



DURHAM JONES & PINEGAR, P.C.
111 South Main Street, Suite 2400
Salt Lake City, Utah 84111
801.415.3000
801.415.3500 Fax
www.djplaw.com

T. Richard Davis
Attorney at Law
rdavis@djplaw.com

EI-26641

July 31, 2019

VIA ELECTRONIC MAIL

Joshua Wayland
Surface Transportation Board
c/o 9300 Lee Highway
Fairfax, VA 22031
uinta.eis@icf.com

**Re: Comment to Environmental Filing,
Uinta Basin Railway, Docket No. FD 36284**

Dear Mr. Wayland:

I have been retained by Lowe Argyle, LLC., a Utah limited liability company and a fee owner of approximately 1200 acres of property which could be negatively affected by the proposed Uinta Basin Railway, and instructed by the Managers of the Company to forward its serious concerns about the proposed project.

Any of the three proposed routes would have a negative impact on wildlife throughout the routes, due to noise, vibration, and localized pollution. The area is habitat to cougars, deer, bear, and smaller animals and birds. Conservation of the endemic species is important to the use of the land for minimal impact recreation by public and private users.

Grazing of cattle in portions of the area would be bisected by the proposed routes, even if the route were fenced, since access could be blocked in the event of fencing. Collisions with livestock would be a danger to stock and trains. Currently, grazing and wildlife are coexisting where grazing is taking place.

The entire area is accessed primarily through secondary and tertiary roads, which minimize environmental impacts, and enhance public and private near-wilderness recreation opportunities. Most of the private land along the routes, including the land of Lowe Argyle, LLC., is used for recreational purposes, with some grazing. Bisecting the land, noise, pollution, and vibration would diminish the utility of the land within several miles proximity to the proposed routes. In the event the Wells Draw route option were to be constructed, my clients would expect compensation not only for condemned land, but also for diminishment of value for the balance of the land.

Another concern for public and private land along the proposed routes would be fires caused by rail sparking. Control of a fire would be difficult at best, and would obviously affect the utility of the recreational land. In addition, there are substantial timber stands along the routes which could be destroyed in the event of a train caused fire, causing substantial negative economic impact. Fire would obviously also affect wildlife. In addition, any spills from derailments or train car flaws could affect the entire Argyle watershed negatively.

Neither my client nor any of its members or managers received notice of the public hearings until after the second hearing. Clearly, the information provided at the last hearing lacks specificity regarding the proposed routes. From the information actually provided, it is impossible to determine exactly which portions of my client's property would be directly affected. One of the managers contacted the engineers who are planning the routes, and was told that to receive more specific information, a GRAMA request would have to be made. That request has been made, but GRAMA requests are often slow to produce results. My client hereby requests the opportunity to review and study the detailed engineering drawings of the proposed routes with an opportunity to comment prior to final decisions being made.

Based upon the preliminary information provided at the hearing, the Wells Draw option would have the greatest impact upon the property of our client, both directly and indirectly. We object to those impacts as well as the indirect regional general environmental impacts.

Further, it is our impression that public funds may be supporting this proposed railway, theoretically to benefit communities far removed from much of the area impacted. The scope of this letter does not attempt to analyze the economic feasibility of the line, but care should be given to ensure that the negative impacts do not outweigh the perceived benefits to some private companies.

We thank you for your consideration, and look forward to receiving more detailed information in the near future.

Sincerely,

DURHAM JONES & PINEGAR, P.C.

A handwritten signature in black ink, appearing to read 'T. Richard Davis', is written over the printed name.

T. Richard Davis

cc: Lowe Argyle, LLC

