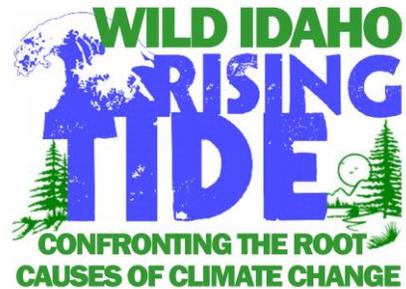


Wild Idaho Rising Tide
301 N First Ave 209B, Sandpoint, ID 83864
PO Box 9817, Moscow, ID 83843
Phone: 208-301-8039
Email: wild.idaho.rising.tide@gmail.com
Website: WildIdahoRisingTide.org



February 12, 2020

Joshua Wayland
Surface Transportation Board
c/o ICF, 9300 Lee Highway
Fairfax, Virginia 22031
Attention: Environmental filing, Docket FD 36284
Public.CommentWorks.com/STB/UintaBasinRailDEISCommentForm

**WIRT Comments on Draft Environmental Impact Statement
for Seven County Infrastructure Coalition's Uinta Basin Railway**

For the official record of the draft environmental impact statement (EIS) for Seven County Infrastructure Coalition's (SCIC) Uinta Basin Railway (project) proposed for Carbon, Duchesne, Uintah, and Utah counties in Utah, I respectfully offer these written comments and accompanying information on behalf of Wild Idaho Rising Tide (WIRT) and its over 3,200 climate activists, members, friends, supporters, and allies, as citizens and residents of Utah, Idaho, Montana, Oregon, Washington, and other U.S. states, who own property, work, reside, and/or recreate in or near the surrounding water and air sheds that would be directly impacted by federal Surface Transportation Board (STB) approval of infrastructure construction and operation of the Uinta Basin Railway (docket FD 36284). We object to this project's invasion and significant impacts on affected communities, critical ecosystems, public air, water, land, climate, and resources, and private and public water sources within the floodplain, on the banks, and under the affected river valleys, as insufficiently identified and analyzed in the October 30, 2020, draft EIS and pertinent notices and government documents, offering public information via the STB project website and updates [1-5].

We also oppose this SCIC project's significant, direct and indirect, cumulative, adverse impacts on climate change, endangered species, cultural resources, socioeconomic and environmental factors, and reasonable public needs, including human and environmental health and safety, drinking and agricultural water, and private property values, rights, uses, enjoyment, and insurability. As further public input and information shared with STB, we incorporate by reference into these remarks the written and oral comments and linked articles and documents of WIRT and all persons and organizations raising oppositional concerns about this project and its applications, documents, and processes relevant to project analyses, presented through all local, state, and federal public processes before, during, and after this extended, STB, public comment period on the draft EIS, concluding on February 12, 2021.

WIRT earnestly encourages and requests STB to: 1) Include these and all of our written objections and enclosed information in the public record for the draft EIS and related project comment periods, 2) Extend this public comment period an extra 30 to 90 days, due to the ongoing COVID-19 pandemic, 3) Hold additional, open, public hearings in the most project-impacted communities, conducted by phone and online, 4) Better assess the regional significance, scope, and precedence of this project, through a revised and/or supplemental draft EIS and its public input processes, 5) Perform a more community-preferred, scientifically rigorous, independent, unbiased, full environmental study examining this controversial project, and 6) Reject the Uinta Basin Railway, as an unnecessary and harmful, fossil fuel infrastructure fiasco.

Besides urging public participation in comments and testimony for this project's draft EIS, WIRT offers these formal remarks drawn from our Northwest colleagues' and our decade of direct experiences, knowledge, and interests in this and previous, related, project reviews and decisions considered via state and federal hearings and comment periods [6-11]. This letter of objection arises from detailed suggestions, testimonies at recent hearings, and multiple remarks expressing concerns, provided by a coalition of conservation and climate groups and project-impacted stakeholders, whose resistance to this proposal we fully support with these comments [12-15]. Together, we have identified these deficiencies of the project's current draft EIS analyses and its resulting implementation, which do not properly evaluate oil and gas extraction, transportation, and production risks.

* Increase in Uinta Basin Oil Production: The EIS must consider increases in the extraction and production of fossil fuels that would directly result from railway project operations. The railway in question could increase Uinta Basin oil production by up to four times the current level. The EIS should examine the full impact that this additional exploration, drilling, production, and eventual combustion of fossil fuels would have on the environment, climate, wildlife, and nearby communities.

* Air Quality and Climate Change: Air pollution in the Uinta Basin already exceeds federal standards, due to existing oil and gas development in the region. Proponents intend the railway project to facilitate a massive expansion to distant markets of Uinta Basin oil, gas, and other fossil fuels. Without the railway, these products could not be sold, and thus could not be developed. This potential increase in the amount of fossil fuels production would contribute irreversibly to greenhouse gas emissions and climate change. With global climate already at a detrimental tipping point, railway expansion of oil and gas development on this scale would only worsen climate chaos.

* Water: The preferred project alignment would run almost the entire length of Indian Canyon Creek, affecting the entire area with 443 stream crossings, and impacting over 61 miles of streams and 26 acres of floodplains. All of the draft EIS alternative routes connect to the existing railroad at the same location: directly adjacent to significant wetlands along the Price River. These plans present unacceptable impacts to the precious, perennial waterways of the semi-arid state of Utah.

* **Wildlife:** The proposed route of the Uinta Basin Railway traverses roadless areas, steep canyons, and rugged terrain, and would affect over 10,000 acres of big game habitat. The U.S. Forest Service has designated some of this area as crucial big game habitat. The railroad route also could impact 1,600 acres of greater sage grouse habitat and places inhabited by the endangered Barnaby ridge-cress.

* **Communities:** The Uinta Basin Railway would change the life ways of people who live and recreate in the area. Landowners in Argyle Canyon and other off-grid, canyon communities along the proposed railway route fear disruption and disfigurement of the naturally healthy and beautiful landscapes they love. Each locomotive of resulting project operation would disturb wildlife and bring noise and clouds of carcinogenic diesel smoke. Mile-long trains would impose vehicle traffic delays and the real possibilities of accidents, derailments, spills, and sparks that could ignite disastrous wildfires. These predictable project outcomes, now similarly endured by Northwest residents and businesses, but understudied by this draft EIS, could inflict serious threats to community health, safety, and wellbeing.

Banking on controversial, future, and increased, tar sands and shale oil strip mining of the Tavaputs Plateau, the Uinta Basin Railway is a highly speculative, misguided project, but its negative impacts of drastically increasing oil extraction in the region are clear. Oil and gas production already poisons Uinta Basin wildlife and human residents. The proposed fossil fuels pipeline-on-rails would exacerbate locally toxic, dangerous conditions and the climate crisis, by potentially quadrupling the volume of produced crude oil and gas and countering climate science that suggests that Americans must quickly reduce fossil fuels uses and transition to renewable energy. Public entities using public funds are hastily pushing forward this expensive, subsidized, private project, but citizens and private landowners in the area, whom the railway could devastate, have been excluded from much of its development processes. To benefit private industry, project proponents are squandering tens of millions of dollars that could provide needed services to local communities. Instead, Utah and American citizens should invest in realistic, smart, public projects and other initiatives that could diversify rural economies, support local communities, and serve human needs.

Concerned about protecting the health of Utah's environment, the majority of regional citizens who have commented and spoken in testimony have expressed opposition to this SCIC scheme, at STB public hearings joined via Zoom. WIRT and numerous, Utah, and allied groups and colleagues have advised and encouraged all interested parties to peruse previous public remarks about the Uinta Basin Railway, consider their suggestions for comments, attend, listen, and participate in virtual meetings, and send written correspondence on any aspect of this draft EIS to STB, filing electronically and/or by mail before the public review and comment period ends. We thank everyone who alerted Northwest activists, experienced in oil train opposition, to these public input opportunities, but we especially appreciate Utahans working both autonomously and in cooperative service to the overall movement that seeks to abolish the development of tar sands and other fossil fuels across the West.

After issuance of the draft EIS for the proposed Uinta Basin Railway and notice publication in the Federal Register on October 30, 2020, STB and its Office of Environmental Analysis (OEA) hosted six online, public meetings from November 16 to December 3, 2020, to receive oral

comments and record resulting transcripts of that testimony. On December 9, 2020, as described in the following communication excerpt, STB and OEA extended the public review and comment period [16]. WIRT received notice from the STB and OEA on January 28, 2021, that they had granted a second comment period extension of 15 additional days, until February 12 [17].

OEA is extending the comment period for the draft EIS, in response to requests from the Ute Indian Tribe of the Uintah and Ouray Reservation and various advocacy organizations, including Utah Tar Sands Resistance, Center for Biological Diversity, Western Resources Advocates, Mountain Lion Foundation, Utah Physicians for a Healthy Environment, WildEarth Guardians, Living Rives/Colorado Riverkeeper, and Argyle Wilderness Preservation Alliance. Those requesters state that the ongoing COVID-19 pandemic has affected the ability of stakeholders and the public to fully review and comment on the draft EIS within the original, 45-day, comment period. Due to the unique challenges posed by the pandemic, OEA believes that a 45-day, comment period extension is warranted [16].

After closing the extended comment period, OEA has promised to give the same consideration to all comments, but the agency requests that “commenters be as specific as possible and substantiate concerns and recommendations” [3]. In response, OEA will prepare a final EIS, setting forth its conclusions on the potential environmental impacts and mitigation measures for this fossil fuels rail line. Based on these recommendations, STB will decide whether to authorize construction and operation of the project.

While belatedly sending a WIRT-recorded, audio file of the December 1, STB hearing on the project, WIRT noticed and shared three Colorado news articles and opinion pieces about the Uinta Basin Railway with fellow, oil train resisters, who have been protesting for a decade the still mostly undeveloped, only tar sands mine in the U.S., another likely beneficiary of construction of the Uinta rail line. Coloradans are not only opposing Utah oil trains, but forming government and nonprofit coalitions prepared to litigate another proposal to reopen 20-years-defunct, Colorado tracks that they suspect would bring bomb trains through mountain valley communities, in a state already overrun by coal trains from mines in northwest Colorado and nearby Wyoming [18-20]. In its second comment period extension notice, STB says:

OEA is extending the comment period for the draft EIS, in response to a request from Eagle County, Colorado [21]. Eagle County states that the comment period should be extended due to a recent request in docket number FD 36471, from Colorado, Midlands, and Pacific Railway Company (CMPR), for [Surface Transportation] Board authority to lease and operate a rail line in Colorado known as the Tennessee Pass Line, which has had no rail traffic in more than 20 years. According to Eagle County, stakeholders in Colorado are concerned that rail traffic from the Uinta Basin Railway, including unit trains carrying crude oil, could travel on the Tennessee Pass Line, if both the proposed construction and operation of the Uinta Basin Railway and the proposed lease and reactivation of the Tennessee Pass Line were to move forward. Eagle County requests an

extension of the comment period, to allow localities and other stakeholders along the Tennessee Pass Line to have the opportunity to evaluate potential impacts. The Seven County Infrastructure Coalition, the project applicant for the Uinta Basin Railway, and Rio Grande Pacific Corporation, the proposed operator of the Uinta Basin Railway and the owner of CMPR, state that there are no plans to transport oil originating from the proposed Uinta Basin Railway on the Tennessee Pass Line [22].

According to Rio Grande and CMPR, the primary objective of the proposed lease and reactivation of the Tennessee Pass Line would be to provide passenger rail service, and it would not be practical or economical to transport oil on the Tennessee Pass Line [22]. OEA is nevertheless providing a 15-day comment period extension, to allow Eagle County and other concerned stakeholders to further evaluate and comment on the draft EIS for the proposed Uinta Basin Railway [17].

With residents of the four-state Northwest and now Utah and Colorado directly impacted and/or frightened by the prospects of further oil train derailment disasters, like in Lac-Mégantic, Quebec, in July 2013, Mosier, Oregon, in June 2016, and Custer, Washington, in December 2020, fossil fuels frontline activists suggest that STB exercise reticence in approving the Uinta Basin Railway that could similarly invade and devastate Utah's outstanding river valleys. On the shores of Idaho's largest, deepest lake, Pend Oreille, WIRT accordingly also dreads Burlington Northern Santa Fe (BNSF) Railway infrastructure expansion, as later explained in these comments. We plan to persuade President Biden's selected cabinet member, Secretary of Transportation Pete Buttigieg, to banish decades-long but soon-obsolete, coal and oil trains from American railways, the hasty haulers of the fossil fuel industry's increasingly stranded mine, well, and production assets, and to advance more sustainable and less destructive energy alternatives.

In conclusion, WIRT activists offer our perspectives and experiences of the constant pollution, noise, and terror that fossil fuels and hazardous materials trains violently and unilaterally impose on small, trackside communities: trauma that residents and businesses along all of the proposed Uinta Basin Railway routes will likely suffer if STB approves this project. In downtown Sandpoint, Idaho, the WIRT office overlooks the BNSF tracks only 700 feet away, well within the deadly, 2,640-foot blast zone of fiery, exploding, derailed, oil trains. This lakeside city endures about 60 trains per day on the rail line that BNSF is expanding to increase its traffic capacity up to 100 trains per day, including coal, oil, and other freight from converging Montana Rail Link (MRL) tracks, and in addition to cargo on the dangerously at-grade, bisecting, Union Pacific (UP) Railroad line.

As the largest, freight railroad network in North America, BNSF carries intermodal and manifest containers and bulk cargo, such as grain, coal, and crude oil, and burns the second largest volume of diesel fuel in the country, behind the U.S. Navy, spewing carcinogenic diesel emissions and toxic coal dust into the Clark Fork-Pend Oreille air and water sheds that contribute over 40 percent of the water to the Columbia Basin drainage. As WIRT and other Northwesterners have directly experienced, railroad accidents will predictably and profusely happen on Utah's

heedless, needless, oil train bridge to nowhere. Within much less than the length of the proposed Uinta Basin Railway, BNSF, MRL, and UP wrecked nine trains in four years, within a 50-mile radius of Sandpoint in north Idaho and western Montana. Major derailments and collisions included: 1) a fatal, UP crash into a vehicle with two teenagers in a Post Falls, Idaho, on February 7, 2017, 2) a mountainside slide toward a river dam of a UP, grain train above Moyie Springs, Idaho, on March 15, 2017, 3) a derailment over a washout into Lake Pend Oreille of an empty, BNSF-MRL, coal train in Ponderay, Idaho, on March 17, 2017, 4) another, injurious, UP encounter with teenagers in a vehicle in Rathdrum, Idaho, on April 13, 2017, 5) a BNSF, grain train wreck near a historic, Cocolalla, Idaho, barn on May 1, 2017, 6) a derailment and dump of 7,000 pounds of coal into a Heron, Montana, river reservoir with endangered fish on August 13, 2017, 7) the submersion, 2,000-gallon diesel spill, and cross-river removal of two BNSF, mixed freight train locomotives in the Kootenai River, upstream of an indigenous fish hatchery and Bonners Ferry, Idaho, on January 1, 2020, 8) a fire under a combustible, coal car in Sandpoint, on June 4, 2020, and 9) an empty, grain train collision with a loaded log truck near Samuels, Idaho, on Election Day, November 3, 2020 [23].

The January 1, \$3.55 million, BNSF locomotive disaster, arguably the worst of all these accidents, may have caused downstream, drinking water contamination that has emerged during the last month. It also underscores the potential for all fossil-fueled trains, no matter their cargo, to inflict seemingly endless, reckless risks, endangerment, and damages on trackside communities, especially in river and lake valleys of the mountainous West prone to rock falls, mudslides, floods, and wildfires. But the February 13, 2020, CSX, ethanol/sand train crash into an eastern Kentucky landslide and river serves as a horrific omen of similarly possible, but more destructive, regional incidents involving oil trains moving through eastern Utah and crossing north Idaho [24]. Every day, BNSF hauls about three fully loaded, mile-long, volatile, Bakken crude oil trains along the remote, Highway 2 corridor, beside mountainous Glacier National Park and the Flathead River, and through rugged, Kootenai River canyons in Montana and north Idaho. If the January 2020, rockslide-caused, BNSF locomotives derailment, diesel fuel spill, and cross-river removal in endangered fish habitat had ignited and engulfed oil or ethanol tank cars, it could have trapped crew members in a flammable locomotive submerged in a fiery river, like the CSX crash. A similar scenario could arise instantaneously on the Uinta Basin Railway, among its more numerous oil trains.

Despite all of these railroad snafus, BNSF is risking additional, community harms with its construction since September 2019 of the 2.2-mile Sandpoint Junction Connector project in and near downtown Sandpoint, doubling tracks and building three parallel rail bridges beside a historic, active, passenger train station, over Sand Creek and Bridge Street to popular City Beach Park, and almost one mile across Lake Pend Oreille. Driving 1000-plus piles into lake and creek beds for temporary work barges and second railroad bridges, BNSF is accommodating passage of more derailment-vulnerable, bi-directional, and double-long trains through threatened bull trout critical habitat, regional drinking water, and accumulated railroad pollution. As with the Uinta Basin Railway proposal, grassroots, WIRT, #No2ndBridge, and allied activists continue to denounce, observe, photograph, and document this infrastructure expansion and increasing numbers of westbound, BNSF, unit coal and oil trains and derailments that jeopardize environmental and public health and safety, as these climate disrupters rampage otherwise idyllic, Northwest enclaves, toward West Coast export terminals and refineries.

Wild Idaho Rising Tide is grateful to provide these comments on the draft EIS for the Uinta Basin (Oil) Railway, through the online, STB, comment form [25]. As climate activists, we recommend that STB dismiss SCIC's misleading claims in the draft EIS, and require additional impact evaluations and a more rigorous analysis through a revised draft EIS, responsive to comment and hearing input that more accurately accounts for the project's upstream and downstream, climate pollution. During this decisive, project review phase, we request that STB consider and act in accordance with our and our colleagues' letters of objection that substantively address the deficiencies of SCIC's documents and processes, as we offer the counterbalance of regional insights so crucial to protection of watersheds essential to lives and livelihoods. For the previously stated and other commenters' reasons, we remain opposed to the Uinta Basin Railway, regardless of its route, and ask that STB ultimately deny the project that should never receive permits and be built. Thank you for accepting our comments, intended both to improve the draft EIS and to advocate for justifiably anticipated, Surface Transportation Board rejection of this SCIC scheme to further impose risks on Utah and Northwest citizens, while reaping the benefits of oil and gas exploitation.

/s/ Helen Yost, MSEE
Community organizer
Wild Idaho Rising Tide
301 N. First Avenue 209B, Sandpoint, Idaho 83864
P.O. Box 9817, Moscow, Idaho 83843
wild.idaho.rising.tide@gmail.com
WildIdahoRisingTide.org
Facebook.com/WildIdaho.RisingTide
Twitter.com/WildIdahoRT

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