



April 11, 2018

Submitted via email to [blm\\_ut\\_monticello\\_monuments@blm.gov](mailto:blm_ut_monticello_monuments@blm.gov)

Lance Porter  
District Manager  
BLM Canyon County District Office  
365 North Main, P.O. Box 7  
Monticello, UT 84535

**RE: Notice of Intent to Prepare Monument Management Plans for the Bears Ears National Monument Indian Creek and Shash Ja'a Units and Associated Environmental Impact Statement, Utah**

Dear Mr. Porter,

Western Energy Alliance appreciates the opportunity to submit scoping comments for the Management Plans of the Bears Ears National Monument (BENM) Indian Creek and Shash Ja'a Units. Our comments relate to the limited potential for oil and natural gas development in or around the planning area and the cultural resource protections provided by current law.

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in Utah and across the West. The Alliance represents independents, the majority of which are small businesses with an average of fifteen employees.

In December 2017, the Utah Geological Survey (UGS) [released a report](#) that found "very little energy potential" within the boundaries of BENM as they were designated at that time. Specifically, it found BENM had "low oil and gas potential," except for the far corners of those boundaries, which may have "moderate" potential.

On the same day as the report's release, a Presidential Proclamation Modifying the Bears Ears National Monument significantly reduced the size of the designation and divided it into two units. The new boundaries for the Indian Creek and Shah Ja'a Units no longer include the areas UGS identified as having moderate oil and natural gas potential, leaving little to no prospective resources within the two BENM units.

As identified in the UGS report, there is some limited potential for development in the areas surrounding BENM, although interest from our member companies in these areas remains low. Even if that interest increases during the duration of the Management Plan, however, there are sufficient statutory protections currently in place to protect BENM's cultural resources.

April 11, 2018

Page 2 of 2

The lands adjacent to the Monument are federally owned and managed by the Bureau of Land Management (BLM) and U.S. Forest Service (USFS), so any development on these lands will require compliance with the National Historical Preservation Act (NHPA). Under Section 106 of NHPA, BLM and USFS are required to consult with the relevant State Historical Preservation Office on any project that may impact cultural resources, such as those protected by BENM. The agencies must then ensure adverse impacts to the cultural resources are avoided, minimized, or mitigated.

NHPA provides extensive protections for cultural resources, and several other federal laws, regulations, and executive orders provide further protections that ensure development near these resources will not harm the environment. These include the Archaeological Resources Protection Act, the Archaeological and Historic Preservation Act, Executive Order 12898 on impacts to minority populations, and Executive Order 13007 on Indian sacred sites.

The protections afforded by NHPA and other laws and regulations ensure there is no risk to the protected cultural resources from oil and natural gas development. Furthermore, the Presidential Proclamation modifying the boundaries of BENM intended to ensure the protections afforded these cultural resources were right-sized in nature and not overly broad and restrictive. The Management Plans should reflect this reality and should ensure any restrictions imposed therein are properly tailored and do not unduly impact the area surrounding the two BENM units.

Thank you for the opportunity to submit scoping comments on the BENM Management Plans. Please do not hesitate to contact me with any questions.

Sincerely,



Tripp Parks  
Manager of Government Affairs