

Wayland, Joshua

From: Lewis, Charles <chip.lewis@bia.gov>
Sent: Friday, May 17, 2019 10:20 AM
To: Wayland, Joshua
Subject: Uintah Basin Railway: BIA Scoping Comment Letter
Attachments: BIA Scoping Comment Coalition-Uintah Basin Railway.pdf

Mr. Wayland,

Good morning. The Bureau of Indian Affairs has responded to STB's scoping letter. Hard copy is in the mail and PDF version is attached.

If you have questions or need additional information, please feel free to contact me.

Chip Lewis

Chip Lewis
Regional Environmental Protection Officer
DOI-BIA/WRO/EQS
(602) 379-6750



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WESTERN REGIONAL OFFICE
2600 North Central Avenue
Phoenix, Arizona 85004-3008



IN REPLY REFER TO:

Environmental Quality Services
MS620-EQS

MAY 15 2019

Mr. Joshua Wayland, Project Manager
Office of Environmental Analysis
Surface Transportation Board
c/o ICF
9300 Lee Highway
Fairfax, Virginia 22031

Dear Mr. Wayland:

The Bureau of Indian Affairs (BIA), Western Region, is in receipt of your letter dated April 10, 2019, requesting information and/or comment in advance of the preparation of an environmental impact statement (EIS) for the Seven County Infrastructure Coalition—Construction & Operation Exemption.

We note that one of the proposed railway alignment alternatives (Indian Canyon Route) crosses the Uintah & Ouray Indian Reservation (Reservation) and that it has been identified as the Preferred Alternative. Under the authority of 25 USC 323, BIA would be granting any necessary rights-of-way (ROW) on/across tribal trust land or individual Indian allotments. Of interest and/or concern to the Coalition would be that the BIA cannot grant ROW on Indian land without a prior consent resolution from the Ute Tribal Business Committee and/or majority consent from individual Indian owners on allotted land. Therefore, the BIA recommends early coordination and involvement of the Ute Tribe in the planning process and especially with individual Indian allottees if the railway may or will cross allotted land.

The BIA does not maintain a database of resources on the Reservation. Once a centerline location is established and an ROW width determined, you should coordinate with the Ute Tribe, including Ms. Betsy Chapoose, Director, Cultural Rights and Protection (435-722-5141), to determine if known cultural sites, including Traditional Cultural Properties, may be affected. Resources, including Indian Trust Assets, that may be affected include, but would not be limited to: surface and subsurface mineral rights; irrigable farmland; tribally designated sensitive species, including those that may be federally listed; big game migration routes; and local access, especially to allotted lands that may be isolated by the railway.

The need to grant any required ROWs on the Reservation would constitute a federal action before BIA. As the EIS process matures and if the Indian Canyon alignment remains as a viable alternative, please contact Mr. Chip Lewis, Regional Environmental Protection Officer, 602-379-6750 extension 1257, chip.lewis@bia.gov, to discuss BIA's subsequent need to be brought on as a Participating or Cooperating Agency. The BIA also would be identified as a consulting party for purposes of the National Historic Preservation Act. In that event, you should contact Mr. Garry Cantley, BIA Regional Archaeologist at the same number, extension 1256, or garry.cantley@bia.gov.

If you have questions or need additional information, please feel free to contact Mr. Lewis. Thank you for the opportunity to comment.

Sincerely,


Regional Director

cc: Superintendent, Uintah & Ouray Agency
Attn: Environmental Coordinator
Garry Cantley, Western Region EQS
Stan Webb, Office of Realty Services, Western Region