

January 24, 2022

Re: Concern Over Right-of-Way Permitting for Uinta Basin Railway



Dear Senator Bennet,

The Northwest Colorado Council of Governments Water Quality/ Quantity Committee (“QQ”), which comprises [40 local governments](#) in the headwaters of the Colorado, Yampa, and Gunnison River Basins, would like to voice our deep concern for the proposed Forest Service Right-of-Way to allow the transportation of crude oil up the Colorado River to its headwaters via the Uinta Basin Railway.

We urge you to work with the Administration to halt the issuance of a right-of-way permit through the Ashley National Forest’s Roadless Area because of the project’s potential significant water quality impacts and carbon emissions.

The QQ region would see up to 350,000 barrels of oil on ten two-mile-long trains per day on the Union Pacific mainline, which runs along the Colorado River to its headwaters and then through the Moffat Tunnel, which is already nearing capacity. The significant increase in railroad traffic creates air quality and noise impacts through the Colorado River recreation corridor, renowned for rafting and fishing and thus an important economic driver for our region. The high volume of crude oil transported along the Colorado River, especially through Glenwood Canyon already struggling to recover from 2020 wildfires, makes a spill more likely and more catastrophic. A spill on the railway could affect drinking and irrigation water supplies for many miles along with the environmental harm. Union Pacific already has a [history of releasing damaging sludge](#) from the Moffat Tunnel into the Fraser River.

The local water quality impacts compound larger concerns for permitting a project that would generate 53 million tons of carbon emissions annually, posing a serious threat to clean air in the QQ region and in direct opposition to President Biden’s recent actions on climate change, including Executive Orders 13990 and 14008 and would limit our progress as a state and a nation towards reducing greenhouse gas emissions.

QQ urges your office to take further action to prevent the Uinta Basin Railway from being approved. For questions or concerns, please contact Torie Jarvis, NWCCOG/QQ Director and Staff Attorney (970-596-5039; tjarvis@nwccog.org).

Sincerely,

Kathy Chandler-Henry
Chair, NWCCOG/QQ and Eagle County Commissioner
Kathy.chandlerhenry@eaglecounty.us



City of Glenwood Springs
101 West 8th Street
Glenwood Springs, CO 81601

The Honorable Michael Bennet
261 Russell Senate Building
Washington, DC 20510

January 25, 2022

Re: Uinta Basin Railway Proposal Which Threatens Glenwood Springs and the Colorado River

Dear Senator Bennet:

We write to ask for your assistance in helping to stop the proposed Uinta Basin Railway through the Ashley National Forest. If built, this Utah railway will send as many as ten, 2-mile-long heated oil tanker trains per day along the Colorado River through Glenwood Canyon/I70 corridor, Glenwood Springs, and other Colorado communities as they head toward refineries along the Gulf Coast. The potential for disaster from derailment, fire and spills, at a time when our state is suffering from the devastating consequences of extreme drought and wildfire is a risk Colorado cannot take.

We request that you ask the Forest Service to reject this right-of-way, as the trains from this railway would create new unacceptable risks to the health and safety of our community as well as others along the rail corridor.

Data on rail accidents show that because oil tanker unit trains are longer and heavier than other types of trains, they are harder to control and more likely to cause track failure. Spills from the type of crude oil proposed to be transported are hard to clean up in water because the oil remains as individual droplets. The threat to the health and integrity of the River and its precious water far outweigh the benefits of the proposed project.

The 2020 Grizzly Creek Fire in Glenwood Canyon and the resulting historic mud/debris flows of 2021 closed I-70 for several weeks and is still impacting transport. Cleanup is ongoing in the canyon to protect the integrity of I-70, the Colorado River and the UP Rail line during Spring runoff and future anticipated debris flows in the fire burn-scar area. The risk of mud/debris flows will exist in the burn area surrounding Glenwood Canyon for a decade to come – the risk of introducing heated oil trains to such a sensitive area is simply too great.

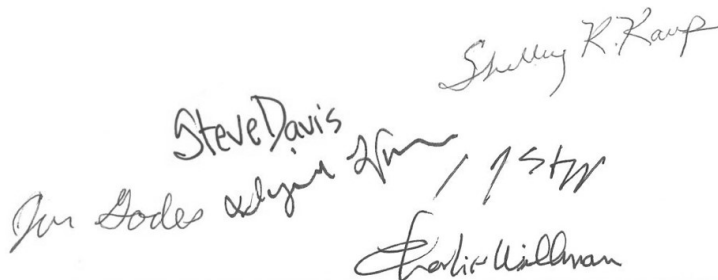
Alarmingly, the proponents of the railway have not analyzed the risk in their environmental impact statement, nor have they detailed any plan for dealing with the fire risk. Yet historical data shows that once a fire starts on a High Hazard Flammable Train – none have been controlled by using offensive strategies.

Finally, the railway's purpose is to quadruple fossil fuel extraction in Utah's Uinta Basin to up to 350,000 barrels per day. This at a time when our state is feeling the direct impact of the climate emergency. Enabling the Uinta Basin Railway would make that emergency worse, while directly endangering our community. Use of infrastructure funding to construct a railway for the purpose of expanding the extraction of carbon burning fossil fuel is problematic given the State and Federal Governments commitment to fighting Climate change.

We respectfully request that you use all means at your disposal to protect the public interest and urge the Secretary of the Agriculture to reject the proposed right-of-way for the Uinta Basin Railway through the Ashley National Forest.

We look forward to hearing from you. We understand that the Forest Service may make a final decision as soon as February 3, 2022.

Sincerely,



Handwritten signatures of Steve Davis, Jonathan Godes, Shelley Kaup, Paula Stepp, and Charlie Willman.

Jonathan Godes, Mayor

Charlie Willman, Mayor pro tem

Shelley Kaup, Councilor

Paula Stepp, Councilor

Steve Davis, Councilor

Ingrid Wussow, Councilor

City of Glenwood Springs, CO



February 11, 2022

The Honorable Senator Michael Bennet
261 Russell Senate Building
Washington, DC 20510

The Honorable Senator John Hickenlooper
Russell Senate Office Building
Suite SR-374
Washington, DC 20510

Re: Proposed Uinta Basin Railway

Dear Senators Bennet and Hickenlooper:

On behalf of our 40 town, city, and county member governments across Colorado, representing nearly one-quarter of Colorado's population, I am writing to express our concern about the proposed Uinta Basin Railway.

First and foremost, this railway will enable an enormous increase in the volume of fossil fuels extracted from the Uinta Basin. Given the impacts our communities are already suffering from climate change, any proposal that would dramatically increase GHG emissions should be viewed with considerable skepticism and caution.

Beyond the carbon pollution enabled by this proposal, every community along the corridor will be forced to face the risks of derailments, spills, and fires associated with the railway traffic. The consequences of any of these disasters would be severe. These communities are still working to recover from the disasters of the past two years, including catastrophic fire and the subsequent, and also disastrous, mudslides that paralyzed the state's single most important east-west transportation corridor. Climate change will continue to result in more extreme weather events and climate changed-fueled natural disasters, a reality that every community in Colorado will have to grapple with. These communities should not also have to face the risks tied to an unnecessary project that will contribute further to the climate process.

We ask and encourage you to take all possible steps to encourage the Forest Service to reject the right-of-way.

Respectfully,

Jacob Smith
Executive Director

Adams County · Aspen · Avon · Basalt · Boulder · Boulder County · Breckenridge · Broomfield
Carbondale · Clear Creek County · Crested Butte · Dillon · Durango · Eagle County · Edgewater · Erie · Fort Collins
Frisco · Gilpin County · Glenwood Springs · Golden · Lafayette · Longmont · Louisville · Lyons · Mountain Village
Nederland · Northglenn · Ouray County · Pitkin County · Ridgway · Salida · San Miguel County
Snowmass Village · Summit County · Superior · Telluride · Vail · Westminster · Wheat Ridge



EAGLE COUNTY

February 17, 2022

Board of County Commissioners

970-328-8605

970-328-8629(f)

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www.eaglecounty.us

The Honorable Michael Bennet
United States Senate
261 Russell Senate Office Building
Washington DC, 20510

Dear Senator Bennet,

We write to you on an issue critical to your constituents both in Eagle County and throughout the State of Colorado. Last week, the Board of County Commissioners for Eagle County filed a petition for review in the D.C. Circuit Court of Appeals challenging the Surface Transportation Board's ("STB") December 15, 2021 decision, which approved the construction of an 85-mile rail line in Utah to transport 350,000 barrels of crude oil a day, most of it through Eagle County. That petition is attached to this letter.

We are challenging the decision on several procedural and substantive violations of federal law, including federal environmental laws.

The STB's errors include 1) the STB's decision to consider the transportation merits of the application preliminarily and earlier than the environmental review, leading to a bifurcated decision-making process and poor evaluation of the environmental impacts; 2) failure of the STB to properly weigh the health, safety and economic consequences of the project; 3) failure of the STB to adequately evaluate the downline environmental impacts of the project to communities like Eagle County, particularly regarding such things as wildfire risks in light of hotter and drying climate trends; 4) failure of the STB to consider indirect environmental impacts, particularly the impacts of increased oil production facilitated by the project; and 5) failure of the STB to address the possibility of transporting crude oil via the Tennessee Pass line in light of recent proceedings to reactive that line.

The STB's decision to approve the project without adequate environmental review represents a tremendous step backwards in the environmental stewardship we have collectively worked to achieve. The downline impacts to the residents of Colorado were all but ignored, which is unacceptable given the devastating wildfires Colorado has seen in the last few years due to our drying climate. This decision will have long-lasting, negative impacts on our communities, forests, waterways, and wildlife, and a more thorough environmental review is simply a must.

We recognize this will be a challenging case, but are hopeful we can shed some light on the faulty decision-making processes of the Surface Transportation Board. We welcome your assistance in addressing these processes as well.

Sincerely,

Jeanne McQueeney
Chair

Kathy Chandler-Henry
Commissioner

Matt Scherr
Commissioner



GRAND COUNTY BOARD OF COMMISSIONERS

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MERRIT S. LINKE
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EDWARD MOYER
County Manager
MAXINE LABARRE-KROSTUE
Acting County Attorney

March 8, 2022

The Honorable Michael Bennet
United States Senator for Colorado
261 Russell Senate Building
Washington, DC 20510

The Honorable Joe Neguse
United States Representative for Colorado
1419 Longworth House Office Building
Washington, DC 20515

The Honorable John Hickenlooper
United States Senator for Colorado
374 Russell Senate Building
Washington, DC 20510

Delivered via electronic mail:

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sally_boccella@hickenlooper.senate.gov
sally.anderson@mail.house.gov

RE: Uinta Basin Railway Mitigation Request

Dear Senator Bennet, Senator Hickenlooper, and Representative Neguse,


The Grand County Board of County Commissioners recently discussed the Surface Transportation Board's approval of the Uinta Basin Railway proposal and its potential "downline" impacts throughout our county. Grand County could see up to 350,000 barrels of oil heading east on ten, two-mile-long trains per day on the Union Pacific mainline, which follows the Colorado and Fraser rivers prior to passing through the Moffat Tunnel.

While the Board does not oppose the Uinta Basin Railway project, we are very concerned with emergency services' capacity to contain a spill of crude or any of the related additional chemicals that this project may bring through Grand County. As you are aware, a derailment of this type of shipment in the headwaters of the Colorado River would be catastrophic. Containment and recovery would be extremely important and potentially very complicated, particularly if it occurred in one of our steeply sloping and rugged canyons. Because these trains employ special couplers that do not detach in order

to minimize puncturing of cars, a derailment could mean that whole trains or large sections of trains would need to be recovered. Grand County requests that comprehensive mitigation response plans be developed and equipment staged in Grand County should the project move forward as planned.

We understand that mitigation has already been proposed for the project, however Grand County urges your office to assist with seeking these additional protections against potential “downline” impacts to protect the Fraser and Colorado rivers, and all of the interests that are dependent on that clean and safe source of water, both here in Grand County and downstream.

Sincerely,



Kristen Manguso
Commissioner Chair



Richard Cimino
Commissioner



Merrit Linke
Commissioner

Cc:

Martin Oberman, Surface Transportation Board Chairman, rcpa@stb.gov

Matt Kireker, Central Mountains Regional Representative for Senator Bennet,
matthew_kireker@bennet.senate.gov

Torie Jarvis, Northwest Colorado Council of Governments, tjarvis@nwccog.org

Doug Bellatty, East Grand Water Quality Board, dbellatty@townofgranby.com

Hattie Johnson, American Whitewater, hattie@americanwhitewater.org

Andy Mueller, Colorado River Water Conservation District, amueller@crwcd.org

Middle Park Water Conservancy District, middleparkwcd@gmail.com

Eagle County Board of County Commissioners, eagleadmin@eaglecounty.us



Gilpin County Colorado

Commissioners

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Linda Isenhart, District 2
Sandy Hollingsworth,
District 3

County Manager

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County Attorney

Bradford Benning

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Gilpin County Colorado

July 19, 2022

Brenda Mallory, Chair
Council on Environmental Quality
730 Jackson Place, NW
Washington, D.C. 20503

RE: Uinta Basin Railway Project – Letter of Opposition

Honorable Chair Mallory,

On behalf of Gilpin County and the Board of County Commissioners, we are formally expressing opposition to and requesting additional review of the Uinta Basic Railway Project, prior to approval.

As the Denver metropolitan headwater and first county located east of the continental divide, which includes a portion of the critical transportation and communications chokepoint, the Moffat Tunnel, we write to you to express our desire that the project's local and national safety concerns be addressed, along with the local and regional environmental impacts. These concerns should not be dismissed by the potential ease of transportation proposed as part of this project.

The introduction of up to 350,000 barrels of heated, waxy, crude oil a day transported through Gilpin County and Colorado along high alpine sensitive environmental areas, critical water supplies and through a nationally important transportation infrastructure has not been properly vetted. Specifically, if an oil spill were to occur and flow into the adjacent South Boulder Creek, it would have a catastrophic effect on the environment, both public and private, the state's water supplies and wildlife habitat. South Boulder Creek provides water for approximately 1.5 million residents downstream. Given the historic drought the western United States is and has been facing, any impact to this water system could have dire implications, far beyond the confines of Gilpin County.

We respectfully join with other Colorado counties in expressing opposition to the current planned route, with special consideration to downline impacts to the residents of Gilpin County and Colorado. This decision will have long-lasting, negative impacts on our communities, forests, waterways, and wildlife, and a more thorough environmental review, including local involvement is a necessity.

Sincerely,

Sandy Hollingsworth
Chair

Linda Isenhart
Commissioner

Cc: United States Senator Hickenlooper
United States Senator Bennet
United States Congressman Neguse
Colorado Senator Story
Colorado Representative Amabile
Eagle County Board of County Commissioners
Reading File



Board of County Commissioners

August 11, 2022

Brenda Mallory, Chair
Council on Environmental Quality
730 Jackson Place, NW
Washington, D.C. 20503

Dear Chair Mallory:

We write to share our continuing concerns about the risks to Colorado and Boulder County from the pending Uinta Basin Railway Project. As the agency responsible for ensuring that environmental reviews for infrastructure projects are thorough, we request that you carefully review the analyses conducted by federal agencies thus far to determine whether the effects of this project on Colorado's communities, watersheds, and forests have been fully considered. Until such a coordinated and robust review is complete, we urge you not to allow this project to move forward.

Boulder County shares the concerns expressed by numerous Colorado local governments and stakeholder organizations. The risk associated with sending as many as ten, two-mile-long heated oil tanker trains per day along the Colorado River and ultimately through the Moffat Tunnel to Denver and beyond is nearly impossible to fathom. Every community along the rail corridor will be forced to face the risks of derailments, spills, and fires associated with this railway traffic. The consequences of any of these disasters would be severe and forced upon communities still working to recover from recent disasters, including catastrophic fire and the subsequent mudslides that paralyzed the state's single most important east-west transportation corridor, I-70.

Equally as risky is the enormous increase in the volume of fossil fuels extracted from the Uinta Basin that this railway will enable. Given the impacts our communities are already suffering from climate change, any proposal that would dramatically increase GHG emissions should be viewed with considerable skepticism and caution. Climate change will continue to result in more extreme weather events and climate changed-fueled natural disasters, a reality that every community in Colorado is already grappling with. Our communities should not also have to face the risks tied to an unnecessary project that will only further exacerbate climate change.

Matt Jones *County Commissioner* **Claire Levy** *County Commissioner* **Marta Loachamin** *County Commissioner*

Boulder County Courthouse • 1325 Pearl Street • Boulder, Colorado 80302 • Tel: 303.441.3500 • Fax: 303.441.4525
Mailing Address: P.O. Box 471 • Boulder, CO 80306 • www.BoulderCounty.org • commissioners@bouldercounty.org

We join with numerous Colorado counties and other key stakeholders, including Senator Bennet and Congressman Neguse, in respectfully expressing opposition to the Uinta Basin Railway Project, with special consideration to downline impacts to the residents of Boulder County and the South Boulder Creek watershed. If allowed to move forward, this project will have long-lasting, negative impacts on our communities, forests, waterways, and wildlife. A more thorough environmental review that includes local involvement is, at the very least, a necessity.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Marta Loachamin', enclosed within a hand-drawn oval.

Marta Loachamin
Chair
Boulder County Board of County Commissioners

cc: Sen. Michael Bennet
Sen. John Hickenlooper
Rep. Joe Neguse
Gov. Jared Polis



GRAND COUNTY BOARD OF COMMISSIONERS

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MERRIT S. LINKE
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EDWARD MOYER
County Manager
MAXINE LABARRE-KROSTUE
County Attorney

February 7, 2023

The Honorable Michael Bennet
United States Senator for Colorado
261 Russell Senate Building
Washington, DC 20510

The Honorable Joe Neguse
United States Representative for Colorado
1419 Longworth House Office Building
Washington, DC 20515

The Honorable John Hickenlooper
United States Senator for Colorado
374 Russell Senate Building
Washington, DC 20510

Delivered via electronic mail:
john_whitney@bennet.senate.gov
sally_boccella@hickenlooper.senate.gov
julie.sutor@mail.house.gov

RE: Uinta Basin Railway Mitigation Request #2

Dear Senator Bennet, Senator Hickenlooper, and Representative Neguse:

In a letter sent to you via electronic mail on [March 8, 2022](#), the Grand County Board of County Commissioners did not take a formal position on the Uinta Basin Railway. However, we had considerable concerns regarding potential environmental impacts, and requested comprehensive mitigation response plans be developed and staged in Grand County should the project move forward as planned.

Following a recent presentation from Trout Unlimited Headwaters Chapter, as well as further discussion with county staff and other stakeholders on the potential environmental impacts to the Fraser River and Colorado River, we are now formally opposing this project until the following conditions are met:

1. A comprehensive mitigation response plan specific to Grand County is developed and approved by the Colorado Department of Public Health and Environment, Colorado Parks and Wildlife, and Grand County Government.
2. Containment and recovery will be extremely important and potentially very complicated, particularly if a derailment occurred in one of our steeply sloping and rugged canyons which are immediately adjacent to our rivers and streams. Therefore, prior to project commencement, the Seven County Infrastructure Coalition will incur the costs of placing an experienced contractor on retainer in the event of a waxy crude oil spill to promptly enact response plans. Response time will be critical to protect municipal water supply systems, our Gold Medal Trout fishery, and the livelihoods of our agricultural community and outdoor recreation economy. A derailment of this type of shipment is catastrophic.
3. Establish an escrow account for immediate mobilization and clean up costs, as well as issue a bond for long-term remediation. In 2010, the "Marshall" spill¹ on a tributary to the Kalamazoo River took 10 years to clean up and restore 35 miles of the river which were polluted by 843,000 gallons of crude oil. According to the Securities and Exchange Commission filing in 2014, the cleanup costs were well over \$1.2 billion.

Grand County recognizes that oil needs to be transported before it is processed and distributed, however, we need assurances that all proper plans are in place to protect the headwaters of the Colorado River and not merely the state of Utah. In the last 50 years, there have been three derailments in our county, one of which resulted in a spill in Byers Canyon. This equates to an average of one derailment every 16 years. This project would bring an additional 3,650 two-mile long trains through Grand County each year, greatly increasing the odds of a catastrophic spill.

To summarize, Grand County is very concerned with the capacity and response times of the specialized emergency services capable of containing a crude oil spill (or any of the additional chemicals that this project may bring through our communities). Our watershed not only serves the citizens and visitors of Grand County, but the millions of people downstream and on the Front Range through transbasin diversions. In essence, should a spill occur in Grand County, it will have reverberating impacts across the entire state of Colorado.

Grand County respectfully requests you assist with ensuring these additional conditions are met to safeguard against potential environmental impacts to the Fraser and Colorado Rivers, and all of the interests that are dependent on that clean and safe source of water. Thank you for your continued support on matters within Grand County.

Sincerely,

| | | |
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| Richard Cimino Commissioner Chair | Merrit Linke Commissioner | Randal George Commissioner |

¹ Garret Ellison, "New price tag for Kalamazoo River oil spill cleanup: Enbridge says \$1.21 billion", *M Live*, November 5, 2014, https://www.mlive.com/news/grand-rapids/2014/11/2010_oil_spill_cost_enbridge_1.html.

Cc:

Speaker Julie McCluskie, julie.mccluskie.house@coleg.gov
Senator Dylan Roberts, dylan.roberts.senate@coleg.gov
Matt Kireker, Regional Representative for Senator Bennet, matthew_kireker@bennet.senate.gov
Martin Oberman, Surface Transportation Board Chairman, rpa@stb.gov
Tom Vilsack, United States Department of Agriculture, tom.vilsack@osec.usda.gov
Doug Vilsack, Bureau of Land Management, dvilsack@blm.gov
Darcy O'Connor, Environmental Protection Agency, oconnor.darcy@epa.gov
KC Becker, Environmental Protection Agency, becker.kc@epa.gov
Jeff Rieker, Bureau of Reclamation, jrieker@usbr.gov
Patrick Fischer, Bureau of Reclamation, pfischer@usbr.gov
Dan Gibbs, Colorado Department of Natural Resources, dan.gibbs@state.co.us
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Trisha Oeth, Colorado Department of Public Health and Environment, trisha.oeth@state.co.us
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Stephen Leonard, Bureau of Land Management, blm_co_kr_webmail@blm.gov
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Hattie Johnson, American Whitewater, hattie@americanwhitewater.org
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Claire Carroll, Northwest Colorado Council of Governments, ccaroll@nwccog.org
Doug Bellatty, East Grand Water Quality Board, dbellatty@townofgranby.com



Board of County Commissioners

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February 13, 2023

The Honorable Michael Bennet
United States Senate
261 Russell Senate Building
Washington, DC 20510

The Honorable Joe Neguse
United States House of Representatives
1419 Longworth House Office Building
Washington, DC 20515

The Honorable John Hickenlooper
United States Senate
374 Russell Senate Building
Washington, DC 20510

The Honorable Jared Polis
Governor of Colorado
State Capitol Building
Denver, CO 80203

Dear Senator Bennet, Senator Hickenlooper, Representative Neguse and Governor Polis,

In 2021, the U.S. Surface Transportation Board (“STB”) approved a new 88-mile rail line connecting the Uinta Basin to the national rail network, where it will meet with the existing 457-mile Union Pacific Line to Denver. The sole purpose of the Uinta Basin Railway Project (Project”) is to dramatically increase oil production in the Uinta Basin, and to transport waxy crude oil to refineries largely in the southeastern U.S.

As proposed, the Project’s new rail traffic includes up to 9.5 trains a day, comprising eight locomotives and well over 100 cars, extending up to 10,000 feet in length, through hundreds of thousands of acres of federal land and traversing the Rocky Mountains. This of course includes Eagle County and many other local communities, at times within mere feet of the Colorado River, and into Denver and beyond. Though this decision garnered little attention at the time, Eagle County recognized the potential peril to both our own community and the shared resource of the Colorado River.

The STB did not evaluate the full environmental impacts of adding up to 8 miles of loaded oil trains a day on the existing Union Pacific Line running through Colorado, an action which is projected to double the rate of accidents along the route. Recognizing that a dramatic increase in rail traffic represents a commensurate increase in risk (of spark-induced wildfire, vehicle conflicts, derailments, water contamination, toxic spills, etc.), Eagle County sued to challenge the decision, particularly in light of the Biden administration’s directive to consider climate change in agency decisions. As STB board chair Martin Oberman stated in his dissenting opinion, “the project’s environmental impacts outweigh its transportation merits.”

Many other impacted communities became aware of the issue and shared their own concerns through amicus briefs, letters to representatives and the STB, and opinions in newspapers and other media.



Board of County Commissioners

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The recent disaster in East Palestine, Ohio has highlighted the great peril of rail incidents. That incident and resulting toxic spill is the fourth rail incident in less than two years involving hazardous materials, potential long-term health consequences, and toxic environmental impacts. None of those lines ran 200 miles along the banks of a drinking water supply for 40 million people.

Project proponents have recently announced that they are seeking funding of up to \$2 billion towards construction costs through U.S. Department of Transportation tax-exempt private activity bonds (“PABs”). Authorizing the Project to issue such tax-exempt bonds would substantially reduce the Project’s financing costs, amounting to a federal subsidy of hundreds of millions of dollars (if not billions) over the Project’s life. Such benefits are generally reserved for projects considered to be a public good worthy of foregoing tax revenue and where the incentives associated with PABs are necessary to attract private investment that would otherwise not see the value of the Project. The Uinta Basin Railway project is not a public good but a private boon to the oil industry, and a project that will force significant costs — in terms of environmental risk and climate damage — onto Coloradans.

The Biden administration and its agencies that have influence over this Project have heard concerns voiced by a myriad of different communities, officials, organizations, and community members. Eagle County has significant concerns with the Project and particularly in the use of PABs to fund the same. We hope you agree this is an urgent issue of statewide concern.

We have appreciated the attention to and work on this issue to date from some of our elected leaders, and we hope the disaster in East Palestine helps to bring the risk of the Uinta Basin line into better focus. We respectfully request coordination of all your offices to provide robust advocacy at the federal level to emphasize the urgency and the dangers of the Uinta Basin line to the administration and its relevant agencies, and to oppose any use of PABs from the federal government.

Sincerely,

Kathy Chandler-Henry
Chair

Matt Scherr
Commissioner

Jeanne McQueeney
Commissioner

Cc:

State Senator Dylan Roberts

State Senator Perry Will

State Representative Elizabeth Velasco

State Representative Meghan Lukens

Boulder County Board of County Commissioners



EAGLE COUNTY

Board of County Commissioners

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Chaffee County Board of County Commissioners

Gilpin County Board of County Commissioners

Grand County Board of County Commissioners

Jefferson County Board of County Commissioners

Lake County Board of County Commissioners

City of Glenwood Springs

Town of Avon

Town of Basalt

Town of Eagle

Town of Gypsum

Town of Minturn

Town of Red Cliff

Colorado River Water Conservation District Board of Directors



P.O. Box 2308 970-596-5039
Silverthorne, CO 80498 qqwater@nwccog.org

March 17, 2023

The Honorable Michael Bennet
Cesar E. Chavez Memorial Building
1244 Speer Boulevard
Denver, CO 80204

The Honorable John Hickenlooper
Byron Rogers Federal Building
1961 Stout Street, Suite 12-300
Denver, CO 80294

The Honorable Joe Neguse
620 E Main Street
Frisco, CO 80443

Re: Request for Continued Opposition to Uinta Basin Railway

Dear Senator Bennet, Senator Hickenlooper, and Representative Neguse,

The Northwest Colorado Council of Governments Water Quality/Quantity Committee (“QQ”), which comprises [40 local governments](#) in the headwaters of the Colorado, Yampa, and Gunnison River Basins. We shared our opposition for the Uinta Basin Railway with Senator Bennet in January of 2022. We appreciate your efforts to address and mitigate impacts to Colorado communities from the Railway and to stop the project if possible.

We recently learned that the project proponents are seeking to fund the railway through a tax-exempt [Private Activity Bond](#) (PAB) issued by the US Department of Transportation (DOT). This will effectively amount to tens of millions of dollars in public subsidies every year for a project that has significant [environmental and health risks for Coloradans](#).

We respectfully request coordination of all your offices to oppose any use of PABs from the federal government for the Uinta Basin Railway, and that you continue to communicate your opposition both publicly and directly to the DOT and relevant agencies.

Heavy crude oils are highly toxic and very difficult to remove from a water source; contamination is severe and long-term. In addition, oil train derailments could cause devastating forest fires in Colorado’s mountains. A federal agency review concluded the proposed new Railway would add up to 87 million gallons of waxy crude per week to the interstate rail system. Oil would be transported via as many as 180,000 loaded rail cars per year from the Uinta Basin to the mainline of the Union Pacific where it would travel east adjacent to the Colorado and Fraser Rivers. The Colorado River is the source of water for 40 million people and a river you’re aware is in crisis. The Fraser River is an important and threatened tributary to the Colorado River which has already experienced degradation from decades of low flows due to diversions to cities on

the other side of the Continental Divide. The significant increase in railroad traffic raises concerns about both long-term and catastrophic water quality degradation in the Headwaters Region.

Long-term impacts from the increase in rail traffic may include, to name a few:

- Worsening of existing water quality challenges in the region, such as sedimentation and deposition of pollutants from the railcars into waterways.
- Further aquatic life impairment. Many waterways in the Headwaters struggle to sustain aquatic life and are fragile and sensitive to long-term increases in pollutants from increased rail car traffic.
- Union Pacific already has a [history of releasing damaging sludge](#) from the Moffat Tunnel into the Fraser River; the potential for additional releases would increase.
- The region's ability to meet water quality standards established by the EPA is unclear given these long-term impacts.

The increase in rail car traffic also increases the catastrophic potential for a train derailment and spill. As the recent, disastrous train derailment and chemical spill in East Palestine, Ohio shows, rail transportation of hazardous materials threatens communities, air, and water along the way. A catastrophic spill could have the following far-reaching impacts:

- Communities along the Colorado and Fraser Rivers could lose access to safe, clean drinking water and irrigation water supply.
- Environmental impacts would be widespread.
- The State's recreation and tourism economy would be adversely impacted because of the loss of fishing, rafting, and other water-based recreation income.
- Impacts in Glenwood Canyon could be particularly acute because the Canyon is already struggling to recover from damaging 2020 wildfires.
- Local investment in watershed restoration could be lost. Local governments and state and federal agencies are spending millions of dollars already to restore these watersheds. See, for example, Grand County [Learning By Doing Cooperative Effort](#).

QQ asks that you object to PABs for a project that will cause harm to Coloradans. We request that you all communicate this both publicly and directly to Secretary Buttigieg and the Department of Transportation. For questions or concerns, please contact QQ Co-Director Claire Carroll at 719.740.0785 or ccarroll@nwccog.org.

Sincerely,



Kathy Chandler-Henry
QQ Chair and Eagle County Commissioner
Kathy.chandlerhenry@eaglecounty.us

CC:

John Whitney, Senator Bennet Regional Representative, john_whitney@bennet.senate.gov

Sarah McCarthy, Senator Hickenlooper Regional Representative,

sarah_mccarthy@hickenlooper.senate.gov

Sarah Sutor, Representative Neguse Regional Representative, julie.sutor@mail.house.gov

David Oppenheim, Governor Polis Legislative Director, david.oppenheim@state.co.us

Tom Vilsack, United States Department of Agriculture, tom.vilsack@osec.usda.gov

Doug Vilsack, Bureau of Land Management, dvilsack@blm.gov

KC Becker, Environmental Protection Agency, becker.kc@epa.gov

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Julie McCluskie, Colorado House Speaker, julie.mccluskie.house@coleg.gov

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Eagle County Board of County Commissioners, eagleadmin@eaglecounty.us

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General Assembly
State of Colorado
Denver

March 20, 2023

The Honorable Pete Buttigieg
US Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

The Honorable Tom Vilsack
U.S. Department of Agriculture
1400 Independence Ave SW
Washington, DC 2025

Dear Secretary Buttigieg and Secretary Vilsack:

As legislators who represent the areas of Western Colorado that would be impacted directly by the Uinta Basin Railway Project, we write to share our significant concerns and opposition to this project. We ask that you carefully consider this project's potential impact, including the devastating damage it could do to public health, our water resources, our environment, and our economy, when making the respective decisions charged to your departments. Further, we find the potential use of public taxpayer dollars through government approved tax-exempt private activity bonds (PABs) to finance this project to be highly objectionable, and we would strongly urge this approach to financing be rejected.

As you are aware, the Uinta Basin Railway Project would involve the shipment of heated waxy crude oil from Utah through Colorado, totaling as much as 350,000 barrels on ten, two-mile trains per day. This is immensely concerning given that the rail line runs right alongside the headwaters of the Colorado River and its tributaries, which provide water to over 40 million people in the Western United States, irrigate millions of acres of agricultural land, and drive our outdoor recreation and tourism industries, which are critical to our region's and state's economies.

In light of the recent train derailment in East Palestine, Ohio and other high-profile train accidents across the country over the years, a spill on this rail line is not only a possibility, it is likely. Such a spill would contaminate the local and regional water supply, as well as likely impact downstream consumers across the West. Given the heated nature of this transport and the widespread drought we are experiencing, this project also further increases the risk of wildfire ignition across the Western Slope. By threatening our water supply and increasing wildfire risk, this project would be truly catastrophic to our constituents, our communities, and our environment.

Our concerns with this project are grave and cannot be understated. We strongly urge you and your partners in the federal government to conduct a more thorough risk analysis in light of recent events and our pressing concerns regarding water supply and wildfire. While we understand and support the desire to increase domestic energy supply, the potential negative impacts of this project far outweigh any economic benefit. Imperiling the future of our environment and the natural resources we depend on and treasure is not a decision that should be taken lightly. Domestic energy development can and should happen through other means than this project.

A vast coalition of constituents that we represent on the Western Slope are opposed to this project, and we stand with them in this call to put a stop to this dangerous project that would jeopardize our long-term public peace, health, and safety.

Sincerely,



Speaker of the House Julie McCluskie, HD-13



Senator Dylan Roberts, SD-8



Senator Perry Will, SD-5



Representative Meghan Lukens, HD-26



Representative Elizabeth Velasco, HD-57



Representative Barbara McLachlan, HD-59

CC:

The Honorable Joe Biden President of the United States
The Honorable Michael Bennet, U.S. Senator
The Honorable John Hickenlooper, U.S. Senator
The Honorable Jared Polis, Governor of Colorado
The Honorable Joe Neguse, U.S. Congressman
The Honorable Lauren Boebert, U.S. Congresswoman
The Honorable Brittany Petterson, U.S. Congresswoman