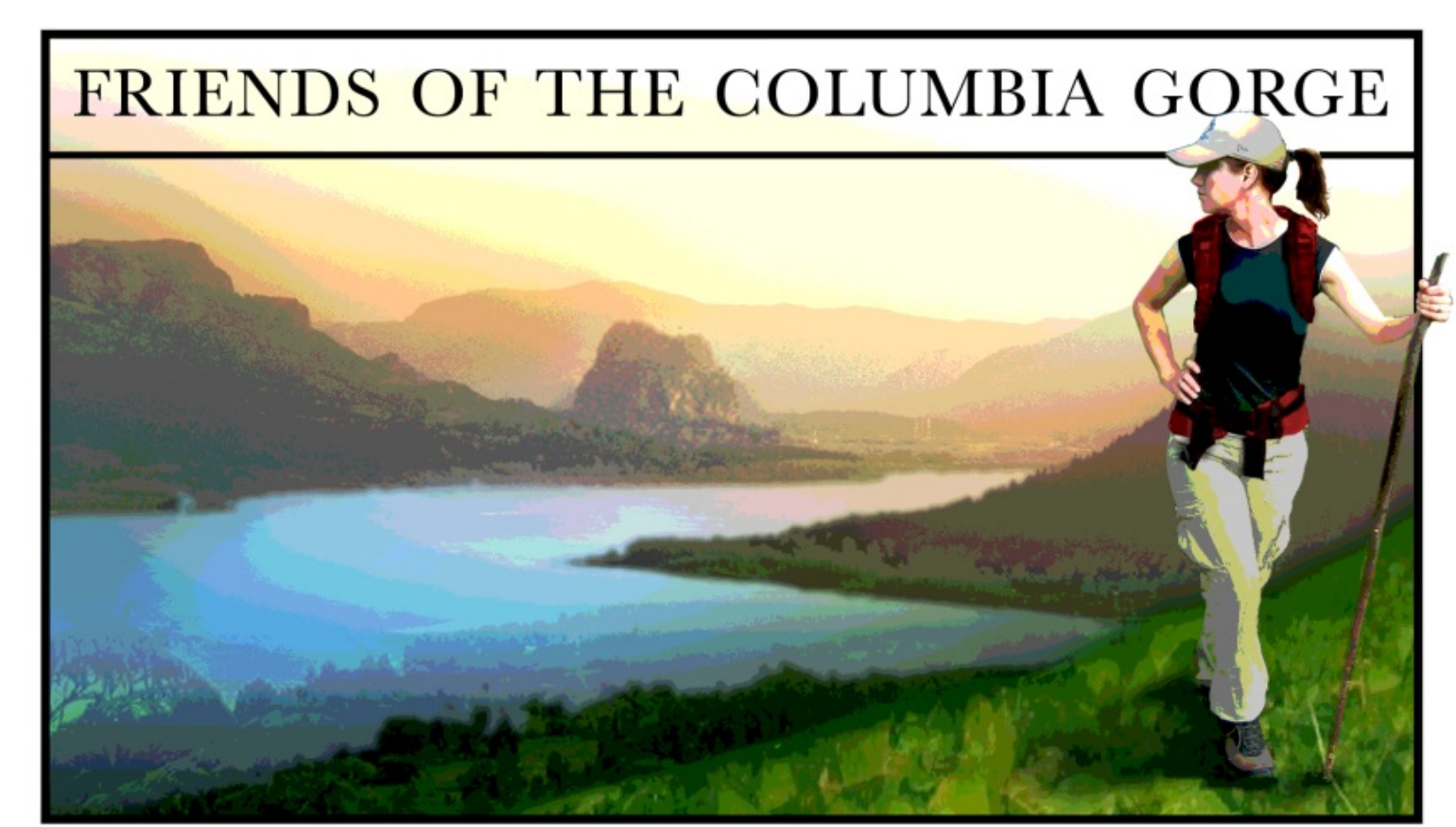
Mosier Double Track Project

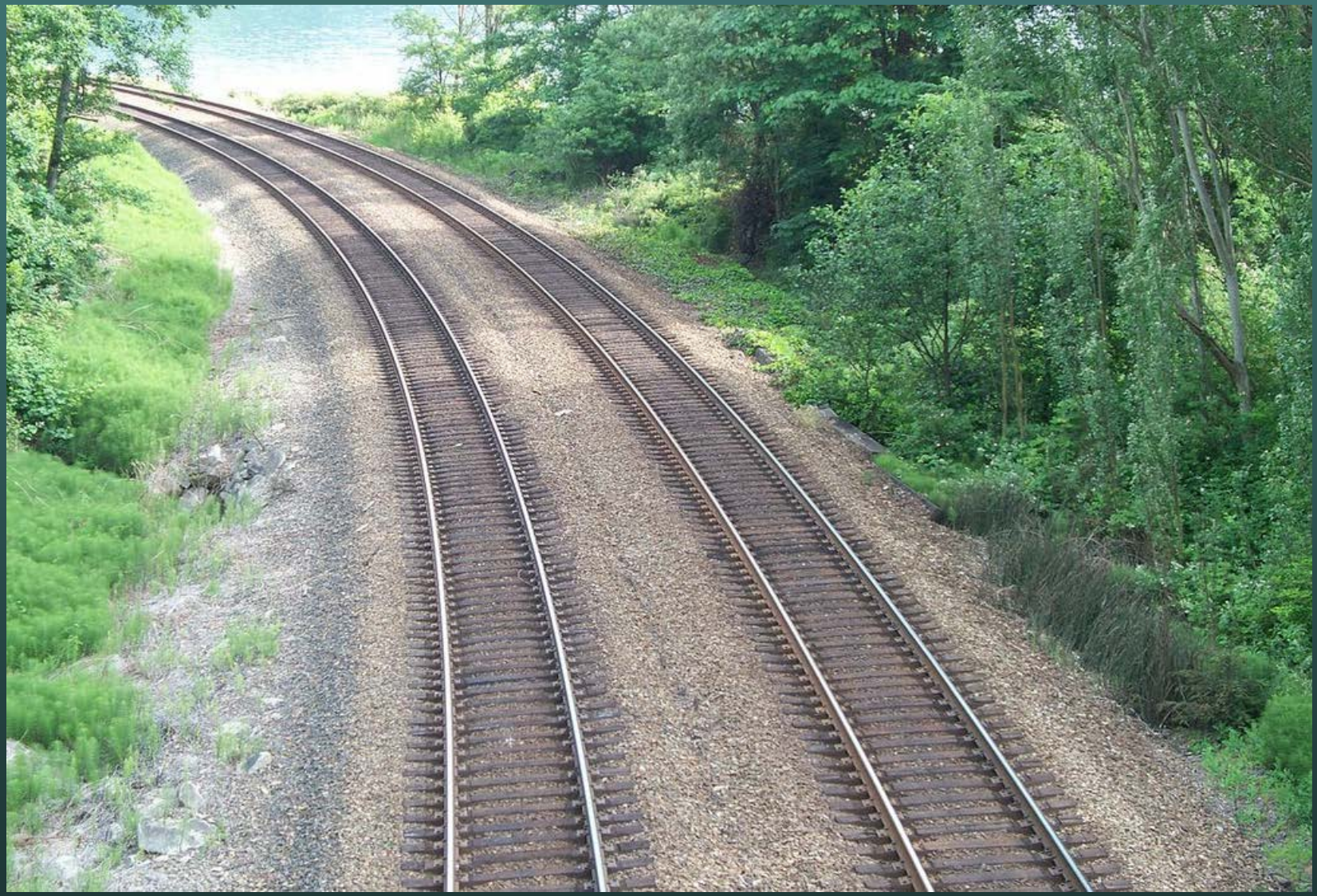


Presenting:

Peter Cornelison — Field Representative
Hood River Office

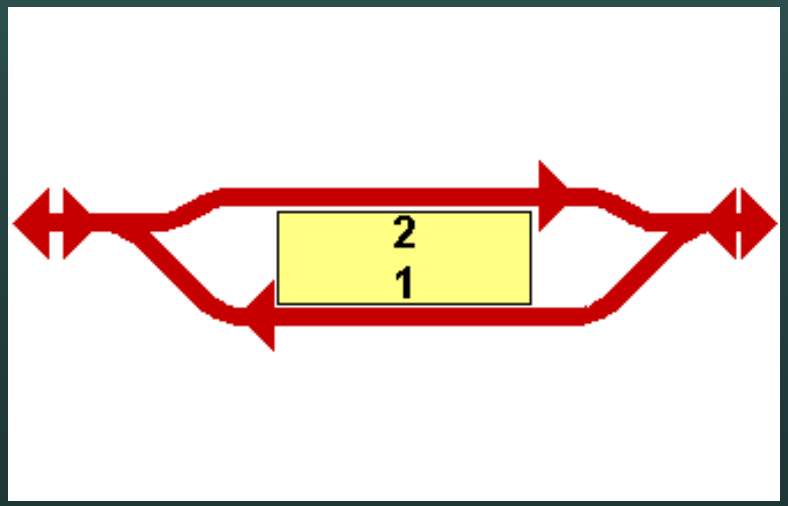
Rick Till — Conservation
Legal Advocate
Portland Office

Why double track?



According to UP:

- To increase the volume of rail traffic
- To increase the speed of the trains, reduce idling

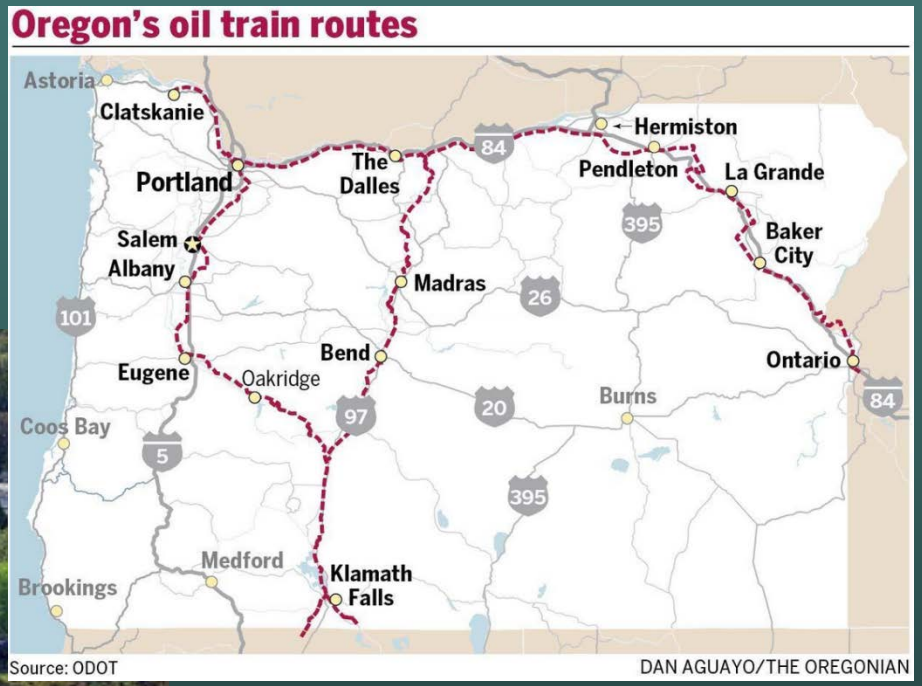


RR's Ultimate Goal: Double track the entire Gorge on both sides of the river?

What is driving the need for more volume and speed?

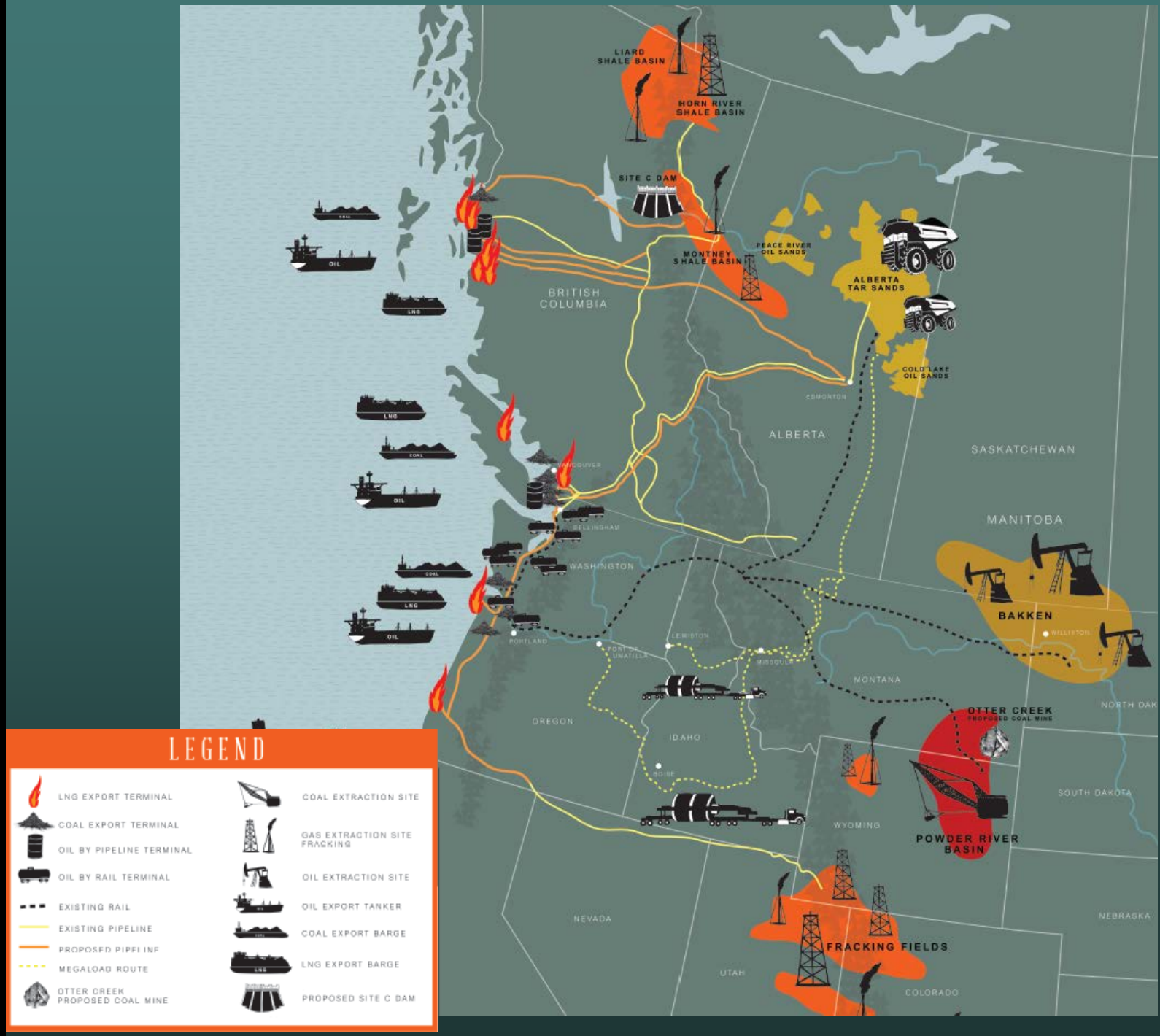
We need full disclosure to know

Union Pacific carries Oil in Oregon



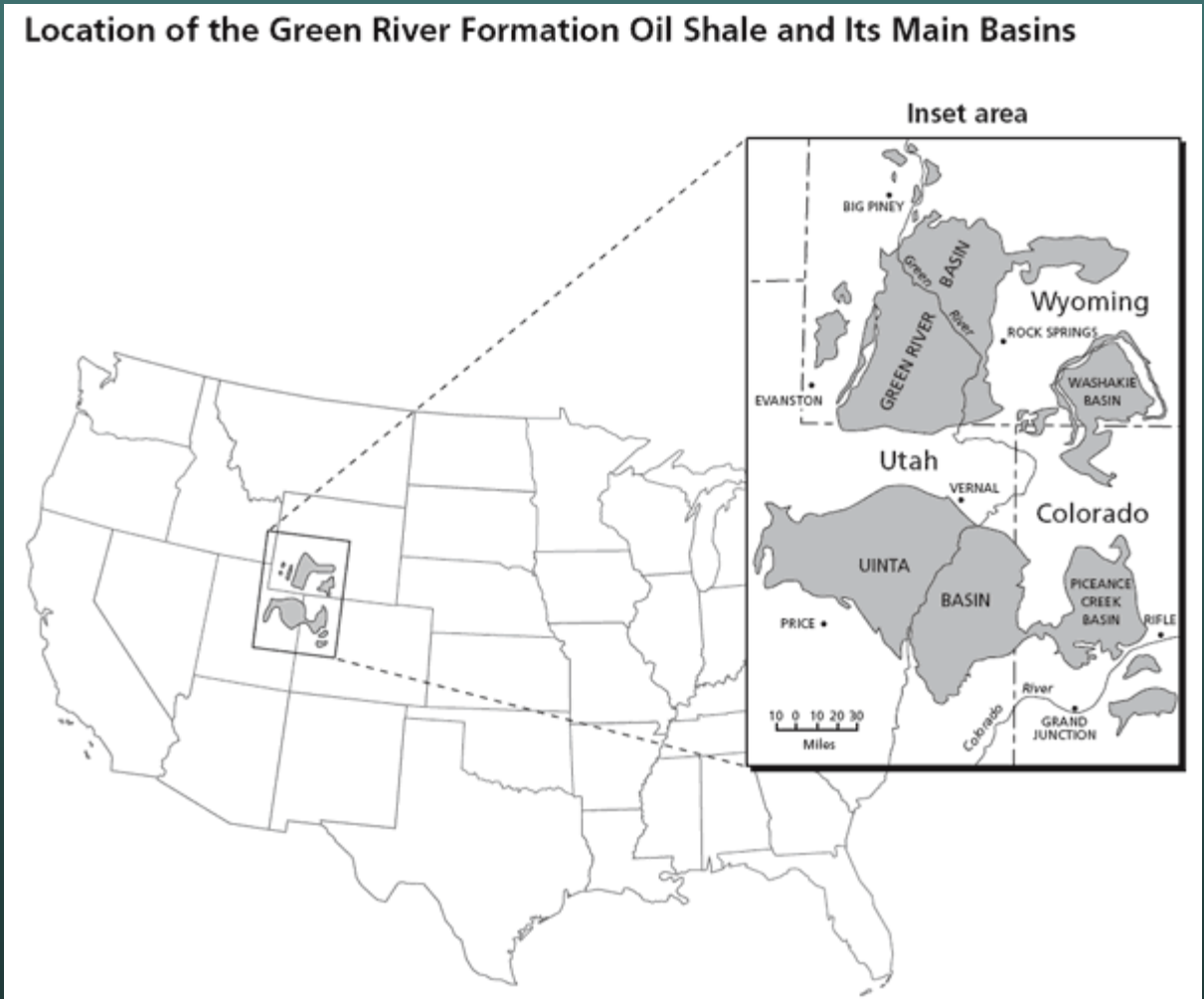
Northwestern UP Rail Line Map

What We Suspect...



Bakken Oil Formation

Utah Tar Sands and Shale Oil



Taylor McKinnon, Grand Canyon Trust, Esquire Magazine 9/13

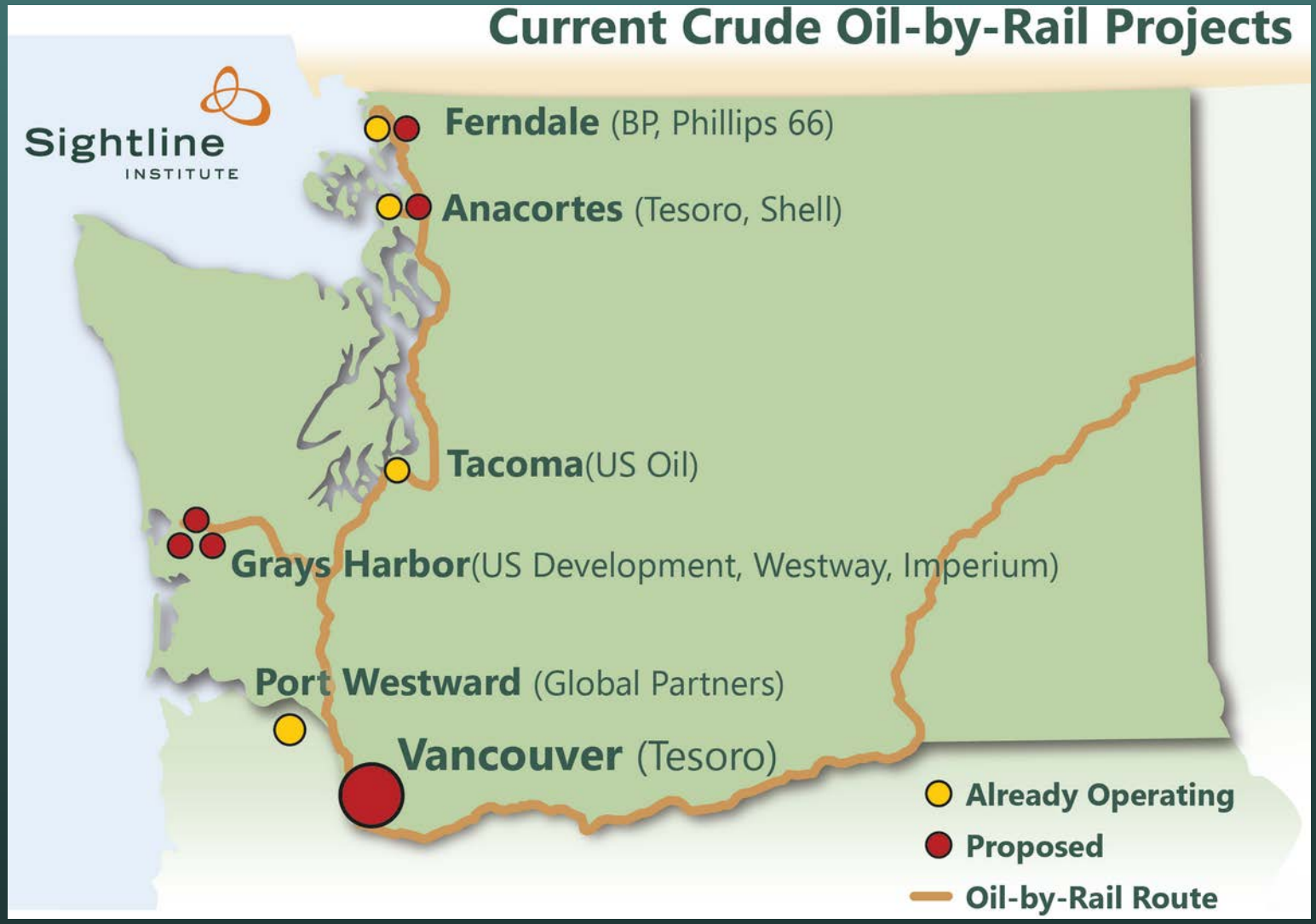
Courtesy of the Grand Canyon Trust

These lands may hold more recoverable oil than has been used so far in human history -- 3 trillion barrels, according to a U.S. government report. They also contain two to seven times the oil -- and potential green house gas emissions -- as Alberta's tar sands and could set off a "carbon bomb" that would hasten climate change, said McKinnon.

From a news report yesterday

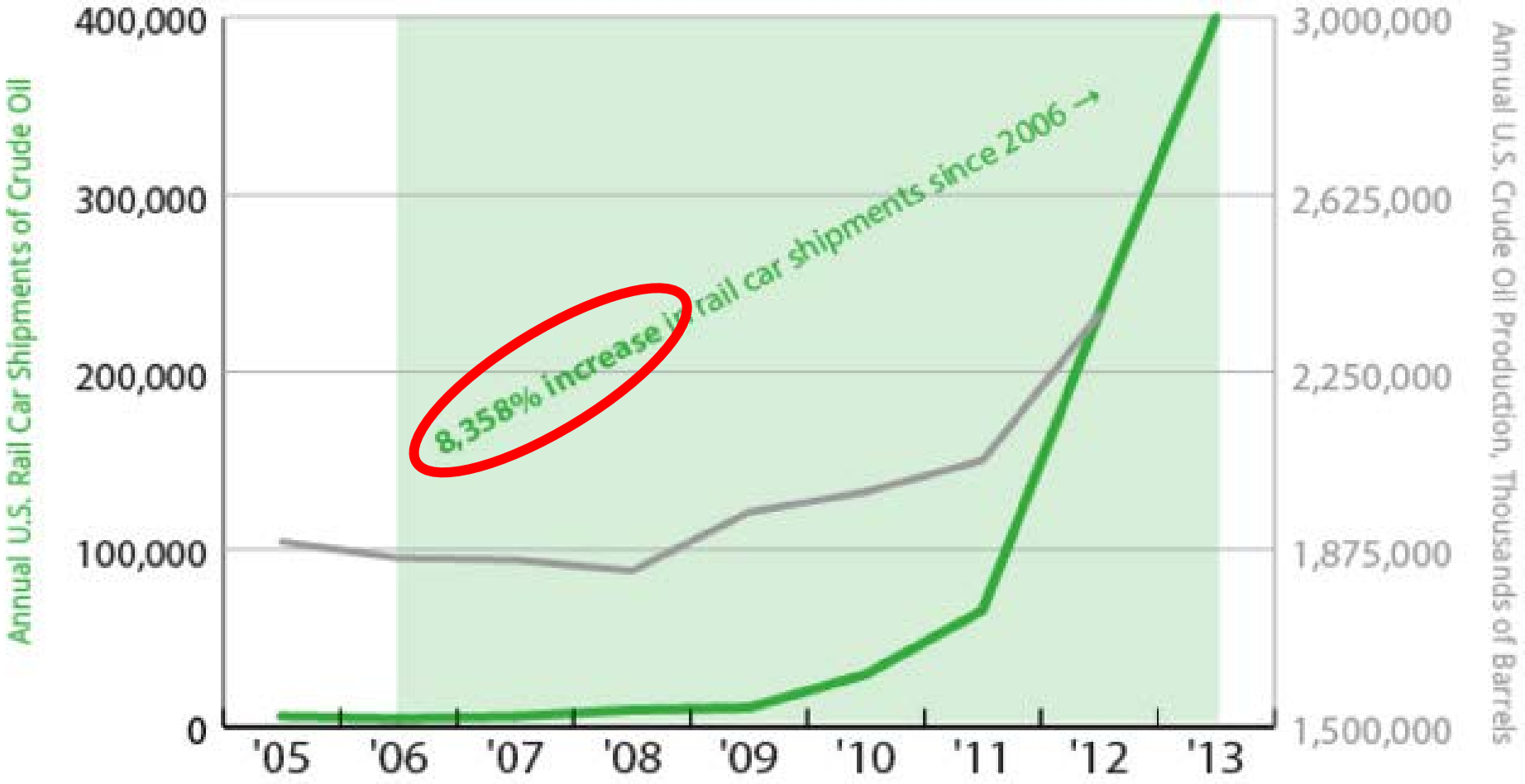
Tesoro is also planning to send an additional 20,000 b/d to 30,000 b/d of Bakken crude to its 120,000 b/d refinery in Anacortes, Washington, in the near future, with the balance going on to Tesoro's 72,000 b/d refinery in Kenai, Alaska. The company also plans to increase heavy crude shipments into California by 25,000 b/d, and to run 5,000 b/d of waxy Utah crudes at the Anacortes refinery.

NW Oil by Rail Projects



The Boom In Shipments Of Crude Oil By Rail

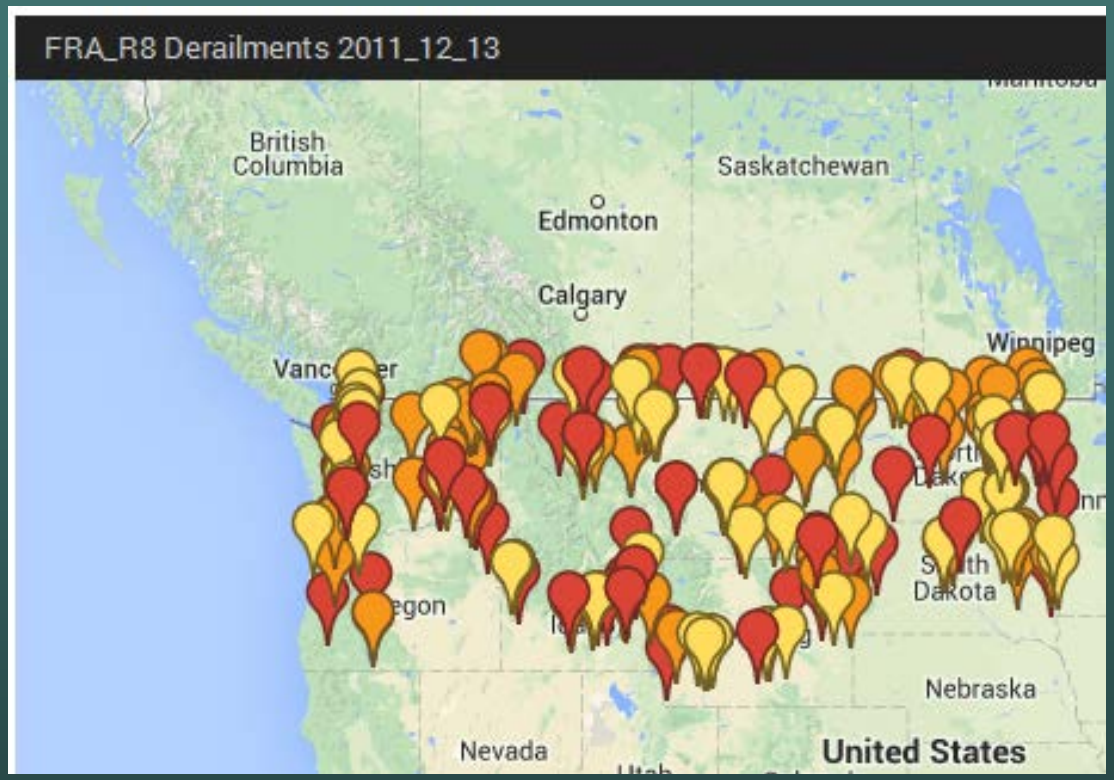
The number of shipments of crude oil by rail car in the U.S. has increased by 8,358 percent since 2006



TPM

Sources: U.S. Energy Information Administration, Association of American Railroads
Note: Data on U.S. crude oil production in 2013 not yet available. Rail car shipment numbers for 2013 are preliminary. Rail shipments figures are for rail cars originating in the U.S.

NW Train derailments are frequent



As reported to US Federal Railroad Administration

½ year 2011 = 81 derailments (yellow)

2012 = 95 derailments (orange)

2013 = 100 derailments (red)

8.9 derailments/month, roughly one every 3 ½ days

Mesa, WA Summer 2012


CTCX 743083

Tar Sands Oil Sinks, Clean up very difficult or impossible.

"Unlike Bakken crude, bitumen-laden heavy crude is not explosive, but rail shipments of it pose another sort of danger: If bitumen is spilled into a body of water, it sinks, making cleanups highly difficult, if not impossible. That was clearly demonstrated when an Enbridge Inc. pipeline leaked more than 31,000 barrels of tar sands crude into Michigan's Kalamazoo River in July 2010. Bitumen covered 36 miles of riverbed, triggering a complicated cleanup that has so far cost the company about a billion dollars and is far from complete."

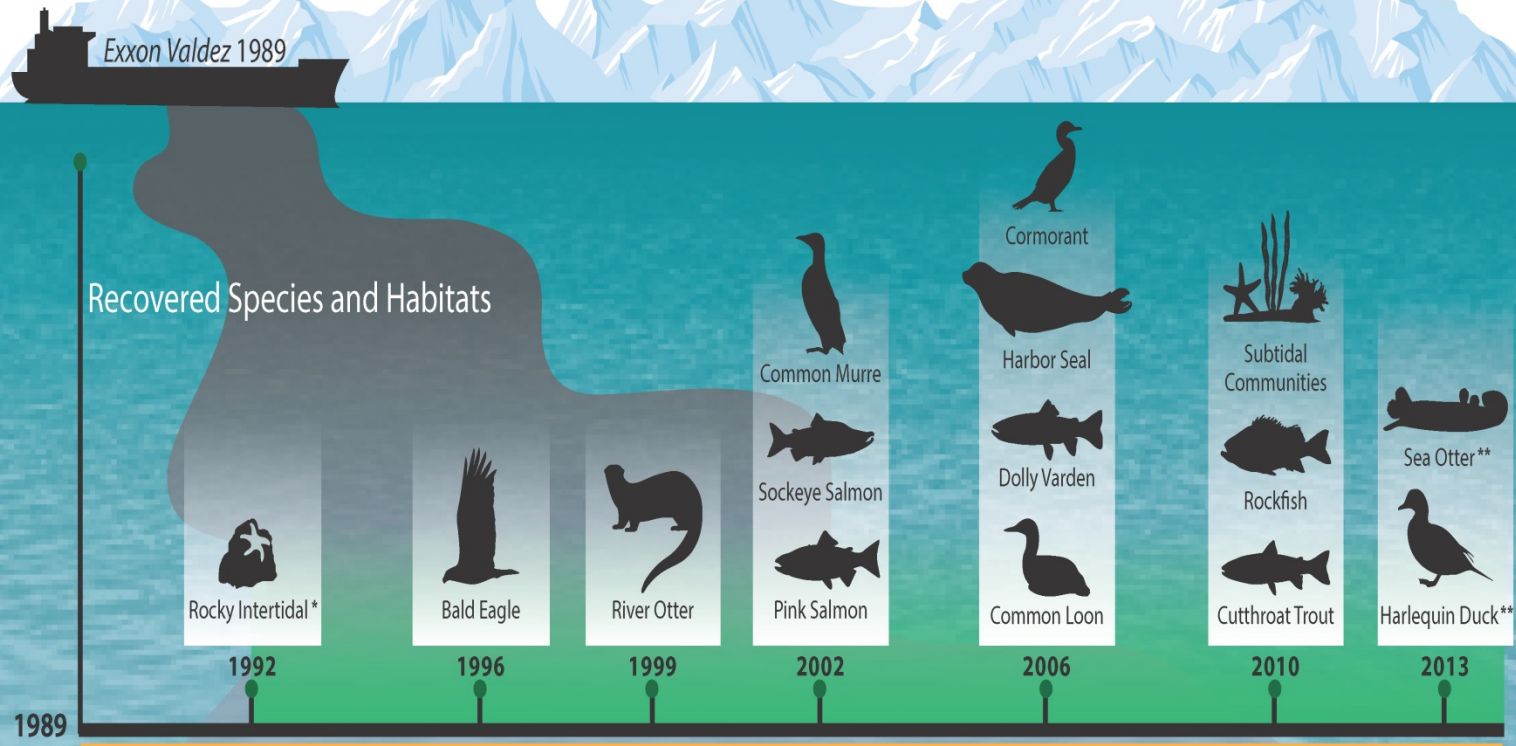
12/5/13 Yale Environment 360, Yale School of Forestry

25 YEARS LATER

Timeline of Recovery from the *Exxon Valdez* Oil Spill

The tanker *Exxon Valdez* spilled almost 11 million gallons of oil into Alaska's Prince William Sound on March 24, 1989, injuring 28 types of animals, plants, and marine habitats. How long has it taken them to recover from this spill? Twenty-five years later, which ones have not yet recovered?

Here is a timeline showing when natural resources were considered to be "recovered" by NOAA, the Exxon Valdez Oil Spill Trustee Council, and the U.S. Geological Survey. Actual recovery could have occurred earlier than presented in this timeline.



* *NOAA determination*

** *USGS determination*

Data were taken from the Exxon Valdez Oil Spill Trustee Council's 2010 Update on Injured Resources and Services (www.evostc.state.ak.us), U.S. Geological Survey, and National Oceanic and Atmospheric Administration's Office of Response and Restoration. This infographic was produced by the National Oceanic and Atmospheric Administration.

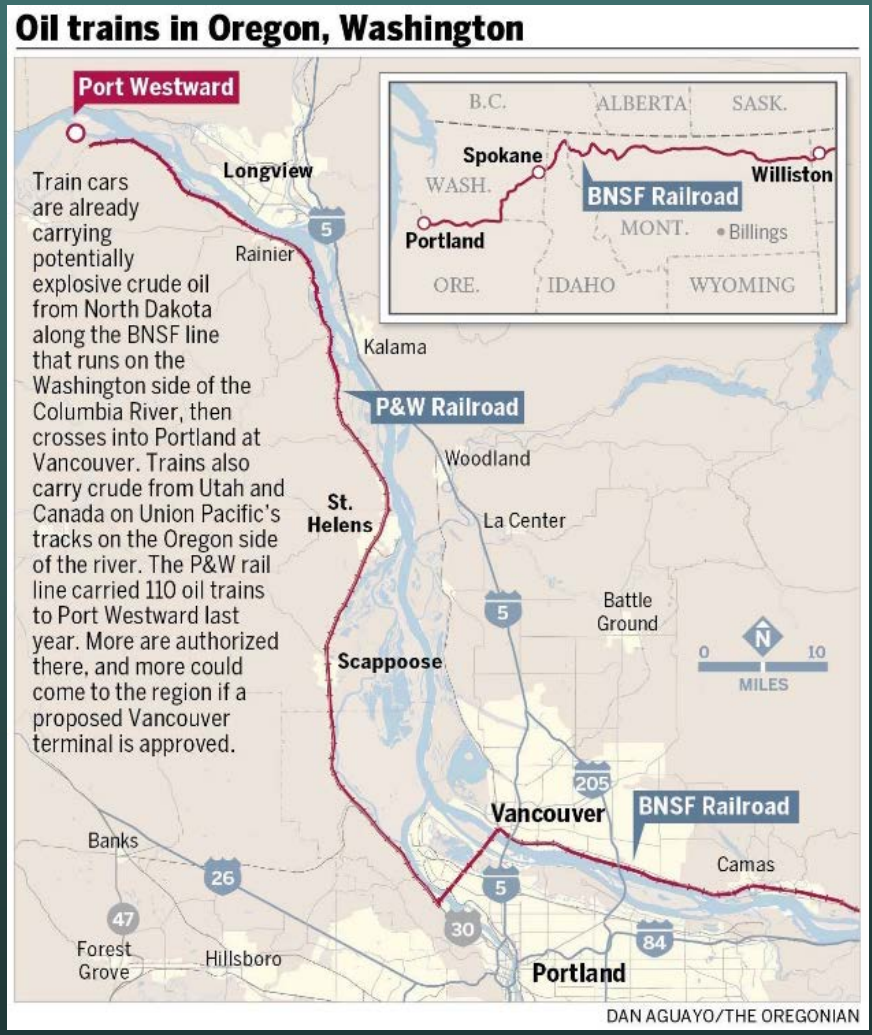
Who pays for a catastrophic oil spill? We do!

1. If a catastrophic oil train spill happens today in Oregon or Washington, taxpayers will get stuck with the cleanup bill.

Because of a loophole, railroads aren't required to have detailed oil spill response plans to deal with worst-case disasters, the NTSB said in a letter recommending reforms.

2. The NTSB said railroads should reroute oil trains around sensitive and populated areas where feasible. But that won't make any difference along a key route now carrying oil trains in Oregon. Or one proposed in Vancouver, Wash.

The Oregonian, Rob Davis, January 23, 2014



Regulatory Authority

Local and state government laws are preempted from regulating railroads.

Watch for these safety placards

Crude Oil designation = 1267, flammability = 3,
should be rated 2 or 1 for highly flammable!

On the UP homepage: A still from the Columbia River Gorge, from "Our Salute" (TV Commercial) near Cascade Locks, Oregon (?)

Attend the monthly Climate Action Network Meeting

December 15 special Holiday Party at Springhouse Cellar in Hood River. Potluck 6 to 8:30 PM. Please attend!

Next meeting on January 19. Meeting on the third Monday of each month at Riverside Church, HR.

"We are the first generation to feel the sting of climate change, and the last generation that can do anything about it." WA Governor Jay Inslee

Don't let the Columbia Gorge become the coal/oil superhighway of the Northwest

Union Pacific Permits and Regulations

Columbia River Gorge National Scenic Area Act

- Wasco County National Scenic Area Land Use Ordinance
- Forest Service "consistency determination" of actions by other federal agencies, i.e. Corps' permits.

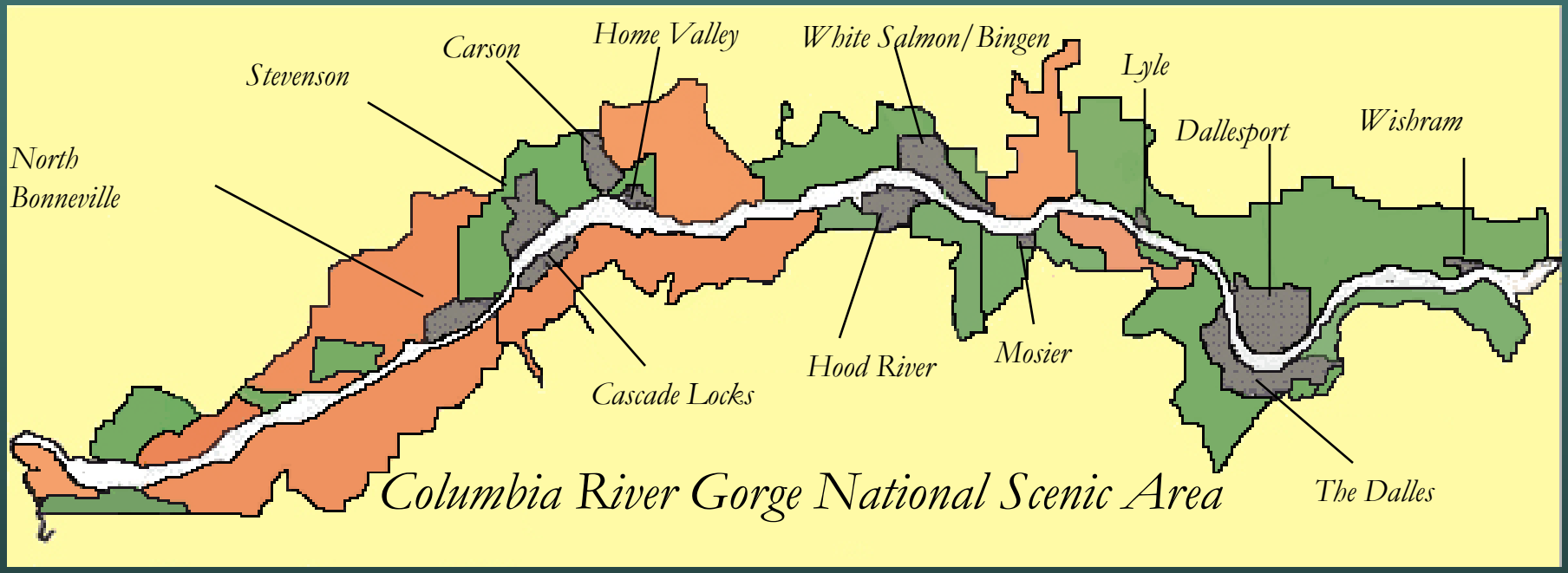
Clean Water Act, Rivers and Harbors Act

- Corps of Engineers
- Or Dept. of State Lands – Removal-Fill law preempted?

National Environmental Policy Act – Environmental Impact Statement

- Corps of Engineers
- Forest Service

National Scenic Area



Special Management Area

General Management Area

Urban Area

The NSA Act & Management Plan

Regulates Development to Protect:

- ✓Scenic, Natural, Cultural, and Recreation Resources know as "SNCRs"

- ✓Farm land
- ✓Forest land
- ✓Open spaces

National Scenic Area Permitting

US Forest Service:

- The Act requires the Forest Service to review actions of other federal agencies for consistency with the NSA Management Plan. 16 U.S.C. § 544l(d).
- Corp permits require Forest Service consistency review.
- Forest Service consistency determination triggers NEPA.

Wasco County:

- Wasco County Scenic Area Ordinance implements the National Scenic Area Act to protect scenic, natural, cultural and recreation resources
- At least 20 day comment period
- Appeals go to County and then the Gorge Commission

NSA Land Use Designations for Union Pacific Expansion

GMA: Open Space, Large-Scale Agriculture
SMA: Agriculture, Open Space, Public Recreation

- Expansion of railroads is a review use in all zones:

  GMA Open Space: NSA-LUDO § 3.180(D)(2); GMA Large-Scale Ag.: § 3.120(E)(20); SMA Ag.: § 3.120(E)(18); SMA Open Space: § 3.180(D)(3); SMA Public Rec.: § 3.180(E)(27).

- Must comply with all resource protection standards.
- Additional protection for agriculture, open space, and recreation areas.

NSA Standards Part I

Scenic Standards:

- GMA-Visually Subordinate. (§ 14.200(A)(2));
- SMA-Visually Subordinate or Not Visually Evident in SMA depending on land use designation. (§ 14.200(R)(1)).
- Key Viewing Areas: the Columbia River, the Historic Columbia River Highway, Interstate 84, State Route 14.

Natural Resource Standards:

- Sensitive Wildlife and Plants. (GMA: § 14.600; SMA: § 14.610(B))
    - Surveys required, protective buffers, etc.

- Water resources. (GMA § 14.600; SMA: § 14.610(A))
    - 100 foot buffer for the Columbia River
    - Practicable alternative test (GMA: § 14.600(E); SMA: § 14.610(D))
    - Public Interest Test (GMA: § 14.600(F))

NSA Standards Part II

Cultural Resource Standards:

•Survey and avoid cultural resource sites. (GMA and SMA: § 14.500)

Recreation Resource Standards:

•"**Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment..**" (GMA § 14.700(F); SMA § 14.710(M);

Clean Water Act Fill Permits

Army Corps of Engineers

- Public interest review not limited to impacts to water.
- Public-interest factors include conservation, economics, aesthetics, wetland protection, cultural values, navigation, fish and wildlife values, water supply and water quality. (33 C.F.R. § 325; 40 C.F.R. § 230)
- Corps permits trigger NEPA.

Oregon Department of State Lands

- State Removal-Fill Law may be preempted by federal law.
- If not preempted, project must be "consistent with the protection, conservation, and best use" of the state's water resources."

NEPA

Both Corps of Engineers and Forest Service have NEPA obligations.

- Environmental impact statement required if there are likely to be significant impacts to the environment.
- Must reasonably and objectively define the purpose and need of the proposed action.
- Must take a hard look at direct, indirect, and cumulative impacts of the proposed action.
- Must review a reasonable range of alternatives.

Ensure the beautiful and wild Columbia Gorge remains a place apart, an unspoiled treasure for generations to come.