

10 Dec. 2007

**Attention Floyd Johnson
Price Field Office
Bureau of Land Management
125 S. 600 West
Price, UT 84501**

Re: Comments – Supplement to the Price Field Office Draft Resource Management Plan/Environmental Impact Statement for Non-WSA Lands with Wilderness Characteristics (BLM-UT-PL-07-005-1610, supplement to BLM-UT-GI-04-002-1610).

Please accept and fully consider these comments on behalf of the Colorado Plateau Archaeological Alliance (CPAA). Founded in 2005, CPAA works to protect archaeological and historical properties on public lands throughout the West through sound scientific research into the causes of adverse effects, through public outreach and education, and through collaborative projects with conservation and governmental entities (including ongoing projects with the Price Field Office). We have considerable expertise related to the cultural resources found within the Price Field Office (PFO), in particular those of Range Creek, Nine Mile Canyon and Desolation Canyon, all of which received consideration in Alternative E. Our goal is to ensure that cultural resources are protected for future generations, for their scientific as well as aesthetic qualities. We appreciate this opportunity to comment on the Supplemental Draft Environmental Impact Statement (Draft EIS) for the Price Field Office.

FLPMA obligates the Bureau of Land Management (BLM) to protect cultural, geologic and paleontological resource values (43 U.S.C. §§ 1701(a)(8) 1702(c)), whereas the National Historic Preservation Act of 1966 (“NHPA”) (16 U.S.C. § 470 et seq.) provides for enhanced consideration of potential impacts to these resources through a cooperative federal-state program for the protection of historic and cultural resources. In particular, Section 106 (16 U.S.C. § 470f) obligates the BLM to consider the effects of management actions on historic and cultural resources listed or eligible for listing to the National Register of Historic Places, as provided under NHPA. Section 110 of the NHPA requires the BLM to assume responsibility for the preservation of historic properties it owns or controls (16 U.S.C. § 470h-2(a)(1)), and to manage and maintain those resources in a way that gives “special consideration” to preserving their historic, archaeological and cultural values. Section 110 also requires the BLM to ensure that all historic properties under the jurisdiction or control of the agency are identified, evaluated, and nominated to the National Register of Historic Places. *Id.* § 470h-2(a)(2)(A).

As discussed below, many other federal laws, regulations and executive orders have articulated the BLM's responsibility to protect properties of cultural and religious significance. This responsibility was reaffirmed by President Bush's "Preserve America" initiative (See Exec. Order 13287, March 3, 2003) that requires the BLM to advance the protection, enhancement, and contemporary use of its historic properties. It states the BLM must ensure that "the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties as Federal assets." It is within that context that the Price Field Office must carefully consider the effects of its RMP decision-making on archaeological and cultural values of significance to all Americans.

Introduction

As discussed in Sections 2.6.6, Alternative E emphasizes the protection and preservation of non-Wilderness Study Area (WSA) lands found to have wilderness characteristics. CPAA believes the management of such lands for wilderness qualities would foster greater long-term protection of nationally significant cultural resources found within the PFO, and we believe Alternative E to be the best of the six alternatives presented, albeit with some deficiencies as discussed below. The following discussion addresses only Alternative E as it relates to cultural resources, although the discussion has direct applicability to all other alternatives under consideration. The following discussion presents data not available at the time the 2004 Draft RMP was released for public comment. Decisions relevant to cultural resource management that would be implemented under Alternative E (see Section 2.16) discussed below include:

- Restricting all uses that would impact the natural characteristics of 937,440 acres of non-WSA lands with wilderness characteristics.
- A more aggressive designation of river segments as wild and/or scenic to protect remarkable values.
- The designation of additional Areas of Critical Environmental Concern (ACEC) to better manage remarkable values.
- The implementation of Special Recreation Management Areas (SRMA) in selected areas that would close significant areas to OHV travel and also limit ORV travel to only designated routes.

CPAA has also identified several general concerns with Alternative E that are common to all of the action alternatives under consideration, as discussed below.

Restricted Use

Management of Wilderness Study Areas and non-WSA lands with wilderness characteristics is an effective means to facilitate the long-term preservation and protection of cultural resources. Specifically, the absence of roads providing access to archaeological sites has resulted in a much higher degree of site preservation in WSAs than in areas with vehicle access (see ongoing research in Desolation Canyon by Spangler, Davis et al. 2007; Spangler, Boomgarden et al. 2007; Spangler, Jones et al.

2008). In light of these data, CPAA concurs that all lands currently designated as WSAs should be managed in compliance with the BLM's Wilderness Management Policy and terms of the Wilderness Act of 1964, that no additional road construction be allowed and that no OHV routes be designated in these areas, as articulated in Alternative E (see DEIS 2-4). It is also recommended that the EIS clearly state the BLM's intent to identify and monitor cultural resources within WSAs that remain vulnerable to illegal activities, in particular OHV trespassing and vandalism.

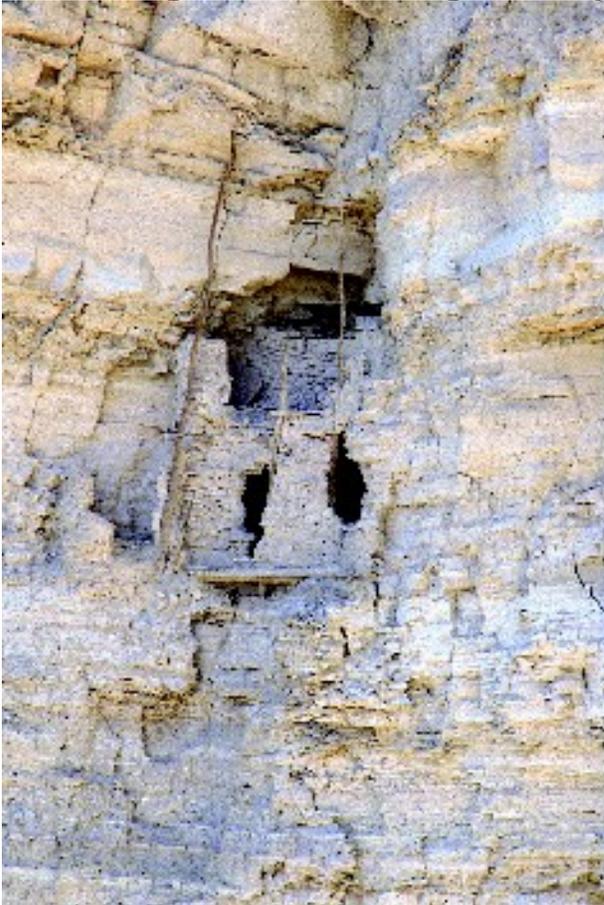


Management of lands for wilderness characteristics but without WSA designations is also an effective management tool to further the long-term preservation and protection of archaeological sites. The paucity of existing roads in such areas has facilitated a much higher level of protection of cultural resources, and generally archaeological sites in areas without vehicular access exhibit a much higher level of site integrity. As such, the management of roadless areas as wilderness would greatly enhance the protection of cultural resources through prohibitions on new road construction, limiting OHV use to existing routes, and closing those areas to development that would precipitate new road construction and enhanced public access. Alternative E is certainly preferable in that it would offer enhanced protection for cultural resources in areas where they could become vulnerable to adverse effects (both direct and indirect) resulting from increased accessibility due to new road construction associated with development and subsequent OHV travel.

Three non-WSA areas with wilderness qualities identified in Section 2.16 are known to have or are suspected to have unusually high concentrations of National Register-eligible archaeological properties, and where there is a high potential for direct and indirect adverse effects to known and unknown cultural resources. These include Desolation Canyon, the Desolation Canyon tributary of Jack Canyon, and Turtle Canyon,

a tributary of Range Creek Canyon. These areas are known to have large numbers of surface and subsurface residential sites, rock art sites, hunter-gatherer encampments and storage facilities that could be adversely affected by increased access facilitated by development. The integrity of sites in these areas has been greatly enhanced by the paucity of road access; in those areas where there is unrestricted road access, there is notable decline in the integrity of the historic properties and an increase in site vandalism (cf. Spangler, Boomgarden et al. 2007).

The wilderness character lands on the west and south sides of the **Desolation Canyon** WSA, considered here, remain largely unstudied by archaeologists. Recent investigations in the northwest portion of this area in the Lila Canyon area (Stavish 2005) have revealed a relatively low density of sites, primarily lithic scatters and rockshelters, some of which have been determined eligible for listing on the National Register. A CPAA analysis of previous research in the area found a potential for 2 to 4 sites per square mile in the Lila Canyon area. This study also noted that although sparse, sites in this area have potential to contribute valuable information on prehistoric hunting and gathering activities in close proximity to Fremont farming sites in Range Creek Canyon to the east and along the Price River to the west and south. Hunting and gathering are considered by Fremont scholars to be an integral part of Fremont “farmer-forager” lifeways, and a more comprehensive view of Fremont adaptive strategies (e.g., hunting, gathering, foraging) in the broader Tavaputs Plateau and San Rafael Swell is critical to an understanding of coexistent farming in the canyon bottoms (Spangler 2005:11-12).



The entire Book Cliffs escarpment from Sunnyside, Utah, on the north to Green River, Utah, on the south may have been a barrier to east-west transhumance, limiting access to the West Tavaputs Plateau and Beckwith Plateau to a few access points (e.g., identified pedestrian trails up the escarpment or canyon corridors such as Horse Canyon). Consequently, the location of these transportation corridors offers considerable potential to explain how geographically isolated groups interacted with groups in distant areas and the nature of socioeconomic intercourse between prehistoric Fremont populations living in the drainages of the Tavaputs Plateau (e.g., Range Creek, Nine Mile Canyon) and contemporaneous groups living to the south and west (e.g., San Rafael Swell). These relationships can also contribute important insights to intraregional subsistence strategies, defense and conflict, economic exchange and social networks.

It is emphasized that most wilderness quality areas south of Lila Canyon have not been studied archaeologically, and the cultural resources in this area remain largely unknown. This area includes the Price River area below Woodside where local informants have indicated there is a high concentration of Fremont architectural and rock art sites (Waldo Wilcox, personal communication 2004; Ian Pogue, personal communication 2004). Based on data from ongoing studies in Range Creek (cf. Spangler, Metcalfe and Barlow 2004), it is anticipated the entire lower Price River area contains abundant prehistoric resources similar to those now documented in Range Creek Canyon. These resources are now protected by the paucity of vehicle access.

Recent investigations in **Jack Canyon** (Allison 2004; Patterson 2004; Spangler, Boomgarden et al. 2007) have demonstrated a high density of significant residential, rock art and storage sites in the *middle* portion of the canyon, beginning about 3 miles west of the confluence in an area of the canyon where they would not be expected. There is currently a road leading from the plateau into the bottom of the canyon to a well head about 3 miles west of the confluence. As discussed in Spangler, Boomgarden et al. (2007), many of those sites located in proximity to the existing road have been vandalized, whereas most sites not located near the road remain in good to excellent condition. BLM documentation indicates that individuals associated with gas drilling were responsible for the vandalism, and that inscribed names at vandalized sites correspond to oil and gas workers (BLM 2004).

It should also be noted that the well-head access road was used by ORVs in 2004 to subsequently pioneer an illegal trail from the well head to the Green River, a distance of about 3 miles. In about 2001, individuals also transported sifting screens and other equipment to 42Cb2642, a large vandalized alcove about 2 miles below the end of the access road. Given the amount of equipment left behind it is suspected that vehicles were used to transport the items. This site had been previously protected by its isolation from vehicular access. It also appears the remoteness of Jack Canyon has allowed vandalism to continue with little risk that perpetrators will be observed or apprehended (Spangler, Boomgarden et al. 2007).

The other area with wilderness qualities considered here is **Turtle Canyon**, a southern tributary of Range Creek Canyon that offers one of only two access routes into

Range Creek. Non-WSA lands with wilderness characteristics located in the Turtle Canyon area are being considered for oil and gas development (see DEIS 4-94). Most of this drainage and adjacent areas have not been examined by archaeologists, and the nature, distribution and diversity of sites remains unknown. However, one area was examined in 2004 when Uinta Research, in cooperation with the University of Utah, conducted intuitive surveys of the lower 5 miles of Range Creek to its confluence with the Green River. This research demonstrated that the area around the mouth of Turtle Canyon features one of the highest densities of prehistoric sites (>20 per square mile) anywhere in the Range Creek drainage, with a complete suite of site types that included pithouses, rockshelters, rock art, caches, granaries and encampments (these site data are on file with the PFO and State Historic Preservation Officer). Some of these sites were vandalized during past natural gas development in the area, although most are in good to excellent condition, and even vandalized sites retain some site integrity that augments their eligibility for National Register listing. Cultural resources at the mouth of Turtle Canyon remain particularly vulnerable to increased vehicular access precipitated by future development, as articulated in the other action alternatives.

In light of these considerations, Alternative E would provide a greater level of protection for cultural resources found in the Desolation Canyon, Jack Canyon and Turtle Canyon areas with wilderness characteristics (but no WSA status) by closing these areas to energy and mineral development, while limiting OHV travel to designated routes. Sites in these areas have significant potential to exhibit much greater site integrity due to the limited access that currently exists. It is also emphasized that roads developed, improved and/or maintained for energy and mineral development are subsequently used by OHVs to gain access to previously inaccessible areas, and that direct and indirect impacts precipitated by subsequent OHV use should be considered during the course of Section 106 compliance associated with the development activities.

In the event an alternative other than Alternative E is chosen, or some combination of the alternatives is chosen, CPAA recommends:

- Development should be restricted in those areas along the Price River where the lower Price River breaches the Book Cliffs (east of Woodside), to a distance of at least 2 miles on either side of the river corridor. This area is expected to feature a high density of significant archaeological sites. The management of these lands for their wilderness qualities would be an effective mechanism to limit vehicular access that could denigrate the integrity of the as-yet-undocumented historic properties. Vehicular access should be limited to administrative and law enforcement purposes only.
- Given the potential for a high density of significant archaeological sites throughout the Jack Canyon drainage, no new road construction should be allowed that would facilitate access to areas now protected by their inaccessibility to vehicles. This could be facilitated by limiting development to valid existing leases (no new leasing) in direct proximity to the existing route. All vehicular access to Jack Canyon should be limited to the existing well-head access route, and the BLM should rigorously enforce the closure of

the road below that point. And all future development in the area should be accompanied with specific work plans that require a clearly stated company policy regarding employees who violate state and federal laws protecting cultural resources and historic properties, and training of company employees should be conducted by individuals qualified in all aspects of federal laws protective archaeological and Native American sacred sites.

- Vehicular access should not be allowed in lower Range Creek Canyon, through closure of the Turtle Canyon Road. Although there are multiple localities where this closure could be effective, Alternative E calls for closure at the mouth of Turtle Canyon (DEIS 2-16). It is recommended that this closure, at a minimum, should be at least 1 mile south of the mouth of the canyon to afford maximum protection to the high density of sites located at the mouth of the canyon that would otherwise be extremely vulnerable. Vehicular access to lower Range Creek should be allowed for administrative, academic and law enforcement purposes only.
- Map 3-27 (Non-WSA Lands with Wilderness Characteristics) indicates a small section on non-WSA lands (ca. 2 miles) in the Range Creek corridor along the northeast side of the road. This area features abundant and pristine archaeological resources in the heart of the Range Creek Archaeological District. The management of this section as potential wilderness would augment the ability of state and federal land managers to manage resources here for their exceptional cultural values.
- Map 3-27 appears to have mislabeled the location of the Turtle Canyon WSA and adjacent Turtle Canyon lands with wilderness characteristics. This error should be corrected.

Wild and Scenic River Designations

CPAA also supports the management of river corridors within the constructs of the National Wild and Scenic River System as an effective means to better address long-term preservation of cultural resources in riparian corridors (see DEIS 2-4). In water-stressed environments, such as those found in the PFO, human populations were tethered to a greater or lesser degree to permanent water sources, in particular perennial and ephemeral streams, springs and rivers (Spangler 2001, 2002). In addition to wild, scenic and recreational qualities, “river” segments proposed for inclusion in the WSR under Alternative E would also have been the focus of significant human adaptations throughout prehistory and will exhibit remarkable cultural qualities that augment the eligibility of these river segments for WSR designation.

Those river segments identified for possible WSR designation that have or are expected to have remarkable cultural values, as identified in Alternative E, include the Green River, Rock Creek, Bear Canyon, Range Creek, Nine Mile Creek, Price River, Buckskin Canyon Creek, Muddy Creek and Cottonwood Wash. As stated in Alternative E (DEIS 4-13), 35 of 38 suitable river segments have remarkable cultural values, and CPAA concurs with BLM planners that management of cultural resources and wild and scenic river values are complementary objectives. It is emphasized that evidence of

prehistoric adaptations will likely be found along most, if not all water sources in the PFO, and these should be of exceptional high density and integrity to warrant aggressive BLM management regardless of which alternative is chosen or any formal WSR designation. It should also be noted that high densities of significant archaeological sites are located along Jack Canyon Creek and Flat Canyon Creek, both of which have flowing water throughout much of the year but are not considered under any of the alternatives for wild and scenic designation.

In light of these considerations, it is recommended that:

- All wild and scenic river designations include a cultural resource management plan that includes identification and documentation of cultural resources that may be impacted by activities resulting from such designations. The EIS should also articulate the BLM's intent to implement specific management strategies to protect cultural resources (e.g., areas where camping is prohibited such as rockshelters and alcoves).
- The BLM develop proactive public outreach efforts that promulgate proper etiquette on and around cultural resources found along riparian corridors. All special management designations should include provisions for consistent site monitoring plans to assess the cumulative impacts of recreation visitors on the cultural resources.
- The BLM give renewed consideration to Jack Creek and Flat Canyon Creek as eligible WSR river segments given their remarkable scenic and cultural qualities.

Areas of Critical Environmental Concern

ACECs are an effective management tool that allows enhanced on-the ground management of *all* affected resources in a sensitive area. Consequently, Alternative E would provide the greatest potential for long-term cultural resource protection by facilitating more intensive management of sensitive resources, including known and unknown cultural resources. CPAA unequivocally supports the continued management of the Copper Globe, Dry Lake Archaeological District, Muddy Creek and San Rafael Canyon as ACECs. And it supports additional ACEC designations, articulated in Alternative E (DEIS 2-5) for the lower Green River, Temple-Cottonwood Dugout, Gordon Creek, Range Creek, Nine Mile Canyon, Desolation Canyon and Mussentuchit Badlands.

Three of these areas are of national or international significance and warrant additional discussion: Desolation Canyon, Nine Mile Canyon and Range Creek Canyon. **Desolation Canyon** is a nationally recognized recreation destination, but its cultural resources remain largely unknown and unstudied. The paucity of baseline data along the Desolation Canyon-Gray Canyon corridor prompted a collaborative partnership between CPAA and the Price Field Office to document the nature, distribution and diversity of cultural resources along the canyon corridor, and to assess the adverse impacts of recreation on those sites (cf. Spangler, Davis et al. 2007; Spangler, Boomgarden et al.

2007; Spangler, Aton and Spangler 2007; Spangler, Jones et al. 2008). These data, derived from sites within and outside the National Historic Landmark boundaries, will facilitate a more proactive management of cultural resources subjected to intense recreational visitation.



Based on these preliminary data, the inaccessibility of the Desolation Canyon corridor appears to have resulted in a very low percentage of archaeological sites that have been maliciously vandalized and significantly fewer that have been inadvertently damaged through improper visitor behavior. The high level of integrity of these sites is generally attributed to the paucity of vehicular access and exceptional site ethics practiced by most river visitors. These sites, particularly those in proximity to river camps where visitors remain for extended periods, are most vulnerable to incidental and (occasionally) malicious damage. The potential for recreational impacts to archaeological sites of exceptional integrity and scientific/aesthetic value warrants more aggressive BLM management that could be better realized through an ACEC designation whereby limited BLM resources could be directed toward preservation (e.g., sensitive areas with higher-quality cultural resources would be prioritized for future inventories) and protection of high-quality resources.

The cultural resources of **Nine Mile Canyon**, in particular the thousands of rock art panels, are internationally renowned, drawing thousands of visitors annually. As summarized by Spangler (2002), these resources have been the focus of considerable public interest for more than a century, and this interest continues to the present, as evidenced by many books, magazines and newspapers that have featured the canyon as recently as 2007. The nomination of the canyon corridor to the National Register of Historic Places as an archaeological district is currently pending before the Utah Division of State History and the BLM State Office. It is also recognized that the integrity of cultural sites in Nine Mile Canyon has been compromised to a greater or lesser degree by natural gas development, and that conflicts continue to exist between recreation and development user groups, as well as private property owners.

Given the high density of National Register-eligible sites along the canyon corridor, the significance of these sites to the American public and the irreplaceable nature of cultural resources, management of the Nine Mile Canyon area as an ACEC could facilitate more proactive and collaborative approaches to cultural resource management that fosters long-term preservation while better ameliorating conflicts between user groups. As articulated in Alternative E (DEIS 2-28), no surface occupancy stipulations for oil and gas leasing, and limits on development within 100 feet of a known site would foster greater protection of those resources most at risk (same buffer as for Alternatives B and C, see DEIS 4-70 and 4-71)

The Draft EIS correctly acknowledges that “moving noticeable facilities only 100 feet would generally not change the visual aspects of a project” (DEIS 4-70). It should also be acknowledged in the EIS that development beyond 100 feet may also alter, directly or indirectly, the character of historic properties, “in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association” (36 CFR 800.5 (a)(1)). These considerations are not properly acknowledged or addressed in the Draft EIS, nor is it clearly stated the BLM will avoid, minimize or mitigate such adverse effects.

Although not as well known as the resources of Nine Mile Canyon, the cultural resources of **Range Creek Canyon** have recently vaulted into national prominence, due in large part to the high density of intact sites that remain in remarkably pristine condition (cf. Spangler, Metcalfe and Barlow 2004). The extremely high integrity of these sites has been fostered by the absence of public access to the drainage, which has been gated for more than five decades. The scientific potential of this drainage to an understanding of Utah and Southwestern prehistory cannot be overstated (cf. Kloor 2007), and its potential as an outdoor research laboratory for future generations of scientists is unprecedented. As such, aggressive BLM management of the Range Creek corridor and the cultural resources found there, as articulated in Alternative E, is clearly justified. The increased prioritization of Range Creek through an ACEC designation affords a rare opportunity for the BLM to proactively embrace its Section 110 responsibilities. It should also be noted that the formal nomination of Range Creek Canyon to the National Register of Historic Places as an archaeological district is nearing completion, and this should be reflected in BLM planning documents.

It is emphasized that ACEC designations for Desolation Canyon, Nine Mile Canyon and Range Creek Canyon would enhance their priority for future inventories (DEIS 2-7), augmenting proactive efforts by the BLM to identify, evaluate and nominate these resources to the National Register. Such efforts would also foster greater awareness and preservation of these resources for future generations.

In light of these considerations, it is recommended that:

- Regardless of which alternative is chosen, the remarkable cultural resources found in Desolation Canyon, Nine Mile Canyon and Range Creek Canyon should be afforded enhanced management status that recognizes and prioritizes the national significance of these resources. Such management could be facilitated through ACEC and/or SRMA designations. In the absence of such designations, the EIS should clearly articulate the national significance of cultural resources found here and the commitment of the BLM to aggressively manage them for long-term preservation.
- Alternative E (DEIS 2-18) states that the Nine Mile Canyon area would be closed to camping. CPAA concurs that camping in the canyon corridor in proximity to cultural sites could result in significant degradation of cultural resources. However, in the absence of an aggressive law enforcement presence, periodic camping at localities where it would not be appropriate is likely inevitable. We recommend that any management plan for Nine Mile Canyon that includes a ban on camping also include the identification and designation of localities outside the canyon corridor where camping is appropriate, and that this information be made available to all visitors.
- Alternative E (DEIS 2-27) calls for closure of Range Creek to OHVs, closure to oil and gas leasing, and the withdrawal of the canyon from mineral entry. Given the high density of cultural sites along the canyon corridor and the exceptional integrity of these sites, CPAA recommends these provisions be implemented regardless of which alternative is chosen. This is particularly relevant to those non-WSA lands within the canyon corridor.
- At present, the BLM has deferred management of most of Range Creek to the Utah Division of Wildlife Resources. However, BLM is the largest land owner in the drainage (most archaeological sites are actually on BLM lands) and is responsible for critical environmental and cultural values evident there. The deferment of management responsibilities has, in some cases, resulted in management decisions that may not reflect the best interests of the federal agency (i.e. cattle grazing on and around archaeological sites). It is recommended that the EIS unequivocally reflect the agency's commitment to more aggressively and proactively manage cultural landscapes under its jurisdiction.

Recreation and Travel Management

A fundamental component of the Draft EIS is to address growing needs to manage off-highway vehicles and the conflicts between OHV use and other environmental values and uses. These concerns are reflected in all of the action alternatives. It also acknowledges that Alternative E limitations would probably not accommodate existing demand by OHV users. As articulated in Alternative E, the designation of SRMAs in culturally sensitive areas, such as Desolation Canyon and Nine Mile Canyon, would close OHV use on about 1.5 million acres, limit OHV use to designated trails on 970,000 acres and prohibit open travel areas.

CPAA supports BLM efforts to limit OHV travel to designated routes, as articulated in the action alternatives. However, it is emphasized that the mere designation of trails does not ameliorate the potential adverse effects to archaeological and historic properties, most of which remain undocumented. The Draft EIS does not explicitly state that Section 106 compliance (e.g., Class III inventories) will be required prior to designation of routes currently in use, although Alternative E alludes to new field inventories 400 feet from centerline on designated OHV trails (DEIS 2-7). The Draft EIS remains vague on whether or not inventories would be required on routes already in use prior to their formal designation.



As such, the Draft EIS appears to be fundamentally flawed on two important points: (1) The failure of the BLM to conduct adequate analysis in the past related to OHV impacts along routes currently being used by motorized vehicles was and still remains an abrogation of agency's Section 106 responsibilities, and the failure of the agency to recognize or correct this deficiency in the Draft EIS appears to validate and perpetuate the agency's failure to comply with Section 106 requirements in the past; and (2) The failure to require Class III inventories along routes prior to designation suggests the agency official has already made a determination, as per 36 CFR 800.3(a), that travel route designations in such instances are not an undertaking as defined in 36 CFR 800.16(y).

C meta-analysis strongly disagrees with any determination that designations of existing routes are not a federal undertaking. Section 36 CFR 800.16(y) clearly states that an undertaking is “a project, *activity* or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency” (emphasis added). CPAA contends that OHV travel is an activity managed by the BLM, and that BLM resources are being expended to plan for OHV travel and to enforce travel restrictions. As such, it is an activity funded in whole or in part under the direct jurisdiction of a federal agency, and clearly meets the definition of an undertaking. As such, the agency official has a responsibility to determine whether this activity has the potential to cause effects on historic properties (36 CFR 800(a)) and to initiate the Section 106 process.

The Draft EIS (Alternative E) is remarkably equivocal on exactly what Section 106 compliance would be required as part of its recreation management (DEIS 2-75) or travel planning (DEIS 2-19). There is no explicit statement that designation of existing or future OHV routes would require Section 106 compliance *prior* to designation. Consequently, it must be concluded the BLM intends to conduct such inventories after the fact, and only if and when staff and funds are available (cf. DEIS 4-12).

The Draft EIS also makes little or no effort to address Areas of Potential Effect outside of designated route corridors, or to justify a 400-foot-from-center corridor as the APE. In fact, research within the PFO and elsewhere in Utah have demonstrated that the Area of Potential Effect may extend well beyond the corridor itself to those areas adjacent to or accessible from the actual routes. Recent research in southeastern Utah has demonstrated that damage to archaeological sites by OHVs can be both direct (driving vehicles through archaeological deposits) and indirect (using OHVs to gain access to topographic locations where sites are located). Indirect impacts were considered to be more common in that archaeological sites were being impacted by pedestrians who used mechanized vehicles to arrive at or near site locations. Research also found that sites with the greatest evidence of adverse human impacts are those visible from an existing OHV route (Spangler 2006).

Similar research in Range Creek within the PFO demonstrated a direct relationship between vehicle access and frequency of vandalized sites. Sites within 200 meters (ca. 600 feet) of an existing route were more likely to have been vandalized, as were sites visible from a vehicle route regardless of distance (Spangler, Arnold and Boomgarden 2006). These findings are consistent with other vandalism studies in the Southwest. Nickens et al. (1981) found that archaeological sites within 100 meters of an existing dirt road that were more than 20 miles from a town were more likely to have been vandalized; these findings were supported by interviews with known artifact collectors. Simms (1986) also observed a correlation between vandalism and visibility from the road, distance from the road and ease of access; all alcoves and rockshelters in that sample had been vandalized. Ahlstrom et al. (1992) found site type to be a major factor in vandalism.

Improper OHV use constitutes perhaps the greatest single threat to the long-term preservation of cultural resources in the PFO and elsewhere in the West. Ongoing

research has unequivocally demonstrated that both legal and illegal OHV use are damaging cultural resources and creating conflicts with other users. It is also recognized that OHVs enhance the ability of users to penetrate the backcountry where patrols are difficult. This may lead to secondary impacts to cultural resources from increased vandalism and theft. There can be little dispute that OHVs have greatly enhanced the ability of the public to gain access to and enjoyment from cultural resources that have previously been protected by their isolation, lack of visibility and/or distance from a road. There is also little dispute that some individuals have utilized OHVs to facilitate damage to cultural resources, whether directly or indirectly. CPAA has been unable to identify any public outreach effort by the BLM in Utah to educate OHV users as to the fragile and irreplaceable nature of cultural resources, to promulgate proper etiquette among OHV users who visit these resources or to enlist the vigilance of the OHV community in reporting vandalism and looting.

Alternative E acknowledges that primitive and motorized recreation activities have the potential to cause “incidental” damage to cultural sites. It also states that eliminating cross-country OHV use and closing 1.5 million acres to OHV use would “eliminate the potential of incidental damage to cultural sites associated with pioneered routes in areas open to cross-country OHV use” (DEIS 4-37). This statement is problematic because it assumes that closure of areas and/or routes will “eliminate” the potential that OHVs will damage cultural sites. Recent research in Tenmile Canyon near Moab has demonstrated a prevalence of direct and indirect impacts to cultural sites by OHVs that improperly left an established route (Spangler and Boomgarden 2007).

Most trail users observed during the four-day study remained on the established trail, which directly impacts only one of 21 sites investigated. However, numerous motorcyclists were observed and photographed driving their vehicles over slickrock slopes and bench areas through or near archaeological sites. There is considerable evidence that large numbers of individuals consistently leave the designated trail, using vehicles to gain access to bench areas above the trail where they directly impacted four sites, three of them concentrations of surface artifacts and the other cultural deposits in front of an alcove with storage cists. Indirect impacts were observed at 12 other sites where vehicle tracks were observed within 50 meters of archaeological sites with significant potential for subsurface deposits associated with the identified site. At least 12 of 21 sites had been maliciously vandalized, presumably by individuals using motorized vehicles to gain access to the remote site locations at some point in the past (Spangler and Boomgarden 2007; see also Spangler 2006).

These data support the contention that designation of a route, as was the case in Tenmile Wash, does not eliminate the potential that OHVs will cause direct and indirect impacts to cultural sites adjacent to the route. Given the hundreds of miles of unofficial OHV trails currently being utilized within the PFO, it is highly probable that significant impacts to historic properties have already occurred throughout the planning area, although there is little or no baseline data currently available to validate this assumption. Unlike permitted uses, no cultural resource inventories were conducted in association with the development of these existing OHV routes. Consequently, the extent of OHV

impacts to cultural resources is not quantifiable due to the fact that most cultural resources remain unknown and undocumented.

The primary consideration in this discussion is that OHVs allow greater public access to archaeological sites, and that this access facilitates adverse effects. It is generally acknowledged in BLM planning documents that as access to an area increases, incidental damage of cultural resources adjacent to the access routes will increase, and that impacts from incidental damage would be reduced as distance from the access route increases” (see Kanab RMP Draft EIS 4-96). As discussed above, damage to or destruction of archaeological sites is most prevalent along existing routes, usually within 200 meters of centerline of an existing route (cf. Spangler, Arnold and Boomgarden 2006). Hence, the limitation of OHV travel to existing or designated routes may not significantly reduce impacts to cultural resources along those routes.



If no Section 106 compliance is required prior to route designations, that itself is an inherent assumption that OHVs would cause minimal additional impacts and that the damage caused to cultural resources in the past were singular events that won't be repeated, or that that cultural resources were destroyed by past events and therefore cannot be further damaged through future use. Such assumptions are inherently flawed in that (1) the BLM has little or no baseline data to know the nature of or extent of the damage to these sites; (2) although some scientific data will have been irretrievably lost, it is highly probable most sites damaged through direct or indirect OHV activities will retain some scientific value, and that continued OHV use will inevitably result in continued degradation of the remaining scientific values; and (3) there is no acknowledgement that future OHV use of designated trails through archaeological sites could result in accelerated erosion that would expose subsurface cultural deposits not evident when the site surface was initially damaged.

There are also an inherent assumptions that (1) all OHVs will remain on the designated trail, and hence there would be no vehicular damage to sites adjacent to the trail; and (2) that designated OHV trails would not facilitate pedestrian access to archaeological sites that could be subjected to illegal looting, vandalism, improper surface collection of artifacts and increased erosion and structural degradation caused by public visitation. Both assumptions are in conflict with data elsewhere that demonstrate a significant portion of OHV users do not remain on designated trails (Spangler and Boomgarden 2007), that vehicular routes facilitate greater pedestrian access to archaeological sites that are then subjected to direct and indirect impacts (Spangler 2006) and that archaeological sites within 200 meters of a vehicle route are far more likely to be vandalized (Spangler, Arnold and Boomgarden 2006; see also Nickens et al. 1981 and Simms 1986).

Historically, damage to historic properties along vehicle routes has not been well documented, and there has been little effort by the PFO to identify sites along OHV routes that have been damaged or are vulnerable to damage. In effect, there are no baseline data to evaluate the nature and extent of that damage. BLM's development of a major travel plan without basic information about the impacts of existing OHV use in these places puts the cart before the horse. Regardless of the alternative chosen, it is difficult to see how the BLM can meet its statutory duties with respect to cultural properties if it has no or little information about how one of the major uses it proposes to authorize would affect these sites. In short, the BLM cannot manage for and properly protect resources that the agency does not know are there.

Although flawed, Alternative E would offer the greatest protection to cultural resources from vehicular impacts. It is emphasized that restriction of OHV travel to designated routes, as articulated in all action alternatives, is a dramatic improvement over unrestricted cross-country travel. However, the mere designation of official OHV routes is meaningless without a BLM commitment of necessary resources to enforce such travel restrictions. Without such a commitment, there remains a risk that designated routes will be used to "pioneer" other routes, which will place cultural resources along those spur routes at significant risk. Given that caveat, it is imperative that Section 106 compliance be initiated as a component of travel planning regardless of which alternative is chosen.

Alternative E would also eliminate all cross-country travel, or open play areas. Cross-country vehicular travel has significant potential to result in direct and indirect adverse effects to cultural resources, as acknowledged in Alternative E. In the absence of a prohibition on cross-country travel, it is imperative that Class III inventories of all lands open to cross-country travel be initiated and specific strategies implemented to ensure such travel does not adversely effect historic properties and/or to recover all scientific data that would be lost. These could include prohibitions on vehicular travel on or around archaeological sites, fencing of vulnerable sites and/or complete data recovery. These efforts to avoid, minimize and mitigate adverse effects should be conducted with the assumption that cross-country travel will damage or destroy those sites, and that the damage is irreversible.

Even if the management of open travel areas were structured to avoid known archaeological sites, the nature of subsurface deposits is such that many archaeological sites may not be identified until after the ground surface has been altered, either through natural erosion or human factors. Hence, vehicular traffic may subsequently expose cultural materials that were not visible at the time a Class III inventory was conducted, enhancing the need for ongoing monitoring and future data recovery. This will require a significant ongoing commitment of limited BLM resources to ensure that damage to sites in open play areas that are exposed in the future is avoided, minimized and/or mitigated.

If Class III inventories of proposed open areas demonstrates the presence of significant historical properties, closure of open areas to protect cultural resource values is entirely consistent with Executive Orders 11644 and 11989 that mandate federal land managers “protect the resources of (federal) lands” and that agency heads who determine that the use of off-road vehicles is causing or will cause adverse impacts to cultural or historical resources shall “immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence” (Executive Order 11989). Given the likelihood that hunting and gathering camps in this area are likely to yield considerable information about all periods of prehistory, the mitigation of adverse effects to known and unknown eligible properties can only be accomplished through site avoidance, in effect a closure of those areas to OHV travel as is articulated in Alternative E.

A key component that must be acknowledged is that data recovery is an adverse effect that also must be properly considered through the Section 106 process. The Draft EIS hints that the impact to cultural resources would be “minimal because (of) inventories, Section 106 clearances and mitigation measures” (DEIS 4-37). Although this statement is related to construction of new recreational facilities, it would imply an overriding assumption related to all federal undertakings that Section 106 compliance will result in minimal impacts to cultural resources. Such an assumption is incompatible with existing law and regulations (cf. King 2000a, 2000b). Such assumptions also fail to acknowledge indirect or cumulative impacts to cultural resources resulting from such undertakings regardless of Section 106 compliance.

The BLM elsewhere has developed detailed plans to accommodate OHV use in archaeologically sensitive areas that could be an appropriate model for the PFO. For example the Tangled Lakes Archaeological District (TLAD), a BLM-managed National Register district in Alaska, encompasses 185,321 acres and more than 600 archaeological sites. Since the 1980s, the Glennallen Field Office has designated OHV routes with the express purpose of protecting the high density of archaeological sites. A draft travel plan calls for seasonal restrictions on designated trail use, prohibits off-trail travel for game retrieval with some exceptions, imposes weight restrictions on vehicles, expands efforts to provide educational materials to trail users about the archaeological significance of the region, provides suggestions for best trail-use practices, provides for a heightened law enforcement presence during high-use periods, and calls for expanded monitoring of

trails. The plan also defined the area of impact due to motorized use to be *one-half mile* on either side of a designated trail (BLM 2006; emphasis added).

The TLAD has applied a tripartite management approach that clearly acknowledges the potential conflicts between OHV users and the protection of archaeological resources listed on the National Register. First, OHV travel was restricted to those routes where impacts to resources would be minimized and archaeological sites avoided. Second, these restrictions are being augmented with proactive efforts to educate trail users about the sensitivity and significance of archaeological resources, as well as rules, regulations and best practices intended to protect those resources. And third, the plan calls for enhanced law enforcement and monitoring of potential impacts.

We emphasize that any approach that limits vehicular access is an effective management tool to further the long-term preservation and protection of archaeological sites, particularly in areas where road access is currently nonexistent or minimal. The paucity of existing roads in such areas has facilitated a much higher level of protection of cultural resources (see discussion above; see also Spangler, Davis et al. 2007; Spangler, Boomgarden et al. 2007). As such, the management of lands as roadless areas would greatly enhance the protection of cultural resources through prohibitions on new road construction, limiting OHV use to existing routes, and closing areas to development that would precipitate new road construction and enhanced public access. Alternative E is certainly preferable in that it would offer enhanced protection for cultural resources in areas where they could become vulnerable to adverse effects resulting from enhanced OHV travel and other activities.

Also of note, the recreation plan for the Desolation Canyon SMRA calls for minimal visitor facilities for visitor health, safety and resource protection at Sand Wash and the Green River daily section, and for a prohibition on motorized boating (DEIS 2-15). It is emphasized that CPAA is working with the PFO to document and examine adverse effects to cultural resources at Sand Wash and Nefertiti. Although still ongoing, preliminary research has determined that both are appropriate localities to meet a critical BLM need for public outreach and visitor education regarding proper ethics expected of those who visit archaeological and historic properties.

In light of these considerations, we recommend:

- OHV travel should be restricted to designated routes, and the designation of all OHV routes must be based on full Section 106 reviews of all direct and indirect adverse effects resulting from enhanced access to backcountry areas and increased use of travel corridors resulting from formal designations.
- The EIS should clearly state that Class III inventories, site assessments and site mitigations will be completed prior to the designation of OHV routes and open OHV areas, and that cultural resource protection will be a fundamental goal of any transportation planning.
- The Class III inventory and site evaluations along existing or designated routes should be expanded to include areas of indirect impacts, with specific

focus on identifying cultural resources in adjacent topographic settings that could be impacted by increased vehicular access. This should include, but not be limited to, the identification of rockshelters with potentially intact cultural deposits and architectural sites that are visible from a designated route regardless of distance, and to all other localities within at least 200 meters of an existing route (ca. 600 feet).

- Historically, site monitoring has consisted of on-site inspections with minimal field notes and substantial institutional memory as to what the original site condition was. It is therefore recommended that PFO site monitoring include a uniform database whereby impacts to cultural resources can be accurately and consistently measured, and site conditions compared and contrasted over time in a manner that will facilitate more informed management decisions.
- Given that budget constraints will greatly impede the progress of any Class III inventories related to OHV travel routes, monitoring and data recovery, it is recommended that OHV users contribute to the cost of Section 106 compliance, perhaps through the designation, with Utah Resource Advisory Council approval, of special fee areas or the use of other tax revenues earmarked for OHV recreation. The use of OHV user fees would not preclude future DLM determinations that ORV use is causing or will cause adverse effects that may warrant more aggressive protective measures.
- Any transportation plan should include public outreach efforts to educate OHV users about the fragile nature of cultural resources, the laws protecting those resources, “best practices” expected of OHV users in archaeologically sensitive areas, and proper procedures to follow when encountering cultural resources or when observing improper or illegal behavior.
- Route or area closures are an appropriate and proven management tool to mitigate the adverse impacts of OHVs on and around archaeological sites. As demonstrated in Range Creek in eastern Utah, these closures are most effective when accompanied by an administrative commitment to maintain a visible law enforcement presence (Spangler, Arnold and Boomgarden 2006). The EIS should clearly specify such a management strategy regardless of which alternative is chosen.
- Alternative E calls for the preparation of a recreation activity plan for Lower Gray Canyon (DEIS 2-16). As demonstrated by ongoing research by CPAA (Spangler, Boomgarden et al. 2007; Spangler, Jones et al. 2008), this area also features high densities of significant archaeological sites, including prehistoric residential and architectural sites, rock art sites, storage locales and historic properties of significance to the early Euroamerican settlement of the region. Any recreation activity plan should also reflect the BLM’s commitment to protecting cultural resource values in this area.
- Regardless of which alternative is chosen, BLM flexibility to implement proactive education and outreach at Sand Wash and Nefertiti should be clearly articulated in the EIS.
- It is recommended that any prohibition on motorized boating be modified to allow motorized travel for administrative, law enforcement and scientific research purposes. Indeed, motorized travel is critical to ongoing scientific

research now being conducted in Desolation Canyon in collaboration with the PFO and CPAA.



General Concerns

CPAA has identified several general concerns prevalent throughout the Draft EIS and reflected in all of the action alternatives. Among these concerns: a tepid willingness of the PFO to embrace all of its Section 110 responsibilities, the absence of a robust consultation policy that embraces public participation, and insufficient consideration of the cumulative effects of large-scale energy development and travel planning.

Alternative E appears to recognize that the agency has Section 110 responsibilities to identify eligible historic properties, although it is not explicitly stated as such. The Draft EIS alludes to Section 110 responsibilities with a stated intent to prioritize new field inventories for areas of special cultural designations. These would include ACECs, NHLs and National Register sites/districts that have not been fully inventoried (DEIS 2-7). However, it must be noted that Section 110 of the National Historic Preservation Act does not limit the federal agency's responsibilities to the identification of eligible properties. Rather, it unequivocally specifies the responsibilities of federal agencies to proactively identify, *evaluate and nominate* National Register-eligible historic properties under their jurisdiction or control (see 16 U.S.C. § 470h-2(a)(2)(A)). The Draft EIS offers no indication that the PFO will indeed evaluate or nominate sites under its jurisdiction or control, and as such Alternative E and all other action

alternatives that fail to adequately address complete compliance with Section 110 are clearly deficient. It is therefore recommended:

- The EIS clearly reflect the intent of the Price Field Office to embrace *all* of its Section 110 responsibilities, including the nomination to the National Register of historic properties under its jurisdiction or control, including archaeological sites and archaeological districts of local, regional and national significance.
- The EIS reflect the BLM's commitment to its Section 110 responsibilities through a prioritized list of eligible sites that it intends to nominate to the National Register. The PFO should aggressively seek public input regarding which sites should be prioritized for nomination. This could include discussions with the Utah Professional Archaeological Council, local and statewide historical and archaeological societies, and historic preservation advocacy organizations such as the National Trust for Historic Preservation.
- The EIS should explicitly state that proactive cultural resource work is a critical need accentuated by accelerated energy development, increased OHV use and other uses. The level of proactive cultural resource program work should be determined annually, and funding for such work should be prioritized within the PFO budget.
- Funding shortfalls to address issues like site monitoring and protection can be ameliorated through partnerships with advocacy groups, user groups, non-profit organizations and research entities through the aggressive use of Challenge Cost Share grants and other non-BLM funding sources. The EIS should explicitly state the willingness of the BLM to engage non-governmental partners in its proactive cultural resource management initiatives.

There is no overt indication in the EIS that the PFO intends to preclude public participation in the Section 106 process, nor is there any explicit assurance that officials intend to engage interested publics as consulting parties through the Section 106 process. Any attempt to avoid public participation would undermine the spirit and intent of Section 106 of the National Historic Preservation Act. There is ongoing concern that some BLM field offices, including PFO, have systematically precluded public participation in the Section 106 review process, with the caveat that the public has ample opportunities to comment through provisions of the National Environmental Policy Act (Gubbins 2006 and Stringer 2006, see also identical letters denying consulting party status to the Southern Utah Wilderness Alliance and the National Trust for Historic Preservation). CPAA believes that federal regulations are explicit, that federal agencies shall "seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties," as defined in 36 CFR 800.2(d)(1). It is therefore recommended:

- The EIS should clearly state the intent of the agency to comply with public participation provisions of Section 106 of the National Historic Preservation Act, *in addition* to provisions for public comment through NEPA. Such participation is at the heart of the National Historic Preservation Act.

The Draft EIS also fails to adequately acknowledge that cumulative impacts from large-scale energy development that could adversely affect site setting and integrity, even if the historic property itself is avoided (see 36 CFR 800.5(a)(2)(v)). The Draft EIS offers only a cursory discussion of such impacts, suggesting that Section 106 compliance would require cultural surveys and avoidance or mitigation of identified sites. There is minimal discussion as to the cumulative impacts of federal undertakings on the integrity and setting of historic properties (see Draft EIS 4-3).

Concerns about cumulative impacts were raised in connection with natural gas development in Nine Mile Canyon, but these were largely dismissed by the PFO. The subsequent natural gas development has since resulted in a dramatic increase in heavy truck traffic through Nine Mile Canyon, which in turn has since resulted in significant dust, traffic problems and conflicts with other user groups. The cumulative impacts of vehicular traffic in the Cottonwood Canyon tributary to Nine Mile Canyon are the focus of an ongoing study by CPAA (to be completed in early 2008). Preliminary data suggest that vehicular traffic has resulted in significant dust accumulation on National Register-eligible rock art localities, that this accumulation has occurred since 1991-1993 when the sites were initially documented, and that the dust accumulation is most acute within 30 meters of an existing roadway, but that dust accumulation is noticeable at some sites up to 75 meters from a roadway. Many of the sites less than 30 meters from an existing road are no longer visible due to dust accumulation. If it can be assumed that recreational traffic has remained more or less static since the early 1990s and that no dust accumulation was observed at the time the site was recorded, it can be assumed that dust accumulation is the result of non-recreational vehicular traffic that has increased substantially since 2002. (Although not addressed here, it is also emphasized that no studies have been done in Nine Mile Canyon as to the cumulative effects of dust on air quality or the impacts of dust-control chemical compounds on water quality.)

The Utah SHPO now readily acknowledges that the cumulative effects of large-scale natural gas development in Nine Mile Canyon has had adverse effects on eligible historic properties that were not anticipated or properly considered (Matt Seddon, personal communication 2006) and *post hoc* mitigation measures are now being negotiated. The failure of the Draft EIS to consider the potential cumulative impacts of similar developments elsewhere creates a similar potential that historic properties will be adversely affected without adequate consideration of cumulative effects.

All action alternatives also fail to adequately consider that multiple federal undertakings in close proximity will have cumulative effects on the integrity of historic properties beyond the buffer zones specified. The imposition of a 100-foot buffer, as discussed above, would “generally not change the visual aspects of a project” (DEIS 4-70), and there is a high potential that development beyond the 100-foot buffer would also alter, directly or indirectly, the character of historic properties, “in a manner that would diminish the integrity of the property’s location, design, setting, setting, materials, workmanship, feeling or association” (36 CFR 800.5 (a)(1)). While this potential is acute at individual sites where a development occurs, it becomes more aggravated when

multiple localities are developed in relative proximity to one another. In effect, entire cultural landscapes can be adversely impacted by the cumulative effects of large-scale development. This potential is not properly considered or acknowledged in the Draft EIS.

Likewise, there is little or no acknowledgement of the indirect or cumulative impacts to Traditional Cultural Properties (TCPs) of traditional and spiritual significance to Native Americans. TCPs can include ancestral architectural sites, burials, rockshelters and rock art localities, as well as entire cultural landscapes. For example, the Hopi Tribe has identified the entire Nine Mile Canyon drainage as a TCP, something not acknowledged in the Draft EIS.

In light of these considerations, it is recommended:

- The EIS should clearly acknowledge and thoroughly consider the cumulative effects of large-scale undertakings on historic site setting and integrity, even if direct impacts to those sites are avoided or mitigated as now stated.
- The direct and indirect impacts of increased vehicular traffic, access, road construction, air quality and diminishment of site setting and location should be clearly stated.
- The Draft EIS should be modified to recognize that TCPs include ancestral archaeological sites, burials, rock art sites and rock shelters, as well as landscapes of significance. CPAA further recommends the Draft EIS should clearly articulate the agency's intent to avoid or minimize adverse impacts that may alter, directly or indirectly, the character of TCPs and other historic properties, "in a manner that would diminish the integrity of the property's location, design, setting, setting, materials, workmanship, feeling or association" (36 CFR 800.5 (a)(1)).

Summary

The cultural resources found within the jurisdiction of the PFO constitute some of the most scientifically significant and aesthetically appealing resources anywhere on the Colorado Plateau. The PFO is internationally renowned for both its scenic quality and its recreational opportunities, among them opportunities to visit and enjoy archaeological sites. CPAA contends that cultural resources are indeed a major attraction to visitors to the region, and that management of these resources for their long-term preservation and protection will enhance local tourism-based economies. CPAA encourages the BLM to incorporate more aggressive outreach efforts, regardless of which alternative is chosen.

CPAA is fundamentally concerned that BLM decision making has been predicated on insufficient data related to the nature, diversity and distribution of archaeological resources within the planning area, and the Draft EIS articulates few proactive measures whereby these data gaps will be ameliorated. Quite simply, the BLM cannot manage resources it does not know exist, and management decisions made without baseline data will inevitably result in adverse and unanticipated consequences to the integrity of historic properties. This is particularly relevant to the designation of OHV

routes without proper attempt to determine the nature, diversity and distribution of cultural resources that have already been adversely affected along those routes, or that could be adversely affected in the future, both directly and indirectly.

CPAA appreciates the opportunity to comment on the Supplemental Draft EIS, and as an organization we look forward to working collaboratively with the Price Field Office on future projects that will preserve and protect historic properties for future generations. These efforts could include assisting the BLM in the preparation of National Register nominations, the development and dissemination of “best practices” materials for trail users, the development of baseline data to facilitate future monitoring of adverse effects, the development of public outreach materials and site interpretation, and data recovery. We are optimistic that the PFO will prioritize funding for proactive management, and we strongly encourage and support the BLM in any effort to more aggressively embrace its Section 110 responsibilities.

CPAA believes cultural resources within the PFO constitute an irreplaceable resource of national significance. The management strategies reflected in Alternative E are a significant improvement over the other action alternatives. However, it is emphasized there are fundamental flaws in all of the alternatives that warrant reconsideration and clarification. In particular, BLM consideration of cultural resources within the context of travel planning needs to be more clearly articulated and should consider new data cited here that are relevant to these considerations. Please feel free to contact me if you have questions or need additional clarification.

Best Regards,

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Executive Director

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Bureau of Land Management. Miles City Field Office; United States. Bureau of Land Management. Billings Field Office; United States. Bureau of Land Management. Montana State Office. Publication date. 2006. The Draft SEIS is a reissue of the original EIS/Amendment: Montana Statewide Oil and Gas Environmental Impact Statement and Amendment of the Powder River and Billings Resource Management Plans (Statewide Document). This SEIS provides additional information and analyses regarding the topics identified by the U.S. District Court. It is intended to expand on the information presented in the Statewide Document. The Draft SEIS analyzes three phased development alternatives (F, G, and H) for managing oil and gas resources in the planning area. Chapter 2. Evaluating the Effectiveness of Environmental Impact Assessment System in Developing Countries: The Need for an Integrated Holistic Approach. 2.1 Introduction. 2.2 Status of EIA Systems in Developing Countries. Chapter 4. The Quality of Environmental Impact Statements. 4.1 Introduction. 4.2 Review Package for Assessing the Quality of EISs. He teaches in the area of Sustainable Resource Management. He received his BSc and MSc degrees in Geography from the University of Dhaka, Bangladesh. He obtained a PhD in Sustainable Development from the University of London under a Commonwealth Scholarship.