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Mr. Stringer:

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 and effects of adverse effects, through public outreach and education, and through cooperative projects with conservation and governmental entities. 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 Enduring Resources Saddletree Draw Leasing and Rock House Development Proposal Environmental Assessment (UT-080-07-671).

The Federal Land Policy and Management Act (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 Vernal Field Office must carefully consider the effects of its decision-making on archaeological and cultural values of significance to all Americans.

The following comments are relevant to known and unknown cultural resources within the project area defined for the Saddletree Draw Lease (as articulated in Sections 1.1 and 2.2 of the EA) *and* to potential cultural resources in adjoining and surrounding areas that could be indirectly impacted by increased public access to areas now protected by their inaccessibility. These recommendations are applicable to Alternatives A, B and C. Subsequent recommendations made here are consistent with the stated objective "to maximize the recovery of gas resources within their leased areas, while minimizing or mitigating to the extent possible the environmental impacts associated with such development" (Section 1-3).

An examination by CPAA of the Environmental Assessment (EA) has identified deficiencies as they relate to cultural resources: (1) The BLM has failed to consult with Native American tribes early in the planning process, (2) There is a flawed assumption that site avoidance results in no significant adverse effects, and (3) The acknowledgment of indirect effects to archaeological sites outside areas of direct impact fails to articulate specific strategies to identify the properties at risk, or to avoid, minimize or mitigate those effects. These concerns are addressed below.

Class I Overview

On July 9, 2007, CPAA conducted a Class I review of previous archaeological research initiated within the project area, and found the data to be generally consistent with those reflected in the EA, but with minor discrepancies. There are actually nine (not eight) previously recorded historic sites within identified as the project area, with two sites (not one) determined eligible for listing on the National Register. This review also determined that data derived from previous archaeological inventories do not comprise a meaningful and statistically valid sample in that these investigations were driven by the location of extraction projects and did not result in the investigation of all environmental and ecological ranges where cultural resources are likely to occur. Hence, the location of sites is actually a reflection of the amount of Section 106 Class III survey work that has been done in this particular area and may not reflect actual site densities or site types.

Data derived from past archaeological surveys in the project area have been extremely limited and piece-meal, focusing predominantly on small areas or linear corridors subject to developments that precipitated Section 106 compliance activities. The CPAA review of archaeological site data on file with the Utah Division of State History reveals astonishingly few archaeological block surveys within the project area

that would contribute to an understanding of potential site densities or to the distribution of archaeological sites across an entire landscape. The Class III surveys mandated under terms of Alternative A Proposed Action (Section 4.2.1; see also Alternatives B and C) perpetuate this historical sampling bias, while offering minimal potential to contribute significant insights into prehistoric or historic lifeways in the region.

The CPAA analysis of previous research in the region (see Spangler 2002 for an overview of this research) also determined that there is a high to moderate potential for significant numbers of archaeological sites in the northern portion of the project area in proximity to the White River, which constitutes a permanent water source in an otherwise water-stressed environment. It would also be expected that site density would decrease with increased distance from a permanent water source, site types in the southern portion will reflect seasonal exploitation of faunal and floral resources adapted to arid environments, and that sites will reflect increased human mobility as food resources become more dispersed across an arid landscape.

Given this hypothesis (as yet untested in this area) the density of sites would be expected to be quite low in the southern portion, reflecting a seasonal dispersal of human populations over a broader geographic area. No previous archaeological research was identified that examined the distribution of floral and faunal resources in the project area and the consequent human responses to changes in distribution of those resources through time. Although dispersed and comparatively few in number (compared to the expected density of sites in the river corridor in the northern portion), it is highly probable that the project area contains significant archaeological sites with evidence of human activities from Paleoindian times (12,000 B.P.) through historic times. Montgomery and Wilson (2004:3) hinted at this potential when they identified an "isolated Folsom point base that was not associated with any other prehistoric artifacts or features." They believed this artifact was collected and transported to the site by Euroamericans. If this assumption is valid, it could also be assumed that the point was collected in relative proximity to the project area.

Previous archaeological research has also identified a significant Archaic hunter-gatherer sites in the White River drainage and adjacent canyons, particularly in the lower White River area (cf. Spangler 1995, 2002). Although such sites have not yet been identified in the project area, there remains a high potential that such sites will be identified through more comprehensive archaeological surveys there, and that these sites will reflect a full range of Early, Middle and Late Archaic adaptations.

Likewise, evidence of Formative farmers and foragers would also be expected in the project area, although these sites might reflect reduced mobility resulting from agricultural pursuits and more logistically based foraging activities. The archaeological imprint of the Fremont culture in this region is substantial, and is certainly much greater than has been currently documented. The Fremont occupied all of Utah north of the Colorado River, and a large portion of northwestern Colorado in Moffat and Rio Blanco counties, where they constituted the northernmost extent of Southwestern cultures during the Formative period (cf. Spangler 2002). Evidence of Numic-speaking hunters and

gatherers is also ubiquitous in the region and would also be expected in the project area. Collectively, sites in this region offer evidence that the Green River and its tributaries (e.g., White River) were utilized by prehistoric populations for travel, subsistence and communication, and that archaeological evidence from areas adjacent to the project area indicates a relationship between peoples and ideas of the Southwest and Colorado Plateau and those of the Great Basin and Plains.

The EA asserts no prehistoric sites have been identified in the project area. However, CPAA takes issue with the identification of large rock cairn at 42Un3696 (and possibly 42Un3075) as the work of bored sheepherders, and that it is insignificant and not eligible for the National Register. Large stone cairns are ubiquitous in lower Nine Mile Canyon, in Desolation Canyon, the White River and as far east as the Texas-Missouri Creek drainage in western Colorado, usually in prehistoric contexts (Spangler 1993). Large circular cairns were first described in 1869, long before the appearance of cattle ranchers or sheepherders in the region. One participant on the 1869 Colorado River Exploring Expedition wrote

> *... found on one of them a pile of rocks placed as children call cob-house. Think it is the work of Indians for I could not find names or letters on any of the rocks. I re-piled them and added a long rock, over seven feet, which I placed on end and made very secure. I also put my name on a flat stone with name of expedition and date and fastened it up very strong [Bradley 1947:46].*

These cairns are usually located on canyon rims, outcrops or precipices 70 to 170 meters above the valley floor, and are likely prehistoric, based on their associations with prehistoric architecture in lower Nine Mile Canyon, the 1869 description that predated livestock grazing in the region, and the abundance of lichens or other biotic growth on many of the cairns (Spangler 1993). The function of these prehistoric cairns is problematic. Similar prehistoric cairns were observed in the Texas-Missouri Creek area of northwestern Colorado, where researchers concluded,

> *It is unlikely that the cairns served as prehistoric/historic locational reference points because they do not appear to be aligned with any prominent topographic feature, and they are too low to be seen from a distance.... The cairns may possibly represent the remnants of a game drive used to channel animals over the precipice on the eastern edge of the ridge feature. Because the cairns are so low, they may possibly have been used as foundations to support a brush enclosure or structure [Gordon et al. 1983:67].*

The three cairns described and photographed at 42Un3075 may indeed be historic, given their association with historic camping activities. The size and shape of the larger of the three cairns is consistent with prehistoric cairns, but the casual construction stands

in contrast to the more careful construction evident at prehistoric cairns in the region. Of note, the EA and the original archaeological report (Elkins and Montgomery 2002) indicate this site was "ineligible" for the National Register, although the official state site form indicates it is eligible. This site is located in Section 31, Township 10 South, Range 23 East, at the edge of a steep canyon on the west side of Saddletree Draw.

A more carefully constructed drylaid stone cairn was documented at 42Un3696 on state lands near Archy Bench. This site consisted of a large cairn measuring 1.6 meters at the base and 1.85 meters high, that is strikingly similar in size, shape and topographical location to the large prehistoric cairns in Nine Mile Canyon and Desolation Canyon. No historic artifacts were identified to support the determination of an insignificant historic cairn. Consequently, this cairn could actually be a prehistoric feature that is part of a poorly understood (and poorly documented) prehistoric hunting strategy, ceremonial feature or communication network that enveloped the Tavaputs Plateau and White River drainage. This site is located in Section 36, Township 10 South, Range 22 East, on a sandy slope abutting Archy Bench.

CPAA concurs with the National Register-eligibility determinations for the remaining seven sites. These sites include:

- Site 42Un3091 is located in Section 36, Township 10 South, Range 22 East, on a flat ridge top above Archy Bench. It consists of a short term livestock maintenance camp with tin cans and other detritus dating from 1945 to the 1950s and scattered over an area 51 meters square (Elkins and Montgomery 2002; Montgomery and Wilson 2004). This site was determined ineligible.
- Site 42Un3132 is located in Section 31, Township 10 South, Range 23 East, on a saddle between two ridges above Saddletree Draw. It consists of a short-term livestock maintenance camp with tin cans, glass bottles, other detritus dating from 1945 to the 1950s, and a sandstone stove platform scattered over an area 62 by 67 meters (Elkins and Montgomery 2002; Simon 2004; Williamson and Polk 2005). This site was determined ineligible.
- Site 42Un3700 is located in Section 3, Township 10 South, Range 23 East, on a low ridge in Atchees Wash. It consists of a short-term livestock maintenance camp with tin cans, ceramic fragments, deteriorated firewood, and a low wall of stacked stones in an area 91 by 88 meters (Williamson and Polk 2004). It also features an abandoned two-track road. This site was determined ineligible.
- Site 42UN4596 is located in Section 30, Township 10 South, Range 23 East, on a ridge above Saddletree Draw. It consists of a low-density historic camp with five stone concentrations (tent rings), a hearth, tin cans, glass fragments and axe-cut wood scattered over an area 42 by 85 meters (Simon 2004; Williamson and Polk 2005). This site was determined ineligible.

- Site 42Un4597 is located in Section 31, Township 10 South, Range 23 East, on a mesa above West Saddletree Draw. It consists of a low-density scatter of historic trash that included glass fragments, tin cans and other detritus scattered over an area 23 by 20 meters (Simon 2004). This site was determined ineligible.
- Site 42Un4758 is located in Section 36, Township 10 South, Range 22 East, on a finger ridge about 3.6 kilometers west of West Saddletree Draw. It consists of a dispersed scatter of historic trash that included tin cans, a clear-glass bottle and lumber fragments scattered across an area 20 by 43 meters (Williamson and Polk 2005). This site was determined ineligible.
- Site 42Un5015 is a historic stone cabin that will be the focus of stabilization and restoration efforts initiated by Enduring Resources (see Section 2.8.1). This site form was not available for review at the Utah Division of State History.

In summary, the identification within the project area of one significant stone cabin, one significant historic encampment with constructed features and seven insignificant historic trash scatters, historic camps and cairns is likely a statistical aberration that reflects the location of Section 106 compliance activities but not the actual distribution of archaeological sites or prehistoric utilization of the Saddletree Draw landscape. Given the dispersed nature of prehistoric adaptations in this region, Class III surveys of small well pads (10 acres) and linear corridors (200 feet) are not likely to result in a significant augmentation of the archaeological database. Nor is it probable that surveys of such small areas of direct impact, as specified Section 4.2.1 of the EA, result in the identification of adjacent sites outside the project area boundaries that could be indirectly impacted by development.

Native American Consultation

Although Native American consultation remains a fundamental component of federal land management as it relates to development of public lands, the EA offers no evidence that tribal consultations have been initiated, only that "if necessary, consultation with the Native American Tribes having ties to the Uinta Basin would occur" (Section 2.8.1). This constitutes a *post hoc* approach to consultation that is inconsistent with federal regulations and executive orders that mandate "regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications," that tribal governments be granted "the maximum administrative discretion possible" and that federal agency facilitate "timely input by tribal leaders" (Executive Order 13175). This approach also appears inconsistent with 36 CFR 800.2(ii)(A), that "Consultation should commence early in the planning process, in order to identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties."

The absence of tribal consultation in this planning process is attributed to the paucity of currently *known* historic properties of significance to Native American groups.

The BLM has indicated that consultation will be initiated if and when significant properties of importance to the tribes are identified (Blaine Phillips, personal communication 2007). As discussed above, site 42Un3696, identified as an insignificant historic rock cairn, may actually be a prehistoric site of potential religious or cultural significance to tribes with ancestral ties to the region, and as such tribal consultation should be initiated. Furthermore, as discussed above, the paucity of known sites does not preclude the probability that unknown sites of significance to tribes are in fact located within the project area and could be adversely affected by the development.

The Saddletree Draw EA states the intent of the BLM to comply with Section 106 of the National Historic Preservation Act, and by inference with 36 CFR 800. A close reading of 36 CFR 800.4(4) indicates that the agency official (BLM) shall gather information from Indian tribes to assist in the identification of properties that may be of religious or cultural significance and may be eligible for the National Register. It would seem impossible for the BLM to gather such information, which may or may not be known to the BLM or the State Historic Preservation Officer, without first contacting the relevant tribes and initiating the consultation process.

Indirect Effects

Alternative A Proposed Action correctly states that "Cultural resources are subject to indirect impacts that frequently result from increased vehicular and pedestrian traffic associated with development. Indirect impacts resulting from vandalism, surface artifact collection, excavation, and off-road travel can include inadvertent damage, destruction, or removal of significant scientific information, the loss of research potential, the loss of interpretative possibilities, and the destruction of the character or setting of a site. These impacts can be short-term or can continue well into the future as more of an area is opened to energy exploration" (Section 4.2.1). This section also states National Register-eligible sites will be avoided, as will areas with a high probability of subsurface materials, with the implication that site avoidance results in no adverse effects.

Such assumptions are problematic. The premise that site avoidance results in no adverse effects, or insignificant effects, is inherently flawed and is at odds with 36 CFR 800. Avoidance of cultural sites evident on the ground surface *may* avoid direct damage to the surface evidence. However, there is a potential for damage to archaeological sites not clearly evident on the site surface, as well as adverse effects to sites outside the area of direct impact. Particularly relevant is 36 CFR 800.5(1) that states "an adverse effect is found when an undertaking may alter, directly or *indirectly*, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association. Consideration shall be give to *all* qualifying characteristics of a historic property …" (emphasis added). See also 65 Fed. Reg. 77698, 77720 (Dec. 12, 2000) that clearly states that federal agencies shall consider the indirect effects of undertakings on eligible properties.

It can also be concluded that re-routing or relocating ground-disturbing activities to avoid direct impacts to known historic properties visible on the surface may not avoid, minimize or mitigate the indirect effects of such undertakings. It should also be acknowledged that data recovery is a destructive activity that constitutes an adverse effect that should be fully considered in the planning process (King 2000a, 2000b; see also Advisory Council on Historic Preservation 65 Fed. Reg. 77,698, 77,720 (Dec. 12, 2000)).

The EA briefly states the potential for cumulative impacts from large-scale energy development, in particular visual and auditory effects that could impinge on sites or locations of sacred or traditional importance to Native American tribes (Section 5.2.2). However, there is no discussion that cumulative impacts also adversely affect site setting and integrity, even if the historic property itself is avoided (see 36 CFR 800.5(a)(2)(v)). The cumulative impacts of increased artifact collection and vandalism due to increased vehicular access are also understated.

Similar concerns about cumulative impacts were raised in connection with natural gas development in Nine Mile Canyon, a National Register-eligible archaeological district in east-central Utah with world-renowned rock art. These concerns were largely dismissed by the Price Field Office, which imposed minimal conditions on leaseholders. The subsequent natural gas development has precipitated a dramatic increase in heavy truck traffic through Nine Mile Canyon that has since resulted in significant dust, traffic problems and conflicts with other user groups. The Utah SHPO now readily acknowledges that the cumulative effects of large-scale natural gas development has had adverse effects on eligible historic properties (Matt Seddon, personal communication 2006) and *post hoc* mitigation measures are now being negotiated. The failure of the Saddletree Draw EA to consider the full range of potential cumulative impacts of such development creates a similar potential to adversely affect as-yet-unknown historic properties without adequate consideration of those potential effects prior to development.

The EA also understates the serious potential that known and unknown historic properties will be directly or indirectly affected by off-highway vehicles (OHVs) using the new access routes constructed to accommodate development. Recent research in Arch Canyon 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 site locations (Spangler 2006). In Tenmile Canyon near Moab, ORVs veered off a designated trail to gain direct access to large alcoves with cultural deposits. Several important open sites were directly impacted by off-trail travel (Spangler and Boomgarden 2007).

Both of these studies are consistent with research elsewhere in the Southwest that demonstrated a direct correlation between damage to archaeological sites and visibility from a roadway or OHV route. Research in Range Creek in eastern Utah demonstrated that all sites visible from an existing route were much more likely to have been vandalized, as were sites (visible or not) within 200 meters of an existing route (Spangler,

Arnold and Boomgarden 2006). 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 West. 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 or distance from an improved 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, or to promulgate proper etiquette among OHV users who visit these resources.

The primary consideration in this discussion is that OHVs allow greater public access to archaeological sites, and that this access facilitates adverse effects, among them vehicular and pedestrian impacts, vandalism and artifact collection. Given the routes that already exist within the project area, it is highly probable that significant impacts to historic properties have already occurred, although there is no baseline data currently available and the extent of these impacts are not quantifiable due to the fact that most cultural resources remain unknown and undocumented. The construction of new access roads to accommodate energy development will inevitably facilitate greater public access into areas with historic properties that are now protected by their isolation and inaccessibility. Without aggressive BLM management, the integrity of sites located along existing or new routes will certainly diminish.

Recommendations

CPAA offers the following recommendations to the Saddletree Draw EA:

- The BLM should immediately initiate proactive tribal consultation regardless of whether or not sites of significance to the tribes have been currently documented. This consultation should reflect the BLM's commitment to accommodate tribal concerns and perspectives, including the identification of sites, areas or landscapes of religious and cultural significance to the tribes that may or may not be known to state and federal officials (see 36 CFR 800.4(4)). This approach should also reflect the agency's commitment to fully integrating the tribes into federal historic preservation programs, as well as respect for and confidentiality of information about religious or sacred places (see Advisory Council on Historic Preservation Statement Regarding

Relationship with Indian Tribes at www.achp.gove/policystatement-tribes.html).

- The BLM should also, in consultation with the State Historic Preservation Officer, develop a proactive plan to involve the public in the Section 106 process, including the consulting party status for individuals and entities concerned about the preservation of historic properties that could be impacted by development of public lands, as articulated in 36 CFR 800.3(e) and 36 CFR 800 3(3). CPAA may request consulting party status at the appropriate time.
- Previous archaeological research in the project area has been limited to small areas subject to Section 106 compliance activities, and little is known of the nature and distribution of archaeological resources across the entire landscape. Small-scale surveys of well pads (10 acres) and corridors (200 feet) specified in the EA are unlikely to contribute significant new information to the archaeological database. Given the possibility of additional energy development in the region, it is recommended that the BLM require or initiate a Class II sample survey or a large Class III block survey of the region to determine actual site densities, types, character and significance. These surveys would generate scientifically accurate data sets now absent for the area that would greatly facilitate future management decisions related to cultural resources in the region. These data would also ensure future development avoids area of high cultural sensitivity and/or religious significance to the tribes.
- The small-scale surveys specified in the EA also do not take into consideration indirect impacts to sites adjacent to those areas of direct impact, including but not limited to vehicle and pedestrian impacts, vandalism and collection of artifacts. It is therefore recommended that Section 4.2.1 be modified to require additional surveys of those areas visible from a well pad or access route that are likely to contain cultural resources (e.g., cliff faces suitable for rock art and rockshelters with potential cultural deposits) that could be adversely effected due to vehicular access facilitated by the development.
- Although indirect effects are acknowledged in the EA, the document should also clearly articulate the BLM's strategies for avoiding, minimizing and mitigating indirect adverse effects to historic properties. In particular, the BLM planning documents should clearly state the intent of the federal agency to enforce cultural resource protection laws, as well as enforcement of OHV regulations that would further enhance cultural resource protection.
- The construction of new roads to accommodate energy development is problematic in that these access routes could facilitate public access and damage to cultural resources now protected by their isolation (as acknowledged in the EA; see also Spangler 1996; Spangler, Arnold and Boomgarden 1996; Spangler and Boomgarden 1997). It is therefore recommended that subsequent energy development be limited to those

areas immediately accessible to existing routes. To that end, the alternatives proposed by Mr. Ken Kreckel are preferable in that they would result substantially less road construction and surface disturbance, thereby resulting in fewer opportunities for adverse effects to known and unknown sites. In the absence of such limitations on new road construction, it is recommended that any new roads created to facilitate energy development be designated as administrative routes not open to OHV travel, and that the BLM enforce such restrictions.

- Given the serious potential for OHVs to intentionally or inadvertently damage cultural resources, it is recommended the planning document limit OHV travel to existing routes authorized for such activities, and OHV users should be clearly informed about prohibitions on off-trail or cross-country travel. These efforts should clearly reflect the BLM's commitment to aggressively managing OHVs on public lands to facilitate the long-term protection of known and unknown cultural resources in the region.
- Evidence also suggests that employees of energy companies have engaged in vandalism of archaeological sites in the past, and that the potential for illegal employee activity is significant in the absence of clearly stated and enforced company policy. This was particularly evident in Jack Canyon, located just southwest of the project area considered here, where National Register-eligible sites were vandalized by company employees (BLM 2005). It is therefore recommended that the APD require Enduring Resources to have a clearly stated company policy regarding employees who violate state and federal laws protecting cultural resources and historic properties, and that training of company employees be initiated by individuals qualified in all aspects of ARPA, NHPA and NAGPRA.
- The BLM and Enduring Resources should be commended for initiating and funding a historically sensitive and restoration project for the Rock House (42Un5015), as well as public education outreach related to that site. However, the plan as articulated in the EA is inadequate in that it contains no provision to actually nominate this National Register-eligible site to the National Register. Section 110 of the National Historic Preservation Act clearly states the federal agency's (BLM) responsibility to identify, evaluate and nominate historic properties under its jurisdiction. It is therefore recommended that the BLM prepare and submit the nomination of this site to the National Register, or to require Enduring Resources to complete the nomination as part of its mitigation efforts at this site.

Summary

The nature and distribution of cultural resources (historic and prehistoric) in the Saddletree Draw project area remain poorly documented and poorly understood, and

current BLM management decisions are unfortunately predicated on a paucity of previous research that considered a broad range of environmental and ecological ranges where sites are likely to occur. CPAA disagrees with the assessment stated in Section 3.2.2 that "we can anticipate that sites will most likely be associated with temporary use of the area during the historic period." Instead, the project area is likely to contain important sites attributable to all periods of human occupation, from Paleoindian times through historic ranching. Indeed, grasslands suitable for domestic cattle and sheep grazing in historic times were likely ideal grazing environments for wild herbivores during prehistoric times. It can therefore be logically assumed that prehistoric human populations exploited these resources throughout prehistory.

With the possible exception of northern portions of the project area near the White River, CPAA concurs with the statement in Section 3.2.2 that "sensitive sites (i.e. those eligible for listing on the NRHP) have additional research potential appear to be uncommon in the immediate area." However, the rarity of significant sites does not ameliorate the importance of these sites, and may indeed augment their significance through their ability to explain human behavior in an arid landscape, land use and settlement patterns, prehistoric subsistence and environmental changes that influenced human responses to the distribution of floral and faunal resources. Given the importance of these sites, however rare, the BLM has an obligation under Sections 106 and 110 of the National Historic Preservation Act to identify and evaluate these sites, and to implement strategies to preserve their scientific and cultural integrity, including their nomination to the National Register.

Consequently, BLM planning documents should clearly reflect the direct and indirect effects of this undertaking on known and unknown cultural resources throughout the project area. This should include strategies to militate the effects of increased accessibility, diminished aesthetic qualities and impacts to site integrity. These documents should also reflect the BLM's commitment to enforcing existing laws and regulations that enhance the protection of cultural resources valued by all Americans. As currently written, the EA fails to do these things and thus fails the letter and spirit of the NHPA and its implementing regulations. Thank you for your consideration.

Best Regards,

Jerry D. Spangler, RPA, MA
Executive Director

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