

NATIONAL TRUST FOR HISTORIC PRESERVATION®

June 30, 2008

Terry Catlin
Cedar City Leasing EA
Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, UT 84101

Dear Mr. Catlin:

Thank you for the opportunity to comment on Environmental Assessment UT-040-08-036, Oil and Gas Leasing in the Eastern Portion of the Cedar City Field Office (EA). According to the EA, the planning area contains “a large and varied archaeological resource, with sites reflecting occupation and use by various groups over the past 12 – 15,000 years. . . .” EA at 14. Prominent among these resources is Parowan Gap, a forty-acre district listed in the National Register of Historic Places that contains an “extensive and impressive” collection of petroglyphs. *Id.* at 16. A “core area” surrounding Parowan Gap also contains significant cultural resources, including Traditional Cultural Properties (TCPs) and sacred sites to which the Hopi Tribe and Paiute Tribe of Utah (the Tribes) claim cultural affiliation. *Id.*

In recent years, the Tribes have raised concerns with the Bureau of Land Management (BLM) for the adequacy of the current Cedar City resource management plan (Cedar City RMP) as it applies to Parowan Gap. Under the Cedar City RMP, Parowan Gap and the “core area” are both open to oil and gas leasing, and only a portion of these areas—seventeen acres within the historic district—are subject to a no-surface occupancy (NSO) stipulation. EA at 5; Memorandum, Gardner Dalley, Archaeologist, Cedar City Field Office, to Randy Trujillo, Associate Field Office Manager, Cedar City Field Office 6 (2007) [hereinafter Memorandum]. The Tribes have asserted that oil and gas development guided by these management prescriptions will impair the integrity of TCPs and sacred sites. Consequently, they have repeatedly asked BLM to defer parcels in the vicinity of Parowan Gap from its quarterly oil and gas lease sales.¹

The EA proposes to address the effects of oil and gas leasing on cultural resources in the planning area by requiring “additional resource protective measures consistent with exiting lease categories.” EA at 10. The National Trust for Historic Preservation (National Trust) believes this proposal to be flawed for two principal reasons. First, the “existing lease categories” were developed prior to the availability of important new information concerning the cultural significance of Parowan Gap. Only within the past few years did BLM initiate consultation with the Tribes concerning oil and gas leasing in the Parowan Gap area through which the Tribes identified an unspecified number of TCPs and sacred sites. Additionally, archaeologists have only recently determined that Parowan Gap may have once served as an “astronomical observatory” and place for “ceremonies, celebrations, supplications, healings [and] initiations” related to celestial events. Memorandum at 7–8. Thus, when BLM developed the existing lease categories for the Cedar City RMP, it lacked essential information regarding the presence of TCPs and sacred sites in the Parowan Gap area as well as the connectedness and significance of these sites.

¹ On February 5, 2007, the National Trust and several conservation organizations also requested the deferral of parcels in the vicinity of Parowan Gap from an oil and gas lease sale in a protest to the Utah State Director. BLM in large part agreed to do so, deferring seven of the eight protested parcels from the sale. The National Trust continues to support this decision, and will renew its request should BLM elect to offer any of these parcels for sale in the future.

Second, the “resource protective measures” proposed in the EA are not sufficient to completely prohibit development on leased parcels, which BLM acknowledges may be necessary to fully protect cultural resources in the Parowan Gap area. For instance, NSO may avoid the direct adverse effects of oil and gas development on cultural resources within a leased parcel; however, “directional drilling from adjacent land may not be possible without adversely affecting cultural resources in” adjacent areas (i.e., Parowan Gap). EA at 41. The effectiveness of the standard lease stipulation for cultural resources is also limited because it loses force outside the boundaries of a lease. See BLM, Instruction Memorandum 2005-03 (“This lease may be found to contain historic properties. . . . The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects. . . .”). Consequently, the “resource protective measures” proposed in the EA would not provide BLM with the authority to fully protect Parowan Gap from the visual and/or auditory impacts of oil and gas development on adjacent or nearby parcels.

In conclusion, the National Trust believes that although the EA acknowledges the need for enhanced management of Parowan Gap, it fails to provide an adequate range of alternatives to achieve this objective. We believe that the appropriate mechanism for protecting Parowan Gap is through a RMP amendment. After consulting with the Tribes, BLM should define the “core area” surrounding Parowan Gap and prepare either a supplemental or new environmental analysis in which it proposes to close the “core area” to oil and gas leasing. Additional areas adjacent to the “core area” should also be evaluated to determine what, if any, restrictions are necessary to protect cultural resources within the “core area” from the indirect and cumulative effects of oil and gas development.

Thank you again for the opportunity to comment on the EA. If you have any questions or concerns regarding these comments, please feel free to contact me at (202) 588-6341.

Sincerely,



Ti Hays
Public Lands Counsel

cc: Terry Morgart, Hopi Tribe
Barbara Pahl, National Trust for Historic Preservation
Wilson Martin, Utah Division of State History