



Dedicated to preserving our unique and irreplaceable historic & cultural resources

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 11 May 2011

Kellie Roadifer, Project Manager
 Normally Pressured Lance Natural Gas Development Project
 1625 West Pine Street
 PO Box 768
 Pinedale, WY 82941

Dear Ms. Roadifer:

Thank you for this opportunity to comment on the Normally Pressured Lance Natural Gas Development Project. 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 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 these 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 ..." Therefore, 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." Each of these acts reiterate the high value our nation places on its historic and prehistoric resources.

These statements of national policy, mandating federal agencies to "preserve for public use" historic places "for their inspiration," are especially significant in regards to this massive development project. While we have numerous concerns about specific sites that might be impacted by this development going forward - in particular, the viewsheds of national historic trails and their cutoffs and alternatives as well as the many unique archaeological resources that

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have recently been discovered in this area, including pit houses - our overwhelming concern is with how this project would fundamentally alter the historic nature of this region. Instead of a rural western landscape with unimpeded, open vistas of the type that characterize the stereotypical Wyoming viewshed, this project would forever transform this region of our state into an industrial landscape more reminiscent of what is found in eastern states. This would be a tragic loss of not only our historically unparalleled vistas but, more importantly, of the western identity that has defined our state and its people from the very beginning of human history in this area. The kind of loss that we would experience as a result of this proposed project simply cannot be overstated.

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 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) This proposed project would absolutely shortcircuit the ability of future generations to enjoy "this irreplaceable heritage." In fact, with the type of industrialized development contemplated in this proposal, it would probably be difficult for future generations to even imagine the heritage that will have been taken from them.

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. And while this section refers specifically to the "built environment," it is clear that the intent of the overall legislation includes protecting the heritage that is unique to a specific area. In Wyoming, of course, that heritage includes our open spaces and unlimited, grand vistas as well as our unspoiled air and water - all of which would be jeopardized by further industrialization of this area.

We would also remind you that, under NHPA, your first obligation in regards to historic resources is avoidance of these resources and, only when that is not possible, the minimization of impacts. By denying the permits to pursue this project, you will be taking the only possible step to avoid the unavoidable destruction this project would produce for this historic landscape and all of the specific resources that lie within the project area. There is simply no other response that would comply with your obligation to avoid and minimize impacts to known resources, i.e., the historic landscape. Mitigation as a solution is only acceptable once these other options have proven impossible. Therefore, we again urge you to reject this proposed project as it will cause damage to known resources, which simply cannot be adequately mitigated.

Should you decide that there is some rationale for going forward with this outsized project, despite your legal obligations under NHPA, we would insist that a substantial investment,

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adequate to protect equally large historic landscapes, would be the only appropriate mitigation. In the past, projects in the Pinedale Anticline and Jonah Field have made substantial investments in wildlife mitigation while mitigation for the irreparable harm to historic and cultural resources have been minimal at best. While the recent purchase of the lands for the New Fork Historic Park was an elegant solution to damage done to the historic Lander Road, the actual investment by the operators was still relatively minimal in comparison to what has been devoted to protecting wildlife habitat. Should this project go forward, the BLM must insist on a very substantial mitigation fund under NHPA sufficient to protect other historic landscapes so that the general public will have the opportunity to enjoy their historic legacy of open spaces in other locations. Anything less than this would be an abdication of your legal responsibilities under numerous federal laws.

In addition, should this enormous project be allowed to proceed, we believe that intensive, special training for heavy equipment operators will be required. It is especially important that the field operators understand their obligations to respect and avoid historic and cultural resources under both NHPA and the Archaeological Resources Protection Act (ARPA). NHPA requires that: "Each Federal agency that is responsible for the protection of historic resources, including archaeological resources...shall ensure" [16 U.S.C. 470h-4(a)] that "All actions taken by employees or contractors of such agency shall meet professional standards under regulations developed by the Secretary...and the appropriate professional societies of the disciplines involved, specifically archaeology, architecture, conservation, history, landscape architecture, and planning." [16 U.S.C. 470h-4(a)(1)]

ARPA, likewise, gives strong guidance on these issues, noting: "Archaeological resources on public lands and Indian lands are an accessible and irreplaceable part of the Nation's heritage, and these resources are increasingly endangered because of their commercial attractiveness." [16 U.S.C. 470aa] According to 16 U.S.C. 470ee(a), no person may alter or deface any archaeological resource located on public or Indian lands unless pursuant to a legally issued permit, with the exception of arrowheads located on the surface. Any person who knowingly violates this law faces penalties defined in 16 U.S.C. 470ee(d). Together, these provisions from NHPA and ARPA make it clear that contractors working on any federal undertaking that may encounter cultural resources need to receive in-depth training regarding the significance of those resources and the contractor's responsibilities under the law. These are requirements that we believe the BLM has a special obligation to oversee and that special training would be required. If, at any time, you feel that AHW could be of assistance in explaining the importance of these resources to the contractors and equipment operators, please feel free to contact us.

Finally, we want to emphasize the importance of developing a comprehensive monitoring and cultural resource discovery plan for this project, should it be allowed to proceed. A wide variety of these plans are in existence, some better than others. However, it is vital that a comprehensive plan be available for review by the public and that it be thoroughly vetted by those who have requested interested party status under Section 106. We believe it should also be prominently attached to future NEPA documents on this project. Only with an accepted and well understood comprehensive monitoring and cultural resource discovery plan can you ensure that any unexpected discoveries encountered during the course of this project are handled properly. This is especially true whenever you are working around archaeological sites tied to Native

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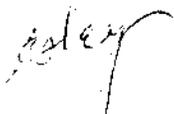
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Americans or the old emigrant trails because of the strong potential for uncovering human remains in these areas. This is especially important not only to ensure proper compliance with NAGPRA but also because Wyoming currently lacks a comprehensive state statute regarding the discovery of human remains.

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 should this project be allowed to proceed which, as stated above, we sincerely hope will not be the case.

Sincerely,



Lesley Wischmann

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