

APPENDIX H
CONSULTATION LETTERS



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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IN REPLY REFER TO:

6840

UT-080

November 05, 2007

MEMORANDUM

To: Utah Field Supervisor, Ecological Services, U.S. Fish & Wildlife Service,
Salt Lake City Utah

From: Field Manager *William Sturges*

Subject: Environmental Assessment and Biological Assessment for the Enduring
Resources' Saddletree Draw Leasing and Rock House Development Proposal,
Uintah County, Utah (Environmental Assessment UT-080-07-671).

The draft Environmental Assessment/Biological Assessment (EA/BA) Enduring Resources' Saddletree Draw Leasing and Rock House Development Proposal (EA # UT-080-07-671) was posted on the Environmental Notification Bulletin Board (ENBB) in June 19, 2007, for review and comment. Informal consultation, through phone calls and meetings, has been conducted between this office and the Service both prior and during the comment period for this EA/BA.

Attached is the final EA/BA for the Rock House Development Project. Pursuant to Section 7 of the Endangered Species Act of 1973, and in conformance with 50 CFR 402.12, the Vernal Field Office is requesting concurrence with the determinations made for the threatened, endangered and candidate species evaluated in the EA/BA and conclude formal consultation for this project.

Please refer to the attached EA/BA for reference.

Project Overview

Enduring's purpose for the proposed development is 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. To meet this purpose, the project proposal includes applicant committed mitigation measures to address impacts to other resource values, yet facilitate the production of the maximum economically recoverable natural gas to avoid the waste of those federal gas resources.

We request concurrence on the determinations summarized below for the following species:

Graham's Beardtongue (*Penstemon grahamii*)-PT; White River Beardtongue (*Penstemon scariosus* var. *albifluvis*)-C; and Uinta Basin Hookless Cactus (*Sclerocactus glaucus*)-T;

Section 7(a) of the Endangered Species Act (ESA) requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any has been designated. Regulations implementing this interagency cooperation provision of the ESA are codified at 50 CFR 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to adversely affect or jeopardize the continued existence of a Federally listed species or result in the adverse modification or destruction of its critical habitat. If the action "*may affect, is likely to adversely affect*" a Federally listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the USFWS. It is the BLM's current policy that USFWS candidate and State listed species also be managed to prevent future Federal listing as threatened or endangered.

As discussed in Section 3.2.12 the special status plant species potentially occurring in the Project Area include the Graham beardtongue, the White River penstemon, and the Uinta Basin hookless cactus. These species have not been reported in the Project Area, however isolated pockets of potential habitat for the Graham beardtongue and White River penstemon are present on the exposures of the Green River formation in Atchees Wash (B&A 2005), and potential habitat for the Uinta Basin hookless cactus is present along the river terrace slopes of the White River (BLM 2007).

Based on the applicant-committed mitigation measure (Section 2.8), direct impacts to occupied habitats of the Graham beardtongue, White River penstemon, and Uinta Basin hookless cactus would not occur. Therefore, the potential impacts of Alternative A - Proposed Action would be limited to indirect impacts including loss or modification of potential habitat, and illegal collection due to increased human access. These impacts are discussed in detail below.

Under Alternative A - Proposed Action, 8.4 miles of new roads would be constructed. Increased access to the Project Area via proposed roads could result in increased visitation by the public, and subsequently, result in illegal collection of special status plant species.

Increased roadway access and vehicle traffic in the Project Area may result in the spread of invasive weed species. Weed species can displace native plant species, often forming monocultures that alter ecosystem processes, like nutrient cycling, fire frequency, hydrologic cycles, sediment deposition and erosion (CIPM 2006). These alterations not only promote the colonization of additional invasive weed species, but also disrupt the pollination capabilities of existing native species. In addition to these impacts, weed infestation can also interfere with interim reclamation potential and can lead to weed encroachment into undisturbed areas, including special status plant species habitats (e.g., Graham beardtongue and White River penstemon). Based on this information, the potential for weed invasion into Graham beardtongue and White River penstemon habitat is a potential impact of the Proposed Action. However, with implementation of the applicant committed weed control measures, effects of weed invasion on threatened and endangered plant habitats would be minimized.

Direct impacts will not occur as a result of the Proposed Action. Indirect impacts are expected to be minimal and should never reach the scale where take occurs. Therefore, the Proposed Action "*may affect, is not likely to adversely affect*" the Uinta Basin hookless cactus. The Proposed Action "*may affect, but is not likely to lead to the need for Federal listing*" of the Graham's beardtongue and White River penstemon.

Mitigation Measures:

Prior to any surface disturbance, all well pad sites and access roads in potential Graham beardtongue, White River penstemon, and Uinta Basin hookless cactus habitat would be examined by a SMA-approved botanist to determine if the species are present. These surveys would be conducted within the proper seasonal timeframe, as determined by the SMA and FWS. If the species is present, Enduring Resources would implement appropriate avoidance or mitigation measures, including movement of roads, pipelines and well pads, and design modifications to limit the potential impacts of decreased surface water flows and increased sedimentation to plants and habitats. Specific details regarding avoidance and mitigation measures are defined in detail in Appendix C – Conservation Measures for Special Status Plant Species.

To reduce impacts to vegetation including Special Status Plant Species in the Project Area, Enduring would implement a water pump system that would reduce truck traffic, fugitive dust, and the spread of noxious weeds (see Section 2.3.10). In addition, water would be used for dust abatement on all existing roads throughout the Project Area for the life of the project.

Humpback chub (*Gila cypha*)-E; Bonytail (*Gila elegans*) -E; Colorado pikeminnow (*Ptychocheilus lucius*)-E; and, Razorback sucker (*Xyrauchen texanus*)-E

Federally Listed and State Sensitive Fish Species Habitat for the humpback chub, bonytail, razorback sucker, Colorado pikeminnow, flannelmouth sucker, bluehead sucker, and roundtail chub is located in the White River. Although no ground disturbing activities would occur in aquatic habitat for these species as a result of Alternative A - Proposed Action, these fish could be impacted by activities such as water pumping/removal at the White River, and by exposures to hazardous substances in the case of an accidental spill.

Water Depletions

The proposed project would utilize water from the Upper Colorado River system (i.e., White River) at Saddletree Draw and Atchees Wash for drilling and completion activities, as well as dust abatement. Approximately ¼-acre feet of water would be used for drilling and completion of each well (60 wells) and approximately 0.1 acre-feet of water would be used for dust abatement. As such, Alternative A – Proposed Action would cause a total depletion of approximately 51 acre-feet to the White River in the Upper Colorado River Basin. As drilling would occur over a four to six year period, the project would be responsible for a depletion of 8.5 to 12.8 acre-feet per year. Depletions can reduce the ability of the river to create and maintain the physical habitat (areas inhabited or potentially habitable to special status fish for use of spawning, development of fish larvae, feeding, or serving as corridors between these areas) and the biological environment. Water depletions can also contribute to alterations in flow regimes that favor nonnative fish.

In order to address depletion (and other) impacts on the Colorado River Endangered Fish species, a Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin (Recovery Program) was initiated on January 22, 1988. Under the 1988 Recovery Program, any water depletions from tributary waters within the Colorado River drainage are considered to “jeopardize the continued existence” of these fish. In order to further define and clarify the recovery processes in the Recovery Program, a Section 7 agreement was implemented on October 15, 1993 by Recovery Program participants. Incorporated into this agreement is a Recovery Implementation Program Recovery Action Plan (RIPRAP). The RIPRAP identifies actions currently believed required to recover the endangered fish species in the most expeditious manner. Included in the RIPRAP was the requirement that a one-time depletion fee would be paid

to help support the Recovery Program for all annual depletions of more than 100 acre-feet. These depletion fees were intended to be the reasonable and prudent Alternative (RPA) to avoid jeopardy to the endangered fishes by depletions to the Upper Colorado River Basin. As depletions would not be greater than 100 acre-feet per year, Enduring (or their municipal water supplier) would not be responsible for paying depletion fees associated with Alternative A - Proposed Action.

Based upon the discussion above, water depletions associated with Alternative A - Proposed Action "*may affect, is likely to adversely affect*" the humpback chub, bonytail, razorback sucker, Colorado pikeminnow. In addition, these depletions may impact the flannelmouth sucker, bluehead sucker, and roundtail chub, but would not likely to result in a loss of viability, nor cause a trend to Federal listing of these species.

Other Project Activities

Although portions of the proposed water pump system (i.e., pumps, hose, and pipe) would occur within the 100-year floodplain of the White River, no surface disturbing activities would in these areas. Three well pads, and several miles of road and pipeline would be constructed near or within the 100-year floodplains of Atchees Wash and Saddletree Draw, both of which are ephemeral tributaries of the White River. As potential spills of hydrocarbons could enter these drainages due to the proximity of oil and gas structures to these drainages, downstream fish habitats could also be negatively impacted. With implementation of closed loop drilling, silt fencing, earthen berms, and shut-off valves these potential impacts would be minimized.

Although existing roads occur within these drainages, new road alignments were established in cooperation with the BLM and Uintah County during the on-site process, in an effort to create all-weather roads that would support the expected increase in traffic. Although road realignments in and adjacent to the drainages would disturb existing vegetation, therefore leading to increased sedimentation, the new alignments would reduce impacts to these drainages and the White River over the long-term. In addition, the small amount of estimated increased sedimentation of 0.003 percent from project activities is hydrologically negligible and would therefore not impact fish species.

To collect water for drilling, completion, and dust abatement, two submersible pump systems would be installed adjacent to the White River at the Saddletree Draw (NWSW Sec. 20) and Atchees Wash locations (SWSE Sec. 21). The pumps would be powered by a trailer-mounted Baldor Mobile Power Generator, which would be placed outside of the White River 100-year floodplain, about 50 feet away from the Saddletree Draw pump. Spills/leaks from this structure could potentially result in impacts to sensitive fish species and their habitats, depending on the size of the spill/leak, its location with respect to the White River, and the contents of the spill/leak (USFWS 1999; USFWS 2000; Krahn et al. 1986; API 1998). The White River is a large river with high dilution factors. However, if a spill/leak were to enter the river, contaminants would likely accumulate in backwater/depressional areas with reduced dilution and less flushing capacity (Woodward et al. 1985). Many of the sensitive fish species described above use these sites which provide cover and a food source. Research is limited regarding threats posed by petroleum products to these fish species (Woodward et al. 1985; Krahn et al. 1986; Mayer and Ellersieck 1986). However, studies have shown that contaminants, including petroleum hydrocarbons released via spills/leaks, can affect behavioral functions which have been shown to impair feeding behavior (Woodward et al. 1985). Although the potential for spills/leaks does exist, the generator would be placed in a lined earthen berm to prevent these contaminants from reaching the Whiter River (Section 2.3.10).

As mentioned previously, two 4-inch hoses would collect water from collections points in the White River. These pumps could impact sensitive fish species by removal of fish larvae and

hatchlings from the river system. Larvae can be captured by pumps removing water from locations located in low flow environments (slow moving water; backwaters, eddies, or the mouth of tributaries), especially during the months of July and August when larvae would be most concentrated in the low flow environments. To prevent these impacts, Enduring has committed to place the intake of the pipe in the active channel of the White River so as to avoid potential habitats typically utilized by the Endangered Colorado River Fish. In addition to placing the intake of the pipe in the active channel, the intake of the pipe would also be covered with a maximum ¼-inch mesh screening to prevent fish and larvae from being drawn into the pump system (Section 2.3.10 and 2.8.5).

Base upon the discussion above, project activities associated with the Alternative A – Proposed Action “*may affect are likely to adversely affect*” the humpback chub, bonytail, razorback sucker, Colorado pikeminnow. In addition, these activities may impact the flannelmouth sucker, bluehead sucker, and roundtail chub, but would not likely to result in a loss of viability, nor cause a trend to Federal listing of these species.

Mitigation Measures:

Enduring and/or their contractors would use a maximum of ¼-inch mesh screening device on the pump intake while pumping water to help avoid the intake of fish. If impinged fish are observed on the intake, Enduring would immediately contact the USFWS and UDWR.

Enduring and/or their contractors would avoid pumping from low flow environments (slow moving water, backwaters, eddies, or the mouth of tributaries).

To prevent contamination of adjacent waterways in the case of an accidental spill of diesel fuel, the trailer mounted generator would be located outside of the White River 100-year floodplain and would be placed inside of a lined earthen berm.

To prevent contamination of adjacent waterways in the case of a spill or pipeline rupture, any tanks or storage facilities associated with proposed wells located within the 100-year floodplain of Atchees Wash would be placed outside of the 100-year floodplain and would be equipped with automatic emergency shut-off valves.

Should you have questions, or require additional information, please contact Brandon McDonald, Wildlife Biologist, at 435-781-4449.

Thank you for your assistance.

On May 30, 2006, Bekee Megown of our office met with your office to discuss this project in a NEPA meeting. She provided detailed comments and recommendations to the draft EA/BA.

On June 23, 2006, Bekee Megown of our office provided detailed comments of the EA/BA to Stephanie Howard of your office via electronic mail.

On July 17, 2006, Bekee Megown of our office met with your office to discuss the applicant's revisions to the EA based on comments provided on May 30, 2006.

On November 15, 2006 we responded to your October 23, 2006 letter requesting comments on the draft EA. We provided comments and recommendations for not placing wells within the 100-year floodplains and included recommendations to implement measures to minimize impacts to our trust resources.

On April 30, 2007, Bekee Megown of our office met with your office and provided comments on Enduring Resource's Draft Rock House EA.

On July 27, 2007, we responded to your June 25, 2007 letter requesting comments on the draft EA. We provided additional recommendations for not placing wells within the 100-year floodplains and included recommendations to implement measures to minimize impacts to endangered fish species.

On November 9, 2007, we received a memo from your office requesting initiation of section 7 consultation for the subject project.

A complete administrative record for this project is on file in our office.

Biological Opinion

DESCRIPTION OF PROPOSED ACTION

The project area is within Uintah County, Utah and is located in Sections 19-21 and 28-33 of Township 10 South, Range 23 East, Section 36 of Township 10 South, Range 22 East, and in Sections 3-4 of Township 11 South, Range 23 East. The total project area is 4,826 acres in size. Enduring Resources proposes to drill up to 60 new gas wells from a total of 24 well pads. The life of productive wells is estimated to be approximately 25 years. Enduring Resources plans to drill the 60 proposed wells over a 4-6 year development period. Total disturbance associated with project activities, including road, pipeline, and well pad construction, is 106 acres. The total new disturbance would make up approximately 2.2% of the entire project area.

Existing disturbance in the project area consists of 25 wells from 19 well pads, 7.1 miles of co-located roads and pipelines, and 14.1 miles of existing roads. The existing disturbance associated with existing wells within the project area is 124 acres (approximately 2.6%). Once the proposed wells are drilled, the total surface disturbance in the project area will be 230 acres, or 4.8% of the project area.

The project will require 0.75 acre-feet of water for drilling and completion and 0.10 acre-feet of water for dust abatement for each well. The total water used will be approximately 51 acre-feet with an average annual usage between 8.1 and 12.8 acre-feet during the development period. The proposed project plans to pump water directly from two submersible pump systems within the White River: Saddletree Draw (NWSW Sec 20) and Atchees Wash (SWSE Sec 21). The water would then be pumped into three storage tanks which are placed closer to development in order to reduce truck traffic to the White River: SENW of Sec 31, NWSW of Sec 33, and NESE of Sec 33. From these centralized storage tank locations, water will then be hauled to the place of use.

The proposed project includes three well locations and several miles of road and pipeline within or adjacent to the 100-year floodplain in Atchees Wash and Saddletree Draw. Closed loop drilling, silt fencing, earthen berms, and shut-off valves will be used to minimize potential risks to aquatic systems downstream. There are existing roads within Atchees Wash and Saddletree Draw. These roads will be realigned to create all-weather roads that would support the expected increase in traffic. The new alignments were designed to reduce impacts to these drainages and the White River over the long-term.

The applicant committed conservation measures designed to minimize or avoid impacts to the endangered fish and their designated critical habitat include:

- Enduring and/or their contractors would use a maximum of ¼-inch mesh screening device on the pump intake while pumping water to help avoid the intake of fish. If impinged fish are observed on the intake, Enduring would immediately contact the USFWS and UDWR.
- Enduring and/or their contractors would avoid pumping from low flow environments (slow moving water, backwaters, eddies, or the mouth of tributaries).
- To prevent contamination of adjacent waterways in the case of an accidental spill of diesel fuel, the trailer mounted generator would be located outside of the White River 100-year floodplain and would be placed inside of a lined earthen berm.
- To prevent contamination of adjacent waterways in the case of a spill or pipeline rupture, any tanks or storage facilities associated with proposed wells located within the 100-year floodplain of Atchees Wash would be placed outside of the 100-year floodplain and would be equipped with automatic emergency shut-off valves.
- To reduce impacts to wildlife utilizing habitats in and around the Project Area, Enduring would implement a water pump system that would reduce truck traffic and associated noise.

For a detailed description of the proposed project, refer to the Final Environmental Assessment UT-080-07-671 and Biological Assessment for Enduring Resources' Saddletree Draw Leasing and Rock House Development Proposal.

STATUS OF THE SPECIES / CRITICAL HABITAT

For information regarding the species/critical habitat description, life history, population dynamics, and status and distribution, please see the species specific recovery plans and recovery goals:

- Colorado pikeminnow:
 - USFWS. 1991. Colorado Squawfish Recovery Plan. U.S. Fish and Wildlife Service, Denver, Colorado.
 - USFWS. 2002a. "Pikeminnow (*Ptychocheilus lucius*) Recovery Goals: Amendment and Supplement to the Pikeminnow Recovery Plan," U.S. Fish and Wildlife Service, Mountain Prairie Region 6, Denver, Colorado.
- Razorback sucker:
 - USFWS. 1997. Razorback sucker *Xyrauchen texanus* recovery plan. Denver, Colorado.
 - USFWS. 2002b. "Razorback sucker (*Xyrauchen texanus*) Recovery Goals: Amendment and Supplement to the Razorback Sucker Recovery Plan," U.S. Fish and Wildlife Service, Mountain Prairie Region 6, Denver, Colorado.
- Humpback chub:
 - USFWS. 1990. Humpback Chub Recovery Plan. U.S. Fish and Wildlife Service, Denver, Colorado. 43 pp.
 - USFWS. 2002c. "Humpback chub (*Gila cypha*) Recovery Goals: Amendment and Supplement to the Humpback Chub Recovery Plan," U.S. Fish and Wildlife Service, Mountain Prairie Region 6, Denver, Colorado.
- Bonytail:
 - USFWS. 1990. Bonytail Chub Recovery Plan. U.S. Fish and Wildlife Service, Denver, Colorado. 35 pp.
 - USFWS. 2002d. "Bonytail (*Gila elegans*) Recovery Goals: Amendment and Supplement to the Bonytail Chub Recovery Plan," U.S. Fish and Wildlife Service, Mountain Prairie Region 6, Denver, Colorado.

For information regarding the designated critical habitat and the primary constituent elements, please refer to 59 FR 54 (Service 1994).

Analysis of the Species/Critical Habitat Likely to be Affected

Water depletions from *any* portion of the occupied drainage basin are considered to adversely affect or adversely modify the critical habitat of the endangered fish species. Water depletions adversely affect the constituent elements of critical habitat by depleting flows altering physical habitat and the biological environment.

The proposed project plans to pump water directly from two submersible pump systems within the White River. Larval fish are the most susceptible to entrainment. The generator used to pump water from the White River has the potential to be a point-source for contamination into the ground and surface water system. There are three proposed well locations within the 100-year floodplain or adjacent to it in Atchees Wash and Saddletree Draw.

ENVIRONMENTAL BASELINE

For information regarding the status of the species within the action area as well as factors affecting the species' environment within the action area, see the Service's July 28, 2006 Programmatic Water Depletion Biological Opinion for Oil and Gas Development Administered or Permitted by the Bureau of Land Management.

EFFECTS OF THE ACTION

Effects of the action refer to the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated and interdependent with that action that will be added to the environmental baseline. Interrelated actions are those that are part of a larger action and depend on the larger action for their justification. Interdependent actions are those that have no independent utility apart from the action under consideration. Indirect effects are those that are caused by the proposed action and are later in time, but are still reasonably certain to occur.

Factors to be Considered

There are many safeguards in place to minimize and reduce the potential for contaminants to be released into the natural systems. However, oil and gas related accidents can be severe and have serious consequences to fish and wildlife resources.

Although most incidents are relatively small in size, large scale spills do occur. If large-scale breaks occur in sensitive resource areas, the results can be catastrophic to fish and wildlife resources. The effects of smaller leaks that may cause chronic, sub-lethal effects to fish populations may be more prevalent. While the oil and gas industry has a wide variety of methods available to detect substantial leaks or integrity breaches, the technology for detection of small "pinhole" leaks is not as advanced. This creates a significant problem in that the current available methodology may allow small leaks to go undetected for extended periods of time often evading detection until they are manifested on the surface sediments or water.

Product releases from natural gas products do occur (Table 1) despite numerous precautionary measures to prevent them. According to the National Response Center, there have been at least 58 spills and releases within Uintah County from August 1991 through November 2007 due to oil and gas development and related activities affecting water, land and air. The number of incidents may actually be much higher given that smaller releases (under 50 barrels) are not required to be reported.

Table 1. Incident Reports for in Uintah County from August 1991 to November 2007.

NRC Report#	Incident Date	Description	Type of Incident	Incident Cause	Medium Affected	Material Name
85996	8/22/1991	Compressor pipeline / mechanical failure.	Pipeline	Equipment failure	Air	Natural gas
86198	8/28/1991	Failed compressor valve	Pipeline	Equipment failure	Air	Natural gas 370 million cubic feet

NRC Report#	Incident Date	Description	Type of Incident	Incident Cause	Medium Affected	Material Name
88026	9/8/1991	Compressor / failed an caused a flare	Fixed	Equipment failure	Air	Natural gas
88938	9/14/1991	Drilling well/ black water flowing to river	Fixed	Other	Water	Formation water
89698	9/24/1991	4" gathering line / external corrosion	Pipeline	Equipment failure	Land	Oil: crude
94970	11/3/1991	Flow line / ruptured	Fixed	Equipment failure	Land	Oil: crude
95830	11/10/1991	Gathering line / rupture	Fixed	Equipment failure	Land	Oil: crude
97207	11/19/1991	Compressor/ flare gas controller malfunction	Pipeline	Equipment failure	Air	Natural gas
100367	12/12/1991	Compressor/failure due to unknown cause	Fixed	Unknown	Air	Natural gas
116062	4/29/1992	Well head/ pressure blew a packer rubber	Fixed	Equipment failure	Land	Oil: crude
119681	5/29/1992	Ethylene glycol heater/internal corrosion on coils	Fixed	Equipment failure	Land	Ethylene glycol, 60% water mix
124487	6/30/1992	21 a station/malfunction of free water knockout.	Fixed	Equipment failure	Land	Oil: crude
141146	10/15/1992	Pump failure at f station	Fixed	Equipment failure	Land	Oil: crude
146199	11/23/1992	Unknown/unknown, discovered contaminated soil	Fixed	Unknown	Land	Unknown oil
152703	1/9/1993	Exchanger / broken fitting	Fixed	Equipment failure	Land	Ethylene glycol
199934	9/25/1993	A treater had a rupture disk blow out	Fixed	Equipment failure	Land	Oil: crude
214864	1/2/1994	Trace system/leaked due to internal corrosion	Pipeline	Equipment failure	Land	Ethylene glycol
238178	5/5/1994	A 3 inch pipeline ruptured due to fatigue	Pipeline	Equipment failure	Land	Produced water
270762	11/23/1994	Natural buttes gas plant //ethylene glycol pump broke seal	Fixed	Equipment failure	Land	Ethylene glycol
270997	11/26/1994	Trace line next to a flow line on a producing field	Fixed	Equipment failure	Subsurface	Ethylene glycol
271688	12/2/1994	Regulator failed allowing ethylene glycol to released via flare onto ground	Fixed	Equipment failure	Land	Ethylene glycol
273730	12/18/1994	Storage tank/the drain valve was accidentally left open	Fixed	Operator error	Land	Oil: crude
275570	1/7/1995	Line heater tank (supply tank) - overflowed as a result of rupturing of coils within heater	Fixed	Equipment failure	Land	Ethylene glycol (10 per cent conc.)
278042	1/30/1995	Trace system//material released due to a corroded line	Fixed	Equipment failure	Land	Ethylene glycol
283936	3/20/1995	A trace line on a	Fixed	Equipment	Land	Ethylene glycol

NRC Report#	Incident Date	Description	Type of Incident	Incident Cause	Medium Affected	Material Name
		well/corrosion		failure		
284835	3/27/1995	Ruptured line//excessive pressure on line	Fixed	Other	Land	Water
284890	3/27/1995	Gasket on flow line failed causing materials to release	Fixed	Equipment failure	Land	Produced water
292602	5/23/1995	Pipeline pump//gasket blew out on discharge side of pump	Fixed	Equipment failure	Land	Produced water
294604	6/7/1995	Drilling reserve pit //breach on the pit wall	Fixed	Unknown	Water	Water and drilling mud
297650	6/28/1995	Tank/collapsed	Fixed	Equipment failure	Land	2% KCl water
304587	8/19/1995	Storage tank/pipe failed	Fixed	Equipment failure	Water	Hydraulic oil
368596	11/22/1996	Injection line/external corrosion	Fixed	Equipment failure	Land	Injection water
394116	7/2/1997	Oil producing well/leak at well head due to unknown cause	Fixed	Unknown	Land	Oil: crude
463735	11/12/1998	High level shut off alarm was not working on tank which caused the release of 120 bbls of produced water and 1 bbl of crude	Fixed	Equipment failure	Land	Oil: crude
500357	9/24/1999	Frac tank / while transferring material from mud pit to tank, tank cratered causing release	Fixed	Equipment failure	Land	Oil based mud
517004	1/14/2000	Pump truck overturned into a creek / ruptured radiator caused release of ethylene glycol	Mobile	Transport accident	Water	Ethylene glycol
516989	1/14/2000	The material released out of a pump truck's engine due to a single vehicle accident. The truck overturned twice.	Mobile	Transport accident	Water	Ethylene glycol
540633	8/31/2000	The material was releasing from a storage tank due to an overflow during transfer of materials.	Storage tank	Operator error	Land	Hydrochloric acid
546434	10/26/2000	The material was released from an oil well surface pit due to a carry over.	Pipeline	Unknown	Water	Oil: crude
572780	7/10/2001	The caller is reporting a release from a pipeline of a mixture of water and condensate, due to a leak caused by a backhoe. Pipeline was examined on 11jul2001.	Pipeline	Other	Land	Other oil (water & condensate mixture)
582671	10/10/2001	The caller stated release of (oil & gas liquids)	Storage tank	Equipment failure	Water	Liquid & gas condensate

NRC Report#	Incident Date	Description	Type of Incident	Incident Cause	Medium Affected	Material Name
		condensate from pressurized storage tank into the air and onto the land due equipment failure.				
596956	3/16/2002	The caller is reporting a release at the facility due to a pipe line release. The facility was advised to call the NRC and make a report. The caller is making sure this report was made.	Pipeline	Unknown	Water	Oil: crude
601206	4/29/2002	The caller is reporting the release of material from both the storage tank and wash area. Federal EPA investigated area 4 years ago and asked county to build a retaining wall to keep material from entering stream	Storage tank	Other	Water	Other oil (heavy industrial oil)
605881	5/22/2002	The caller is reporting a fire due to a natural gas release.	Pipeline	Unknown	Air	Natural gas
615767	7/5/2002	The caller reported a release of natural gas from pipeline due to unknown causes.	Pipeline	Unknown	Air	Natural gas
620605	7/9/2002	The material released from a storage tank due to an equipment failure.	Storage tank	Equipment failure	Land	Oil, misc: turbine
645912	5/23/2003	**incident took place on May 23, 2003** report that a car hit a 2" riser from a pipeline resulting in the discharge of product onto tribal land (wetland) and 10 barrel(s) impacted private land.	Pipeline	Other	Water	Oil condensate mix
732421	8/19/2004	Caller reported that a flash flood event filled a containment pit at a well site and displaced 120 gallons of crude oil which was carried away by the flood waters into rabbit gulch.	Fixed	Flood	Water	Oil: crude
762951	6/20/2005	Caller is reporting that they received a report that there is a sheen on the water next to tank battery in a flood area. Responsible party went out there this morning and did not see sheen, so	Unknown sheen	Unknown	Water	Unknown oil

NRC Report#	Incident Date	Description	Type of Incident	Incident Cause	Medium Affected	Material Name
		further actions are being taken.				
763891	6/29/2005	The material released from a 10 inch pipeline due to equipment failure (rupture).	Pipeline	Equipment failure	Land	Condensate
810514	9/3/2006	The caller is reporting negligent actions of the drilling company. He previously worked for the company and witnessed the company releasing oil and other hazardous materials into the environment on multiple occasions and as recent as 03 Sep 2006. The company does seismic drilling in remote locations of Utah for fossil fuels. In the process of drilling they use transmission fluid to lubricate the drill holes as well as oil. Gasoline and oil was spilled into dry creek beds and instead of properly cleaning up the spill the employees are instructed to cover the spill with dirt. Gallons of the material are released each time. The caller believes that the company was hired by the state of Utah.	Fixed	Other	Water	Unknown oil
816559	10/30/2006	Caller stated there was a spill of materials from an above ground tank onto tribal land due to a hole in a hose. Caller stated this resulted in burning and a fire.	Storage tank	Equipment failure	Land	Oil: crude and water
818703	11/20/2006	The caller is reporting a release of materials onto the ground from a poly tote tank due to poly tank falling off of a fork lift.	Storage tank	Operator error	Land	Techni-hiv767w
825038	1/15/2007	Caller reporting a truck wreck hit an embankment causing a spill of 1500 gallons of hydrochloric acid. Caller believes the cause of the incident was icy conditions.	Mobile	Other	Water	Hydrochloric acid
823824	1/15/2007	The caller stated that a tractor trailer rolled over on	Mobile	Transport accident	Land	Hydrochloric acid

NRC Report#	Incident Date	Description	Type of Incident	Incident Cause	Medium Affected	Material Name
		a county road.				
833362	4/25/2007	The caller is reporting a 40 barrel release of oil condensate that occurred when an operator left a valve open on a storage tank. The driver of a truck unloaded his truck at the facility and then forgot to close the valve on the facility side. This valve was on an oil condensate storage tank.	Storage tank	Operator error	Land	Other oil (oil condensate)
844276	8/2/2007	The caller reported that a leak developed on a fill or discharge line on a condensate tank. The tank was gauged at the end of June and again in August. After calculations there appears to be a release of 157 barrels of condensate	Storage tank	Unknown	Land	Condensate
854330	11/10/2007	Caller is reporting that during drilling operations 700 bbls of salt water spilled onto the ground and 50 bbls entered the Coyote Wash when an air rig struck a gas pocket.	Fixed	Other	Water	Salt water

Water depletion associated with this project is approximately 51 acre-feet, with an average of 8.5 to 12.8 acre-feet per year during the development phase. Enduring Resources will obtain their water from the White River via two submersible pumps.

Analyses for Effects of the Action

The most significant adverse effect of the proposed action is the potential for a leak or spill of contaminants that will impact the White River or the 100-year floodplain. Contaminants into the floodplain or main channel would result in habitat degradation and could result in mortality or sublethal effects to individual fish, including impacts to populations downstream of the release site. While applicant-committed measures may reduce the chance for spills or leaks of contaminants, accidental releases can and do still occur (see Table 1). Large-scale spills could cause the immediate mortality of individual fish; the extent of the spill would determine population-level effects. Small leaks could result in long-term exposure of toxic constituents to fish in the vicinity.

Water depletions from the Upper Colorado River Drainage System, along with a number of other factors, have resulted in such drastic reductions in the populations of the Colorado pikeminnow, humpback chub, bonytail, and razorback sucker that the Service has listed these species as endangered and has implemented programs to prevent them from becoming extinct.

Species Response to the Proposed Action

Sublethal exposure of fish to contaminants can result in altered behavior and impede necessary life functions such as growth, habitat selection, competition, predator avoidance, feeding, and reproduction (Laurence 1972, Little et al. 1985, Brown et al. 1987, Lemly and Smith 1987, Little et al. 1993). Changes in heart and respiratory rates; gill hyperplasia; enlarged liver; reduced growth; fin erosion; impaired endocrine system; a variety of biochemical, blood, and cellular changes; and behavioral responses may also result. Behavioral and physiological changes generally occur at lower toxicant concentrations than that which cause mortality (Little and Finger 1990). Early life stages of fish are generally more sensitive to environmental contaminants than juveniles or adults (Mayer and Ellersieck 1986).

Disruption of behavioral functions can result in population declines or changes in year-class strength if enough individuals are affected (Little et al. 1993). Links between behavioral alterations and population level effects in the natural environment have been limited to documentation of avoidance responses. More research is needed to determine population-level responses to the effects of environmental contaminants on aquatic communities.

Fish may avoid or be attracted to certain contaminants and this response varies widely with species, habitat conditions, and chemical constituents. While avoidance may provide short-term protection by minimizing exposure, the fish are displaced from preferred habitats into less desirable or already occupied areas (Atchison et al. 1987). Free-ranging fish have been documented to avoid oil-contaminated water and gas-supersaturate water (Gray 1990).

Contaminant studies associated with oil and gas drilling activities have been conducted in the San Juan River to assess potential impacts to endangered fish species (Allert et al. 1999). Concentrations of hydrocarbons in sediments, surface water, and pore water were low; however compounds which have been found to be toxic to aquatic organisms and to have the potential for photoactivation were present. Similarly, Wilson et al. (1995) demonstrated that fish in the San Juan River are being exposed to hydrocarbons. Mount (1995) noted that although hydrocarbon levels may be lower than those known to be acutely toxic to larvae and juvenile razorback suckers, the effects of chronic exposure are unknown.

In response to concerns over the potential for contamination from oil and gas development in the San Juan Basin, the Midwest Science center undertook an ongoing series of studies to evaluate the potential hazards of hydrocarbons to aquatic organisms, particularly the razorback sucker and Colorado pikeminnow (Midwest Science Center 1995, unpubl. rep.). The study confirmed that aquatic organisms exposed to certain hydrocarbons (flouranthene, anthracene, pyrene, and chrysene) and simultaneously or subsequently exposed to sunlight or other sources of ultraviolet radiation exhibit much greater adverse effects, including deterioration of body tissues, than organisms exposed to hydrocarbons alone. In the presence of ultraviolet light, all the hydrocarbons, except chrysene, were acutely toxic to the fish in the 4 to 15 µg/l. Historical studies of hydrocarbon toxicity did not involve UV light. Increased hydrocarbon toxicity associated with photo-activation elevates concerns regarding environmental hazards of oil and gas developments.

If one of the three wells located in Atchees Wash or the Saddletree Draw floodplains or the

generator located just outside the 100-year floodplain of the White River were to leak or rupture, contaminants could potentially reach the 100-year floodplain or the mainstem of the White River. If contaminants reached the White River, the four endangered fishes would likely be adversely affected. The impact may take the form of avoidance by adult fish or loss of productivity to the system. Chronic sub-lethal effects on the fishes could result in decreased reproductive capacity or physical defects.

The severity of the impacts from larger spills would be dependent on the time of year, the river flows, presence of endangered fish, and the volume of contaminant plume. Immediate effects of small leaks to fish populations would be difficult to ascertain but would likely become evident in future reproductive or growth issues.

Water depletions reduce the ability of the river to create and maintain the primary constituent elements that define critical habitats. Food supply, predation, and competition are important elements of the biological environment. Food supply is a function of nutrient supply and productivity, which could be limited by reduction of high spring flows brought about by water depletions. Predation and competition from nonnative fish species have been identified as factors in the decline of the endangered fishes. Water depletions contribute to alterations in flow regimes that favor nonnative fishes.

For a more detailed analysis of impacts to the four federally endangered fish species and their designated critical habitat, see the Service's July 28, 2006 Programmatic Water Depletion Biological Opinion for Oil and Gas Development Administered or Permitted by the Bureau of Land Management.

CUMULATIVE EFFECTS

Cumulative effects include the effects of future State, Tribal, local or private actions that are reasonably certain to occur in the action area considered in this biological opinion. Future Federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the Act.

Declines in the abundance or range of many special status species have been attributed to various human activities on federal, state, and private lands, such as human population expansion and associated infrastructure development; construction and operation of dams along major waterways; water retention, diversion, or dewatering of springs, wetlands, or streams; recreation, including off-road vehicle activity; expansion of agricultural or grazing activities, including alteration or clearing of native habitats for domestic animals or crops; and introductions of non-native plant, wildlife, or fish or other aquatic species, which can alter native habitats or out-compete or prey upon native species. Many of these activities are expected to continue on state and private lands within the range of the various federally protected wildlife, fish, and plant species, and could contribute to cumulative effects to the species within the action area of the Proposed Actions. Species with small population sizes, endemic locations, or slow reproductive rates, or species that primarily occur on non-federal lands where landholders may not participate in recovery efforts, would generally be highly susceptible to cumulative effects.

Reasonably foreseeable future activities that may affect river-related resources in the area include oil and gas exploration and development, fire management, irrigation, urban development, recreational activities, Central Utah Project, Colorado River Salinity Control Project, and activities associated with the Upper Colorado River Endangered Fish Recovery Program. Implementation of all or any of these projects has affected and continues to affect the environment including but not limited to water quality, water rights, socioeconomic and wildlife resources.

Cumulative effects to this species would include the following types of impacts:

- Changes in land use patterns that would further fragment, modify, or destroy potential spawning sites or designated critical habitat;
- Shoreline recreational activities and encroachment of human development that would remove upland or riparian/wetland vegetation and potentially degrade water quality;
- Competition with, and predation by, exotic fish species introduced by anglers or other sources.

CONCLUSION

After reviewing the current status of the Colorado River fish, the environmental baseline for the action area, the direct, indirect, and cumulative effects of the proposed action, it is the Service's biological opinion that Enduring Resource's Saddletree Draw Leasing and Rock House Development Project, as proposed, is not likely to jeopardize the continued existence of the Colorado pikeminnow, humpback chub, bonytail, and razorback sucker and is not likely to destroy or adversely modify designated critical habitat. We base our decision, in part, on the applicant committed measures incorporated into the project design. These measures will effectively minimize the potential for leaks and ruptures of the wells and generator. If a leak occurs, shut off valves will reduce the amount of fluid released to the environment to a minimal level that is not expected to effect fish at the population level.

We base our conclusion on full implementation of the applicant committed conservation measures as described in the BLM's November 5, 2007, *Environmental Assessment and Biological Assessment UT-080-07-671 for Enduring Resources' Saddletree Draw Leasing and Rock House Development Project* and highlighted in the **Description of the Proposed Action** in this Biological Opinion.

To address depletion issues, the Department of the Interior; the states of Wyoming, Colorado and Utah; and the Western Area Power Administration established the Recovery Implementation Program for Endangered Fish Species in 1988. The Recovery Program acts as the reasonable and prudent alternative to avoid jeopardy to the endangered fishes by depletions from the Upper Colorado River Basin.

In order to further define and clarify the process in the Recovery Program, a section 7 agreement was implemented on October 15, 1993, by the Recovery Program participants. Incorporated into this agreement is a Recovery Implementation Program Recovery Action Plan (Plan) which

identifies actions currently believed to be required to recover the endangered fishes in the most expeditious manner.

Included in the Recovery Program was the requirement that a depletion fee would be paid to help support the Recovery Program. On July 8, 1997, the Service issued an intra-Service biological opinion determining that the depletion fee for depletions of 100 acre-feet or less are no longer required because the Recovery Program has made sufficient progress to be the reasonable and prudent alternative to avoid the likelihood of jeopardy to the endangered fishes and to avoid destruction or adverse modification of their critical habitat by depletions of 100 acre-feet or less. The total water depletion for this project is estimated to be 51 acre-feet with an average annual depletion between 8.5 and 12.8 acre-feet. Therefore, the depletion fee for this project is waived.

Incidental Take Statement

Section 9 of the Act and Federal regulation pursuant to section 4(d) of the Act prohibit the take of endangered and threatened species, respectively, without special exemption. Take is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering (50 CFR § 17.3). Harass is defined by the Service as intentional or negligent actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering (50 CFR § 17.3). Incidental take is defined as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Under the terms of section 7(b)(4) and section 7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered to be prohibited taking under the Act provided that such taking is in compliance with the terms and conditions of this Incidental Take Statement.

The measures described below are non-discretionary, and must be undertaken by the BLM so that they become binding conditions of any grant or permit issued to Enduring Resources for the exemption in section 7(o)(2) to apply. The BLM has a continuing duty to regulate the activity covered by this incidental take statement. If the BLM (1) fails to assume and implement the terms and conditions or (2) fails to require Enduring Resources to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit or grant document, the protective coverage of section 7(o)(2) may lapse. In order to monitor the impact of incidental take, either BLM or Enduring Resources must report the progress of the action and its impact on the species to the Service as specified in the incidental take statement. [50 CFR § 402.14(i)(3)]

The Service has developed the following incidental take statement based on the premise that the applicant committed conservation measures will be implemented.

AMOUNT OR EXTENT OF TAKE ANTICIPATED

The Service anticipates that Colorado pikeminnow, humpback chub, razorback sucker, and bonytail could be taken as result of this proposed action. The incidental take is expected to be in the form of harm (non-mortality) due to sublethal levels of toxic constituents should a leak or spill occur. The Service anticipates incidental take of the Colorado pikeminnow and razorback sucker will be difficult to detect for the following reason: incidental take of actual species numbers may be difficult to detect because finding an impaired specimen is unlikely. For the above reason, the actual take levels of individual larval fish are unquantifiable. Take is authorized for an average water withdrawal of between 8.5 and 12.8 acre-feet.

EFFECT OF THE TAKE

In the accompanying biological opinion, the Service determined that this level of anticipated take is not likely to result in jeopardy to the species or destruction or adverse modification of critical habitat.

The applicant has committed to implement the following conservation measures:

1. Enduring and/or their contractors would use a maximum of ¼-inch mesh screening device on the pump intake while pumping water to help avoid the intake of fish. If impinged fish are observed on the intake, Enduring would immediately contact the USFWS and UDWR.
2. Enduring and/or their contractors would avoid pumping from low flow environments (slow moving water, backwaters, eddies, or the mouth of tributaries).
3. To prevent contamination of adjacent waterways in the case of an accidental spill of diesel fuel, the trailer mounted generator would be located outside of the White River 100-year floodplain and would be placed inside of a lined earthen berm.
4. To prevent contamination of adjacent waterways in the case of a spill or pipeline rupture, any tanks or storage facilities associated with proposed wells located within the 100-year floodplain of Atchees Wash would be placed outside of the 100-year floodplain and would be equipped with automatic emergency shut-off valves.
5. To reduce impacts to wildlife utilizing habitats in and around the Project Area, Enduring would implement a water pump system that would reduce truck traffic and associated noise.

We are providing the following Reasonable and Prudent Measures (RPMs) and Terms and Conditions to minimize overall take. Implementation of these RPMs and Terms and Conditions during project planning will also expedite site-specific section 7 consultation.

REASONABLE AND PRUDENT MEASURES

The Service believes that the following reasonable and prudent measure is necessary and appropriate to minimize impacts of incidental take of the Colorado pikeminnow, razorback sucker, humpback chub, and bonytail:

1. Conduct all proposed actions in a manner that will minimize harm to federally listed species through destruction of their suitable or designated critical habitats.

1.1. Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the Act, BLM must comply with the following terms and conditions (TOCs), which implement the reasonable and prudent measure described above and outline required reporting/monitoring requirements. These terms and conditions are non-discretionary.

The following TOCs are assumed to include all previously listed applicant-committed environmental protection measures.

For Reasonable and Prudent Measure #1:

1. Any gas gathering pipelines proposed within the 100-year floodplains of Atchees Wash and Saddletree Draw shall be buried to a minimum depth of 5 feet or to bedrock, unless a scour analysis indicates that a lesser burial depth would be sufficient to minimize risk of damage to the pipeline. Scour analyses for gas gathering pipelines within the 100-year floodplains of Atchees Wash and Saddletree Draw, and decisions on depth to which pipeline burial is needed, will be conducted on site-specific basis during the onsite process.
2. If the on-site determines that the pipeline does not need to be buried to a depth of 5', the BLM must coordinate with the Service and provide any information collected that justifies the final burial depth.

The Service believes that an unquantifiable amount of incidental take of Colorado pikeminnow, razorback sucker, humpback chub, and bonytail will occur in the form of harm and harassment as a result of the proposed actions. The reasonable and prudent measure, with its implementing terms and conditions, are designed to minimize the impact of incidental take that might otherwise result from the proposed actions.

REINITIATION - CLOSING STATEMENT

This concludes formal consultation on the actions outlined in the request. As provided in 50 CFR § 402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not

considered in this opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, any operations causing such take must cease pending reinitiation.

We appreciate your interest in conserving endangered species. If further assistance is needed or you have any questions, please contact Bekee Megown, at (801) 975-3330 extension 146.

A handwritten signature in blue ink, appearing to read "Bekee Megown", is centered on the page.

cc: Dawn Martin, Buys & Associates, Inc., 300 E. Mineral Ave., Suite 10, Littleton, CO
80122

LITERATURE CITED

- USFWS (U.S. Fish and Wildlife Service). 1987. Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin. U.S. Fish and Wildlife Service, Denver, Colorado. 82 pp.
- USFWS. 1990. Humpback Chub Recovery Plan. U.S. Fish and Wildlife Service, Denver, Colorado. 43 pp.
- USFWS. 1991. Colorado Squawfish Recovery Plan. U.S. Fish and Wildlife Service, Denver, Colorado.
- USFWS. 1993. Section 7 Consultation, Sufficient Progress, and Historic Projects Agreement and Recovery Action Plan, Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin. U.S. Fish and Wildlife Service, Denver, Colorado. 50 pp.
- USFWS. 1994. Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for the Colorado River Endangered Fishes: Razorback Sucker, Colorado Squawfish, Humpback Chub, and Bonytail Chub. Federal Register 59(54): 13374-13400.
- USFWS. 1997. Razorback sucker *Xyrauchen texanus* recovery plan. Denver, Colorado.
- USFWS. 2002a. "Pikeminnow (*Ptychocheilus lucius*) Recovery Goals: Amendment and Supplement to the Pikeminnow Recovery Plan," U.S. Fish and Wildlife Service, Mountain Prairie Region 6, Denver, Colorado.
- USFWS. 2002b. "Razorback sucker (*Xyrauchen texanus*) Recovery Goals: Amendment and Supplement to the Razorback Sucker Recovery Plan," U.S. Fish and Wildlife Service, Mountain Prairie Region 6, Denver, Colorado.
- USFWS . 2002c. "Humpback chub (*Gila cypha*) Recovery Goals: Amendment and Supplement to the Humpback Chub Recovery Plan," U.S. Fish and Wildlife Service, Mountain Prairie Region 6, Denver, Colorado.
- USFWS. 2002d. "Bonytail (*Gila elegans*) Recovery Goals: Amendment and Supplement to the Bonytail Chub Recovery Plan," U.S. Fish and Wildlife Service, Mountain Prairie Region 6, Denver, Colorado.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vernal Field Office
170 South 500 East
Vernal, UT 84078

(435) 781-4400 Fax: (435) 781-4410



IN REPLY REFER TO:
2800/2880
UT-080
UTU-69125-18, UTU-81268,
UTU-76281, UTU-81598,
UTU-81634

SUPERVISORS	INITIAL
Field Mgr.	
Bus Practice	
Fire	
Minerals	
NEPA	
Operations	<i>JL</i>
Planning	
Ranger	
Renewables	

5/6/05
SD

MAY 09 2005

Jim Dykmann
Compliance Coordinator
Utah Division of State History
300 Rio Grande Avenue
Salt Lake City, Utah 84101-1182

Dear Mr. Dykmann,

RE: Proposed Uintah County Road #4224 Title V Right-of-Way and The Houston Exploration Company's Proposal for Rock House Gas Wells, Access Road, and Pipeline Rights-of-Way, in the Archy Bench – Saddletree Draw Area.

For your information, review, and concurrence, the Vernal Field Office (VFO), Utah Bureau of Land Management (BLM) has received an application from Uintah County for a Title V Right-of-Way (ROW) on Road #4224 and Applications for Permit to Drill with associated ROW applications for roads and pipelines from The Houston Exploration Company in the Archy Bench – Saddletree Draw Area. The proposed actions are analyzed in the attached Environmental Assessment (EA) UT-080-04-252.

The proposed Uintah County Road #4224 is currently used for commerce, recreation, and overall public enjoyment of the public lands and associated resources in Uintah County. The proposed natural gas wells, access roads, and pipelines submitted by The Houston Company are part of an ongoing Federal Mineral Leasing Program. The Cultural Inventory Reports dated June 15, 2004, April 11, 2005, in conjunction with the following reports, revealed that no significant cultural resources were present in the area of the proposed action:

Garrison, A. and S.C. Pagano.

2004 A Cultural Resource Inventory of Rock House Well #13-31 for the Houston Exploration Company, Uintah County, Utah. Sagebrush Consultants, L.L.C.

Hall, T.

2004 The Houston Exploration Company: Class III Cultural Resource Inventory for the Rock House #4D-30 and #4D-31 Wells Project in Uintah County, Utah. Metcalf Archaeological Consultants, Inc.

Huffman, E. A. and M. R. Polk

2005 A Cultural Resource Inventory of Houston Exploration Access Road Upgrade, Uintah County, Utah. Sagebrush Consultants, L.L.C.

The Vernal Field Office of the BLM requests your concurrence on the aforementioned determinations of eligibility and effect. If you have any questions, comments, or concerns regarding this correspondence or our determinations, please feel free to contact Blaine Phillips, Archaeologist, at 435-781-4438. Thank you for your time and assistance in this matter.

Sincerely,

/s/ William Stringer

William Stringer
Vernal Field Manager

Enclosure

cc: Kenny Wintch and Monson Shaver, Archaeologists, SITLA
cc: VFO Reading and Central Files

W.Stringer:sd:5/6/05



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vernal Field Office

170 South 500 East

Vernal, UT 84078

(435) 781-4400 Fax: (435) 781-4410



IN REPLY REFER TO:

8141

UT-082

May 2, 2007

Dr. Matthew Seddon
Utah Division of State History
300 Rio Grande Ave.
Salt Lake City, Utah 84101-1182

RE: Initiation of Section 106 consultation: Enduring Resource's Rock house Gas Well Proposal Environmental Analysis (E.A.) Document.

Dear Dr. Seddon:

The Vernal Field Office (VFO), requests Section 106 review, consultation and concurrence by the Utah State Historic Preservation Office for the Rock House Gas Well E.A.. Attached for your review is a copy of Chapters one and two which describe the need, purpose, and authority for this project with a description of the Applicant Committed Protection Measures. There are four alternatives this office is considering concerning this project. These are described in chapter #2. Additionally a lease parcel, #UTU-81737 will be addressed in the E.A. This lease was offered in the May, 2005 Oil & Gas Lease sale. The August 1, 2006 decision by the U.S. District Court of Appeals known as the Kimball Decision suspended the lease sale.

The stabilization of Historic Period Site, 42UN5015, AKA the "Rock House" is addressed in this E.A. The stabilization of this Gilsonite period stone structure is addressed in another E.A. currently being written by this office.

If there are questions, comments or concerns please contact myself or Blaine Phillips, VFO archaeologist at 435-781-4438.

Sincerely,

William Stringer

Vernal Field Office Manager

Enclosure- As Stated

RECEIVED
VERNAL FIELD OFFICE

2007 SEP 14 PM 2:01

OFFICE OF THE DISTRICT MANAGER
BUREAU OF LAND MGMT.

Division	Initial	Assigned
Field Manager	✓	Copy
Associate/ Support Services		
Fire		Copy
Lands & Minerals		
NEPA		✓
Renewables		
BUREAU OF LAND MGMT, VERNAL, UTAH		
ALL EMPLOYEES		



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Department of Community and Culture

PALMER DePAULIS
Executive Director

State History

PHILIP F. NOTARIANNI
Division Director

May 29, 2007

William Stringer
Vernal Field Office Manager
Bureau of Land Management
Vernal Field Office
170 South 500 East
Vernal UT 84078

RE: Initiation of Section 106 consultation: Enduring Resource's Rick House Gas Well EA Document

In reply, please refer to Case No. 07-0765

Dear Mr. Stringer:

The Utah State Historic Preservation Office received your request for our comment on the above referenced project on May 3, 2007.

Thank you for initiating consultation. We await further consultation per 36CFR800, as well as your determinations. If you have questions, please contact me at (801) 533-3555 or mседdon@utah.gov.

Sincerely,

Matthew T. Seddon, Ph.D., RPA
Deputy State Historic Preservation Officer - Archaeology

Division	Initial	Assigned
Field Manager	MS	
Associate/ Support Services		
Fire		
Lands & Minerals		
NEPA		✓
Renewables		C
BUREAU OF LAND MGMT, VERNAL, UTAH		
ALL EMPLOYEES		



United States Department of the Interior
 BUREAU OF LAND MANAGEMENT
 Vernal Field Office
 170 South 500 East
 Vernal, UT 84078
 (435) 781-4400 Fax: (435) 781-4410



IN REPLY REFER TO:
 2800/2880
 (UT080)P
 2800/2880

May 9, 2005

See attached list

SUPERVISORS	INITIAL
Field Mgr	
Bus Practice	
Fire	
Minerals	
NEPA	
Operations	<i>HL</i>
Planning	
Ranger	
Renewables	

5/6/05
[Signature]

Dear,

RE: Preliminary Proposed Uintah County Road #4224 Title V Right-of-Way and The Houston Exploration Company's Proposal for Rock House Gas Wells, Access Road, and Pipeline Rights-of-Way Environmental Assessment UT-080-04-252

The purpose of this letter is to introduce you to the preliminary Environmental Assessment (EA) associated with the Vernal Field Office, Utah Bureau of Land Management's (BLM) proposed Uintah County Road #4224 Title V Right-of-Way and The Houston Exploration Company's Proposal for Rock House Gas Wells, Access Road, and Pipeline Rights-of-Way Uintah County, Utah. We would further like to initiate consultation with you in order for us to consider, protect, or otherwise provide for places that are important to your Tribe and people during our project planning and implementation.

The proposed Uintah County Road #4224 is currently used for commerce, recreation, and overall public enjoyment of the public lands and associated resources in Uintah County. The proposed natural gas wells, access roads, and pipelines submitted by The Houston Company are part of an ongoing Federal Mineral Leasing Program.

In accordance with the National Environmental Policy Act, the National Historic Preservation Act of 1966, as amended, the Native American Graves Protection and Repatriation Act, American Religious Freedom Act, the Archaeological Resources Protection Act, Executive Order 13007, and the Federal Land Policy and Management Act, the Vernal Field Office of the BLM respectfully inquires as to if there are any comments or special concerns that you and your Tribe may have about the protection of properties and places of traditional cultural or religious importance within the proposed project area. If you have any question, comments, or concerns about the proposed project we would be pleased to discuss them with you. Please advise us whether there are any individuals, such as traditional cultural leaders or religious practitioners, who should be

contacted in regards to these matters. We also would like to know if you have any other general comments or concerns regarding the proposed project outlined in this letters.

The potential for inadvertently discovering human remains and/or funerary objects during the implementation of the project outlined in this letter is very limited. However, if such a discovery is made we will notify you within three days of discovery, as per the Native American Graves Protection and Repatriation Act.

The purpose of the proposed action is to construct, identify, realign, and designate a system of trails and corresponding facilities. The project area is located on public lands managed by the BLM south of Vernal City in the general vicinity of Archy Bench and Saddletree Draw (please see attached Exhibit "A").

If you are aware of any impacts this project may have on specific places of traditional cultural or religious importance to your Tribe and community, or have any comments or concerns about the proposed project, please contact William Stringer, Field Office Manager at (435) 781- 4400. If you are aware of places of traditional cultural or religious importance that may be impacted by the proposed project, we would be pleased to discuss them with you in person. For any concerns regarding cultural resources please contact Archaeologist Blaine Phillips at (435) 781-4438. We would appreciate hearing from you within 30 days of the receipt of this letter so that any information, comments, or concerns you may wish to bring to our attention can be addressed promptly. Please let me know if you require additional time so that we may adjust our schedules accordingly.

We look forward to working with you to assure your concerns about places of traditional cultural or religious importance are identified, considered, and protected during project planning and implementation.

Sincerely,



William Stringer
Vernal Field Manager

Attachment – as stated

W.Stringer:sd:5/06/05

Council Chairperson
Ute Mountain Ute Tribe
PO Box 248
Towaoc, CO 81334

Council Chairperson
Confederated Tribes of the Goshute Reservation
PO Box 6104
Ibapah, UT 84034

Council Chairperson
White Mesa Ute Council
PO Box 7096
White Mesa, UT 84511

Governor
Laguna Pueblo
PO Box 194
Laguna, NM 87026

Council Chairperson
Southern Ute Tribal Council
PO Box 737
Ignacio, CO 81137

Governor
Nambe Pueblo
Route 1, Box 117-BB
Santa Fe, NM 87501

Council Chairperson
Ute Indian Tribe
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Ft. Duchesne, UT 84026

Governor
Santa Clara Pueblo
PO Box 580
Española, NM 87532

Council Chairperson
Hopi Tribal Council
PO Box 123
Kykotsmovi, AZ 86039

Governor
Zia Pueblo
135 Capitol Square Drive
Zia Pueblo, NM 87503

President
Navajo Nation
PO Box 9000
Window Rock, AZ 86515

Council Chairperson
Northwestern Band of Shoshone Nation
862 South Main, Suite 6
Brigham City, UT 84302

Council Chairperson
Eastern Shoshone Business Council
PO Box 538
Ft. Washakie, WY 82514



CONFEDERATED TRIBES
of the
 GOSHUTE RESERVATION

P.O. BOX 6104
 IBAPAH, UTAH 84034
 PHONE (435) 234-1138
 FAX (435) 234-1162

Division AFMS	Initial	Assigned
Field Manager	ESD	
Planner		
NEPA		
Ranger		
Bus. Practices		
Renewables		
Operations		✓
BUREAU OF LAND MG'T, VERNAL, UTAH		
MAY 25 2005		
MINERALS		
FIRE		
ALL EMPLOYEES		

May 18, 2005

William Stringer
 Vernal Field Manager
 DOI-Bureau of Land Management
 170 South 500 East
 Vernal, Utah 84078

RE: Proposed Uintah County Road #4224 Title V Right of Way and Environmental Assessment UT-080-04-252

Dear Mr. Stringer:

The Confederated Tribes of Goshute Indians is in receipt of your letter dated May 9, 2005 and have reviewed the material and have no objections pertaining to the Project. The particular area that the proposed project is being considered is lands that we believe are primarily the aboriginal homelands of the Northern Ute Tribe and therefore we default to the Northern Ute Tribe.

Please notify us of any cultural information that is found, so that we may consult with the Northern Ute Tribe if necessary.

If additional information is needed, please contact Ed Naranjo, Tribal Administrator at 435.234.1138.

Sincerely,

Ed Naranjo
 Tribal Administrator
 Confederated Tribes of Goshute Indian

SANTA CLARA

POST OFFICE BOX 580
(505) 753-7326
(505) 753-7330

June 21, 2005

William Stringer
Vernal Field Manager
170 South 500 East
Vernal, Utah 84078

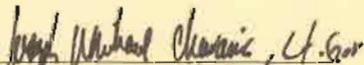
Dear Mr. Stinger,

We received your letter regarding Preliminary Proposed Uintah Road # 4224 V Right-of-way and the Houston Exploration Company's proposal for Rock House Gas Wells, Access Road, and Pipeline Right-of-Way Environmental Assessment UT-080-04-252.

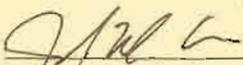
The proposed project does not affect or impact our Traditional Cultural Properties.

We greatly appreciate you contacting us on this matter. If you have any questions please feel free to contact us. Thank you.

Sincerely,

for 
J. Bruce Tafoya, Governor
Santa Clara Pueblo

CONCURRED BY:


Joseph Mark Chavarria, Director
Office Of Environmental Affairs



INDIAN PUEBLO

ESPANOLA, NEW MEXICO
87532

OFFICE OF GOVERNOR

Division AFMS	Initial	Assigned
Field Manager	<i>W</i>	
Planner		
NEPA		
Ranger		
Bus. Practices		
Renewables		
Operations		<input checked="" type="checkbox"/>
BUREAU OF LAND MGMT, VERNAL, UTAH		
JUN 27 '05		
MINERALS		
FIRE		
ALL EMPLOYEES		

Postmark

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <i>Kevin L. Rabbit</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
Councilperson White Mesa Ute Council PO Box 7096 White Mesa, UT 84511		<i>Kevin Rabbit</i>	<i>5/14/07</i>
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Num (Transfer fr)		3. Service Type	
<i>7006 2150 0003 3416 4806</i>		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004 Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

9094 914E E000 0512 9002

U.S. Postal Service	
CERTIFIED MAIL SM RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com.	
OFFICIAL USE	
Postage	\$ <i>2.37</i>
Certified Fee	\$ <i>2.40</i>
Return Receipt Fee (Endorsement Required)	\$ <i>1.85</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>6.62</i>
Date of Receipt: <i>2007 MAY -3 AM 7:38</i> Postmark: <i>DEPT. OF THE INTERIOR BUREAU OF LAND MGMT</i>	
Sent to: <i>White Mesa Ute Tribe</i> Street, Apt. No., or PO Box No.: <i>PO Box 7096</i> City, St., ZIP: <i>White Mesa UT 84511</i>	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <i>X Pogoree</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
Chairperson Eastern Shoshone Business Council PO Box 538 Ft. Washakie, WY 82514			
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Num (Transfer from service label)		3. Service Type	
<i>7006 2150 0003 3416 4752</i>		<input checked="" type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004 Domestic Return Receipt		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature: <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <i>[Signature]</i> C. Date of Delivery: <i>5/1</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Chairman Hopi Tribal Council PO Box 123 Kykotsmovi, AZ 86039</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from):</p> <p>7006 2150 0003 3416 4776</p>	
PS Form 3811, February 2004	3811 (02-04)

U.S. Postal Service -
CERTIFIED MAIL - RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	231	DEPT. OF THE INTERIOR BUREAU OF LAND MGMT. 2007 MAY -3 AM 7:38 FEDERAL FIELD OFFICE
Certified Fee	240	
Return Receipt Fee (Endorsement Required)	185	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$656	

Sent to: *Hopi Tribal Council*

Street, Apt. No. or PO Box No.: *PO Box 123*

City, State, ZIP+4: *Kykotsmovi, AZ 86039*

PS Form 3800, August 2003

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature: <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <i>[Signature]</i> C. Date of Delivery: <i>5/1</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Joint Business Council Eastern Shoshone and Northern Arapaho Tribes PO Box 217 Ft Washakie, WY 82514 Re: Exception Well Density Loc.: TMR 25-43</p>	<p>2. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label):</p> <p>7006 0100 0003 2181 7747</p>	
PS Form 3811, February 2004	3811 (02-04)

U.S. Postal Service -
CERTIFIED MAIL - RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage	231	DEPT. OF THE INTERIOR BUREAU OF LAND MGMT. 2007 MAY -3 AM 7:38 FEDERAL FIELD OFFICE
Certified Fee	240	
Return Receipt Fee (Endorsement Required)	185	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$656	

Sent to: *Eastern Shoshone*

Street, Apt. No. or PO Box No.: *PO Box 538*

City, State, ZIP+4: *Ft. Washakie, WY 82514*

PS Form 3800, August 2003

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Governor
Santa Clara Pueblo
PO Box 580
Española, NM 87532

2. Art. No. (The service label)
7006 2150 0003 3426 4479

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Tom Galt* Agent Addressee
B. Received by (Printed Name)
Mrs. Gutierrez C. Date of Delivery

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes No



7006 2150 0003 3426 4479

DM

U.S. Postal Service - CERTIFIED MAIL - RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL U.S. RECEIPT

Postage	231
Certified Fee	240
Return Receipt Fee (Endorsement Required)	185
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$656

VERNAL FIELD
2007 MAY -3 A
DEPT. OF THE INTERIOR
BUREAU OF LAND

Sent to: *Santa Clara Pueblo*
Street, Apt. No. or PO Box No. *PO Box 580*
City, State, ZIP+4® *Espanola, NM*

7006 2150 0003 3426 4790

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chairperson
Southern Ute Tribal Council
PO Box 737
Ignacio, CO 81137

2. Article No. (The service label)
7006 2150 0003 3426 4790

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *Shirley Havel* Agent Addressee
B. Received by (Printed Name)
C. Date of Delivery
5/6/07

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes No

DM

U.S. Postal Service - CERTIFIED MAIL - RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL U.S. RECEIPT

Postage	231
Certified Fee	240
Return Receipt Fee (Endorsement Required)	185
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$656

VERNAL FIELD
2007 MAY -3 AM 7:38
POSTMARK
DEPT. OF THE INTERIOR
BUREAU OF LAND MGMT.

Sent to: *Southern Ute Tribe*
Street, Apt. No. or PO Box No. *PO Box 737*
City, State, ZIP+4® *Ignacio, CO 81137*

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Chairperson
Northwestern Band of Shoshone Nation
862 South Main, Suite 6
Brigham City, UT 84302

2. Article Number (Transfer to: 7006 2150 0003 3416 4493)

PS Form 3811, February 2004 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *Gayla Kane*

C. Date of Delivery: *5/8/07*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type:
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

[Signature]
10295-09-000-1000

E544 9146 E000 0512 9002 7006 2150 0003 3416 4493

U.S. Postal Service
CERTIFIED MAIL - RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 23
Certified Fee	24
Return Receipt Fee (Endorsement Required)	185
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6

Item to: *NW Band of Shoshone*
 Street, Apt. No. or PO Box No.: *862 S. Main, Ste 6*
 City, State, ZIP+4: *Brigham City, UT 84302*

DEPT. OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
2007 MAY -3 AM 7:10
RECEIVED
VERNAL FIELD OFFICE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

President
Navajo Nation
PO Box 9000
Window Rock, AZ 86515

2. Article Number (Transfer to: 7006 2150 0003 3416 4769)

PS Form 3811, February 2004 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]* Agent Addressee

B. Received by (Printed Name): *Lee Mustard*

C. Date of Delivery: *5/8/07*

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type:
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

[Signature]
10295-09-000-1000

E544 9146 E000 0512 9002 7006 2150 0003 3416 4769

U.S. Postal Service
CERTIFIED MAIL - RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 231
Certified Fee	24
Return Receipt Fee (Endorsement Required)	185
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 650

Item to: *NAVAJO NATION*
 Street, Apt. No. or PO Box No.: *PO Box 9000*
 City, State, ZIP+4: *Window Rock, AZ 86515*

DEPT. OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
2007 MAY -3 AM 7:08
RECEIVED
VERNAL FIELD OFFICE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Kathleen M Smith</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressed <input type="checkbox"/></p> <p>B. Received by (Printed Name) <i>Kathleen M Smith</i></p> <p>C. Date of Delivery <i>5-7-07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Governor Laguna Pueblo PO Box 194 Laguna, NM 87026</p>	<p>3. Service Type</p> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article (Track) 7006 2150 0003 3416 4455</p>	<p><i>DM</i></p>
PS Form 3811, February 2004 Domestic Return Receipt	ISSUES TO 4-1-04

5544 9T4E E000 0512 9007

U.S. Postal Service	
CERTIFIED MAIL - RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com.	
OFFICIAL USE	
Postage	<i>231</i>
Certified Fee	<i>290</i>
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	<i>\$521</i>
<p>RECEIVED VERMONT FIELD OFFICE 2007 MAY -3 AM 7:30 DEPT. OF THE INTERIOR BUREAU OF LAND MGMT.</p>	
Sent To	<i>Laguna Pueblo</i>
Street, P.O. No., or PO Box No.	<i>PO Box 194</i>
City, State, ZIP+4	<i>Laguna, NM 87026</i>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Tammy L Pino</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressed <input type="checkbox"/></p> <p>B. Received by (Printed Name) <i>Tammy L Pino</i></p> <p>C. Date of Delivery <i>5/7/07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Governor Zia Pueblo 135 Capitol Square Drive Zia Pueblo, NM 87503</p>	<p>3. Service Type</p> <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article (Track) 7006 2150 0003 3416 4486</p>	<p><i>DM</i></p>
PS Form 3811, February 2004 Domestic Return Receipt	ISSUES TO 4-1-04

9844 9T4E E000 0512 9007

U.S. Postal Service	
CERTIFIED MAIL - RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com.	
OFFICIAL USE	
Postage	<i>233</i>
Certified Fee	<i>246</i>
Return Receipt Fee (Endorsement Required)	<i>185</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	<i>\$664</i>
<p>RECEIVED VERMONT FIELD OFFICE 2007 MAY -3 AM 7:37 DEPT. OF THE INTERIOR BUREAU OF LAND MGMT.</p>	
Sent To	<i>Zia Pueblo</i>
Street, P.O. No., or PO Box No.	<i>135 Capitol Square Drive</i>
City, State, ZIP+4	<i>Zia Pueblo, NM 87503</i>

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return this card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>J. Williams</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
1. Article Addressed to:		B. Received by (Printed Name) <i>Jeff Williams</i>	C. Date of Delivery <i>5-3-07</i>
<p>Dr. Matt Seddon Division of State History 300 Rio Grande Salt Lake City, UT 84101</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>E. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
2. Article (Zone) <i>7006 2150 0003 3416 4462</i>		3. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt	

2944 9T4E E000 0512 9002

U.S. Postal Service		CERTIFIED MAIL - RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)			
For delivery information visit our website at www.usps.com			
OFFICIAL USE			
Postage	\$ 2.00	DEPT. OF THE INTERIOR BUREAU OF LAND MANAGEMENT 2007 MAY -2 AM 10:42 RECEIVED FEDERAL FIELD OFFICE	DM
Certified Fee	2.40		
Return Receipt Fee (Endorsement Required)	1.85		
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$ 6.50		
Sent to:	<i>Division of State History</i>		
Street, Apt., or PO Box No.	<i>300 Rio Grande</i>		
City, State, ZIP+4	<i>Salt Lake City 84101</i>		

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return this card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Shane Dink</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
1. Article Addressed to:		B. Received by (Printed Name) <i>Shane Dink</i>	C. Date of Delivery <i>5-4-07</i>
<p>Chairperson Confederated Tribes of the Goshute Reservation PO Box 6104 Ibapah, UT 84034</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>E. Service Type <input type="checkbox"/> Certified Mail <input checked="" type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
2. Article (Zone) <i>2150 0003 3416 4462</i>		3. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt	

9444 9T4E E000 0512 9002

U.S. Postal Service		CERTIFIED MAIL - RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)			
For delivery information visit our website at www.usps.com			
OFFICIAL USE			
Postage	\$ 2.31	DEPT. OF THE INTERIOR BUREAU OF LAND MANAGEMENT 2007 MAY -3 AM 7:11 RECEIVED FEDERAL FIELD OFFICE	DM
Certified Fee	2.40		
Return Receipt Fee (Endorsement Required)	1.85		
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$ 6.50		
Sent to:	<i>Goshute Reservation</i>		
Street, Apt., or PO Box No.	<i>PO Box 6104</i>		
City, State, ZIP+4	<i>Ibapah, UT 84034</i>		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressed</p> <p>B. Received by (Printed Name) <i>Talisha</i> C. Date of Delivery <i>05-07-07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below.</p>
1. Article Addressed to:	3. Service Type
Chairperson Ute Indian Tribe PO Box 190 Ft. Duchesne, UT 84026	<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. <input type="checkbox"/> Yes
2. Article Number (Transfer from service)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7006 2150 0003 3416 4783	
PS Form 3811, February 2004	Domestic Return Receipt 10258-02-14-04

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressed</p> <p>B. Received by (Printed Name) <i>Wade L. Love</i> C. Date of Delivery <i>5-7-07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below.</p>
1. Article Addressed to:	3. Service Type
Chairperson Ute Mountain Ute Tribe PO Box 248 Towaoc, CO 81334	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
2. Article Number (Transfer from service)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7006 2150 0003 3416 4431	
PS Form 3811, February 2004	Domestic Return Receipt 10258-02-14-04

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com.	
OFFICIAL RECEIPT	
VERNAL FIELD OFFICE	
Postage <i>+231</i>	2007 MAY -3 AM 7:38
Certified Fee <i>21</i>	Postmark
Return Receipt Fee (Endowment Required)	DEPT. OF THE INTERIOR
Restricted Delivery Fee (Endowment Required)	BUREAU OF LAND MGMT
Total Postage & Fees <i>\$6.56</i>	
Sent to <i>Ute Indian Tribe</i>	
Street Apt. No. or PO Box No. <i>PO Box 190</i>	
City, State, ZIP+4® <i>Ft. Duchesne, UT 84026</i>	
PS Form 3800, August 2004	See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com.	
OFFICIAL RECEIPT	
VERNAL FIELD OFFICE	
Postage <i>+231</i>	2007 MAY -3 AM 7:38
Certified Fee <i>240</i>	Postmark
Return Receipt Fee (Endowment Required) <i>1.85</i>	DEPT. OF THE INTERIOR
Restricted Delivery Fee (Endowment Required)	BUREAU OF LAND MGMT
Total Postage & Fees <i>\$6.56</i>	
Sent to <i>Ute Mountain Ute Tribe</i>	
Street Apt. No. or PO Box No. <i>PO Box 248</i>	
City, State, ZIP+4® <i>Towaoc, CO 81334</i>	
PS Form 3800, August 2004	See Reverse for Instructions



PUEBLO OF LAGUNA

P.O. BOX 194

LAGUNA, NEW MEXICO 87026



Office of:

The Governor
The Secretary
The Treasurer



(505) 552-6598
(505) 552-6654
(505) 552-6655

May 14, 2007

Mr. William Stringer
Vernal Field Manager
Bureau of Land Management
Verbal Field Office
170 South 500 East
Vernal, Utah 84078

Dear Mr. Stringer:

RE: 8160 UT-082 Enduring Resource's Rock House Project Environmental Analysis Document

The Pueblo of Laguna appreciates your consideration to comment on possible interest your project may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the proposed undertaking WILL NOT have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any artifacts are recovered, we would like to be notified to review items and if possible furnish photographs of items.

We thank you and your staff for the information provided and the continuing efforts to preserve historic sites.

Sincerely,

for John E. Antonio, Governor
Pueblo of Laguna

Division	Initial	Assigned
Field Manager	<i>WS</i>	
Associate/ Support Services		
Fire		
Lands & Minerals		
NEPA		<input checked="" type="checkbox"/>
Renewables		
BUREAU OF LAND MGMT, VERNAL, UTAH		
ALL EMPLOYEES		



Hopi Cultural Preservation Office
P.O. Box 123
Kykotsmovi, AZ 86039
(928) 734-3613

RECEIVED
 VERNAL FIELD OFFICE
 2007 JUN -4 PM 3:26
 BUREAU OF LAND MGMT.

Benjamin H. Nuvamsa
 CHAIRMAN

Todd Honyaoma, Sr.
 VICE-CHAIRMAN

May 29, 2007

William Stringer, Field Manager
 Attention: Blaine Phillips, Archaeologist
 Bureau of Land Management, Vernal Field Office
 170 South 500 East
 Vernal, Utah 84078

Division	Initial	Assigned
Field Manager		
Associate/ Support Services		
Fire		
Lands & Minerals		
NEPA	✓	✓
Renewables		✓
BUREAU OF LAND MGMT, VERNAL, UTAH		
ALL EMPLOYEES		

Dear Mr. Stringer,

Thank you for your correspondence dated May 2, 2007, regarding Enduring Resource's Rock House gas well project. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah, including the Fremont prehistoric cultural group, known to Hopi people as *Hisatsinom*, People of Long Ago, and therefore we appreciate your solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office supports the identification and avoidance of archaeological sites and Traditional Cultural Properties. Therefore, to assist us in determining if this proposal, or any other proposal, may affect cultural resources significant to the Hopi Tribe, if prehistoric cultural resources are identified and will be adversely affected by the proposed project activities, please provide us with copies of the cultural resources survey report and any draft archaeological testing or mitigation plans for review and comment.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh Kuwanwisiwma, Director
 Hopi Cultural Preservation Office

xc: Utah State Historic Preservation Office

THE



HOPI TRIBE

RECEIVED
VERNAL FIELD OFFICE
2007 AUG 16 PM 12:24
DEPT. OF THE INTERIOR
BUREAU OF LAND MGMT.

CHAIRMAN

Todd Honyaoma, Sr.

VICE CHAIRMAN

August 13, 2007

William Stringer, Field Manager
Attention: Blaine Phillips
Bureau of Land Management, Vernal Field Office
170 South 500 East
Vernal, Utah 84078

Dear Mr. Stringer,

This letter is in response to a July 10, 2007, correspondence to you from the Colorado Plateau Archaeological Alliance regarding the Enduring Resources Saddletree Draw Leasing and Rock House Development Proposal Environmental Assessment, UT-080-07-671. Because the Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah, including the Fremont prehistoric cultural group, known to Hopi people as *Hisatsinom*, People of Long Ago, and because the Hopi Cultural Preservation Office supports the identification and avoidance of archaeological sites and Traditional Cultural Properties, we appreciate your continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office understands from Colorado Plateau Archaeological Alliance's letter that the Bureau of Land Management has not consulted with Native American Tribes, and that the Environmental Assessment contains the flawed assumption that site avoidance results in no significant adverse effects and fails to articulate specific strategies to identify indirect effects to specific properties at risk, or to avoid, minimize or mitigate those effects. We generally support the Recommendations in the Colorado Plateau Archaeological Alliance letter.

Furthermore, Hopi shrines are large stone cairns, often mistaken for historic rockpiles or insignificant isolated occurrences. We understand prehistoric large stone cairns in this area are usually located on canyon rims, outcrops or precipices, characteristic of Hopi shrines, and are associated with the prehistoric architecture in Nine Mile Canyon, a Hopi Traditional Cultural Property. Therefore, we request a copy of the available documentation to determine if large rock cairns at sites 42Un3696, 42Un3075, and 42Un3075 are *Hisatsinom* shrines, cultural resources significant to the Hopi Tribe.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Leigh Kuwanwisiwma".

Leigh Kuwanwisiwma, Director
Hopi Cultural Preservation Office

cc: Utah State Historic Preservation Office
Jerry D. Spangler, Colorado Plateau Archaeological Alliance



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Vernal Field Office
170 South 500 East
Vernal, UT 84078
(435) 781-4400 Fax: (435) 781-4410
<http://www.blm.gov/utah/vernal>



IN REPLY REFER TO:
3160
(UT080)

September 10, 2007

Leigh Kuwanwisiwma, Director
Hopi Cultural Preservation Officer
The, Hopi Tribe
P.O. BOX 123
Kykotsmovi, AZ.

Dear Director,

This letter is in response to your letter dated August 13, 2007 in which you request a copy of available documentation on large rock cairns at site 42Un3075 and 42Un3696 to determine if they are *Hisatsinom* shrines, cultural resources significant to the Hopi Tribe.

I enclose copies of our sites files in the Vernal BLM Field Office. If you wish more current photos to make this determination or any other information regarding these sites, please feel free to contact Archaeologist Gabrielle Elliott at 435-781-3411 and she will be happy to assist you in any way possible.

Again, thank you for your inquiry and let us know how we may assist you further.

Sincerely,

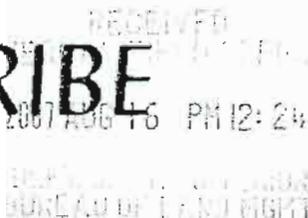
Jerry Kenczka
AFM, Lands and Minerals

Attachments: Site files for 42Un 3075 and 42Un3696

THE



HOPI TRIBE



CHAIRMAN

Todd Honyaoma, Sr.

VICE CHAIRMAN

August 13, 2007

William Stringer, Field Manager
Attention: Blaine Phillips
Bureau of Land Management, Vernal Field Office
170 South 500 East
Vernal, Utah 84078

Dear Mr. Stringer,

This letter is in response to a July 10, 2007, correspondence to you from the Colorado Plateau Archaeological Alliance regarding the Enduring Resources Saddletree Draw Leasing and Rock House Development Proposal Environmental Assessment, UT-080-07-671. Because the Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah, including the Fremont prehistoric cultural group, known to Hopi people as *Hisatsinom*, People of Long Ago, and because the Hopi Cultural Preservation Office supports the identification and avoidance of archaeological sites and Traditional Cultural Properties, we appreciate your continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office understands from Colorado Plateau Archaeological Alliance's letter that the Bureau of Land Management has not consulted with Native American Tribes, and that the Environmental Assessment contains the flawed assumption that site avoidance results in no significant adverse effects and fails to articulate specific strategies to identify indirect effects to specific properties at risk, or to avoid, minimize or mitigate those effects. We generally support the Recommendations in the Colorado Plateau Archaeological Alliance letter.

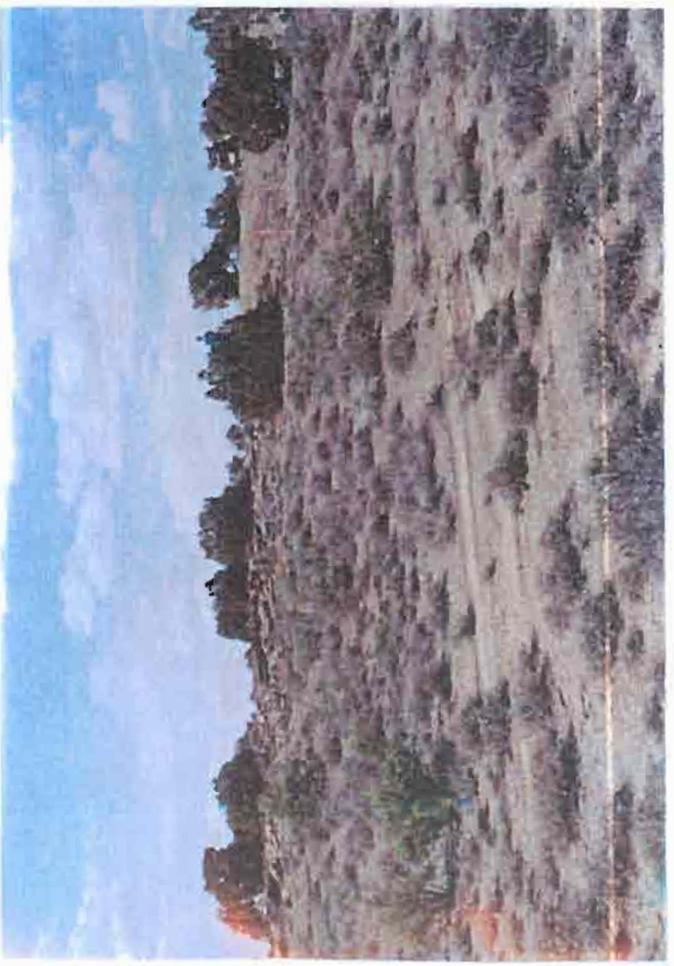
Furthermore, Hopi shrines are large stone cairns, often mistaken for historic rockpiles or insignificant isolated occurrences. We understand prehistoric large stone cairns in this area are usually located on canyon rims, outcrops or precipices, characteristic of Hopi shrines, and are associated with the prehistoric architecture in Nine Mile Canyon, a Hopi Traditional Cultural Property. Therefore, we request a copy of the available documentation to determine if large rock cairns at sites 42Un3696, 42Un3075, and 42Un3075 are *Hisatsinom* shrines, cultural resources significant to the Hopi Tribe.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh Kuwanwisiwma, Director
Hopi Cultural Preservation Office

cc: Utah State Historic Preservation Office
Jerry D. Spangler, Colorado Plateau Archaeological Alliance



THE



HOPI TRIBE

RECEIVED
VERNAL FIELD OFFICE

2007 OCT -5 PM 2:57

OFFICE OF THE SOLICITOR
BUREAU OF LAND MANAGEMENT

Benjamin H. Nuvamsa
CHAIRMAN

Todd Honyaoma Sr.
VICE-CHAIRMAN

September 24, 2007

Jerry Kenczka, AFM, Lands and Minerals
Attention: Gabrielle Elliott, Archaeologist
Bureau of Land Management, Vernal Field Office
170 South 500 East
Vernal, Utah 84078

Dear Mr. Stringer,

Thank you for your September 10, 2007 to our August 13, 2007 inquiry which was in response to a July 10, 2007, correspondence to the Bureau of Land Management (BLM), Vernal Field Office from the Colorado Plateau Archaeological Alliance regarding the Enduring Resources Saddletree Draw Leasing and Rock House Development Proposal Environmental Assessment, UT-080-07-671. Because the Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah, including the Fremont prehistoric cultural group, known to Hopi people as *Hisatsinom*, People of Long Ago, and because the Hopi Cultural Preservation Office supports the identification and avoidance of archaeological sites and Traditional Cultural Properties, we appreciate your continuing solicitation of our input and your efforts to address our concerns.

In our August 13th letter, the Hopi Cultural Preservation Office stated that we understood from Colorado Plateau Archaeological Alliance's letter that the BLM has not consulted with Native American Tribes on this proposal. We agreed that the Environmental Assessment contained the flawed assumption that site avoidance results in no significant adverse effects, and failed to articulate specific strategies to identify indirect effects to specific properties at risk, or to avoid, minimize or mitigate those effects. We stated that we generally supported the Recommendation in the Colorado Plateau Archaeological Alliance letter.

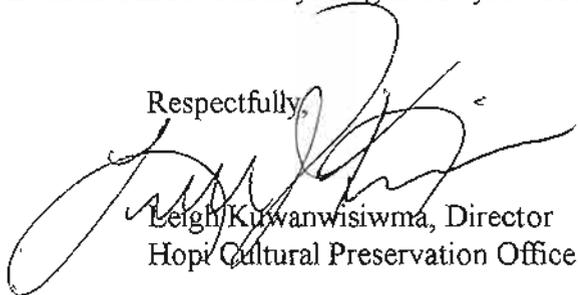
We also stated that Hopi shrines are large stone cairns, often mistaken for historic rockpiles or insignificant isolated occurrences, and we understood prehistoric large stone cairns in this area are usually located on canyon rims, outcrops or precipices, characteristic of Hopi shrines, and are associated with the prehistoric architecture in Nine Mile Canyon, a Hopi Traditional Cultural Property. Therefore, we requested a copy of the available documentation to determine if large rock cairns at sites 42Un3696, and 42Un3075 are *Hisatsinom* shrines, cultural resources significant to the Hopi Tribe.

Jerry Kenczka
September 24, 2007
Page 2

We have now reviewed the enclosed documentation on sites 42Un3696 and 42Un3075. Although Cairn 2 at site 42Un3075 resembles a Hopi shrine, we have determined that these sites are not, and do not contain, Hopi *Hisatsinom* shrines.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,



Leigh Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: Utah State Historic Preservation Office
Jerry D. Spangler, Colorado Plateau Archaeological Alliance