      a.) Maintaining multiple-use management of public lands;                      b.) Preserving public access, and c.) Identifying existing and potential areas of development.</p> <p><b>Industrial Land Uses Policy 3k.7:</b> Include the following considerations when reviewing industrial development and land use proposals: (5) adequate buffering and/or screening; (6) visual impact to communities; (7) appropriate setbacks from adjacent land uses; and (8) potential nuisances including, but not limited to, smoke, noise, dust, litter, and vibration.</p> <p><b>Industrial Land Uses Policy 3k.10:</b> Encourage business owners to improve the appearance and aesthetics of industrial land uses through the use of berming, curbing, sidewalks, pedestrian lighting, screening, and landscaping. Development standards covering building materials, construction and design may be adopted by the County as part of this effort.</p> <p><b>Potentially Hazardous and Environmentally Sensitive Areas Policy 3l.1:</b> Identify and protect the County’s unique natural, environmental, recreational, and cultural/historical resources through appropriate land use planning and development guidelines.</p> <p><b>Potentially Hazardous and Environmentally Sensitive Areas Policy 3l.6:</b> Formally prepare and adopt land use plans, regulations and associated overlay maps that identify and address development within environmentally sensitive and potentially hazardous areas.</p> <p><b>Land Use Plans and Regulations Policy 4j.3:</b> Promote County/community growth and development in a manner that is attractive to potential businesses (and employees).</p> <p><b>Land Use Plans and Regulations Policy 4j.10:</b> Consider, as appropriate, developing incentive programs to encourage and improve the appearance and maintenance of businesses and commercial/industrial properties.</p> <p><b>Infrastructure Policy 6.12:</b> Encourage the location and design of utility transmission lines and corridors to, as much as possible, avoid prime agricultural land, urban development areas, sensitive environmental areas, and scenic and historic areas. Whenever feasible, major utilities (oil and gas pipelines, high tension power lines, fiber optics, etc.) will be encouraged to share utility corridors.</p> <p><b>Infrastructure Policy 6.14:</b> Place public utilities underground where site conditions are conducive.</p>

Regulation, Statute, Guideline	Explanation
Utah County General Plan (2014: 4, 6)	<p><b>Objective 5:</b> Maintain prime and other agricultural land in active production, and retain the traditional rural nature of the unincorporated county.</p> <p><b>Objective 5, Policy B:</b> Prime agricultural land should be kept in agricultural production or available for agricultural production.</p> <p><b>Objective 12:</b> Enhance the transportation of people and goods within Utah county with maximum safety, convenience, and economic benefit.</p> <p><b>Objective 12, Policy E:</b> Irrigation and open drainage ditches, utility poles and fences, adjoining and parallel to county roads, should be relocated to a location out of the designated clear zone and should also be relocated off the entire right-of-way whenever possible.</p> <p><b>Objective 12, Policy H:</b> New structures (and walls) constructed adjacent to planned transportation corridors should be set back consistent with the classification of the planned transportation corridor.</p> <p><b>Objective 13:</b> Preserve and protect natural resources and open space.</p> <p><b>Objective 13, Policy A:</b> All development in the unincorporated area should be designed to conserve natural resources, including clean air, pure water, riparian areas, wetlands, and open space.</p>

**Table B-13. Regulations and Guidance Related to Socioeconomics**

Regulation, Statute, Guideline	Explanation
<b>Socioeconomics</b>	
<b>Federal</b>	
National Environmental Policy Act (42 U.S.C. § 4321 <i>et seq.</i> )	Requires the consideration of potential environmental effects for any proposed major federal agency action. NEPA implementation procedures are set forth in the President’s Council on Environmental Quality’s Regulations for Implementing NEPA (49 C.F.R. Part 1105). These regulations define the human environment to include the relationship of people with the environment, and establish that economic and social effects should be discussed when related to natural or physical effects (40 C.F.R. §1508.14).
U.S. Department of the Interior, Bureau of Land Management Handbook H-1601-1, Land Use Planning Handbook (2005), Appendix D	Provides guidance on incorporating social science considerations into the BLM land use planning process
<b>State and Local</b>	
No state or local regulations, statutes, or guidelines apply to socioeconomics.	

Notes:

U.S.C. = United States Code; NEPA = National Environmental Policy Act; C.F.R. = Code of Federal Regulations; BLM = Bureau of Land Management



**Table B-14. Regulations and Guidance Related to Environmental Justice**

<b>Regulation, Statute, Guideline</b>	<b>Explanation</b>
<b>Environmental Justice</b>	
<b>Federal</b>	
National Environmental Policy Act (42 U.S.C. § 4321-4370h)	Requires the consideration of potential environmental effects of any proposed major federal action. NEPA implementation procedures are set forth in the President's Council on Environmental Quality's Regulations for Implementing NEPA (40 C.F.R. Part 1500).
Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. 59 Fed. Reg. 7629 (February 16, 1994)	Directs federal agencies to: <i>[M]ake achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.</i> Does not apply to independent agencies such as the Surface Transportation Board. CEQ and EPA have oversight for compliance with this executive order.
CEQ 1997: Environmental Justice Guidance under the National Environmental Policy Act 1997)	Provides guidance to federal agencies on procedures to effectively identify and address environmental justice concerns during the conduct of NEPA reviews.
<b>State</b>	
No state regulations, statutes, or guidelines apply to environmental justice.	
<b>Local</b>	
No local regulations, statutes, or guidelines apply to environmental justice.	

## Notes:

U.S.C. = United States Code; NEPA = National Environmental Policy Act; C.F.R. = Code of Federal Regulations; Fed. Reg. = *Federal Register*; CEQ = Council on Environmental Quality; EPA = U.S. Environmental Protection Agency

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