

SERVICE DATE – MARCH 3, 2025

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36616

SAVAGE TOOEELE RAILROAD COMPANY—CONSTRUCTION AND OPERATION
EXEMPTION—LINE OF RAILROAD IN TOOEELE COUNTY, UTAH

Digest:¹ This decision denies a petition to reconsider the Board’s April 1, 2024 decision, which granted Savage Tooele Railroad Company authority to construct and operate approximately 11 miles of rail line in Tooele County, Utah.

Decided: March 1, 2025

By decision served April 1, 2024, the Board granted a petition filed by Savage Tooele Railroad Company (STR),² a noncarrier, exempting it under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 to construct and operate approximately 11 miles of rail line in Tooele County, Utah (the Line), subject to environmental mitigation conditions. Savage Tooele R.R.—Constr. & Operation Exemption—Line of R.R. in Tooele Cnty., Utah (April 2024 Decision), FD 36616 (STB served Apr. 1, 2024) (with Board Members Schultz and Fuchs dissenting in part) (89 Fed. Reg. 24,079).

After issuance of the April 2024 Decision, the Utah Physicians for a Healthy Environment, Erda Community Association, Sid Atkin, and Kyle Mathews (collectively, Petitioners) filed a joint petition for reconsideration with the Board. As discussed below, the petition for reconsideration will be denied.

BACKGROUND

STR filed its petition for exemption on June 30, 2022, explaining that construction of the Line would reestablish a former Union Pacific Railroad Company (UP) rail line called the Warner Branch. (Pet. for Exemption 4.) STR stated that, once constructed, the Line would connect the new Lakeview Business Park in Grantsville, Utah (the Park), to UP’s Shafter Subdivision mainline, located at approximately milepost 897.94 near Burmester, Utah. (Id.

¹ The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. See Pol’y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

² STR is a wholly owned subsidiary of Savage Enterprises, LLC, and both are subsidiaries of Savage Companies. (Pet. for Exemption 3.)

at 2-4.) STR stated that it would provide common carrier service over the Line to enable tenants of the Park to ship and receive commodities and other products by rail. (Id. at 1-2.)

STR argued that the project would provide tenant shippers at the Park with greater mode optionality and competitive freight optionality; lower total emissions due to fewer truck movements; reduce overall truck traffic; improve road longevity; and create greater business diversity within the Park. (Id. at 3-4.) The Board received separate letters supporting STR's petition from the State of Utah and the Utah Department of Transportation, the World Trade Center Utah, U.S. Representative John Curtis, and U.S. Representative Chris Stewart.³ (See State of Utah Letter, July 20, 2022; Utah Dep't of Transp. Letter, July 15, 2022; World Trade Center Utah Letter, July 15, 2022; Curtis Letter, July 18, 2022; Stewart Letter, July 27, 2022.) The Board later received another letter in support of the project from U.S. Representatives Burgess Owens, Blake D. Moore, and John Curtis. (See Owens, Moore, Curtis Letter, Oct. 24, 2023.)

In a decision served on August 24, 2022, the Board instituted a proceeding under 49 U.S.C. § 10502(b) and sought clarification on the plans for the right-of-way and track located between milepost 0.0 and milepost 1.04. Savage Tooele R.R.—Constr. & Operation Exemption—Line of R.R. in Tooele Cnty., Utah, FD 36616, slip op. at 2 (STB served Aug. 24, 2022). STR filed a supplement in response on September 20, 2022, explaining that UP would petition the Board to reinstate common carrier operating authority over this segment and interchange cars with STR at milepost 1.04. (STR Suppl. 1-2, Sept. 20, 2022.)⁴ No comments opposing the transportation merits of STR's petition for exemption were filed. STR filed an additional supplement to the petition for exemption on January 17, 2023, (STR Suppl., Jan 17, 2023), and then a letter to inform the Board of modifications to its operating plans on June 29, 2023, (STR Letter, June 29, 2023).

The Board's Office of Environmental Analysis (OEA) issued a Draft Environmental Assessment (Draft EA) on September 29, 2023, analyzing the potential environmental impacts of the proposed construction and operation and requesting public comments, as required by the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4370m-11. OEA then issued a Final Environmental Assessment (Final EA) on March 1, 2024, which responded to 21 comments received on the Draft EA. See Final EA, App. I. The Final EA recommended 62 environmental conditions, including 37 voluntary mitigation measures proposed by STR. Final EA S-6.

On April 1, 2024, the Board served the April 2024 Decision granting STR an exemption from the prior approval requirements of § 10901, adopting the analysis and conclusions in the Final EA, and authorizing STR to construct and operate the Line, subject to the environmental

³ U.S. Representative John Curtis was elected and sworn into the United States Senate in 2025, while U.S. Representative Chris Stewart retired from Congress in 2023.

⁴ UP filed for, and received, an exemption from the Board to reinstitute common carrier service and operate over the 1.04-mile segment in Union Pacific Railroad—Operation Exemption—in Tooele County, Utah, FD 36741 (STB served Feb. 13, 2024).

mitigation measures recommended in the Final EA. April 2024 Decision, FD 36616, slip op. at 6, App. A.

On April 22, 2024, Petitioners filed a joint petition for reconsideration of the April 2024 Decision pursuant to 49 C.F.R. § 1115.3. Petitioners allege that the Board materially erred in adopting the Final EA because, they argue, it was “severely deficient in meeting the legal requirements established by [NEPA] for protecting the public and the environment.” (Pet. for Recons. 3-4.) Petitioners also assert that new evidence exists that shows the Final EA failed to provide an accurate report on the purpose of the Line and the consequences to the environment. (Id. at 11.) Petitioners further requested that the Board stay the effective date of the April 2024 Decision pending reconsideration. (Id. at 12.)

Through a letter submitted the following day, STR asked the Board to reject Petitioners’ request for a stay due to it having been filed out of time. (STR Letter, Apr. 24, 2024 (citing 49 C.F.R. § 1115.3(f)).) STR submitted a reply to the petition for reconsideration on May 10, 2024, arguing that Petitioners lack standing,⁵ and that even if Petitioners have standing, they have not demonstrated that the Board materially erred, nor have they presented the Board with any “new evidence” under 49 C.F.R. § 1115.3. (See STR Reply 1-2.)

DISCUSSION AND CONCLUSIONS

Request for stay. In their April 22, 2024 petition for reconsideration, Petitioners requested that the Board stay the April 2024 Decision pending reconsideration. (Pet. for Recons. 12.) On reply, STR argued that this stay request was untimely. (STR Letter, Apr. 24, 2024.)

The Board’s regulations clearly state that “[a] petition to stay may be filed in advance of the petition for reconsideration and shall be filed within 10 days of service of the action,” meaning that any requests for a stay should have been filed by April 11, 2024. 49 C.F.R. § 1115.3(f). Moreover, Petitioners made no arguments regarding the stay criteria. See, e.g., Joint Pet. for Rulemaking to Est. a Voluntary Arb. Program for Small Rate Disputes, EP 765, slip op. at 2-3 (STB served Jan. 24, 2023) (listing the four stay factors, including the “threshold consideration” of whether the party seeking a stay would be irreparably harmed without one) (citing Washington Metro. Area Transit Comm’n v. Holiday Tours, Inc., 559 F.2d 841, 843 (D.C. Cir. 1977)); see also 49 U.S.C. § 1321(b)(4). Petitioners’ stay request was therefore untimely and unsupported.

Petition for reconsideration. A party may seek reconsideration of a Board decision by submitting a timely petition that presents new evidence or substantially changed circumstances that would materially affect the case, or demonstrates material error in the prior decision.

⁵ Because the petition for reconsideration is being denied on the merits, the Board need not address STR’s argument that Petitioners lack standing to seek reconsideration. See Union Pac. R.R.—Aban. Exemption—in Bonne Terre, Mo., AB 33 (Sub-No. 164X), slip op. at 6 n.22 (STB served Oct. 19, 2015); R. J. Corman R.R. Prop., LLC—Aban. Exemption—in Scott, Campbell, & Anderson Cntys., Tenn., AB 1296X, slip op. at 1 n.2 (STB served May 3, 2021).

49 U.S.C. § 1322(c); 49 C.F.R. § 1115.3(b). If a party has presented no new evidence, changed circumstances, or material error that “would mandate a different result,” then the Board will not grant reconsideration. Montezuma Grain Co. v. STB, 339 F.3d 535, 541-42 (7th Cir. 2003); see also Canadian Nat’l Ry.—EJ&E W. Co., FD 35087 (Sub-No. 8), slip op. at 5 (STB served Oct. 30, 2017); Soo Line R.R.—Acquis. & Operation Exemption—BNSF Ry., FD 35068, slip op. at 4 (STB served Dec. 29, 2020); 49 C.F.R. § 1115.3. When asserting material error, “[a] party must do more than simply make a general allegation of material error and repeat its previous arguments; it must substantiate its claim of material error.” Reasonableness of BNSF Ry. Coal Dust Migration Tariff Provisions, FD 35557, slip op. at 4 (STB served May 15, 2015) (citing Canadian Pac. Ry.—Control—Dakota, Minn. & E. R.R., FD 35081, slip op. at 4 (STB served May 7, 2009)). When seeking to introduce new evidence, the evidence must be stated briefly and must not appear to be cumulative, and the party must explain why the evidence was not previously adduced. 49 C.F.R. § 1115.3(c). “New evidence must be newly available. Reconsideration is not warranted if the pertinent evidence was available before the agency’s decision but was not timely raised.” Denver & Rio Grande Ry. Hist. Found.—Pet. for Declaratory Ord., FD 35496, slip op. at 4 (STB served Mar. 24, 2015) (citing Friends of Sierra R.R. v. ICC, 881 F.2d 663, 667 (9th Cir. 1989)).

The Board will deny the petition for reconsideration because Petitioners have not substantiated their claims of material error or introduced evidence that is “new.” Nor have Petitioners explained how their purported new evidence would have led to a different result.

A. Material error.

Purpose of the Project. Petitioners first allege that the Board “materially erred by fully adopting the EA and basing the [April 2024 Decision], in part, on the EA” because it fails to disclose that the true purpose of the project is to increase industrial development on land that is currently open space, uplands, playa, and wetlands, and near the Great Salt Lake in some places. (Pet. for Recons. 5.) Petitioners further argue that if the purpose of the construction project is fulfilled, it would have substantial impacts. They contend that if the Park is built to capacity, it could lead to tens of thousands of new truck and vehicle trips each day. (Id.) Additionally, Petitioners argue that OEA made a “questionable assumption about the market for warehouse space” and suggest that there will be no market for rail transportation on the Line if the area surrounding the Great Salt Lake suffers an ecological collapse. (Id.) Lastly, Petitioners argue that the Final EA did not satisfactorily consider the proximity of the Utah Inland Port in Salt Lake City and “a proposed project in nearby Grantsville and its impact on Erda, Utah.” (Id.)

Petitioners’ assertions about the “true purpose of the project” largely boil down to a complaint that the Board should have analyzed the environmental impacts of the Park and other projects in the Final EA as indirect impacts of the Line. (See id. at 4 (arguing that the Board erred in not considering the consequences of “industrial development” when determining whether to approve the Line).) As the Board made clear, however, the purpose of the Line is not to facilitate development of the Park or any other development project, but rather to provide a freight option to the Park “that does not currently exist.” April 2024 Decision, FD 36616, slip op. at 3. The Board emphasized that the “Park already exists, is operating and serving shippers by truck, and that local jurisdictions have been supporting the Park and other industrial

development projects in the area regardless of whether the Line is built.” April 2024 Decision, FD 36616, slip op. at 4-5; see also Final EA, App. I at I-6 (“Because [the Park] already exists and is serving shippers by truck, the merits of the [Park] are not part of the Proposed Action before the Board.”). The Board also noted that STR has no current plans to serve other possible projects in the vicinity of the Line, but outside of the Park, like those proposed by the Utah Inland Port Authority (UIPA). April 2024 Decision, FD 36616, slip op. at 5 (citing Final EA 3-77 to 3-78). In other words, the Line will be built to serve the Park regardless of whether any such projects move forward. (See STR Letter, Nov. 6, 2023, EI-33156 (explaining that, unlike the Park, the UIPA inland port project is “conceptual” and may never be built, and confirming that “STR’s intent is only to serve the Park”).)

For the foregoing reasons, the Board reasonably and appropriately declined to analyze the impacts resulting from the Park and the UIPA projects as impacts attributable to the Line itself. April 2024 Decision, FD 36616, slip op. at 5. But Petitioners are wrong in their contention that the Board treated the Line’s construction and operation “in a vacuum.” (Pet. for Recons. 8.) Rather, the Board considered reasonably foreseeable impacts from the Park and the UIPA projects in its cumulative impacts analysis. See Final EA 3-74 to 3-83. And it concluded that, with the environmental mitigation measures imposed, the incremental impact of the construction and operation of the Line would not be significant. See April 2024 Decision, FD 36616, slip op. at 5; Final EA S-6; see also Pet. for Recons. 4 (acknowledging that a cumulative impact analysis considers the “*incremental*” impact of the action when added to other past, present, and reasonably foreseeable future actions” (emphasis added)). Indeed, by providing a rail option to the Park, the Line will support the diversion of at least some Park traffic from truck to rail, thereby reducing overall truck traffic and lowering overall emissions.⁶ April 2024 Decision, FD 36616, slip op. at 3-4; see also Final EA 3-64 (acknowledging that the Park is currently served by truck but that construction of the Line “would increase overall energy efficiency by reducing energy used by commercial trucks”).

Petitioners now vaguely contend that “the connection” between the Line and the area around it was “common knowledge.” (Pet. for Recons. 11-12.) But just because there is a rail “connection” does not mean that the Line will “induce” the Park’s development, or that its purpose is to serve other projects. Petitioners present no argument challenging the Board’s conclusion discussed above that the Park will be developed regardless of whether the Line is built and that STR does not plan to serve businesses outside the Park. (Id. at 4-5; Final EA, App. I at I-6.) Because all of Petitioners’ arguments regarding the “true purpose” of the project and its effects were sufficiently addressed in the Final EA, the Board finds no material error that would mandate a different result.

Adequacy of the Environmental Analysis. Petitioners also argue that the Board materially erred in adopting the Final EA because it “fails to inform the public of significant environmental

⁶ OEA responded to Petitioners’ suggestion that there will be no market for rail service should the “Great Salt Lake continu[e] its ecological collapse” by explaining that the comment is not relevant to its assessment of reasonably foreseeable environmental impacts from the construction and operation of the Line. See Final EA, App. I at I-23.

consequences.” (Pet. for Recons. 3.) But every environmental issue they raise was already adequately addressed in the Final EA:

- Noise. Petitioners suggest that the Board improperly disregarded an “alternate path” for the Line that it contends would have reduced noise impacts. (Id. at 6-7.) The Final EA explained that OEA requested clarification from the City of Erda regarding that alignment but did not receive a response. Final EA, App. I. at I-9. The Final EA also considered an alternative alignment for the Line but eliminated that alignment from further consideration due to greater risks it would pose to grade crossing safety. Id.
- Hazardous Materials. Petitioners contend that “there is no analysis of incidental spills coming into and out of the complex.” (Pet. for Recons. 7.) But, as the Final EA explained, this was because STR did not know whether it would be asked to transport any hazardous materials, and because there was no data on the amounts and types of hazardous materials that could be transported. Thus, the Board could not predict the likelihood of leaks, spills, or releases. Final EA, App. I at I-14 to I-15. Accordingly, the Final EA explained that any analysis of these issues would be speculative and would not inform the decision-making process. Id. The Final EA nonetheless anticipated that, based on the short length of the proposed line and the small number of trains per day (one round trip), any potential hazardous materials releases resulting from activity on the Line would be small, infrequent, involve a relatively short duration of exposure and be contained quickly. See Final EA 3-43 to 3-44.
- Water Resources. Petitioners allege that the Board did not “evaluate the indirect impacts of industrial activity at the [Park] and whether the development may subsequently impact groundwater.” (Pet. for Recons. 7.)⁷ Putting aside that industrial development at the Park is not an “indirect impact” of the Line for the reasons given above, the Final EA *did* consider potential groundwater impacts from the Park and other projects near the Line as part of its cumulative impact analysis. See Final EA 3-74 to 3-83. The Final EA acknowledged potential impacts to groundwater and surface water at the Park site due to increased water use and impervious surfaces, which could affect the broader Great Salt Lake region. Id. at 3-76. But it found that there would be no cumulative impacts from the Line itself because any impacts to water resources from the Line “would not extend to the location of the [Park],” i.e., there is no overlap. Id. at 3-80. Petitioners do not challenge that finding.

⁷ Petitioners also argue that STR should be required to obtain a Clean Water Act (CWA) Section 401 Water Quality Certification, and complete consultation under Section 404 of the CWA, as conditions to Board approval. (Pet. for Recons. 8-9.) What they fail to acknowledge is that the Board did in fact require, as mitigation, that STR obtain a CWA Section 401 Water Quality Certification from the Utah Department of Environmental Quality, and if applicable, also obtain a permit from the U.S Army Corps of Engineers under Section 404 of the CWA. April 2024 Decision, FD 36616, slip op. at 13-14.

- Biological Resources. Petitioners contend that the Board “failed to examine what impacts might occur to the immediately adjacent landscape and the habitats for the species of greatest conservation need in and adjacent to the [Great Salt Lake].” Based on past practice, the Final EA reasonably limited the scope of analysis for biological resources to the existing right-of-way, the adjacent interchange tracks, and the track inside the rail-served portion of the Park. Final EA, App. I at I-11 to I-12. The Final EA evaluated potential impacts to plant and wildlife within that appropriately defined study area, including federally and state-protected species, and recommended appropriate conditions to mitigate possible harms, Final EA 3-28 to 3-34, which the Board imposed in its April 2024 Decision. FD 36616, slip op. at 5, App. A.
- Air Quality. Petitioners argue that the Board failed to adequately evaluate potential air quality impacts “because it failed to include information about the construction and operation of [the Park] and its indirect effects on air quality.” (Pet. for Recons. 10.) This argument is yet another challenge to OEA’s analysis of the Park’s impacts as cumulative impacts. Indeed, the Final EA did take into account the potential air quality impacts of the Park. Specifically, the Final EA acknowledged that automobile and truck trips to and from the Park would generate “substantial” emissions, but it found that the cumulative impacts of the Line when added to those emissions could have a positive effect as freight rail supplants trucks to move goods. Final EA 3-83. That was a reasonable conclusion to draw given that the Line will not induce development of the Park, which already exists and will continue to exist regardless of the Line.

Petitioners also have not supported their claim that the Board failed to analyze impacts from hazardous air pollutants (HAPs) “based on quantitative air modeling results compared to relevant health-based risk thresholds,” noting that certain residences and businesses may be exposed to greater concentrations of HAPs due to their proximity to the Line. (Pet. for Recons. 10.) In fact, the Final EA explained that (i) total emissions of HAPs from operation of the Line would be relatively small compared to emissions from stationary sources, (ii) that exposure would be limited to the short duration of a train passby, with just two projected passbys per day, and (iii) that, consistent with past Board practice, the estimated HAPs emissions were not substantial enough to warrant a dispersion analysis. Final EA, App. I at I-17 to I-18; see also Cmtys. Against Runway Expansion, Inc. v. Fed. Aviation Admin., 355 F.3d 678, 689 (D.C. Cir. 2004) (stating that an agency’s “choice among reasonable analytical methodologies is entitled to deference from this court”).

Petitioners do not state why OEA’s analysis in the Final EA as to any of these issues was erroneous—they simply restate their comments on the Draft EA or misrepresent OEA’s responses to their comments. Thus, the Board finds that Petitioners have not shown material error that would mandate a different result because the arguments they raise here were already

raised in comments on the Draft EA and sufficiently addressed by OEA in the Final EA and by the Board in the April 2024 Decision.

B. New evidence.

Petitioners further claim to possess new evidence that was either not publicly known or was not available at the time public comments on the Draft EA were due, including documents outlining the connection between UIPA project areas and STR; evidence that a refrigeration company's decision to build a manufacturing site at the Park was contingent on the Line being built; evidence of outcry from Tooele Valley residents and the negative impacts on the city of Erda; an article from the *Salt Lake Tribune* discussing ozone levels; and evidence of the connection between developers, local governments, UIPA, and STR. (Pet. for Recons. 11-12.)

However, because Petitioners provide neither the purported documents to support their claims nor any details to describe them, they have failed to support any argument that the "evidence" would have impacted OEA's analysis and led to a different result in the April 2024 Decision. In some instances, the evidence cited by Petitioners does not in fact even appear to be new. In one case, Petitioners claim the documents that show the connection between UIPA and STR were not submitted during the environmental review because it was such "common knowledge" that Petitioners did not realize it would be necessary to include in the record. (*Id.* at 12.) Nor, as noted above, do Petitioners present any evidence challenging the Board's conclusion that the intent of the Line is not to serve the UIPA projects. Petitioners allege that there is "evidence of public outcry by Tooele Valley residents and the negative impacts on the City of Erda." (*Id.*) However, complaints by a member of the Erda City Council were discussed extensively in the Final EA. *See* Final EA, App. I at I-8 to I-10, I-16. Moreover, adjacent landowners were given actual notice of the proposed project and invited to participate in the environmental review process,⁸ so any concerns raised by residents at this stage would likely not qualify as new evidence even had Petitioners sufficiently supported these claims—which they did not. And Petitioners' claim of evidence that a refrigeration company's decision to build a manufacturing site in the Park "was contingent on the railway" is nothing new, as the Board acknowledged that the Line "may be the reason that some companies choose to locate in the [Park]." Final EA 3-75.⁹

Nor have Petitioners explained how their purported new evidence would have resulted in the Board reaching a different outcome in the April 2024 Decision. The Board found that the environmental analysis was adequate and that construction of the Line qualified for an

⁸ As the Final EA, Appendix I at I-24, explains, "in September 2023 when the Draft EA was released, OEA contacted the landowners and residents of each tax lot adjacent to the proposed rail line directly, including within the Gunderson Circle development in Marshall, Utah, with a postcard mailing. The postcard informed recipients that the Draft EA was issued on September 29th, where to access a digital or hard copy of the Draft EA, and how to submit comments during the 30-day comment period that ended on October 30, 2023."

⁹ Consistent with the Board's observation that the Park would exist regardless of whether the Line is built, it also acknowledged that "other companies could choose to locate there and ship by truck even if [it] denies STR's request for authority." Final EA 3-75.

exemption under 49 U.S.C. § 10502 from the formal application procedures of 49 U.S.C. § 10901 because the procedures were not necessary to carry out the rail transportation policy (RTP) of 49 U.S.C. § 10101 or to protect shippers from an abuse of market power. See April 2024 Decision, FD 36616, slip op. at 3-4. The Board noted then that the proposal “was unopposed on the transportation merits” and that an exemption was warranted because the project “clearly supports the RTP.” Id. at 3 (citing 49 U.S.C. § 10101(1), (2), (4), (5), (8), (14), (15)). It appears that none of the claimed new evidence would contradict those findings. All of the purportedly new evidence instead relates to whether the Final EA properly considered the purpose of the project. As already noted, the Final EA addressed the alleged connection between STR and the UIPA projects, see Final EA 3-77 to 3-79; see also Final EA, App. I at I-19, considered the measured ozone levels near the site, see Final EA 3-50 to 3-58, and addressed the “public outcry,” Final EA, App. I at I-24. Moreover, some of their claimed new evidence in fact **supports** the Board’s finding on the transportation merits. Petitioners assert that an unnamed refrigeration company’s decision to build a manufacturing site at the already-extant Park was contingent on the construction of the Line. This indicates that prospective tenants of the Park prefer the Line be built and do not feel threatened by any potential abuse of market power.¹⁰ Again, Petitioners have not shown how their purportedly new evidence would mandate that the Board reach a different result now.

CONCLUSION

In sum, Petitioners have not provided the Board with anything that would mandate a different result on reconsideration. Petitioners have not substantiated their claim that the Board materially erred; instead, they merely repeat arguments already submitted during the environmental review, to which OEA responded in the Final EA. Their claims and arguments are not grounds for reconsideration to be granted. See Reasonableness of BNSF Ry. Coal Dust Migration Tariff Provisions, FD 35557, slip op. at 4. Furthermore, Petitioners have not sufficiently supported their claims of new evidence or shown that consideration of the purported new evidence would have led to a different result. Therefore, the petition for reconsideration will be denied, and as discussed above, the request for a stay will be denied.

It is ordered:

1. The petition for reconsideration and the request for a stay are denied.
2. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

¹⁰ (See also STR Suppl. 4, Jan 17, 2023 (attaching a letter from Lineage Logistics, a cold storage company, stating that it had purchased property within the Park for the construction of a new facility and expressing a “clear preference” for the facility to be served by STR).)