



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION W

April 4, 2008

Regulatory Division (SPK-2004-50025)

Ms. Philiis Johnson-Ball
Section of Environmental Analysis
Surface Transportation Board
Case Control Unit
395 E Street, SW
Washington, D.C. 20423

Re: Finance Docket No. 34075, Six County Association of Governments - Construction and Operation Exemption - Rail Line between Levan and Salina, Utah

Dear Ms. Johnson-Ball:

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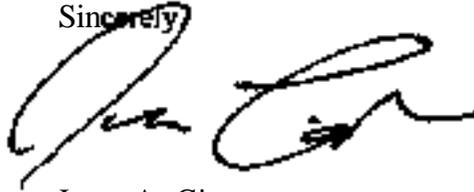
We are responding to your request for comments on the above referenced letter dated March 6, 2008, prepared by Sandra L. Brown from the law firm Troutman Sanders on behalf of the Six County Associations of Governments. We have reviewed the letter and are providing the following comments:

1. In accordance with the 40 CFR Part 230 Section 404 fb)(1) guidelines, no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. With this in mind, we believe that the applicant has not sufficiently identified and studied alternative alignments) in comparison to the applicant's preferred alignment. It appears that a preferred alignment was selected and carried forward in the EIS with little effort devoted to providing any alternatives and their supporting analysis. It is difficult for the Corps to adequately determine if the applicant's project is the least environmentally damaging practicable alternative, because no other alternative was studied in detail, specifically in the Chicken Creek Reservoir area. As identified in your letter, agricultural, safety, and economic considerations are important issues and should be evaluated in the EIS along with all other aspects of the affected environment as they relate to the alternatives.
2. The letter states that the applicant does not necessarily concede that the Chicken Creek Reservoir area has jurisdictional wetlands. Therefore, in order to accurately assess

the impact or non-impact to potential wetlands, the Corps requests a formal wetland delineation of waters of the U.S. be performed and submitted to our office for verification. We feel this delineation is essential to provide sufficient information to determine the least environmentally damaging practicable alternative particularly when there is a potential to impact over 100 acres of wetlands.

If you have any questions or concerns regarding our comments, please contact Terry Johnson at the Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, email terry.l.johnson@itsace.army.mil* or telephone 801-295-8380, ext. 15.

Sincerely

A handwritten signature in black ink, appearing to read "Jason A. Gipson". The signature is written in a cursive style with a large initial "J" and "G".

Jason A. Gipson
Chief, Nevada-Utah Regulatory Branch

Copy furnished;

Douglas Minter, U.S. Environmental Protection Agency - Region 8, 1595 Wynkoop Street,
Denver, CO 80202-1197