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DATE: August 29, 2024  
TO: Minturn Mayor and Council  
FROM: Karp Neu Hanlon, P.C.  
RE: Amicus Brief in Seven County Infrastructure Coalition v. Eagle County

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On June 24 the U.S. Supreme Court granted *certiorari* in the case styled *Seven County Infrastructure Coalition v. Eagle County, Colorado*, Docket No. 23-975, on appeal from the D.C. Circuit Court of Appeals. The case arises from the Surface Transportation Board's (STB) approval of the Uinta Basin Railway proposed in Utah for the purpose of exporting waxy crude oil to refineries on the Gulf Coast. The question presented in the petition is whether the National Environmental Policy Act (NEPA) requires an agency to study environmental impacts beyond the proximate effects of the action over which the agency has regulatory authority. Minturn joined other Colorado local governments in the D.C. Circuit case as *amicus curiae* by raising important issues under NEPA – such as oil spills and wildfire risks from increased oil train traffic through Colorado – that the STB had omitted from its analysis. The D.C. Circuit agreed with these arguments as well as those forwarded by environmental groups that the STB should have analyzed greenhouse gas emissions from the refineries where the Uinta Basin waxy crude would be processed, much further afield and attenuated than possible impacts in Colorado.

There are two separate issues at play in this case revolving around the proximity of potential environmental effects. Further attenuated are the effects from refining and transporting oil in the Gulf Coast states where refineries suitable for heavy crude are located. But more proximate are the potential effects that Eagle County and other Colorado local governments alleged such as oil spills and wildfire risks. The latter precedent is of greater interest to local governments in western Colorado that tend to be surrounded by federal lands and have linear features such as rivers and rail lines that can be impacted by actions occurring hundreds of miles away.

To that end, the City of Glenwood Springs has retained Eubanks & Associates, PLLC (the same firm that wrote the D.C. Circuit brief) to represent the City and other *amici* before the Supreme Court. The brief drafters are NEPA experts who have requisite experience at Supreme Court level. The purpose of this brief would be to explain in practical terms, with examples of how local governments engage in NEPA proceedings, the importance of keeping such tools providing for indirect effect analysis available.