

April 30, 2008

Roger Bankert, Field Manager
Attention: Don Stephens, Project Manager
West Tavaputs Plateau Natural Gas Full Field Development Plan DEIS
Bureau of Land Management, Price Field Office
125 South 600 West
Price, Utah 84501

Dear Mr. Bankert,

Enclosed please find the Hopi Tribe, Hopi Cultural Preservation Office review and comment on the Draft Environmental Impact Statement (DEIS) for the 137,930 acre West Tavaputs Plateau Natural Gas Full Field Development Plan, UT-070-05-055, including 807 natural gas wells and associated infrastructure, enclosed with your correspondence dated January 29, 2008.

The Hopi Tribe claims ancestral and cultural affiliation to Archaic and Fremont prehistoric cultural groups, to Hopi people as *Hisatsinom*, "People of Long Ago." Cultural remains of these ancestors are located in the Price Field Office area. The Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties. Nine Mile Canyon is a Traditional Cultural Property of the Hopi Tribe. Therefore, we appreciate the Bureau of Land Management (BLM)'s continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office appreciates our administrative meeting on April 24th with Michael Stiewig and Wayne Ludington at which the Hopi ethnographic overview of Nine Mile Canyon and this DEIS were discussed. We look forward to beginning the Hopi ethnographic overview with John Fritz and Molly Molenaar.

Hopi cultural affiliation to the prehistoric inhabitants of Nine Mile Canyon has been established through previous site visits and our Traditional Cultural Property claim, including our NAGPRA claim of the flute discovered near Range Creek on the BLM Price Field Office land.

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For example, the spiral rock markings in Nine Mile Canyon and throughout the Southwest are the Hopi migration symbol. The plumed serpent, *Paalölökang*, is a deity, indicating that Hopi southern clans from Mesoamerica were present prehistorically in Nine Mile Canyon. The ethnographic overview will further prove our shared group identity with the prehistoric people who continue to inhabit Nine Mile Canyon, Range Creek, and the lands of the Price Field Office.

On a personal note, the Hopi Tribe honors you, Roger Bankert, for your service to our Country, and we look forward to your safe return to the position of BLM Price Field Office Manager.

Should you have any questions or need additional information, please contact Terry Morgart or me at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

Enclosure: Hopi Tribe's comments on the West Tavaputs Plateau Natural Gas Full Field Development Plan,
UT-070-05-055

xc: All with enclosure

Nancy Brown, Reid Nelson, ACHP, 1100 Pennsylvania Ave., NW, Suite 803, Old P.O. Building, DC 20004

Utah State Historic Preservation Officer, 300 Rio Grande, Salt Lake City, UT 84101

Tai Hays, National Trust for Historic Preservation, 1785 Massachusetts Ave., Washington, DC 20036

Pam Miller, Nine Mile Canyon Coalition, P.O. Box 402, Price, Utah 84501

Steve Bloch, Southern Utah Wilderness Alliance, 425 East 100 South, Salt Lake City, Utah 84111

Selma Sierra, Julie Howard, BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155

Molly Molenaar, Summit Applied Anthropology, 210 Zermat Strasse, Park City, Utah 84098

John Fritz, 2227 East Lincoln Court, Salt Lake City, Utah 84124

Comments of

The Hopi Tribe, Hopi Cultural Preservation Office
on the Draft Environmental Impact Statement
West Tavaputs Plateau Natural Gas Full Field Development Plan
UT-070-05-055

With our emergence from *Öngtupqa*, the Grand Canyon, Hopi people, *Hopisinom*, entered into a sacred Covenant with *Maasaw*, the Earth Guardian, in which it is our responsibility to be preservers and protectors, or Stewards of the Earth. In accordance with that Covenant, our ancestors migrated to and settled in these lands, and then migrated from them to Hopi, *Tuuwanasavi*, the Spiritual Earth Center.

The history of Hopi clans that associates us with the Price Field Office area extends back more than a thousand years. These lands contain the testimony of our ancestors' "discovery" thousands of years ago, manifested in the prehistoric ruins, the rock "art" and artifacts, and the human remains which continue to inhabit them. The rock markings, ruins, and human remains of our ancestors in Nine Mile Canyon are "footprints" or manifestations of their fulfillment of the Covenant.

In addition to being a Hopi Traditional Cultural Property, Nine Mile Canyon is also a National Scenic Backcountry Byway. It is internationally famous as the repository of an estimated 10,000 prehistoric archaeological sites, including well preserved archaeological structures and features and approximately 10,000 petroglyphs and pictographs containing extraordinarily unique rock art panels, most located within the proposed Nine Mile Canyon Archaeological District.

The Hopi Cultural Preservation Office has previously met with representatives of the Price Field Office. We have identified cultural resources in Nine Mile Canyon and addressed how they can be protected from the predicted influx in energy development industrial traffic which is our primary issue of concern. We have requested that the BLM fulfill its responsibilities to advance the protection of the cultural resources in and around Nine Mile Canyon, and to manage and maintain those resources in a way that gives "special consideration" to preserving their historic, archaeological and cultural values.

We previously supported the Nine Mile Canyon Coalition's development of a National Register nomination, and the nomination of Nine Mile Canyon for inclusion on the National West Tavaputs Plateau DEIS
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Trust for Historic Preservation's *America's 11 Most Endangered Places* list. We also previously determined that the Stone Cabin 3-D Seismic Survey Project and the 38 well West Tavaputs Plateau Drilling Program will have adverse effects on cultural resources significant to the Hopi Tribe.

We were recently informed of the Nine Mile Canyon Road Cooperative Board, composed of five entities: the BLM, Carbon and Duchesne Counties, the Extraction Industry, and the Nine Mile Canyon Coalition. The Board's Problem Statement reads:

The Nine Mile Canyon Road and its primary arterials receive traffic levels in excess of what the current road design standards adequately support. As a result, public safety and natural and cultural resources within the canyon corridors are compromised. Given the potential for increased industrial as well as recreational traffic, these critical and valued elements could be subjected to greater risk without more effective, definitive means to improve and maintain these roads.

However, the BLM has created these public safety and natural and cultural resources compromises, and improving and maintaining the Nine Mile road cannot address traffic levels in excess of what the Scenic Country Byway, as designated by the BLM in 1990, can support. Furthermore, four of the five entities in this Board appear to us to have economic interests in the existing and proposed industrial development.

The Hopi Cultural Preservation Office has reviewed the DEIS, whose project area encompasses Jack, Nine Mile and Desolation Canyons, known to have an exceptionally high densities of archaeological sites, and we support Alternative B, No Action.

This DEIS neither identifies nor avoids cultural resources significant to the Hopi Tribe. There are significant cultural resource deficiencies with all of the action alternatives, which are virtually the same, including inadequate area of potential effect identification, and inadequate cultural resources identification. None of the alternatives provides relief or mitigation for the industrial impacts on cultural resources from dust, vibrations, and diesel particulates. The purpose and need of the DEIS mentions only "undue environmental degradation," and does not even mention undue degradation to cultural resources. In spite of our previous letters and consultations, there is no analysis or consideration of effects on Native Americans.

As we have stated numerous times previously regarding inadequate identification of the area of potential effects on previous proposals, the cultural resources in Nine Mile Canyon are currently suffering the adverse impacts of industrial traffic, including clouds of dust, which the BLM has failed to mitigate or adequately address. We have witnessed first hand the inadequacy of the BLM's industrial traffic and dust control measures, and the adverse effects of dust accumulation on rock markings in Nine Mile Canyon. The BLM's fugitive dust abatement requirements have been demonstrated to be inadequate with the exiting industrial traffic through Nine Mile Canyon.

We consider dust, vibration, and “project related erosion” to have direct, adverse, and cumulative impacts, not indirect impacts as the DEIS contends (ES 24-25). As pointed out by Jerry Spangler in his comments on this DEIS, the study presented in Appendix G is preliminary, incomplete and erroneous, or deceptive. Therefore, the BLM’s fugitive dust abatement requirements that have already shown to be inadequate with the existing industrial traffic will no doubt continue to be ineffective with the vastly increased volume of industrial traffic proposed in this DEIS through Nine Mile Canyon.

We do not consider pull outs, parking areas, or dust abatement measures to be the solution to adverse effects to cultural resources resulting from industrial traffic through Nine Mile Canyon. As we have stated repeatedly in letters and in person, we consider re-routes to be a means by which adverse effects to cultural resources in Nine Mile Canyon could be reduced.

In previous letters and face to face consultations, we have also repeatedly stated that to assume that avoidance of cultural resources results in no adverse effects is false, and that pursuant to the National Historic Preservation Act the Nine Mile Canyon access road should be considered as part of the proposal’s area of potential effect. Previous projects and this DEIS have limited the area of potential effect to areas of direct ground disturbance. This DEIS also does not address the surrounding region being polluted by industrial noise, fugitive dust, magnesium chloride, industrial vehicle exhaust and equipment emissions as part of the area of potential effects.

The BLM recognizes none of the proposed alternatives adequately mitigates the impacts on cultural resources of additional industrial traffic and the resulting dust plumes through Nine Mile Canyon in route to the project area (Section 5.12). This proposal inconceivably adds industrial traffic in an estimated volume of 550 (DEIS) to 1,500 (Nine Mile Canyon Coalition) 18-wheel trucks per day to an already industrially overloaded National Scenic Byway. Current mitigation plans relating to the 38-well project are proven ineffective, and mitigation plans in this 807 well proposal will make those intolerable conditions many times worse by any estimation.

The Hopi Cultural Preservation Office has consistently requested that Nine Mile Canyon, with its world famous prehistoric rock art and spectacular landscapes, be protected and preserved by using alternate routes to avoid the canyon. In spite of the fact that full field development includes over 180 miles of new road construction, none of the alternatives re-routes industrial traffic. We understand that there are numerous roads already built or proposed that would lend themselves to a bypass road system, and that no reasonable alternatives can be eliminated from consideration in an EIS.

Three alternatives in the DEIS, including the Preferred Alternative, propose two pump stations to be located in very scenic and archaeologically rich areas of the canyon. One of these pump stations is on BLM land, in contradiction to the Draft Resource Management Plan

(DRMP/DEIS) and BLM assurances at public scoping meetings that these would be no surface occupancy on federal public land in Nine Mile Canyon.

Regarding inadequate cultural resources identification in the DEIS, we understand a Class I cultural resources overview is being developed for this proposal, but we have yet to be provided with a copy for review and comment. A Class I overview is a preliminary step which provides guidance regarding further inventory needs of a project, and is insufficient if not followed by more substantial project identification.

To our knowledge, a comprehensive inventory of all cultural sites along the access roads has never been completed. Without knowing what sites exist in Nine Mile Canyon, the DEIS cannot and does not adequately address impacts and mitigation of impacts resulting from the proposed action. Despite the identified 137,930 acre project area in this proposal, the Preconstruction Cultural Resources Identification Plan, Appendix N, defines the area of potential effect as individual well pads, access roads, and pipelines.

As described in detail by Jerry Spangler and Jeffery Rust in their comments on this DEIS and as summarized by the Nine Mile Canyon Coalition in theirs, Appendix N, the Preconstruction Cultural Resources Identification Plan, is minimalist, and does not provide sufficient data on how, where, and to what extent the proposed project will affect cultural resources. The DEIS also does not address “reasonably foreseeable effects caused by an undertaking that may occur later in time,” including access roads for vandals. The lack of cultural resource information is used to avoid a comprehensive and effective analysis of the specific impacts to specific cultural resources within the project area.

Although cumulative and indirect effects to cultural resources are acknowledged in the DEIS, none of the action alternatives address how cumulative and indirect impacts will be avoided or mitigated. The DEIS uses predictive modeling based on incomplete data to estimate 80 known sites, 47 of which are National Register eligible, and between 94 and 219 unknown sites which may be adversely affected by this proposal (Table ES-2, ES-24), but offers little information on those sites or how these numbers were derived. An evaluation of the impacts from the proposed action on the nationally significant Nine Mile Canyon National Register of Historic Places Archaeological District has not been completed as part of this DEIS. We have also stated that the entire project area lacks a comprehensive Traditional Cultural Property investigation.

Considering the scale of industrialization proposed in this DEIS and it’s conflict with world famous cultural resources, the DEIS needs to take into account the adverse effects to the District and landscape as well as to individual surface features. Predictive modeling based upon incomplete data results in the DEIS simply stating sites will be mitigated or avoided, but does not provide information to enable a decision about potential effects to cultural resources.

BLM is currently not fulfilling its responsibilities by facilitating the destruction of cultural resources in Nine Mile Canyon. Numerous industrial “accidents” have occurred to archaeological sites, including the damage to a site in the Cottonwood Village area that was addressed recently. Many more industrial accidents can be expected pursuant to implementation of this proposal.

The Hopi Cultural Preservation Office supports the avoidance of human remains and associated funerary objects. If excavation cannot be avoided, we support reburial in a protected location as close as possible to the location from which they are excavated. Therefore, after years of opposing the previous BLM policy prohibiting the reburial of human remains and associated funerary objects excavated from BLM land on BLM land, we appreciate BLM IM 2007-002 that provides for reburial on BLM land of human remains and associated funerary objects excavated from BLM land. Therefore, we request that IM 2007-002 be cited in this DEIS, along with a NAGPRA Plan of Action including a designated location where human remains and associated funerary objects that are excavated from the project area can be reburied and protected.

As with cultural resources, the DEIS does not adequately provide specific analysis of the environmental consequences on water, air quality, wildlife, and visual and auditory impacts to the Desolation Canyon National Historic Landmark. By simply stating that impacts are possible, the BLM is allowing the impacts of industrial development to compromise the viability and values of all other uses, regardless of its potential impacts to those other uses and resources. We understand the Nine Mile Canyon Coalition is pursuing independent road engineering studies concerning possible alternative access routes to the project area, and is considering conducting water quality surveys in Nine Mile Creek to address perceived deficiencies in the DEIS.

Nine Mile Canyon is a special place that deserves special treatment as a cultural resources preserve and not as an industrial highway. Because of the potential for destruction of the nationally significant Hopi cultural resources in and around Nine Mile Canyon, our concern for the impacts to those resources resulting from this project cannot be underestimated. Therefore, we have determined that this proposal will severely and adversely affect cultural resources significant to the Hopi Tribe. We therefore support the No Action Alternative, Alternative B in this DEIS.

However, even No Action will have adverse effects on the Canyon because of the ongoing damage from the 38 well project and the unknown number of wells that neither we nor the public was consulted on because of their categorical exclusion, or location on private land.

The BLM’s categorical denial of consulting party status to the National Trust for Historic Preservation, the Southern Utah Wilderness Alliance, the Nine Mile Canyon Coalition, and the Colorado Plateau Archaeological Alliance is of concern to the Hopi Tribe and has resulted in a

DEIS in which the industry preferred alternative, the agency preferred alternative, and even the so called conservation alternative are only marginally different from each other. We believe the BLM should extend consulting party status to not only the National Trust Historic Preservation, an organization established by Congress, but also any other interested party that requests it.

The National Historic Preservation Act Section 106 regulations specify that the Advisory Council on Historic Preservation (Council) “is likely to enter the section 106 process” when an undertaking “presents issues of concern to Indian tribes...36 C.F.R. Part 800, Appendix A(c), (c)(4). In addition, full field development without mitigation of adverse visual and auditory impacts to Desolation Canyon National Historic Landmark should result in the Council being invited by the BLM to participate in consultations. In light of the national and even global significance of these Native American cultural resources and the Council’s purpose and need, we therefore hereby respectfully request that the Council enter this process for this DEIS, to assist in an outcome that would benefit all parties interested in avoiding or minimizing the adverse effects of this proposal on Nine Mile Canyon.

The Hopi Cultural Preservation Office extends our thanks to the Nine Mile Canyon Coalition, the National Trust for Historic Preservation, Jeffery Rust, Registered Professional Archaeologist, and Jerry Spangler of the Colorado Plateau Archaeological Alliance for their assistance in the development of our response to the West Tavaputs Plateau Natural Gas Full Field Development Plan DEIS.

Supplemental analyses will be necessary for this DEIS to be in compliance with the National Environmental Policy Act, the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act (NAGPRA), and other relevant laws and orders. We look forward to a continued collaboration with these groups and individuals, as well as the Southern Utah Wilderness Alliance in protecting and preserving the cultural resources in and around Nine Mile Canyon.