EIGHTH AMENDMENT
TO
MASTER PROFESSIONAL SERVICES AGREEMENT

HDR Engineering, Inc. ("HDR") and Seven County Infrastructure Coalition ("Coalition") hereby enter into this Eighth Amendment (this "Amendment") to the Master Professional Services Agreement by and between them dated November 9, 2018, including all previous amendments thereto (collectively, the "Agreement"). This Amendment to the Agreement is entered into and effective by and between HDR and the Coalition as of this 1st day of April, 2021 (the "Effective Date").

WHEREAS:

The parties desire to amend the Agreement in order to amend the following provisions of the Agreement as herein provided:

SECTION PROJECT TASK ORDER, Subpart 1.3; and

SECTION III COMPENSATION

NOW, THEREFORE, ENGINEER and COALITION do hereby agree as follows:

1. The Agreement is hereby amended as follows, effective as of the Effective Date:

SECTION PROJECT TASK ORDER, Subpart 1.3 is hereby deleted and replaced in its entirety with the following:

"In all work elements, time is of the essence. The goal is to have the project completed and moving freight as soon as possible, within 5 years. All preliminary engineering design to obtain STB approval and other permits necessary or desirable to commence construction, planning, environmental base-line studies, permitting, real-estate acquisition planning, and preparation of construction bid materials, will be completed by August 31, 2021, unless and to the extent forces outside of the reasonable control of the Consultant alter the schedule, in which case the schedule shall be amended commensurate with any such delays."

SECTION III COMPENSATION

SECTION III COMPENSATION that was added to the Agreement by Amendment 7 is hereby deleted in its entirety and replaced with the following:

"Compensation for ENGINEER's Services for all task orders shall be $11,037,463.00 in accordance with the response submitted by the ENGINEER to the Coalition on November 1, 2018, and the Coalition only owes compensation for ENGINEER's services as set forth in the respective task orders including any and all change orders/amendments to such task orders."
1. The COALITION only owes compensation for HDR's services under the Agreement as set forth in the respective task orders, including all change orders/amendments to such task orders.

2. Except as set forth above, the Agreement remains in full force and effect by and between HDR and the Coalition.

3. This Amendment may be executed by the parties in multiple counterpart copies delivered via email or facsimile transmissions of the parties. A party's electronic signature or the image of a party's manual signature on any such counterpart shall constitute an original and effective signature to this Amendment for all purposes.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the day and year written below:

HDR ENGINEERING, INC. ("HDR")

By: ________________________________
Title: Sr. Vice President/Area Manager
Date: April 6, 2021

SEVEN COUNTY INFRASTRUCTURE COALITION ("COALITION")

By: ________________________________
Title: Executive Director
Date: April 2, 2021
TASK ORDER No. 11
Tribal Participation Plan (TPP) and Research and Survey Plan

This Task Order pertains to Master Services Agreements by and between Seven County Infrastructure Coalition, ("COALITION"), and HDR Engineering, Inc. ("HDR"), dated as of November 9, 2018 ("the Agreement"), and amended on December 10, 2018, March 5, 2019, July 1, 2019, May 11, 2020, October 28, 2020, December 7, 2021 and March 1, 2021. HDR shall perform services on the project described below as provided herein and in the Agreements. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

I. Task Order No. 11 Objectives:

The objective of Task Order No. 11 is to assist the Seven County Infrastructure Coalition (Coalition) with its cultural resources management responsibilities by fulfilling the terms of the programmatic agreement (PA) among the Surface Transportation Board et al. regarding the Coalition’s Construction and Operation of the Proposed Uinta Basin Railway Project (the Project). The subtasks associated with Task Order No. 11 are:

1. Project Management.
2. Prepare a Tribal Participation Plan.
3. Prepare a Research and Survey Plan.

To assist the project proponent in creating a Tribal Participation Plan and Research and Survey Plan, in partial fulfillment of the terms of the PA, HDR and its subconsultant SWCA, will complete the subtasks described in Exhibit A and summarized below. It is assumed that the Whitmore Park proposed route will be the selected preferred alternative.

II. Task Order No. 11 Duration:

All activities under Task Order 11 shall be performed beginning upon execution of this Task Order and be completed by July 30, 2021. Any work required after July 30, 2021 due to circumstances beyond HDR’s control, will be accomplished under separate task orders and contracts. A draft version of the Tribal Participation Plan shall be completed by April 23, 2021.

III. Task Order No. 11 Activities:

HDR shall perform the following activities, identified as Subtask 1.0 to Subtask 3.0, under Task Order No. 11. The scope of work for Subtask 2.0 and Subtask 3.0 is fully described in the attached SWCA scope of work (SOW) – see Exhibit A.

**Subtask 1.0 Project Management**

**Objective:** HDR will provide contract administration and team management, coordination, and direction for the duration of the Task Order. Activities will include the following:

- Administration of project costs and schedule control.
- Contract compliance activities including status reporting and invoicing.
- Internal weekly HDR team/discipline coordination.
- SCIC weekly management meetings/calls.
Deliverables:
- One (1) electronic copy of monthly invoices and progress reports.

Subtask 1.0 Tribal Participation Plan

Objective: SWCA will prepare a Tribal Participation Plan that will describe the scope of consultation and consultation procedures with the Ute Indian Tribe of the Uinta and Ouray Reservation (the Tribe). The plan will include Tribal confidentiality requirements; how consultation will take place and under what circumstances (e.g., modifications to the PA or APE); consultation procedures for the development of the research and survey plan; methods for gaining permission to enter Ute Tribal lands (Tribal lands) for the purposes of cultural resources and paleontological field surveys; Tribal participation in field surveys and reporting requirements for Tribe-only field surveys; reporting and report distribution requirements relating to properties of cultural and religious significance (Traditional Cultural Properties [TCPs]); procedures for Tribal input on evaluations of TCPs and concurrence on the effects of the Project on such properties; procedures for Tribal comment on technical reports identifying and evaluating historic properties and assessment of effects on those properties; means for participation in the development of the historic properties treatment plan (HPTP) and the opportunity for comment and concurrence; and participation in the development, review, and delivery of on-site cultural sensitivity training. The plan will also include parameters for in-person meetings and teleconferences as well as the Coalition’s financial responsibility to the Tribe for participation in consultation.

Assumptions:
- Ute Traditional Cultural Specialists (TCSs) will be present during cultural resources surveys on Tribal lands and the Tribe will request to participate in some surveys outside of Tribal lands. Note: No field survey will be conducted under this Task Order.
- The Tribe will choose to participate in approximately 50 percent of the cultural resources survey for the Project.
- No more than two TCSs will participate in the cultural resources survey at a time, and they will be compensated on a biweekly basis by HDR.
- The Tribe may choose to investigate TCPs outside of the Project APE to assess potential indirect effects that may impact the use of TCPs.
- No more than 20 hours of meetings will be required for consultation, attended by no more than two SWCA professionals. All meetings will be virtual.

Deliverables:
- Draft Tribal Participation Plan – shall be completed and submitted to SCIC and OEA no later than 30 days following the signing of the Programmatic Agreement, or by April 23, 2021.
- Final Tribal Participation Plan.

Subtask 3.0 Research and Survey Plan

Objective: SWCA will assist in finalizing the APE and prepare a Research and Survey Plan that will meet the requirements of 36 Code of Federal Regulations 800.4(b) and will follow the Secretary’s Standards and Guidelines for Identification. The plan will include the following components:
Plan Components:

- An outline of updated file search methods and results, file search results maps, and GIS files.
- Research sources utilized in the file search (including General Land Office (GLO) plat maps, historical topographic maps, regional and local histories, ethnographic information, previous studies, and GIS data).
- Survey expectations based on the file search.
- Survey and recording methods for archaeological resources, potential burials with Tribal notification procedures, and above-ground (architectural) resources.
- Approaches for analyzing listed, determined-eligible, and potentially eligible historic properties included in the OEA technical memorandum (Tabachnick 2020).
- An approach for identifying and analyzing rural historic districts, rural historic landscapes, and TCPs.
- An approach for coordinating with the Tribe to develop methods for identifying TCPs and other important cultural or religious resources.
- Field survey crew composition.
- An outline of coordination plans with OEA regarding monitoring of fieldwork and Tribal monitoring.
- Identification of necessary access permits and other requirements for surveys on Tribal trust lands.
- HDR (or its subcontractor) will identify and coordinate access to private lands during the research and survey planning period.

Assumptions:

1. Up to two rounds of comments from the Tribe, OEA, and consulting parties will be received.
2. The Research and Survey Plan will be issued to the Utah SHPO, agencies, the Tribe, and other consulting parties concurrently.

Deliverables:

- Draft Research and Survey Plan.
- Final Research and Survey Plan.

IV. Period of Service:

The activities in this Task Order shall be completed by July 30, 2021, following the COALITION issuing written Notice to Proceed to HDR for this Task Order. HDR assumes the COALITION will issue written Notice to Proceed for Task Order No. 11 and the subsequent amendment to the Master Service Agreement by April 5, 2021.

V. Engineer's Fee and Method of Payment:

HDR will perform the work in this Task Order for a lump sum of $97,000.00 inclusive of labor, travel, subconsultants, and expenses. Payment shall be according to the Terms and Conditions of the Master Agreement for Professional Services between COALITION and HDR dated November 9, 2018 and as amended on December 10, 2019, March 5, 2019, July 1, 2019, May 11, 2020, October 28, 2020, December 7, 2020 and March 1, 2021.
IN WITNESS WHEREOF, the parties hereto have executed this Task Order No. 11 as of April 1, 2021.

SEVEN COUNTY INFRASTRUCTURE COALITION
"OWNER"

BY: 

NAME: Michael McKee
TITLE: Executive Director
ADDRESS: 5995 S. Redwood Rd.
Salt Lake City, UT 84123

HDR ENGINEERING, INC.
"ENGINEER"

BY: 

NAME: Brent W. Jensen
TITLE: Senior Vice President
ADDRESS: 825 E Cottonwood Pkwy, #200
Salt Lake City, UT 84121-7077
Change Order No. 3 to Task Order No. 6 issued under the Master Agreement for Professional Services dated November 09, 2018 and subsequent amendments thereto

Project Name: Uinta Basin Railway

Task Order name and number being modified by this Change Order: Task Order No. 6
Engineering and Environmental – Phase 2

Project Owner: (Name, Address)

Sevan County Infrastructure Coalition
Michael J. McKee
Executive Director
294 East 100 South
Price, UT 84501

Owner's Project No.:

HDR Task Order No. 6

Date of Issuance of Task Order:

TO 6 - July 1, 2019

Engineer: (Name, Address)

HDR Engineering, Inc.
Brent W. Jensen
Sr. Vice President / Area Manager
2825 E Cottonwood Parkway, Suite 200
Salt Lake City, UT 84121

Date of Master Agreement for Professional Services:

November 9, 2018; Amended on December 10, 2018; March 5, 2019; July 1, 2019; May 11, 2020; October 28, 2020; December 7, 2020; March 1, 2021, and pending date of this Change Order No. 3

Contract Term/Period:

Task Order 6 overall completion date of June 30, 2021; extended to August 31, 2021 pending this Change Order No. 3

Change Order No. 3 Scope of work shall be complete by July 30, 2021

The undersigned parties hereby agree to modify the above-referenced Task Order as follows:

<table>
<thead>
<tr>
<th>DESCRIPTION OF CHANGES</th>
<th>CHANGE IN CONTRACT PRICE</th>
<th>CHANGE IN CONTRACT TIME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. See supplemental Scope of Services for Task Order No.6, Change Order 3 attached hereto as Appendix A and incorporated as part of this Change Order and the Master Agreement for Professional Services by this reference, which scope shall amend and supplement, but not replace, the prior Scope of Services for Task Order No. 6 dated July 1, 2019, and subsequent Change Orders 1 and 2.</td>
<td>$97,000</td>
<td>2 months</td>
</tr>
<tr>
<td>Difference Net</td>
<td>$97,000</td>
<td>2 months</td>
</tr>
</tbody>
</table>

Summary: The undersigned parties agree to modify the price and schedule of the Task Order referred to above as follows in consideration of the above-referenced scope changes:

Task Order Price prior to this Change Order
$7,636,000.00

Net Increase (decrease) of this Change Order
$97,000.00

Task Order Time prior to this Change Order
Complete June 30, 2021

Net Increase of this Change Order
Plus (+) 2 months

Copyright 2015 HDR Engineering, Inc.
The changes included in this Change Order are to be accomplished in accordance with the terms, stipulations and conditions of the above-referenced Master Agreement for Professional Services between the parties, except as otherwise provided in this Change Order or in any appendices hereto.

Accepted for HDR Engineering, Inc. by:

[Signature]

Date: April 6, 2021

Approved for Owner by:

[Signature]

Date: Apr 2, 2021
APPENDIX A

Supplemental Services for TASK ORDER No. 6 – Engineering and Environmental – Phase 2
Change Order No. 3 – Barneby Ridge-cress Survey

I. Change Order No. 3 Objectives

One of the purposes of the Engineering and Environmental – Phase 2 Task Order (TO No. 6) is to support the National Environmental Policy Act (NEPA) documentation for the Uinta Basin Railway project. This change order modification request is proposed to complete a preconstruction habitat survey for Barneby Ridge-cress as required by the Endangered Species Act (ESA) for the Uinta Basin Railway preferred alternative, Whitmore Park. The survey findings will provide an estimate of impacts to occupied habitat and identify potential mitigation options.

Section 7 of the ESA requires federal agencies to consult with the USFWS before taking any action that could affect a federally listed threatened or endangered species or designated critical habitat for an endangered species. In addition, federal agencies must ensure that their actions are not likely to jeopardize the continued existence of any listed species or to destroy or adversely modify any designated critical habitat.

Construction and operation of the Project could potentially have direct and permanent impacts to federally listed plant species including Barneby ridge-cress. These impacts could occur from clearing and fill placement during construction. For those impacts that cannot be avoided or minimized, the applicant will commit to voluntary mitigation measures as will likely be outlined in a Biological Opinion (BO) issued by the USFWS for the Project. These mitigation measures include:

- Preconstruction surveys to be conducted for federally listed plants (Barneby ridge-cress) along the Action Alternative (A.K.A. the preferred alternative) licensed by STB and after final engineering of that Action Alternative is complete. Preconstruction surveys shall be designed and implemented in consultation with OEA and USFWS and shall follow the procedures that OEA and USFWS approve.

- The applicant shall consult with OEA and USFWS regarding appropriate compensatory mitigation for impacts on federally listed plants that are observed in suitable habitat areas during preconstruction surveys and shall implement the compensatory mitigation that OEA and USFWS approve.

Compensatory mitigation for Barneby ridge-cress could potentially include occupied habitat preservation, occupied habitat enhancements, or applicant supported research towards the betterment of the impacted species and will be based on the acreage of occupied habitat disturbed by the Project.
The objectives of Change Order No. 3 are:

(1) In order to determine final impacts and identify potential mitigation options, the applicant must perform preconstruction surveys to determine the presence of each species within suitable habitat areas identified in the Whitmore Park Alternative area of potential effects (APE).

(2) To conduct a species survey to identify the presence or absence of Barneby ridge-cress suitable habitat areas in the Whitmore Park APE. Surveys will be performed according to the “Draft Methodology for Conducting Presence-Absence Surveys and Mitigation Planning for Barneby ridge-cress” – see Exhibit 1. According to USFWS methodologies, surveys need to be conducted during the Barneby ridge-cress flowering period which is May through June.

(3) Survey work required to identify the presence of Barneby ridge-cress habitat within the Whitmore Park APE did not previously identify individual plant species occupied habitat. Voluntary mitigation measures will be defined following this survey.

II. Change Order No. 3 Duration
All activities under Change Order No. 3 shall be performed beginning upon execution of this Change Order and will be completed by July 30, 2021. Any work required after July 30, 2021, to support the NEPA process as described in Section I above, due to circumstances beyond HDR’s control, will be accomplished under separate task orders and contracts.

III. Change Order No. 3 Activities
Subtask Description and Assumptions:

(1) Subtask 1: Project Management
Subtask Activities and Objectives:
HDR will provide contract administration and team management, coordination, and direction for the duration of the project.

Deliverables:
   a. One (1) electronic copy of monthly invoices and progress reports.

(2) Subtask 2: Agency and Private Property Coordination
Subtask Activities and Objectives:
   a. Meet with USFWS to discuss survey methodology; Two (2) virtual meetings are assumed.
   b. Meet with the Ute Tribe to arrange necessary survey permits. In-person meetings (up to two) may be necessary to coordinate and obtain permit,
   c. Send access notification letters to private property owners at least two weeks prior to surveys.

Deliverables:
   a. Meeting Summaries.
   b. Survey Permits.
   c. Access notification letters.
Subtask Objectives and Activities:

a. Preconstruction surveys will be conducted to determine the presence of Barney ridge-cress suitable habitat areas identified in the Whitmore Park Alternative area of potential effects (APE). Surveys will include a buffer area as outlined in the “Draft Methodology for Conducting Presence-Absence Surveys and Mitigation Planning for Barney ridge-cress”, dated 3/25/2021, attached to this Appendix A as Exhibit 1.

b. Preconstruction surveys for Barney ridge-cress will begin in the spring/summer of 2021.

c. Evaluate existing engineering data, USDA FS requirements, and potential construction methods.

d. Prepare a technical memorandum to document findings.

Key Understandings / Assumptions:

a. Surveys will be performed according to the “Draft Methodology for Conducting Presence-Absence Surveys and Mitigation Planning for Barney ridge-cress”, dated 3/25/2021 – see Exhibit 1.

b. Tribal permits and coordination will be obtained by HDR prior to survey commencement.

c. Landowners will be notified two weeks prior to field surveys by U.S. postal mail. HDR assumes that all parcels will be accessible.

d. Construction is estimated to begin in early 2023.

e. Per USFWS, surveys for Barney ridge-cress are valid for one year. A follow up survey for Barney ridge-cress may be required in 2022. The scope and fee for Task Order 6, Change Order 3 does not include the future survey in 2022.

Deliverables:

- Draft and final reports of the survey findings for Barney ridge-cress only.
- Reports will be concise technical memorandum format delivered electronically.

(4) OWNER’S RESPONSIBILITIES

a. SCIC to provide timely review of draft deliverables in Subtasks 1 through 3 listed above.

IV. Period of Service

The activities in this Change Order No. 3 shall be completed by July 30, 2021.

V. HDR Fee and Method of Payment

HDR will perform the additional work described in this Change Order No. 3 for a lump sum of $97,000 inclusive of labor, travel, and expenses. Payment shall be according to the Terms and Conditions of the Master Agreement for Professional Services between OWNER and HDR dated November 9, 2018 and all subsequent amendments thereto.
Exhibit 1

Draft Methodology for Conducting Presence-Absence Surveys for Barneby ridge-cress

INTRODUCTION & BACKGROUND

The Uinta Basin Railway Project (Project) is a common-carrier freight rail system that would connect the Uinta Basin in northeastern Utah to the interstate common-carrier rail network. The Project would be constructed and operated under the authority of the Surface Transportation Board (STB). To comply with the National Environmental Policy Act, STB, in conjunction with other regulatory bodies, is preparing an Environmental Impact Statement (EIS) for the Project, which has potential to cause environmental impacts.

On October 30, 2020, the STB Office of Environmental Analysis (OEA) published a Draft EIS for the Project. In the Draft EIS, OEA preliminarily identified the Whitmore Park Alternative as the environmentally preferred alternative. The Whitmore Park route is about 87.7 miles long; crosses Uintah, Duchesne, Carbon, and Utah Counties; and ranges in elevation from 5,015 to 8,207 feet. The Whitmore Park route runs from a connection to the national railway network near Kyune, Utah, to a terminus near Myton, Utah, in the Uinta Basin. It coincides with the Indian Canyon route for much of its length. The route travels through privately owned land as well as land managed by the U.S. Department of Agriculture Forest Service, State of Utah School and Institutional Trust Lands Administration, and the U.S. Bureau of Indian Affairs for the Ute Tribe.

Section 7 of the Endangered Species Act requires federal agencies to consult with the U.S. Fish and Wildlife Service (USFWS) before taking any action that could affect a federally listed threatened or endangered species or designated critical habitat for an endangered species. In addition, federal agencies must ensure that their actions are not likely to jeopardize the

Construction and operation of the Project could have direct and permanent impacts to federally listed plant species including Barneby ridge-cress (Lepidium barnebyanum). These impacts could occur from clearing and fill placement during construction. For those impacts that cannot be avoided or minimized, the applicant will commit to voluntary mitigation measures as will likely be outlined in a Biological Opinion (BO) issued by the USFWS for the Project. These mitigation measures could include:

- Preconstruction surveys need to be conducted for federally listed plants (Barneby ridge-cress) along the Action Alternative licensed by STB and after final engineering of that Action Alternative is complete. Preconstruction surveys shall be implemented in consultation with OEA and USFWS and shall follow the procedures that OEA and USFWS approve.

- The applicant shall consult with OEA and USFWS regarding appropriate compensatory mitigation for impacts on federally listed plants that are observed in suitable habitat.
areas during preconstruction surveys and shall implement the compensatory mitigation that OEA and USFWS approve.

In order to estimate the impacts to occupied habitat and identify potential mitigation options, the applicant must perform preconstruction surveys to determine the presence of Barneby ridge-cress, within suitable habitat areas identified in the Whitmore Park Alternative area of potential effects (APE). The APE boundary generally extends at least 25 feet from designed railway cut-and-fill lines, as determined based on conceptual engineering. This boundary was generally continued parallel to the route centerline until an adjustment was required due to design features or changes in topography. The APE was extended for tunnel portals, bridge structures, and road crossings to include construction staging areas and potential road realignments. The APE was also adjusted in some areas for access roads, stream relocations, and minor vertical or horizontal grade refinements, and to avoid or minimize effects on resources.

Areas initially identified for potential mitigation for Barneby ridge-cress must also be surveyed to determine the presence of these species and the suitability of the identified areas to satisfy a preservation-mitigation approach.

This memorandum describes the draft methodology that will be used to conduct surveys for Barneby ridge-cress.

**METHODOLOGY**

The purpose of the preconstruction surveys is to determine the presence of Barneby ridge-cress within suitable habitat in the Whitmore Park Alternative APE. The survey area will include the identified suitable habitat within the Whitmore Park APE plus a 300-foot buffer outside of the APE but within suitable habitat areas. All surveys will be conducted according to *U.S. Fish and Wildlife Service (USFWS) Utah Field Office Guidelines for Conducting and Reporting Botanical Inventories and Monitoring of Federally Listed, Proposed and Candidate Plants*¹ and the Uinta Basin Rare and Listed Plant Webinar (https://www.fws.gov/utahfieldoffice/UBRarePlants.php).

Botanical surveys must be conducted in a manner that will maximize the likelihood of finding the target species. Many target species are difficult to see, except for when the flowers appear and make the target species stand out from the surrounding plants. Therefore, surveys will be conducted **May through June** which is the flowering period for Barneby ridge-cress.² HDR will coordinate with the USFWS to determine whether reference populations (other known occurrences of the target species) are available and should be visited prior to surveys in order to confirm that the target species are flowering or otherwise identifiable.

Systematic belt transects will be established to cover 100% of the survey area to determine presence of target species, and their distribution and abundance prior to ground disturbing activities. A transect width of 15 feet is proposed for Barneby ridge-cress.¹ Surveys will be conducted by crew members walking the transects to observe the presence or absence of the target species to achieve a 100% visual inspection of the ground surface. A standard field data collection form will be developed according to the *U.S. Fish and Wildlife Service (USFWS) Utah*…

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¹ *U.S. Fish and Wildlife Service (USFWS) Utah Field Office Guidelines for Conducting and Reporting Botanical Inventories and Monitoring of Federally Listed, Proposed and Candidate Plants.* August 31.

² Proposed survey times and transect widths are those specified in *U.S. Fish and Wildlife Service (USFWS) Utah Field Office Guidelines for Conducting and Reporting Botanical Inventories and Monitoring of Federally Listed, Proposed and Candidate Plants* (USFWS 2011).
Field Office Guidelines for Conducting and Reporting Botanical Inventories and Monitoring of Federally Listed, Proposed and Candidate Plants\textsuperscript{2} to document the characteristics of the target species should they be identified. Location coordinates of the target species will be recorded using a sub-meter global positioning system (GPS) device. If a dense population of one of the target species is observed, a polygon of the population will be mapped rather than individual plant locations. Representative voucher photos will be taken for all target species identified. No plants will be physically collected.

SURVEY AREAS AND SUITABLE HABITAT

\textbf{Barney ridge-cress}

The survey area for Barney ridge-cress will be based on the suitable habitat survey previously conducted by HDR in July 2020. HDR refined the potential habitat polygon provided by USFWS within the Whitmore Park APE. This refinement identified two categories of potentially suitable habitat: general pinyon-juniper habitat and white shale habitat.

- General pinyon-juniper habitat includes pinyon-juniper woodlands where the USFWS potential habitat polygon overlaps the Whitmore Park APE.

- White shale habitat is a subset of the general pinyon-juniper habitat and includes sites that appeared white on aerial images where the USFWS potential habitat polygon overlaps the Whitmore Park APE.

Table 1 outlines the acreage of each habitat type present within the Whitmore Park APE. A total of about 152.3 acres of habitat would require 100\% clearance surveys. The survey would require the appropriate Tribal and private property consultation to gain access to the properties.

<table>
<thead>
<tr>
<th>Habitat Type</th>
<th>Tribal Property (acres)</th>
<th>Private Property (acres)</th>
<th>Total Acreage within the Whitmore Park APE</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Pinyon-juniper Habitat</td>
<td>25.7</td>
<td>126.6</td>
<td>152.3</td>
</tr>
<tr>
<td>White Shale Habitat</td>
<td>3.1</td>
<td>17.6</td>
<td>20.7</td>
</tr>
</tbody>
</table>

If clearance surveys determine the presence of Barney ridge-cress and that individuals will be permanently impacted, then compensatory mitigation sites suitable for preservation should be explored. HDR, in cooperation with the Utah Division of Wildlife Resources, has identified the Cottonwood Canyon Wildlife Management Area as a potential site for preservation mitigation. A roughly 5-acre population of Barney ridge-cress has been mapped in this 6,752-acre area but, according to UDWR, the rest of the site has not been surveyed. Desktop analysis using high-quality aerial images (collected by AeroGraphics from June to October 2019) identified about 4,812 acres of potential habitat in this area (4,585 acres of pinyon-juniper habitat and 227 acres of white shale habitat).
Exhibit A
EXHIBIT A

PROPOSAL FOR TRIBAL PARTICIPATION AND RESEARCH AND SURVEY PLANS, UINTA BASIN RAILWAY PROJECT

On behalf of HDR Engineering, Inc. (HDR), SWCA will assist the Seven County Infrastructure Coalition (Coalition) with its cultural resources management responsibilities by fulfilling the terms of the programmatic agreement (PA) among the Surface Transportation Board et al. regarding the Coalition’s Construction and Operation of the Proposed Uinta Basin Railway Project (the Project). Although not addressed in the PA, SWCA also proposes to support the paleontological resource needs of the Project.

SWCA understands that the PA will be finalized shortly but that an area of potential effects (APE) has not yet been finalized. The following terms defined in the PA are important to understanding the preliminary APE, however:

- The **rail line footprint** is defined as the area where rail line operations and maintenance would occur. It includes the location of the railbed itself, the full width of the area cut, cleared, or filled, and a buffer of approximately 25 feet beyond what is anticipated.

- The **temporary footprint** includes the area that would be temporarily disturbed during construction, including temporary material laydown areas, staging areas, and logistics areas. Temporary access roads are included in this definition. This area will vary and is based on site-specific needs and conditions.

- The **project footprint** is the total combined area of the rail line and temporary footprints. On average, the project footprint extends 240 feet on each side of the centerline.

Using these terms, the Surface Transportation Board’s Office of Environmental Analysis (OEA) has preliminarily defined the APE (Project APE) to include potential impacts on resources located below ground (including resources located on the surface of the ground) and above ground, as follows:

- For **below-ground resources**, OEA defined the preliminary APE to include the project footprint described above plus an additional 50-foot buffer. In some areas, it is not possible to add the additional 50-foot buffer to the construction easement due to topographical constraints such as cliffs. Due to the irregular size and shape of the construction easement, it is not possible to provide a uniform width for the below-ground APE. Because the project footprint is equal to the combined area of the rail line and temporary footprints, and because the below-ground APE adds a 50-foot buffer beyond the project footprint, the below-ground resources portion of the APE incorporates a buffer of 75 feet beyond the anticipated area of ground disturbance. OEA anticipates that physical impacts on historic properties are likely within this portion of the APE.

- For **above-ground resources**, OEA also defined the preliminary APE to include the average width of the project footprint (240 feet), plus an additional 1,500-foot buffer on each side of centerline to conservatively accommodate any potential impacts. The above-ground APE, therefore, extends 1,740 feet on each side of the centerline for a total width of 3,480 feet. Although OEA does not anticipate physical changes on historic properties within this portion of the APE, changes to its settings are possible.
TASK BREAKDOWN

To assist the project proponent in creating a Tribal Participation Plan and Research and Survey Plan, in partial fulfillment of the terms of the PA, SWCA will complete the tasks listed below. It is assumed that either the Whitmore Park or the Indian Canyon proposed route will be the selected alternative and that the Wells Draw proposed route will not be selected.

TRIBAL PARTICIPATION PLAN

SWCA will prepare a Tribal participation plan that will describe the scope of consultation and consultation procedures with the Ute Indian Tribe of the Uinta and Ouray Reservation (the Tribe). The plan will include Tribal confidentiality requirements; how consultation will take place and under what circumstances (e.g., modifications to the PA or APE); consultation procedures for the development of the research and survey plan; methods for gaining permission to enter Ute Tribal lands (Tribal lands) for the purposes of cultural resources and paleontological field surveys; Tribal participation in field surveys and reporting requirements for Tribe-only field surveys; reporting and report distribution requirements relating to properties of cultural and religious significance (Traditional Cultural Properties [TCPs]); procedures for Tribal input on evaluations of TCPs and concurrence on the effects of the Project on such properties; procedures for Tribal comment on technical reports identifying and evaluating historic properties and assessment of effects on those properties; means for participation in the development of the historic properties treatment plan (HPTP) and the opportunity for comment and concurrence; and participation in the development, review, and delivery of on-site cultural sensitivity training. The plan will also include parameters for in-person meetings and teleconferences as well as the Coalition’s financial responsibility to the Tribe for participation in consultation.

Assumptions:

- Ute Traditional Cultural Specialists (TCSs) will be present during cultural resources surveys on Tribal lands and the Tribe will request to participate in some surveys outside of Tribal lands.
- The Tribe will choose to participate in approximately 50 percent of the cultural resources survey for the Project.
- No more than two TCSs will participate in the cultural resources survey at a time, and they will be compensated on a biweekly basis by HDR.
- The Tribe may choose to investigate TCPs outside of the Project APE to assess potential indirect effects that may impact the use of TCPs.
- No more than 20 hours of meetings will be required for consultation, attended by no more than two SWCA professionals. All meetings will be virtual.

RESEARCH AND SURVEY PLAN

Prior to commencement of field investigations, SWCA will assist in finalizing the APE and prepare a research and survey plan that will meet the requirements of 36 Code of Federal Regulations 800.4(b) and will follow the Secretary’s Standards and Guidelines for Identification. The plan will include the following:

- an outline of updated file search methods and results, file search results maps, and GIS files
- research sources utilized in the file search (including General Land Office (GLO) plat maps, historical topographic maps, regional and local histories, ethnographic information, previous studies, and GIS data)
- survey expectations based on the file search
survey and recording methods for archaeological resources, potential burials with Tribal notification procedures, and above-ground (architectural) resources

approaches for analyzing listed, determined-eligible, and potentially eligible historic properties included in the OEA technical memorandum (Tabachnick 2020)

an approach for identifying and analyzing rural historic districts, rural historic landscapes, and TCPs

an approach for coordinating with the Tribe to develop methods for identifying TCPs and other important cultural or religious resources

field survey crew composition

an outline of coordination plans with OEA regarding monitoring of fieldwork and Tribal monitoring

identification of necessary access permits and other requirements for surveys on Tribal trust lands

HDR (or its subcontractor) will identify and coordinate access to private lands during the research and survey planning period

Although not a requirement of the PA, a separate research, survey, and reporting plan will be developed for paleontological resources for submittal to and review by OEA, the Tribe, and appropriate state and federal agencies (e.g., the Bureau of Land Management [BLM], the U.S. Forest Service [USFS], the Bureau of Indian Affairs, and the School and Institutional Trust Lands Administration [SITLA]). Up to two rounds of comments are anticipated. The paleontological research and survey plan is not included in this scope of work.

Assumptions:

- Up to two rounds of comments from the Tribe, OEA, and consulting parties will be received.

**PROPOSED PROJECT COST BREAKDOWN**

SWCA’s costs for completing all tasks outlined above are provided in Table 1.

The overall project schedule assumes a construction start date of January 2023. If the maximum review periods are used by all parties in the PA and review periods are consecutive rather than concurrent, as is prescribed in the PA, the cultural resources tasks outlined in the PA cannot be completed until June 2023 at the earliest. SWCA therefore assumes some periods of concurrent rather than consecutive review, beginning with the Tribal participation plan and the research and survey plan.

The following assumptions are also made to allow for a construction start date of January 2023:

- The Tribal participation plan will receive a notice to proceed (NTP) within 1 day of the contract award.
- The NTP for all reports and analyses (other than the Tribal participation plan) will have a start date no later than April 5, 2021.
- The schedule contains 30 days for Tribal consultation; however, past experience suggests that it may take up to 60 days. The schedule will be revised if consultation takes longer than 30 days.
- The research and survey plan will be issued to the Utah SHPO, agencies, the Tribe, and other consulting parties concurrently.
### Table 1. Proposed Uinta Basin Railway Project Cost Breakdown

<table>
<thead>
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<th>TASK</th>
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<th>COMMENT</th>
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<tr>
<td>Research and Survey Plan</td>
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<tr>
<td><strong>TOTAL</strong></td>
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