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September 2, 2021

Randy Moore, Chief
United States Forest Service
1400 Independence Ave., SW
Washington, D.C. 20250-0003

Re: Forest Service Should Reject Oil Train Right-of-Way through Ashley National Forest Roadless Area

Dear Chief Moore,

We are writing with an urgent request that the Forest Service reject an application for a 50-year right of way being sought by proponents of the Uinta Basin Railway through a roadless area in the Ashley National Forest. The primary purpose of the rail line is to facilitate quadrupling of oil extraction in the Uinta Basin, worsening the climate crisis and directly conflicting with President Biden’s climate goals, as well as adding significant pollution to an area that is already failing to meet the 2015 ozone standard.

We also seek a meeting to discuss this proposal before the Forest Service makes a final decision on it. We have been told by those working on this application that the Forest Service could issue a draft decision within days.

We ask that the Forest Service decline to issue the right of way because it directly conflicts with the administration’s climate change policies to significantly reduce emissions by 2030 and the roadless rule.

Importantly, the Forest Service is not required to approve the special use application, and in fact “shall” reject it if “[t]he proposed use would not be in the public interest.” 36 C.F.R. § 251.54(e)(5)(ii). See also 36 C.F.R. § 251.53 (Forest Service “may” issue special use permits.)

ROW Conflicts with Administration Climate Change Policies, Is Not in the Public Interest

The railway is envisioned as an approximately 88-mile-long new rail line between Kyune, Utah and the Leland Bench in Utah’s Uinta Basin to facilitate the export of crude oil, as well as tar sands and oil shale. If built, up to five 2-mile-long trains hauling 350,000 barrels of crude oil —

four times the amount currently trucked to Salt Lake City — could leave the Uinta Basin each day and head to Gulf Coast refineries. Conservative estimates of carbon pollution from this expansion of fossil fuel extraction equal to up to 53 million tons of CO₂, 6 times more than the annual emissions of the dirtiest coal plant in Utah.

The purpose of the railway directly conflicts with the President’s recent Executive Order on “Tackling the Climate Crisis at Home and Abroad”, specifically:

It is the policy of my administration to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy...” (Executive Order 14008 (Jan 27, 2021) at Sec. 201)

Furthermore, as stated in *Net Zero by 2050 – A Roadmap for the Global Energy Sector*, the recently released report by the International Energy Agency, “[t]here is no need for investment in new fossil fuel supply in our net zero pathway beyond projects already committed as of 2021.” The proposed Uinta Basin Railway is a new investment and should not be enabled by the federal government.

The U.S. Forest Service should not authorize discretionary actions that clearly would worsen the climate crisis and harm the public interest. The proposed railway, and the fossil fuel extraction it is designed to facilitate and upon which it depends, would further exacerbate elevated ozone pollution in the basin. The Uinta Basin is currently designated as a nonattainment area for the 2015 ozone standard and, based on monitoring data for the last three years, has failed to attain the standard by the “marginal” attainment date. The high levels of ozone that plague the Basin are due in large part to the fossil fuel extraction already underway there. Plainly, increasing oil production in the area significantly will frustrate, if not derail, any efforts to bring the area into attainment and to safeguard the public health and the environment in and downwind from the Basin.

The railway also will harm communities in Colorado with a steady flow of new oil trains, and potentially cause reactivation of the Tennessee Pass rail line, sending oil trains through the Brown’s Canyon National Monument, and immediately adjacent to the 102-mile Gold Medal Trout water section of the Upper Arkansas River.

Also, because the proposed rail line is intended to transport crude oil to Gulf Coast refineries, the project will adversely affect disproportionately impacted communities already exposed to particularly high levels of air and water pollution.

The project will also directly damage the Ashley National Forest. Air pollution that would result from the construction and operation of the rail line and the increase of oil and gas development in the Uinta Basin would adversely impact air quality and related values in the Forest. The project would involve bulldozing 394 of Inventoried Roadless Areas (Roadless Areas) in the Ashley National Forest and allow decades of traffic across 12 miles of the Roadless Area irreparably damaging roadless values within the Forest.

By virtue of their roadless and undeveloped character, these pristine lands offer crucial habitat for wildlife including rare plants, sensitive and management indicator species, sources of clean

water, significant opportunities for dispersed recreation, and large undisturbed landscapes that provide solitude and seclusion.

ROW Violates the Roadless Area Conservation Rule, Damages Ashley National Forest

Construction and operation of a railroad through this Roadless Area would threaten, if not destroy, these roadless values. For example, the proposed right of way would adversely impact crucial habitat for elk and important winter habitat for elk and mule deer. Also, the railway would contribute to degradation of water quality. Under the preferred alternative there would be 55 total stream realignments and over 400 stream crossings. Twelve stream realignments and 53 stream crossings would occur in the Roadless Area, totaling nearly one mile of altered streams.

The construction and operation of the rail line would damage primitive recreation and extinguish any opportunities for solitude in large swaths of the Roadless Area.

Finally, the proposed right of way is inconsistent with the Ashley Forest Plan, in particular because of air quality impacts and damage to riparian areas.

We ask that the United States Forest Service reject any right of way through the Ashley National Forest for the proposed Uinta Basin Railway and decline to amend the Forest Plan to accommodate the project.

Approving the right of way is not in the public interest because it would fail to comport with President Biden's climate directive, irreparably damage the designated Roadless Area, and the roadless values it was designed to protect, impair critical Forest resources including wildlife, water quality, and air quality, and undermine the goals of the Ashley Forest Plan. The proposed rail line would also undermine any efforts to reduce emissions in the Uinta Basin and bring the area in to compliance with the ozone standard as expeditiously as practicable, as the law requires.

Western states are currently experiencing the profound immediate impacts of the climate crisis in the form of increasing frequency and intensity of wildfires, drought, and extreme weather events. Climate-damaging projects such as the Uinta Basin Railway must be stopped to be able to cultivate resilience and address the causes and consequences of the climate crisis for us to have any hope for a livable planet.

We look forward to your response.

Sincerely,

Deeda Seed, Center for Biological Diversity
Kestrel Kunz, American Whitewater
John Stansfield, Central Colorado Wilderness Coalition
Luke Schafer, Conservation Colorado
Thomas Wheeler, Environmental Protection Information Center
Joe Stone, Friends of Brown Canyon
Jeff Juel, Friends of the Clearwater
Megan Kelly, Grand Canyon Trust
Louise van Vonno, Great Old Broads for Wilderness- South San Juan Chapter

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Kimberly Baker, Klamath Forest Alliance
John Weisheit, Living Rivers and Colorado Riverkeeper
Denise Peterson, Mountain Lion Foundation
Ann Harvey, No Coal In Oakland
Mary O'Brien, Project Eleven Hundred
Tom Sobal, Quiet Use Coalition
Jimbo Buickerood, San Juan Citizens Alliance
Christine Canaly, San Luis Valley Ecosystem Council
Karen, Tuddenham, Sheep Mountain Alliance
Aaron Isherwood, Sierra Club
Donna Stevens, Upper Gila Watershed Alliance
Steve Erickson, Utah Audubon Council
Monica Hilding, Utah Environmental Caucus
Jonny Vasic, Utah Physicians for a Healthy Environment
Raphael Cordray, Utah Tar Sands Resistance
Joro Walker, Western Resource Advocates
James E. Lockhart, Wild Connections
Jeremy Nichols, Wild Earth Guardians
Jackie Biskupski, 35th Mayor of Salt Lake City

Cc:

Mary Farnsworth, Intermountain Regional Forester
Susan Eickhoff, Forest Supervisor, Ashley National Forest
Kristy Groves, District Ranger, Ashley National Forest
Meryl Harrell, Deputy Under Secretary for Natural Resources and Environment, USDA
Gina McCarthy, White House National Climate Advisor
David Hayes, Special Assistant to the President for Climate Policy