



EI-30358

February 12, 2021

Joshua Wayland, PhD
Surface Transportation Board
c/o ICF
9300 Lee Highway
Fairfax, VA 22031
Attention: Environmental filing, Docket No. FD 36284

Dear Mr. Wayland,

American Whitewater and Colorado Whitewater appreciate the opportunity to comment on the Uinta Basin Railway Draft Environmental Impact Statement (DEIS). In addition to the comments provided here, American Whitewater contributed to and signed on to a letter submitted on February 12 by the Center for Biological Diversity, et al. Our comments below are specific to the direct impacts to river recreation in the Uinta Basin and to the reasonably foreseeable impacts associated with potential crude oil transport over the Tennessee Pass Line in Colorado.

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with over 6,200 members and 100 local-based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States and connects the interests of human powered recreational river users with ecological and science-based data to achieve the goals within its mission. Our vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates. American Whitewater members highly value the river recreation opportunities in the Price River Canyon in Utah, and in the Eagle and Arkansas Rivers in Colorado. These rivers provide unique and outstanding river recreation opportunities and would have negative direct and indirect impacts as a result of the proposed project. As such, we are deeply invested in the protection and enhancement of river recreation in the Price, Eagle, and Arkansas Rivers and have significant concerns regarding the proposed railway and construction and associated oil and gas development.

Uinta Basin

Every alternative in the DEIS includes major railway construction and operation in the Price River Corridor near Kyune, Utah. Kyune serves as an important river access point for paddling on the Price River. The two primary recreational sections of the Price River end and begin in Kyune, making it an important location for river recreationists both taking out and putting on the river. The access area is located off of Emma Park Rd. or Kyune Pass Rd. and would be directly



across the river from one of the termini of the proposed railway.¹ In addition, all alternatives, including the preferred Whitmore Park Alternative would necessitate two major railroad bridges across the Price River directly upstream from the aforementioned river access area. The construction of the railroad and railroad bridges in this area would drastically impact the recreational opportunities in the area and these impacts need to be fully considered in the Environmental Impact Statement.

The Price River Canyon upstream² and downstream³ of Kyune provides a highly sought after whitewater kayaking and canoeing experience with rapids ranging from Class I to Class IV in difficulty. Between Scofield Reservoir and Castle Gate, Utah there are over 25 miles of river that can be paddled in the Spring and Summer. The whitewater runs have been featured on Southwest Paddler, a regional online source for whitewater paddling⁴ and are included in American Whitewater's National Whitewater Inventory⁵. The Price River has been described as having excellent character and providing an adrenaline rush experience.⁶ The recreational opportunities provided by the Price River near Kyune, Utah would be directly impacted by the proposed Uinta Basin Railway project and there would be indirect impacts associated with the project's purpose of increasing oil and gas development in the Uinta Basin. These indirect impacts include air pollution, water depletion, water contamination, and disruption to wildlife habitat, all of which closely interplay with the overall recreation experience.

The List of Data Sources for Land Use and Recreation is Inadequate

The DEIS considers a very limited list of sources to inform the analysis of impacts on land use and recreation. The list is limited to existing land use plans, mapping resources, and livestock grazing data.⁷ There is a wealth of online and print sources that provide information on river recreation and other types of recreation in and around the Uinta Basin. Sources like American Whitewater's National Whitewater Inventory⁸ and the Southwest Paddler website⁹ need to be added to this list of sources and used to the fullest extent possible when assessing potential impacts to recreation.

River Recreation Needs to be Acknowledged in the EIS

As described above, there are very real and valuable river recreation opportunities that exist on the Price River near Kyune, Utah. These opportunities would be directly impacted by all alternatives in the EIS, including the preferred alternative. The Surface Transportation Board's Office of Environmental Analysis needs to complete a thorough assessment of potential impacts to recreation for each alternative, including for river recreation (e.g., rafting, kayaking, canoeing,

¹ The river access area is located at the picnic site near 39.82600224238581, -110.94799876213074.

² <https://www.americanwhitewater.org/content/River/view/river-detail/1864/main>

³ <https://www.americanwhitewater.org/content/River/view/river-detail/1865/main>

⁴ <http://southwestpaddler.com/docs/greenut9.html>

⁵ <https://www.americanwhitewater.org/content/River/view/river-index#>

⁶ <http://southwestpaddler.com/docs/greenut9.html>

⁷ DEIS at 3.11-1

⁸ <https://www.americanwhitewater.org/content/River/view/river-index#>

⁹ <http://southwestpaddler.com/docs/greenut9.html>



etc.). River recreation and the associated benefits of economic and quality of life need to be fully analyzed in the alternatives before a complete and thorough EIS can be completed. We ask the Office of Environmental Analysis to incorporate this analysis and provide an additional public comment period before the Final EIS is completed.

Tennessee Pass Line

The fact that Rio Grande Pacific Corporation is poised to be the operator of both the Uinta Basin Railway and of the Tennessee Pass Line coupled with the fact that Tennessee Pass provides the most direct transport line from Utah to the Gulf Coast is cause for serious concern. If crude oil from the Uinta Basin were to be transported over Tennessee Pass, the potentially devastating impacts to the surrounding human environment are immeasurable and necessitate a complete and thorough review before either the Tennessee Pass Line or the Uinta Basin Railway projects can move forward.

The Potential for Crude Oil to be Transported over the Tennessee Pass Line in Colorado is a Reasonably Foreseeable Future Action of the Uinta Basin Railway Project

The possibility of the Tennessee Pass Line in Colorado being used to transport crude oil from the Uinta Basin to Gulf Coast refineries is an indirect effect of the Uinta Basin Railway Project and is a reasonably foreseeable action that would have devastating impacts to the ecological and human environments in the Tennessee Pass Line corridor as it runs along the Eagle and Arkansas Rivers in Colorado. While Rio Grande Pacific Corporation and its subsidiary, Colorado, Midland & Pacific Railroad (CMPR), repeatedly deny the possibility of crude oil being transported on the Tennessee Pass Line, we believe this is a real and foreseeable future action. CMPR's argument against the crude oil scenario is based on the fact that they do not have trackage rights for the portion of the line between Sage and Dotsero, a necessary connection to the national rail network.¹⁰ However, in their own filing to the Surface Transportation Board, CMPR states that "While KCVN is technically correct that CMPR's rights currently end at Sage and not Dotsero, in its negotiations with Union Pacific Railroad Company ("UP") CMPR was informed that once the line is rehabilitated, UP will consider granting CMPR overhead trackage rights to Dotsero with a right to interchange with BNSF."¹¹ When pressed on this detail, CMPR and Rio Grande

¹⁰ Sara Cassidy, February 8, 2021. Chaffee County Commissioner Work Session hosted via Zoom Video Communications, Inc.

¹¹ Reply to STB Docket No. FD 36471, January 26, Colorado, Midland & Pacific Railway Company --Lease and Operation Exemption Containing Interchange Commitment-- Union Pacific Railroad Company, Reply to Motion to Reject Notice of Exemption, Page 1



Pacific Corp. representative, Sara Cassidy, said that CMPR would consider future operations based on the current market.¹²

Based on both CMPR's formal filings with the STB and their communications with local county officials, there is reason to believe that transporting crude oil over the Tennessee Pass Line could be a possibility in the future. Rio Grande Pacific Corp. is simultaneously involved in both the Uinta Basin Railway and the proposed reactivation of the Tennessee Pass Line. Both projects would take multiple years to construct and rehabilitate, respectively - at which time CMPR and their parent company could secure trackage rights to connect Tennessee Pass with the national rail network and thus significantly shorten their ultimate transportation route between the Uinta Basin and Gulf Coast refineries.

Based on this evidence and direction under the National Environmental Policy Act¹³, the transportation of crude oil over Colorado's Tennessee Pass Line is a reasonably foreseeable outcome of the Uinta Basin Railway and needs to be fully evaluated in the EIS.

The EIS Should Complete a Full Assessment of the Direct and Indirect Impacts of Transporting Crude Oil Over the Tennessee Pass Line

The 163.1 mile Tennessee Pass Line segment between Parkdale and Sage, Colorado closely parallels critical waterways, including the upper Arkansas River and the Eagle River. The dormant line is routed through numerous river and mountain oriented communities that place a high value on the recreational, ecological, cultural, scenic, historical, and other values that exist within these river corridors. The segment of rail line in question has been dormant for over 24 years and in that time, both the ecological and human environments have adapted and flourished to thrive in the absence of any rail traffic. Local communities make their livelihoods off of river recreation and outdoor tourism in the region and the public travels from throughout Colorado and from across the country to visit the unique characteristics of the area, including Browns Canyon National Monument which was recently designated in 2015.¹⁴ This is further demonstrated by the significant economic impact of river recreation in the Arkansas River corridor. The Arkansas River sees over 40% of Colorado's total commercial rafting days and contributes close to \$100 million to the local economy.¹⁵

¹² Sara Cassidy, February 8, 2021. Chaffee County Commissioner Work Session hosted via Zoom Video Communications, Inc.

¹³ See 40 C.F.R. §§ 1508.8, 1508.7 (definition of both indirect and cumulative impacts includes the impacts that are "foreseeable")

¹⁴ <https://obamawhitehouse.archives.gov/the-press-office/2015/02/19/presidential-proclamation-browns-canyon-national-monument>

¹⁵ <https://www.cobizmag.com/outdoor-industries-report-rafting-economy/>



Eight to ten trains of crude oil being transported over the Tennessee Pass Line would have detrimental impacts to the scenery, wilderness character, cultural, fish and wildlife, and recreation values that are prominent in the Eagle and Arkansas River corridors. These impacts would be significant just from the rehabilitation of the railroad, visual train traffic, and noise. In the case that an oil spill were to occur, many of the values and the economy in the river corridor may never recover. When the line was active, Tennessee Pass commonly made regional and national news for its deadly and ecologically devastating derailments. In the 1980s and again in the 1990s train cars filled with coal derailed off the tracks downstream from what is now Browns Canyon.¹⁶ Worse, in 1996, train cars filled with sulphuric acid derailed between Leadville and Minturn, killing two people and spilling 27,000 gallons of sulphuric acid.¹⁷ The acid almost made it into the Eagle River and if the derailment had occurred in a different location, it very well could have. The Tennessee Pass Line is notorious for its steep grade and dramatic geology, which attributes to spectacular recreation opportunities throughout the Eagle and Arkansas river corridors. The character of the landscape simultaneously makes it very dangerous for long, heavy trains filled with hazardous substances. The transportation and potential derailment of crude oil on the Tennessee Pass Line needs to be recognized and analyzed as a foreseeable action of the Uinta Basin Railway.

We ask that the Office of Environmental Analysis conduct a complete analysis of direct and indirect impacts to river recreation and that the indirect effect of transporting crude oil over the Tennessee Pass Line in Colorado be included in the Uinta Basin EIS. Without this additional analysis as required under NEPA, the only reasonable action is the “No Action Alternative” identified in the DEIS.

Thank you for considering these comments from American Whitewater and Colorado Whitewater on the Uinta Basin Railway’s DEIS both in this letter and in the letter submitted by the Center for Biological Diversity. Please don’t hesitate to contact us with any questions regarding our comments here.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Kunz'.

Kestrel Kunz
Associate Stewardship Director

¹⁶Blevins, Jason, New plans for rail traffic over Colorado’s Tennessee Pass spark protest from grain-hauling competitor, Colorado Sun (Jan. 8, 2021), <https://coloradosun.com/2021/01/08/tennessee-pass-railroad-rio-grand-pacific-colorado-midland/>

¹⁷ Train wreck kills 2, spills acid. February 22, 1996. The Journal Times. https://journaltimes.com/news/national/train-wreck-kills-2-spills-acid/article_3f4d7349-d5d1-51c4-a5d3-44ecbc57a3d8.html; Wald, Matthew L., A Derailment in Colorado Kills Two, NY Times (Feb. 22, 1996), <https://www.nytimes.com/1996/02/22/us/a-derailment-in-colorado-kills-two.html>.



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A handwritten signature in blue ink that reads 'T. F. Friday'.

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