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Public Lands Section

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[Signature]

August 21, 2007

Phillis Johnson-Ball
Surface Transportation Board
Case Control Unit
395 E Street, SW
Washington, DC 20423

SUBJECT: Construction and Operation Exemption—Rail Line Between Levan and Salina
Project No. 07-8136

Dear Ms. Johnson-Ball:

The Resource Development Coordinating Committee (RDCC) has reviewed the Draft Environmental Impact Statement (DEIS) for the Central Utah Rail Project (CURP). The Utah Division of Wildlife Resources (UDWR) comments:

Vegetation-Wildlife Habitat:

The DEIS indicates that over 160 acres of wetland habitat will be directly impacted by the project (Table 4.3-1, and Section 4.4.7, page 4-44). The DEIS does not discuss how wetland impacts will be avoided, minimized or mitigated for, nor does it describe any areas for potential wetland mitigation.

Sections 3.3.2.9 (page 3-12), 4.3.2.2 (page 4-27) and Table 3.3-1 discuss and mention six common species of invasive and non-native plant species that out-compete native species and dominate original vegetation communities. Invasive and noxious weed species, if not controlled, invade wildlife habitats and can severely reduce or eliminate species that provide food and cover for wildlife. These sections and the table of the DEIS do not recognize or acknowledge that an additional 19+ invasive and non-native plants are designated as State and County noxious weeds within the three counties affected by the CURP. We recommend that the rail line's weed management program also include and address invasive and non-native plants that have been designated as State or County noxious weeds.

The maintenance procedures for vegetation control along the rail line right-of-way (ROW) includes seeding, mechanical and chemical methods for control (Section 4.3.2.2, page 4-25; Section 4.3.3.1, page 4-27; Mitigation Measure No. 30, Section 6.4.3, page 6-13). However, they do not address the need for frequent maintenance and monitoring, as needed during the year, for noxious weeds. Noxious weeds occur not only within the ROW of the rail line, but also on cut and fill areas that were necessary for constructing the rail line. Along existing railroad alignments, areas that are disturbed by/for railroad purposes are often left untreated and have led to the establishment of noxious weeds adjacent to rangelands and wildlife habitat. These areas include, but are not limited to, cut and fill slopes created for the railroad bed, and slopes which are frequently disturbed in order to clean and maintain the tracks. UDWR recommends the rail line be responsible for treating weeds that have become established as a result of disturbances created by construction or for the maintenance of the rail line.

Mitigation measure No. 29, Section 6.4.3, (page 6-13) indicates revegetation of disturbed areas with seed of existing species. This section does not describe the success criteria and follow-up measures if initial revegetation efforts are not successful. UDWR recommends the development of success criteria and follow-up measures to ensure successful revegetation as a part of the revegetation plan.

Wildlife Resources:

Wildlife Corridors

The following recommendations are based on the proposed train traffic described in the Executive Summary. As the proposed train traffic will average less than two loaded trains per day traveling at 49 miles per hour, UDWR does not believe that it is necessary to design fences that will force big game to underpass structures, nor necessitate the need for escape ramps, as described by Mitigation measure #35 (page 6-14). Allowing natural movement for wildlife across the right-of-way (ROW) would benefit wildlife. If the ROW needs to be fenced or if train traffic increases, we recommend a four-strand wire fence, with the top strand being no higher than 42 inches to avoid trapping big game hind legs. Wire spacing would be 16", 24", 32", and 42" from the ground. The bottom wire should be smooth to circumvent big game entanglement while the other three wires can be barbed.

There is no current information available on big game collisions (wildlife strikes) within the proposed project area (Section 3.3.3.4, page 3-15). We recommend wildlife strikes along the rail line be recorded, by mile post or other reference marker, and reported annually to the Central and Southern Regional Offices of UDWR. This information will help document any net decrease or increase in vehicle-wildlife collisions resulting from coal transportation once the rail line is in operation.

The DEIS does not contain an analysis of potential increases of haul traffic along 1-70 through Salina Canyon, which is a probable result of an increased capacity to haul coal once a rail line is established through Aurora. Increased truck traffic in Salina Canyon could greatly increase highway mortality of mule deer and elk. This reach of 1-70, between mine exit 72 and Aurora, currently has the highest instance of big game mortality in Southern Utah (see Utah Department of Transportation [UDOT] publication, "Wildlife Connectivity Across Utah's Highways", June 7, 2006). There has been considerable collaborative effort between UDOT and the UDWR to address this problem. Mitigation of potential impacts to the deer and elk herds on 1-70 might be accomplished via cooperation and/or contributions to this ongoing effort.

Wildlife Sanctuaries, Refuges and State Parks

The DEIS states that proper Best Management Practices (BMPs) and mitigation measures would be implemented according to Section 6.3.3 (page 6-6) if the Redmond Wildlife Management Area (WMA) is impacted. However, the maps in the DEIS lack detail and direct impacts to the Redmond WMA could not be measured. Also, there is no mention of efforts to avoid or minimize the direct impacts to the Redmond WMA with Alternatives B and C. UDWR recommends the use of a detailed map of to better ascertain impacts and develop actions to avoid and/or minimize impacts to Redmond WMA.

The DEIS mentions that aquatic surveys have not been conducted to determine what aquatic biological resources are at risk if the wetland habitats are impacted by the rail line. There are recent unverified reports that leatherside chub, a State Species of Concern, have been found in the Redmond WMA. UDWR recommends that aquatic surveys, following accepted protocols, be conducted to determine what species, habitat, functions and aquatic resources will be impacted by the rail line at the Redmond WMA,

Threatened, Endangered, and Sensitive Species:

UDWR has the following recommendation and comments for this section:

- Table 4.3-2 fails to adequately analyze the potential for sensitive species (curlew, least chub, leatherside chub, spotted frog, and spring snails) and their habitat to exist north of Chicken Creek Reservoir.
- Bald eagle winter in Juab Valley, as well as in other locations along the project corridor. The analysis in Table 4.3-2 does not indicate the season of construction of the rail line, and whether construction activities will be a potential disturbance to wintering eagles,
- Long-billed curlews have been observed in the vicinity of Chicken Creek Reservoir. The discussion of negative impacts from the proposed alternative (Table 4.3-2) only mentions the presence of this species at the south end of the proposed rail line. Surveys, following approved protocol for long-billed curlew, should be conducted to determine whether the rail line, or construction of the rail line will impact this species or habitat used by this species.
- Bonneville cutthroat trout do not occur in Chicken Creek Reservoir, although they are reported from higher up in the Chicken Creek drainage.
- Least chub were discovered in spring heads in northern Juab Valley in 1995. They were subsequently discovered along the Sevier River in the Mills Valley marsh complex in 1996 (downstream of Chicken Creek Reservoir). There is the possibility that they could be present in the spring complex north of Chicken Creek Reservoir. No surveys have been done on the springs and seeps north of Chicken Creek Reservoir to determine whether the fish are present or absent in these waters. The alignment of the rail line at the north terminus of the project corridor crosses Juab Valley and could directly impact some of the springs that have not been surveyed. We recommend that the springs, seeps and other wetland habitats north of Chicken Creek Reservoir be surveyed to determine the absence/presence of least chub. Aquatic surveys should also be conducted on the springs and other wetland habitats at the Redmond WMA. If least chub are found, then appropriate mitigation should be done in accordance with the agencies involved with the Conservation Agreement and Strategy for Least Chub (1997). If other sensitive species are found, then appropriate avoidance, minimization, or mitigation should be included.
- Several of the species names are misspelled in Tables 3.3-4 and 4.3-2.

Water Resources:

The DEIS acknowledges the presence of springs and shallow ground water that support the wet meadows north of Chicken Creek Reservoir (Section 3.4.5.1, page 3-26). However, the DEIS does not recognize nor acknowledge that springs are a unique and irreplaceable wetland habitat. Further, the hydrology supporting the springs and seeps north of the reservoir could be severely impacted and altered by the rail line crossing the wetlands, resulting in irreversible changes to the spring and seep habitats. UDWR recommends the addition of measures to address efforts to avoid, minimize, or mitigate for the impacts to more than 160 acres of wetland habitat.

Mitigation:

Section 6.3.3, page 6-6, Preliminary Mitigation Measure #10.

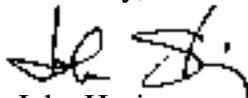
UDWR recommends removal of the statement: "...the proposed project will have negligible effects on plant communities and the spread of noxious weeds as well as wildlife resources and threatened, endangered, and sensitive species." Direct impacts of the Preferred Alternative on 160+ acres of wetland habitats are not a negligible effect. Not acknowledging 19 designated State and/or County noxious weeds in the invasive and non-native plant species discussion in the DEIS is a serious omission and failure to treat them in the rail alignment would not be a "negligible effect." Considering that aquatic surveys were not conducted in the springs and other wetland habitats (Section 3.3.4, page 3-17), we cannot agree with the statement that the "proposed project will have negligible effects on... sensitive (aquatic) species."

Mitigation of potential impacts to the deer and elk populations on 1-70, from exit 72 to Aurora, from increased haul traffic needs to be addressed. We recommend working with UDOT and UDWR to develop mitigation strategies along 1-70 to develop effective means to reduce potentially detrimental impacts.

UDWR supports and encourages voluntary mitigation. However, we note that many of the voluntary mitigation actions in this project are too vague and general, and are based on incomplete analysis of direct and indirect impacts to biological resources. We recommend specific mitigation measures be developed to address many of the wildlife issues that have been raised in this comment letter.

The Committee appreciates the opportunity to review this proposal. Please direct any other written questions regarding this correspondence to the Resource Development Coordinating Committee, Public Lands Section, at the above address or call the Director, Jonathan G. Lemming, at (801) 537-9023, or Carolyn Wright at (801) 537-9230.

Sincerely,



John Harja
Acting Coordinator
Public Lands Policy Coordination Office