



Office of the Secretary
Washington, DC 20250

October 24, 2023

MS. ALYSSA SHENK
Chair
Northwest Colorado Council of Governments
249 Warren Ave.
Post Office Box 2308
Silverthorne, CO 80498

Dear Chairwoman Shenk:

Thank you for your letter of June 26, 2023, to the U.S. Department of Agriculture, regarding your concerns over the Uinta Basin Railway Project's potential impacts to the State of Colorado.

The U.S. Department of Agriculture's Forest Service understands safety concerns with transporting petroleum products by rail. The Surface Transportation Board (STB) was the lead agency for the Project's Environmental Impact Statement (EIS), and the Forest Service relied on this EIS to analyze the proposed 85-mile rail line crossing 12 miles of National Forest System lands in Utah. Both the Forest Service and STB included mitigation measures and best management practices to reduce or eliminate impacts to public safety and water, land, and air resources.

On July 15, 2022, the Ashley National Forest signed a final Record of Decision but has yet to issue the Special Use Authorization. There are two lawsuits against the Federal government related to this project. The first lawsuit is against the Surface Transportation Board (STB) and the second is against the Forest Service.

On March 1, 2023, the U.S. Department of Justice filed a motion to stay the litigation against the Forest Service pending the outcome of the STB lawsuit. On April 24, 2023, the United States Court of Appeals for the District of Columbia granted the stay pending further court actions on the suit against STB. On August 18, the D.C. Circuit issued a decision in the STB lawsuit. The Forest Service is reviewing the decision and determining how to proceed in light of the decision.

Thank you for your interest in your public lands. If you have any further questions, please contact Troy Heithecker, Associate Deputy Chief, at 501-282-6518 or troy.d.heithecker@usda.gov.

Sincerely,

HOMER WILKES
Under Secretary