

UINTA VALLEY SHOSHONE TRIBE OF UTAHS
UINTA VALLEY & OURAY RESERVATION
UINTA & OURAY AGENCY

P.O. Box 836 — Fort Duchesne, Utah 84026
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August 1, 2019

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

Attention: Environmental filing, Docket No. FD 36284

Dear Mr. Wayland and Board Members,

As Tribal Chairwoman, I am responding in opposition to the proposed Uinta Basin Railway Project in Utah as it has currently been proposed on behalf of the Uinta Valley Shoshone Tribe of Utahs' who are the historic and allodial landowners of the Uinta River Valley Basin Reservation (a.k.a., Uinta & Ouray Reservation) over which this proposed railway will travel if it is approved.

Since 1954, our lands and resources have been mismanaged by the so-called "Ute Indian Tribe", the State of Utah, the Counties, and Ute Distribution Corporation under the pretense and pretext of an Act referred to as the UPTA, (Ute Partition and Termination Act of 1954) causing great harm and damage to said lands and resources, including, unbalancing the eco-system, natural water flow, and the air quality in the Uinta Valley Basin by illegally installing a coal powered Electric Power Plant on our lands ¹, and over-drilling in the oil and gas industry due to this uncontrolled and failed management. This issue is currently in the Appeals Court waiting for hearing on said "management" to pass it back to the proper and legal hands, in the best interests of the Uinta Shoshone Tribe and the United States Government who is Trustee.

The aforesaid is one objection to the project. Until these issues are settled in the Courts, there should not be “a business as usual” approach to any project proposal, especially this one.

Three routes have been chosen for study, all of which are located in “Indian Country” within the Uinta Valley Reservation lands:

1) The favored route is “Indian Canyon”, an 80-mile stretch located south of Duchesne City in Duchesne County, which by all accounts from people who live and work there, say the canyon is not only too narrow, but is also unstable and impassable in the winter due to snow and rock slides. This Route would also include two tunnels that constant vibrations from the trains, could cause the rock to shake loose and collapse;

2) “Wells Canyon”, approximately 105-miles long, that houses the Nine Mile Petroglyphs from the Fremont Indian Culture, also located south of Duchesne City and is not a suitable route for the same reasons as that for Indian Canyon;

3) “Craig, Colorado”, is a 185-mile stretch, and the third proposed Route that would run east across the reservation through Ashley Valley, south of Vernal where it would enter Colorado just south of the Dinosaur National Monument on the Utah-Colorado border which also contains relics from the Dinosaur Age and artifacts from the Fremont Indian Culture. This route would be the more favorable choice if we could choose. The land is relatively flat and could be better navigated to avoid any damages to the antiquities and relics located north of the current proposed designated area. However, we have been wondering why the new proposed *Uinta Basin Railway* to haul oil and gas off the reservation is not considering tying into the already existing coal rail at Bonanza, Utah, that could conceivably connect with an already existing freight line at Craig, Colorado and accomplish what they propose with a lot less expense. Why Indian Canyon or Wells Draw that have their own particular set of problems?

The proposed Train Depot is anticipated to be located just south of Highway 40 below Myton, Utah. Approximately 20-miles east of Duchesne City and ten-miles southwest of Roosevelt, Utah. The estimated cost for this railway is \$ 1.2 Billion and \$1.4 Billion with an additional \$21.4 Million in public funds that will not return that much in value to the people or the communities regardless of the hype from those few who stand to benefit. They figure they can pay for it through the State-controlled (managed) Indian trust funds from the gas and oil

industry generated from the Uinta Valley Reservation under the pretext and pretense of the UPTA of 1954.

ANTHROPOLOGICAL CONSIDERATIONS

The current lack of specific Tribal / Federal management control furthers another major concern that involves the preservation of, and protection for the culturally historic value of the Fremont Indian Culture engrained in our tribal lands. The ancient Tribe of Fremont Indians inhabited the lands of the Uinta Valley Reservation from 650 A.D. to 1350 A.D.². And, I fear that more evidence of this ancient culture will be destroyed if the spoilers throughout the State are allowed to actually develop the railway system through "Indian Country" in the Uinta Basin so they can more easily export the Uinta Shoshone Tribe's gas and oil assets off the reservation.

We reject the current proposal for one last reason: That it is being proposed without regard for Indian and non-Indian land ownership and the United States' archaeological and antiquities laws, that presumably protects our ancient tribal artifacts and village sites of the Fremont Indians with whom the Shoshone tribes of Utahs' merged around 1200 A.D., and ultimately became known as the Uinta Valley Shoshone Indians who are descended from these ancient people. Evidence of this ancient Indian culture is on the brink of complete destruction, in the name of "management", as it is being systematically destroyed by the reckless and haphazard road building and uncontrolled oil and gas well drilling that the State, Counties, Ute Tribe, UDC and other have initiated and engaged in since 1954.

I hope you will reject two of the current proposed project Routes and take into serious consideration the more practical Craig, Colorado Route if you don't reject the entire proposal for lack of party standing and subject matter jurisdiction.

Sincerely,

Dora Van, Chairwoman

DESERET NEWS CHURCH NEWS

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A new freight train route for Utah? Uinta Basin hopes so

By Amy Joi O'Donoghue @amyjoi16

Published: July 18, 2019 4:21 pm

SALT LAKE CITY — An 80-mile railway linking the Uinta Basin to the national railroad network would open up the geologically hemmed in region to expanded markets for oil, coal, agricultural products and other goods such as soda ash.

Information on the Uinta Basin railway project will be available during a scoping meeting from 10 a.m. to noon Friday at the Radisson Hotel, 215 W. South Temple.

The Seven County Infrastructure Coalition is pitching the proposal to the Surface Transportation Board, a federal bipartisan adjudication board that decides some regulatory issues related to commerce and transportation.

A public comment period on the project ends Aug. 5.

The coalition identified 29 potential routes for the railway, whittled those options down to eight, and now have three alternatives that will be reviewed.

The preferred route is 80 miles long and runs along U.S. 191 in Indian Canyon for 21 miles, tunnels through the West Tavaputs Plateau and links up with the Union Pacific line at Soldier Summit.

Mike McKee, the coalition's executive director, said the railway would open up significant markets for basin goods and provide a lifeline for more jobs in the rural area.

"We are one of the most underserved areas in the country with the lack of rail, the lack of an interstate," he said. "We are tremendously disadvantaged compared to other areas."



Uinta Basin Railway

ENVIRONMENTAL IMPACT STATEMENT

To provide a location based comment, please [click here](#)

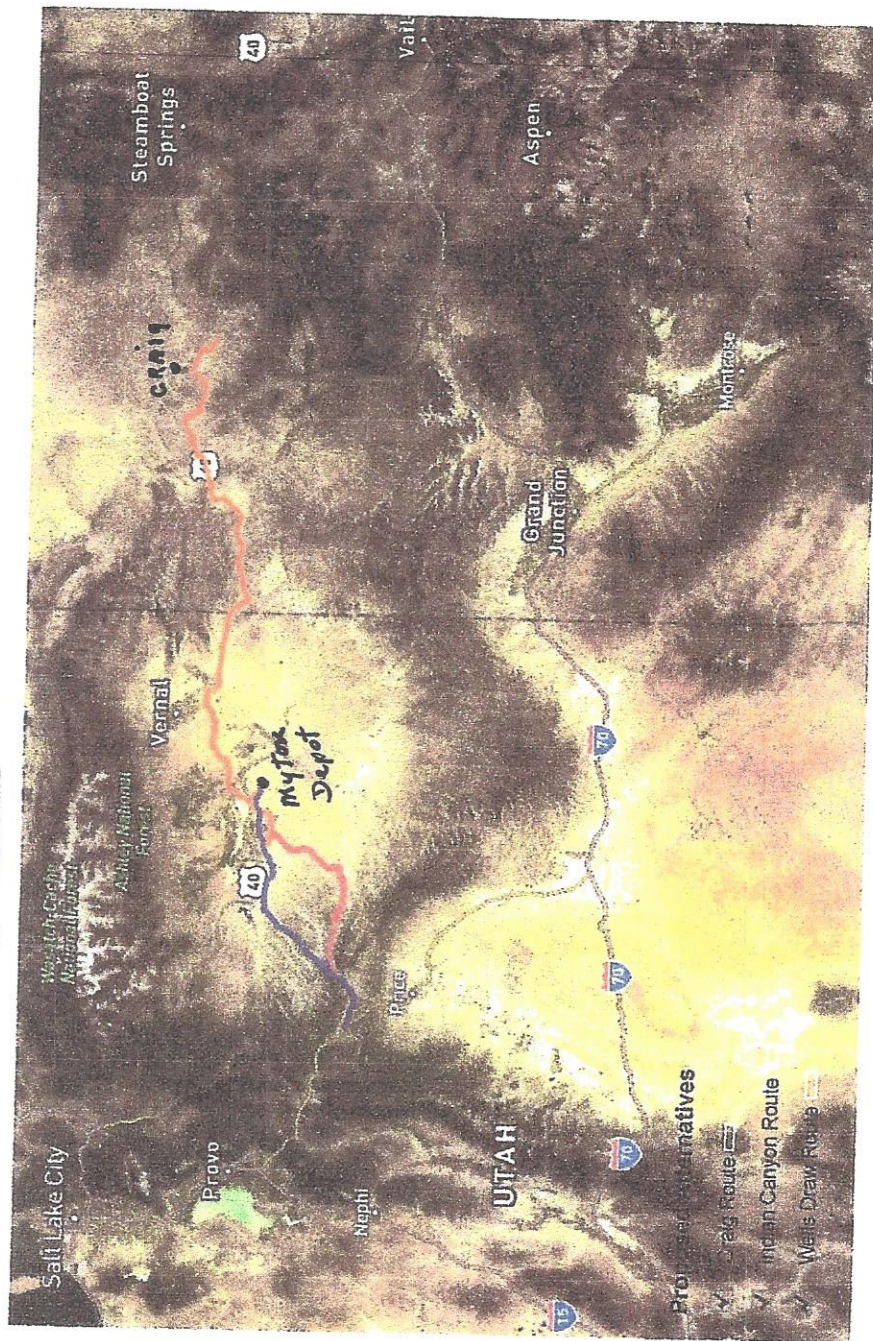


EXHIBIT 1

INDIAN AFFAIRS: LAWS AND TREATIES

Vol. I, Laws (Compiled to December 1, 1902)

Uintah Valley Reserve

[In the Uintah and Ouray Agency; area, 3,186 square miles; occupied by Goshute, Pavant, Uinta, Yampa, Grand River, Uncompahgre, and White River Ute; acts of May 5, 1864 (13 Stat., 63), and May 24, 1888 (25 Stat., 157).]

DEPARTMENT OF THE INTERIOR,
Washington, October 3, 1861.

SIR: I have the honor herewith to submit for your consideration the recommendation of the Acting Commissioner of Indian Affairs that the Uintah Valley in the Territory of Utah, be set apart and reserved for the use and occupancy of Indian tribes. In the absence of an authorized survey (the valley and surrounding country being as yet unoccupied by settlements of our citizens), I respectfully recommend that you order **the entire valley of the Uintah River within Utah Territory**, extending on both sides of said river to the crest of the first range of contiguous mountains on each side, to be reserved to the United States and set apart as an Indian reservation.

Very respectfully, your obedient servant,
CALEB B. SMITH, Secretary.

The **PRESIDENT**.

EXECUTIVE OFFICE, October 3, 1861.

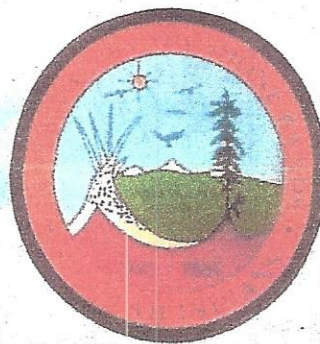
Let the reservation be established, as recommended by the Secretary of the Interior.
A. LINCOLN.

(See acts of Congress, approved May 5, 1864, 13 Stats., 63, June 18, 1878, 20 Stats., 165, and May 24, 1888, 25 Stats., 157.)

INDIAN AFFAIRS: LAWS AND TREATIES June 8, 1865. | Unratified. ARTICLE II.

Uinta Valley/Uinta Indian Reservation, Utah

"the entire valley of the Uintah River within Utah Territory extending on both sides of said river to the crest of the first range of contiguous mountains on each side" which said tract shall be, so far as is necessary, surveyed and marked out, set aside and reserved for their **exclusive use and occupation** nor shall any white person, unless he be in the employ of the Indian authorities, be permitted to reside upon the same, without permission of the said tribe, and of the Superintendent of Indian Affairs or United States Indian Agent. It is however understood that should the President of the United States hereafter see fit to place upon the reservation, any other friendly tribe or bands of Indians of Utah Territory, to occupy the same in common with those above mentioned, he shall be at liberty to do so.



UINTA VALLEY RESERVATION
1861-1864

UINTA VALLEY RESERVATION
Original Boundaries
Executive Order 38-1 of the
President of the United States
ABRAHAM LINCOLN
Established on October 3, 1861
Ratified by Congress on May 5, 1864
(13 Stat 63)

EXHIBIT 2

IDAHO

Wasatch Range

Great Salt Lake

Great Salt Lake

Fremont

400 - 1350 A.D.

Uinta

Fremont

650 - 950 A.D.

Sevier

Fremont

750 - 1300 A.D.

UTAH

San Rafael

Fremont

700 - 1200 A.D.

Green

Colorado

Parowan Fremont

900 - 1300 A.D.

Mogollon

Anasazi

WYOMING

ROCKY

MOUNTAINS

COLORADO

San Juan Mts.

Fremont Indian Culture

There are seven cultures of ancient people the Anasazi, Mogollon, Honokam, Salado, Sinagua, Hopi and Fremont. The Fremont Indians from the Great Basin settled primarily in Utah in 400 A.D. The Fremont and Anasazi Cultures overlapped in Utah and Colorado.

The Harvard University's Peabody Museum funded the Claflin-Emerson Expedition to study the Prehistoric Indian sites of Utah. A member of the Claflin-Emerson research project, Noel Morss excavated in 1928 and 1929 several prehistoric Indian sites along the Fremont River of central Utah. Morss coined the term Fremont Indians to describe the Native Americans that inhabited these early prehistoric Native American Indian sites. Morss maintained the Fremont Indian culture was clearly influenced by the Southwest Anasazi Culture, but was not an integral part of it.

A question still unanswered is where did the Fremont Indians come from?

- One theory is the Fremont Indians split off from the Anasazi and headed north.
- Another theory is the Fremont Indians, like the Anasazi emerged from an older desert archaic culture.

Dr. Jesse D. Jennings summarized his views on the Desert Culture (or Desert Archaic) model at the Leigh Lecture at the University of Utah in 1975 (Janetski):

From 10,000 or more years ago, until A.D. 400, the only culture represented in Utah, as well as the rest of the Great Basin, was the Desert Archaic. That Culture is characterized as a hunting-gathering one, a flexible, highly adaptive life way that has characterized most of man's worldwide history.

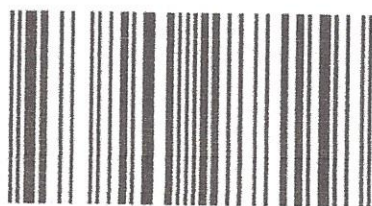
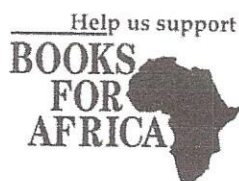
There are 20 Fremont Indian sites throughout the Uinta Valley Indian Reservation. The Utah's are descendants of this ancient Indian culture.

EXHIBIT 3

AUD PUBLISHING

Deseret Power Railroad

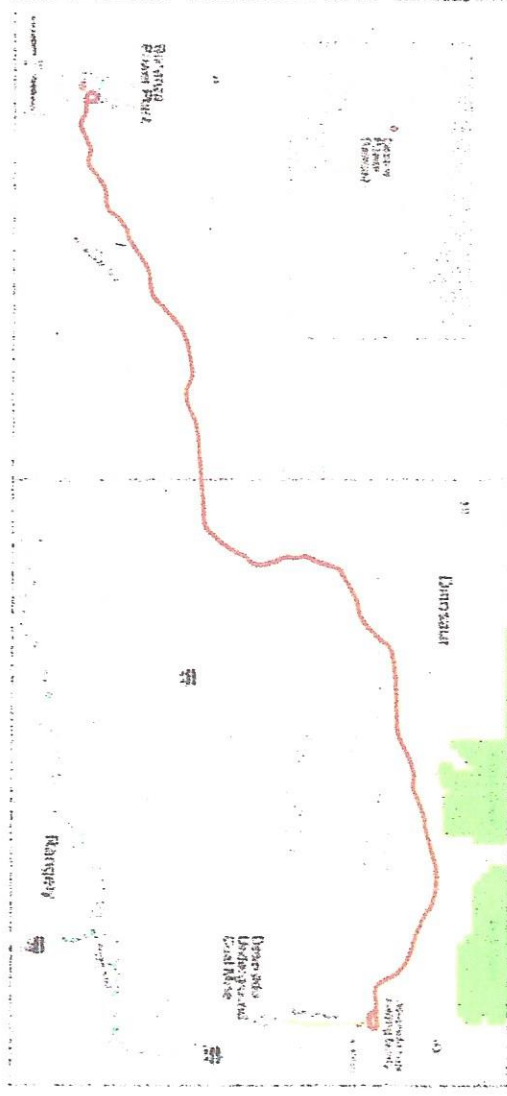
Please note that the content of this book primarily consists of articles available from Wikipedia or other free sources online. The Deseret Power Railroad, formerly known as the Deseret-Western Railway, is a private railroad operating in northeastern Utah and northwestern Colorado. It is owned by the Deseret Generation & Transmission Co-operative, and exists to transport coal from the co-operative's Deserado Coal Mine to their Bonanza Power Plant. The length of the railway is about 35 miles. The railroad is electrified, using an overhead catenary system to supply power to its locomotives. Motive power includes 7 General Electric E60-2 locomotives, two of which were built for the Deseret, and five which were acquired secondhand from the Ferrocarriles Nacionales de México.



978-620-0-28815-8

Who approved this 35-mile track on Tribal land and by what authority ?

Ask why the new proposed Basin Railway to haul oil and gas off the reservation is not tying into the already existing coal rail at Bonanza that could conceivably hook-up to an already existing freight railway at Craig, Colorado. Why Indian Canyon or Wells Draw?



From the Tribe's perspective, when the State, Counties, Ute Tribe, UDC, outside corporations, and private citizens ignored the allodial ownership of the Uinta Valley Shoshone Tribe, and supplanted its sovereign "management" rights held by authority of its Corporate Charter, they literally lost all semblance of power or authority to authorize or initiate these enterprises within the Uinta River Valley Basin Reservation, (a.k.a., Uinta & Ouray Reservation). By means of the State administered pretense and pretext of the UPTA of 1954 to do so. If you are not the owner, you are not the sovereign, and the UPTA is not justification to enact such subterfuge purely for self-enrichment. That "lie" began in 1934 with the Indian Reorganization Act and the Secretary of the Interior who created a false "Ute Indian Tribe" out of ordinary state Ute citizens of Utah on June 18, 1934; approved on January 19, 1937.



RailPictures.Net - Image Copyright Mike Danneman

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