

Utah Rock Art Research Association (URARA)
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Comments on the Programmatic Agreement for the West Tavaputs EIS

- ② URARA recognizes the importance of energy development. Our interest is to ensure that this energy development proceeds in a responsible manner that protects the surrounding environment.
- ② We appreciate the BLM's recognition that resource development in the area of Nine Mile Canyon would have a negative impact on cultural resources in the area.
- ② The BLM's willingness to involve interested parties in developing a solution to this issue is a breakthrough in dealing with difficult issues. We learned a lot by listening to the counties, BBC, the BLM, and other conservation groups.
- ② The Programmatic Agreement has slowed the implementation of the EIS by over a year. This delay could have been avoided if the BLM had consulted with interested parties at the beginning of the EIS process rather than at the end of it.
- ② We believe the Programmatic Agreement provides much better protection for the cultural resources of Nine Mile Canyon than was in place for previous energy development. However, the agreement is a compromise for us. Our preference was to find a cost effective solution where all industrial traffic could be removed from the canyon.
- ② We believe that the BLM should take more time to assess the cumulative impact of energy development on the Tavaputs Plateau. We anticipate future requests for energy development in the area. We believe it is in the best interests of energy companies, the Canyon, and for the economic interest of Carbon County to create a high quality access route to the Plateau from Carbon County that bypasses Nine Mile Canyon.
- ② The Programmatic Agreement may protect the cultural resources of Nine Mile Canyon from future drilling by BBC under the current EIS.
- ② Benefits of the Programmatic Agreement include expansion of the boundaries for protection, reduction in dust through the use of road sealants, additional archeological surveys to identify sites, monitoring sites for damage, improved visitor interpretation at a few sites, and scientific studies of the impact of dust and vehicular emissions on rock art panels.
- ② The value of the Programmatic Agreement lies in its implementation. URARA is signing the agreement, not because we see it as a home run for us, but because we believe it may provide adequate protection to cultural resources if it is fully implemented. Our signature indicates our interest in staying involved in the process and ensuring that all parties live up to their commitments in the agreement.

What is the big deal?

Nine Mile Canyon, located in east-central Utah (east of Price), is a sixty mile long canyon cutting through the Tavaputs Plateau to the Green River. It is a dense source of cultural material from Utah's pre-history. Over 1000 rock art panels deemed eligible for inclusion in the National Register of Historic Places have been found in the area. Many more are anticipated to be found as the canyon is fully surveyed. The canyon is also an important area for habitation sites, granaries, burials, and other evidence of the lifestyle of the Fremont and Ute peoples who lived in this area. Archeological evidence indicates that many cultures have traveled through the canyon over several thousand years. More recently, the canyon was important in the historical formation of the State of Utah. It was the center point for huge cattle ranches and served as an important travel route to the Uintah Basin.

Bill Barrett Corporation proposed to drill approximately 800 wells in the plateaus above Nine Mile Canyon. The dirt road of the Nine Mile Canyon would serve as the transportation corridor for all of the industrial traffic associated with the project. The EIS anticipates between 1.6 million and 2.8 million vehicular transits through Nine Mile Canyon depending on the development options.

Bill Barrett has drilled approximately 160 wells using categorical exclusions (CXs) a provision in the Bush Energy Act of 2005 that allowed them to legally bypass environmental laws

The Government Accountability Office has recently reported that the CX law should be re-written to make it more clear. They found that 85% of BLM offices did not correctly follow the law.

In all likelihood, the current CX provision is dead as a source of new well permits.

This CX based drilling created tremendous dust plumes. Dust and magnesium chloride were covering rock art panels near the road. The BLM determined that the impacts from dust, vibration, and increased visitation to the canyon needed to be mitigated as part of the EIS.

URARA's Comments On the Original EIS

All the alternatives assume the use of Nine Mile Canyon as the primary transportation corridor. Increased traffic of between 1.5 million and 2.8 million trips is unacceptable in Nine Mile Canyon. This is the primary flaw of this DEIS. The DEIS fails to consider an alternative route that bypasses the rich cultural resources of Nine Mile Canyon. Neither of the two Bill Barrett contracted road engineering reports attempts to find an alternative to Nine Mile Canyon. The BLM's own minimal two-day study is only designed to determine the impact of bringing existing roads into compliance with BLM standards. The BLM has completely missed the "elephant in the room." The failure to consider this fundamental issue invalidates this draft EIS and requires the development of a new EIS with an alternative which addresses this very important issue.