



United States Department of the Interior

BUREAU OF RECLAMATION

Upper Colorado Region
Provo Area Office
302 East 1860 South
Provo, Utah 84606-7317

IN REPLY REFER TO:

PRO-774
ENV-6.00

JAN 9 2008

Ms. Michele Easley
Project Lead
Bureau of Land Management
Kemmerer Field Office
312 Highway 189 North
Kemmerer, WY 83101

Subject: Bureau of Reclamation, Provo Area Office Comments on the
Moxa Arch Area Infill Gas Development Project Draft Environmental
Impact Statement (Moxa Arch DEIS)

Dear Ms. Easley:

The Bureau of Reclamation, Provo Area Office (Reclamation) has reviewed the subject document. Our comments are in the enclosed comment form, a copy of which has also been sent electronically. If you have any questions regarding our comments, please contact Mr. Peter Crookston of my staff, telephone 801-379-1152, email pcrookston@uc.usbr.gov.

We appreciate the opportunity to review the Moxa Arch DEIS and look forward to working with you.

Sincerely,

Bruce C. Barrett
Area Manager

Enclosure

Moxa Arch Area Infill Gas Development Project Draft Environmental Impact Statement Comments

1. Section 3.9 Cultural and Historic Resources

We remain concerned that the EIS does not specify appropriate steps to protect the rock art site discussed in our previous comments. BLM Response “will evaluate and revise as appropriate” does not make clear whether BLM intends to honor our request for a one mile buffer zone, and the PDEIS is silent on the subject. Therefore we are providing the same or similar comments below.

2. Section 3.9.1.4, page 3-68

This section specifically mentions that rock art sites are considered sensitive or sacred to modern Native Americans and are considered to be Traditional Cultural Properties (TCP) as defined also in 16 U.S.C. 470(b)(2), see National Register Bulletin 38. Site 48LN348 is a documented rock art site located on BOR land and is eligible for the NRHP. This site needs to be included in Section 3.9.5 - Highly Sensitive Sites or included in Section 3.9.1.4.

3. Section 3.9.1.4, page 3-68

This section specifically names a stone circle site worthy of a one mile protection barrier. Please include site 48LN348 in this section and mention that it is also worthy of a one mile protection barrier.

4. Section 3.9 Cultural and Historic Resources

Reclamation is specifically requesting a one mile radius buffer zone around 48LN348. The specific reasons for this request were included in comments directed to the EIS from this office on September 18, 2006. Please include 48LN348 (rock art site) as a very sensitive TCP site requiring a one mile buffer for 360 degrees. Following is the original comment made by Reclamation to BLM on 9/19/06: 1. Reclamation lands on the Fontenelle Reservoir SW topo map in the NW ¼ of Section 7, R.112W, T.24N contains five panels of possibly Late Prehistoric rock art. This site (48LN348) was initially recorded and photographed in 1975, revisited and hand-drawn in 1992, and photographed again in 2006.

Reclamation is recommending a one mile buffer zone from site 48LN348 for several reasons:

- Studies have shown that dust and diesel fumes sometimes mix in the air in areas near rock art sites and when winds carry this mixture to the site locations, have accelerated erosion and helped obliterate the rock art.
- The secondary impact of people being present in the area of rock art sites, especially if it is visible from industrial activity, has lead in most locations to vandalism of the sites.
- Laws are presently set up to preserve prehistoric rock art sites for the enjoyment of the American people. That privilege needs to be protected.

- Vibration from industrial activity can cause the base rock to crack or crumble and can endanger the rock art panels.
- The Wind River Shoshone and Arapahoe Tribes of the Wind River Reservation in Wyoming, the Northern Ute Tribe of the Uinta and Ouray Reservation in Utah, and the Shoshone-Bannock Tribe in Idaho have all requested a one mile buffer zone from site 42LN348.

This site represents a TCP as defined in 43 CFR 423.2, and is eligible for the National Register of Historic Places under criteria d. An adverse effect would occur to this property according to the Advisory Council of Historic Preservation's regulations at 36 CFR §800.9(b)(3) which states that the "introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting" would cause such an effect.

Thus, Reclamation is recommending a one mile buffer zone for 360° from site 48LN348 to be free from any oil or gas drilling or other industrial activity associated with the proposed project. If the project proponent has need to work within the proposed buffer zone, a Memorandum of Agreement (MOA) would be necessary among Reclamation, the Wyoming State Historic Preservation Office, the Advisory Council on Historic Preservation (if they choose to participate), and the project proponents. The above-mentioned tribes would be invited signatories on this MOA if they choose to participate.

5. General

To protect the safety and structural integrity of Fontenelle Dam, and in accordance with Reclamation Directives and Standards, Reclamation requires that there be no surface occupancy or drilling closer than 1000 feet horizontal or 2000 feet vertical from the toe of the dam.

6. Section 4.8.1.3

Reclamation requires that there be no surface occupancy within the maximum water surface elevation of a reservoir. Further, to protect water quality, Reclamation requires a buffer of 500 feet from the reservoir high water mark. This buffer can be a greater or lesser distance if specific conditions warrant. At this time we have not identified a need for a greater than 500 foot buffer for Fontenelle Reservoir but will notify BLM if, during the process of preparing the EIS, we identify such a specific need. Post-NEPA agreement stipulations could include the ability for either party to request adjustment of the buffer if a specific need, unknown at this time, is determined in the future.

This buffer distance from the reservoir high water mark is consistent with erosion control best management practices that have been developed in the past three decades to protect surface water. Most of them rely on some distance between the disturbance and the water. When ground water contaminants might potentially migrate to surface water, space is needed to monitor, intercept, and treat if something unexpected does happen.

7. General

Reclamation Directives and Standards specify that no wells be drilled within 660 feet of a river, channel, permanent stream, tributary, or marsh site.

8. General

As stated in our April 2006 scoping comment letter, there should be a one-mile buffer around the Seedska-dee National Wildlife Refuge. It is important to Reclamation that the viability of the Refuge be maintained, because this Refuge serves as mitigation for the construction and operation of Fontenelle Dam.

9. General

Recreation concerns with regard to the proposed action would be in and around the Fontenelle Reservoir area. Nodes where recreation facilities exist on the reservoir (within the proposed Moxa Arch project area) would include the Fontenelle Creek Campground (day use, campgrounds, and boat ramp), the Spillway Boat Ramp and Dam Overlook. Recreation facilities below the dam on the Green River, especially on the south side (though visual impacts could be felt from Tailrace Campground on the north side as well) would include River Access Area, Weeping Rock and Slate Creek Campgrounds. It is suggested that all project impacts be buffered from these public use areas by a minimum of one-quarter mile. We also request that the EIS analyze the visual effects of the proposed action for these recreation sites, as well as the potential effects of the increase in transportation associated with the proposed action and how such an increase might affect recreation, including both the potential for traffic congestion and a related increase in travel time to and from recreation sites. Safety issues associated with movement of heavy equipment and operation and maintenance vehicles, where these might use the same roads as potential visitors to the above referenced recreation sites, should also be analyzed.