

**USDI, Bureau of Land Management  
Andrews Resource Area, Burns District**

**DECISION RECORD**

**Dry Bone Complex Archaeological Project  
Environmental Assessment  
OR-B060-2013-0028-EA**

**BACKGROUND**

The Dry Bone Complex Archaeological Project Environmental Assessment (EA) analyzed issues emerging from the excavation of subsurface cultural materials in the Dry Bone Complex located within Red Mountain WSA.

**COMPLIANCE**

The attached Environmental Assessment (EA) Dry Bone Complex Archaeological Project OR-B060-2013-0028 is tiered to the Andrews Management Unit Proposed Resource Management Plan and Final Environmental Impact Statement (AMU PRMP/FEIS) and relevant information contained therein is incorporated by reference. The Proposed Action has been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Burns District:

- Federal Land Policy and Management Act (43 U.S.C. 1701), 1976
- The National Environmental Policy Act (42 U.S.C. 4320-4347), 1970
- Manual 6330 – Management of Wilderness Study Area (WSA)s
- Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (Hagen 2011)
- Greater Sage-Grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM-2000)
- BLM National Sage-Grouse Habitat Conservation Strategy (2004)
- Manual 8400 – Visual Resource Management

BLM is required by laws, regulations, and Executive Orders to manage cultural resources in such a way that they will be preserved and protected from destruction, and that appropriate uses will be made of such resources.

- The Antiquities Act of 1906 provides for the protection of archaeological resources on all public lands and requires permits for those who excavate or appropriate these resources.
- The Archaeological Resources Protection Act of 1979, as amended, defines and protects archaeological resources on public lands, establishes a permit system for

- resource users, and requires agencies to provide for public education and continuing inventory of public lands.
- Sections 106 and 110 of the National Historic Preservation Act of 1966, as amended, provide a national policy for historic preservation, establish a *National Register of Historic Places* designation for important properties, protect sites from destruction without appropriate data recovery, and require that historic properties be utilized in agency missions, when warranted.
  - Executive Order 11953 directs Federal agencies to inventory public lands and nominate eligible properties to the *National Register of Historic Places*.
  - Executive Order 13287 entitled "Preserve America" further requires Federal agencies "prepare an assessment of the current status of its inventory of historic properties" and to "ensure that the management of historic properties in its ownership is conducted in a manner that promotes the long-term preservation and use of those properties."

## **DECISION**

Having considered the Proposed Action and No Action Alternative and associated impacts and based on analysis in EA OR-B060-2013-0028 EA, it is my decision to implement the Proposed Action which will allow the University of Oregon under the direction of Dr. Patrick O'Grady to operate a limited excavation research field camp at Dry Bone Complex consisting of six or less people over a time period of at least one week and not to exceed six weeks between January 30, 2013 and April 30, 2014. The limited excavation will be to assess the possibility of intact subsurface cultural materials. The excavation units will be no larger than 1 meter x 1 meter x 1 meter in size. Additionally, a Finding of No Significant Impact (FONSI) found the Proposed Action analyzed in OR-B060-2013-0028 did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement was unnecessary and will not be prepared.

The Proposed Action will allow the University of Oregon, under the direction of Dr. Patrick O'Grady, to operate a limited excavation research field camp at Dry Bone Complex consisting of six or less people over a time period of at least one week and not to exceed six weeks.

In February 2013, complete documentation of site surface conditions were extensively documented through site mapping and photography. The next step will be to collect information which will provide an estimate of the remaining value of cultural deposits through subsurface investigation. This will be accomplished through the excavation by hand tools (shovels, trowels, hand soil augers) of a maximum of five one meter by one meter test units. The number of test units will be dependent on whether shallow deposits are encountered which could force the premature abandonment of some test units and additional units that may be excavated at a later date, within two years.

Fill sediment from the excavations will be screened through 1/16 inch mesh and stockpiled near the site location. The stockpiled sediment will be used to refill the test units when unit investigations and recordation has been completed. The area will be seeded with the appropriate native seed mix of bluebunch wheatgrass, basin wildrye, Indian ricegrass, bottlebrush squirreltail, needle and thread, Lewis blue flax, fourwing saltbrush, and western yarrow will be applied to the backfilled excavation units in the fall after they are filled in accordance with the Holloway Wildfire DOI-BLM-OR-B060-2013-0003 Environmental Assessment (EA) (Table 3, page 16). The excavation team will hand-seed the disturbed areas immediately following the completion of the project, no later than April 30, 2014.

1. Scientific archaeological excavation of up to five units will occur during the project work at the site. Units will not exceed one meter by one meter wide. Each unit will be excavated in five centimeter levels to a depth of two sterile levels below the last encountered cultural material but based on topography probably no deeper than one meter. A culturally sterile soil level is defined as an area which contains no evidence of human occupation. Units will be dug using hand tools such as shovels, trowels and hand soil augers. Unit location will be selected to avoid as much sagebrush and rabbit brush as possible. Unit perimeters will be flagged to alert visitors of the hazard. Excavation activities will adhere to safety requirements set forth in 29 CFR 1926.652(a)(1)(ii) which state “excavations that are less than five feet in depth and examination of the ground by a competent person provides no indication of a cave-in.” Excavation units at the site are expected to be less than three feet (one meter) deep, so there is no risk of a cave-in of the unit(s). Specific excavation units recommended for the site are as follows:
  - i. auger probing,
  - ii) 18 inches by 18 inches test pits and excavation blocks, which are 1 meter by 1 meter in size, will be the various excavation units that will be used at this site. The 1 meter by 1 meter block excavation units will be developed from the 18 inches by 18 inches in the event that extensive cultural materials are found.
2. Fill from excavation units will be deposited adjacent to the excavations and used to backfill the test units when work is completed. The sediments from the excavation will be screened through 1/16 inch or greater dry screens positioned within the 1 meter by 1 meter block excavation area (hereafter referred to as “screening station”). An appropriate native mixture of bluebunch wheatgrass, basin wildrye, Indian ricegrass, bottlebrush squirreltail, needle and thread, Lewis blue flax, fourwing saltbrush, and western yarrow will be applied to the backfilled excavation units in the fall in accordance with the Holloway Wildfire DOI-BLM-OR-B060-2013-0003 EA (Table 3, page 16).
3. There is a remote possibility that prehistoric human remains could be found during the excavation. If such remains are encountered, the relevant excavation unit work will cease; the unit containing the human remains will be closed; and the Burns Paiute and Fort McDermitt Paiute Shoshone Tribes will be contacted.

4. The Proposed Project will occur for one to six weeks between December 1, 2013 and April 30, 2014. No project work, however, will be conducted when actively flowing water is present within Dry Creek. Although Dry Creek typically has water only during spring melt and subsequent run-off, given the topography of the area, there is the remote possibility that thunderstorms in nearby areas could result in flash floods. The Project lead will note inclement weather and plan accordingly by checking the daily weather report via news reports and reports from BLM Fire Dispatch.
5. A crew averaging four to six people will be working at the location. Two passenger vehicles will be used to access the project area via an open road and an open way located within the WSA. A limited area of the site will be impacted by foot traffic to and from the screening stations/ note taking areas and around excavation units. The Project Lead will ensure no new development of walking trails by flagging walking routes and requiring the crew to use these routes in the back and forth traverse of the site. Wherever possible, foot traffic will be confined to the existing way. Trails and other trampled areas will be rehabilitated by pulling berms with hand tools, raking compacted soils along routes and trails and broadcast seeding with weed-free appropriate native seed mix. Maintenance of the open road segment is not necessary or planned as part of this project and, by definition, maintenance will not occur on the open way.
6. All of the excavation crew will be camped at the BLM station at Fields, Oregon. The WSA contains an open way located near the excavation site. Human waste disposal will be accomplished by setting up portable outhouses. The portable outhouses will be placed on the open way to minimize disturbance to the post-fire seeding treatment, and will require a one-time delivery and subsequent removal utilizing a vehicle and trailer on the road and the open way.
7. The site will be monitored by the archaeologist for surface disturbance within a year of the end of the Proposed Action and then again in the second year post-excavation to ensure full rehabilitation has occurred. Rehabilitation will be considered full and successful if no evidence remains of the Proposed Action (i.e. no discernible variation between the vegetation in the project area and surrounding area). Rehabilitation will be determined by photographs taken prior to the Proposed Action and again within one year of project termination. Evidence of surface disturbance at the site should disappear within one growing season of the end of the excavation. If evidence of surface disturbance is still visible at the end of the second year post-excavation, the site will be reevaluated and reseeded. The results of the research will be reported in annual preliminary reports and a final report at the end of the project and will be distributed to site managers

### **COMMENTS RECEIVED**

A copy of the original EA and unsigned FONSI were mailed to the Oregon Natural Desert Association (ONDA), Burns Paiute Tribe, and Ft. McDermitt Paiute Shoshone. In addition, a notice was posted in the *Burns Times-Herald* newspaper on November 20, 2013. The Burns District BLM received no public comments.

## **RATIONALE**

This decision was chosen because The Proposed Action will produce data necessary to answer questions about the use of Burns District BLM and the Northern Great Basin by Native Americans around the time of contact, from as early as 1700 to as late as 1870. All of the data thus far collected at this site are from surface locations; BLM lacks relevant data from buried contexts, assuming they exist. Archaeological excavations are the only way to obtain such data. This data will be reported in the form of annual preliminary reports, articles in scholarly journals, presentations at professional archaeology meetings and a final report will result from the scientific study of the site. These documents will help form the basis for heritage education and interpretation for the early use of the Burns District and surrounding region. The data could also be used to fill in holes in the ethnographic information as well as provide scientific support for oral histories of the Northern Paiute and Northern Shoshone Tribes.

The proposed action is within the 15,659 acre Red Mountain WSA. Wilderness characteristics include naturalness, outstanding opportunities for solitude or primitive and unconfined recreation, and the presence of special features. The following definitions are from BLM Manual Handbook 6330, Page 1-44 Management of BLM Wilderness Study Areas.

*Naturalness* - refers to an area which "generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable." While the project is underway, there will be obvious piles of dirt and visible excavation holes when one is close to the project area. The port-a-potty will be visible from some distance away. However, these are temporary changes and when the proposed action is completed all test pits will be filled in and reseeded. Any disturbed areas will be recovered it is unlikely that there will be many visitors to the area due to the season but if encounters do occur, they will be infrequent.

*Solitude* - is defined as "the state of being alone or remote from habitations; isolation; A lonely, unfrequented, or secluded place." While the project is underway, solitude will be affected by vehicle traffic and people working on the site. It is not expected that many visitors will be recreating in the WSA until further vegetation recovery has occurred. If encounters do occur they will be infrequent and, overall, there will be no lasting effect on solitude.

*Primitive and Unconfined Recreation* - is defined as non-motorized and undeveloped types of outdoor recreation activities. The proposed action is in a portion of the Red Mountain WSA that burned in the 2012 Holloway fire. It is not expected visitors will visit this portion of the WSA until vegetation has recovered.

*Supplemental Values* - are listed in the Wilderness Act as "ecological, geological, or other features of scientific, educational, scenic, or historical value." There will be no affect to supplemental values in the Red Mountain WSA.

“Cultural and paleontological resources, and the information they convey, are supplemental values and an important part of the wilderness characteristics of WSAs where they are found. Inventory, stabilization, rehabilitation, and research involving cultural or paleontological resources may be permitted if the activities satisfy the non-impairment criteria. Activities that clearly benefit the wilderness characteristics of a WSA by stabilizing, recovering, or recording important scientific data may be allowed and may require restoration.” The proposed action activities satisfy the non-impairment criteria of BLM Manual 6330 Management of Wilderness Study Areas Section 1.6.D.1 because the project is temporary and the area will be restored at the conclusion of the project.

The No Action Alternative was not chosen because continued degradation of the site will continue through wind and water erosion causing the probable loss of data within intact subsurface archaeological deposits.

## **APPEAL PROCEDURES**

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal should be filed with the Andrews Resource Area Field Manager, Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738, within 30 days following receipt of the final decision. The appellant has the burden of showing the decision appealed is in error. A copy of the appeal, statement of reasons, and all other supporting documents should also be sent to the Regional Solicitor, Pacific Northwest Region, U.S. Department of the Interior, 805 SW Broadway, Suite 600, Portland, Oregon 97205. If the notice of appeal did not include a statement of reasons for the appeal, it must be sent to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia 22203. It is suggested appeals be sent certified mail, return receipt requested.

### ***Request for Stay***

Should you wish to file a motion for stay pending the outcome of an appeal of this decision, you must show sufficient justification based on the following standards under 43 CFR 4.21:

- The relative harm to the parties if the stay is granted or denied.
- The likelihood of the appellant's success on the merits.
- The likelihood of immediate and irreparable harm if the stay is not granted.
- Whether or not the public interest favors granting the stay.

*Rhonda Karges*

Rhonda Karges  
Andrews/Steens Resource Area Field Manager

*1/20/14*

Date



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Burns District Office  
Andrews Resource Area  
Finding of No Significant Impact**

**Dry Bone Complex Archaeological Project  
Environmental Assessment  
OR-B060-2013-0028-EA**

**INTRODUCTION**

Andrews Resource Area, Burns District, has prepared an Environmental Assessment (EA) to analyze recommended management actions developed through an Interdisciplinary Team (IDT) to excavate subsurface cultural materials in the Dry Bone Archaeological Complex located within Red Mountain WSA. Following the Holloway wildfire, an archaeological survey was conducted to locate, record, and protect cultural resources during rehabilitation projects. During survey, several areas were found containing concentrations of various types and sizes of animal bones. Flaked stone tools, lithic debitage, and groundstone were also found. Faunal life represented within the concentrations includes antelope, amphibian, jack and cottontail rabbits, bird, waterfowl, mountain sheep, and bovine (possibly bison). A conservative estimate of the collected bone is more than 10,000 bones. This location, located along an ephemeral drainage, contains evidence of a food processing area, dating possibly to as early as 1700 or as late as 1870 AD.

**SUMMARY OF THE PROPOSED ACTION**

The proposed action would allow the University of Oregon under the direction of Dr. Patrick O'Grady to operate a limited excavation research field camp at Dry Bone Complex consisting of six or less people over a time period of at least one week and not to exceed six weeks between January 30, 2013 and April 30, 2014. The limited excavation would be to assess the possibility of intact subsurface cultural materials. The excavation units would be no larger than 1 meter x 1 meter x 1 meter in size.

The proposed action would serve a dual purpose or objective: 1) determine whether there are undisturbed sediments in the subsurface areas below the bone concentrations and 2) retrieve information important to the prehistory and early contact occupation of the area from undisturbed sediments.

**FINDING OF NO SIGNIFICANT IMPACT**

Consideration of the Council on Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27), both with regard to context and intensity of impacts, is described below:

## Context

The Proposed Action would occur in Red Mountain Wilderness Study Area and would have local impacts on affected interests, lands, and resources similar to and within the scope of those described and considered in Andrews Management Unit (AMU)/CMPA Proposed Resource Management Plan (PRMP)/Final Environmental Impact Statement (FEIS). There would be no substantial broad societal or regional impacts not previously considered in the Proposed RMP/FEIS.

## Intensity

The CEQ's ten considerations for evaluating intensity (severity of effect):

1. *Impacts that may be both beneficial and adverse.* The EA considered potential beneficial and adverse effects. None of the effects are beyond the range of effects analyzed in the AMU/CMPA PRMP/Final Environmental Impact Statement (FEIS), to which the EA is tiered.

Cultural Resources/Archaeology: The proposed excavations would disturb less than 2% of the sites' total volume of 46 acres. The effects of the disturbance include total destruction of the stratigraphic context in the proposed excavation units. Scientific excavation would have a bearing on a number of archaeological questions such as time span of site use, presence of living floors or structures, types of plants and animals gathered and processed by the prehistoric occupants, connections with other groups of prehistoric people outside the region, as well as any early contact with Europeans. Documentation would help form the basis for heritage education, interpretation, and ethnographic background of the earliest inhabitants of the Burns District and surrounding region.

Soils: The 2012 Holloway wildfire removed 90% of vegetation in the area and burned hot enough to remove biological soil crusts from the surface. Rehabilitation of the area has included removing berms created during the fire, reseeding dozer lines, and reseeding burned areas with a native seed mix developed specifically for the area. Soils would be impacted in the areas where the excavation occurs. Piling the soils exposes more surface area to the elements increasing the chances of soil loss. Areas of heavy use such as work areas and walkways would be compacted. After the work is complete, raking of the compacted areas would be necessary to remove evidence of the project and allow seed to penetrate soils, allowing for quicker vegetative recover of the area.

Visual Resources: The effects of the small excavation units (1 m x 1 m x 1 m) would not be easily seen nor attract attention of a passerby. In the short term, the temporary portable toilet would be seen from many directions; however, the portable toilet would only be on site for the duration of the archaeological project which is expected to last one week but no longer than six weeks.

Wilderness Study Area (WSA): The proposed action is within Red Mountain WSA. Wilderness characteristics include naturalness, outstanding opportunities for solitude or primitive and unconfined recreation, and the presence of special features.

*Naturalness: While the project is underway, there will be obvious piles of dirt and visible excavation holes. The port-a-potty would be visible from some distance away. However, these are temporary changes and when the proposed action is completed all test pits would be filled in and reseeded. Any disturbed areas would be recovered. It is unlikely that there will be many visitors to the area due to the season but if encounters do occur, they would be infrequent.*

*Solitude: While the project is underway, solitude would be affected by vehicle traffic and people working on the site. It is not expected that many visitors would be recreating in the WSA until further vegetation recovery has occurred. But if encounters do occur, they would be infrequent and, overall, there would be no lasting effect on solitude.*

*Primitive and Unconfined Recreation: The proposed action is in a portion of the Red Mountain WSA that burned in the 2012 Holloway fire. It is not expected visitors would visit this portion of the WSA until vegetation has recovered.*

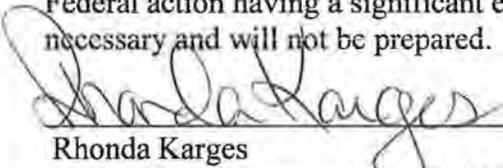
*Supplemental Values: There would be no affect to supplemental values in the Red Mountain WSA.*

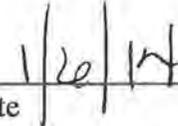
2. *Degree to which the Proposed Action affects public health and safety.* No aspect of the Proposed Action or No Action Alternative would have an effect on public health and safety.
3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* Unique characteristics for the Dry Bone Complex include Red Mountain WSA. Effects to Red Mountain WSA are described in #1 above.
4. *The degree to which effects on the quality of the human environment are likely to be highly controversial.* Controversy in this context means disagreement about the nature of the effects, not expressions of opposition to the proposed action or preference among the alternatives. No unique or appreciable scientific controversy has been identified regarding the effects of the Proposed Action or alternatives.
5. *Degree to which possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The analysis has not shown there would be any unique or unknown risks to the human environment nor were any identified in the AMU/CMPA PRMP/FEIS to which this proposal is tiered.
6. *Degree to which the action may establish a precedent for future actions with significant impacts or represents a decision in principle about a future consideration.* This project neither establishes a precedent nor represents a decision in principle about future actions.

The Dry Bone Complex archaeological project is not considered to have a lasting effect within Red Mountain WSA. Any archaeological excavations within WSAs would need to be assessed on a case-by-case basis and decisions based on scope of impact.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The environmental analysis did not reveal any cumulative effects beyond those already analyzed in the AMU/CMPA PRMP/FEIS which encompasses the Red Mountain WSA. The EA described the current state of the environment (Affected Environment by Resource, Chapter III) which included the effects of past actions, and included analysis of reasonably foreseeable future actions identified in the project area.
8. *Degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places.* There are no features within the project area listed or eligible for listing in the National Register of Historic Places.
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat.* There are no known threatened or endangered species or their habitat affected by the Proposed Action or alternatives.
10. *Whether an action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* The Proposed Action and No Action Alternative do not threaten to violate any law. The Proposed Action is in compliance with the AMU RMP/ROD (2005), which provides direction for the protection of the environment on public lands. The Proposed Action is also in compliance with the following cultural laws:
  - The Antiquities Act of 1906
  - The Archaeological Resources Protection Act of 1979
  - Sections 106 and 110 of the National Historic Preservation Act
  - Executive Order 11953
  - Executive Order 13287

On the basis of the information contained in the EA and all other information available to me, it is my determination that: 1) The implementation of the Proposed Action or alternatives will not have significant environmental impacts beyond those already addressed in the AMU/CMPA RMP/FEIS (2004); 2) The Proposed Action and alternatives are in conformance with the AMU RMP/ROD; 3) There would be no adverse societal or regional impacts and no adverse impacts to affected interests; and 4) The environmental effects, together with the proposed Project Design Features, against the tests of significance found at 40 CFR 1508.27 do not constitute a major Federal action having a significant effect on the human environment. Therefore, an EIS is not necessary and will not be prepared.

  
Rhonda Karges  
Andrew/Steens Resource Area Field Manager

  
Date