

# 106 SUCCESS STORY

## Nine Mile Canyon (West Tavaputs Plateau): A Model for Balancing Preservation and Energy Development

Utah



“This agreement is a perfect model of collaboration, and proves that when people come together with a common goal, solutions are possible. Through open communication and the desire of all parties to reach a mutually beneficial agreement, we see how complex issues can find resolution. We expect to build on this success in other areas of interest to better our great state.”

— HON. GARY HERBERT  
Governor of Utah  
As quoted on KCSG TV



### THE STORY

For thousands of years humans have lived along the vast West Tavaputs plateau. Scattered across the landscape are the remains of hundreds of residences and forts—massive walls with no apparent windows. Early inhabitants left large and small granaries that stored foodstuffs scattered across the plateau and the canyon, known as Nine Mile Canyon. An estimated 10,000 prehistoric rock art panels are etched or painted on the walls of the 45-mile-long canyon. Scenes depicted range from a single figure to several hundred. The more than 100,000 recorded individual images on the worn rock are highly significant to Indian tribes. These images include elk and bighorn sheep, humans bearing weapons, and mystical figures.

### THE PROJECT

In the early 2000s, energy exploration began, using the unsurfaced roads in this area. Increasing industrial activity and number of diesel-fueled trucks caused particulate matter (a polluting mixture of fine airborne solid particles and aerosols) to speed erosion of the rock panels. In 2005, the Bureau of Land Management (BLM) released a proposal for an 800-well natural gas development that would dramatically increase traffic. The energy development had the potential to transform West Tavaputs plateau into an industrial zone due to heavy truck traffic and markedly increase the harmful effects to historic properties in more than 149,000 acres of land.

### THE 106 PROCESS

The BLM, the federal agency permitting this project, was responsible for conducting the Section 106 process under the National Historic Preservation Act. Section 106 requires that federal agencies identify historic properties and assess the effects of the projects they carry out, fund, or permit on those properties. Under Section 106, agencies consult with Indian tribes, state and local governments, and organizations and individuals that

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Rock art and landscape at Nine Mile Canyon. Photos courtesy Jerry D. Spangler, Colorado Plateau Archaeological Alliance



The Section 106 issues focus on how dust from increased truck traffic would impact petroglyphs and archaeological sites in Nine Mile Canyon, as well as the cumulative effect on the character of the area through increasing industrialization. Photos courtesy Jerry D. Spangler, Colorado Plateau Archaeological Alliance



have a demonstrated interest in the historic property to seek agreement on measures to address the effects.

While BLM hoped to expedite the compliance and permitting process, initially not all affected were consulted, resulting in delays. Native Americans and archaeologists voiced concern for the integrity of the cultural resources, and the National Trust for Historic Preservation (NTHP) listed Nine Mile Canyon as one of "America's 11 Most Endangered Historic Places" in 2004.

In 2008, the Advisory Council on Historic Preservation (ACHP) became directly involved and encouraged BLM to expand the consultation. BLM agreed, and consultation with Indian tribes and other parties moved forward. This larger group met for 10 months to craft solutions to protect historic properties especially the fragile rock art. In the process, public education through interpretive materials and public access to sites was also improved.

On January 5, 2010, consulting parties, including the governor of Utah, signed the resulting Programmatic Agreement, creating a blueprint for safeguarding historic properties while allowing energy development to proceed. The agreement provides for additional archaeological surveys with the goal of nominating 100 sites to the National Register of Historic Places by 2015. Use of corrosive dust suppressant was discontinued and research conducted on the effect of airborne pollutants on rock art. Conservation treatments for rock art panels will be developed along with interpretive panels to inform the public.

## THE SUCCESS

The diverse consulting parties—ranging from archaeologists to the energy company—applauded the accomplishment of the Section 106 process in balancing protection of historic properties with energy development. It stands as an example of how industry and preservationists can be partners in forging an outcome that benefits all. This case also confirmed an underlying Section 106 principle that consultation must engage all interested parties at the earliest stages of project planning.

### Consulting Parties:

BLM  
 ACHP  
 Utah State Historic Preservation Officer  
 Barrier Canyon Style Project  
 Bill Barrett Corporation (project proponent)  
 Carbon County (UT) Commissioners  
 Colorado Plateau Archaeological Alliance  
 Duchesne County (UT) Commissioners  
 Governor's Public Lands Policy Coordination Office (UT)  
 National Trust for Historic Preservation  
 Nine Mile Canyon Coalition  
 School and Institutional Trust Lands Administration  
 Southern Utah Wilderness Alliance  
 Utah Professional Archaeological Council  
 Utah Rock Art Research Association  
 Utah Statewide Archaeological Society  
 Ute Indian Tribe

For more about Section 106 and the ACHP go to [www.achp.gov](http://www.achp.gov).

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