



**SURFACE TRANSPORTATION BOARD**  
**Washington, DC 20423**

*Office of Environmental Analysis*

December 10, 2019

Luke Duncan, Chairman  
Ute Indian Tribe  
P.O. Box 190  
Fort Duchesne, UT 84026

Re: Docket No. FD 36284, Seven County Infrastructure Coalition—Construction & Operation Exemption—in Utah, Carbon, Duchesne, and Uintah Counties, Utah; Continuing government-to-government consultation

Dear Chairman Duncan:

Thank you for meeting with members of my staff on November 20, 2019 in Fort Duchesne, Utah as part of our ongoing government-to-government consultation in the above-referenced proposal by the Seven County Infrastructure Coalition (Coalition). As you know, the Coalition intends to request authority from the Surface Transportation Board (Board) to construct and operate a new line of railroad connecting the Uinta Basin to the interstate railroad network. My office at the Board—the Office of Environmental Analysis (OEA)—is currently preparing an Environmental Impact Statement (EIS) examining the Coalition's proposal, as part of the Board's responsibilities under the National Environmental Policy Act, Section 106 of the National Historic Preservation Act, and related laws and regulations.

The EIS that OEA is preparing will consider a reasonable range of alternatives that would meet the project's purpose and need. Two of the alternatives being considered, including the Coalition's preferred alternative, would cross Tribal trust lands in the Uintah and Ouray Reservation and all of the alternatives would cross lands on which the Ute Indian Tribe (the Tribe) has historical interests. Therefore, ongoing coordination and consultation with the Tribe is a critical component of OEA's environmental review process here. The November 20, 2019 meeting followed up on previous meetings between my staff and members of the Ute Indian Tribal Business Committee (Business Committee) in Fort Duchesne on February 6, 2019 and at the Board's office in Washington, D.C. on May 30, 2019 and September 12, 2019. While those previous meetings focused on OEA providing updates to the Business Committee on the status of OEA's environmental review process, the November 20, 2019 meeting primarily focused on the importance of incorporating input from the Tribe into our analysis while continuing to move the environmental review process forward in a timely and efficient manner.

We understand that the Business Committee has established a Task Force to evaluate the Coalition's proposal, including the potential impacts of the construction and operation on Tribal trust lands. Some of the Task Force members were present at the November 20, 2019 meeting,

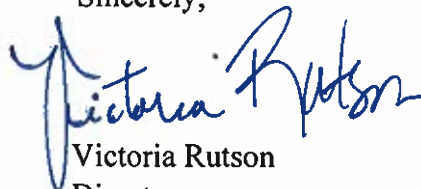
and we appreciate the opportunity to discuss the proposed project and the ongoing environmental review process with them. As discussed at the meeting, my office is interested in receiving the findings of the Task Force in time to consider them in the EIS and in making our recommendations to the Board. It is especially important that our environmental analysis and recommendations consider the potential impacts to cultural resources on Tribal trust lands and on other lands in which the Tribe has historical interests, including any known archeological sites, historic properties, and traditional cultural properties that could be affected by the Coalition's proposal. We are also particularly interested in any guidance that the Task Force can provide regarding plant and animal species in the area and of importance to the Tribe so that we can ensure that we are considering those species appropriately in our environmental analysis. To the extent that the information compiled by the Task Force may be confidential, we will treat it as such, as directed and advised by the Business Committee and the Task Force.

As also discussed at the November 20, 2019 meeting, my staff would be willing to consult directly with members of the Task Force by email and regular conference calls, if appropriate, in order to facilitate a positive and transparent working relationship. We would like to ask for your permission to directly reach out to the Task Force members to coordinate consultation by conference call. Please let us know as soon as possible if this approach would be acceptable to you.

We are also interested in coordinating a follow-up meeting in Fort Duchesne. Depending on your preferences, we are happy to meet directly with the Task Force, with the Business Committee, and with other representatives of the Tribe, as appropriate. We would like to recommend the week of January 20, 2020 for this meeting, but we understand that the Business Committee and the Task Force have many responsibilities and commitments, and therefore we are open to other suggestions for potential meeting dates. Please let us know as soon as possible what dates and times would be convenient for you.

Finally, I would like to extend an open invitation for the Business Committee and any other representatives of the Tribe to meet with us again at our offices in Washington, D.C. whenever you are next in town. Please feel free to reach out to Josh Wayland of my staff at (202) 245-0330 or [joshua.wayland@stb.gov](mailto:joshua.wayland@stb.gov). Alan Tabachnick, OEA's cultural resources specialist for this project, is also available and may be contacted at (202) 245-0367 or [alan.tabachnick@stb.gov](mailto:alan.tabachnick@stb.gov). Thank you for your time and for your continued guidance and cooperation.

Sincerely,



Victoria Rutson  
Director

Office of Environmental Analysis