

NATIVE AMERICAN CONSULTATION

On March 19, 1999, representatives from JBR, the SHPO, Jones & DeMille Engineering and the BLM met on the site of the proposed Quitchupah Creek Road to discuss the archaeological sites located on the proposed route. Official Native American consultation had not started because the proposal was still in the conceptual stage. Following the March 19th meeting, the archaeologist from the BLM Richfield Field Office was assigned as the joint agency cultural specialist for this project. Coordination with the cultural representative from the Koosharem Band of the Paiute Tribe began on March 19, 1999. Over the next few months, representatives from the Paiutes visited the Quitchupah Creek area several times to become familiar with the project and examine the proposal and Alternatives being considered. The Paiutes expressed opposition to any project along Quitchupah Creek because of their claim that the canyon is sacred and human activity could impact this value. The Tribe also expressed opposition to any excavation of archaeological sites; a process they view as destructive. The Paiute Tribe of Utah made this position known to the FS/BLM in a letter submitted on July 22, 1999.

Efforts were also underway during this time to identify other tribes who might have a historical interest in the general area involved in this project. On June 23, 1999, contact was made with Ms. Betsy Chapoose of the Uintah & Ouray Tribal Committee Cultural Rights & Protection Department in Ft. Duchesne, Utah. A field tour of the Quitchupah Creek Road was subsequently completed with a Tribe representative. The Ute's concern extends to all sites in the canyon, but focuses on the rock art. The Tribe has expressed that at least a ½-mile buffer around rock art sites - preferably one mile buffer, would be necessary to protect rock art sites.

On July 12, 1999, contact was made with the Navajo Nation in Window Rock, Arizona. A representative in the Navajo Nation Cultural Preservation Office indicated they had no interest in this project.

On July 13, 1999, the Hopi Cultural Preservation Office was contacted. Mr. Leigh Kuwanwisiwma, head of the Hopi Cultural Preservation Office, stated that the Hopi are very interested in Fremont archaeological sites and projects that may affect them. Accordingly, the BLM Richfield Field Office opened formal consultation with the Hopi Tribe on the Quitchupah Creek Road project. On November 21, 2000, a letter was sent to the Hopi Tribe requesting comments or concerns the Tribe may have with the project.

A written response was received from the Hopi Tribe in December 2000 claiming affiliation with the Fremont and asking for copies of all pertinent materials on the Quitchupah Creek Road project; these materials were forwarded to the Tribe. After the Tribe had reviewed the Quitchupah Creek Road material, the BLM Richfield Field Office received an invitation to attend an upcoming Tribal Administrative Meeting. In the invitation, the Tribe stated interest in the Quitchupah Creek Road project and expressed that it seemed a non-controversial issue since the sites on the main Quitchupah Creek route (Alternative B and C) could be avoided by implementing the Water Hollow Alternative (Alternative D).

On March 21, 2001, representatives from the BLM Richfield Field Office spoke at the Hopi Administrative meeting at Hopi Tribal Headquarters in Kykotsmovi, Arizona. Mr. Leigh Kuwanwisiwma and Clay Hamilton represented the Hopi Tribe. As per the Tribe's request, the BLM presented a briefing on the Quitchupah Creek Road Project and Alternatives. Copies of the cultural inventory reports on the Quitchupah Creek Road and Water Hollow routes were provided to the Tribe. The Tribe stated that as long as the sites on the Quitchupah Creek route

could be avoided by implementing another Alternative route, the Tribe would have no issue with the project. They understood that avoidance would not be an option along Quitchupah Creek because of the confines of the canyon and therefore would not support it. At that time, the Hopi approved of the Water Hollow Alternative. The Hopi also stated that they would defer to the Paiute Tribe of Utah on any Quitchupah matters.

August 22, 2001, the Ute Tribe inquired as to any new developments on the project and reiterated their opposition to the project in Quitchupah proper.

A meeting at the Paiute Tribal Headquarters in Cedar City took place on September 18, 2001 and a tour of the project area was set up for October. The Paiute tour took place on October 17, 2001. At this time, the Paiute representative expressed opposition to the project within the Quitchupah Creek corridor but accepted the Water Hollow Alternative on the condition of cultural site avoidance. A comment letter formally communicating the tribe's position was received by the BLM on February 15, 2002.

In letters dated October 24 and October 31, 2002, the Hopi, Paiute, and Ute Tribes were asked to participate as Consulting Parties on this project. As a Consulting Party, the tribes would actively participate in analyzing the impacts of the alternatives, seeking acceptable mitigation of impacts, and resolving adverse effects. The Paiute and Ute tribes accepted the Consulting Party invitation. The Navajo stated their area of concern was further south and deferred to the Paiute. The Hopi deferred to the Paiute.

On November 5, 2002, a meeting between the agencies and the BLM Utah State Office was held to discuss the Native American Consultation. It was agreed upon that a meeting would be held with each participating tribe to discuss the role of Consulting Party, discuss Traditional Cultural Properties and sacred sites, and update them on the project.

The agencies attended the January 2, 2003 Paiute Tribal Council meeting to make a presentation on the Quitchupah Road project. On April 28, 2003, the agencies met with the Utes. An additional field tour was requested at that time.

A formal letter dated April 29, 2003 from the Paiute Indian Tribe of Utah stated their opposition to the Quitchupah Creek Road Project due to "the need to destroy culturally significant objects which we consider sacred to our tribe."

On August 18, 2003, the BLM Richfield Field Office archaeologist toured the Project Area with Dorena Martineau, Cultural Resource Director of the Paiute Tribe. The Paiute Tribal representative was interested in seeing the canyon and some of the archaeological sites there. Sacred issues were discussed.

On August 20, 2003, the BLM Richfield Field Office archaeologist and the BLM State Office archaeologist met with the Paiutes at their tribal office in Cedar City. The Paiutes stated that although they may regard a wider area as being sacred, a boundary to the sacred site could be drawn using the physical canyon from the headwaters to the terminus at the bottom. This is the core area of concern. Further, a Paiute representative stated there is at least one place in the canyon used traditionally for religious ceremonies; building a road would interfere with, compromise, or destroy the ability of tribal members to continue with these traditions. At this time, it was stated that the Tribe was opposed to all build alternatives since they all require construction within the sacred site; adversely affecting sacred values by further disturbing the

location and setting. Heavy and loud truck traffic, increased recreational traffic, camping, and vandalism would also cause disturbance to the sacred site.

For a period of several months between December 17, 2003, and September 14, 2004, there were innumerable contacts between the Richfield Field Office BLM and the Paiute Tribe discussing and coordinating the ethnography in Quitchupah Canyon. Dr. Richard Stoffle of the University of Arizona at Tucson was retained to conduct the study mainly because of existing relationships he had established with the Paiute people. Mr. Stoffle and the BLM reviewed the Quitchupah area on April 23 and 24, 2004, to select the sites that would be used for the field interviews with the Paiute participants in the study. The field portion of the ethnographic study was conducted on May 19 and 20, 2004. The preliminary ethnographic report was submitted in June 2004 and the final report arrived in September 2004.

On September 14, 2004, Dorena Martineau and Arthur Richards (both Paiute tribe) along with the BLM Richfield Field Office archaeologist flew the Water Hollow Alternative route in a helicopter just to make sure that tribal representatives had seen the entire route. After seeing the route, the Paiute Tribe of Utah agreed that a road on the Water Hollow Bench was their preferred alternative.

The Paiutes' provided a letter, dated October 5, 2004, which expressed their satisfaction with the ethnographic work conducted by Richard Stoffle. In this letter, the Paiute also stated their support of the Water Hollow route.

During an October 19, 2004 meeting at the Navajo Nation Window Rock Office, Marklyn Chee expressed that the Navajo Nation currently is very interested in actions that take place in this part of Utah. Regarding Quitchupah specifically, the Navajo support the claims of the Paiute and Hopi in this area. They have no concerns about sacred sites in the Quitchupah area, but certainly support other tribes in their claims. The Navajo are mainly interested in the nearby Henry Mountains, which they claim as a traditional cultural property. The Navajo defer to the Paiute.

The Paiute Tribe provided a letter dated February 24, 2005 regarding their approval of the riparian fencing mitigation along Quitchupah Creek. At this time the Tribe also stated that they did not want the rock art and other cultural sites to be fenced. The Tribe expressed that protective barriers or fencing would draw attention to the sites and likely cause the very thing it was designed to prevent.

A letter dated August 2, 2005 from the Paiute Indian Tribe of Utah to the Richfield BLM acknowledged the Tribe's review of the Draft Final EIS and their satisfaction with the preferred alternative.