

APPENDIX L:
GOVERNMENT-TO-GOVERNMENT AND
NATIONAL HISTORIC PRESERVATION ACT SECTION 106 CONSULTATIONS

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CONTENTS

L.1 Introduction..... L-1

L.2 Government to Government Consultation L-1

L.3 Section 106 Consultation L-17

 L.3.1 State Historic Preservation Officers..... L-17

 L.3.2 Advisory Council on Historic Preservation L-21

 L.3.3 Interested Parties..... L-23

L.4 References..... L-31

ATTACHMENT 1: TRIBAL CORRESPONDENCE L-33

ATTACHMENT 2: STATE HISTORIC PRESERVATION OFFICER
CORRESPONDENCE..... L-57

ATTACHMENT 3: ADVISORY COUNCIL ON HISTORIC PRESERVATION
CORRESPONDENCE..... L-85

ATTACHMENT 4: INTERESTED PARTY CORRESPONDENCE L-95

TABLES

L-1 Index of Agency and Tribal Government Consultation..... L-2

L-2 Summary of Consultation with Federally Recognized Native American Tribes L-3

L-3 Index of Consultation with State Historic Preservation Officers..... L-18

L-4 Summary of Consultation with State Historic Preservation Officers L-19

L-5 Index of Consultation with the Advisory Council on Historic Preservation L-21

L-6 Summary of Consultation with the Advisory Council on Historic Preservation L-22

L-7 Index of Consultation with Interested Parties..... L-24

L-8 Summary of Consultation with Interested Parties L-25

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APPENDIX L:**GOVERNMENT-TO-GOVERNMENT AND
NATIONAL HISTORIC PRESERVATION ACT SECTION 106 CONSULTATIONS****L.1 INTRODUCTION**

This appendix presents the correspondence pertaining to government-to-government and National Historic Preservation Act of 1966 (NHPA) Section 106 consultation for the Oil Shale and Tar Sands Programmatic Environmental Impact Statement (OSTS PEIS). Section L.2 provides copies of correspondence with all the tribes, and Section 3 presents copies of correspondence with interested parties.

L.2 GOVERNMENT-TO-GOVERNMENT CONSULTATION

As detailed in Chapter 7 of the PEIS, the U.S. Department of the Interior, Bureau of Land Management (BLM) coordinates and consults with federally recognized tribes whose interests might be directly and substantially affected by activities on public lands. It strives to provide the Indian tribes with sufficient opportunities for productive participation in BLM planning and resource management decision-making. In addition, Section 106 of the NHPA requires federal agencies to consult with Indian tribes on undertakings on tribal lands and on historic properties of significance to the tribes that may be affected by an undertaking (Title 36, Part 800.2 (c)(2) of the *Code of Federal Regulations* (36 CFR 800.2 (c)(2))). BLM Manual 8120 (BLM 2004a) and Handbook H-8120-1 (BLM 2004b) provide guidance for Native American consultations.

In July 2011, the BLM distributed a letter to 25 tribes notifying them of its intention to take a fresh look at land use allocation decision made in 2008 regarding the management of oil shale and tar sands resources. The BLM has followed up with additional letters, e-mails, phone calls, and meetings for tribes who have indicated that they wish to continue government-to-government consultation or have cooperating agency status. Once the Draft PEIS was completed (BLM 2012), a second mailing was sent to all federally recognized tribes with interests in the area under consideration. Follow-up meetings and discussions occurred after the issuance of the Draft PEIS.

To date, eight tribes have responded by letter, e-mail, or telephone, or have met with local BLM personnel. Two tribes, The Paiute Indian Tribe of Utah and Pueblo of Santa Clara, have both indicated through the Tribal Response Form that they do not require consultation at this time. One tribe, the Eastern Shoshone, has indicated interest in becoming a Cooperating Agency; however, they have not signed the required Memorandum of Understanding (MOU) to gain that status. The Hopi and the Navajo Mountain Chapter of the Navajo Nation, indicated through their response forms that they would like to meet to discuss the project. Both tribes have been contacted by the BLM and consultation is ongoing. The Ute Mountain Ute Tribe, The Ute Indian Tribe, and the Southern Ute Indian Tribe, have met with the BLM to further discuss the project, and consultation is ongoing. No response was received from the remaining 17 tribes.

A summary of tribal consultation is provided below in Tables L-1 and L-2. Copies of correspondence can be viewed in Attachment 1.

Consultation opportunities for all federally recognized tribes will continue to be provided. In addition, the BLM will continue to implement government-to-government consultation on a case-by-case basis for any oil shale and tar sands lease application and development projects.

TABLE L-1 Index of Agency and Tribal Government Consultation

Date	Originating Agency/ Tribal Government	Recipient Organization	Page
Multiple Tribes			
July 2011	BLM	Tribal leaders (see distribution list)	L-34
January and February 2012	BLM	Tribal leaders (see distribution list)	L-39
Eastern Shoshone Tribe of the Wind River Reservation			
April 11, 2012	Helen Hankins, BLM	Wilfred Ferris, THPO	L-47
Hopi			
July 29, 2011	J.T. Morgart, Legal Researcher	BLM	L-49
Navajo Nation-Navajo Mountain Chapter			
July 29, 2011	Alex Bitsinnie, President	BLM	L-50
Paiute Indian Tribe of Utah			
August 5, 2011	Dorena Martineau, Cultural Resources Coordinator	BLM	L-51
Pueblo of Santa Clara			
August 22, 2011	Ben Chavarria, NAGPRA contact	BLM	L-52
Ute Indian Tribe of the Uintah and Ouray Reservation			
April 11, 2012	Helen Hankins, BLM	Irene Cueh, Chairwoman and Betsy Chapoose	L-53
Ute Mountain Ute Tribe			
April 11, 2012	Helen Hankins, BLM	Terry Knight, NAGPRA Representative	L-55

Abbreviations: BLM = Bureau of Land Management; NAGPRA = Native American Graves Protection and Repatriation Act; THPO = Tribal Preservation Officer.

TABLE L-2 Summary of Consultation with Federally Recognized Native American Tribes

Organization	BLM Contact	Tribal Response
Eastern Shoshone Tribe of the Wind River Reservation	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Aug. 8, 2011—Sherri Thompson sent Draft MOU for cooperating agency status sent to Wes Martel.</p> <p>Sept. 26, 2011—Sherri Thompson sent a reminder to Mr. Martel to sign agreement before he could receive materials as a cooperator.</p> <p>Sept. 28, 2011—Sherri Thompson responded, explaining the time line for distribution of the preliminary draft and signature requirement.</p> <p>Jan. 20 2012—Letter from the BLM Wyoming State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p> <p>April 3, 2012—E-mail from Ranel Capron inviting Eastern Shoshone to attend a consultation meeting with the Colorado BLM and other tribes on May 2–3, 2012, to discuss protection of wickiup sites.</p> <p>April 11, 2012—Letter from the BLM inviting Eastern Shoshone to attend a consultation meeting with the Colorado BLM and other tribes on May 2–3, 2012, to discuss protection of wickiup sites.</p>	<p>July 2011—Wes Martel contacted Sherri Thompson to request Cooperating Agency status for the Eastern Shoshone Business Council.</p> <p>Sept. 28, 2011—Mr. Martel responded that he is still interested and requested time line information. Information on the time line was sent as well as a Draft Cooperating Agency MOU. The MOU was never signed and returned.</p> <p>July 25, 2012—Wilfred Ferris cancelled the conference call. The call was not rescheduled.</p> <p>July 31, 2012—Wilfred Ferris called Sherri Thompson to tell her that he would be unable to attend the August 1, 2012, meeting with the BLM and Ute Mountain Ute to discuss wickiup sites, because something else came up. Wilfred told Sherri that he would call back on August 2, 2012, but Sherri never received a phone call.</p>

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Eastern Shoshone Tribe of the Wind River Reservation (Cont.)	<p>April 18, 2012—E-mail from Daniel Haas to Wilfred Ferris, inquiring if Eastern Shoshone will attend May 2 meeting and if further consultation is needed</p> <p>July 24, 2012—E-mail from Sherri Thompson to Wilfred Ferris transmitting PowerPoint about project for conference call to be held on July 25.</p> <p>August 1, 2012—BLM held a field visit for the Eastern Shoshone and Ute Mountain Ute to visit and discuss protection of wickiup sites.</p>	July 29, 2011—John T. Morgart, Legal Researcher, returned tribal response form. Hopi have concerns to discuss and would like to be contacted.
Hopi Tribal Council	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Aug. 16, 2011—E-mail to Terry Morgart inquiring about meeting request and offering additional information.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Kaibab Paiute Tribal Council	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p>	
	<p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	
Navajo Nation	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p>	
	<p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	
Navajo Nation, Aneth Chapter	<p>July 2011—Copied on letter from BLM State Office to the Navajo Nation giving notice of the PEIS and inviting to become a cooperating agency.</p>	
	<p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Navajo Nation, Dennehotso Chapter	July 2011—Copied on letter from BLM State Office to the Navajo Nation giving notice of the PEIS and inviting to become a cooperating agency.	
	Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.	
Navajo Nation, Historic Preservation Dept.	July 2011—Copied on letter from BLM State Office to the Navajo Nation giving notice of the PEIS and inviting to become a cooperating agency.	
	Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.	
Navajo Nation, Mexican Water Chapter	July 2011—Copied on letter from BLM State Office to the Navajo Nation giving notice of the PEIS and inviting to become a cooperating agency.	
	Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.	

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Navajo Nation, Navajo Mountain Chapter	<p>July 2011—Copied on letter from BLM State Office to the Navajo Nation giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Aug. 16, 2011—E-mail from Byron Loosle inquiring about meeting and offering additional information.</p> <p>Aug., 17, 2011—E-mail from Byron Loosle with the July 2011 letter.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	<p>July 29, 2011—Alex Bitsinnie, Chapter President, returned tribal response form. Would like to be contacted to discuss information or concerns.</p>
Navajo Nation, Oljato Chapter	<p>July 2011—Copied on letter from BLM State Office to the Navajo Nation giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Navajo Nation, Red Mesa Chapter	<p>July 2011—Copied on letter from BLM State Office to the Navajo Nation giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	
Navajo Nation, Teec Nos Pos Chapter	<p>July 2011—Copied on letter from BLM State Office to the Navajo Nation giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	
Navajo Utah Commission	<p>July 2011—Copied on letter from BLM State Office to the Navajo Nation giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Northern Arapaho Business Council	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 20 2012—Letter from the Wyoming State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	
Northwestern Band of Shoshone Nation	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	
Paiute Indian Tribe of Utah Tribal Council	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	<p>Aug. 5, 2011—Dorena Martineau, Paiute Indian Tribe of Utah Cultural Resources, returned tribal response form. They have received sufficient information and do not require consultation at this time.</p>

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Pueblo of Laguna	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	
Pueblo of Nambe	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	
Pueblo of Santa Clara	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	<p>Aug. 22, 2011—Ben Chavarria, Land and Cultural Resources, returned the tribal response form. They have received sufficient information and do not require consultation at this time.</p>

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Pueblo of Zia	July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.	
	Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.	
Southern Ute Tribe	June 14, 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.	April 4, 2012—E-mail from Alden Naranjo to Sherri Thompson, indicating he would like to attend the site visit, but cannot make the trip May 2–3. Asked if they could schedule another trip.
	Feb. 2, 2012—Letter from the Colorado State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.	June 6, 2012—Alden Naranjo attended consultation meeting with the Kristen Bowen, Kent Walter, Daniel Haas, and Sherri Thompson. He would like to see a 200–500 m avoidance buffer on all sides of the project, although he understands that would not be possible in all cases.
	April 2, 2012—Letter from Sherri Thompson inviting Southern Ute to attend a consultation meeting with Colorado BLM and other tribes on May 2–3, 2012, to discuss protection of wickiup sites.	
	April 25, 2012—E-mail from Sherri Thompson to Alan Naranjo with information on a June 6, 2012, consultation meeting among the BLM, Southern Ute Tribe, Ute Mountain Ute, and Eastern Shoshone to discuss identification and protection of wickiup sites.	

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Southern Ute Tribe <i>(Cont.)</i>	<p>June 6, 2012- Daniel Haas, Kristen Bowen, Kent Walter, and Sherri Thompson met with Alden Naranjo.</p> <p>June 26, 2012—Sherri Thompson called Alden Naranjo to inquire if Alden was attending the July 18, 2012, consultation trip. Sherri was unable to get a hold of Alden.</p> <p>July 18, 2012—E-mail from Sherri Thompson, BLM, to Alden Naranjo asking if there were any concerns he had about wickiups and if there were future mitigation measures he would like to see.</p>	
Ute Indian Tribe of the Uintah and Ouray Reservation	<p>June 14, 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Sept. 19, 2011—Sherri Thompson called the Northern Ute Indian Tribe to ask them if they still would like to lease their lands for oil shale and tar sands within the reservation.</p> <p>Sept. 19, 2011—Sherri Thompson left a message with Bruce Vergies of the Energy and Minerals Department.</p> <p>Sept. 20, 2011—Sherri Thompson left a message with Manual Myore of the Energy and Minerals Department</p> <p>Oct. 3, 2011—Sherri Thompson e-mailed Valentino Jones seeking confirmation of the Utes’ desire for development of split estate lands.</p>	<p>Sept. 21, 2011—Sherri Thompson received a call from Valentino Jones. She explained to him that the BLM is taking a fresh look at the decisions made in the 2008 Oil Shale and Tar Sands PEIS and that we wanted to give the tribe the opportunity to confirm that they were still interested in leasing tribal lands for oil shale and tar sands resources on the reservation. Mr. Jones said he would have to “run it up the flagpole” and he will get back to the BLM.</p> <p>May 2, 2012—Betsy Chapoose attended consultation meeting. Clifford could not attend, but indicated he would like an on-site meeting in June. She informed Byron Loosle, BLM, that the tribe tends to look at the landscape as a whole, including plants and animals. She would prefer to look proactively at an area instead of on a project by-project basis.</p> <p>May 30, 2012—Clifford was appreciative of being invited out. His main concerns are visual impacts on wickiup sites and long-term reclamation.</p>

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Ute Indian Tribe of the Uintah and Ouray Reservation <i>(Cont.)</i>	<p data-bbox="533 363 1087 516">Feb. 02, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p> <p data-bbox="533 548 1087 670">April 11, 2012—Letter from the BLM inviting Ute Indian Tribe to attend a consultation meeting with the Colorado BLM and other tribes on May 2–3, 2012, to discuss protection of wickiup sites.</p> <p data-bbox="533 703 1087 760">May 2, 2012—Byron Loosle and Daniel Haas, BLM, met with Betsy Chapoose.</p> <p data-bbox="533 792 1087 849">May 30, 2012—Kent Walter and Kristen Bowen met with Clifford Duncan.</p> <p data-bbox="533 881 1087 1036">June 4, 2012—Sherri Thompson called Irene Cuch at the suggestion of Betsy Chapoose, to personally tell her about the OSTIS PEIS. Left message with the secretary. The secretary said it may be a couple of weeks before Irene can get back to her.</p> <p data-bbox="533 1068 1087 1125">June 28, 2012—Sherri Thompson left message for Irene Cuch.</p> <p data-bbox="533 1157 1087 1276">July 16, 2012—E-mail from Sherri Thompson to Betsy Chapoose asking if there are any further concerns or potential future mitigation suggestions Colorado, Utah, and Wyoming.</p>	

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Ute Indian Tribe of the Uintah and Ouray Reservation (Cont.)	<p>April 11, 2012—Letter from the BLM inviting Ute Indian Tribe to attend a consultation meeting with the Colorado BLM and other tribes on May 2–3, 2012, to discuss protection of wickiup sites.</p> <p>May 2, 2012—Byron Loosle and Daniel Haas, BLM, met with Betsy Chapoose.</p> <p>May 30, 2012—Kent Walter and Kristen Bowen met with Clifford Duncan.</p> <p>June 4, 2012—Sherri Thompson called Irene Cuch at the suggestion of Betsy Chapoose, to personally tell her about the OSTs PEIS. Left message with the secretary. The secretary said it may be a couple of weeks before Irene can get back to her.</p> <p>June 28, 2012—Sherri Thompson left message for Irene Cuch.</p> <p>July 16, 2012—E-mail from Sherri Thompson to Betsy Chapoose asking if there are any further concerns or potential future mitigation suggestions</p> <p>August 7, 2012—Sherri Thompson left a voicemail for Irene Cuch.</p>	<p>March 20, 2012—Representatives for the Ute Mountain Ute indicated they would like to see the wickiup village near Yellow Creek excluded from potential leasing and development. Requested meeting between three Ute Tribes and the Eastern Shoshone to discuss protection of wickiup sites.</p>

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Ute Mountain Ute Tribe (Cont.)	<p data-bbox="533 363 1087 521">Feb. 2, 2012- Letter from the Colorado State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p> <p data-bbox="533 553 1087 613">March 21, 2012—Dan Haas and Sherri Thompson, met with Ute Mountain Ute.</p> <p data-bbox="533 651 1087 808">April 11, 2012—Letter from the BLM inviting Ute Mountain Ute Indian Tribe to attend a consultation meeting with the Colorado BLM and other tribes on May 2–3, 2012, to discuss protection of wickiup sites.</p> <p data-bbox="533 846 1087 1024">April 25, 2012—E-mail from Sherri Thompson to Lynn Hartman with information on a June 6, 2012, consultation meeting among the BLM, Southern Ute Tribe, Ute Mountain, and Eastern Shoshone to discuss identification and protection of wickiup sites.</p> <p data-bbox="533 1062 1087 1122">June 15, 2012—Daniel Haas and Sherri Thompson, pushed the meeting back to July 18.</p> <p data-bbox="533 1159 1087 1252">July 2, 2012—Dan Haas told Lynn Hartman that he would send her information on the project since she and Terry could not attend.</p> <p data-bbox="533 1289 1087 1378">July 12, 2012—E-mail from Sherri Thompson to Lynn Hartmann with meeting details for an August 1, 2012, meeting.</p>	<p data-bbox="1115 363 1892 423">June 15, 2012—Lynn Hartman requested the July 17 meeting be changed to the 18th.</p> <p data-bbox="1115 461 1892 553">July 2, 2012—E-mail from Lynn Hartman indicating that she and Terry Knight were not able to attend the July 2 meeting. There were no other days that would work for a meeting and the meeting was cancelled.</p> <p data-bbox="1115 591 1892 829">Aug 1, 2012—Terry Knight expressed his concern with the pressure of energy development in the area and its impacts on wildlife and wild herds. The wickiup sites are hunting related, and are there because of the wildlife. If the wildlife is cared for, the wickiup sites will be as well. The Ute used wickiups as permanent structures to protect them during bad and cold weather; temporary brush structures were used at other times. Terry also expressed an interest in brush fences as they were used as game drives for elk and wild horses.</p> <p data-bbox="1115 867 1892 1089">Lynn Hartmann stated that she does not see a need to consult on projects that have already been surveyed unless cultural resources are affected. The Ute Mountain Ute believe that the BLM should stay at least 600 yards away from ACECs. They would like to see an annual work plan describing projects, would like information on the Skull Creek WSA, and are interested in how ruins and wickiups are being protected from grazing.</p>

TABLE L-2 (Cont.)

Organization	BLM Contact	Tribal Response
Ute Mountain Ute Tribe (Cont.)	Aug 1, 2012—BLM held field visit for the Ute Mountain Ute and Eastern Shoshone to visit and discuss protection of wickiup sites. Kent Walter, Kristen Bowen, and Daniel Haas met with Lynn Hartmann and Terry Knight.	
White Mesa Ute Band	<p>July 2011—Letter from BLM State Office giving notice of the PEIS and inviting to become a cooperating agency.</p> <p>Jan. 25, 2012—Letter from the Utah State Office transmitting the Draft PEIS and inviting consultation and participation. Letter also described public open house meetings that would be held in Colorado, Utah, and Wyoming.</p>	

L.3 SECTION 106 CONSULTATION

This section presents the interactions that occurred as part of the NHPA Section 106 review for the PEIS. A brief overview of the consultation process with State Historic Preservation Officers (SHPOs), the Advisory Council of Historic Preservation (ACHP), and interested parties is provided below.

L.3.1 State Historic Preservation Officers

In September 2011, the BLM distributed a letter to the Colorado, Utah, and Wyoming SHPOs, notifying them of BLM's intention to take a fresh look at land use allocation decisions made in 2008 regarding the management of oil shale and tar sands resources. The letter invited SHPOs to participate on issues related to Section 106 of the NHPA and included maps of the development area as well as a list of interested parties who received a copy of the letter.

The Colorado SHPO responded to this letter on October 31, 2011. The Colorado SHPO indicated he was unsure of the request as presented in the September 22, 2011, letter. He expressed that he would like to see a historic context study completed and inquired as to the status of the new Programmatic Agreement. The Colorado SHPO requested a conference call or meeting to further discuss the project. The BLM met with the Colorado SHPO on April 11, 2012.

In January and February 2012, the BLM distributed the Draft PEIS, as well as a notification letter inviting the SHPOs to submit comments and concerns. The letter outlined the comment period deadline, provided instructions on how to comment, and provided information on upcoming public meetings.

The Utah SHPO responded by letter on February 23, 2012 indicating that her letter "served as comment on the determinations made within the consultation process."

In April 2012, the BLM followed up with the Colorado and Wyoming SHPOs in order to determine if either office had any comments or concerns related to the Draft PEIS. The Wyoming office indicated it was concerned about the language used to describe eligibility of trails to the *National Register*. The BLM met with the Colorado SHPO on April 11, 2012, to further discuss the OSTs project. A presentation covering the different alternatives, PEIS schedule, and dates of public open house meetings was given. The Colorado SHPO sent a letter in May recommending that cultural resource surveys be completed for individual site-specific development plans.

In August and September 2012, the BLM sent letters to the Colorado, Wyoming, and Utah SHPOs notifying them of BLM's determination of "no historic properties affected." The letter provided a summary of the undertaking as well as a summary of Section 106, tribal, and public consultation efforts. The letter also asked for SHPO concurrence with BLM's decision. As of this writing, the Wyoming and Colorado SHPOs have concurred with BLM's findings.

TABLE L-3 Index of Consultation with State Historic Preservation Officers

Date	Originating Organization/Agency	Recipient Organization/Agency	Page No.
Colorado, Utah, and Wyoming SHPOs			
September 2011	BLM	Edward Nichols, Colorado SHPO Lori Hunsaker, Utah SHPO Mary Hopkins, Wyoming SHPO	L-58
January and February 2012	BLM	Edward Nichols, Colorado SHPO Lori Hunsaker, Utah SHPO Mary Hopkins, Wyoming SHPO	L-61
Colorado SHPO			
October 31, 2011	Edward Nichols	Dan Haas, BLM	L-64
May 4, 2012	Edward Nichols	BLM	L-65
Sept. 7, 2012	Helen Hankins, BLM	Edward Nichols	L-67
Sept. 26, 2012	Edward Nichols	Helen Hankins	L-73
Utah SHPO			
Feb. 23, 2012	Lori Hunsaker	BLM	L-75
Sept. 10, 2012	Juan Palma, BLM	Martin Wilson	L-76
Wyoming SHPO			
Aug. 30, 2012	Donald Simpson, BLM	Mary Hopkins	L-80
Sept. 21, 2012	Richard Currit	Donald Simpson, BLM	L-85

A summary of SHPO consultation is provided in Tables L-3 and L-4. Copies of correspondence can be viewed in Attachment 2.

TABLE L-4 Summary of Consultation with State Historic Preservation Officers

Organization	BLM Contact	Organization Response
Colorado State Historic Preservation Office	<p>Sept. 22, 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.</p> <p>February 02, 2012—Packet from the BLM containing notification letter and the Draft PEIS.</p> <p>March 20, 2012—E-mail from the BLM requesting a meeting with the SHPO, asking for comments on the Draft PEIS, informing the SHPO of consultation with other parties. Consultation summary was attached.</p> <p>April. 11, 2012—The BLM met with the Colorado SHPO. A presentation was given on the OSTIS project.</p> <p>September 7, 2012—Letter from the BLM notifying the SHPO of BLM’s determination of “no historic properties affected.” The letter summarized consultation efforts and asked for SHPO concurrence with BLM’s determination.</p>	<p>October 31, 2011—Letter to Daniel Haas in response to Sept. 2011 letter. The SHPO indicated he is unsure of the request as presented in the September 22, 2011 letter. He believes that a historic context study would draw together the archaeological data in a meaningful and critical synthesis and would provide both offices with a guide in future consultations. The SHPO also inquired as to if the comments sent in January 2009 were incorporated into the new Programmatic Agreement (PA) and inquired as to the status of the new PA. The SHPO requested a conference call or meeting.</p> <p>May 4, 2012—Letter thanking BLM staff for meeting on April 11, 2012. The letter indicates the SHPO expects consultation under Section 106 will occur and recommends that a cultural resource survey be completed for individual site-specific development plans.</p> <p>September 26, 2012—Letter from Colorado SHPO notifying the BLM that the SHPO has concurred with BLM’s findings.</p>

TABLE L-4 (Cont.)

Organization	BLM Contact	Organization Response
Utah State Historic Preservation Office	Sept. 29, 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section-106-related issues.	Feb. 23, 2012—Letter acknowledging notification of the Draft PEIS.
	Jan. 25, 2012—Packet from the BLM containing notification letter and Draft PEIS.	
	September 10, 2012—Letter from the BLM notifying the SHPO of BLM’s determination of “no historic properties affected.” The letter summarized consultation efforts and asked for SHPO concurrence with BLM’s determination.	
Wyoming State Historic Preservation Office	Sept. 27, 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	March 8, 2012—E-mail from Richard Currit, State Archaeologist, expressing concern about the language used to describe trails and indicating the Governor’s office is supporting the No Action Alternative.
	Jan. 20, 2012—Packet from BLM containing notification letter and Draft PEIS.	
	March 7, 2012—E-mail from Ranel Capron inquiring if there are any comments/concerns on Draft PEIS.	September 21, 2012—Letter from Wyoming SHPO notifying the BLM that the SHPO has concurred with the BLM’s findings.
	August 30, 2012—Letter from the BLM notifying the SHPO of BLM’s determination of “no historic properties affected.” The letter summarized consultation efforts and asked for SHPO concurrence with BLM’s determination.	

L.3.2 Advisory Council on Historic Preservation

On March 30, 2012, the BLM sent a letter to the ACHP describing its intention to take a fresh look at land use allocation decisions made in 2008 regarding the management of oil shale and tar sands resources. The letter provided a background description of the 2008 project, a description of the planning area and current action, and informed the ACHP of the BLM's most recent actions to meet its responsibilities under Section 106. The letter also invited the ACHP to participate in consultation on issues related to Section 106 of the NHPA and included maps of the development area.

The ACHP responded on July 17, 2012, acknowledging the BLM's decision. The ACHP indicated that it continues to believe the most appropriate course of action would be the execution of a Programmatic Agreement. The ACHP indicated that the BLM's efforts to identify historic properties is a proactive step, and the ACHP looks forward to working with the BLM when Section 106 consultation is initiated for site-specific projects.

A summary of ACHP consultation is provided below in Tables L-5 and L-6. Copies of correspondence can be viewed in Attachment 3.

TABLE L-5 Index of Consultation with the Advisory Council on Historic Preservation

Date	Originating Organization/ Agency	Recipient Organization/Agency	Page No.
Advisory Council On Historic Preservation			
March 30, 2012	Michael Nedd, BLM	Reid Nelson, ACHP	L-87
July 17, 2012	Reid Nelson, ACHP	Michael Nedd, BLM	L-94

TABLE L-6 Summary of Consultation with the Advisory Council on Historic Preservation

Organization	BLM Contact	Organization Response
Advisory Council on Historic Preservation	<p>March 30, 2012— Mike Nedd, BLM, sent a letter to the ACHP describing the BLM’s intention to take a fresh look at land use allocation decisions made in 2008 regarding the management of oil shale and tar sands resources. The letter provided a background description of the 2008 project and a description of the current action and planning area. The letter informed the ACHP that the BLM sees its Section 106 responsibilities proceeding in accordance with three stages of the decision-making process regarding the potential leasing and development of oil shale and tar sands resources which include: (1) land use amendment process to determine lands available to OSTs development, (2) BLM’s consideration of lease applications, and (3) BLM’s consideration of site-specific plans of development for leased areas. The letter also informed the ACHP that the BLM had initiated tribal consultation and updated the Class I Cultural Resources Overview. The BLM had not identified any effects to historic properties as a result of the undertaking; however, they indicated that consultation was not complete and that they would make a determination of effects after reviewing all available information. The letter invited the ACHP to participate in consultation on issues related to Section 106 of the NHPA and included maps of the development area.</p>	<p>July 17, 2012—Letter in response to the March 2012 letter. The ACHP states that it continues to believe the most appropriate course of action would be to execute a Programmatic Agreement that would cover BLM’s decisions from the upcoming decision through the consideration of site-specific plans. The ACHP acknowledges BLM’s decision that no historic properties will be affected. The ACHP understands that the BLM has conducted identification efforts to identify historic properties and that these efforts will inform the decision to possibly limit lands available for leasing. The ACHP looks forward to working with the BLM when Section 106 is initiated for individual lease applications and site-specific plans.</p>

L.3.3 Interested Parties

On October 1, 2011, the BLM distributed a letter to 28 interested parties notifying them of the BLM's intention to take a fresh look at land use allocation decisions made in 2008 regarding the management of oil shale and tar sands resources. The letter included maps of the development area and invited them to participate on issues related to Section 106 of the NHPA.

Six organizations accepted the invitation to consult: Alliance for Historic Wyoming (AHW); Biodiversity Conservation Alliance; Colorado Plateau Archaeological Society; Dominquez Archaeological Research Group, Inc.; National Historic Trails, Intermountain Region, Salt Lake City Field Office; and the Old Spanish Trail Association, Grand Junction Local Chapter.

On January 20, 2012, the BLM distributed a packet containing the Draft PEIS and a notification letter to the six interested parties who accepted the invitation to consult. The letter invited the parties to submit comments and concerns on the Draft PEIS, outlined the comment period deadline, provided instructions on how to comment, and provided information on upcoming public meetings.

In April 2012, the AHW submitted comments on the Draft PEIS via letter. The AHW expressed concern regarding the effect of the project on water resources, historic trails, cultural sites, rock art, archaeological sites, and the small-town tourism.

The BLM followed up by phone with the additional five interested parties in February, March, and April 2012. The remaining parties had no comments or concerns at this time and consultation efforts are ongoing.

A summary of interested party consultation is provided below in Tables L-7 and L-8. Copies of correspondence can be viewed in Attachment 4.

TABLE L-7 Index of Consultation with Interested Parties

Date	Originating Organization/ Agency	Recipient Organization/Agency	Page No.
Multiple Interested Parties			
Oct. 1, 2011	BLM	See distribution list	L-102
Jan. 20, 2012	BLM	See distribution list	L-105
Alliance for Historic Wyoming			
Oct. 19, 2011	Hilery Lindmeir	Sherri Thompson, BLM	L-106
April 24, 2012	Lesley Wischmann	BLM	L-107
Biodiversity Conservation Alliance			
Oct. 6, 2011	Erik Molvar	Sherri Thompson, BLM	L-112
Colorado Plateau Archaeological Alliance			
Nov. 3, 2011	Jerry Spangler	Sherri Thompson, BLM	L-113
NPS-National Historic Trails-Intermountain Region, Salt Lake City Office			
Nov. 2, 2011	Lee Kreutzer	Sherri Thompson, BLM	L-114
Old Spanish Trails Association-Grand Junction, Local Chapter			
Oct. 11, 2011	Vicki Felmile	BLM	L-115

TABLE L-8 Summary of Consultation with Interested Parties

Organization	BLM Contact	Organization Response
Alliance for Historic Wyoming-Casper Office	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	Oct. 19, 2011—E-mail from Hilery Lindmeir indicating the Alliance for Historic Wyoming (AHW) is considering interested party status and requesting a new copy of the Wyoming map.
	Oct. 20, 2011—E-mail from Sherri Thompson with Wyoming Map. Sherri indicated she will resend hard copies.	Feb. 29, 2012—Hilery Lindmeir returned Sherri Thompson’s phone call. She indicated she received the Draft PEIS package and Lesley Wischman will be putting together comments.
	Jan. 20, 2012—Packet from the BLM containing notification letter and Draft PEIS.	
	Feb. 29, 2012—Sherri left message for Hilery Lindmeir.	
Alliance for Historic Wyoming-Laramie Office	Oct. 2011—Letter from the BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	March 6, 2012—Lesley Wischmann returned Sherri Thompson’s phone call. Lesley had not had a chance to review the document. She asked how the NEPA and Section 106 process work from the oil shale perspective. She indicated her group is concerned about the “fraying of the trails” and would like a more thorough landscape analysis, especially for National Trails; particularly, the Overland and Cherokee Trails. The AHW believes the socioeconomic and recreation sections need to address Heritage Tourism, particularly along I-80. AHW will seek compensatory mitigation for cumulative effects under Section 106.
	Jan. 20, 2012—Packet from the BLM containing notification letter and Draft PEIS.	
	March 5, 2012—Sherri Thompson left voicemail for Lesley Wischmann.	April 24, 2012—Lesley Wischmann submitted comments to the Draft PEIS. The letter indicates that AHW would like to be considered an interested party at every stage. They encourage early “extensive and effective” outreach to affected tribes as early as possible. Major concerns include how development

TABLE L-8 (Cont.)

Organization	BLM Contact	Organization Response
Alliance for Historic Wyoming-Laramie Office (<i>Cont.</i>)		will affect water resources; the degradation of historic trails, cultural sites, rock art, and archaeological sites; and the effect of development on small-town tourism. The AHW believes that the BLM has done a poor job of evaluating Wyoming's Landscapes, and Section 106 is inadequate when dealing with Historic Trails. The letter requests off-site compensatory mitigation for cumulative effects through the NEPA process.
Biodiversity Conservation Alliance	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	Oct. 6, 2011—Phone call to Kate Winthrop, from Erik Molvar. Erik stated that the Biodiversity Conservation Alliance would be interested in consultation.
	Jan. 20, 2012—Packet from the BLM containing notification letter and Draft PEIS.	Feb. 29, 2012—The receptionist stated that they received the Draft PEIS package. Erik was not in the office and he gave Sherri Erik's cell phone number.
	Feb. 29, 2012—Sherri called Erik Molvar and spoke with his receptionist.	March 5, 2012—Erik Molvar received the Draft PEIS but did not recall getting a letter. Erik had not reviewed the document and would call if he had any questions or comments.
	March 5, 2012—Sherri spoke with Erik Molvar.	
Center for Biological Diversity	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Colorado Environmental Coalition	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	

TABLE L-8 (Cont.)

Organization	BLM Contact	Organization Response
Colorado Plateau Archaeological Alliance	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	Nov. 3, 2011—E-mail to Sherri Thompson from John Spangler accepting the invitation to be a consulting party.
	Jan. 25, 2012—Packet from the BLM containing notification letter and Draft PEIS.	March 5, 2012—Jerry received the letter and the Draft PEIS. He looked at it briefly and thought it looked good, but wanted to review the cultural section in detail. Jerry asked for information on public meeting dates.
	Feb. 29, 2012 —Sherri Thompson left voicemail for Jerry Spangler.	
	March 5, 2012—Sherri Thompson called Jerry Spangler to follow up on the Draft PEIS.	
	Sherri sent public meeting information via e-mail.	
Defenders of Wildlife-National Headquarters	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Dominguez Archaeological Research Group Inc.	Feb. 02, 2012—Packet from the BLM containing notification letter and the Draft PEIS.	Feb. 29, 2011—Carl Conner received the Draft PEIS. He did not have any questions or concerns at the time. He complimented the way the document was put together and appreciated the use of the most recent information.
	Feb. 29, 2011—Sherri Thompson called Carl Conner to follow-up on the Draft PEIS.	
National Trust for Historic Preservation	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
National Trust for Historic Preservation-Mountains/Plains Office	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	

TABLE L-8 (Cont.)

Organization	BLM Contact	Organization Response
National Wildlife Federation-Rocky Mountain Natural Resource Center	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Natural Resources Defense Council-Headquarters	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Nine Mile Canyon Coalition	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
NPS - National Historic Trails - Intermountain Region, Santé Fe Field Office	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
NPS -National Historic Trails - Intermountain Region, Salt Lake City Field Office	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	Nov. 2, 2011—Phone call from Lee Kreutzer to Sherri Thompson. Lee indicated they are interested in consultation.
	Jan. 20, 2012—Packet from the BLM containing notification letter and Draft PEIS.	March 2, 2012—Lee Kreutzer returned Sherri Thompson’s phone call. She received the letter and Draft PEIS but did not have a chance to review it. She planned on attending a public meeting in Salt Lake City.
	Feb. 29, 2012—Sherri Thompson left a voicemail for Lee Kreutzer.	
Old Spanish Trail Association	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Old Spanish Trail Association, Grand Junction Local Chapter	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	Oct. 11, 2011—Phone call from Vicki Felmile to Sherri Thompson. Vicki would like to accept the invitation to consult.

TABLE L-8 (Cont.)

Organization	BLM Contact	Organization Response
Old Spanish Trail Association, Grand Junction Local Chapter <i>(Cont.)</i>	Feb. 29, 2012—Sherri Thompson called Vicki Felmile in regard to Draft PEIS.	Feb. 29, 2012—Vicki Felmile indicated that there were no concerns at this time.
Oregon-California Trails Association, Missouri Chapter	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Oregon-California Trails Association, Wyoming Chapter	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Red Rock Forests	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues..	
Sierra Club- Rocky Mountain Natural Resource Center	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Southern Utah Wilderness Alliance	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
The Nature Conservancy, Worldwide Office	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
The Nature Conservancy, Moab Project Office	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	

TABLE L-8 (Cont.)

Organization	BLM Contact	Organization Response
The Wilderness Society	Oct. 2011—Letter from ffice BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Utah Professional Archaeological Council	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Utah Rock Art Research Association	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Western Colorado Congress	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Western Resource Advocates	Oct. 2011—Letter from BLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	
Wilderness Workshop	Oct. 2011—Letter from BLM state officeBLM State Office giving notice of the PEIS and inviting to consult on Section 106-related issues.	

L.4 REFERENCES

BLM (Bureau of Land Management), 2004a, *Manual 8120, Tribal Consultation under Cultural Resources*, Release 8-74, 45, U.S. Department of the Interior.

BLM, 2004b, *Handbook H-8120-1, General Procedural Guidance for Native American Consultation*, Release 8-75, U.S. Department of the Interior.

BLM 2012, *Draft Programmatic Environmental Impact Statement and Possible Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming*, Vols. 1–4, DES 12-01, Jan.

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**ATTACHMENT 1:
TRIBAL CORRESPONDENCE**

(a) All Tribes**United States Department of the Interior**

BUREAU OF LAND MANAGEMENT
Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:
8100 / (UT-934)

July 20, 2011

Maxine Nathees, Chairwoman
Ute Indian Tribe
P.O. Box 190
Fort Duchesne, UT 84026

Dear Ms. Nathees:

The Bureau of Land Management (BLM) is initiating a Programmatic Environmental Impact Statement (PEIS) to take a fresh look at land use allocation decisions made in 2008 regarding the management of oil shale and tar sands resources on Federal lands in Utah, Colorado, and Wyoming, in order to consider which lands should be open to future leasing of oil shale and tar sands resources. The PEIS will evaluate the magnitude of potential leasing activities and assess the associated environmental, cultural, and socio-economic issues. On the basis of the analysis in the PEIS, the BLM may amend relevant Resource Management Plans in these states. Preparation of the PEIS is a multi-step process that will include publication of the Draft PEIS and proposed plan amendment, the Final PEIS and plan amendment, as well as a Record of Decision.

Through our government-to-government consultation procedures, we would like to invite you to become involved in the development of the PEIS and the land use planning process. Gaining your specific knowledge and perspective is critical and valuable to the overall success of BLM's management of oil shale and tar sands resources—both at this land use planning stage and in the event that BLM processes any future leasing and development plans. Enclosed are the maps of the study area for the development of the PEIS. As such, we would like to facilitate discussion and the sharing of information that would be most useful to you and your Tribe. Argonne National Laboratory has been contracted to assist us with consultation logistics and information gathering. They will help with future contacts with tribal representatives and with coordinating meetings, and assist the BLM with updating the ethnohistoric overview completed for the 2008 PEIS. The overview is a compilation of information from existing, written sources. No information will be released that is considered culturally sensitive by interested tribes. The BLM, of course, is responsible for government-to-government interactions.

We would also like to invite you to participate in development of the PEIS and potential plan amendments as a cooperating agency. The Council on Environmental Quality regulations implementing the National Environmental Policy Act (NEPA) 40 C.F.R. 1500-1508 emphasizes the use of cooperating agency relationships as a means of ensuring timely coordination with Tribal, State, Federal, and local agencies in preparation of NEPA analyses and documentation. The BLM places great importance on working effectively with its governmental partners through the cooperating agency relationship. For further information, please see our cooperating agency web site: <http://www.blm.gov/planning/cadg/>.

Cooperating agency status is available to government entities with jurisdiction by law or special expertise. The cooperating agency must sign a Memorandum of Understanding with the Federal agency and must fund its own participation. Other governmental entities who may be invited to be cooperating agencies on this PEIS include the States of Colorado, Utah and Wyoming; county governments; and several local town and city governments.

Preparation of the PEIS is a multi-step process that will be completed in approximately 20 months. We anticipate a very short concurrent review timeframes for BLM and our cooperating agencies. Cooperating agencies may negotiate the level of their involvement consistent with their available staffing and resources.

Gaining your Tribe's expertise and perspective is important to the success of the PEIS and subsequent management strategies. We value your knowledge, concerns and perspectives relating to the planning area. Please note that the Tribe's participation as a cooperating agency does not replace the BLM's obligation to consult on a government-to-government basis. Therefore, regardless of your Tribe's decision to participate or not as a cooperating agency, our government-to-government consultation will continue.

If you would like to participate as a cooperating agency, please contact Sherri Thompson, BLM Project Manager at (303) 239-3758. Also, please allow me to direct you to our project website where you can gain further information and sign up for web news and updates. The website address is: http://www.blm.gov/wo/st/en/prog/energy/oilshale_2.html.

Thank you for your consideration. We look forward to our interaction and discussions. For your convenience, we have included a response form and return envelope with this letter. We would also welcome your response by phone, fax, email, or letter. Your responses may be sent to Byron Loosle, who is my designated representative for this project. Byron Loosle may be contacted at the address above, by phone at (801) 539-4276, by fax at (801) 539-4074, or by email at bloosle@blm.gov.

Sincerely,



Juan Palma
State Director

Enclosures (3):

- Map of Development Area (2 pp)
- Tribal Response Form (1 p)
- Stamped Addressed Return Envelope (1 p)

cc: Betsy Chapoose, Director, Cultural Rights and Protection

Organization	First	Last	Title	Address	City	ST	Zip	FedEx Address
Hopi Tribal Council	LeRoy N.	Shingoitewa	Chairman	P.O. Box 123	Kykotsmovi	AZ	86039	One Main Street, Kykotsmovi, AZ 86039
Kaibab Paiute Tribal Council	Manuel	Savala	Chairperson	HC 65, Box 2	Fredonia	AZ	86022	250 N Pipe Springs, Fredonia, AZ 86022
Navajo Nation	Ben	Shelly	President	P.O Box 7440	Window Rock	AZ	86515	Office of the President, Navajo Tribal Hill Drive, Window Rock, AZ 86515
Navajo Nation, Dennehotso Chapter	Chester	Begay	President	P.O. Box 301	Dennehotso	AZ	86535	
Navajo Nation, Mexican Water Chapter	Jerry	Tsosie	President	HC 61 Box 38	Teecnospos	AZ	86514	
Navajo Nation, Navajo Mountain Chapter	Alex	Bitsinnie	President	P.O. Box 10264	Tonalea	AZ	86044	
Navajo Nation, Teec Nos Pos Chapter	Roy	Kady	President	P.O. Box 209	Teec Nos Pos	AZ	86514	
Navajo Nation, Historic Preservation Dept.				P.O. Box 570	Window Rock	AZ	86515	
Southern Ute Tribe	Jimmy R.	Newton, Jr.	Chairman	P.O. Box 737	Ignacio	CO	81137	356 Ouray Drive, Ignacio, CO 81137
Ute Mountain Ute Tribe	Gary	Hayse	Chairman	P.O. Box 248	Towaoc	CO	81334-0248	125 Mike Wash Road-Tribal Complex, Towaoc, CO 87334
Shoshone-Bannock Tribes	Alonzo A.	Coby	Chairman	P.O. Box 306	Fort Hall	ID	83203-0306	1 Pima Drive, Fort Hall, ID 83203
Pueblo of Laguna	John E.	Antonio, Sr.	Governor	P.O. Box 194	Laguna	NM	87026	101 Capitol Drive, Laguna, NM 87026
Pueblo of Nambe	Ernest	Mirabal	Governor	Route 1, Box 117-BB	Santa Fe	NM	87501	15-A NP 102 West, Santa Fe, NM 75406
Pueblo of Santa Clara	Walter	Dasheno	Governor	P.O. Box 580	Espanola	NM	87532	1 Tea Street, Espanola, NM 87532
Pueblo of Zia	Marcellus	Medina	Governor	135 Capitol Square Drive	Zia Pueblo	NM	87053-6013	135 Capitol Square Drive, Zia Pueblo, NM 87053-6013
Navajo Nation, Aneth Chapter	John	Billie	President	P.O. Box 430	Montezuma Creek	UT	84534	
Navajo Nation, Oljato Chapter	James	Black	President	P.O. Box 360455	Monument Valley	UT	84531	
Navajo Nation, Red Mesa Chapter	Herman	Farley	President	P.O. Box 422	Montezuma Creek	UT	84534	
Navajo Utah Commission	Clarence	Rockwell	Executive Director	P.O. Box 570	Montezuma Creek	UT	84534	ANETH ADM BLDG HWY 262 Aneth, Utah 84510 USA
Northwestern Band of Shoshone Nation	Gwen	Davis	Chairman	707 N. Main St	Brigham City	UT	84302	
Paiute Indian Tribe of Utah Tribal Council	Jeanine	Borchardt	Chairperson	440 N. Paiute Drive	Cedar City	UT	84720-2613	
Ute Indian Tribe	Richard	Jenks	Chairperson	P.O. Box 190	Ft. Duchesne	UT	84026	899 South 7500 East, Ft. Duchesne, UT 84026
Northern Arapaho Business Council	Jim	Shakespeare	Chairman	P.O. Box 396	Fort Washakie	WY	82514	533 Ethete Road, Ethete, WY 82520
Eastern Shoshone Business Council	Mike	Lajeunesse	Chairman	P.O. Box 217	Fort Washakie	WY	82514	14 Norfork Road, Fort Washakie, WY 82514
White Mesa Ute Band	Leona	Eyetoo	Council-woman	P.O. Box 7096	White Mesa	UT	84511	14 Willow St, White Mesa, UT 84511

**United States Department of the Interior****BUREAU OF LAND MANAGEMENT**

Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov/ut/st/cn.html>



IN REPLY REFER TO:
8100 / (UT-934)

JAN 25 2012

Elayne Atcitty, Councilwoman
White Mesa Band of the Ute Mountain Ute Tribe
P. O. Box 7096
Blanding, UT 84511

Dear Ms. Atcitty:

Enclosed please find the *Draft Programmatic Environmental Impact Statement (PEIS) and Possible Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. The Bureau of Land Management (BLM) has prepared this Draft PEIS in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA). As a follow-up to our initial letter on July 19, 2011, inviting you to engage in Government-to-Government consultation on this planning initiative, the BLM invites you to review the Draft PEIS and provide any additional information or comments relating to historic and cultural resources. The BLM also invites you to continue participating in the planning and NEPA process, and welcomes your input as BLM fulfills its obligations under Section 106 of the National Historic Preservation Act (NHPA) regarding the proposed undertaking, i.e., the potential amendment of ten BLM Resource Management Plans (RMPs) in Colorado, Utah, and Wyoming to allocate lands as "open" or "closed" to potential leasing for oil shale and tar sands development.

As described in the Draft PEIS, the BLM is examining proposed land use allocation decisions for potential availability of oil shale and tar sands leasing that will provide future management direction as part of the RMP, but will not authorize any on the ground activities. See Draft PEIS, Chapter 1, Section 1.1, Text box. The BLM recognizes that decision-making regarding the potential leasing and development of oil shale and tar sands resources would occur in three stages. The first stage would be accomplished through the development of the current PEIS process, which could lead to a Record of Decision (ROD) regarding amendments to land use allocations to open or close areas as available for potential leasing. The second stage would be the BLM's consideration of lease applications submitted by interested parties, and the third stage would be the BLM's consideration of site-specific plans of development for leased areas. See Draft PEIS, Chapter 1, Section 1.1, Text box. The second and third stages would require compliance with both NEPA, Section 106 of the NHPA, as well as other pertinent laws, regulations, and policies. See Draft PEIS, Chapter 3, Section 3.9.1.

A BLM representative will contact you to ensure that you have received this letter and the enclosed Draft PEIS, and to answer any questions you may have regarding historic properties and the potential effects the proposed land use plan amendments may have on such properties. We will also ask if you would like to meet to discuss these or other concerns with our project manager, cultural resources program representative, or other appropriate BLM staff or managers. You may also submit comments regarding historic properties individually to the BLM contact listing below, or as part of the NEPA comment process.

The BLM is accepting comments on Draft PEIS through the NEPA process for ninety (90) calendar days following the U.S. Environmental Protection Agency's publication of its *Notice of Availability* in the *Federal Register*.

The BLM will hold public open house meetings for the purposes of providing the public an overview of the document and responding to questions about the Draft PEIS. These public meetings will be scheduled throughout the area covered by the PEIS and will be announced through the public media in the near future and on the BLM website at <http://osts.eis.anl.gov>.

Your review and comments on the Draft PEIS are critical to the success of this planning effort. If you wish to submit comments on the Draft PEIS, we suggest that you make them as specific as possible. Comments will be more helpful if they include suggested changes, sources, or methodologies, and reference to a section or page number. Comments containing only opinions or preferences will be considered and included as part of the decision-making process, although they will not receive a formal response from the BLM.

Comments may be submitted electronically at <http://ostseis.anl.gov/involve/comments/index.cfm>. A comment form can be found on-line at this site. Comments may also be submitted by mail to BLM Oil Shale and Tar Sands PEIS, Argonne National Laboratory, EVS Division, Building 240, 9700 South Cass Avenue, Argonne, Illinois 60439. To facilitate analysis of comments and information submitted, we strongly encourage you to submit comments in electronic format.

Before including your address, phone number, e-mail address or other personal identifying information, you should be aware your entire comment, including your personal identifying information, may be made publically available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Thank you for your interest in the *Draft PEIS and Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. We appreciate the information and suggestions you contribute to the planning process. For additional information or clarification regarding this document, the planning process, or questions related to Section 106 of the NHPA, please contact Byron Loosle, State Archaeologist, Bureau of Land Management, Utah State Office, PO Box 45155, Salt Lake City, Utah, 84145-0155, (801 539-4276, bloosle@blm.gov), or visit the Web site at <http://osts.eis.anl.gov>.

Sincerely,

/s/ Juan Palma

Juan Palma
State Director

Enclosure:
PEIS

Elayne Atcitty, Councilwoman
White Mesa Band of the Ute Mountain Ute Tribe
P. O. Box 7096
Blanding, Utah 84511

Richard Jenks, Jr. Chairman
Ute Indian Tribe
P.O. Box 190
Fort Duchesne, Utah 84026

cc: Betsy Chapoose, Director, Cultural Rights and Protection

Ms. Jeanine Borchardt, Chair
Paiute Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84720

cc: Dorena Martineau

Manuel M. Savala, Chair
Kaibab Band of Paiute Indians
HC 65 Box 2
Pipe Spring, AZ 86022

cc: Mr. Charley Bullets, Cultural Resource Director

Leroy Ned Shingoitewa, Chairman
Hopi Tribal Council
P.O. Box 123
Kykotsmovi, AZ 86039

cc: Leigh Kuwanwisiwma, Director, Hopi Cultural Preservation Office

Mr. Joe Shirley, President
Navajo Nation
P.O. Box 9000
Highway 264, Tribal Hills Drive
Window Rock, AZ 86515

cc: Aneth Chapter
P.O. Box 430
Montezuma Creek, UT 84534

Dennehotso Chapter
P.O. Box 301
Dennehotso, AZ 86535

Mexican Water Chapter
HC-61, Box 38
Tecnospos, AZ 86514

Navajo Mountain Chapter
Navajo Mountain Trading Post
P.O. Box 10070
Tonalea, AZ 86044

Oljato Chapter
P.O. Box 360455
Monument Valley, UT 84531

Red Mesa Chapter
P.O. Box 422
Montezuma Creek, UT 84534

Tecnospos Chapter
P.O. Box 106
Tecnospos, AZ 86514

Clarence Rockwell, Director
Navajo Utah Commission
P.O. Box 570
Montezuma Creek, UT 84534

Timothy Begay
Navajo Nation
Cultural Specialist
Historic Preservation Department
P.O. Box 4950
Window Rock, AZ 86515

John Antonio Sr., Governor
Laguna Pueblo
P.O. Box 194
Laguna, NM 87026

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

Walter Dasheno, Governor
Pueblo of Santa Clara
P.O. Box 580
Española, NM 87532

Ivan Pino, Governor
Pueblo of Zia
135 Capitol Square Drive
Zia Pueblo, NM 87503

**Gwen Davis, Chair
Northwestern Band of Shoshone Nation
707 North Main
Brigham City, UT 84302**

**cc: Patty Madsen
Northwestern Band of Shoshone Nation
862 South Main Street Ste 6
Brigham City, UT 84302**



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office

P.O. Box 1828

Cheyenne, Wyoming 82003-1828

In Reply Refer To:

3900 (930)

8100

JAN 20 2012

Mr. Mike Lajeunesse, Chairman
Eastern Shoshone Tribe of the Wind River Reservation
P.O. Box 538
Fort Washakie, WY 82514

Dear Chairman Lajeunesse:

Attached please find the *Draft Programmatic Environmental Impact Statement (PEIS) and Possible Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. The Bureau of Land Management (BLM) has prepared this Draft PEIS in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA). As a follow-up to our initial letter July 21, 2011, inviting the Eastern Shoshone Tribe to engage in Government-to-Government consultation on this planning initiative, the BLM invites you to review the Draft PEIS and provide any additional information or comments relating to historic and cultural resources. The BLM also invites you to continue participating in the planning and NEPA process, and welcomes your input as BLM fulfills its obligations under Section 106 of the National Historic Preservation Act (NHPA) regarding the proposed undertaking, i.e., the potential amendment of ten BLM Resource Management Plans (RMPs) in Colorado, Utah, and Wyoming to allocate lands as "open" or "closed" to potential leasing for oil shale and tar sands development.

As described in the Draft PEIS, the BLM is examining proposed land use allocation decisions for potential availability of oil shale and tar sands leasing that will provide future management direction as part of the RMP, but will not authorize any on the ground activities. See Draft PEIS, Chapter 1, Section 1.1, Text box. The BLM recognizes that decisionmaking regarding the potential leasing and development of oil shale and tar sands resources would occur in three stages. The first stage would be accomplished through the development of the current PEIS process, which could lead to a Record of Decision (ROD) regarding amendments to land use allocations to open or close areas as available for potential leasing. The second stage would be the BLM's consideration of lease applications submitted by interested parties, and the third stage would be the BLM's consideration of site-specific plans of development for leased areas. See Draft PEIS, Chapter 1, Section 1.1, Text box. The second and third stages would require compliance with both NEPA, Section 106 of the NHPA, as well as other pertinent laws, regulations, and policies. See Draft PEIS, Chapter 3, Section 3.9.1.

A BLM representative will contact you to ensure that you have received this letter and the attached Draft PEIS, and to answer any questions you may have regarding historic properties and the potential effects the proposed land use plan amendments may have on such properties. We will also ask if you would like to meet to discuss these or other concerns with our project manager, cultural resources program representative, or other appropriate BLM staff or managers. You may also submit comments regarding historic properties individually to the BLM contact listing below, or as part of the NEPA comment process.

The BLM is accepting comments on Draft PEIS through the NEPA process for ninety (90) calendar days following the U.S. Environmental Protection Agency's publication of its *Notice of Availability* in the *Federal Register*.

The BLM will hold public open house meetings for the purposes of providing the public an overview of the document and responding to questions about the Draft PEIS. These public meetings will be scheduled throughout the area covered by the PEIS and will be announced through the public media in the near future and on the BLM website at <http://osts.eis.anl.gov>.

Your review and comments on the Draft PEIS are critical to the success of this planning effort. If you wish to submit comments on the Draft PEIS, we suggest that you make them as specific as possible. Comments will be more helpful if they include suggested changes, sources, or methodologies, and reference to a section or page number. Comments containing only opinions or preferences will be considered and included as part of the decisionmaking process, although they will not receive a formal response from the BLM.

Comments may be submitted electronically at <http://ostseis.anl.gov/involve/comments/index.cfm>. A comment form can be found on-line at this site. Comments may also be submitted by mail to BLM Oil Shale and Tar Sands PEIS, Argonne National Laboratory, EVS Division, Building 240, 9700 South Cass Avenue, Argonne, Illinois 60439. To facilitate analysis of comments and information submitted, we strongly encourage you to submit comments in electronic format.

Before including your address, phone number, e-mail address or other personal identifying information, you should be aware your entire comment, including your personal identifying information, may be made publically available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Thank you for your interest in the *Draft PEIS and Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. We appreciate the information and suggestions you contribute to the planning process.

For additional information or clarification regarding this document or the planning process, please contact Sherri Thompson, Project Manager, Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7093, (303) 239-3758, sthompso@blm.gov, or visit the Web site at <http://osts.eis.anl.gov>. For questions regarding Section 106 of the NHPA, please contact Ranel Stephenson Capron, Deputy Preservation Officer, 5353 Yellowstone Road, Cheyenne, WY 82009, (307) 775-6108, rcapron@blm.gov.

Sincerely,



Donald A. Simpson
State Director

Enclosure

Also sent to:

Mr. Jim Shakespeare, Chairman
Northern Arapaho Tribe of the Wind River Reservation
P.O. Box 396
Fort Washakie, WY 82514



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7093
www.blm.gov/co



In Reply Refer To:
3900 (CO-922)

FEB 02 2012

Chairman Jimmy R. Newton, Jr.
Southern Ute Indian Tribe
P.O. Box 737
Ignacio, Colorado 81137-0737

Dear Mr. Newton:

Enclosed please find the *Draft Programmatic Environmental Impact Statement (PEIS) and Possible Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. The Bureau of Land Management (BLM) has prepared this Draft PEIS in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA). As a follow-up to our initial letter on June 14, 2011, inviting you to engage in Government-to-Government consultation on this planning initiative, the BLM invites you to review the Draft PEIS and provide any additional information or comments relating to historic and cultural resources. The BLM also invites you to continue participating in the planning and NEPA process, and welcomes your input as BLM fulfills its obligations under Section 106 of the National Historic Preservation Act (NHPA) regarding the proposed undertaking, i.e., the potential amendment of ten BLM Resource Management Plans (RMPs) in Colorado, Utah, and Wyoming to allocate lands as "open" or "closed" to potential leasing for oil shale and tar sands development.

As described in the Draft PEIS, the BLM is examining proposed land use allocation decisions for potential availability of oil shale and tar sands leasing that will provide future management direction as part of the RMP, but will not authorize any on the ground activities. See Draft PEIS, Chapter 1, Section 1.1, Text box. The BLM recognizes that decision-making regarding the potential leasing and development of oil shale and tar sands resources would occur in three stages. The first stage would be accomplished through the development of the current Draft PEIS process, which could lead to a Record of Decision (ROD) regarding amendments to land use allocations to open or close areas as available for potential leasing. The second stage would be the BLM's consideration of lease applications submitted by interested parties, and the third stage would be the BLM's consideration of site-specific plans of development for leased areas. See Draft PEIS, Chapter 1, Section 1.1, Text box. The second and third stages would require compliance with both NEPA, Section 106 of the NHPA, as well as other pertinent laws, regulations, and policies. See Draft PEIS, Chapter 3, Section 3.9.1.

A BLM representative will contact you to ensure that you have received this letter and the enclosed Draft PEIS, and to answer any questions you may have regarding historic properties and the potential effects the proposed land use plan amendments may have on such properties. We will also ask if you would like to meet to discuss these or other concerns with our project manager, cultural resources program representative, or other appropriate BLM staff or managers. You may also submit comments regarding historic properties individually to the BLM contact listing below, or as part of the NEPA comment process.

The BLM is accepting comments on the Draft PEIS through the NEPA process for ninety (90) calendar days following the U.S. Environmental Protection Agency's publication of its *Notice of Availability* in the *Federal Register*.

The BLM will hold public open house meetings for the purposes of providing the public an overview of the document and responding to questions about the Draft PEIS. These public meetings will be scheduled throughout the area covered by the Draft PEIS and will be announced through the public media in the near future and on the BLM website at: <http://ostis.eis.anl.gov>.

Your review and comments on the Draft PEIS are critical to the success of this planning effort. If you wish to submit comments on the Draft PEIS, we suggest that you make them as specific as possible. Comments will be more helpful if they include suggested changes, sources, or methodologies, and reference to a section or page number. Comments containing only opinions or preferences will be considered and included as part of the decision-making process, although they will not receive a formal response from the BLM.

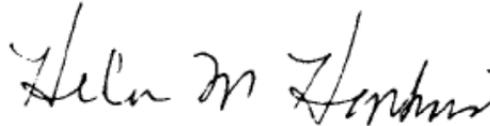
Comments may be submitted electronically at: <http://ostseis.anl.gov/involve/comments/index.cfm>. A comment form can be found on-line at this site. Comments may also be submitted by mail to BLM Oil Shale and Tar Sands PEIS, Argonne National Laboratory, EVS Division, Building 240, 9700 South Cass Avenue, Argonne, Illinois 60439. To facilitate analysis of comments and information submitted, we strongly encourage you to submit comments in electronic format.

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this document, the planning process, or questions related to Section 106 of the NHPA, please contact Daniel Haas, State Deputy Preservation Officer, Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado, 80215-7093, (303) 239-3647, dhaas@blm.gov, or visit the website at: <http://osts.eis.anl.gov>.

Sincerely,



Helen M. Hankins
State Director

Enclosure

cc: Steve Whiteman, Natural Resources Division, Wildlife Resource Management
Southern Ute Indian Tribe
P.O. Box 737
Ignacio, Colorado 81137-0737

Also sent to:

Chairman Gary Hayes
Ute Mountain Ute Indian Tribe
P.O. Box 468
Towaoc, Colorado 81334-0468

Terry Knight, Tribal Historic Preservation Officer
Ute Mountain Ute Indian Tribe
P.O. Box 248
Towaoc, Colorado 81334

(b) Eastern Shoshone Tribe of the Wind River Reservation



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7093
www.blm.gov/co



In Reply Refer To:
3900 (WO-320)

APR 11 2012

Mr. Wilfred Ferris
Eastern Shoshone Tribe
P.O. Box 538
Fort Washakie, Wyoming 82514

Dear Mr. Ferris:

During a recent meeting between the Ute Mountain Ute Tribe and the Colorado Bureau of Land Management (BLM), the tribal representatives asked the BLM to hold a meeting with the cultural representatives of the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, the Ute Indian Tribe of the Uintah & Ouray Reservation, and the Eastern Shoshone Tribe regarding the protection of wickiup sites in the Oil Shale and Tar Sands project area. They had expressed specific concerns with protecting the wickiup sites located in the Yellow Creek area of Rio Blanco County, Colorado.

The Colorado BLM is inviting you and the cultural representatives of the Ute Indian Tribe, the Southern Ute Indian Tribe, and the Ute Mountain Ute Tribe to a consultation meeting and field tour of the Yellow Creek area on May 2, 2012. We intend to look at a few representative sites and the overall area, and would appreciate your help to discuss appropriate means of protection for these sites and to identify a protection boundary around them.

Wednesday, May 2, 2012, will be a full day beginning at 8:00 a.m. We will meet at the BLM White River Field Office, located at 220 East Market Street, Meeker, Colorado, for a brief overview of the project and to answer any questions you may have and then will leave for the field to look at these sites later that morning. A sack lunch and water will be provided. We anticipate getting back to the office late afternoon leaving an hour or so for discussion.

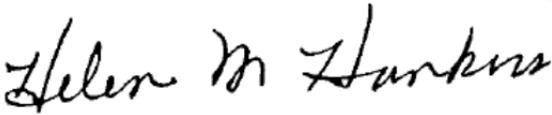
The BLM will provide \$200/day each for up to two tribal representatives for their subject matter expertise, lodging and other travel expenses unless the individual is a salaried tribal staff member. Tribes are welcome to bring additional representatives at their own expense. Reimbursements will be paid by check after the meeting.

A block of rooms at the government rate has been set aside at the Blue Spruce Hotel in Meeker (970) 878- 0777. Participants are asked to call the hotel directly and provide

their own credit card for their rooms by referencing the "BLM" room block. Hotel reservations must be made by April 25, 2012, as all unreserved rooms will be released after that date. Reservations may be made after that date if rooms are still available.

Please call Sherri Thompson at (303) 239-3758 to confirm your attendance at this consultation meeting or if you need further information. Thank you for your interest in this project. We look forward to working with the tribes so we can assure that our land management activities consider and protect places of importance.

Sincerely,

A handwritten signature in black ink that reads "Helen M. Hankins". The signature is written in a cursive style with a small dot at the end.

Helen M. Hankins,
State Director

(c) Hopi

TRIBAL RESPONSE FORM
OIL SHALE/TAR SANDS PEIS

2011 JUL 29 AM 9:04

Dear Tribal Official:

Hopi Tribe Leroy N. Shingaitewa Chairman

This form is provided for your convenience to assist BLM in ensuring that your tribe has received our correspondence, and that we can continue to communicate with you in the most effective way possible. If you are not the appropriate individual to receive and respond to this form, please see that the enclosed correspondence are given to the appropriate person.

Please fill out this form and return it in the supplied return envelope. Be assured that we will follow up with you and/or your other tribal representatives in accordance with your responses.

Our tribe has information or concerns that we would like to discuss with the BLM about this project. Therefore, we would like you to contact us to set up a meeting where we can consult on the issues. Please identify an acceptable date and time for such a meeting.

The information that you have provided in your correspondence is sufficient and we do not require consultation with you at this time. We also understand that we may request other opportunities to consult with you in the future.

Thank you for your correspondence. Our tribe has no comment and no further interest in BLM's proposed oil shale/tar sands PEIS at this time. We understand, however, that we may contact you at any time in the future to discuss issues or to request formal consultation.

Name of individual responding to this form (please print):

Name: John T. Merqart Title: Legal Researcher

Address: PO Box 123 Kykotsmavi AZ 86039

Telephone No. 928 734 3619 Email: merqart@hopi.nsn.us

If there is some else we should contact regarding this correspondence, please indicate their name, title, address, and telephone number below:

Name: Leigh J. Kuroonwagwans Title: Director Hopi Cultural Preservation Office

Address: PO Box 123 Kykotsmavi AZ 86039

Telephone No. 928 734 3611 Email: kuroonwagwans@hopi.nsn.us

Please return this form by (August 21, 2011).

(d) Navajo Nation—Navajo Mountain Chapter

TRIBAL RESPONSE FORM
OIL SHALE/TAR SANDS PEIS

2011 JUL 29 AM 9:06

Dear Tribal Official:

This form is provided for your convenience to assist BLM in ensuring that your tribe has received our correspondence, and that we can continue to communicate with you in the most effective way possible. If you are not the appropriate individual to receive and respond to this form, please see that the enclosed correspondence are given to the appropriate person.

Please fill out this form and return it in the supplied return envelope. Be assured that we will follow up with you and/or your other tribal representatives in accordance with your responses.

Our tribe has information or concerns that we would like to discuss with the BLM about this project. Therefore, we would like you to contact us to set up a meeting where we can consult on the issues. Please identify an acceptable date and time for such a meeting.

The information that you have provided in your correspondence is sufficient and we do not require consultation with you at this time. We also understand that we may request other opportunities to consult with you in the future.

Thank you for your correspondence. Our tribe has no comment and no further interest in BLM's proposed oil shale/tar sands PEIS at this time. We understand, however, that we may contact you at any time in the future to discuss issues or to request formal consultation.

Name of individual responding to this form (please print):

Name: Alex Bitsinnio Title: Navajo Mtn Chapter Pres

Address: PO Box 10264
Tonalea, AZ 86044

Telephone No. 928.575.5922 Email: albitsinnio@yahoo.com

If there is some else we should contact regarding this correspondence, please indicate their name, title, address, and telephone number below:

Name: _____ Title: _____

Address: _____

Telephone No. _____ Email: _____

Please return this form by (August 21, 2011).

(e) Paiute Indian Tribe of Utah (PITU)

TRIBAL RESPONSE FORM
OIL SHALE/TAR SANDS PEIS

2011 AUG -5 AM 10:15

Dear Tribal Official:

This form is provided for your convenience to assist BLM in ensuring that your tribe has received our correspondence, and that we can continue to communicate with you in the most effective way possible. If you are not the appropriate individual to receive and respond to this form, please see that the enclosed correspondence are given to the appropriate person.

Please fill out this form and return it in the supplied return envelope. Be assured that we will follow up with you and/or your other tribal representatives in accordance with your responses.

- Our tribe has information or concerns that we would like to discuss with the BLM about this project. Therefore, we would like you to contact us to set up a meeting where we can consult on the issues. Please identify an acceptable date and time for such a meeting.
- The information that you have provided in your correspondence is sufficient and we do not require consultation with you at this time. We also understand that we may request other opportunities to consult with you in the future.
- Thank you for your correspondence. Our tribe has no comment and no further interest in BLM's proposed oil shale/tar sands PEIS at this time. We understand, however, that we may contact you at any time in the future to discuss issues or to request formal consultation.

Name of individual responding to this form (please print):

Name: Dorena Martineau Title: P.I.T.U. Cultural Resources

Address: Paiute Indian Tribe of Utah
440 N. Paiute Drive, Cedar City, Utah, 84721

Telephone No. 435-586-1112 Email: dorena.martineau@ihs.gov

If there is some else we should contact regarding this correspondence, please indicate their name, title, address, and telephone number below:

Name: _____ Title: _____

Address: _____

Telephone No. _____ Email: _____

Please return this form by (August 21, 2011).

(f) Pueblo of Santa Clara

TRIBAL RESPONSE FORM
OIL SHALE/TAR SANDS PEIS

211-01-950
MAY 28 AM 9:39

Dear Tribal Official:

This form is provided for your convenience to assist BLM in ensuring that your tribe has received our correspondence, and that we can continue to communicate with you in the most effective way possible. If you are not the appropriate individual to receive and respond to this form, please see that the enclosed correspondence are given to the appropriate person.

Please fill out this form and return it in the supplied return envelope. Be assured that we will follow up with you and/or your other tribal representatives in accordance with your responses.

- Our tribe has information or concerns that we would like to discuss with the BLM about this project. Therefore, we would like you to contact us to set up a meeting where we can consult on the issues. Please identify an acceptable date and time for such a meeting.
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- Thank you for your correspondence. Our tribe has no comment and no further interest in BLM's proposed oil shale/tar sands PEIS at this time. We understand, however, that we may contact you at any time in the future to discuss issues or to request formal consultation.

Name of individual responding to this form (please print):

Name: Ben Chavarria Title: land & Cultural Resources

Address: P.O. Box 580
Escondido NM 87532

Telephone No. (505) 699 7948 Email: bchavarria@santaclara.pueblo.org

If there is some else we should contact regarding this correspondence, please indicate their name, title, address, and telephone number below:

Name: _____ Title: _____

Address: _____

Telephone No. _____ Email: _____

Please return this form by (August 21, 2011).

(g) Ute Indian Tribe of the Uintah and Ouray Reservation



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7093
www.blm.gov/co



In Reply Refer To:
3900 (WO-320)

APR 11 2012

Ms. Irene Cuch
Tribal Chairwoman
Ute Indian Tribe of the Uintah and Ouray Reservation
P.O. Box 190
Ft. Duchesne, Utah 84026

Dear Ms. Cuch:

During a recent meeting between the Ute Mountain Ute Tribe and the Colorado Bureau of Land Management (BLM), the tribal representatives had asked the BLM to hold a meeting with the cultural representatives of the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, the Ute Indian Tribe of the Uintah & Ouray Reservation, and the Eastern Shoshone Tribe regarding the protection of wickiup sites in the Oil Shale and Tar Sands project area. They had expressed specific concerns with protecting the wickiup sites located in the Yellow Creek area of Rio Blanco County, Colorado.

The Colorado BLM is inviting you and the cultural representatives of the Southern Ute, the Eastern Shoshone, and the Ute Mountain Ute Tribe to a consultation meeting and field tour of the Yellow Creek area on May 2, 2012. We intend to look at a few representative sites and the overall area, and would appreciate your help to discuss appropriate means of protection for these sites and to identify a protection boundary around them.

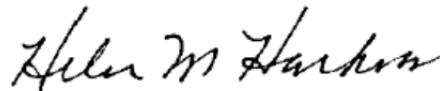
Wednesday, May 2, 2012, will be a full day beginning at 8:00 a.m. We will meet at the BLM White River Field Office, located at 220 East Market Street, Meeker, Colorado, for a brief overview of the project and to answer any questions you may have and then will leave for the field to look at these sites later that morning. A sack lunch and water will be provided. We anticipate getting back to the office late afternoon leaving an hour or so for discussion.

The BLM will provide \$200/day each for up to two tribal representatives for their subject matter expertise, lodging and other travel expenses unless the individual is a salaried tribal staff member. Tribes are welcome to bring additional representatives at their own expense. Reimbursements will be paid by check after the meeting.

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Please call Sherri Thompson at (303) 239-3758 to confirm your attendance at this consultation meeting or if you need further information. Thank you for your interest in this project. We look forward to working with the tribes so we can assure that our land management activities consider and protect places of importance.

Sincerely,



Helen M. Hankins,
State Director

This letter also sent to:

Ms. Betsy Chapoose
Ute Indian Tribe of the Uintah and Ouray Reservation
P.O. Box 190
Ft. Duchesne, Utah 84026

(h) Ute Mountain Ute Tribe



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7093
www.blm.gov/co



In Reply Refer To:
3900 (WO-320)

APR 11 2012

Mr. Terry Knight
Ute Mountain Ute Tribe
P.O. Box 189
Towaoc, Colorado 81334

Dear Mr. Knight:

During a recent meeting between the Ute Mountain Ute Tribe and the Colorado Bureau of Land Management (BLM), you asked the BLM to hold a meeting with the cultural representatives of the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, the Ute Indian Tribe of the Uintah & Ouray Reservation, and the Eastern Shoshone Tribe regarding the protection of wickiup sites in the Oil Shale and Tar Sands project area. You had expressed specific concerns with protecting the wickiup sites located in the Yellow Creek area of Rio Blanco County, Colorado.

The Colorado BLM is inviting you and the cultural representatives of the Southern Ute, the Eastern Shoshone, and the Ute Indian Tribe of the Uintah & Ouray Reservation to a consultation meeting and field tour of the Yellow Creek area on May 2, 2012. We intend to look at a few representative sites and the overall area, and would appreciate your help to discuss appropriate means of protection for these sites and to identify a protection boundary around them.

Wednesday, May 2, 2012, will be a full day beginning at 8:00 a.m. We will meet at the BLM White River Field Office, located at 220 East Market Street, Meeker, Colorado, for a brief overview of the project and to answer any questions you may have and then will leave for the field to look at these sites later that morning. A sack lunch and water will be provided. We anticipate getting back to the office late afternoon leaving an hour or so for discussion.

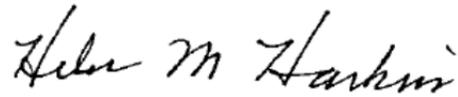
The BLM will provide \$200/day each for up to two tribal representatives for their subject matter expertise, lodging and other travel expenses unless the individual is a salaried tribal staff member. Tribes are welcome to bring additional representatives at their own expense. Reimbursements will be paid by check after the meeting.

A block of rooms at the government rate has been set aside at the Blue Spruce Hotel in Meeker (970) 878- 0777. Participants are asked to call the hotel directly and provide

their own credit card for their rooms by referencing the "BLM" room block. Hotel reservations must be made by April 25, 2012, as all unreserved rooms will be released after that date. Reservations may be made after that date if rooms are still available.

Please call Sherri Thompson at (303) 239-3758 to confirm your attendance at this consultation meeting or if you need further information. Thank you for your interest in this project. We look forward to working with the tribes so we can assure that our land management activities consider and protect places of importance.

Sincerely,

A handwritten signature in cursive script that reads "Helen M. Hankins".

Helen M. Hankins,
State Director

ATTACHMENT 2:
STATE HISTORIC PRESERVATION OFFICE CORRESPONDENCE

(a) Colorado, Utah, and Wyoming State Historic Preservation Offices



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7093
www.blm.gov/co



In Reply Refer To:
8100 (CO-931)

SEP 22 2011

Mr. Edward Nichols
State Historic Preservation Officer
Colorado Historical Society
1560 Broadway, Suite 400
Denver, Colorado 80202

Dear Mr. Nichols:

The Bureau of Land Management (BLM) is now preparing a *Programmatic Environmental Impact Statement (PEIS) and Possible Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming*. The BLM is seeking consultation with you to meet its obligations under Section 106 of the National Historic Preservation Act and to obtain information useful to the planning decisions that will result from this PEIS.

In 2008, the BLM amended ten land use plans in Colorado, Utah, and Wyoming to make approximately 2,000,000 acres available for potential development of oil shale, and approximately 431,224 acres available for development of tar sands¹. The BLM has decided to take a fresh look at the land use plan allocation decisions made in 2008 to consider which lands should be open to future leasing of oil shale and tar sands resources. As there are no economically viable ways yet known to extract and process oil shale for commercial purposes, and Utah tar sands deposits are not at present a proven commercially-viable energy source, the BLM, through its planning process, intends to take a hard look at whether it is appropriate for the total number of acres allocated in the 2008 decision to continue to be available for potential development of oil shale and tar sands resources.

This PEIS will analyze amending pertinent BLM Resource Management Plans² to identify any areas that may be excluded from future oil shale and tar sands leasing in these three states. Specifically, the BLM will decide whether any changes should be made to the existing land use allocation decisions, and will consider amending the applicable resource management plans to specify whether any areas in Colorado, Utah, and Wyoming currently open for future leasing and development should

¹ *Proposed Oil Shale and Tar Sands Resource Management Plan Amendments to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement*. Bureau of Land Management, Department of the Interior, September 2008.

Approved Resource Management Plan Amendments/Record of Decision (ROD) for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement. Bureau of Land Management, Department of the Interior, November 2008.

² The White River RMP, the Grand Junction RMP, the Glenwood Springs RMP, the Vernal RMP, the Price RMP, the Richfield RMP, the Monticello RMP, the Kemmerer RMP, the Rawlins RMP, and the Green River RMP.

not be made available for such leasing and development. The BLM does not currently expect to add areas to the current allocation and will notify you if such a change should occur. The area under consideration is identified in the enclosed map (Enclosures).

The BLM will also identify cultural and tribal issues not addressed in the 2008 PEIS based on any new information obtained since that time, and may develop additional mitigation measures based on new information regarding cultural and tribal resources in the areas allocated for oil shale and tar sands development. Your office has already been contacted by Argonne National Laboratory, BLM's contractor for this project, to update the 2008 analysis; we appreciate your assistance with this query.

We are also inviting your comments on the following:

- Recommendations for areas which should be excluded from future allocation based on:
 - outstanding cultural and/or tribal resources, or
 - the potential for irresolvable management conflicts, such as areas where it would be difficult or impossible to avoid, minimize, or mitigate impacts from future development;
- Any other issues or concerns you may have regarding this PEIS.

Enclosed also please find a list of interested parties that the BLM is contacting at this time. Please advise us if there are other parties we should contact.

Mr. Dan Haas, our State Archaeologist, will be contacting you shortly to consult with you on this project and to discuss any questions you may have. If you have comments or concerns please send them to Mr. Haas at the address in the letterhead or by email at dhaas@blm.gov within the next 30 days. Your time and consideration are greatly appreciated.

If you have any questions or require further clarification regarding the project please call Mr. Haas at (303) 239-3647. We have also developed a web site specific to this project where users can gain further information, sign up for web news and up-dates, as well as submit comments. The address is: <http://ostseis.anl.gov>.

We look forward to our interaction and discussions.

Sincerely,



Helen M. Hankins
State Director

/s/ John Mehlhoff
Acting

Enclosures

cc: Kent Walter, Manager, BLM, White River Field Office (w/o enclosures)
Catherine Robertson, Manager, BLM, Grand Junction Field Office (w/o enclosures)
Steve Bennett, Manager, BLM, Colorado River Valley Field Office (w/o enclosures)

bcc: CON030: ALeavitt-Reynolds (w/o enclosures)
CON040: ELeifeld (w/o enclosures)
CON041: KBowen (w/o enclosures)

Appropriate project maps were sent to each SHPO.

Oil Shale-Tar Sands 2012 PEIS

Interested Parties

Colorado

Old Spanish Trail Association, Grand Junction local chapter
Dominguez Archaeological Research Group Inc.

Utah

Colorado Plateau Archaeological Alliance*
LDS Church History
National Trust for Historic Preservation*
Nine Mile Canyon Coalition*
Utah Rock Art Research Association*
Utah Professional Archaeological Council

Wyoming

Oregon-California Trails Association*
Alliance for Historic Wyoming
Tracks Across Wyoming

Other

Old Spanish Trail Association
NPS-National Historic Trails, Salt Lake City and Santa Fe offices
The Nature Conservancy*

Plaintiffs

Colorado Environmental Coalition*
Western Colorado Congress*
Wilderness Workshop*
Biodiversity Conservation Alliance*
Southern Utah Wilderness Alliance*
Red Rock Forests*
Western Resource Advocates*
National Wildlife Federation*
Center for Biological Diversity*
The Wilderness Society*
Natural Resources Defense Council*
Defenders of Wildlife*
Sierra Club*

*commented on cultural resources for the 2008 PEIS

September 2011, Initial Notification Letter – SHPO Distribution List					
Name	Contact	Address1	City	St	Zip
Utah SHPO	Lori Hunsaker	300 S. Rio Grande Street	Salt Lake City	UT	84101
Colorado SHPO	Edward Nichols	1200 Broadway	Denver	CO	80203
Wyoming SHPO	Mary Hopkins	2301 Central Avenue	Cheyenne	WY	82002



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

In Reply Refer To:
3900 (930)
8100

JAN 20 2012

Mary Hopkins
State Historic Preservation Officer
2301 Central Avenue
Cheyenne, WY 82002

Dear Ms. Hopkins:

Enclosed please find the *Draft Programmatic Environmental Impact Statement (PEIS) and Possible Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. The Bureau of Land Management (BLM) has prepared this Draft PEIS in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA). As a follow-up to our initial letter September 27, 2011, inviting you to engage in consultation on this planning initiative, the BLM invites you to review the Draft PEIS and provide any additional information or comments relating to historic and cultural resources. The BLM welcomes your input as it fulfills its obligations under Section 106 of the National Historic Preservation Act (NHPA) regarding the proposed undertaking, i.e., the potential amendment of ten BLM Resource Management Plans (RMPs) in Colorado, Utah, and Wyoming to allocate lands as "open" or "closed" to potential leasing for oil shale and tar sands development.

As described in the Draft PEIS, the BLM is examining proposed land use allocation decisions for potential availability of oil shale and tar sands leasing that will provide future management direction as part of the RMP, but will not authorize any on the ground activities. See Draft PEIS, Chapter 1, Section 1.1, Text box. The BLM recognizes that decisionmaking regarding the potential leasing and development of oil shale and tar sands resources would occur in three stages. The first stage would be accomplished through the development of the current PEIS process, which could lead to a Record of Decision (ROD) regarding amendments to land use allocations to open or close areas as available for potential leasing. The second stage would be the BLM's consideration of lease applications submitted by interested parties, and the third stage would be the BLM's consideration of site-specific plans of development for leased areas. See Draft PEIS, Chapter 1, Section 1.1, Text box. The second and third stages would require compliance with both NEPA, Section 106 of the NHPA, as well as other pertinent laws, regulations, and policies. See Draft PEIS, Chapter 3, Section 3.9.1.

A BLM representative will contact you to ensure that you have received this letter and the attached Draft PEIS, and to answer any questions you may have regarding historic properties and the potential effects the proposed land use plan amendments may have on such properties. We will also ask if you would like to meet to discuss these or other concerns with our project manager, cultural resources program representative, or other appropriate BLM staff or managers. You may also submit comments regarding historic properties individually to the BLM contact listing below, or as part of the NEPA comment process.

The BLM is accepting comments on Draft PEIS through the NEPA process for ninety (90) calendar days following the U.S. Environmental Protection Agency's publication of its *Notice of Availability* in the *Federal Register*.

The BLM will hold public open house meetings for the purposes of providing the public an overview of the document and responding to questions about the Draft PEIS. These public meetings will be scheduled throughout the area covered by the PEIS and will be announced through the public media in the near future and on the BLM website at <http://osts.eis.anl.gov>.

Your review and comments on the Draft PEIS are critical to the success of this planning effort. If you wish to submit comments on the Draft PEIS, we suggest that you make them as specific as possible. Comments will be more helpful if they include suggested changes, sources, or methodologies, and reference to a section or page number. Comments containing only opinions or preferences will be considered and included as part of the decisionmaking process, although they will not receive a formal response from the BLM.

Comments may be submitted electronically at <http://ostseis.anl.gov/involve/comments/index.cfm>. A comment form can be found on-line at this site. Comments may also be submitted by mail to BLM Oil Shale and Tar Sands PEIS, Argonne National Laboratory, EVS Division, Building 240, 9700 South Cass Avenue, Argonne, Illinois 60439. To facilitate analysis of comments and information submitted, we strongly encourage you to submit comments in electronic format.

Before including your address, phone number, e-mail address or other personal identifying information, you should be aware your entire comment, including your personal identifying information, may be made publically available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Thank you for your interest in the *Draft PEIS and Possible Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. We appreciate the information and suggestions you contribute to the planning process. For additional information or clarification regarding this document, the planning process or questions related to Section 106 of the NHPA, please contact Ranel Stephenson Capron, Deputy Preservation Officer, at the address above, by phone at 307-775-6108, or by email at rcapron@blm.gov. You may also visit the Web site at <http://osts.eis.anl.gov>.

Sincerely,




Donald A. Simpson
State Director

Enclosure

September 2011, Initial Notification Letter – SHPO Distribution List					
Name	Contact	Address1	City	St	Zip
Utah SHPO	Lori Hunsaker	300 S. Rio Grande Street	Salt Lake City	UT	84101
Colorado SHPO	Edward Nichols	1200 Broadway	Denver	CO	80203
Wyoming SHPO	Mary Hopkins	2301 Central Avenue	Cheyenne	WY	82002

(b) Colorado State Historic Preservation Office



October 31, 2011

Dan Haas, State Archaeologist
Bureau of Land Management
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7093

2011 NOV -4 PM 2:41
D01-BLM
CO STATE OFFICE
COSO MAIL ROOM

Re: Programmatic Environmental Impact Statement (PEIS) and Possible Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming (CHS #48519)

Dear Mr. Haas:

Thank you for your office's correspondence dated September 22, 2011 (received by our office on October 3, 2011) regarding the captioned project. The letter invited our comments regarding recommendations for areas to be excluded from future allocations to this project, specifically areas of outstanding cultural and/or tribal resources or areas where potentially irresolvable conflicts might be encountered.

We apologize for the delay in responding; but we are not quite certain what it is you are requesting from us at this time. The immense size of the area involved in the proposed project (approximately 360,000 acres) and the lack of information as to how the program will actually be implemented, given that there is not an economically viable way to extract and process oil shale in this area, renders it difficult to respond to your request for recommendations. Your questions deal with general issues as to be more appropriately addressed by a historic context for the project area. Although a Class I Cultural Resource Overview was assembled by Dan O'Rourke and others in 2007, it is little more than a tabular inventory of sites in the area and report titles of archaeological work. A historic context would actually draw these data together in a meaningful and critical synthesis and provide us with a guide for both of our offices in future consultations.

We also note that our January 14, 2009 correspondence to your office included several comments regarding the revised draft programmatic agreement (PA). We are wondering whether our comments and others have been incorporated into a new draft, and what the status of the PA is.

Given these questions, we recommend that we schedule a conference call or meeting with BLM staff to become acquainted with the current status of the project as well as to discuss how consultation with or office may best be of benefit to the BLM at this stage of the project.

Thank you for the opportunity to comment. If we may be of further assistance please contact Dan Corson, Intergovernmental Services Director, at (303) 866-2673 or at dan.corson@state.co.us

Sincerely,

for Edward C. Nichols
State Historic Preservation Officer
ECN/DWC



May 4, 2012

BLM Oil Shale and Tar Sands PEIS
Argonne National Laboratory
EVS Division
Building 240
9700 South Cass Avenue
Argonne, Illinois 60439

Re: Draft Programmatic Environmental Impact Statement (PEIS) and Possible Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming (CHS #48519)

To Whom it May Concern:

Thank you for your correspondence dated January 25, 2012 (received by our office on February 6, 2012) and for the opportunity to discuss this project with both Dan Haas and Sherri Thompson on April 11, 2012. Their formal presentation of possible oil shale development within the Piceance Basin study area in Colorado certainly helped us understand the nature of this undertaking.

We recognize that BLM is currently in the initial (land use planning) stage of what is described as a three-step process. Currently the commercial viability and development for this new technology is unknown, but is actively being studied through ongoing research, development, and demonstration (RD&D) lease analysis. We anticipate that additional Section 106 consultation will occur with our office for each of these subsequent steps including BLM lease review and the consideration of site-specific development plans.

Under the process established for the protection of cultural resources as required by Section 106 of the National Historic Preservation Act (Section 106) and implemented through 36 CFR 800, it is the statutory requirement of the Federal agency to fulfill the procedural obligation of Section 106 and to ensure that an agency official with jurisdiction over an undertaking takes legal and financial responsibility for Section 106 compliance (36 CFR 800.2). The lead agency official remains legally responsible for all required findings and determinations if the services of a consultant have been utilized for the purpose of obtaining recommendations regarding National Register-eligibility and project effect (36 CFR 800.2(a)(3)) or if an applicant for Federal assistance has been authorized by the lead agency to initiate consultation with the State Historic Preservation Officer (36 CFR 800.2(c)(4)).

The findings from the Section 106 studies can inform the National Environmental Policy Act (NEPA) studies, such as including mitigation measures identified under Section 106 into the NEPA decision document. Once we receive the Section 106 studies, we will be able to fully complete our reviews under both NHPA and NEPA.

As such, we recommend that a cultural resources survey be completed for the individual site-specific development plans prior to mineral extraction to document all the historic properties within the project area and to determine the potential effects to these resources as a result of the proposed undertaking.

www.HISTORYCOLORADO.ORG

HISTORY COLORADO CENTER 1200 BROADWAY DENVER COLORADO 80203

Thank you for the opportunity to comment. If we may be of further assistance please contact Mark Tobias, Section 106 Compliance Manager, at (303) 866-4674 or at mark.tobias@state.co.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ed Nichols", is written over the printed name.

Edward C. Nichols
State Historic Preservation Officer
ECN/MAT



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215-7210
www.co.blm.gov



In Reply Refer To:
3900 (CO-920)

SEP 07 2012

Mr. Edward Nichols
State Historic Preservation Officer
History Colorado
1200 Broadway
Denver, Colorado 80203

Dear Mr. Nichols:

This letter continues consultation with your office regarding the Bureau of Land Management's (BLM) proposal to amend 10 land use plans in Colorado, Utah, and Wyoming to designate public lands managed by the BLM as open or closed for application for commercial leasing for oil shale and tar sands development (CHS #48519). The BLM determined that this is an undertaking per the regulations for the National Historic Preservation Act, Section 106 (36CFR800.16(y)) and appreciates your consultation with us to date. We are completing our review for this undertaking and by this letter are asking for your concurrence with our determination of "no historic properties affected." The information presented below describes our analysis in reaching this determination. We assume that if we do not hear from you within 30 days that you concur with our decision.

Description of the Undertaking:

In 2008, the BLM amended 10 land use plans in Colorado, Utah, and Wyoming to make approximately 2,000,000 acres available for potential development of oil shale, and approximately 431,224 acres available for development of tar sands¹. The BLM has decided to take a fresh look at the land use plan allocation decisions made in 2008 to consider which lands should be open to future leasing of oil shale and tar sands resources. As there are no economically viable ways yet known to extract and process oil shale for commercial purposes, and Utah tar sands deposits are not at present a proven

¹ *Proposed Oil Shale and Tar Sands Resource Management Plan Amendments to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement*. Bureau of Land Management, Department of the Interior, September 2008.
Approved Resource Management Plan Amendments/Record of Decision (ROD) for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement. Bureau of Land Management, Department of the Interior, November 2008.

commercially-viable energy source, the BLM, through its planning process, intends to take a hard look at whether it is appropriate for the total number of acres allocated in the 2008 decision to continue to be available for potential development of oil shale and tar sands resources.

The BLM proposes to amend pertinent BLM Resource Management Plans² (RMP) to identify any areas that may be open or closed to future oil shale and tar sands leasing in these three states. The BLM will decide whether any changes should be made to the existing 2008 land use allocation decisions. The BLM is specifically considering whether to allocate fewer acres of land than in the 2008 decision, thus excluding areas in Colorado, Utah, and Wyoming currently open for leasing and development. No new areas are being considered for allocation as open for lease application.

The area of potential effect (APE) for this decision is defined as the most geologically prospective areas for oil shale and tar sands in Colorado, Utah, and Wyoming. The area under consideration is identified in the attached maps. All National Historic Trails, National Landmarks, and Areas of Critical Environmental Concern, including those identified for their cultural and historical values, are proposed for exclusion from allocation for lease application.

Oil shale and tar sands development would require a three-stage decision-making process. The first stage, which is the subject of this letter, is the proposed amendment of land use plans to allocate lands as open or closed to potential oil shale and/or tar sands leasing and development. The BLM recognizes that the decision to allocate lands does not identify or authorize any future leasing or development, and that the technology for such development is subject to change.

The second stage is the application for a lease to develop the oil shale/tar sands resources. This stage requires full compliance with Section 106 of the National Historic Protection Act (NHPA) prior to the BLM issuing a lease for potential oil shale or tar sands development. The APE for a potential lease would be determined based on the extent of the proposed lease. Government-to-government consultation with affected tribes concerning a proposed lease area would occur at the second stage. The second stage would require consultation with all interested parties. Documentation and inventory would occur at the second stage to identify, evaluate, and mitigate any historic properties in the APE. This effort would include an analysis of existing overview information and a current records and literature search. A Class II or Class III inventory or visual resource inventory may also be required, if necessary, to determine the undertaking's effect on historic properties. Lease areas may be subject to stipulations or other requirements identified during the leasing process. The manager will retain full authority to approve, modify, or deny a lease based on information obtained during the review of the lease, including information on potential effects to historic properties.

² The White River RMP, the Grand Junction RMP, the Glenwood Springs RMP, the Vernal RMP, the Price RMP, the Richfield RMP, the Monticello RMP, the Kemmerer RMP, the Rawlins RMP, and the Green River RMP.

The final stage is the potential approval of a specific plan of development. A plan of development would identify specific locations, facilities, and timing for development. This decision would also require full compliance with Section 106 of the NHPA prior to approval, and may also be subject to stipulations or other requirements identified during the leasing stage to avoid, minimize or mitigate impacts on historic properties. Government-to-government consultation with tribes would occur during this stage to determine if the plan of development would have an effect on properties of concern. Consultation with interested parties would also take place. Detailed field review will take place at this stage, including Class III cultural resource inventories, visual resource inventories, and other site specific reviews as needed.

Historic Property Identification

The level of effort for this first phase, amending land use plans to allocate lands as open or closed to application for lease, is commensurate with the decision being made. The studies undertaken for this decision are summarized in the appropriate sections of the Programmatic Environmental Impact Statement (PEIS) prepared pursuant to the National Environmental Policy Act (NEPA) for this land use plan decision. References to the appropriate sections of this PEIS are included here.

The BLM has conducted a detailed literature search and identified the major types of historic properties likely to occur within the APE. It has also determined that there are numerous known historic properties within the APE and more are likely to be found in subsequent leasing and development stages. This information is detailed in a Class I Cultural Resource Overview³ prepared for the 2008 decision, with information updated for the current proposed plan amendments and summarized in the PEIS (Section 3.9).

The BLM also prepared an ethnographic overview⁴ for the 2008 decision that identified the types of sites likely to be of interest to tribes that are likely to occur in the APE. Some of these site types are already known to exist within the APE and may be subject to further investigation in the subsequent lease and development stages. This information is summarized in the PEIS (Section 3.10).

In addition to this research, the BLM has actively engaged in consultation with you and the other relevant State Historic Preservation Officers (SHPO); notified the Advisory Council on Historic Preservation and invited their participation; identified interested parties and consulted with those interested in doing so; invited 28 tribes to consult and followed up with eight tribes expressing an interest in the project. The BLM has met its responsibilities to seek and consider the views of the public through the public

³O'Rourke, D., et al., 2007, *Class I Cultural Resource Overview for Oil Shale and Tar Sands Areas in Colorado, Utah, and Wyoming*, prepared by Argonne National Laboratory, Argonne, Ill., for U.S. Department of the Interior, Bureau of Land Management, Nov.

⁴Bengston, G., 2007, unpublished information, Argonne National Laboratory, Argonne, Ill.

involvement process associated with the 36 CFR 800.2(d)(3). The above consultation efforts are detailed in the PEIS, in Appendix L⁵.

Few major issues or concerns were identified by our consulting partners. Several parties raised concerns regarding National Historic Trails and these have been addressed in the PEIS (Section 2.3.3). As a protective measure for purposes of this oil shale planning initiative, regardless of the specific provisions of the applicable RMP regarding other allowable activities, a corridor extending at least 0.25 miles on either side of the trail would be excluded from commercial oil shale leasing. The BLM anticipates conducting appropriate inventories of trail resources to inform environmental analysts prior to any leasing and/or development decisions to determine the area of potential impact to protect resources, qualities, values, and uses of the trails within the view shed. Several tribes identified concerns with cultural resources in the Yellow Creek area, Moffat County, Colorado within the APE. This area contains a high density of wickiup sites comprising a cultural landscape they would like to see unaffected from development. The BLM conducted additional consultation with these tribes, including field visits to wickiup sites in this area to better inform our analyses (Section 7.2). Other tribes noted an area of religious concern in a portion of the Uintah and Ouray Reservation that lies outside the areas open to leasing. These concerns will be addressed during subsequent stages when leasing and possible development are proposed, and the areas of impact as well as the types of impacts are better defined. Tribes, as well as other consulting parties, generally expressed interest in being kept informed and consulted during subsequent stages when more information is available. Future compliance with Section 106 will ensure this consultation occurs.

No Historic Properties Affected

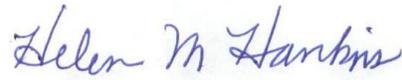
The BLM determined that no historic properties will be affected by the amendment of certain land use plans to allocate lands as open or closed for oil shale or tar sands lease application. This determination is based on the fact that the decision to allocate lands as open or closed to potential oil shale and tar sands leasing does not approve any on-the-ground activities and does not restrict any managers' authority to fully consider the potential effects on historic properties prior to the potential offer for leasing or development, including the ability to approve, modify, or deny a lease application or development proposal based on consideration of such effects. In fact, the BLM is only considering whether to allocate fewer acres of land than in the 2008 decision, and is not considering new areas to be allocated as open for lease application. Secondly, the current status of oil shale and tar sands development technology is not sufficiently defined to identify with certainty the types of impacts that might occur on historic properties if areas were leased and developed. Therefore the analyses conducted for this allocation decision, while they inform this decision, are likely to provide background information for any future leasing or development decisions, which will be subject to full compliance with Section 106 at that time.

⁵ *Final Programmatic Environmental Impact Statement and Possible Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming*, 2012.

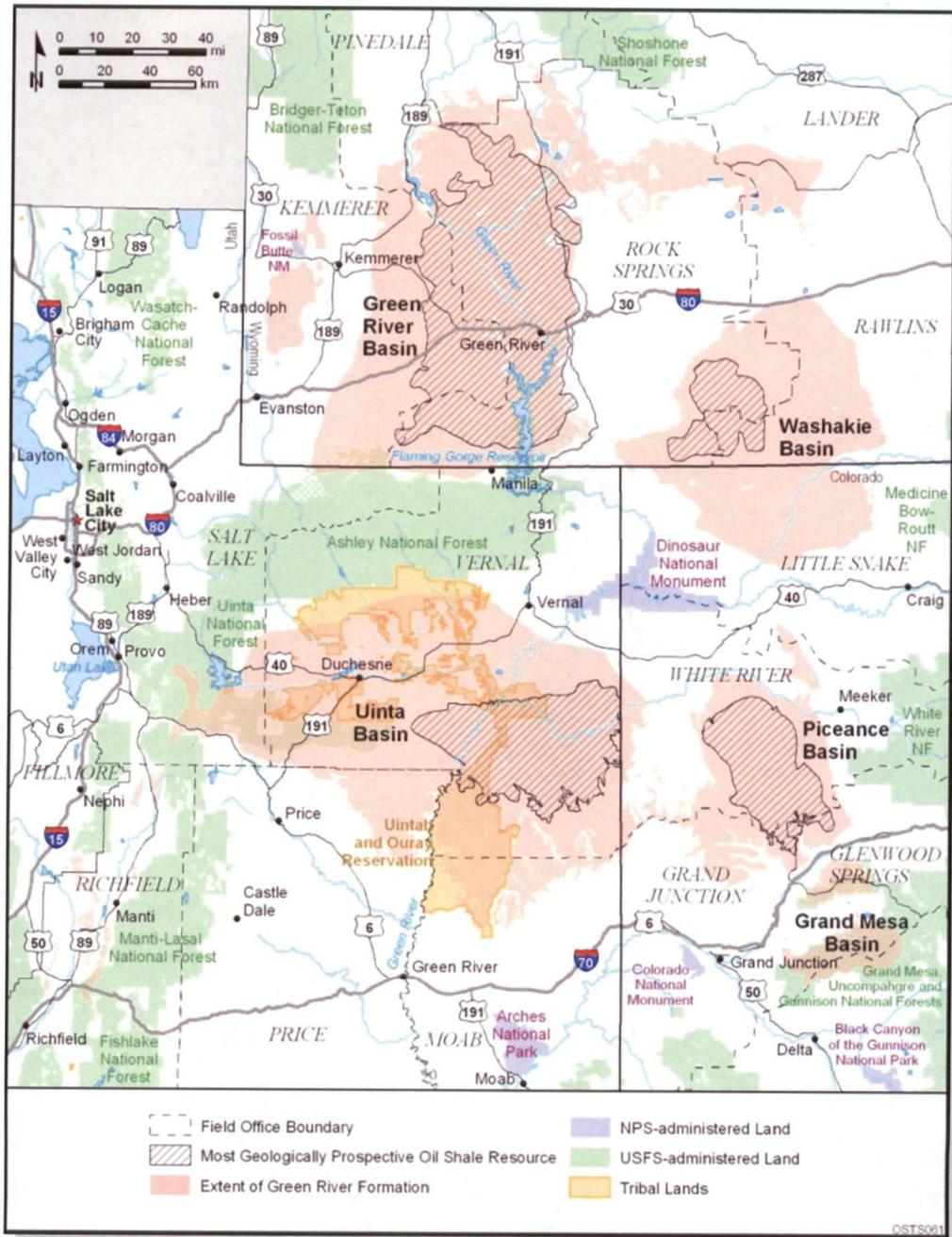
for any future leasing or development decisions, which will be subject to full compliance with Section 106 at that time.

Thank you for your consideration of this letter. Should you have any questions please contact Sherri Thompson, Project Manager, at (303) 239-3758 or for cultural matters, Daniel Haas, Deputy Preservation Officer, at (303) 239-3647. We look forward to your response.

Sincerely,



Helen M. Hankins
State Director



OSTS061



DOI-BLM
 CO STATE OFFICE
 COSO HEADQUARTERS
 2012 SEP 28 AM 11:14

September 26, 2012

Helen M. Hankins
 State Director
 United States Department of the Interior
 Colorado State Office
 2850 Youngfield Street
 Lakewood, Colorado 80215-7210

RE: Proposed amendments to ten land use plans in Colorado, Utah, and Wyoming to designate public lands managed by the BLM as open or closed for application for commercial leasing for oil shale and tar sands development
 History Colorado Project Number 48519

Dear Ms. Hankins:

Thank you for your letter dated September 7, 2012 (received in our office on September 12, 2012) regarding the captioned project. We appreciate your summary and explanation of both the project and the process to be followed for Section 106 consultation. We look forward to working with the BLM pursuant to the outlined process.

We agree with your statement of the Area of Potential Effects of the project.

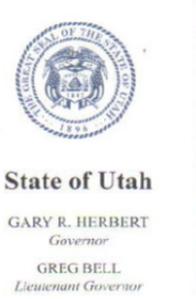
We concur with your finding that no historic properties will be affected by the proposed amendments based upon your statement that the BLM is only considering whether to allocate fewer areas as open for lease application. If additional areas are considered to be allocated, we believe that our recommendation would be for an adverse effect finding based upon 36 CFR 800.5, which addresses the criteria of adverse effect and uses of the word "may" as this includes the possibility of an adverse effect to unidentified properties.

If you have any questions, please feel free to contact our office through Dan Corson, Intergovernmental Services Director, at (303) 866-2673 or dan.corson@state.co.us

Sincerely,


for Edward C. Nichols
 State Historic Preservation Officer

(c) Utah State Historic Preservation Office



Department of Community and Culture

JULIE FISHER
Executive Director

State History

WILSON G. MARTIN
Acting Director

APR 05 2012

SP	FP&M
ED	M&LA
CC	DSE
EEO	CF
LAW	LEAD Resp

February 23, 2012

Donald A. Simpson
State Director
Bureau of Land Management
Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

RE: "Draft Programmatic Environmental Impact Statement (PEIS) and Possible Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Adminstrated by the BLM in Colorado, Utah and Wyoming"

For future correspondence please reference Case No. 11-2200

Dear Mr. Simpson:

The Utah State Historic Preservation Office received your request for our comment on the above referenced undertaking on February 6, 2012.

USHPO wishes to acknowledge and thank the BLM for the notification concerning the Draft PEIS for the Multistate Oil Shale and Tar Sands undertaking.

This letter serves as our comment on the determinations you have made, within the consultation process specified in §36CFR800.4. If you have questions, please contact me at 801-533-3525 or Jim Dykmann at 801-533-3523.

Sincerely,

Lori Hunsaker
Deputy State Historic Preservation Officer
Archaeology

RECEIVED
DOI-BLM
CHEYENNE, WYOMING
2012 APR -5 AM 10:00



UTAH STATE HISTORICAL SOCIETY
ANTIQUITIES
HISTORIC PRESERVATION
RESEARCH CENTER & COLLECTIONS



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Utah State Office
P.O. Box 45155
Salt Lake City, UT 84145-0155
<http://www.blm.gov/ut/st/en.html>



IN REPLY REFER TO:
3900 / (UT-934)

SEP 10 2012

Mr. Wilson Martin
State Historic Preservation Officer
300 South Rio Grande Street
Salt Lake City, Utah 84101

2012 SEP 12 PM 1:00
CO STATE OFFICE
001574

Dear Mr. Martin:

This letter continues consultation with your office regarding the Bureau of Land Management's (BLM) proposal to amend 10 land use plans in Colorado, Utah, and Wyoming to designate public lands managed by the BLM as open or closed for application for commercial leasing for oil shale and tar sands development. The BLM determined that this is an undertaking per the regulations for the National Historic Preservation Act, Section 106 (36CFR800.16(y)) and appreciates your consultation with us to date. We are completing our review for this undertaking and by this letter are asking for your concurrence with our determination of "no historic properties affected." The information presented below describes our analysis in reaching this determination. We assume that if we do not hear from you within thirty days that you concur with our decision.

Description of the Undertaking:

In 2008, the BLM amended ten land use plans in Colorado, Utah, and Wyoming to make approximately 2,000,000 acres available for potential development of oil shale, and approximately 431,224 acres available for development of tar sands¹. The BLM has decided to take a fresh look at the land use plan allocation decisions made in 2008 to consider which lands should be open to future leasing of oil shale and tar sands resources. As there are no economically viable ways yet known to extract and process oil shale for commercial purposes, and Utah tar sands deposits are not at present a proven commercially-viable energy source, the BLM, through its planning process, intends to take a hard look at whether it is appropriate for the total number of acres allocated in the 2008 decision to continue to be available for potential development of oil shale and tar sands resources.

¹ *Proposed Oil Shale and Tar Sands Resource Management Plan Amendments to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement*. Bureau of Land Management, Department of the Interior, September 2008.
Approved Resource Management Plan Amendments/Record of Decision (ROD) for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement. Bureau of Land Management, Department of the Interior, November 2008.

The BLM proposes to amend pertinent BLM Resource Management Plans² to identify any areas that may be open or closed to future oil shale and tar sands leasing in these three states. The BLM will decide whether any changes should be made to the existing 2008 land use allocation decisions. The BLM is specifically considering whether to allocate fewer acres of land than in the 2008 decision, thus excluding areas in Colorado, Utah, and Wyoming currently open for leasing and development. No new areas are considered for allocation as open for lease application.

The area of potential effect for this decision is defined as the most geologically prospective areas for oil shale and tar sands in Colorado, Utah, and Wyoming. The area under consideration was identified in maps sent previously. All National Historic Trails, National Landmarks, and Areas of Critical Environmental Concern, including those identified for their cultural and historical values are proposed for exclusion from allocation for lease application.

Oil shale and tar sands development would require a three-stage decision-making process. The first stage, which is the subject of this letter, is the proposed amendment of land use plans to allocate lands as open or closed to potential oil shale and/or tar sands leasing and development. The BLM recognizes that the decision to allocate lands does not identify or authorize any future leasing or development, and that the technology for such development is subject to change.

The second stage is the application for a lease to develop the oil shale/tar sands resources. This stage requires full compliance with Section 106 of the NHPA prior to the BLM issuing a lease for potential oil shale or tar sands development. The APE for a potential lease would be determined based on the extent of the proposed lease. Government-to-government consultation with affected tribes concerning a proposed lease area would occur at the second stage. The second stage would require consultation with all interested parties. Documentation and inventory would occur at the second stage in order to identify, evaluate, and mitigate any historic properties in the APE. This effort would include an analysis of existing overview information and a current records and literature search. A Class II or Class III inventory or visual resource inventory may also be required, if necessary, to determine the undertaking's effect on historic properties. Lease areas may be subject to stipulations or other requirements identified during the leasing process. The manager will retain full authority to approve, modify, or deny a lease based on information obtained during the review of the lease, including information on potential effects to historic properties.

The final stage is the potential approval of a specific plan of development. A plan of development would identify specific locations, facilities, and timing for development. This decision would also require full compliance with Section 106 of the NHPA prior to approval, and may also be subject to stipulations or other requirements identified during the leasing stage to avoid, minimize or mitigate impacts on historic properties. Government-to-government consultation with tribes would occur during this stage to determine if the plan of development would have an effect on properties of concern. Consultation with interested parties would also take place. Detailed field review will take place at this stage, including Class III cultural resource inventories, visual resource inventories, and other site specific reviews as needed.

Historic Property Identification

² The White River RMP, the Grand Junction RMP, the Glenwood Springs RMP, the Vernal RMP, the Price RMP, the Richfield RMP, the Monticello RMP, the Kemmerer RMP, the Rawlins RMP, and the Green River RMP.

The level of effort for this first phase, amending land use plans to allocate lands as open or closed to application for lease, is commensurate with the decision being made. The studies undertaken for this decision are summarized in the appropriate sections of the Programmatic Environmental Impact Statement (PEIS) prepared pursuant to the National Environmental Policy Act (NEPA) for this land use plan decision. References to the appropriate sections of this PEIS are included here.

The BLM has conducted a detailed literature search and identified the major types of historic properties likely to occur within the APE. It has also determined that there are numerous known historic properties within the APE and more are likely to be found in subsequent leasing and development stages. This information is detailed in a Class 1 Cultural Resource Overview³ prepared for the 2008 decision, with information updated for the currently proposed plan amendments and summarized in the PEIS (Section 3.9).

The BLM also prepared an ethnographic overview⁴ for the 2008 decision which has identified the types of sites likely to be of interest to tribes that are also likely to occur in the APE. Some of these site types are already known to exist within the APE and may be subject to further investigation in the subsequent lease and development stages. This information is summarized in the PEIS (Section 3.10).

In addition to this research the BLM has actively engaged in consultation with you and the other relevant State Historic Preservation Officers (SHPO); notified the Advisory Council on Historic Preservation and invited their participation; identified interested parties and consulted with those interested in doing so; invited 28 tribes to consult and followed up with eight tribes expressing an interest in the project. The BLM has met its responsibilities to seek and consider the views of the public through the public involvement process associated with the (36 CFR 800.2(d)(3)). The above consultation efforts are detailed in the PEIS, in Appendix L⁵.

Few major issues or concerns were identified (including Oregon Trail and Pony Express) by our consulting partners. Several parties raised concerns regarding National Historic Trails and these have been addressed in the PEIS (Section 2.3.3). As a protective measure for purposes of this oil shale planning initiative, regardless of the specific provisions of the applicable Resource Management Plan regarding other allowable activities, a corridor extending at least 0.25 mi on either side of the trail would be excluded from commercial oil shale leasing. It is anticipated that appropriate inventories of trail resources will be conducted to inform the appropriate NEPA and other environmental reviews prior to any leasing and/or development decisions for those trails where a corridor has not yet been established, to determine the area of potential impact to protect resources, qualities, values, and associated settings, and primary use or uses of the trails within the view shed. Several tribes identified concerns with cultural resources in the Yellow Creek area, Moffat County, Colorado

³O'Rourke, D., et al., 2007, *Class I Cultural Resource Overview for Oil Shale and Tar Sands Areas in Colorado, Utah, and Wyoming*, prepared by Argonne National Laboratory, Argonne, Ill., for U.S. Department of the Interior, Bureau of Land Management.

⁴Bengston, G., 2007, unpublished information, Argonne National Laboratory, Argonne, Ill.

⁵*Final Programmatic Environmental Impact Statement and Proposed Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming*, 2012.

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01/12/12

within the APE. This area contains a high density of wickiup sites comprising a cultural landscape that they would like to see unaffected from development. Additional consultation was conducted with these tribes, including field visits to wickiup sites in this area to better inform our analyses (Section 7.2). Other tribes noted an area of religious concern in a portion of the Uintah and Ouray Reservation which lies outside the areas open to leasing. These concerns will be addressed during subsequent stages when leasing and possible development are proposed, and the areas of impact as well as the types of impacts are better defined. Tribes, as well as other consulting parties, generally expressed interest in being kept informed and consulted during subsequent stages when more information is available. Future compliance with Section 106 will ensure this consultation occurs.

No Historic Properties Affected

The BLM has determined that no historic properties will be affected by the amendment of certain land use plans to allocate lands as open or closed for oil shale or tar sands lease application. This determination is based on the fact that the decision to allocate lands as open or closed to potential oil shale and tar sands leasing does not approve any on-the-ground activities and does not restrict any managers' authority to fully consider the potential effects on historic properties prior to the potential offer for leasing or development, including the ability to approve, modify, or deny a lease application or development proposal based on consideration of such effects. In fact, the BLM is only considering whether to allocate fewer acres of land than in the 2008 decision, and is not considering new areas to be allocated as open for lease application. Secondly, the current status of oil shale and tar sands development technology is not sufficiently defined to identify with certainty the types of impacts that might occur on historic properties if areas were leased and developed. Therefore the analyses conducted for this allocation decision, while they inform this decision, are likely to provide background information for any future leasing or development decisions, which decisions will be subject to full compliance with Section 106 at that time.

Thank you for your consideration of this letter. Should you have any questions please contact Sherri Thompson, Project Manager, at (303) 239-3758 or for cultural matters, Byron Loosle, Deputy Preservation Officer, at (801) 539-4276. We look forward to your response.

Sincerely,



Juan Palma
FOR State Director

bc: Sherri Thompson, BLM, Colorado SO, 2850 Youngfield Street, Lakewood, CO 80215-7093
Byron Loosle, BLM- Utah SO (934)

2008/12/12 PM 1:09

(d) Wyoming State Historic Preservation Office



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

In Reply Refer To:
8100 (930)
Rcapron

AUG 30 2012

Ms. Mary Hopkins
State Historic Preservation Officer
2301 Central Avenue
Cheyenne, Wyoming 82002

Dear Ms. Hopkins:

This letter continues consultation with your office regarding the Bureau of Land Management's (BLM) proposal to amend 10 land use plans in Colorado, Utah, and Wyoming to designate public lands managed by the BLM as open or closed for application for commercial leasing for oil shale and tar sands development. The BLM determined that this is an undertaking per the regulations for the National Historic Preservation Act (NHPA), Section 106 (36CFR800.16(y)) and appreciates your consultation with us to date. We are completing our review for this undertaking and by this letter are asking for your concurrence with our determination of "no historic properties affected." The information presented below describes our analysis in reaching this determination. We assume that if we do not hear from you within 30 days that you concur with our decision.

Description of the Undertaking:

In 2008, the BLM amended 10 land use plans in Colorado, Utah, and Wyoming to make approximately 2,000,000 acres available for potential development of oil shale, and approximately 431,224 acres available for development of tar sands¹. The BLM has decided to take a fresh look at the land use plan allocation decisions made in 2008 to consider which lands should be open to future leasing of oil shale and tar sands resources.

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The BLM proposes to amend pertinent BLM Resource Management Plans (RMP)² to identify any areas that may be open or closed to future oil shale and tar sands leasing in these three States. The BLM will decide whether any changes should be made to the existing 2008 land use allocation decisions. The BLM is specifically considering whether to allocate fewer acres of land than in the 2008 decision, thus excluding areas in Colorado, Utah, and Wyoming currently open for leasing and development. No new areas are considered for allocation as open for lease application.

The area of potential effect for this decision is defined as the most geologically prospective areas for oil shale and tar sands in Colorado, Utah, and Wyoming. The area under consideration is identified in the attached maps. All National Historic Trails, National Landmarks, and Areas of Critical Environmental Concern, including those identified for their cultural and historical values are proposed for exclusion from allocation for lease application.

Oil shale and tar sands development would require a three-stage decisionmaking process. The first stage, which is the subject of this letter, is the proposed amendment of land use plans to allocate lands as open or closed to potential oil shale and/or tar sands leasing and development. The BLM recognizes that the decision to allocate lands does not identify or authorize any future leasing or development, and that the technology for such development is subject to change.

The second stage is the application for a lease to develop the oil shale/tar sands resources. This stage requires full compliance with Section 106 of the NHPA prior to the BLM issuing a lease for potential oil shale or tar sands development. The Area of Potential Effect (APE) for a potential lease would be determined based on the extent of the proposed lease. Government-to-Government consultation with affected tribes concerning a proposed lease area would occur at the second stage. The second stage would require consultation with all interested parties. Documentation and inventory would occur at the second stage in order to identify, evaluate, and mitigate any historic properties in the APE. This effort would include an analysis of existing overview information and a current records and literature search. A Class II or Class III inventory or visual resource inventory may also be required, if necessary, to determine the undertaking's effect on historic properties. Lease areas may be subject to stipulations or other requirements identified during the leasing process. The manager will retain full authority to approve, modify, or deny a lease based on information obtained during the review of the lease, including information on potential effects to historic properties.

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Historic Property Identification

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The BLM also prepared an ethnographic overview⁴ for the 2008 decision which has identified the types of sites likely to be of interest to tribes that are also likely to occur in the APE. Some of these site types are already known to exist within the APE and may be subject to further investigation in the subsequent lease and development stages. This information is summarized in the PEIS (Section 3.10).

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³O'Rourke, D., et al., 2007, *Class I Cultural Resource Overview for Oil Shale and Tar Sands Areas in Colorado, Utah, and Wyoming*, prepared by Argonne National Laboratory, Argonne, Ill., for U.S. Department of the Interior, Bureau of Land Management, Nov.

⁴Bengston, G., 2007, unpublished information, Argonne National Laboratory, Argonne, Ill.

the public through the public involvement process associated with the (36 CFR 800.2(d)(3)). The above consultation efforts are detailed in the PEIS, in Appendix L⁵.

Few major issues or concerns were identified by our consulting partners. Several parties raised concerns regarding National Historic Trails and these have been addressed in the PEIS (Section 2.3.3). As a protective measure for purposes of this oil shale planning initiative, regardless of the specific provisions of the applicable RMP regarding other allowable activities, a corridor extending at least 0.25 mi on either side of the trail would be excluded from commercial oil shale leasing. It is anticipated that appropriate inventories of trail resources will be conducted to inform the appropriate NEPA and other environmental reviews prior to any leasing and/or development decisions for those trails where a corridor has not yet been established, to determine the area of potential impact to protect resources, qualities, values, and associated settings, and primary use or uses of the trails within the view shed. Several tribes identified concerns with cultural resources in the Yellow Creek area, Moffat County, Colorado within the APE. This area contains a high density of wickiup sites comprising a cultural landscape that they would like to see unaffected from development. Additional consultation was conducted with these tribes, including field visits to wickiup sites in this area to better inform our analyses (Section 7.2). Other tribes noted an area of religious concern in a portion of the Uintah and Ouray Reservation which lies outside the areas open to leasing. These concerns will be addressed during subsequent stages when leasing and possible development are proposed, and the areas of impact as well as the types of impacts are better defined. Tribes, as well as other consulting parties, generally expressed interest in being kept informed and consulted during subsequent stages when more information is available. Future compliance with Section 106 will ensure this consultation occurs.

No Historic Properties Affected

The BLM has determined that no historic properties will be affected by the amendment of certain land use plans to allocate lands as open or closed for oil shale or tar sands lease application. This determination is based on the fact that the decision to allocate lands as open or closed to potential oil shale and tar sands leasing does not approve any on-the-ground activities and does not restrict any managers' authority to fully consider the potential effects on historic properties prior to the potential offer for leasing or development, including the ability to approve, modify, or deny a lease application or development proposal based on consideration of such effects. In fact, the BLM is only considering whether to allocate fewer acres of land than in the 2008 decision, and is not considering new areas to be allocated as open for lease application. Secondly, the current status of oil shale and tar sands development technology is not sufficiently defined to identify with certainty the types of impacts that might occur on historic properties if areas were leased and developed. Therefore the analyses conducted for this allocation decision, while they inform this decision, are likely to provide background information for any future leasing or development decisions, which decisions will be subject to full compliance with Section 106 at that time.

⁵ *Final Programmatic Environmental Impact Statement and Possible Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming*, 2012.

Thank you for your consideration of this letter. Should you have any questions, please contact Sherri Thompson, Project Manager, at (303) 239-3758 or for cultural matters, Ranel Capron, Deputy Preservation Officer, at (307) 775-6108. We look forward to your response.

Sincerely,



Donald A. Simpson
State Director

Attachment

BR 9/20/12

ARTS. PARKS. HISTORY.

Wyoming State Parks & Cultural Resources

State Historic Preservation Office
Barrett Building, 3rd Floor
2301 Central Avenue
Cheyenne, WY 82002
Phone: (307) 777-7697
Fax: (307) 777-6421
<http://wyoshpo.state.wy.us>

September 20, 2012

Donald A. Simpson, State Director
U.S.D.I. Bureau of Land Management
Wyoming State Office
P.O. Box 1828
Cheyenne, WY 82003-1828

SEP 21 2012

BD	RP&M
ABD	M&LA
OC	DSS
EEO	CF
LAW	LEAD Resp.

re: U.S.D.I. Bureau of Land Management (BLM), Amendment of Ten (10) Land Use Plans in Colorado, Utah and Wyoming Designating BLM Lands Open or Closed for Application for Commercial Leasing for Oil Shale and Tar Sands Development (SHPO File # 1206JPL016)

Dear Mr. Simpson:

Thank you for consulting with the Wyoming State Historic Preservation Office (SHPO) regarding the above referenced undertaking. We have reviewed the associated report and find the documentation meets the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716-42).

We concur with your finding that no historic properties, as defined in 36 CFR § 800.16(l)(1), will be affected in Wyoming by the undertaking as planned.

This letter should be retained in your files as documentation of a SHPO concurrence on your finding of no historic properties affected. Please refer to SHPO project #1206JPL016 on any future correspondence regarding this undertaking. If you have any questions, please contact me at 307-777-5497.

Sincerely,

Richard L. Currit
Senior Archaeologist

2012 SEP 21 AM 10:00
RECEIVED
DOI-BLM
CHEYENNE WYOMING



Matthew H. Mead, Governor
Milward Simpson, Director

ATTACHMENT 3:

ADVISORY COUNCIL ON HISTORIC PRESERVATION CORRESPONDENCE



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240
<http://www.blm.gov>



MAR 30 2012

Mr. Reid Nelson
Director, Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Ave, Rm. 803
Washington DC, 20004-2501

Dear Mr. Nelson:

The Bureau of Land Management (BLM) is currently considering amending ten land use plans in Colorado, Utah, and Wyoming to make public lands available for application to lease for development of oil shale and tar sands resources. The BLM considers this action an undertaking pursuant to Section 106 of the National Historic Preservation Act (NHPA). The BLM's review and consultation activities to date, described below, suggest that this land use planning action is not likely to affect historic properties pursuant to 36 C.F.R. § 800.4(d)(1). However, in accordance with the recently revised National Programmatic Agreement, this undertaking meets the threshold for notifying the Advisory Council on Historic Preservation (ACHP) because it is a non-routine interstate undertaking that is likely to be highly controversial.¹ Accordingly, the BLM is writing you to invite the ACHP participation in this project.

Background: In 2008, the BLM amended ten land use plans in Colorado, Utah, and Wyoming to make public lands available for application to lease for development of oil shale and tar sands resources. These 2008 amendments made approximately 2,000,000 acres available for application for leasing and development of oil shale resources and approximately 431,000 acres available for application for leasing and development of tar sands resources. This allocation decision was supported by a Programmatic Environmental Impact Statement (PEIS), prepared pursuant to the National Environmental Policy Act (NEPA), and in compliance with section 369 of the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 728 (Aug. 8, 2005), and concluded with a Record of Decision (ROD) amending the land use plans.

The BLM consulted with potentially affected tribes, the pertinent State Historic Preservation Officers and the ACHP, as part of its fulfillment of the requirements of section 106 for the 2008 decision. The BLM also completed a cultural resource overview study² and an ethnographic study³ which were summarized in the 2008 PEIS. Pursuant to

¹ *Programmatic Agreement Among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers Regarding the Manner in Which the BLM Will Meet Its Responsibilities Under the National Historic Preservation Act.*

² *Class I Cultural Resource Overview for Oil Shale and Tar Sands Areas in Colorado, Utah, and Wyoming.*

³ *Ethnohistoric Overview of Native American Land Use in Southwestern Wyoming, Northwestern Colorado, and Eastern Utah.*

the NEPA the 2008 PEIS concluded that the alternatives presented for the land use plan allocation decision would not result in any impacts on the environment, including cultural resources. Although the ROD⁴ stated that a PA among the BLM, the SHPOs and the ACHP would conclude the Section 106 process, the PA was not completed and a determination of effects pursuant to the NHPA was not defined.

In 2009, several environmental advocacy organizations challenged the ROD on NEPA, Endangered Species (ESA), and Federal Land Policy and Management (FLPMA) grounds. The plaintiffs did not raise any NHPA claims. The parties entered into a settlement agreement in February 2011, and the BLM initiated a new land use planning effort with the publication of a Notice of Intent on April 14, 2011, (76 Fed. Reg. 21003). The 2008 land use plan decisions remain in effect until the current process is completed and a new ROD is signed.

As a result of the settlement agreement and other factors, the BLM is taking a fresh look at the land use plan allocation decisions made in the 2008 ROD to determine whether it is appropriate for these lands to remain available for application to lease for oil shale/tar sands development. Specifically, the BLM is considering amending the applicable Resource Management Plans to specify whether any areas in Colorado, Utah, and Wyoming, currently open for application to lease and develop oil shale or tar sands per the 2008 ROD, should not be made available for application to lease. No new lands outside the 2008 allocations are added for consideration in this decision. The BLM is thus considering a new decision, based on the current PEIS, that will either retain the 2008 allocations (the "No Action" alternative under NEPA) or reduce the acreage allocated in 2008 by varying amounts considered under different alternatives.

Planning Area: The study area for oil shale resources includes the most geologically prospective resources of the Green River Formation located in the Piceance, Uinta, Green River, and Washakie Basins in northwestern Colorado, northeastern Utah, and southwestern Wyoming. These encompass about 3,538,038 acres which include 2,138,361 acres of public lands and 158,566 acres of split estate lands. The tar sands study areas consist of eleven Special Tar Sands Areas (STSA) in Utah pursuant to the Combined Hydrocarbon Leasing Act of 1981 (P.L. 97-78). This consists of about 1,026,266 acres, including about 574,357 acres of public land and 82,148 of split estate lands (see attached maps).

Planning Action: The decision under consideration in this undertaking is a land use plan allocation decision⁵. Lands identified as open to oil shale and tar sands development as a result of this decision would be available for application to lease, but subject to additional

no
maps
included

⁴ Record of Decision: Oil Shale and Tar Sands Resources, Resource Plan Amendments. November 2008

⁵ A copy of the Draft Programmatic Environmental Impact Statement and Possible Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming (January 2012) (Draft PEIS) is provided for your reference. "Allocation" is more fully defined in the DPEIS, Chapter 1, Section 1.1, Text box p 1-1.

NEPA and Section 106 review. In other words, the allocation decision being evaluated here would not authorize any future lease; BLM would retain complete discretion to approve, approve with conditions, or deny lease application, based on a consideration of various factors including effects to historic properties.

Information regarding possible development of oil shale and tar sands resources is highly speculative. The current experimental state of the oil shale and tar sands industries does not allow this PEIS to include sufficient specific information or cumulative impact analyses to BLM-managed resources, including historic properties, to support future leasing decisions within these allocated lands. Indeed, the additional NEPA and subsequent Section 106 analysis will be required to determine the effects of oil shale and tar sands leasing and development when more specific information is known about the specific technologies and associated environmental consequences in the locations being proposed.

The BLM therefore recognizes that decision-making regarding the potential leasing and development of oil shale and tar sands resources would occur in three stages. The first stage would be accomplished through this land use plan amendment process to retain or reduce BLM managed lands currently open to OSTIS development. The second stage would be the BLM's consideration of lease applications submitted by project proponents and the third stage would be the BLM's consideration of site-specific plans of development for leased areas (see Draft PEIS, Chapter 1, Section 1.1, Text box, p. 1-2). The second and third stages would require full compliance with both NEPA and Section 106 of the NHPA, as well as with other pertinent laws, regulations, and policies.

Section 106: The BLM sees its Section 106 responsibilities as proceeding in accordance with the three stages of decision-making defined above, with full compliance at each stage and a level of effort commensurate to each undertaking (see Draft PEIS, Chapter 3, Section 3.9.1, p. 3-215). The BLM is not using the “phased identification and evaluation” process permitted under 36 C.F.R. 800.4(b)(2) to satisfy its Section 106 obligations for the land use planning decision considered here.

With regard to the allocation decision being considered here, the BLM is meeting its responsibilities under Section 106 as follows.

Consultation: The BLM initiated tribal consultation with potentially affected tribes via letter in July and August 2011 and with letters to the SHPOs for Utah, Colorado, and Wyoming in September and October of 2011. The BLM also identified potentially interested parties and invited them to participate as consulting parties. To date the BLM has not received any specific information regarding historic properties or possible effects to them from this undertaking, although several entities have responded expressing an interest. The BLM recently contacted all tribes, SHPOs, and interested parties inviting them to comment under the NEPA on the DPEIS and to invite them again to consult with

us under Section 106. Follow-up calls to the tribes, SHPOs, and interested parties are planned for the next several weeks to see if there is an interest in more substantive discussions with regard to our Section 106 responsibilities.

Identification of Historic Properties: The BLM has updated the 2007 Class 1 Cultural Resources Overview and summarized this data to provide a discussion of the types of sites likely to fall within the oil shale/tar sands areas. This discussion indicates that thousands of cultural resource sites of diverse types are known within the potential oil shale/tar sands development areas and that a portion of these are likely to be eligible to the National Register. Site sensitivity maps for prehistoric cultural resources were developed based on correlation of known prehistoric sites with soil families. Despite concerns about data adequacy for this analysis the results are sufficient to indicate that proposed allocation areas include high-sensitivity landscapes, a result that confirms expectations given the large scale of this planning area and its rich cultural history.

- No National Register listed historic properties occur within the allocation areas. In addition, the BLM has excluded a number of management areas from development for all alternatives, including National Historic Trails and Areas of Critical Environmental Concern (ACEC). For all but the “No Action” alternative these ACECs include areas recently designated, such as the Nine Mile Canyon ACEC in Utah, with high cultural values. ✖

The BLM also reviewed the ethnohistoric information and tribal consultation comments from the 2008 PEIS and has initiated consultation with potentially affected tribes for the current effort. The ethnographic overview suggests types of sites and locations that might be of concern to the tribes which could occur in the planning area. To date, however, no specific areas of religious or cultural significance have been identified by the tribes in the planning area, although both the Kaibab Band of the Paiute Indians and the Navajo Nation identified the Henry Mountains, located between two tar sands STSAs, as sacred.

Determination of Effects: To date the BLM has not identified any effects to historic properties as a result of the proposed undertaking or any of the alternatives being proposed. While the BLM has not completed consultation and will make a determination of effects after reviewing all available information, BLM believes that the proposed undertaking is unlikely to affect historic properties for the following reasons:

- Allocation of lands as open or closed to lease application does not authorize or permit any future activity associated with oil shale/tar sands development.
- This proposed allocation decision would not constrain any manager’s ability to approve, approve with conditions (to avoid, minimize or mitigate adverse effects), or deny any lease or subsequent project.

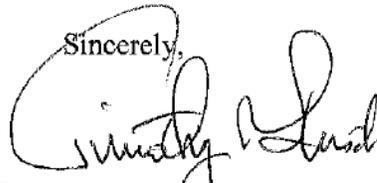
- There is insufficient information to determine effects from future leasing and development decisions. The lack of information regarding the technology and consequent environmental effects of oil shale/ tar sands development precludes a confident assessment of impacts at this stage. Analyses of effects to historic properties must await more definitive information at the leasing stage.

The BLM, at this point, does not anticipate having to resolve adverse effects in accordance with 36 C.F.R. § 800.6 because of its current determination that the proposed undertaking will have no effect on historic properties.

The BLM looks forward to working with you as we continue the 106 consultation process for this allocation decision. Thank you for your consideration and we look forward to your response.

Should you wish a briefing on further specifics of this undertaking project and consultation to date, prior to responding to our invitation to consult or at any time, we would be pleased to meet with you to do so. Please contact Kate Winthrop at 202-912-7409, or kwinthrop@blm.gov to arrange any meetings necessary or to provide further information.

Sincerely,

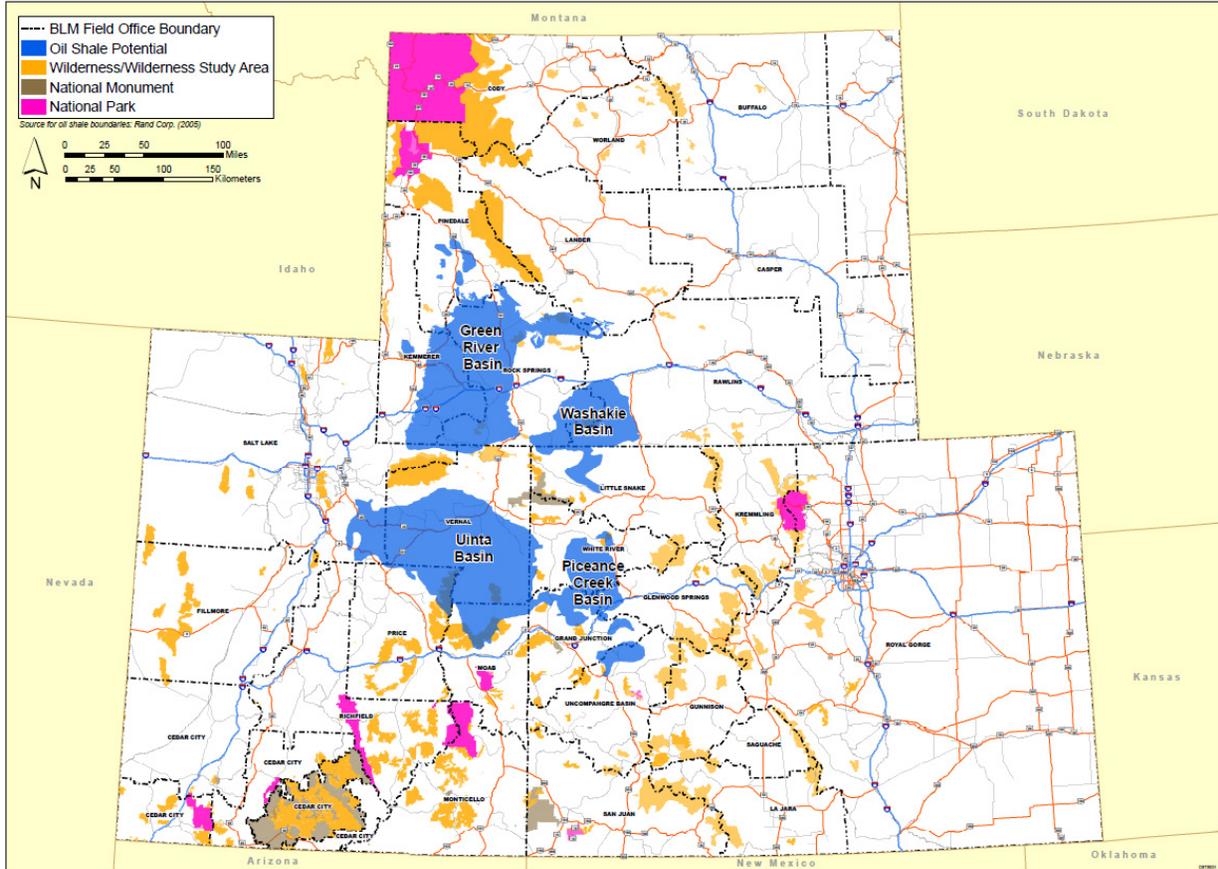


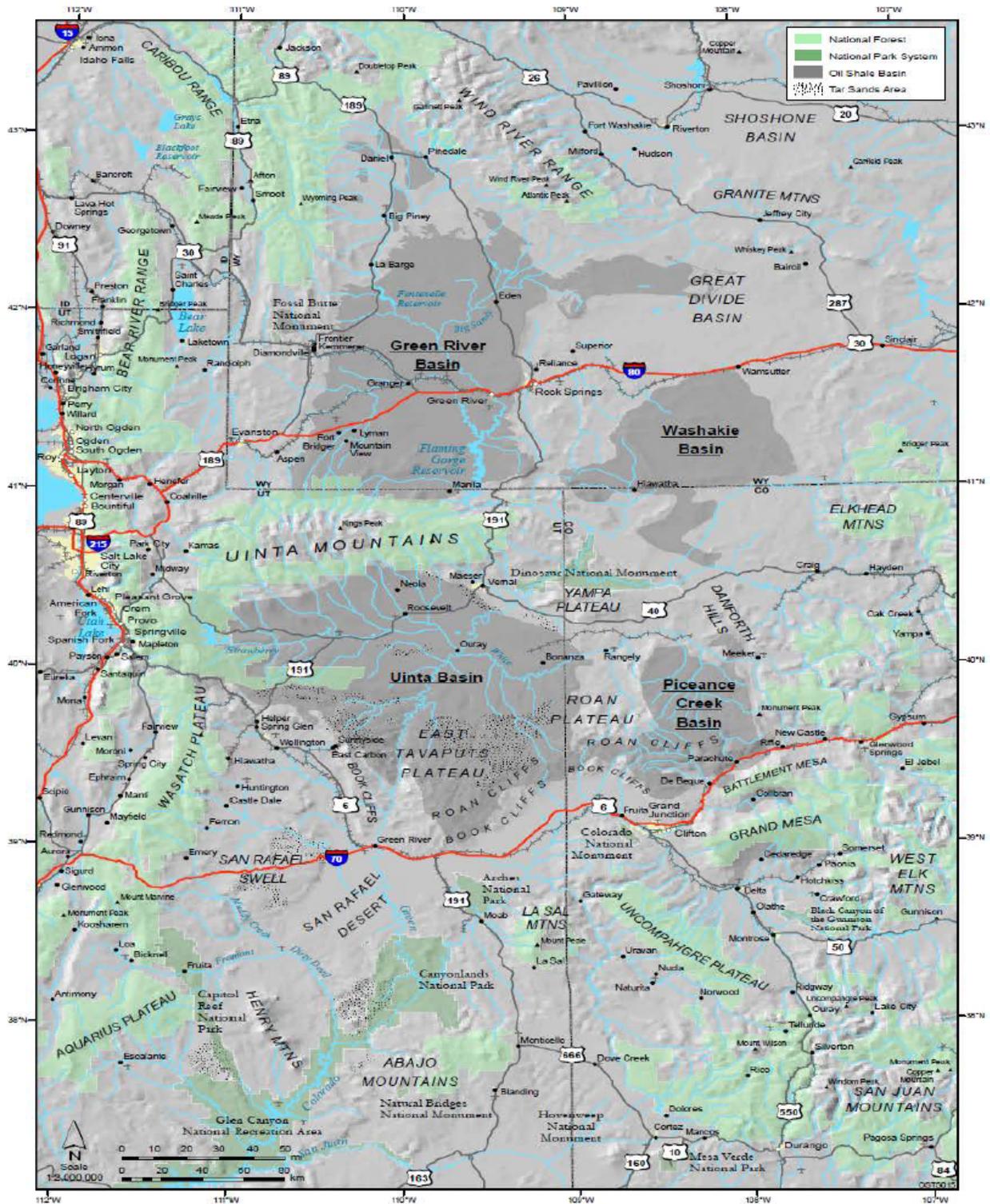
for

Michael D. Nedd
Assistant Director
Minerals and Realty Management

Enclosure

Oil Shale Deposits in the Three-State Area







Preserving America's Heritage

July 17, 2012

Mr. Michael D. Nedd
 Assistant Director
 Minerals and Realty Management
 Bureau of Land Management
 1849 C Street, NW
 Washington, DC 20240

**Ref: *New Decision based on Oil Shale and Tar Sands Resources Leasing Programmatic Environmental Impact Statement
 Colorado, Utah, and Wyoming***

Dear Mr. Nedd:

The Advisory Council on Historic Preservation (ACHP) received the Bureau of Land Management's (BLM) letter from March 30, 2012 regarding the agency's plans to make a new decision based on a previously completed Oil Shale and Tar Sands Resources Leasing Programmatic Environmental Impact Statement (PEIS). When the BLM contacted us in 2008 about the initial PEIS, we recommended in March 14, 2008 and August 29, 2008 letters that the BLM complete a Programmatic Agreement to take effects to historic properties into account. The BLM declined to prepare such a document.

In light of the recent decisions and reliance on the PEIS, we continue to believe that the best course of action would be to execute a Programmatic Agreement that would cover BLM's decisions, from the upcoming decision through the consideration of site-specific plans. However, we acknowledge that, for the reasons stated in your letter, the BLM has argued that the nature of its decision at this particular stage is not one that would need to be preceded by Section 106 compliance. Of particular importance is the acknowledged fact that even if the proposed land use plan amendments are approved, the BLM will still have unfettered discretion to approve or deny the eventual site-specific plans within the lands available to lease. Should that be the case, the decision at this land use plan amendment stage would not be an "approval" with the potential to affect historic properties. Nonetheless, designating these lands as open to oil shale and tar sands development and availability to lease does imply that they are both appropriate for this development and that leases will be given.

We understand that the BLM has conducted broad identification efforts to identify historic properties in the lands at issue and that this will inform the decision to possibly further limit the lands available for leasing. This is a positive and proactive step by the BLM and we look forward to working with you when Section 106 compliance is initiated for individual lease applications and site specific plans. Should you have any questions or wish to discuss this matter further, please contact Nancy J. Brown by phone at (202) 606-8582, or by e-mail at nbrown@achp.gov.

Sincerely,

Reid J. Nelson
 Director
 Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004

Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

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ATTACHMENT 4:
INTERESTED PARTIES CORRESPONDENCE

(a) Multiple Interested Parties

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



Hilery Lindmier
Alliance for Historic Wyoming
P.O. BOX 51201
Casper, WY 82605

INTERESTED PARTY LETTER: Revised Oil Shale and Tar Sands Resources Leasing PEIS for Colorado, Utah, Wyoming

Dear Hilery Lindmier,

In 2008 you expressed an interest in cultural and/or tribal resources in your comments on a Programmatic Environmental Impact Statement (PEIS) analyzing the effects of a land allocation decision by the Bureau of Land Management (BLM), to make land available for potential development of oil shale and tar sands¹. This 2008 decision² resulted in amendment of eight (8) BLM Resource Management Plans (RMPs) allocating approximately 2,000,000 acres for potential development of oil shale and approximately 431,224 acres for development of tar sands.

The BLM is now preparing another *PEIS and Possible Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. Due to your past interest, the BLM is inviting you to consult on its current project with specific reference to cultural and/or tribal resources and the BLM's responsibilities under Section 106 of the National Historic Preservation Act (NHPA).

The BLM has decided to take a fresh look at the land use plan allocation decisions made in 2008 to consider which lands should be open to future leasing of oil shale and tar sands resources. As there are no economically viable ways yet known to extract and process oil shale for commercial purposes, and Utah tar sands deposits are not at present a proven commercially-viable energy source, the BLM, through its planning process, intends to take a hard look at whether it is appropriate for the total number of acres allocated in the 2008 decision to continue to be available for potential development of oil shale and tar sands resources.

¹ *Proposed Oil Shale and Tar Sands Resource Management Plan Amendments to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement*. Bureau of Land Management, Department of the Interior, September 2008.

² *Approved Resource Management Plan Amendments/Record of Decision (ROD) for Oil Shale and Tar Sands Resources to Address Land Use Allocations in Colorado, Utah, and Wyoming and Final Programmatic Environmental Impact Statement*. Bureau of Land Management, Department of the Interior, November 2008.

This PEIS will analyze amending pertinent BLM RMPs³ to identify any areas that may be excluded from future oil shale and tar sands leasing in these three states. Specifically, the BLM will decide whether any changes should be made to the existing land use allocation decisions, and will consider amending the applicable resource management plans to specify whether any areas in Colorado, Utah, and Wyoming currently open for future leasing and development should not be made available for such leasing and development. The BLM does not expect to add areas to the current allocation and will notify you if such a change should occur. The area under consideration is identified in the attached maps.

Because of your previous interest in cultural and/or tribal resources the BLM is inviting your participation in this project on issues pertinent to our responsibilities under Section 106 of the NHPA. Should you wish to consult with us, please contact Sherri Thompson, BLM Project Manager, at the address below or via email at sthompso@blm.gov, or phone at 303-239-3758. Your time and consideration are greatly appreciated.

We have also developed a web site specific to this project where users can gain further information, sign up for web news and up-dates, as well as submit comments. The address is: <http://ostseis.anl.gov>.

We look forward to hearing from you.

Sincerely,



Mitchell Leverette
Chief, Division of Solid Mineral

Enclosures (3)
1-Colorado map
2-Utah map
3-Wyoming map

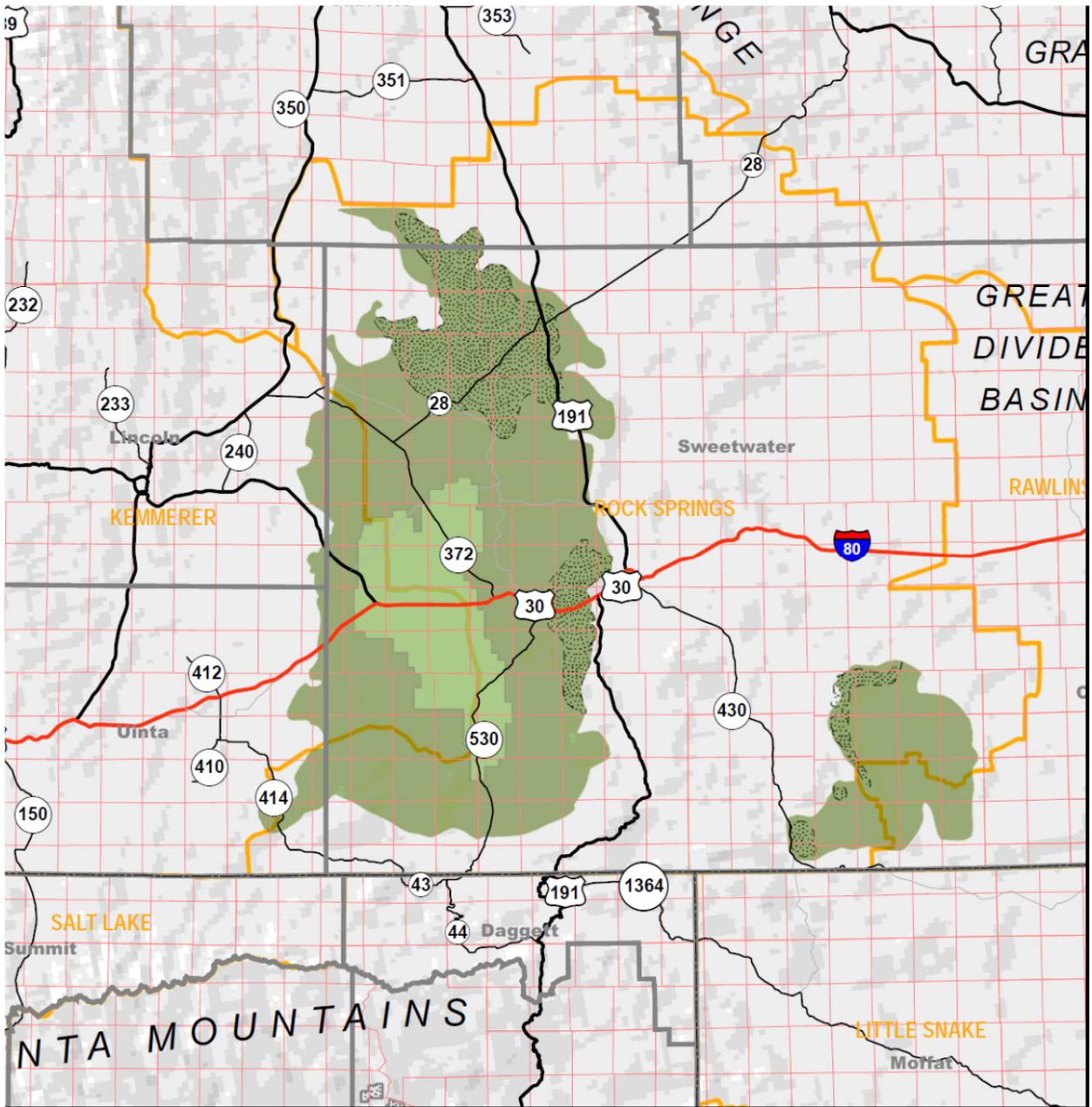
cc: Sherri Thompson
BLM-Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215

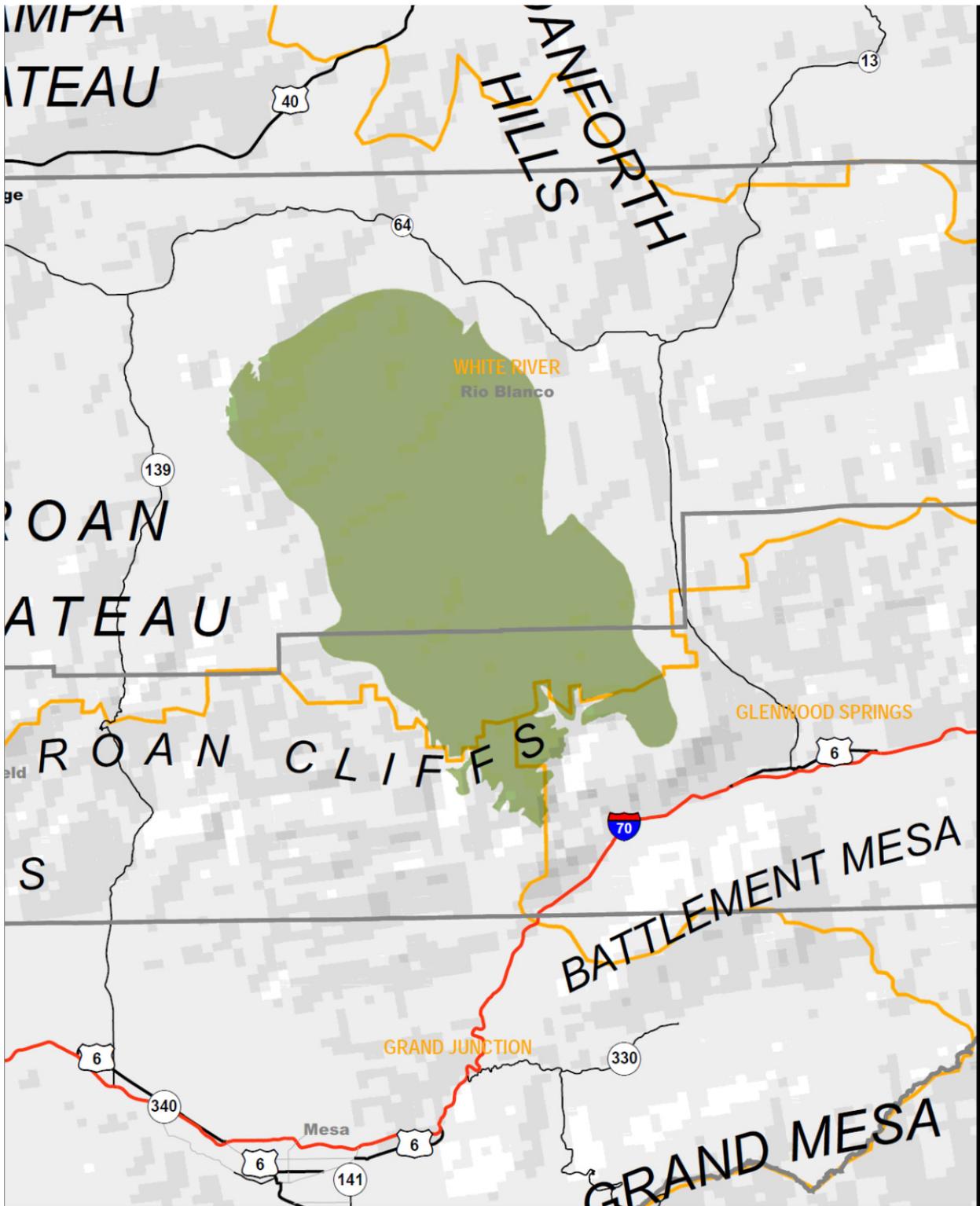
³ The White River RMP, the Grand Junction RMP, the Glenwood Springs RMP, the Vernal RMP, the Price RMP, the Richfield RMP, the Monticello RMP, the Kemmerer RMP, the Rawlins RMP, and the Green River RMP.

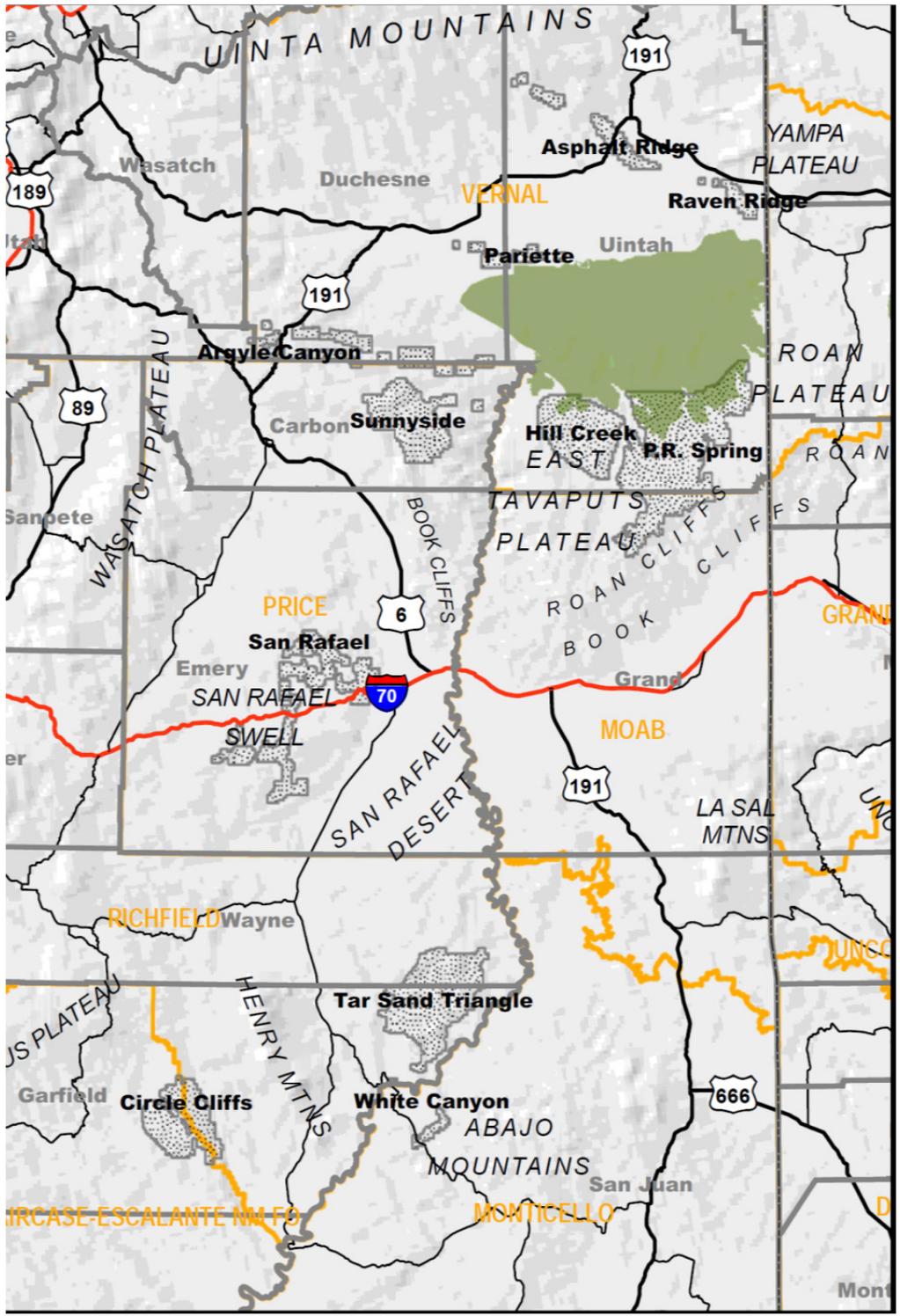
Dan Haas
BLM-Colorado State Office
2850 Youngfield Street
Lakewood, Colorado 80215

Byron Loosle
BLM-Utah State Office
440 West 200 South
Salt Lake City, Utah 84145

Ranel Capron
BLM-Wyoming State Office
5353 Yellowstone Road
Cheyenne, WY 82009







October 2011, Initial Notification Letter – Interested Parties Distribution List						
Name1	Address1	Address2	City	St	Zip	Contact
Alliance for Historic Wyoming	PO BOX 51201		Casper	WY	82605	
Alliance for Historic Wyoming	712 S Second Street		Laramie	WY	82070	Lesley Wischmann
Biodiversity Conservation Alliance	PO BOX 1512		Laramie	WY	82073	Erik Molvar, Executive Director
Center for Biological Diversity	1095 Market Street, Suite 511		San Francisco	CA	94103	Melissa G Thrailkill
Colorado Environmental Coalition	1536 Wynkoop Street #5C		Denver	CO	80202	Elise Jones
Colorado Plateau Archaeological Alliance	2529 S Jackson Avenue		Ogden	UT	84401	Jerry D Spangler
Defenders of Wildlife	1130 17th Street, NW		Washington	DC	20036	Rodger Schickelsen
National Trust for Historic Preservation	1785 Massachusetts Avenue NW		Washington	DC	20036-2117	Stepahnie Meeks
National Trust for Historic Preservation	535 16th Street, Suite 750		Denver	CO	80202	Barbara Pahl, Director
National Wildlife Federation	2260 Baseline Road, Suite 100		Boulder	CO	80305	Kathleen C Zimmerman
Natural Resources Defense Council	40 West 20th Street		New York	NY	10011	Amy Mall
Nine Mile Canyon Coalition	PO BOX 402		Price	UT	84501	Pam Miller
NPS - National Historic Trails - Intermountain Region	100 Old Spanish Trail		Santa Fe	NM	87504	Aaron Mahr
NPS -National Historic Trails - Intermountain Region	324 S State Street, Suite 200		Salt Lake City	UT	84111	Lee Kreutzer
Old Spanish Trail Association	178 Glory View Drive		Grand Junction	CO	81503	Vicki Felmlle
Old Spanish Trail Association	PO BOX 909		Las Vegas	NV	87701	Dennis Ditmansen
Oregon-California Trails Association	PO BOX 1019		Independence	MO	64051-0519	John Mark Lambertson
Oregon-California Trails Association	112 W Second Street		Casper	WY	82601	Tom Rea, Vice President
Red Rock Forests	90 W Center Street		Moab	UT	84532	Terry Shepherd
Sierra Club	2725 Black Canyon Road		Colorado Springs	CO	80904	Kirby B Hughes
Southern Utah Wilderness Alliance	425 E 100 S		Salt Lake City	UT	84111	David Garbett
The Nature Conservancy	4245 S Fairfax Drive, Suite 100		Arlington	VA	22203	Mark Tercek, President
The Nature Conservancy	PO BOX 1329		Moab	UT	84532	Joel Tuhy
The Wilderness Society	1615 M Street, NW		Washington	DC	20036	Chase Huntley
Utah Professional Archaeological Council	Department of Anthropology 800 SWKT		Provo	UT	84602	James R Allison, Assistant Professor
Utah Rock Art Research Association	PO BOX 511324		Salt Lake City	UT	84151-1324	Troy Scotter
Western Colorado Congress	124 N 6th Street	PO BOX 1931	Grand Junction	CO	81502	Heather Tischbein
Western Resource Advocates	22200 Baseline Road		Boulder	CO	80302	Mike Chiropolos
Wilderness Workshop	PO BOX 1442		Carbondale	CO	81623	Peter Hart



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

In Reply Refer To:
3900 (930)
8100

JAN 20 2012

Leslie Wischmann
Alliance for Historic Wyoming
712 S. Second Street
Laramie, WY 82070

Dear Ms. Wischmann:

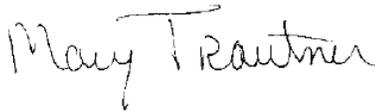
Attached please find the *Draft Programmatic Environmental Impact Statement (PEIS) and Possible Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. The Bureau of Land Management (BLM) has prepared this Draft PEIS in accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976 (FLPMA). As a follow-up to our initial letter, the BLM invites you to review the Draft PEIS and provide any additional information or comments relating to historic and cultural resources. Pursuant to Section 106 of the National Historic Preservation Act (NHPA), the BLM also invites you to continue participating in the Section 106 process regarding the proposed undertaking, i.e., the potential amendment of ten BLM Resource Management Plans (RMPs) in Colorado, Utah, and Wyoming to allocate lands as "open" or "closed" to potential leasing for oil shale and tar sands development.

As described in the Draft PEIS, the BLM is examining proposed land use allocation decisions for potential availability of oil shale and tar sands leasing that will provide future management direction as part of the RMP, but will not authorize any on the ground activities. See Draft PEIS, Chapter 1, Section 1.1, Text box. The BLM recognizes that decisionmaking regarding the potential leasing and development of oil shale and tar sands resources would occur in three stages. The first stage would be accomplished through the development of the current PEIS process, which could lead to a Record of Decision (ROD) regarding amendments to land use allocations to open or close areas as available for potential leasing. The second stage would be the BLM's consideration of lease applications submitted by interested parties, and the third stage would be the BLM's consideration of site-specific plans of development for leased areas. See Draft PEIS, Chapter 1, Section 1.1, Text box. The second and third stages would require compliance with both NEPA, Section 106 of the NHPA, as well as other pertinent laws, regulations, and policies. See Draft PEIS, Chapter 3, Section 3.9.1.

A BLM representative will contact you to ensure that you have received this letter and the attached Draft PEIS, and to answer any questions you may have regarding historic properties and the potential effects the proposed land use plan amendments may have on such properties. We will also ask if you would like to meet to discuss any concerns regarding our responsibilities under Section 106 of the NHPA. You may also submit comments regarding historic properties to the BLM contact listed below, or as part of the NEPA comment process. To comment on this or other issues as part of the NEPA process, please see the Dear Reader letter at the beginning of Volume I of the document.

Thank you for your interest in the *Draft PEIS and Possible Land Use Plan Amendments for the Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the BLM in Colorado, Utah, and Wyoming*. We appreciate your participation in the Section 106 process. For questions related to Section 106 of the NHPA, please contact Sherri Thompson, Project Manager, Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7093, (303) 239-3758, sthompso@blm.gov, or visit the Web site at <http://osts.eis.anl.gov>.

Sincerely,



Donald A. Simpson
State Director

Enclosure

January 2012, Draft PEIS - Distribution List Interested Parties					
Name	Contact	Address1	City	St	Zip
Alliance for Historic Wyoming	Lesley Wischmann and Hilery Lindmier	712 S Second Street	Laramie	WY	82070
Biodiversity Conservation Alliance	Erik Molvar, Executive Director	P.O. Box 1512	Laramie	WY	82073
Colorado Plateau Archaeological Alliance	Jerry D Spangler	2529 S Jackson Avenue	Ogden	UT	84401
Dominguez Archaeological Research Group Inc.	Carl Conner	P.O. Box 3543	Grand Junction	CO	81502
NPS -National Historic Trails - Intermountain Region, Salt Lake City Field Office	Lee Kreutzer	324 S State Street, Suite 200	Salt Lake City	UT	84111
Old Spanish Trail Association, Grand Junction Local Chapter	Vicki Felmile	178 Glory View Drive	Grand Junction	CO	81503

(b) Alliance for Historic Wyoming

From: hilerywwy@gmail.com [<mailto:hilerywwy@gmail.com>] **On Behalf Of** Hilery Lindmier
Sent: Wednesday, October 19, 2011 8:56 AM
To: Thompson, Sherri J
Cc: Lesley Wischmann; Barbara Dobos
Subject: Question - Revised oil Shale and Tar Sands Resources Leasing PEIS for CO, UT, and WY

Dear Ms. Thompson,

The Alliance for Historic Wyoming recently received notification as an interested party about the Revised Oil Shale and Tar Sands Resources Leasing PEIS for CO, UT, and WY. I am corresponding with AHW's board of directors about if and how much we would like to get involved in the process. We also received the maps illustrating the 2008 Approved Land Use Plan of Oil Shale for the 3 different above mentioned states, but there is one problem - the map labeled Wyoming is actually a copy of the Utah map! When you have a chance, could you please resend us the actual Wyoming map (digital or hard copy).

Thank you!
Best,
Hilery

--

M. Hilery Lindmier, *Executive Director*
Alliance for Historic Wyoming
PO Box 51201
Casper, WY 82605
307.333.3508
ExecDirector@historicwyoming.org
www.historicwyoming.org



protecting Wyoming's historic places

Barbara Dobos (Casper, WY) • Lesley Wischmann (Laramie, WY) • Mary Humstone (Fort Collins, CO) • Tom Fea (Casper, WY)
Misty Stoll (Laramie, WY) • Trish Ullery-Whitaker (Kaycee, WY) • Edre Maier (Sheridan, WY) • Kurt Dubbe (Jackson, WY)
Russ Kaldenberg (Cheyenne, WY)

PO Box 51201 | Casper, WY 82605 | 307.333.3508 | ExecDirector@historicwyoming.org | www.historicwyoming.org

Lesley Wischmann
Alliance for Historic Wyoming
712 South Second Street
Laramie, WY 82070
307.742.5449
lesleywisch@wyoming.com
24 Apr 2012

Mr. Michael Nedd, BLM Assistant Director
Minerals, Realty and Resource Protection
1849 "C" Street NW
Washington, DC 20240

Dear Mr Nedd:

Thank you for this opportunity to comment on the Draft Programmatic Environmental Impact Statement for Oil Shale and Tar Sands Development in Wyoming. Please consider these the formal comments of the Alliance for Historic Wyoming (AHW), a statewide nonprofit organization dedicated to preserving our historic and cultural resources. We work with citizens around the state and across the country who are concerned about ensuring Wyoming's irreplaceable historic resources exist for future generations.

As this project goes forward, we ask that AHW be considered an interested party at every stage of this process for all consultations under Section 106 of the National Historic Preservation Act (NHPA) as amended, and implementing regulations 36 CFR 800.2(c)(5) and 800.3(f)(3). You may use the above listed address, phone number and email address to contact us as part of the Section 106 consultations. As you know, NHPA's Section 106 process recognizes that "the views of the public are essential to informed Federal decision making" and agencies are required to "seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, [and] the likely interest of the public in the effects on historic properties." 36 CFR § 800.2(d)(1) Likewise, the Historic Sites Act of 1935 states that: "It is a national policy to preserve for public use historic sites, buildings, and objects of national significance for their inspiration and benefit of the people of the United States." In the case of this project, we expect that interest could be especially high because of the nature of the potentially affected resources - the National Historic Trails, in particular - as well as the dramatically different nature of this potential undertaking from any that has previously been done in Wyoming. Therefore, we encourage you to reach out to the various nonprofit organizations dedicated to

P.O. Box 51201, Casper, WY 82605 E-mail: Executive Director@HistoricWyoming.org

The Alliance for Historic Wyoming is a 501(c)(3) nonprofit organization

Executive Director: Hilery Lindmier Board of Directors: Chamois Anderson ⊕ Barbara Dobos ⊕ Kurt Dubbe ⊕ Mary Humstone ⊕ Edre Maier ⊕ Misty Stoll ⊕ Trish Ullery-Whitaker ⊕ Lesley Wischmann

working on historic and prehistoric resources in this area, including the county historical societies, the certified local government organizations, TRACKS Across Wyoming, the Lincoln Highway Association and the local museums and tourism offices. Each of these groups will have valuable input to add to the Section 106 process.

We also want to encourage you to ensure that extensive and effective outreach be made to the affected tribes as early as possible in this process so that they might have the opportunity to do extensive on-the-ground surveys to identify landscape-wide cultural sites of importance to them. As you may be aware, it is often the case that the prehistoric and cultural features identified by SHPOs do not come close to being as inclusive as the sites identified by THPOs and tribal elders. Tribes often have not had the opportunity to do extensive ground surveys for decades or longer. Only through this kind of examination can they adequately contribute to the process of protecting their sacred sites in accordance with Executive Order 13007. We would also remind you that EO 13007 defines a “sacred site” as “any specific, discrete, narrowly delineated location” that is “identified by an Indian tribe, or **Indian individual determined to be an appropriately authoritative representative of an Indian religion....**” (emphasis added) This secondary requirement of seeking identification by authoritative Indian **individuals** places a heavy responsibility on federal agencies to cast a wide net among the affected tribes to ensure that all potential sacred sites are identified. While we understand and appreciate that this level of consultation can be time-consuming and complicated, we believe that the need to protect these irreplaceable resources makes this process more than worthwhile.

As a representative of the Alliance for Historic Wyoming, I did have the opportunity to speak with Sherri Thompson about this project and appreciated her sensitivity towards our concerns and her willingness to reach out and offer us additional consultation opportunities. It is clear that the BLM has taken a very cautious approach to the potential for oil shale/tar sands development and we very much appreciate this go slow attitude since none of us have ever before dealt with an oil shale project and the technology itself remains experimental, with no proven track record of success.

Our concerns, in general, are concerns that I am sure you will hear from many others. In particular, the “dirty” nature of oil shale gives us great pause about this project. In addition, we are deeply concerned about how development of oil shale would affect the water resources in Wyoming, which I am sure you know is a high desert. Thanks to that high desert climate, we are blessed with the best remaining remnants of the historic emigrant trails - the Oregon, California, Mormon and Pony Express National Historic Trails. But the lack of water in our state is always a concern when development is proposed and with the changing climate patterns and our recent history of drought, it is doubtful that we can afford to use the quantities of water that would be necessary to make oil shale a viable commodity without seriously diminishing the water available for our communities.

Our specific cultural resource concerns center on the degradation of the historic trails and other cultural sites, including rock art and archaeology sites, which are being heavily impacted by the increasing industrialization of the I-80 corridor through southern WY. While

P.O. Box 51201, Casper, WY 82605 E-mail: Executive Director@HistoricWyoming.org

The Alliance for Historic Wyoming is a 501(c)(3) nonprofit organization

Executive Director: Hilery Lindmier Board of Directors: Chamois Anderson ⊕ Barbara Dobos ⊕ Kurt Dubbe ⊕ Mary Humstone ⊕ Edre Maier ⊕ Misty Stoll ⊕ Trish Ullery-Whitaker ⊕ Lesley Wischmann

many people look at this area and see only a heavily impacted transportation corridor, the Alliance for Historic Wyoming recognizes that this transportation corridor in fact tells the whole story of America's development into a nation "from sea to shining sea." It is along this corridor that one can experience the original historic emigrant trails, the shift in usage of the trails to a freighting operation (the Overland Trail), the connecting of the continent through the transcontinental railroad, the communications revolution that began with the Pony Express and continued with the telegraph lines, the first national roadway (the Lincoln Highway), the Eisenhower interstate road system and, more recently, the development of industrial wind energy. All of these advancements have helped to bind our nation together and southern Wyoming offers unique opportunities for interpretation and appreciation of these resources.

When you look at these areas and the historic and cultural resources in them, we strongly encourage you to take this broader view. In particular, we believe that the BLM has done a generally poor job of evaluating Wyoming's landscapes in terms of their potential for listing on the National Register of Historic Places as Rural Historic Landscapes or Traditional Cultural Properties. Very little consideration has also been given as to whether any of these areas might qualify as National Heritage Areas. Wyoming's most iconic cultural feature is its wide-open spaces. Unfortunately, however, these vistas and their importance to our communities are rarely considered by the BLM when looking at the impacts of these large-scale projects. In our experience, the Section 106 process as outlined by the National Historic Preservation Act is often incapable of addressing these concerns. The Section 106 process requires that the participants define an area of potential effect (APE) and then address the potential adverse effects within those boundaries. But when you are talking about open vistas, it is impossible to draw boundaries around the space.

Additionally, we find the Section 106 approach increasingly inadequate when it comes to dealing with the National Historic Trails. The trails, by their very nature, are a single, contiguous resource that extends for hundreds of miles from their point of origin to their termination. When we are forced to confine our analyses to the impacts that occur within an APE, we are artificially segmenting these trails and doing irreparable harm to them in the process. In our experience, the Section 106 process is simply incapable of adequately addressing these cumulative effects. As a result of this recognition, we are now requesting that a mechanism be established to provide off-site compensatory mitigation for cumulative effects through the NEPA process. This not only provides an opportunity to deal with these difficult to address cumulative effects but has the added bonus of making it possible to provide grants to organizations that, for any number of reasons, might not be able to take part in the Section 106 process, but which may well have new and innovative ideas about how to address the adverse effects. Should this project go forward, we hope that the NEPA documents will address this issue.

Our concerns about this project are not just limited to the environmental and cultural issues already addressed. We also recognize that cultural and historic resources are closely tied to recreational values and the socio-economic vitality of our small cities and towns. Wyomingites, by nature, are closely tied to their lands. We rely on our public lands for

P.O. Box 51201, Casper, WY 82605 E-mail: Executive Director@HistoricWyoming.org

The Alliance for Historic Wyoming is a 501(c)(3) nonprofit organization

Executive Director: Hilery Lindmier Board of Directors: Chamois Anderson ⊕ Barbara Dobos ⊕ Kurt Dubbe ⊕ Mary Humstone ⊕ Edre Maier ⊕ Misty Stoll ⊕ Trish Ullery-Whitaker ⊕ Lesley Wischmann

recreational opportunities. This extends very directly to the huge impact that tourism has on our state. As you may or may not know, tourism is Wyoming's second largest industry, right behind energy development. And the fastest growing sector of the tourism industry is heritage tourism. Wyoming is blessed with a robust heritage tourism sector. People come from all over the world to experience "the West" in Wyoming. They are looking not only for our open vistas but also our historic ranches, our ghost towns, our unique little museums, our abandoned railroad spurs, our isolated cemeteries, our historic trails, our rock art and tipi rings, our forts and battlefields, and our natural landmarks. If they arrive in Wyoming and do not feel transported to another time and place, if all they see around them are the signs of industrialization that they can find in any other state, they will quickly move on. To lose this source of income would be devastating to our small communities, especially. As a state, we have experienced and absorbed and survived untold cycles of the boom and bust energy economy. What brings us through is our pristine landscapes and cultural assets which bring in the tourists with their tourism dollars. If energy booms are allowed to wipe out those assets, it is highly uncertain how we would weather the bust.

Google some of our smaller towns along the I-80 corridor and you will see why we are concerned about giving the wandering heritage tourist the impression that there is little to see or do that cannot be found in a more densely populated and developed location. Take Superior, WY, for example. The website they maintain <superiorwyoming.net> explains their allure this way:

We invite you to enjoy a modern day voyage into yesteryear to a town forgotten by time. Superior remains a diamond in the rough for those seeking real adventure in authentic old west sightseeing. In its heyday, Superior was a bustling town of over 3,000, lured by underground coal mines. Today, only 336 hearty souls keep this isolated "Ghost Town" alive.

This is precisely the kind of description that calls the heritage tourist away from the interstate and invites them to explore. But if they are already discouraged by what they have seen while driving, they are likely to pass Superior by. Nearby Reliance, WY, depends on its historic tippie to create the same kind of draw. Built in 1936, the tippie was touted as being "the most modern all-steel tippie in the Union Pacific Coal Company's extensive coal holdings" with "a capacity of 500 tons of coal per hour." Without the heritage tourists who stop to learn about a tippie, Reliance would certainly suffer. I would encourage you to visit the TRACKS Across Wyoming <tracksacrosswyoming.com> website and see all the fascinating little pieces of history that continue to thrive because heritage tourism is alive and well along the I-80 corridor. No NEPA analysis would be complete or adequate for energy development in this area if it doesn't thoroughly examine the impacts such a project, especially a "dirty energy" project, would have on recreational tourism and the resulting potential for socio-economic loss.

As I am sure you know, Congress declared in NHPA that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; [and] the

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preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans.” 16 U.S.C. 470(b)(2) and (b)(4) Moreover, NHPA states that: “It shall be the policy of the Federal Government...to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations; [and] encourage the public and private preservation and utilization of all usable elements of the Nation’s historic built environment.” 16 U.S.C. 470-1 (1) and (5) These findings place a high burden on our country’s land management agencies to ensure that all possible steps be taken to ensure the protection of our historic and cultural resources for future generations. AHW believes that no NEPA analysis can be complete or adequate if it doesn’t thoroughly examine the impacts that the proposed project, especially if it is a “dirty energy” project, would have on recreational opportunities, including the ability and desire to wander and discover the nation’s historic roots, heritage tourism and the potential socio-economic loss if such opportunities are sacrificed.

Thank you for your consideration of these comments. Should you have any questions about our concerns, please feel free to contact us. AHW looks forward to working with you as this project proceeds.

Sincerely,

Lesley Wischmann
Founding Board Member
Alliance for Historic Wyoming

(c) Biodiversity Conservation Alliance

From: Thompson, Sherri J [mailto:sthompso@blm.gov]

Sent: Thursday, October 06, 2011 11:27 AM

To: Winthrop, Kate R; Verhaaren, Bruce T.

Cc: Picel, Kurt C.; Capron, Patricia R; Carls, Elizabeth; McNeer, Richard; Leverette, Mitchell; Martin, Benjamin F

Subject: Interested party

Kate, Just got a call a few minutes ago from Erik Molvar, with the Biodiversity Conservation Alliance, one of the plaintiffs in the lawsuit, saying he would be interested in consulting with us.

(d) Colorado Plateau Archaeological Alliance

From: Thompson, Sherri J [mailto:sthompso@blm.gov]
Sent: Thursday, November 03, 2011 11:59 AM
To: Winthrop, Kate R; Verhaaren, Bruce T.; Haas, Daniel R; Capron, Patricia R; Loosle, Byron N; Picel, Kurt C.
Subject: FW: Oil Shale consulting party

From: jerry_cpaa@comcast.net [mailto:jerry_cpaa@comcast.net]
Sent: Thursday, November 03, 2011 10:50 AM
To: Thompson, Sherri J
Subject: Oil Shale consulting party

Dear Sherri:

Per the letter from Mitchell Leverette (no date), I accept the invitation to be a consulting party regarding the Revised Oil Shale and Tar Sands PEIS for Utah, Colorado and Wyoming. I look forward to the process and working with the BLM to reach collaborative solutions.

Best Regards,

Jerry D. Spangler, MA RPA
Executive Director
Colorado Plateau Archaeological Alliance
2529 Jackson Ave.
Ogden, Utah 84401
801-392-2646 (office)
801-388-3387 (cell)

(e) NPS-National Historic Trails-Intermountain Region, Salt Lake City Office

From: Thompson, Sherri J [mailto:sthompso@blm.gov]

Sent: Wednesday, November 02, 2011 3:01 PM

To: Picel, Kurt C.; Verhaaren, Bruce T.; Winthrop, Kate R; Loosle, Byron N; Capron, Patricia R; Haas, Daniel R

Subject: Interested party

Got a call from Lee Critzer with the National Park Service in Salt Lake City-she apparently works with the National Trails group. They have received our letter asking if they'd like to be an interested party and she was calling to accept our invitation.

(f) Old Spanish Trails Association-Grand Junction Local Chapter

From: Thompson, Sherri J [mailto:sthompso@blm.gov]
Sent: Tuesday, October 11, 2011 11:43 AM
To: Winthrop, Kate R; Haas, Daniel R; Verhaaren, Bruce T.; Picel, Kurt C.
Subject: Interested party letter acceptance

Just spoke with Vicki Felmlle, with the Old Spanish Trail Association. She would like to be an interested party. Her number is (withheld).

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