

January 15, 2021

E-FILED

Cynthia Brown
Chief, Section of Administration Surface Transportation Board Office of Proceedings
395 E Street, SW
Washington, DC 20423

Re: Docket No. 36471, Colorado, Midland and Pacific Railway Corporation - Lease and
Operating Exemption Containing Interchange Commitment - Union Pacific Railroad Company

Ms. Brown:

Wild Connections is a registered 501(c)(3) nonprofit organization that has worked to identify, protect, and restore wildlands, native species, and biological diversity in the Arkansas and South Platte watersheds for the past 25 years. As our name indicates, Wild Connections focuses on protecting wildlands on a landscape-wide basis, with particular emphasis upon protecting the connecting links that enable wildlife to move back and forth, as well as upon protecting the large, unimpacted core areas that can sustain a complete diversity of our region's wildlife.

We write to you with concerns about Midland & Pacific Railway Company's exemption for their Tennessee Pass Line in Colorado, which would re-authorize railroad lines through local communities as well as through and adjacent to many wild and scenic public lands and waters in central Colorado. Use of this line after 24 years of dormancy would adversely impact local residents, local recreation users, and area wildlife.

The Tennessee Pass Line goes directly through Browns Canyon National Monument, which was recently designated in 2015 for its pristine canyons, rivers, forests, and backcountry recreation and wildlife. It also goes through Bighorn Sheep Canyon just downriver along the Arkansas River, which encompasses Wild and Scenic River values on the Arkansas River as well as is adjacent to many public lands identified by BLM in 2015 for their Lands with Wilderness Characteristics, including Badger Creek South, North of Cotopaxi, Bear Mountain, and Table Mountain/Echo Canyon.

Table Mountain/Echo Canyon has been proposed for Wilderness numerous times in the Colorado Wilderness Act, including in 2020, which passed the US House of Representatives in the Protecting America's Wilderness Act. There are also numerous wilderness quality lands adjacent to the Arkansas River and Tennessee Pass Line to the south in Bighorn Sheep Canyon, including McIntyre Hills and Grape Creek, both of which were also included in the 2020 Protecting America's Wilderness Act.

The Tennessee Pass Line also passes through BLM's Arkansas Canyonlands Area of Critical Environmental Concern (ACEC), a nearly 24,000 acre area in Bighorn Sheep Canyon recognized

by BLM for its critical values and protected for outstanding recreation, scenic views, and critical and valued species, including the iconic Colorado state animal, Rocky Mountain bighorn sheep.

This Arkansas River corridor and adjacent lands provides high habitat and range values to local wildlife. In addition to the numerous Rocky Mountain bighorn sheep herds that utilize this corridor and have thrived since the Tennessee Pass Line ceased, other wildlife include mule deer, elk, black bear, mountain lion, coyote, fox, pronghorn, Gunnison's prairie-dog, and Brazilian free-tailed bat. Gunnison's prairie-dog is noteworthy as it is listed as a species of most concern by the US Wildlife Conservation and Restoration Program's (WCRP) Comprehensive Wildlife Conservation Strategy (CWCS), as well as listed as Colorado BLM sensitive. The Brazilian free tailed bat is a Colorado state ranked critically imperiled species.

Many critical and valued bird species have also been identified in the Arkansas River Corridor. Of note, this region provides winter forage, winter range, winter concentration and roost sites for the bald eagle (*Haliaeetus leucocephalus*), which is listed as Colorado BLM Sensitive, CWCS Species of Most Concern, and Partnership in Flight Priority Bird. This area also provides nesting sites for the Peregrine American falcon (*Falco peregrinus anatum*), a bird that is Colorado BLM Sensitive, CWCS Species of Most Concern, and a Colorado Parks and Wildlife (CPW) endangered species. Additionally some of this region provides proposed critical habitat for the Mexican spotted owl (*Strix occidentalis lucida*), which is a CPW endangered species, a CWCS species of most concern, and Partnership in Flight Priority Bird. There is also overall range for the scaled quail (*Callipepla squamata*), also a CWCS species of most concern, and Partnership in Flight Priority Bird.

The Tennessee Pass line would also run through or adjacent to proposed BLM Wildlife Emphasis Areas at Hayden Flats south of Leadville, Granite Clear Creek East Wildlife Management Area, and Cache Creek Wildlife Management Area.

The Colorado Natural Heritage has also identified many Potential Conservation Areas (PCA) in the region since the Tennessee Pass Line last ran, including many areas that overlap with the Line. These PCAs were identified for their biodiversity values based on rare and imperiled plants, rare and imperiled animals, and natural plant communities.

At least 12 of these PCAs would be directly impacted by the Tennessee Pass Line, including (from west to east), Hayden Gulch PCA for having high biodiversity significance, Arkansas River at Pine Gulch PCA for having very high biodiversity significance, Maxwell Park PCA for having moderate biodiversity significance, Browns Canyon on Arkansas River PCA for having very high biodiversity significance, Cleora North PCA for having general biodiversity interest, County Line PCA for having very high biodiversity significance, Badger Creek PCA for having very high biodiversity significance, Vallie PCA for having high biodiversity significance, Cotopaxi PCA for having very high biodiversity significance, McIntyre Hills PCA for having very high biodiversity significance, Royal Gorge West PCA for having very high biodiversity significance, and Cañon City Hogback PCA for very high biodiversity significance. These are

just the identified PCAs that contain the dormant Tennessee Pass Line. The Tennessee Pass Line would also run adjacent to numerous other Colorado Natural Heritage Program identified Potential Conservation Areas.

The Tennessee Pass Line has not been used for 24 year, and the region has changed considerably since the lines last operated. At the very least, there should be a public comment period so that local communities, members, stakeholders, and representatives can weigh in on a plan that would have impacts to local residents, local land and river users, and tourism.

As referenced, much of this Line is along the Arkansas River, including a 102 mile section from Leadville to Parkdale, which was recognized for Gold Medal Fishing Waters in 2014, the longest stretch of Gold Medal Fishing Waters in Colorado. People come from all over Colorado and the world for this Gold Medal trout fishing. Furthermore, this section of the Arkansas River along these dormant railroad tracks sees the most river recreation visitors in the form of rafters, boaters, and kayakers than any other river segment in the country. A running railroad line adjacent to these stretches of the Arkansas River would negatively affect the river recreation and tourism dollars that it provides to local businesses and communities.

There has also been a long ambitious plan with local support for a 60-mile right-of-way recreational trail along the tracks from Leadville to Salida, which at one point the company was in discussions with local organizations about granting that right of way. Outdoor recreation is very popular and growing in central Colorado, and this corridor should still be considered to help connect users and alleviate recreational congestion, not contribute to it and threaten it.

Lastly, this Line has a history of derailment given the rugged terrain it traverses and its proximity to rivers that can flood, which has led to drastic consequences for the river water quality, aquatic ecosystems, and river based recreation. In the 1980s and 90s, coal cars fell into the Arkansas River just below Browns Canyon, not to mention cars being swept away further down river by flash flooding in Bighorn Sheep Canyon. In 1996, there was a derailment below Camp Hale that killed two crew members and spilled sulphuric acid. These derailments played a role in Union Pacific closing down the line to railroad cars in 1997.

There is no guarantee that similar or worse accidents will not happen on this line if it is reopened. And with larger population centers and more visitors in the local mountain communities, and particularly the increased use on, along, and crossing the Arkansas River, future accidents would only be more detrimental than these examples documented above.

In sum, a lot has changed since cars last ran these lines in 1997, which would lead to a lot more impacts to the communities, outdoor users, and the local public lands and wildlife. We respectfully ask that you deny the continuance control exemption requested by Colorado, Midland & Pacific Railway Company. At the very least, a public process with public comment opportunities and engagement with local communities, stakeholders, and representatives is needed and warranted. Thank you for this opportunity to take public comment.

Sincerely,

John Sztukowski

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CC: Parties of Record