

M:

A. Taylor

P.O. Box ~~44~~ 123

Duchesne UT 84021



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TO:

Mr. Joshua Wayland PhD  
Surface Transportation Board  
c/o ICF

9300 Lee Highway

Fairfax VA 22031

attn: Environmental Filing Docket # FD 36284

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2" x 12"

Ready **P**ost

Joshua Wayland  
Surface Transportation Board  
% ICF  
9300 Lee Highway  
Fairfax, VA 22031

Attention: Environmental filing, Docket No. FD 36284

Dear Mr. Wayland,

We own about 1/10 of the proposed Right of Way for the railroad through Indian Canyon including the double track passing lane.

We so appreciate the work you are doing on the Draft EIS.

If any alternative but the No Action Alternative is chosen, we would like to have you address the policing and enforcement of the EIS and the penalty for non-compliance. Policing and enforcement, along with penalty for non-compliance, is mandatory throughout the whole process.

Also restoration and mitigation in case the system fails needs to be mentioned. In case of failure, the rights of way should return to the original owners and not to the Coalition.

Another statement I want to address is "There are no Conservation Easement lands in this alternative." This is untrue. The Coalition knew that the Craig Colorado Alternative was eliminated in part because there were "several wildlife conservation easements along the Craig corridor." They had to know there was a conservation easement on our property when they checked the deeds at the Duchesne County Recorder's Office.

In 2001, there was a lot of controversy when it was advertised three times in the Uintah Basin Standard that the Division of Wildlife Resources (DWR) were selling the land with the conservation easement by putting it up for bid. We were the successful bidders. It was well known then and still is because the property is only a mile from Duchesne City.

There are signs on Highway 191 and CR #25 reminding people of the Wildlife Study Area. Indian Canyon is so important for wildlife because Indian Creek is the only water available for miles during most of the year.

The easement is a sanctuary for wildlife not only for sportsmen but for photography and family recreation. One activity on the easement is the gathering of sheds each year. The horned wildlife shed their horns in early winter, with new horn growth in early spring. Also, there is always hunting for Indian artifacts. The whole area is former Ute Indian Territory, until August of 1905.

One half of the easement is unfenced and we are audited each year to make sure we are in compliance with the easement standards.

The proposed train route enters the easement in the southeast section and travels west through the middle of the easement. The railway is not in compliance with the conservation easement--period!

My education was in construction engineering with a specialty as a construction foreman. I have real concerns as I studied the route and design of this proposed railroad, especially the loaded downgrade side of Argyle and entering the Whitmore Park area.

Close to 90 % of the loss of a loaded train is on the downhill grade. With the maxed-out down hill grade and then the double-S curve (I call it the Spaghetti Bowl) the risk is too great for an accident and the loss of life, equipment, and the pollution of a 100-car trainload of oil, all in the beautiful Whitmore Park area. A spill that large would be practically impossible to clean up and dispose of, with all the sagebrush, shadscale, grass and weeds, and soil. It can't be burned or buried, but will have to be scooped up and hauled away, but where?

Remember the Indian Canyon area is all above 6000 ft elevation, so it is all very mountainous. The mountains are not solid terrain, but fractured and broken. Even the sheer cliffs are fractured shale.

In the EIS, it states that the Whitmore Park Alternative was chosen to avoid impact on sage grouse, but that is the area where there are sage grouse!

I plead with you to deny this alternative or any other except the No Action Alternative. In so doing, you will resolve the problem of the taking of private property, policing, restoring, penalizing, and all the extra environmental problems.


During the public comment meetings, there were many comments about how the economy of the Uintah Basin would be enhanced by the railroad. Comments were also made how that Price, Utah, our next-door-neighbors over the hill have had all kinds of railroads for over a century, yet the Carbon County area has struggled for years since the coal industry has been almost brought to a complete standstill. Many of the people in Duchesne have gone to Price to do their shopping in an effort to help our neighbors there.

We hope that this process does not drag on. We want to see it resolved and a final decision made, so we can have it behind us and go on with our lives without fear of losing the use of our Indian Canyon Property.

Again I thank you so much--I have listened to the public hearings (and debates.) Your workers have done such a wonderful job.

I am well acquainted with this area and its history. If you have any questions, don't hesitate to call me at (435) 738-5640, or by email through my daughter at [bartbar@ubtanet.com](mailto:bartbar@ubtanet.com).

Sincerely,

  
Art Taylor



GARY R. HERBERT  
Governor

SPENCER J. COX  
Lieutenant Governor

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

BRIAN C. STEED  
Executive Director

### Division of Wildlife Resources

MICHAEL D. FOWLKS  
Division Director

October 21, 2020

Art Taylor  
246 E 400 N  
Duchesne, UT 84021

Mr. Taylor,

On behalf of The Utah Division of Wildlife Resources, I would like to thank you for accompanying me October 06, 2020 during the monitoring of the Indian Canyon Conservation Easement. This property provides valuable wintering habitat for Mule Deer and Elk, helping to protect a valuable resource for the people of the state of Utah.

Enclosed is a copy of the monitoring report for your records. If any you have any questions, concerns, or problems that arise in the coming year, feel free to contact me at the Vernal office (435) 219-3557. I look forward to seeing you next October.

Sincerely,

Tom Platero



Complies with Conservation Easement  
Yes ☒ No ☐ Date 10-6-2020

Utah Division of Wildlife Resources  
Conservation Easement  
Monitoring Inspection Form and Photo Record

Name of Property: INDIAN CANYON  
Location: QUADS DUCHESNE + DUCHESNE SW T4S R5W Sec 14, 15 + 22  
DEED # 348092 FED AID # W-113-L

Size in acres: 453.5 in AGRICULTURE 1000 in TOTAL  
Date conservation easement acquired: JUNE 2001 Today's date 10-6-2020

Name and address of owner when easement created: ART TAYLOR P.O. Box 123  
DUCHESNE, UT 84621

Name and address of present owner (if different) \_\_\_\_\_

**1. Describe present uses of easement property:**

Forestry (harvesting, reforestation, nursery): \_\_\_\_\_  
Grazing: CATTLE & HORSES  
Ecosystem/species preservation: \_\_\_\_\_  
Scientific/educational: \_\_\_\_\_  
Wildlife/habitat management: ELK & DEER  
Recreational (hiking, hunting, camping): \_\_\_\_\_  
Residential (permanent residences, guest houses): \_\_\_\_\_  
Industrial (mining): \_\_\_\_\_  
Farming/crop production: GRASS HAY w/ DITCH & FLOOD IRRIGATION

Did you note any possible violations of the terms of the easement? Y (N) (circle one)  
Be specific \_\_\_\_\_

**2. Describe human caused alterations including location, extent, purpose, whether conforming or non-conforming:**

Construction: N/A  
Excavation/filling: ANNUAL MAINTENANCE OF DITCHES  
Road maintenance/improvement: N/A  
Water developments: N/A  
Other: N/A  
GPS information: N/A

3. Describe natural alterations including location, extent:

Fire: N/A  
Flooding: N/A  
Landslide: N/A  
Erosion: N/A  
Vegetative: ENCROACHMENT OF GREASEWOOD ON FIELDS  
Other: N/A  
GPS information: N/A

Are the terms of the conservation easement being observed? (Y) N (circle one)

Needed Follow-Up Actions: ANNUAL MONITORING 2021

Comments (include maintenance needs and restoration opportunities):

Failure to discover or note an existing conservation easement violation shall not be construed as a waiver of the Division's right to enforce the terms of this Easement or to require corrective action for the violation.

Monitored by: TOM PLATERO  
Address: 318 N VERNAL AVE  
VERNAL, VT 54078  
Phone: (435) 219-3557  
Signature: [Signature]  
Date: OCT 06, 2020

UDWR Regional Supervisor:  
Signature: [Signature]  
Date: OCTOBER 7, 2020  
Time spent on the property: 1 1/4 hours

Number of the following attached to this report:

aerial photo (note photopoint) \_\_\_\_\_  
ground photos (note photopoint) \_\_\_\_\_  
maps \_\_\_\_\_  
illustrations \_\_\_\_\_  
additional pages \_\_\_\_\_  
other \_\_\_\_\_

Landowner: Art L. Taylor  
Address: Box 123  
Duchowau UT 84021  
Phone: 738 5648  
Signature: [Signature]  
Date: 10-8-20



Notice: This sign is on Highway 191 before you start up Indian Canyon just northeast of our Conservation Easement. The right-of-way is not fenced even on our pasture lands the right side of the highway is not fenced.







This sign is also starting up Highway 191 from Duchesne.  
Notice it is open range.



This sign is just south of our Conservation Easement on County Road 25.

# Cottonwood Ridge Wildlife Management Area

*We manage this property to benefit wildlife and wildlife enthusiasts.*



Utah Division of Wildlife Resources







Another sign just south of our Conservation Easement on  
County Road 25





This is a pair of shed Elk horns, as spoken of  
in my comments.





SUMMIT  
9114 FT

This is the top of Indian Canyon on Highway 191  
before entering Angyle Canyon.