



EAGLE COUNTY

February 17, 2022

The Honorable Jared Polis
Governor of Colorado
State Capitol Building
200 E. Colfax Ave. Rm. 136
Denver, CO 80203

Dear Governor Polis,

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