U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129

ENVIRONMENTAL ASSESSMENT

Note to reader: BLM is not permitted to disclose locations of paleontological resources. Any references to the location of this project have been removed from the public version of this EA.

EA-NUMBER: CO-100-2008-038 EA

CASEFILE/PROJECT NUMBER/LEASE NUMBER:

PROJECT NAME: Denver Museum of natural History Paleontological Resources Use Permit Application

LEGAL DESCRIPTION: [redacted]

APPLICANT: Denver Museum of Natural History (DMNH), Dr. Richard Stucky, Curator

PLAN CONFORMANCE REVIEW: The proposed action is subject to the following plan:

> Name of Plans: Little Snake Resource Management Plan and Record of Decision (ROD) approved on April 26, 1989; and the Colorado Oil and Gas Leasing & Development Environmental Impact Statement (EIS) and the ROD signed on November 5, 1991.
>
> Remarks: The proposed Denver Museum of Natural History Paleontology Excavation would be located within Management Units 3 & 5 (Little Snake Resource Management Plan). The objective of Management Unit 3, Little Snake River, is to improve soil & watershed values, increase forage production, and enhance livestock grazing. The objective of Management Unit 5, Douglas Mountain, is to manage the forest & woodland resources to produce a variety of forest and woodland products on a sustained-yield basis.

The proposed action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM 1617.3). The proposed action is in conformance with the objectives for this management unit.

NEED FOR PROPOSED ACTION: The purpose of the Denver Museum of Natural History's (DMNH) request for a paleontology resources excavation permit is to remove fossils from the area before the sites are destroyed by natural erosion and increased public access to these sites. By conducting the paleontological excavation, the DMNH would provide for the development of an understanding of paleoecological environments in this part of the Little Snake Field Office.

PUBLIC SCOPING PROCESS: The project is listed on the NEPA log posted on the Little Snake Field Office web site.

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES:
The Denver Museum of Natural History (DMNH) has applied for an excavation permit to remove specimens from a site that was discovered by the DMNH in the field season of 1990. DMNH believes that during the last several years off-highway vehicle (OHV) use in the area of the specimen has increased to a point where scientifically significant fossils are endangered by OHV use. The site of proposed excavation preserves one of the most important small mammal faunas from the early Uintan U1b land mammal interval zone of middle Eocene Age. The site would be examined under the auspices of a Colorado Bureau of Land Management Paleontology Permit, C-49819g, the purpose of which is to remove all significant fossil vertebrates from the stated sites.

Standard paleontological field methods for the extraction of vertebrate fossils would be used to excavate the fossils. Excavations would only use hand tools. Pick-axes would be used to remove heavy overburden. Hammers and chisels would be used to remove medium sized blocks that are generally less than 1 kg. Scratch awls or dental picks would be used to remove small fragments of rock to ensure safe removal. Where necessary field jackets (plaster bandages) would be used to remove blocks with bones that should weigh no more than 50 kg.

Excavated rock from the targeted fossiliferous horizons would be bagged into gunny sacks and either transported to the nearest flowing stream for washing in the gunny sacks or would be transported back to Denver and washed at the Denver Museum of Nature and Science.

The field crews would consist of the lead, the Principle Investigator, Dr. Richard Stucky, or his BLM qualified and approved paleontogist Senior Field Assistant and a volunteer field crew. The volunteer field crew would consist of approximately 6 to 10. These persons would be DMNH volunteers and would be supervised by the Principle Investigator or his assigned Field Crew Lead.

DMNH proposed that their field crew would camp [redacted] This would put the field crew within walking distance of the site about a 1/4 mile to the east of the excavation site. During the Field Season of 2008, which is proposed to occur between 08/01/2008 - 09/30/2008, the DMNH Field Crew would be camped near the site for approximately 5 to 8 days.

NO ACTION ALTERNATIVE: No fossils would be removed for scientific study. The fossils could potentially be affected or even lost to the American Public.

AFFECTED ENVIRONMENT/ENVIRONMENTAL CONSEQUENCES/MITIGATION MEASURES

AIR QUALITY

Affected Environment: There are no special designation air sheds or non-attainment areas nearby that would be affected by the proposed action.

Environmental Consequences, Proposed Action: Vehicle traffic to the proposed excavation area would loosen the soil surface in the short term and this could lead to more wind erosion and localized dust for short periods of time.

Environmental Consequences, No Action: Under the No Action Alternative, the Denver Museum of natural History proposed paleontological excavation would not be conducted and therefore air quality would not be affected.

Mitigative Measures: None.

Name of specialist and date: Marilyn D. Wegweiser, 2/20/08

AREA OF CRITICAL ENVIRONMENTAL CONCERN

Affected Environment: Not Present.

Environmental Consequences: Not applicable.

Mitigative Measures: Not applicable.

Name of specialist and date: Rob Schmitzer, 5/5/08

CULTURAL RESOURCES

Affected Environment: Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see *An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, *An Isolated Empire, A History of Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and *Colorado Prehistory: A Context for the Northern Colorado River Basin*, Colorado Council of Professional Archaeologists.

Environmental Consequences, Proposed Action: The proposed project, Denver Museum of Natural History Paleontology Permit, has undergone a Class III cultural resource survey:

Collins, Gary and Lorraine Poulson

2008 A Class III Cultural Resource Inventory for the Two Bar Spring Paleontology Permit Area, BLM-Little Snake Field Office, Moffat County, Colorado (BLM #10.36.08)

The survey identified one eligible to the National Register of Historic Places cultural resource (5MF6680). The proposed project may proceed as described in this EA with the following mitigative measures in place.

Environmental Consequences, No Action: No impacts to cultural resources would occur.

Mitigative Measures: All activity related to the paleontology excavation and camping for the group must avoid 5MF6680. [redacted]

The following standard stipulations apply for this project:

1. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

- Whether the materials appear eligible for the National Register of Historic Places;
- The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
- Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

2. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Name of specialist and date: Robyn Watkins Morris, 8/1/08

ENVIRONMENTAL JUSTICE

Affected Environment: The proposed action is located in an area of isolated dwellings. Ranching, farming and oil/gas development are the primary economic activities.

Environmental Consequences, all alternatives: The project area is relatively isolated from population centers, so no populations would be affected by physical or socioeconomic impacts of the proposed or alternative actions. Neither alternative would directly affect the social, cultural or economic well-being and health of Native American, minority or low-income populations.

Mitigative Measures: None.

Name of specialist and date: Mike Andrews, 5/5/08

FLOOD PLAINS

Affected Environment: No paleontological excavation would occur within 330 feet of floodplain boundaries.

Environmental Consequences, all alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Marilyn D. Wegweiser, 2/20/08

INVASIVE, NONNATIVE SPECIES

Affected Environment: Halogeton and cheatgrass are common invasive weeds in the area. Both of these plant species are on the Colorado C List of Noxious Weeds. Blue mustard and yellow allisum are also present on adjacent rangelands in this area. These weeds are annual plants that will potentially increase on soil disturbances.

Environmental Consequences, Proposed Action: The concentrated activity and duration of the project would likely cause some minor surface disturbance to the soil resource. It is likely that this would favor more annual invasive plant species to occur on the site after the excavations are completed. It is unlikely that biennial or perennial noxious weeds would be brought to the site, but they can be introduced by any vehicles that may have picked-up this seed from other infested sites. This area would need to be monitored to insure that noxious weed species which are not common in the area are not introduced and become established on this site. If halogeton becomes established on this site it needs to be identified for treatment.

Environmental Consequences, No Action: Invasive species would not be impacted by the project.

Mitigative Measures: This area needs to be monitored for the presence of any noxious weeds that may become established. Treatments if required would be conducted by Moffat County Pest Management.

Name of specialist and date: Ole Olsen, 4/3/08

MIGRATORY BIRDS

Affected Environment: Brewers sparrow and sage sparrow are the only two species likely to use the project area for nesting activities. There is some potential that both golden eagle and ferruginous hawks could use the project area for hunting activities. BLM biologists identified several owlets near the proposed dig site during a site visit in late July 2008. The owlets had fledged and the nest site was not located. The owlets were scene approximately ¼ mile from the proposed dig site.

Environmental Consequences, Proposed Action: All excavation activities would be conducted after a time period when nesting and fledging activities of all four species have been completed. It is unlikely that any of these species would be impacted as a result of the Proposed Action. Chance of take to occur is very low. It is unlikely that the great horned owlets would be affected by this proposed action. The distance from the dig site and the fact that the owlets have already fledged from the nest would make chance of take very low.

Environmental Consequences, No Action: There would be no impacts to any migratory bird species. There is no chance for take to occur as a result of the No Action Alternative.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 8/4/08

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Uinta and Ouray Tribal Council, Southern Ute Tribal Council, Ute Mountain Ute Tribal Council on May 5, 2008. The letter listed the FY08 and FY09 projects that the BLM would notify them on and projects that would not require notification. A follow-up phone call was performed on June 16, 2008. No comments were received (Letter on file at the Little Snake Field Office). This project requires no additional notification.

Name of specialist and date: Robyn Watkins Morris, 8/1/08

PRIME & UNIQUE FARMLANDS

Affected Environment: Not Present.

Environmental Consequences, all alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Marilyn Wegweiser, 2/20/08

T&E AND SENSITIVE ANIMALS

Affected Environment: There are no threatened, endangered or special status species or habitats for such species in the proposed project area.

Environmental Consequences, all alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 7/16/08

T&E AND SENSITIVE PLANTS

Affected Environment: There are no threatened, endangered or special status species in the project area.

Environmental Consequences, all alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Jeremy Casterson, 8/5/08

WASTES, HAZARDOUS OR SOLID

Affected Environment: There is no chance for release of hazardous materials as a result of this project.

Environmental Consequences, all alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Jeremy Casterson, 8/5/08

WATER QUALITY – GROUND

Affected Environment: Exposed rock of middle Eocene Age.

Environmental Consequences, Proposed Action: Potential increased runoff to drainages nearby the proposed excavation sites. Possible increase in turbidity due to mechanical processing of samples on site (wet sieving).

Environmental Consequences, No Action: None.

Mitigative Measures: None.

Name of specialist and date: Marilyn D. Wegweiser, 2/19/08

WATER QUALITY – SURFACE

Affected Environment: Runoff waters from this site would drain to South Sand Wash which is an ephemeral tributary to Sand Wash. Sand Wash is an ephemeral tributary to the Little Snake River.

Environmental Consequences, Proposed Action: Some minor soil disturbance, soil compaction and trampling of plants is likely to occur. This would lead to an increased potential for erosion on the areas affected by the proposed action. The minor amount of sediment transport to these tributary drainages that would result would have little effect on the overall sediment load in tributary water and would not affect the water quality in these streams.

Environmental Consequences, No Action: No effects to water quality would result under the No Action Alternative.

Mitigative Measures: None

Name of specialist and date: Ole Olsen, 4/4/08

WETLANDS/RIPARIAN ZONES

Affected Environment: No wetland or riparian areas are in the vicinity of the proposed excavation.

Environmental Consequences, all alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Ole Olsen, 4/3/08

WILD & SCENIC RIVERS

Affected Environment: Not Present.

Environmental Consequences, all alternatives: Not Applicable.

Mitigative Measures: Not Applicable.

Name of specialist and date: Rob Schmitzer, 5/5/08

WSAs, WILDERNESS CHARACTERISTICS

Affected Environment: Not Present.

Environmental Consequences, all alternatives: Not Applicable.

Mitigative Measures: Not Applicable.

Name of specialist and date: Rob Schmitzer, 5/5/08

NON-CRITICAL ELEMENTS

FLUID MINERALS

Affected Environment: Upper Eocene strata exposed at the surface.

Environmental Consequences, all alternatives: None.

Mitigative Measures: None.

Name of specialist and date: Marilyn D. Wegweiser, 02/20/08

PALEONTOLOGY

Affected Environment: Strata comprised of early Uintan U1b land mammal interval zone of middle Eocene Age.

Environmental Consequences, Proposed Action: The proposed project would result in a beneficial impact to the resource, due to an increased understanding of paleontology of the Sand Wash area.

Environmental Consequences, No Action: The project would not take place and increased understanding would not occur.

Mitigative Measures: None.

Name of specialist and date: Marilyn D. Wegweiser, 2/20/08

SOILS

Affected Environment: The soils mapped in the larger area identified for the proposed project are the Chroder sandy loam, 3 to 12 percent slopes and Talamantes loam, 0 to 6 percent slopes. Chroder soils are deep soils derived from eolian deposits. Chroder soils has high permeability, moderate water holding capacity, low runoff and are not saline or sodic. The Talamantes soila are deep soils derived from alluvium of mixed sedimentary rocks. The Talamantes soils have moderately high permeability, high water holding capacity, low runoff and are not saline and slightly sodic.

Environmental Consequences, Proposed Action: Minor soil disturbance is anticipated from the proposed project that is outlined. Soil disturbance would depend on the intensity and duration of the project. Concentrated activities are not likely to exceed a half an acre at the excavation site. Trampling of vegetation would likely result and soils would be more exposed to wind and water erosion. Plant roots would help to hold the soil temporarily and if trampling is not to severe the existing vegetation may be able to recover from the excavation activities. The site will need to be monitored after activities are completed to ascertain if seeding or additional mitigation will be required.

Environmental Consequences, No Action: No project-related impacts would occur.

Mitigative Measures: The site involved with the paleontologic excavation will need to be monitored to determine if seeding or additional mitigation will be required to correct soil erosion.

Name of specialist and date: Ole Olsen, 4/4//08

UPLAND VEGETATION

Affected Environment: The project area is dominated by sagebrush-grass plant communities. There is also a small amount of juniper woodland near Two Bar Spring. Dominant shrub species include Wyoming big sagebrush, shadscale, Nuttall's saltbush, winterfat, rabbitbrush, budsage, basin big sagebrush, greasewood, and gray horsebrush. Dominant grass species include needle-and-thread, Indian ricegrass, squirreltail, Sandberg bluegrass, western wheatgrass, bluebunch wheatgrass and prairie junegrass. Dominant forbs include stemless goldenweed, buckwheat spp., *Penstemmon* spp., *Astragalus* spp., *Lupinus* spp., Hood's phlox, and arrowleaf balsamroot. Some cheatgrass and halogeton can be found within the project area.

Environmental Consequences, Proposed Action: Impacts to vegetation with implementation of the Proposed Action would include disturbance of native vegetation immediately in and around the camp site and excavation site. Impacts created by vehicle traffic and foot traffic between the camp and excavations site could cause trampling of the vegetation and the creation of new trails. Trampling of vegetation would be locally severe in the immediate vicinity of the excavation site. Generally, these activity sites would be

small (less than one half acre) in size and these impacts would remain site specific and isolated in nature.

Environmental Consequences, No Action: There would be no disturbance to vegetation under this alternative.

Mitigative Measures: The project area should be recontoured and reseeded with a native grass mix appropriate for the range site upon completion.

Name of specialist and date: Kathy McKinstry, 5/14/08

WILDLIFE, TERRESTRIAL

Affected Environment: The proposed project area is within year round habitat for mule deer, elk and pronghorn antelope. The project area does not provide habitat capable of supporting big game animals during severe winters. A variety of small mammals, song birds and reptiles may be found within the project area as well.

Environmental Consequences, Proposed Action: The proposed action may result in slight avoidance of the project area during times that field crews are working. This avoidance would most likely be temporary and limited to short range displacements. As field crews leave the worksite, most individual animals would be comfortable returning to the project area. It is unlikely temporary displacement would cause any negative impacts to individual animals or species populations.

Environmental Consequences, No Action: There would be no impact to any wildlife species as a result of the No Action Alternative.

Mitigative Measures: None.

Name of specialist and date: Timothy Novotny, 7/16/08

WILD HORSE & BURRO MANAGEMENT

Affected Environment: The Proposed Action would be in the Sand Wash wild horse herd management area (HMA). The Sand Wash HMA population as of September 2007 was 386 wild horses.

The majority of wild horse mares in the Sand Wash herd foal between March and the end of June. Mares that are soon-to-foal often leave their band and isolate themselves during foaling, and for a number of hours following foaling. Newly born foals are on their feet within a few hours after birth but are unable to travel any distance for at least 48 hours. Newborn foals are vulnerable to human disturbance. Mares vary in their maternal instincts. While the majority of mares cannot easily be separated from their foals, young mares, and mares with less maternal instinct may leave their foals if the rest of their band is spooked

and runs, or if the mare is spooked when she is alone with a newborn foal. Newborn foals less than 2 months of age would not survive without their mare. Foals between 2 and 4 months rarely survive when separated from their mare.

Environmental Consequences, Proposed Action: The Proposed Action would take place between August 1 and September 30, 2008; therefore there would be no adverse impacts to the wild horses during the height of foaling season. The greatest impacts would result from human disturbance near critical water sources during the hot, dry summer and early fall months.

Increased human and motorized activity associated with the Proposed Action could disrupt and displace wild horses. Wild horses try to avoid motor vehicle movement and human activities within their range. The camping and excavation activities within the Sand Wash HMA may cause wild horses to alter their distribution patterns and concentrate in areas with less human disturbance which may lead to over utilization of forage in these areas.

Traffic adjacent to established wild horse and big game trails leading to water, or traffic crossing over preferred wild horse/big game trails, as well as human presence in close proximity to water sources could result in undo stress to the horse bands, particularly to lactating mares, young foals, and old horses. Bands would either have to wait for human disturbance to leave the water sources, or they would be forced to travel to other available water locations. Horse bands at unfamiliar water sources would be forced to compete with resident bands. The result of increased fighting between bands could result in heightened foal mortality, adult injury, and disruption of band integrity.

Once the Proposed Action is completed, the direct impacts would cease following reclamation of the site, and the departure of humans and equipment.

Environmental Consequences, No Action: Under this alternative, the Proposed Action would not be approved and therefore, there would be no impacts to wild horses.

Mitigative Measures: To decrease the likelihood of wild horses being displaced from dependable water sources, the camp will not be located within ¼ mile of developed or undeveloped water sources in the HMA.

Name of specialist and date: Kathy McKinstry, 5/14/08

OTHER NON-CRITICAL ELEMENTS:

Non-Critical Element	NA or Not Present	Applicable or Present, No Impact	Applicable & Present and Brought Forward for Analysis
Forest Management	JC 5/12/08		
Hydrology/Ground		JC 5/12/08	
Hydrology/Surface		OO 4/4/08	

Paleontology			MDW 2/20/08
Range Management		KLM 05/14/08	
Realty Authorizations	MAA, 05/05/08		
Recreation/Transportation		RS 5/5/08	
Socio-Economics		MAA, 05/05/08	
Solid Minerals		JC 05/19/08	
Visual Resources		RS 5/5/08	
Wild Horse & Burro Mgmt			KLM 05/14/08
Wildlife, Aquatic	TN 7/16/08		

CUMULATIVE IMPACTS SUMMARY:

The impacts of the Proposed Action would be combined with other past, present and future foreseeable actions within the Sand Wash area. OHV use is common in Sand Wash, and the area is seeing some oil and gas development. In addition, grazing is a historical use in Sand Wash Basin. The impacts of this project would be very minimal, and would not substantially contribute to the cumulative impacts in Sand Wash Basin.

STANDARDS:

PLANT AND ANIMAL COMMUNITY (animal) STANDARD: There are no threatened, endangered or special status species in or near the project area. This standard does not apply.

Name of specialist and date: Jeremy Casterson, 8/5/08

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (animal) STANDARD: The proposed project area is currently capable of supporting diverse, productive wildlife populations. The Proposed Action may result in temporary avoidance of the project site while field workers are on site. Most wildlife would be able to use the project area when field crews are not on site. It is unlikely that any negative impacts to individual animals or species populations would result from the Proposed Action. The No Action Alternative would not impact any individual animals or species populations. This standard is currently being met and will continue to be met in the future.

Name of specialist and date: Timothy Novotny, 7/16/08

PLANT AND ANIMAL COMMUNITY (plant) STANDARD: Plant community health indicators such as vigor, diversity, and overall community composition are sufficient for this area to meet this standard. The Proposed Action would remove vegetation in a very small and localized area. This may provide habitat for the expansion of existing weeds in the area, but

reclamation practices would greatly minimize this impact. This standard would be met under both the Proposed Action Alternative and the No Action Alternative.

Name of specialist and date: Kathy McKinstry, 05/14/08

SPECIAL STATUS, THREATENED AND ENDANGERED SPECIES (plant)
STANDARD: There are no threatened, endangered or special status species or habitats for such species in or near the project area. This standard does not apply.

Name of specialist and date: Timothy Novotny, 7/16/08

RIPARIAN SYSTEMS STANDARD: No riparian system is present in the vicinity of the proposed excavation. This standard does not apply.

Name of specialist and date: Ole Olsen, 4/3/08

WATER QUALITY STANDARD: The water quality standard is met with the selection of either of the alternatives. All stream segments in the area of the project are currently supporting classified uses.

Name of specialist and date: Ole Olsen, 4/4/08

UPLAND SOILS STANDARD: The upland soil standard is met with the selection of either of the alternatives. A small area of the upland soil resource will need to support concentrated activities associated with the excavation. These confined activities would not affect the health of the adjacent upland soils and the small area that is disturbed may recover in the next growing season. If monitoring of the area identifies problems with recovery of the plant community the small area of disturbance may need to be seeded.

Name of specialist and date: Ole Olsen, 4/4/08

PERSONS/AGENCIES CONSULTED: Uintah and Ouray Tribal Council, Colorado Native American Commission, Colorado State Historic Preservation Office.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)
EA CO-100-2008-038

Based on the analysis of potential environmental impacts contained in the EA and all other available information, I have determined that the proposal and the alternatives analyzed do not constitute a major Federal action that would adversely impact the quality of the human environment. Therefore, an EIS is unnecessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts have been disclosed in the EA. Analysis indicated no significant impacts on society as a whole, the affected region, the affected interests, or the locality. The physical and biological effects are limited to the Little Snake Resource Area and adjacent land.

2. Public health and safety would not be adversely impacted. There are no known or anticipated concerns with project waste or hazardous materials.

3. There would be no adverse impacts to regional or local air quality, prime or unique farmlands, known paleontological resources on public land within the area, wetlands, floodplain, areas with unique characteristics, ecologically critical areas, or designated Areas of Critical Environmental Concern.

4. There are no highly controversial effects on the environment.

5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.

6. This alternative does not set a precedent for other actions that may be implemented in the future to meet the goals and objectives of adopted Federal, State, or local natural resource related plans, policies, or programs.

7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

8. Based on previous and ongoing cultural surveys, and through mitigation by avoidance, no adverse impacts to cultural resources were identified or anticipated. There are no known American Indian religious concerns or persons or groups who might be disproportionately and adversely affected as anticipated by the Environmental Justice Policy.

9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act were identified. If, at a future time, there could be the potential for adverse impacts, treatments would be modified or mitigated not to have an adverse effect or new analysis would be conducted.

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations, and requirements for the protection of the environment.

DECISION AND RATIONALE:

I have determined that approving this paleontology resources excavation permit is in conformance with the approved land use plan. It is my decision to approve the permit with the mitigation measures listed below.

MITIGATION MEASURES:

1. All activity related to the paleontology excavation and camping for the group must avoid 5MF6680. [redacted]

2. The project area should be recontoured and reseeded with a native grass mix appropriate for the range site upon completion.

3. To decrease the likelihood of wild horses being displaced from dependable water sources, the camp will not be located within ¼ mile of developed or undeveloped water sources in the HMA.

4. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:

   - Whether the materials appear eligible for the National Register of Historic Places;
   - The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
   - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further,

pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

5. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

SIGNATURE OF PREPARER:

DATE SIGNED:

SIGNATURE OF ENVIRONMENTAL REVIEWER:

DATE SIGNED:

SIGNATURE OF AUTHORIZED OFFICIAL:

DATE SIGNED: