

## STATEMENT OF ENVIRONMENTAL IMPACT OF QUAIL CREEK DAM, ONE OF WASHINGTON COUNTY'S FINEST PETROGLYPH SITES

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Few people in Utah are aware of the large petroglyph site at the Quail Creek Dam site. Very little has been mentioned of it in the public campaign for the Dam, and most people familiar with these petroglyphs refer to them as the *Berry Springs Site*. Therefore, the danger to these valuable petroglyphs has only recently come to the attention of those who are concerned with their protection. They now begin to relate Quail Creek with the Berry Springs Site.

This proposed Dam Site is at the junction of Quail Creek and the Virgin River, just across from Berry Springs. At this junction, Quail Creek passes through a gap in a large sandstone reef. There are petroglyphs on both sides of this gap—some quite extensive—within yards of the proposed dam. No proposals have yet been addressed regarding their protection during construction, nor to preserving them from becoming billboards of modern graffiti after construction.

About half a mile downstream is another very large panel (on private property) that butts up close to the Virgin River, leaving barely enough room for an access road for the land owner. Upon completion of this dam, there is a strong possibility that this road will have to be widened, entailing the destruction of this fine panel—one of the best in southern Utah.

An archaeological survey has been made of the area, and 70 archaeological sites of various types have been located—including

other petroglyphs that will be flooded behind the dam. This survey states that one large group has, "as many as one thousand petroglyph and pictograph design elements".

There is a long history of petroglyph destruction in Washington Country that could have been avoided. This destruction has perhaps only been surpassed by the Glen Canyon Dam and some Columbia River Dams. This can be attested by the following examples:

1. The old canal on the Santa Clara River above the old Shem Dam went right through petroglyph sites leaving large fragments scattered along the hillside. This is still visible today.
2. During construction of the Power Line across the Shivwits Reservation, panels were knocked over and damaged near the Santa Clara River as a result of this construction.
3. Due to the construction of Gunlock Dam, 40 petroglyph boulders and one cliff face were covered by reservoir water. I personally contacted State and local officials, and as a last resort, even the contractor and the front end loader operator in an attempt to get these boulders removed above the water level and fenced for a tourist attraction, but to no avail. The boulders were all small enough to be removed a few hundred yards in a half days time. Most of the

panels at this site were not even photographed by the salvage archaeological crew. I was left with this task. Since construction of this dam, many petroglyph boulders below the dam have been hauled off or vandalized by people attracted by the dam.

4. Another major setback to Indian Petroglyphs occurred when a new sewer line was put around the lower end of the airport hill at St. George. This hill had many fine samples of petroglyphs along the road at its base. During the sewer construction, many of these were destroyed. Many of those left higher up the hill have now been hauled off since this disrespectful precedent was set. One concerned St. George businessman tried his best to get them preserved, but to no avail. These rocks could have been lifted aside and replaced after the construction, or put in another location. **Instead they were destroyed.**
5. At the Cedar City Pockets Rest Area on the Virgin river (just a few miles from St. George and not in Washington County), another rock was destroyed, rather than being pushed aside, which could have been accomplished in less than one hour considering all the heavy equipment at the site. Again I requested this, but was ignored.

Washington County has a rich heritage of petroglyph sites, and it is the purpose of this letter to bring a little history to everyone's attention so that what is left of them might be preserved. The only success so far that I have personally had in Washington County has been with the officials at Bloomington. This booming development has set a good example of what can be accomplished in this respect. The BLM was not aware of the large petroglyph site on the north side of Bloomington when they turned this section of land over for development, although they

were aware of the large rock in the center of the project.

When I brought this to their attention, they asked me to locate all the panels at the north end for them. They planned their streets, lots and houses in a manner so as not to disturb nor destroy these valuable pieces of heritage. As a result of their concern, many Bloomington home owners now have fine petroglyph samples in their own back yards that have never been touched or moved. This greatly enhances the entire Bloomington attraction.

This same attraction could be a part of the Quail Creek Dam if the officials would plan their construction far enough ahead so that:

1. The best existing panels will not be destroyed widening the access road.
2. Those panels vulnerable to vandalism would be fenced off, otherwise the petroglyphs that survive the onslaught of construction will become victims to graffiti, and the hammer and crowbar of individuals wanting to take a portion home.
3. Those rocks to be covered by water behind the dam should be moved to a higher location **and fenced in.**
4. The construction crew would have the panels pointed out to them so that they will not ignorantly destroy some of them.

Similar sandstone sites in the eastern states are now no longer recognizable as Indian petroglyphs due to hundreds of names being carved over them for the last two hundred years. Few panels remain along Utah Lake and that vicinity due to the proximity to the large population centers of Provo and Salt Lake. Such sites are a fore-warning of what of what will happen at Quail Creek if some efforts to protect them are not made.

I find it hard to understand why such a prolific area of Indian archaeological sites as Quail Creek was chosen. The proposed dam sites at Ash and Shoal Creeks in Washington County would do far less damage. However, if the Quail Creek Dam must go through, then I think the public should insist on as much protection as possible. Fencing won't stop all vandalism, but it will certainly deter much of it. Most people are not opposed to dams and recreation areas, but let's not "wreck creation" in the process. Utah's rich Indian heritage is equally as fascinating as fishing and other water sports. Therefore, such dams should include the interests of all Utah's citizens rather than just a few. Once the petroglyphs at Quail Creek are destroyed, they can never be replaced to be viewed by future generations. It is therefore suggested that they be utilized as a protected tourist attraction, rather than allowing them to become graffiti eyesores or blotches in history upon the names of those responsible for their destruction.

Tentative construction on the dam is scheduled for this coming spring (1984) so there is not much time to voice concern. It will take more voices than mine, or the St. George businessman that went unheeded in past attempts. Concern can be expressed in writing, phone calls, or in person to the following:

Washington County Water Conservancy  
District, P.O. Box 583, St. George, Utah  
84770  
Phone (801) 673-3617

Bureau of Land Management  
1579 N. Main, Cedar City, Utah 84720  
Phone (801) 586-2401

Governor Scott Matheson  
State Capitol Building  
Salt Lake City, Utah 84114

*Note: addendum no. 1 was copied into the article*

Editor's note: The following letters from The Paiute Indian Tribe of Utah were published by permission of General Anderson. The following letters from the Washington County Water Conservancy District were published with permission of Ronald W. Thompson.



## THE PAIUTE INDIAN TRIBE OF UTAH

600 North 100 East Paiute Drive, Cedar City, Utah 84720, (801)586-1111

September 21, 1983

Jesse Warner  
960 West 7th South  
Salt Lake City, UT 84104

Dear Mr. Warner,

It has come to our attention that there is an enormous amount of Cultural Resources in the area of the proposed Quail Creek Reservoir and Pipeline Project in Washington County, Utah.

To our knowledge the area in which the Dam and Reservoir are to be built will have direct and indirect impact on our past Cultural Resource History. To our knowledge there are 1/3 - 1/2 more petroglyph sites than what have been recorded in the "Cultural Resource Inventory" prepared for Creamer and Noble Engineers. There have been discovered fortresses, dwellings, storages, arrowheads, broken pottery, and thousands of petroglyph writings and symbols.

Our tribe has never been informed by the developers how they intend to mitigate the preservation of our Cultural Resource History at Quail Creek. We feel that the project should not start construction until our tribe is assured that mitigation for the preservation of our culture is done. This is very important.

Enclosed is a resolution of our concerns and needs to be addressed and cleared up immediately.

Respectfully,

Travis N. Benioh  
Tribal Chairman  
The Paiute Indian Tribe of Utah

TNB/df

# WASHINGTON COUNTY WATER CONSERVANCY DISTRICT

P.O. Box 583

ST. GEORGE, UTAH 84770

(801) 673-3617

## BOARD of DIRECTORS

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*Secretary-Treasurer*

October 1, 1983

Paiute Indian Tribe of Utah  
Travis N. Benoih  
Tribal Chairman  
600 North 100 East Paiute Drive  
Cedar City, Utah 84720

Dear Chairman Benoih:

Your tribes' concerns expressed on September 21, 1983, have been seriously evaluated by the District. We believe your concerns can be handled in a manner to resolve the issues fairly and, at the same time, not impair the Quail Creek Project although your concerns could have been more adequately addressed had they been raised earlier. A delay in the commencement of the project for even a few weeks may delay the entire project for a year and may permanently impair the project. We must have your tribes' written and moral support of the Quail Creek Project.

Therefore, in light of the many discussions during the past few days regarding your tribes' concerns and expressed to the District on September 21, 1983 by Resolution No. 83-42, we make the following comments and suggest the following resolutions:

1. The District will, wherever possible, move petroglyph writings located in the reservoir basin to a fenced enclosure. This enclosure is to be located in a secure location near the recreation area on the southwest side of the reservoir.
2. The District will construct a fence from the north abutment of the main dam to the new Early Jones Road and place a gate to limit access to the East side of the reservoir to protect the area from pillage and vandalism.
3. The District will, wherever possible, try to mitigate any destruction of petroglyphs in the project area and where there is a high probability that destruction will occur, the District will pay the cost to photograph and record the petroglyphs.
4. The District will complete the contract with Dr. Thompson and make certain he has sufficient time to

complete his archaeological work.

5. If the Jones-Early access road will impair an archaeological site, it will be relocated to alleviate any direct impairment.

6. The District will use its best efforts to have preserved any data discovered and all items recovered shall be retained within Washington County at a location mutually agreeable in order to preserve all artifacts and protect the cultural resources for future generations.

7. The District has retained Dr. Richard Thompson to consult the District as a cultural resource specialist and his work is to be reviewed by specialists from the BLM, the state archaeologist, and the archaeologist from the corp of engineers. If you would like someone from your tribe to review Dr. Thompson's work, we extend the invitation to participate and we look forward to working with your representative.

8. The District is aware of your desire to find a place to build a permanent facility to preserve and display the ancient cultural resources of the Paiute and Anasazi cultures. The District would not oppose and, in fact, would support the location of such a facility at the Quail Creek Reservoir. However, the District does not have funds to expend on this project and can only commit to find a location at the reservoir for the facility and to politically support the Paiute Tribe in its efforts to obtain funding for the project. Further, the District will include the facility in the Recreation Master Plan. R.W.T.

9. The District will provide a sum of money not to exceed \$30,000 to pay a cultural arts specialist and pay for any additional recordings and petroglyphs desired by the Paiute Indian Tribe. The entity or person to do this work must be acceptable to the Paiute Indian Tribe and the District. The funds shall be disbursed as work progresses and after your concurrence with the progress.

10. The District will protect the petroglyph area south of the tunnel portal and the area east of the main dam described in the attached contract addendum.

We are willing to conform to the recommendations described above; subject, however, to final approval and funding of the Quail Creek Project. We do not want the project slowed down while these items proceed. In order to efficiently and effectively cooperate with you and your people, please send a letter signed by authorized persons

supporting the project and withdrawing your formal protests by October 3, 1983.

We look forward to working with you on this project and others in the future.

Respectfully,

  
Ronald W. Thompson  
District Manager

RWT/rm

QUAIL CREEK DAM AND DIKE  
ADDENDUM NO. 2

October 1, 1983

Due to a very recent protest by the Paiute Indian Tribe of Utah, the following changes, criteria and work shall be included as part of the subject.

1. The tunnel entrance portal shall be lowered to an Invert Elevation of 2,820. This is the elevation of the level area at station 24+00 on the pipeline plans. The portal shall then be excavated back to the same horizontal beginning point for the tunnel. No separate payment will be made for tunnel portal excavation. All costs for excavation for the tunnel portal on each end of the tunnel shall be included in the unit price bid for tunnel excavation. The portal entrance may be as large as the contractor desires as long as it does not extend into the petroglyph sites shown on the attached plan sheet.

2. The areas shown as petroglyph sites on the attached plan sheet shall be protected by the Contractor. Twenty 4-inch diameter steel posts extending 5 feet above the ground shall be installed by the Contractor as shown on the plans to protect equipment from running over the petroglyphs. This leaves approximately 18 feet for an access road between the posts and the edge of the steep bank. The costs are included in the Contractor's lump sum bid for "Mobilization".

3. The haul roads shown on the attached plan sheet show alternative roads which may be used for access roads while protecting the petroglyph sites. Additional locations which the Contractor may desire to use for haul roads will be allowed provided they do not damage any petroglyph sites.

4. The Contractor shall take special care to insure that his work-men do not vandalize or mutilate any of the petroglyphs. Any individual on the Contractor's staff caught disturbing the Indian cultural arts of the Contractor from working on the project.



# THE PAIUTE INDIAN TRIBE OF UTAH

600 North 100 East Cedar City, Utah 84720 (801) 586-1111

## TRIBAL COUNCIL

October 3, 1983

Washington County Water Conservancy District  
P.O. Box 583  
St. George, Utah 84770

Dear Board:

The Paiute Indian Tribe of Utah Tribal Council consigned me as Tribal Chairman to work with your Board and other agencies involved in the Quail Creek Reservoir and Pipeline Project. It was clear that our governmental body wanted to have something done about the impacts your project would have on the cultural resources in that area. We regret that communications with our tribe were minimal and want each of you to understand that our purpose is not to stop the project, but to use every possible means of preserving as much of the artifacts and petroglyph writings as possible.

After considerable consultation meetings at Quail Creek, St. George, Cedar City and Salt Lake City, and meetings with various members of the Moapa Tribe, Kaibab Tribe and our tribe, I can truthfully say that cooperation has been very gratifying.

As for your comments and recommendations given to me on October 1, 1983 and October 3, 1983, I do not see any major problems with your mitigation recommendations and am in a position to make an executive decision concerning them. Therefore on behalf of the Tribe, we fully concur with these recommendations and having been involved in these talks in the last two weeks, I feel confident that the agreements can be worked out to its fullest by all parties.

On behalf of our tribe I want to express our appreciation to your Board and to Ron Thompson and Steve Creamer and Wayne Wilson for the hours they put in to see that our concerns were addressed and mitigated. It has been a worthwhile effort.

We wish you well on your project and look forward to working with you.

Respectfully,

A handwritten signature in black ink that reads "Travis N. Benioh". The signature is written in a cursive style with a large, sweeping initial 'T'.

Travis N. Benioh  
Tribal Chairman

TNB:mb

WASHINGTON COUNTY  
WATER CONSERVANCY DISTRICT

P.O. Box 583

ST. GEORGE, UTAH 84770

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October 3, 1983

Paiute Indian Tribe  
Travis N. Benoih  
Tribal Chairman  
600 North 100 East Paiute Drive  
Cedar City, Utah 84720

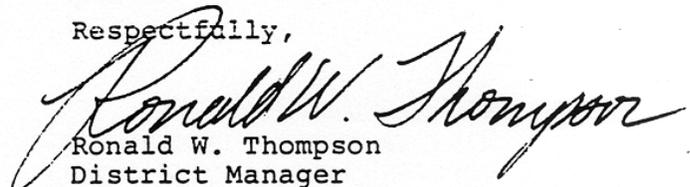
Dear Chairman Benoih:

This letter is to extend a formal invitation for you or your representative to participate in the final planning for the recreational facilities at Quail Creek Reservoir. We will be scheduling a meeting shortly after October 12, and I will call you to coordinate a date and time.

Further, pursuant to our discussions, we will invite you to the pre-construction meetings with the contractors and encourage them, along with you, to hire members of your tribe who are qualified to work on the project. At the meeting it would be helpful if you could bring resumes of qualified board members for the contractor to review.

We look forward to working with you.

Respectfully,

  
Ronald W. Thompson  
District Manager

RWT/rm



# THE PAIUTE INDIAN TRIBE OF UTAH

600 North 100 East Paiute Drive, Cedar City, Utah 84720, (801)586-1111

October 4, 1983

Jesse Warner  
960 West 7th South  
SLC, UT 84104

Dear Mr. Warner,

The Paiute Indian Tribe of Utah is grateful for the cooperation it has received in trying to determine various alternatives to preserve our cultural resources in the Quail Creek Reservoir and Pipeline Project area.

Enclosed are our mitigation agreements. The Washington County Water Conservancy District and the Tribe have worked hard to come to a final consensus of what needs to be done.

One of the ideas we've contemplated is the development of a Southern Utah Paiute Research Center or Museum. We feel that we need a facility to house all the artifacts of our past cultural history, and a place where the petroglyphs can be stored and monitored. If you can be of any assistance to us here, it would surely be appreciated.

In closing, I feel that the Tribe's concerns have been addressed and that all interests and issues have been covered in the enclosed mitigation papers.

Respectfully,

A handwritten signature in cursive script that reads "Travis N. Benioh".

Travis N. Benioh  
Tribal Chairman  
The Paiute Indian Tribe of Utah

TNB/df  
enc:



# THE PAIUTE INDIAN TRIBE OF UTAH

600 North 100 East Cedar City, Utah 84720 (801) 586-1111

## TRIBAL COUNCIL

### RESOLUTION

RESOLUTION NO. 83-42

**SUBJECT:** Preservation of Cultural Resources at the Quail Creek Reservoir and Pipeline Project

The Paiute Indian Tribe of Utah supports projects which will be of worth to its members and to our neighboring communities. We feel that we do need to progress and try to keep up with this changing society. However, we have some important concerns about the Quail Creek Reservoir and Pipeline Project being undertaken in Washington County, Utah.

The area in which the dam and reservoir are to be built will have direct and indirect impact on one of the largest Paiute-Anasazi libraries in southwestern Utah. There are thousands of petroglyph writings and symbols in this area. It appears that the exact spot of this project is in a major intersection and camp area of the Paiute-Anasazi Culture.

It has come to our attention that there was no Environmental Impact Statement done on this project and that tribes have not been contacted. There has been no plans brought forth to our tribe and other tribes about how the Washington County Water Conservancy District, BLM, and Corps of Engineers plan to mitigate and preserve our priceless cultural resources in this area. Because no mitigation plans have been developed, and we are concerned about the preservation of our cultural resources, we are submitting the following resolution.

WHEREAS: Public Law 96-227 entitled the "Paiute Indian Tribe of Utah Restoration Act" was enacted on April 3, 1980, and,

WHEREAS: Section 6 of that Act provides for election and adoption of a Tribal Constitution which was conducted and approved by the Secretary on October 8, 1981, and,

WHEREAS: The Tribal Council was duly elected on October 24, 1981 and is recognized by the Secretary as the governing body of the tribe, and,

WHEREAS: The Paiute Tribe is striving to retain and rejuvenate as much of its past cultural identity as possible, and,

WHEREAS: The Paiute Tribe has discovered that the Quail Creek Reservoir and Pipeline Project is going to have direct and indirect impact on the Paiute and Anasazi cultural history, and,

WHEREAS: The Paiute Tribe has also discovered that the report prepared for Creamer and Noble Engineers, St. George, Utah, by Richard A. Thompson is inaccurate as far as the Indian Petroglyphs are concerned and has only identified 1/3 - 1/2 of the petroglyphs in the area, and,

WHEREAS: The report gives no indication as to a tunnel to be built, and,

WHEREAS: The report gives no indication as to where the construction company intends to get its clay for construction of the dam, and,

WHEREAS: We have been informed that the project developers intend to excavate the ground where some petroglyph sites are and move the dirt to the lower part of the dam destroying the writings and the sites indicated on the report, and,

WHEREAS: The report does not include any information about a spillway that is to be used for the reservoir, and,

WHEREAS: The Paiute Indian Tribe of Utah, which consists of Shivwits, Cedar City, Indian Peaks, Kanosh and Koosharem Bands, has not been contacted on any of these impacts with the exception of the report, which we feel is meager because of time constraints, and,

WHEREAS: Our tribe and other tribes did not receive the Environmental Assessment Report from BLM and therefore could not respond within the time constraints, and,

WHEREAS: The Paiute and Anasazi Cultural Resources are beyond monetary value and an irreplaceable part of the current Paiute peoples living history, and,

WHEREAS: This project does not allow the archeologist enough time to do a thorough study of the Native American Culture in this area, and,

WHEREAS: There was no intention of doing any Environmental Impact Statement on this project, and,

WHEREAS: Project developers haven't taken the time to notify anyone about the impacts it could have on the Paiute and Anasazi Cultural Resources, and,

WHEREAS: There has been no indication from any Environmental Assessment, or Cultural Resource Inventory, or the Washington County Water Conservancy District, or BLM, as to how they intend to mitigate and preserve any of these petroglyph writings and sites.

NOW THEREFORE BE IT RESOLVED: That the Paiute Indian Tribe of Utah opposes the Quail Creek Reservoir and Pipeline Project and request that construction be halted until the tribes concerns are satisfied in the following manner:

- (A) The Washington County Water Conservancy District shows us what their exact project consists of (including; any tunnel, the pipeline, the spillway, any excavation, and where they intend to get their clay, and any other parts of the construction that will impact directly or indirectly these Paiute and Anasazi sites).

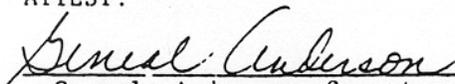
- (B) Our tribe is satisfied that the petroglyph writing will be preserved by the Washington County Water Conservancy District and BLM in the following manner:
- (1) The petroglyph writings in the basin that will be covered by water, be moved to higher ground and fenced, so as not to be susceptible to any destruction, theft, vandalism, or be covered by the water. This should be done before any construction is started.
  - (2) The petroglyph writings that are not moveable be fenced all around to avoid construction damage, destruction, theft, vandalism, etc.
  - (3) The plans for the tunnel and pipeline be moved farther away to mitigate any destruction of the largest petroglyph site in the vicinity.
  - (4) That any construction on this dam project proceed very cautiously as to safe guard the petroglyph writings and other cultural resources.
  - (5) That any new roads that are built preferably be routed to avoid direct or indirect impact on the petroglyph sites or cultural resources so as not to bring any damage, destruction, theft, or vandalism, by the construction of the dam.
- (C) That they hire a qualified Tribal Cultural Resources Specialist who can be on the job to monitor this project so we can be assured that our rich and priceless cultural history is not destroyed by the construction of the dam and reservoir.
- (D) The archeologist be given adequate time to do a thorough study of excavating in the basin that will be covered by water. There are major sites which will enhance the further study of our history and culture.

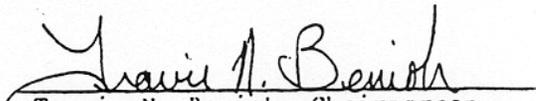
BE IT FURTHER RESOLVED: That unless something is done immediately the Paiute Tribe has some legislative rights as far as "The National Environmental Protection Act", P.L. 95-341 "The American Indian Religious Freedom Act", and P.L. 96-95 "The Archeological Resources Protection Act" to proceed with litigation.

#### C E R T I F I C A T I O N

I hereby certify that the foregoing resolution was fully considered by the Tribal Council at a duly called meeting at Cedar City, Utah at which a quorum was present and that same was passed by a vote of 4 in favor and 0 opposed, 0 abstained, this 17 day of September, 1983.

ATTEST:

  
Geneal Anderson, Secretary

  
Travis N. Benioh, Chairperson