



SEVEN COUNTY INFRASTRUCTURE COALITION
MEETING MINUTES

September 17, 2021 at 10:00 a.m.
Carbon County Commission Chambers
751 East 100 North
Price, Utah
(435) 219-1362

Board Members Present: Casey Hopes (Carbon County), Jack Lytle (Daggett County), Greg Miles (Duchesne County), Lynn Sitterud (Emery County), and Willie Grayeyes (San Juan County)

Also, in attendance: Mike McKee, Eric Johnson, Brian Barton, Mike Hawley, and Kristi Sharp

Attended telephonically: Melissa Cano, Kelly Carter, Heather Hoyt, Mark Hemphill, Bret Reynolds, Keith Heaton, Deeda Seed, Jonathan Johansen, and Monica Holding

Absent: Tooter Ogden (Sevier County) and Brad Horrockss (Uintah County)

Others Present: Joel Yellowhorse, Troy Ostler, Gaylen Stewart, Garrett McMullin, Carolyn Phippen and Jeff Cochran (Please notify staff at 435-219-1362 of any spelling corrections or if you were present and not listed.)

NOTE: Due to the Coronavirus, dial-in participation was offered. Dial-in numbers were as follows:

Join Zoom Meeting

<https://jonesanddemillezoom.us/j/81812623532>

Meeting ID: 818 1262 3532

Dial by your location

+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US

1. **Welcome, Introduction and Pledge of Allegiance** (Greg Miles)
2. **Public Comment** (Greg Miles)

Public comment was accepted verbally, during the meeting, telephonically by Zoom, and by electronic written submission at hhoyt@7county.utah.gov. Electronic written comments are forwarded to the Board Members. All comments are summarized in the meeting minutes. A complete copy of any written comments submitted may be requested at the email address provided herein.

Time was turned over to Melissa Cano who gave instructions on how to participate verbally and by Zoom.

There were no public comments by Zoom. For the September 17, 2021 meeting, there were no other comments made or submitted. No written comments were received.

3. Approval of Meeting Minutes for the August 20, 2021 meeting. (Greg Miles)

Motion to approve the August 20, 2021 minutes, as corrected, was made by Commissioner Hopes, seconded by Commissioner Sitterud.

Roll call vote, to make sure every vote was counted, was as follows:

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yes X	No ___	
Daggett	Board Member	Yes X	No ___	
Duchesne	Board Member	Yea X	No ___	
Emery	Board Member	Yea X	No ___	
San Juan	Board Member	Yea X	No ___	
Sevier	Board Member	Yea ___	No ___	Absent
Uintah	Board Member	Yes ___	No ___	Absent

The motion passed unanimously.

4. Report on San Rafael Research Lab

Commissioner Sitterud began by saying that they just finished a round of testing for DRAX, the company from England, on the combustion side of the lab.

He went on to say that contractors are still working on the nuclear side of the lab. A list of needed equipment for this lab has been made and the purchase orders are in process. The plan is to begin experiments in this lab by the end of January, 2022.

That concluded the report on the San Rafael Research Lab.

5. Report on Satellite Transportation Hub

Commissioner Ogden was excused today. Brian Barton, with Jones & DeMille, reported that the Colliers Study having to do with transportation logistics is complete. There will be a more detailed report later in this meeting.

Commissioner Miles reported that he had heard an update on the Inland Port. At a meeting he attended there was a slide showing the various partners for this project. He was dismayed to see that the Coalition was not shown as a partner. That will be followed up on. It was reported that they are working to get goods and services to the Oakland Port (California). At the meeting, Greg Hughes touched on one constraint which is the difficulty they are having moving product out of the port, up the coast. They are still working to make the best connections.

That concluded the report on the Satellite Transportation Hub.

6. Report on Uinta Basin Railway Project

Commissioner Miles deferred to Executive Director McKee and his Executive Director's Report to speak about the railway project.

7. Executive Directors Report

Director McKee began by announcing that Sevier County was going to have an open house to introduce Collier's Transportation Logistics Plan to the public on September 21st.

Uinta Basin Rail Update – on August 6th the Environmental Impact Statement (EIS) was finalized. That was a big milestone. Next, the federal government had a 30 day “cooling off” period. That 30 day period has come and gone. The Surface Transportation Board (STB) did receive several comments during that period that it will review and evaluate. At some point, the STB will meet and make their final determination.

This is a two-part process. The STB has already approved the first part which had to do with transportation merits. Now we are waiting on their decision on the second part. This will be the final approval leading to licensure.

In addition to waiting for the STB approval, there are a few permits that need to be finalized along with the Tribal Participation Plan. We are hopeful this will all be completed by the end of the year.

RFP for Auditing Services – As you are aware, Aycock and Miles performs our annual audit and has done a great job. When the Coalition released the initial RFP for auditing services the resulting contract was for 2 years. That period is now over and we must let a new RFP. When we enter into the next auditing contract it should probably be for a longer time period. Director McKee has visited with Aycock and Miles and let them know that we have to go through the RFP process again.

Forest Service Agreement – there are additional rights-of-way required by the Forest Service (for the rail project). One of those requires an agreement between the Coalition, UBRYS (Uinta Basin Rail Service) and the Forest Service. This agreement set would forth that the Coalition should be the applicant and the private party (UBRYS) should be the agent. This is consistent with prior agreements. As a result, an updated right-of-way application has been submitted.

Conflict of Interest Disclosures – annually we are required to fill out the Conflict of Interest Disclosures and submit them to Kristi. Please get them to her as soon as possible. Also,

annually, at the next meeting, we will look at the Risk Fraud Assessment. Last year we were very pleased with the result of this assessment. We look forward to an equally good result this year.

Eastern Utah Regional Connection – Troy Ostler, with CIVCO, and Director McKee had an opportunity to meet with the BLM staff in Moab. One of the things they learned was that because this project was paused some of the timelines will change and a new application will need to be submitted. A lot of the work previously done can be applied to this new application. On today's agenda there are a couple of items that will help get this project back on track. Also, previously, we approved \$320,000 for cost recovery. After that approval BLM was sent \$100,000 of that money. They have only spent about \$2,000 of it. Because we are starting anew with this project the BLM will return the remainder of this cost recovery money and we will have to submit a new check to them for the same amount.

This concluded the Executive Directors Report.

8. Engineers Report

Brain Barton began by apologizing that the board had not received their regular written monthly update prior to the meeting. They will follow up with a written report after the meeting. In the meantime, Mike Hawley was called upon to give a verbal update.

He began by informing the board that they had been spending a lot of time responding to GRAMA requests. It takes quite a bit of time to compile all of the related emails, texts, correspondence and data. Once that's all compiled then they obtain legal review.

As to the Navajo Mountain Transportation/Water Settlement planning, they had meetings with Chapter leaders and other community leaders, coordination with project stakeholders, site visits, preparation of project communication plans, identification of future project deliverables and community outreach.

Under General Services they had several meetings with Senators and others concerning ongoing projects, coordination meetings with Director McKee, coordination and preparation for board meetings, updates to the various project rankings and updates to the GIS data base.

On the rail project there has been coordination work with HDR and survey control for the mapping project. They've been working on the Forest Service permit as well as legislative outreach and scheduling. There has been a review of the final EIS and mitigation measures, along with monthly coordination with the CIB. They are also working with the Army Corps of Engineers on that permit and revisions to the SL299.

Under strategic communications they have been monitoring social media, responding to requests and comments from the public, weekly calls with the Commissioners, press release prep and revisions, preparing for and holding stakeholder meetings and analyzing social media data and statistics.

This concluded the Engineers Report.

9. Eastern Utah Regional Connection budget update

As was previously done with the rail budget, we want to keep the board updated on the budget for this project. Especially since it is being revitalized and we are moving into Phase 2. There have been some changes to some line items in the budget.

As you may know, we received \$3.2 Million from the State Legislature to help with this EIS (Environmental Impact Statement). Prior to that the Coalition received a \$500,000 allocation from the CIB and a matching allocation from the Uintah Special Service Transportation District. We have been able to bring most of that money forward as we begin Phase 2.

As we look at the line items in this budget, BLM Cost Recovery, as previously discussed is \$320,000. The contract with the 3rd Party NEPA consultant, Tetra Tech, is \$312,424. Program Management, which is Jones & DeMille, has increased a little due to the increased complexity of the project. There is additional coordination and technical review getting this project restarted.

Jones & DeMille will be working with CIVCO Engineering to expeditiously move this project forward. In addition, there are funds allocated for legal as that may factor into this project as it moves forward. The contingency fund is about the same at \$460,000. The line item for CIVCO shows no change.

Director McKee emphasized that the amount for CIVCO's contract has not changed and there is only a slight change for Tetra Tech. Brian added that under Phase I, Tetra Tech spent around \$3,000. They are the 3rd party consultants who will write the EIS for the BLM. The work done by them in Phase I will have to be repeated as we start Phase 2 so they have asked that their contract just be reset to the original amount, \$312,424.

10. Discussion and consideration of amending the third-party agreement with Tetra Tech for the Eastern Utah Regional Connection Project.

Director McKee noted that we had just discussed Tetra Tech requesting their contract be reset to the original amount. They will reset the amount, the dates and resign the contract. Brian Barton added that the work done by Tetra Tech is directed by the BLM but the Coalition pays for it. The government (BLM) doesn't have the staff or time to do complex projects so it has entities like the Coalition hire 3rd party consultants to write the EIS for them.

Commissioner Hopes asked if the Coalition knew for sure that this road was going to be built? Director McKee stated that when they talked to the State, specifically Senate President Adams, all indications were that the State is 100% behind this project and once the EIS is approved they intend to build the road. We have as strong a commitment from the State as we could possibly hope for at this time.

Commissioner Hopes asked a follow-up question. If we get through this process and get the permit to construct how long is the permit good for? The answer was usually 5 years. But if the State doesn't meet the 5 year deadline there are parts of the NEPA that would have to be updated but not the whole thing. And, it's 5 years from the time the Record of Decision is issued. Commissioner Hopes went on to say that he is not opposing the project but is concerned that we

have a lot of positive support for the project but no firm commitment. Commissioner Miles stated that he understood Commissioner Hopes concerns but felt if the Legislature put \$3.2 Million into paying for the EIS that probably indicated a commitment on their part. Commissioner Miles went on to ask if the contracts would be updated with current dates and resigned? Attorney Eric Johnson answered affirmatively that yes, they would

Motion to approve Resolution 2021-09A amending the third-party agreement with Tetra Tech for the Eastern Utah Regional Connection Project was made by Commissioner Lytle, seconded by Commissioner Sitterud.

Roll call vote, to make sure every vote was counted, was as follows:

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yes X	No ___	
Daggett	Board Member	Yes X	No ___	
Duchesne	Board Member	Yea X	No ___	
Emery	Board Member	Yea X	No ___	
San Juan	Board Member	Yea X	No ___	
Sevier	Board Member	Yea ___	No ___	Absent
Uintah	Board Member	Yes ___	No ___	Absent

The motion passed unanimously.

11. Discussion and consideration of amending the contract with CIVCO extending the contract timeline and other technical clarifications for the Eastern Utah Regional Connection Project.

Director McKee stated that CIVCO’s prior contract was previously put on hold. This revised contract extends the final date by 1 year to December 31, 2023. We hope to be finished before then though. Mike Hawley added that there were also changes to clarify the engineering deliverables on the technical side. These clarifications are all set forth in the revised contract. The cost, however, remains the same.

Motion to approve Resolution 2021-09B amending the contract with CIVCO extending the contract timeline and other technical clarifications for the Eastern Utah Regional Connection Project was made by Commissioner Lytle, seconded by Commissioner Hopes.

Roll call vote, to make sure every vote was counted, was as follows:

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yes X	No ___	
Daggett	Board Member	Yes X	No ___	
Duchesne	Board Member	Yea X	No ___	
Emery	Board Member	Yea X	No ___	
San Juan	Board Member	Yea X	No ___	

Sevier	Board Member	Yea ___ No ___ Absent
Uintah	Board Member	Yes ___ No ___ Absent

The motion passed unanimously.

12. Discussion and consideration of amending the MOU with BLM and Coalition Professionals for the Eastern Utah Regional Connection Project.

Director McKee explained that this concerns an MOU (Memorandum of Understanding) between the Coalition, Tetra Tech, and the BLM. It sets forth the relationships and responsibilities of each party. There is an existing MOU from Phase 1 but since the BLM wants to start all over, we need to update and execute a revised MOU for Phase 2.

Motion to approve Resolution 2021-09C amending the MOU with BLM and Coalition Professionals for the Eastern Utah Regional Connection Project was made by Commissioner Lytle, seconded by Commissioner Sitterud.

Roll call vote, to make sure every vote was counted, was as follows:

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yes X No ___
Daggett	Board Member	Yes X No ___
Duchesne	Board Member	Yea X No ___
Emery	Board Member	Yea X No ___
San Juan	Board Member	Yea X No ___
Sevier	Board Member	Yea ___ No ___ Absent
Uintah	Board Member	Yes ___ No ___ Absent

The motion passed unanimously.

13. Discussion and consideration to clarify that the amount allocated for the Daggett County Regional Plan, in Resolution 2021-02C was \$50,000.

Director McKee reminded that board that back in February, 2021, the board approved funding the Daggett County Master Plan. It was clear at the time that the project was granted up to \$50,000. However, the resolution did not specify that amount. There has to be an RFP executed so we need to make sure this amount (\$50,000) is specified. Also be advised, the actual cost of the plan is close to \$58,000 and Daggett County will cover the difference.

Commissioner Lytle clarified that Daggett County stated it would go through a “proper” procurement process which may or may not include an RFP.

Motion to approve Resolution 2021-09D clarifying that the amount allocated for the Daggett County Regional Plan, in Resolution 2021-02C, was \$50,000 and that Daggett County would follow a proper procurement process was made by Commissioner Hopes, seconded by Commissioner Grayeyes.

Roll call vote, to make sure every vote was counted, was as follows:

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yes X	No ___	
Daggett	Board Member	Yes X	No ___	
Duchesne	Board Member	Yea X	No ___	
Emery	Board Member	Yea X	No ___	
San Juan	Board Member	Yea X	No ___	
Sevier	Board Member	Yea ___	No ___	Absent
Uintah	Board Member	Yes ___	No ___	Absent

Chairman Miles called for a vote. The motion passed unanimously

14. Discussion and consideration of monthly expenses and line item adjustments

Kristi Sharp with Smuin, Rich and Marsing started with some recommended budget line-item adjustments. These do not change the overall budget totals. On the income side, first is the testing being done for DRAX. Originally, we had budgeted \$66,000 for this income. That needs to be increased by \$100,000. The Other Intergovernmental income line should be increased to \$70,000 and Debt Financing decreased by \$170,000. There is no net change to the revenue.

On the expense side, Bank Charges are increased by \$400 bringing the new total to \$1,000. Then, an increase to match the DRAX income adjustment by \$100,000. Then, General Studies should be increased by \$10,000 which will bring that from \$50,000 to \$60,000 to cover the Daggett County and Natural Gas studies. We will decrease Air Quality Solutions Planning by \$110,400, which had been budgeted at \$200,000. We don't anticipate using that money by the end of the year. Once again there is no net change just line-item adjustments.

Motion to accept the line-item adjustments, noting there is no change to the overall budget totals, was made by Commissioner Lytle, seconded by Commissioner Grayeyes.

Roll call vote, to make sure every vote was counted, was as follows:

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yes X	No ___	
Daggett	Board Member	Yes X	No ___	
Duchesne	Board Member	Yea X	No ___	
Emery	Board Member	Yea X	No ___	
San Juan	Board Member	Yea X	No ___	
Sevier	Board Member	Yea ___	No ___	Absent
Uintah	Board Member	Yes ___	No ___	Absent

The motion to accept passed unanimously

Next, she referred the board to the Payment Approval Sheet in the amount of \$317,496.27. Director McKee asked to discuss the invoice from ICF. He noted that there was a charge of

\$4,282.37 for “Preparing for and attending DEIS Public Meeting”. Director McKee noted that there had not been EIS Public Hearings since last spring. So, that is either an old charge or the expense was coded to the wrong account. Kristi said if they would approve the full amount she would check up on this. She could reduce the amount of the check if needed. The board agreed to approve the full amount, have Kristi check on this charge, then report back to Director McKee, the board chairs and Commissioner Horrocks before issuing the check.

SEVEN COUNTY INFRASTRUCTURE COALITION PAYMENT APPROVAL					
September 17, 2021 at 10:00 a.m.					
Carbon County Commission Chambers					
751 East 100 North, Price, UT 84501					
Checks Currently Being Approved:					
Vendor		Invoice #	Amount	Description	Funding Source
Smuin, Rich & Marsing	1941	41894	3,958.40	Consulting Per Contract - August 2021	General Grant
Heather Hoyt	1942	September 8, 2021	861.61	Contract Labor/Travel/Office Supplies	General Grant
Mike McKee	1943	Aug 11-Sept 14, 2021	240.55	Director's Travel	General Grant
Jones & Demille	1944	0125765	15,192.80	Program Management and Engineering	General Grant
Colliers International	1945	1221-125053	46,250.00	Consulting Development Study	General Grant
Daggett County	1946	1001	50,000.00	Reimbursement for Intermountain Economic Consulting	General Grant
HDR	1947	1200372007	17,805.00	Uinta Rail Line - Engineering	Uinta Basin Railway Project Grant - Engineering Services - Phase 2
HDR	1947	1200372007	43,259.00	Uinta Rail Line - Engineering	Uinta Basin Railway Project Grant - Baseline Environmental Services - Phase 2
HDR	1947	1200372009	4,850.00	Uinta Rail Line - Engineering	Uinta Basin Railway Project Grant - Baseline Environmental Services - Phase 2
Jones & Demille	1948	0125764	51,698.00	Uinta Rail Line - Engineering	Uinta Basin Railway Project Grant - Program Management Services - Phase 2
Jones & Demille	1948	0125764	14,968.45	Uinta Rail Line - Engineering	Uinta Basin Railway Project Grant - Strategic Communications - Phase 2
ICF Jones & Stokes, Inc	1949	0157607	21,319.02	Uinta Rail Line - NEPA Consulting	Uinta Basin Railway Project Grant - Baseline Environmental Services - Phase 2
Venable LLP	1950	2388498	46,444.60	Uinta Rail Line - Legal Services	Uinta Basin Railway Project Grant - STB Regulatory and Other Legal Services - Phase 2
Emery County LBA	1951	8.16.21/8.16.21	648.84	Molten Salt/Research Center Facility - Utilities	Energy Research Center
Total Payment Approval			\$ 317,496.27		

Approval of the monthly expenses in the amount of \$317,496.27 was made by Commissioner Hopes, seconded by Commissioner Lytle.

Roll call vote, to make sure every vote was counted, was as follows:

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yes X	No ___
Daggett	Board Member	Yes X	No ___
Duchesne	Board Member	Yea X	No ___
Emery	Board Member	Yea X	No ___
San Juan	Board Member	Yea X	No ___
Sevier	Board Member	Yea ___	No ___ Absent
Uintah	Board Member	Yes ___	No ___ Absent

The motion passed unanimously.

Kristi Sharp next referred the board to the Balance Sheet as of July 31, 2021 which showed the assets, liabilities, and equity, along with the Consolidated Profit and Loss and Individual Profit and Loss by Class for January thru July 2021. The board had no further questions.

Motion to accept the financials as presented for the month ending July 31, 2021 was made by Commissioner Lytle, seconded by Commissioner Hopes.

Chairman Miles called for a vote. The motion passed unanimously.

And, finally, the board was directed to pages that represent each individual project since inception with a statement showing expenses for each project and the funds remaining. If the project has been closed it shows as being zeroed out. In addition, these pages show any other expenses right up to today's board meeting.

This concluded the financial reports.

15. Motion to enter closed (executive) session pursuant to Section 59-1-404 related to real estate acquisition, pending litigation, professional competency and trade secrets was made by Commissioner Grayeyes, seconded by Commissioner Lytle at 11:31 a.m.

Roll call vote, to make sure every vote was counted, was as follows:

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yes X	No ___
Daggett	Board Member	Yes X	No ___
Duchesne	Board Member	Yea X	No ___
Emery	Board Member	Yea X	No ___
San Juan	Board Member	Yea X	No ___
Sevier	Board Member	Yea ___	No ___ Absent
Uintah	Board Member	Yes ___	No ___ Absent

Approved 5-0-2 absent

Motion to leave closed/executive session was made by Commissioner Grayeyes, seconded by Commissioner Hopes at approximately 12:16 p.m.

Roll call vote, to make sure every vote was counted, was as follows:

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yes X	No ___
Daggett	Board Member	Yes X	No ___
Duchesne	Board Member	Yea X	No ___
Emery	Board Member	Yea X	No ___
San Juan	Board Member	Yea X	No ___

Sevier	Board Member	Yea __	No __	Absent
Uintah	Board Member	Yes __	No __	Absent

Approved 5-0-2 absent

16. Motion to Adjourn

A motion to adjourn was made by Commissioner Hopes.

UNAPPROVED

A motion to approve the September 17, 2021 meeting minutes was made by Commissioner _____, seconded by Commissioner _____.

SEVEN COUNTY INFRASTRUCTURE COALITION VOTING:

Carbon	Board Member	Yea ___ No ___
Daggett	Board Member	Yes ___ No ___
Duchesne	Board Member	Yea ___ No ___
Emery	Board Member	Yea ___ No ___
San Juan	Board Member	Yea ___ No ___
Sevier	Board Member	Yea ___ No ___
Uintah	Board Member	Yea ___ No ___

Approved -0- absent

Co-Chair: Casey Hopes

Co-Chair: Greg Miles

(COALITION SEAL)

ATTEST:

Heather B. Hoyt