

**Friends of Browns Canyon**

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Joshua Wayland, Ph.D.
Surface Transportation Board
c/o ICF
9300 Lee Highway
Fairfax, VA 22031

Attention: Environmental filing, Docket No. FD 36284

Mr. Wayland:

Friends of Browns Canyon appreciates the opportunity to comment on the Uinta Basin Railway (UBR) Draft Environmental Impact Statement (DEIS).

If approved, the proposed UBR in northeastern Utah would be by far the most significant U.S. freight railway project undertaken in several decades. We are convinced that this proposal is ill-advised. In addition to its egregious disregard for multiple environmental threats, including anthropogenic climate change, the project is mired in controversy that has precipitated ongoing litigation asserting malfeasance and misappropriation of federal funds.

As a grassroots conservation organization dedicated to protecting the natural landscape, Friends of Browns Canyon opposes the proposed UBR. We strongly request that the Surface Transportation Board (STB) Office of Environmental Analysis (OEA) prepare a revised DEIS that fully addresses all relevant impacts and issues along the Tennessee Pass rail line and allow for an adequate public comment period for the revised DEIS, including public meetings and public notices in communities along the Tennessee Pass rail line in Colorado.

Background and Context

Friends of Browns Canyon was incorporated 18 years ago as a Colorado nonprofit organization for the purpose of protecting wilderness quality lands in and around Browns Canyon on the upper Arkansas River in Chaffee County, Colorado. Our persistent advocacy and stewardship led to the creation of Browns Canyon National Monument (BCNM) in 2015. Since adoption of the BCNM Resource Management Plan (RMP) in 2020, we have entered into a partnership agreement with the federal agencies responsible for managing BCNM—the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS).

Prior to Dec. 31, 2020, FOBC did not have a direct interest in the UBR, but on New Year's Eve, the Rio Grande Pacific Corp. (RGP) issued a press release stating that its subsidiary, Colorado Midland and Pacific Railway (CMPR), had leased the currently dormant Tennessee Pass rail line from Union Pacific Corp. The Tennessee Pass line, which has not operated since 1996, runs through BCNM alongside the Browns Canyon Wilderness Study Area and the 102-mile Gold Medal fishery of the upper Arkansas River.



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As documented in the UBR DEIS, RGP has been selected to develop and operate the UBR, the primary purpose of which is to subsidize some of the most costly, difficult to extract, low-value energy resources on the planet, specifically, kerogen-bearing “oil shale” and bitumen-rich “tar sands.” Additionally, RGP subsidiary New Orleans and Gulf Coast Railway Co., serves a Gulf Coast crude oil terminal near New Orleans. The Tennessee Pass line would provide the most direct rail route from the Uinta Basin to Gulf Coast refineries, identified in the DEIS as a probable destination for the petroleum precursors extracted from the basin. By reducing the cost of transporting these climate-damaging products to large refineries and greatly increasing the volume of these products that can be transported to refineries, the UBR would cause needless environmental damage while perpetuating policies rooted in climate-change denial.

In the 25 years since the Tennessee Pass line ceased operations, the communities along the rail line have developed vibrant recreation-based economies that rely on unspoiled natural resources. According to a Chaffee County report, recreation activity along the river corridor in Chaffee County alone generated \$72 million for the local economy in 2017 (<https://mk0envisionchafnrnvl.f.kinstacdn.com/wp-content/uploads/2020/04/TheEnvisionCommunityActionPlan.pdf>, p. 12). Oil trains operating on the Tennessee Pass line would cause irreparable socioeconomic damage to local communities, which would be compounded when a train derails and pollutes the Gold Medal waters of the upper Arkansas River.

Additionally, as documented by multiple filings opposing CMPR’s Notice of Exemption filing for the Tennessee Pass rail line (STB Docket No. FD 36471), CMPR made false and/or misleading statements in their filing seeking the exemption. So while CMPR claims that they “have no plan” for transporting heavy crude oil on the Tennessee Pass line, their well-documented false and misleading statements demonstrate that their claims lack veracity.

Inadequate Scope of the UBR DEIS

The scope of the UBR DEIS is inadequate because it fails to consider impacts along the Tennessee Pass rail line that has been leased to CMPR, a subsidiary of UBR parent company RGP. At a minimum, to comply with the National Environmental Policy Act, the following sections of the DEIS must be revised and expanded to address impacts of the proposed UBR operations along the Tennessee Pass line:

- **3.2 Rail Operations Safety**
 - 3.2.1.1 Study Areas
 - 3.2.2 Affected Environment
 - 3.2.3 Environmental Consequences
- **3.3 Water Resources**
 - 3.3.1.1 Study Areas
 - 3.3.2 Affected Environment
 - 3.3.2.1 Surface Water



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- 3.3.3 Environmental Consequences
- **3.4 Biological Resources**
- 3.4.2 Affected Environment
 - 3.4.2.1 Wildlife
 - 3.4.2.2 Fish
 - 3.4.2.3 Vegetation
- 3.4.3 Environmental Consequences
- **3.6 Noise and Vibration**
- 3.6.1.1 Study Areas
- **3.7 Air Quality and Greenhouse Gases**
- 3.7.2 Affected Environment
- 3.7.3 Environmental Consequences
- **3.9 Cultural Resources**
- **3.11 Land Use and Recreation**
 - 3.11.1.1 Study Areas
 - 3.11.2 Affected Environment
 - 3.11.2.2 Recreation
 - 3.11.3 Environmental Consequences
- **3.12 Visual Resources**
- **3.13 Socioeconomics**
 - 3.13.1.1 Study Area
 - 3.13.2 Affected Environment
 - 3.13.2.5 Nonmarket Values and Quality of Life
 - 3.13.3 Environmental Consequences

Conclusion

Noise, air and water pollution; visual blight; and wildlife disturbance would have significant impacts on quality of life, quiet recreation, and the recreation-based economies of the affected communities along the Tennessee Pass rail line. The risk of derailment of crude-oil trains along the Tennessee Pass Line is another major concern

For example, in the final years of the Tennessee Pass line's previous operations, coal cars derailed into the Arkansas River just below Browns Canyon. A flash flood sent cars into the river near Cotopaxi, and trains derailed on the steep grade just below Tennessee Pass, including an accident in 1996 that killed two crew members and spilled sulfuric acid. These derailments and many others played a role in Union Pacific's decision to cease operations on the Tennessee Pass line. Furthermore, the waxy heavy crude oil from the Uinta Basin would be virtually impossible to remove from the waterways that the Tennessee Pass line follows.

Given the 11th-hour announcement of the reactivation of the Tennessee Pass line, the DEIS needs to be revised to address all environmental and socioeconomic impacts along the



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Tennessee Pass line that could result from operation of the UBR. The DEIS should then be re-issued and another public comment period opened.

We believe the serious adverse environmental and socioeconomic impacts of the proposed UBR significantly outweigh the highly speculative benefits touted in the DEIS. Therefore, we urge the OEA to recommend that the STB choose the “no action” alternative, and we request that the STB deny the petition for exemption.

Thank you for considering our comments.

Sincerely,
The Board of Directors
Friends of Browns Canyon
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