



State of Utah

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DIVISION OF WATER QUALITY
Erica Brown Gaddis, PhD
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July 20, 2021

DIVISION OF WATER QUALITY
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
PUBLIC NOTICE TO ISSUE A SECTION 401 WATER QUALITY CERTIFICATION

PURPOSE OF PUBLIC NOTICE

The purpose of this public notice is to declare the State of Utah's intention to issue a Section 401 Water Quality Certification with Conditions under the authority of the Federal Clean Water Act (33 U.S.C. § 1341), and consistent with the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Ann. 1953, as amended and Utah Administrative Code R317-15.

PERMIT INFORMATION

PERMITTEE NAME: Seven County Infrastructure Coalition (Michael McKee) and Uinta Basin Railway, LLC (Mark Hemphill)
MAILING ADDRESS: 294 East 100 South Price, Utah 84501
PROJECT LOCATION: Western Terminus near Kyune, Utah: 40.152, -110.084
Eastern Terminus near Myton, Utah: 40.1519, -109.887
DWQ CERTIFICATION NO.: DWQ-2021-06002
WATERCOURSES: Price River and tributaries, Beaver Creek and tributaries, Kyune Creek, and Horse Creek (within the Price River-Beaver Creek Assessment Unit [AU]); Willow Creek and tributaries, Pole Canyon Creek, and Dry Fork (within the Willow Creek AU); Indian Canyon Creek and Indian Canyon tributaries (within the Indian Canyon Creek AU); Antelope Creek (within the Antelope Creek AU); and palustrine emergent (PEM) wetlands.

BACKGROUND

The Seven County Infrastructure Coalition, a government entity composed on Carbon, Daggett, Duchesne, Emery, San Juan, Sevier and Uintah Counties, and the Uinta Basin Railway, LLC (together, the Project Proponents) propose an 88-mile-long rail line (the Uinta Basin Railway, or Project). According to the Project Proponents, the purpose of the Project is to operate a common-carrier rail line connecting the Uinta Basin to the common carrier rail network using a route that would provide shippers with a viable alternative to trucking. The Project Proponents anticipate that traffic associated with the Uinta Basin

Railway would consist primarily of trains transporting crude oil from the Uinta Basin to markets across the United States. The Project would cross lands within the Uintah and Ouray Reservation, lands claimed by the Ute Indian Tribe as “Indian Country”, and the U.S. Forest Service Ashley National Forest. The Environmental Protection Agency (EPA) has determined that the Administrator is the 401 Water Quality Certifying Authority in these areas. Because the EPA determined the Administrator is the Certifying Authority in these areas, the DWQ will not issue an additional Certification for those lands. The DWQ is the Certifying Authority in all other areas and this Draft 401 Water Quality Certification only addresses waters where DWQ is the Certifying Authority.

The Uinta Basin Railway would begin near Kyune, Utah at a proposed connection with the existing Union Pacific Railroad Provo Subdivision and terminate near Myton, Utah in the Uinta Basin. The rail line would consist of a single main track with sidings to let trails pass each other. The rail right of way (ROW) would generally extend 100-foot wide from the centerline. The Project would include 26 bridges and 5 permanent culverts to cross waters of the U.S. (WOTUS), and stream channel realignments in 15 locations, totaling 7,827 feet. The Project would permanently impact 10,981 feet (1.43 acres) and temporarily impact 1,508 feet (0.23 acre) of perennial and intermittent streams; permanently impact 2.06 acres and temporarily impact 0.60 acre of palustrine emergent (PEM) wetlands; and permanently impact 0.35 acre and temporarily impact 0.24 acre of open water. Impacts to WOTUS would be mitigated through on-site (along Indian Canyon Creek) and off-site mitigation activities (along Middle Strawberry River). Mitigation for the Project as a whole (including areas where the EPA is the Certifying Authority) would include 10.46 acres of wetland establishment and 7.91 acres (21,509 linear feet) of stream establishment. According to the Project Proponent, construction is anticipated to begin in 2023 and the Project is anticipated to be operational in 2025.

PUBLIC COMMENTS

Public comments are invited any time prior to the deadline of the close of business on **August 20, 2021**. Written public comments can be submitted to: Meghan Albers, General Permitting Section, Utah Division of Water Quality, PO Box 144870, Salt Lake City, Utah 84114-4870 or by email at: malbers@utah.gov. After considering public comments the Utah Division of Water Quality may execute the Certification issuance, revise it or abandon it. The permit is available for public review under <https://deq.utah.gov/water-quality/water-quality-public-notice>. If internet access is not available, a copy may be obtained by calling Meghan Albers at 801-536-4193.