



Utah Rock Art Research Association

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July 23, 2017

Bureau of Land Management
Price Field Office
125 South 600 West
Price, UT 84501

Comments on the BLM Price Field Office's December 2017 Oil and Gas Lease Sale, DOI-BLM-UT-G020-2017-0030-EA (June 2017)

WHO WE ARE:

The Utah Rock Art Research Association (“URARA”) is the largest organization in Utah dedicated to Utah rock art. Our mission is:

- To lead in the preservation and understanding of the value of rock art;
- To encourage the appreciation and enjoyment of rock art sites; and
- To assist in the study, presentation, and publication of rock art research.

URARA’S PARTNERSHIP WITH THE BLM PRICE FIELD OFFICE:

URARA has a long history of working with the BLM Price field office. We have:

- Documented rock art in the area (and provided that information to the BLM);
- Participated and cooperated with the field office site steward programs:
- Participated in the development of the West Tavaputs Programmatic Agreement and subsequent associated activities including an interpretive program, SRMA development, and educational activities in Nine Mile Canyon;
- Provided site data to support the development of Predictive Models for the Price field office area:
- Contributed to class I and class II research projects:

- Participated in the years-long planning process for the Price field office’s resource management plan by providing BLM with cultural resource information including data for rock art sites (“Price ROD”):
- Guided BLM personnel including the Price Field Director and Archeologists to archeological and rock art sites, and recent vandalism sites.

URARA’S CONCERNS

URARA is aware of high densities of significant rock art in the Molen Reef area and is extremely concerned about oil and gas leasing and development in this region of the western San Rafael Swell without cultural protection in place. URARA considers the Molen Reef area a “cultural landscape” which meets all criteria for that description in the National Register of Historic Place guidelines. We oppose the inclusion of parcels 88-102 in the December 2017 competitive oil and gas lease sale due to the unacceptable risk to cultural resources including rock art.

Given the locations of the rock art including numerous on the ground horizontal panels and granaries and the topography of the landscape which limits east/west access for development to narrow washes which contain rock art and features of ancient habitation, direct and indirect adverse effects seem highly probable. For the reasons discussed herein, BLM should defer leasing of these parcels for oil and gas development.

Since 2013 URARA has identified about 250 cultural sites in the Molen Reef area. We believe this area should be managed for outstanding significant archeology including rock art and pioneer historic features. BLM has failed, in spite of our cultural site documentation to provide protective management for this newly discovered wealth of rock art resources and pioneer inscriptions in Utah.

URARA’S RECOMMENDATIONS

We oppose the inclusion of parcels 88-102 in the December 2017 competitive oil and gas lease sale due to the unacceptable risk to cultural resources including rock art.

BLM Must Correct the Rock Art ACEC Boundaries and Management Prescriptions Established in the 2008 Price ROD To Include the Significant Cultural Resources in the Molen Reef Region.

BLM needs to correct the boundaries for the Dry Wash, Kings Crown, Molen Seep, North Salt Wash, and Short Canyon Rock Art ACECs, each of which is located in the Molen Reef region of the western San Rafael Swell. Each ACEC boundary needs to be corrected for the following reasons:

- The BLM established the above rock art ACECs in the Price ROD based on incomplete cultural resource information in its possession at that time.
- New information collected by BLM and/or its contractors and members of the public, including URARA, demonstrates the presence of a significant number of previously unknown or undocumented cultural resource sites including rock art near – but not within – the current ACEC boundaries; and
- The oil and gas leasing stipulations established in the Price ROD do not protect the cultural resource values in the Molen Reef region – including the resource values BLM intended to protect – because the Rock Art ACEC boundaries are in the wrong locations (*i.e.*, the boundaries do not encompass the rock art and archeological features BLM meant to protect).

Legal Framework

ACECs are “areas within the public lands where special management attention is required . . . to protect and prevent irreparable damage to important historic [or] cultural” values. 43 U.S.C. § 1702(a). “In the development or revision of land use plans, [BLM] shall . . . give priority to the designation and protection of areas of critical environmental concern.” *Id.* § 1712(c)(3). To qualify as an ACEC an area must possess relevant and important values such as significant and sensitive cultural values. *See* BLM, Manual 1613 – Areas of Critical Environmental Concern § .1 (Sept. 9, 1988) (discussing the characteristics of an ACEC).

BLM must give special management attention to areas that possess relevant and important values either during the preparation of the applicable resource management plan (“RMP”) or through an “amendment [to the RMP] expressly to protect the important and relevant values of an area from the potential effects of actions permitted by the RMP.” BLM Manual 1613 § .12. In other words, BLM can – through a limited site-specific land use plan amendment – correct the boundary of a designated ACEC (or designate an entirely new ACEC) if new information demonstrates that an area contains relevant and important values. *Id.* § 2.21.A.3. Further, it is “critical” that BLM monitor designated ACECs “to ensure that protection of the identified resource values occurs” and “to keep the managing official aware of how well the RMP provisions are accomplishing their objectives.” *Id.* § .63. Such monitoring will inform BLM as to whether modifications to the RMP are necessary. *Id.*

I. The Rock Art ACEC Boundaries Established in 2008 were Based on Limited and Incomplete Cultural Resource Information

The Rock Art ACEC boundaries established in the Price ROD were based on the limited and incomplete cultural resource information in BLM’s possession at that time, as discussed in detail in the attached report by Blaine Miller. *See* Blaine Miller Report (attached). We incorporate Mr. Miller’s report as part of these comments.

BLM’s cultural resource information for the Molen Reef region – the region that encompasses each Rock Art ACEC at issue – is limited and incomplete because, as acknowledged by BLM, such information is collected almost entirely in response to site-specific project proposals such as

proposed oil and gas plans of development as part of the agency's obligations under section 106 of the National Historic Preservation Act.

Implemented in this manner, cultural resource inventories have been focused along pipeline corridors and ROWs, on well pads, and occasionally on larger tracks of public lands targeted for coal or water developments This has resulted in the inventory of many areas that *otherwise would not have been inventoried* Known cultural resource sites, therefore, *may not fully represent the distribution of cultural resources present in the [Price field office]*.

Price FEIS at 3-29 (emphases added). Stated differently, BLM likely has conducted an on-the-ground cultural inventory for an area of public land *only if* that area has been the subject of a site-specific development project. The Molen Reef region has been the subject of very few site-specific development proposals. *See, e.g.,* BLM, Summary Report of Cultural Resources Inspections at 3, tbl. 2 (existing or recently cancelled leases in or near the proposed parcels), 4, tbl. 3 (wildcat wells drilled in or near the proposed parcels) (June 15, 2017) attached); *id.* at 4 (stating that the area at issue has been subject to a “very limited amount of development”).

Furthermore, in 2013 and 2015, BLM deferred leasing in the Molen Reef region for oil and gas development *because* of the limited and incomplete cultural resource information the agency had for that region. BLM, Errata Sheet for November 2013 Competitive Oil and Gas Lease Sale (Nov. 14, 2013) (attached).

II. New Information Exists Which Demonstrates the Presence of a Significant Amount of Previously Undocumented Cultural Resource Sites Near the Rock Art ACEC Boundaries

Since the completion of the Price ROD, URARA and its contractors have spent considerable time on-the-ground in the Molen Reef region of the San Rafael Swell identifying and documenting previously unknown cultural resource sites including rock art. *See* Cultural Resources Booklet Report prepared by Jonathan Bailey (attached) (“Bailey Cultural Report”); Steve Manning (attached)(Steve Manning's declaration). The majority of this information has been provided to BLM. During that same time, BLM also has collected new cultural resource information in response to proposed oil and gas leasing, site-specific development proposals, and the Molen Reef Class II Cultural Inventory, among other reasons. This information evidences the mistakes made in the Price ROD with regard to Rock Art ACEC boundaries and can be used by BLM to identify the needed boundary adjustments.

The new cultural resource information demonstrates that the Rock Art ACEC boundaries do not encompass the majority of the cultural resources including rock art in the Molen Reef region. *See* Bailey Cultural Report. For example, the Kings Crown Rock Art ACEC *does not even encompass the Kings Crown*. *Id.* Moreover, the Dry Wash, Molen Seep, North Salt Wash, and Short Canyon Rock Art ACECs' boundaries miss the majority of the rock art in the region. *Id.* Numerous other well-known cultural sites are *not* within a Rock Art ACEC including the Ferron Boxes, Funk's Cave, Clyde's Cavern, and Horn Silver Gulch / Corral Site. As detailed in the attached summary, the newly documented and inventoried sites along with numerous other sites

that are not encompassed in a Rock Art ACEC are spectacular; deserving of inclusion on the National Register of Historic Places. *Id.* We incorporate this report as part of our comments.

III. Existing Oil and Gas Leasing and Development Stipulations do not Protect Rock Art Sites in the Molen Reef Region

The cultural resources including rock art in the Molen Reef region not encompassed in a Rock Art ACEC are not protected by the oil and gas leasing and development stipulations established in the Price ROD. BLM created these stipulations to protect cultural resources but relied on the limited and incomplete cultural resource information to determine which areas needed additional protection in an ACEC. *See generally* Miller Report. BLM made the assumption – shown to be inaccurate by the new cultural resource information – that each Rock Art ACEC protected the cultural resources including rock art in the Molen Reef region. BLM’s special management and monitoring obligations under FLPMA and Manual 1613 require the agency to address this oversight.

As discussed *supra*, the majority of the documented rock art sites in the region are located *outside* the designated Rock Art ACEC boundaries and therefore are in areas the Price ROD designates as “open to leasing, subject to the standard terms and conditions of the lease form.” Price ROD, Map R-25. Stated differently, the Price ROD established no surface occupancy (“NSO”) stipulations for land in each designated Rock Art ACEC to protect cultural resources but opened the immediately adjacent land to oil and gas development subject to much less stringent development restrictions. *See, e.g.*, Price ROD, Map R-25 (depicting the fluid mineral leasing categories). However, because the designated ACEC boundaries were based on limited cultural resource information the NSO stipulations, in many circumstances, are or will be attached to tracts of land with less cultural density or significance than other more culturally rich landscapes that are subject to standard stipulations only. *See generally* Bailey Cultural Report.

As a result, the designated Rock Art ACECs and associated oil and gas leasing stipulations do not satisfy the purpose for which they were established *i.e.*, to “protect and prevent irreparable damage to important historic [and] cultural” values. Price ROD at 130. The Kings Crown Rock Art ACEC is an example. Due to inadvertence or lack of information, the Kings Crown is *not* within the Kings Crown Rock Art ACEC as designated in the Price ROD. *See* Bailey Cultural Report. As such, the land on which the Kings Crown is located is subject only to standard leasing stipulations even though BLM *intended* to protect that resource by requiring NSO stipulations. Similarly, other well-known cultural resource sites are near – but not inside – designated Rock Art ACECs such as the Ferron Boxes, Funk’s Cave, Clyde’s Cavern, and Horn Silver Gulch.¹ These cultural sites, like many others in the Molen Reef region, are not protected by existing oil and gas lease stipulations such as NSO stipulations but rather are subject only to standard leasing stipulations. *Id.* The newly identified cultural sites, like those that were identified in the Price ROD, are fragile and easily damaged whether intentional or not. *See, e.g.*,

¹ In its five-year review of the Price ROD, BLM recognized that there were problems with designated Rock Art ACEC boundaries. For example, with regard to the Grassy Trail Rock Art ACEC, BLM staff noted that the rock art “is on private property and nowhere near the area [BLM] [is] saying where the ACEC is [located].” BLM, Price RMP Five-Year Evaluation Report at 68/199 (Sept. 2015), [https://eplanning.blm.gov/epl-front-office/projects/lup/67041/83195/99800/PFO_RMP_Five-Year_Evaluation_\[2015\].pdf](https://eplanning.blm.gov/epl-front-office/projects/lup/67041/83195/99800/PFO_RMP_Five-Year_Evaluation_[2015].pdf).

Price FEIS at 3-30 (“The fragile nature of cultural resources makes them prone to damage . . . [and] [m]any sites have been damaged, intentionally or unintentionally, through human activity over the past 100 years.”)

CONCLUSION

Finally, the Rock Art ACEC boundaries need to be enlarged to protect and preserve cultural resources including rock art in the Molen Reef region. As BLM is aware, small site-specific ACEC boundaries that do not account for the larger cultural landscape and open the cultural sites to vandalism because they allow the public to more easily locate the cultural resources including rock art. The comprehensive corrected ACEC boundaries URARA proposes, if adopted, will better protect and preserve the cultural landscape of the Molen Reef region for future generations to enjoy and study. URARA supports Jonathan Baileys EA Comment for December 2017 Oil and Gas Lease Parcel Sales and Comments on BLM Summary Report of Cultural Resources Inspections.

Steve Acerson, URARA President
Diane Orr, URARA Conservation Committee

EXHIBITS

- 1) In 2014 URARA retained member Steven Manning, a Principle Investigator Permit holder, to document 18 of URARA’s newly inventoried Molen Reef sites, preparing for future site registration with the National Historic Places Registrar. Included Steven Manning Declaration, Documentation Lists and Ground Level Granary Photographs
- 2) In 2017 URARA contracted Jonathan Bailey to continue his exploration of the Molen Reefs, focusing on areas adjacent to the Short Canyon, Molen Seep, Dry Wash and North Salt Wash Rock Art ACECs. Bailey’s work has been critical to our decision to nominate expansions to all the Molen Reef Rock Art ACECs and is included with these comments in the form of a booklet and a larger collection of printed photographs of rock art and archeological features (with GPS points) from the nominated ACECs expanded boundaries in a loose leaf due to size and sensitive information to hand delivered to Utah BLM State Director.
- 3) Blaine Miller’s Declaration
- 4) Research Report “Innocents Ridge and the San Rafael Fremont” by Alan R. Schroedl and Patrick F. Hogan in the nominated Kings Crown Expanded Area
- 5) Research Report” Report of Excavations at Clyde’s Cavern Emery County, Utah” by Henry G. Wylie supplemented with Ferron resident photographs in the nominated North Salt Wash Expanded Area.
- 6) Research Report” Castle Valley Archeological Project An Inventory and Predictive Model of Selected Tracks” by Kevin Black and Michael Metcalf 1986.
- 7) Research Report” An Archeological Survey of the Fremont Area” by James Gunnerson 1957
- 8) BLM, Errata Sheet for November 2013 Competitive Oil and Gas Lease Sale (Nov. 14, 2013)
- 9) BLM, Summary Report of Cultural Resources Inspections at 3, tbl. 2 (existing or recently cancelled leases in or near the proposed parcels), 4, tbl. 3 (wildcat wells drilled in or near the proposed parcels) (June 15, 2017)