



His Vision

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Our Mission

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Joshua Wayland, PhD
Surface Transportation Board
c/o ICF
9300 Lee Highway
Fairfax, VA 22031
Attention: Environmental filing, Docket No. FD 36284

Dear Dr. Wayland,

On behalf of the Theodore Roosevelt Conservation Partnership (TRCP) we appreciate the opportunity to comment on the draft Environmental Impact Statement (DEIS) for the Uinta Basin Railway. The TRCP is a national 501(c)(3) non-profit organization that works with 60 partner groups and our Corporate Council members to guarantee all Americans quality places to hunt and fish.

Our primary concerns focus on potential impacts from this project on greater sage-grouse and big game habitats. Below, we offer our observations and suggestions.

Greater sage-grouse

As described in the DEIS, all three Action Alternatives would cross areas containing mapped greater sage-grouse habitat and in close or immediate proximity to active leks in priority habitat. Our understanding, through consultation with the Utah Division of Wildlife Resources (UDWR), is that these are some of the last remaining leks known for this population of sage-grouse. Figure 3.4-2 shows three alternative routes – the chosen upper route should maximize avoidance of priority and general habitat and minimize disturbance as much as possible. For the lower portion of the route, the Whitmore Park alternative appears to be the furthest distance from active leks, but still well within a distance likely to disturb grouse. Given the extensively documented sensitivity of sage-grouse to ground disturbance and noise, impacts and perhaps even lek abandonment should be anticipated. The Western Association of Fish and Wildlife Agencies and USGS scientists now estimate sage-grouse populations continue to decline at ~3% annually, and further loss of priority habitat and grouse does not comport with retaining the 2015 “not warranted” finding for this species by the US Fish and Wildlife Service.

Should the project proceed, we suggest exhausting all options for moving the rail line as far from active leks as possible. While we appreciate the likely extensive costs of re-routing the rail line, loss of any sage-grouse leks in priority habitat at this point in time threatens sage-grouse more broadly than just this project area.

Even with a modified location, residual impacts to sage-grouse should be expected. Given the likelihood of lost occupied priority sage-grouse habitat from direct (i.e., the actual footprint of lost habitat) and indirect (i.e., the avoidance of otherwise suitable and occupied habitat due to disturbance) impacts, we would argue that additionality (or sometimes referred to as conservation gain) should be considered when addressing compensatory mitigation. The State of Utah’s mitigation program should be employed, and expectations coordinated with the UDWR, federal agencies and the proponent to ensure requirements for mitigation are achieved. Importantly, indirect impacts should be factored into mitigation requirements and not just the lost habitat from the project’s footprint.

Big Game

Clearly this area is vital for big game given the wide variety of large ungulates that utilize it. The DEIS notes that big game species with year-long substantial and/or crucial habitat in the project footprint include bighorn sheep, elk, moose, mule deer, and pronghorn antelope (Table 3.4-1). It is apparent that none of the routes can completely avoid some impact to any these species.

The rail line should not cross any State Wildlife Management Areas, easements established for big game, or other lands open to public access for hunting and fishing. Any known migration corridors – and especially stopover habitats or pinch points (also called bottlenecks) should be avoided. If the project proceeds and any of the alternatives bisect migration or other high use areas, wildlife crossing structures and adequate fencing to funnel animals to safety should be required, per recommendations from the UDWR. However, we point out the lack of evidence to support the use of compensatory mitigation to offset impacts to a big game migration corridor. Avoiding impacts – the first and most critical step in the mitigation hierarchy - at the onset is critical for the maintenance of migratory movement and use of corridors. Importantly, there is no empirical evidence supporting whether measures to minimize or mitigate unavoidable impacts are effective to conserve migration corridors considering many big game species' fidelity to these routes. Habitat conditions on winter range and within migration corridors can be improved through restoration projects, but migration routes of large mammals are generally traditional, and spatial memory provides knowledge where seasonal ranges and migratory routes. Learning and cultural transmission are the primary mechanisms by which ungulate migrations evolve. Impacts that result in alterations or outright avoidance of traditional migrations could therefore expunge generations of knowledge about the locations of high-quality forage and could suppress population abundance. Given that ungulate migrations generally occur along these traditional routes that are learned and passed on from mother to young, it may be difficult if not to restore migratory landscapes by removing barriers once migratory subpopulations have dwindled. As such, avoidance is key and compensatory mitigation efforts to offset impacts to migration corridors are likely an ineffective management strategy, given that corridors cannot be effectively “created” elsewhere.

We appreciate the opportunity to comment on this DEIS. Please contact us if you have and questions.

Respectfully,



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