

**United States Department of the Interior  
Bureau of Land Management**

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**Categorical Exclusion for  
Dino (Allosaurus) Rescue Dig  
For  
John Foster**

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Grand Junction Field Office  
2815 H Road  
Grand Junction, Colorado 81506

DOI-BLM-CO-134-2013-003-CX

**May 2013**



LEGAL DESCRIPTION:

Affected Area:

Sixth PM, T. 1 N., R. 3 W., sections 13 and 24

APPLICANT:

John Foster  
Fruita, CO

INTRODUCTION:

The applicant is requesting to excavate an allosaurus in an existing undesignated trail.

The proposed action qualifies as a BLM categorical exclusion Handbook 1790-1, Appendix 4, Number: F. Solid Minerals (9), based on the qualifying criterion "Digging of exploratory trenches for mineral materials, except in riparian areas."

DESCRIPTION OF PROPOSED ACTION:

The Foster's recently discovered fossilized dinosaur bones of an Allosaurus. These fossilized resources are directly in a non-designated trail and adjacent to the trail in the Fruita Paleontological Area within the McInnis Canyons NCA. The Fosters have covered the fossilized bones in the trail with dirt to protect them until they can be excavated and curated. The dig would measure approximately 20' x 20' by 2 or 3 ft. deep (max.), and is needed to prevent further degradation of the vertebrate fossil resources, and/or prevent theft or vandalism. The dig would be completed over two to three seasons working a few days every couple weeks for about three months a season. They plan to keep each piece small enough to hand/pack carry out. If something must be larger, they would drag it down to the nearest wash and load it onto a single-wheel deer cart and walk it out. It's possible a piece may be too large to pack out and require the use of a helicopter.

PLAN CONFORMANCE REVIEW:

The Proposed Action is subject to and has been reviewed for conformance with (43 CFR 1610.5, BLM 1617.3) the following plan:

Name of Plan: McInnis Canyons NCA Resource Management Plan

Date Approved: September 2004

Decision Number/Page: 2-18

Decision Language:

Paleontological Resources

2-18: "Information on paleontological resources will continue to be gathered. A valid BLM Paleontological Resources Use Permit will be required for collection of all vertebrate and other scientifically important fossils."

### CATEGORICAL EXCLUSION REVIEW:

The proposed action qualifies as a categorical exclusion under H-1790-1, Appendix 4, Number: F. Solid Minerals (9). When no extraordinary circumstances apply, the following types of Bureau actions normally do not require the preparation of an EA or EIS: “Digging of exploratory trenches for mineral materials, except in riparian areas.”

### EXTRAORDINARY CIRCUMSTANCES

There are no extraordinary circumstances having effects, which may significantly affect the environment. I considered the following resource conditions in determining whether extraordinary circumstances related to the proposed action warranted further analysis and documentation in an EA or EIS (516 DM 2, Appendix 2):

**1. Have significant adverse effects on public health and safety.**

The proposed action is not expected to impact public health and safety, because the proposed excavation is only going to measure roughly 10' x 20' by 2 or 3 ft. deep.

**2. Have adverse effects on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.**

**HISTORIC AND CULTURAL RESOURCES:** A Class III Cultural Resource Inventory was completed by BLM archaeologists on December 17, 2012 (BLM GJFO CRIR 1013-04) for the proposed excavation. Two isolated finds were located, a single piece of puce angular shatter (5ME19576) and a Colt 45 malt liquor pull-tab can (5ME19577), were recorded during the survey. Isolated finds are determined at the field level to be not-eligible to the National Register of Historic Places. No significant historic or cultural resources would be impacted by the proposed action.

**SPECIAL DESIGNATIONS:** In 2011, the GJFO, in accordance with the BLM “Policy on Conducting Wilderness Characteristics Inventory on BLM Lands” under Section 201 of the Federal Land Policy and Management Act of 1976, updated its inventory of lands with wilderness character. This project is in an area that did not meet the initial criteria for establishing a wilderness character inventory unit. Therefore, the excavation proposal would have no impact on wilderness characteristics.

**DRINKING WATER AQUIFERS; WETLANDS, FLOODPLAINS:** No drinking water aquifers, wetlands or floodplains would be impacted by the proposed action.

**MIGRATORY BIRDS:** Impacts to migratory birds are not expected as no additional

habitat will be disturbed.

**3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.**

The impacts of shallow excavations are generally well known and documented in the academic and practicing communities. Therefore the environmental effects are not likely to be controversial.

**4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.**

Shallow excavations have a long history in the region and pose no unique or unknown risks.

**5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.**

This decision is like one of many that have previously been made and will continue to be made by BLM responsible officials regarding land use authorizations on public lands. The decision is within the scope of the Resource Management Plan and is not expected to establish a precedent for future actions. The decision does not represent a decision in principle about a future consideration.

**6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.**

This is a stand-alone project. There are no projects with significant environmental impacts known to BLM that would result directly or indirectly from implementation of this project.

**7. Have adverse effects on properties listed, or eligible for listing, in the National Register of Historic Places.**

No historic properties listed, or eligible for listing on the National Register of Historic Places, exist in the project area.

**8. Have adverse effects on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.**

Site visits have confirmed that the area does not contain suitable habitat for any listed species, proposed listed species, nor have any adverse effects on designated critical habitat for these species.

**9. Have the potential to violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.**

This decision complies with other Federal, State, or local laws and requirements imposed for the protection of the environment.

**10. Have the potential for a disproportionately high and adverse effect on low income or minority populations.**

The minority and low-income populations of the county are small relative to state-wide averages and such populations are dispersed throughout the county. Therefore, no minority or low-income populations would suffer disproportionately high and adverse effects as a result of the Proposed Action.

**11. Restrict access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites.**

The proposed excavation would not restrict access to and ceremonial use of sacred sites for American Indian practitioners. There are no sacred sites present in the proposed excavation area.

**12. Significantly, contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.**

This project is designed to minimize disturbance to avoid new infestation of noxious weeds.

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Alissa Leavitt-Reynolds	Archaeologist	Cultural Resources, Native American Religious Concerns
Nikki Grant-Hoffman	Ecologist	Special Status Species
John Toolen	Wildlife Biologist	Wildlife, Fisheries, Special Status Species
Nate Dieterich	Hydrologist	Hydrology
Sparky Taber	Range Specialist	Noxious Weeds
Chris Pipkin	Outdoor Recreation Planner	Visual Resources, Recreation

NAME OF PREPARER: Scott Gerwe (Geologist and Paleontology Coordinator)

NAME OF ENVIRONMENTAL COORDINATOR: Christina Stark

DATE: 5/28/13

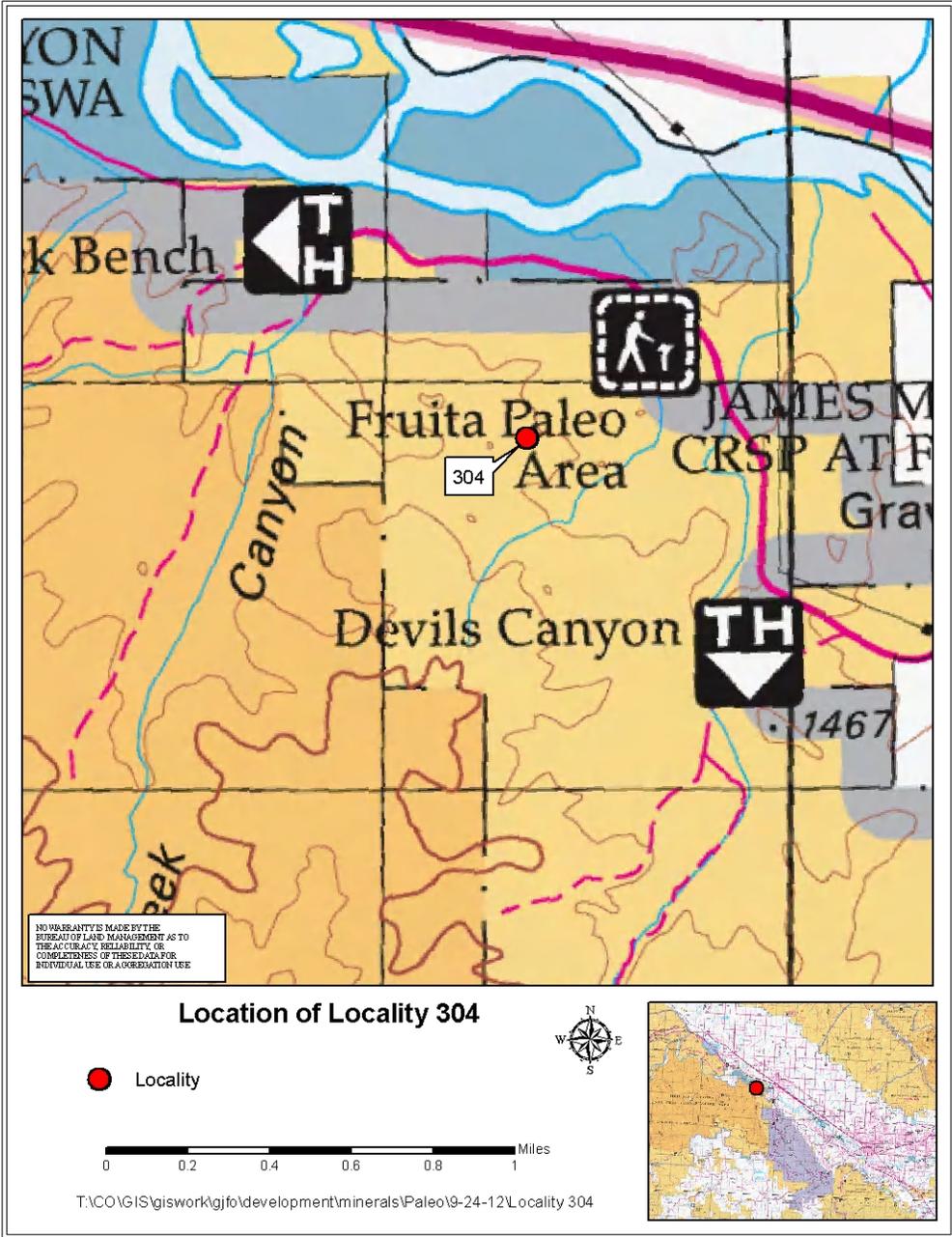


**Table 1– Potentially Impacted Resources**

Resources	Not Present On Location	No Impact	Potentially Impacted	Effects sufficiently analyzed/ mitigated in previous NEPA document or proposed action?	BLM Evaluator Initial & Date	Comments
<b>PHYSICAL RESOURCES</b>						
Air and Climate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	N. Dieterich 12/21/12	
Geological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 12/3/12	
Mineral Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 12/3/12	
Soils	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	N. Dieterich 12/21/12	
Water (surface & subsurface, floodplains)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	N. Dieterich 12/21/12	
<b>BIOLOGICAL RESOURCES</b>						
Special Status Plants	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	NGH 12/19/12	
Special Status Wildlife	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JT 12/26/12	
Migratory Birds	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JT 12/26/12	
Other Important Wildlife Habitat	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JT 12/26/12	
Vegetation, Forestry	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	SC 12/14/12	
Invasive, Non-native Species	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	MT 12/11/12	
Wetlands/Riparian Zones	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CS 1/9/13	
<b>HERITAGE RESOURCES AND HUMAN ENV.</b>						
Cultural or Historical	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ALR 12/13/12	Survey completed
Paleontological	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	DSG 12/3/12	
Tribal & American Indian Religious Concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	ALR 12/13/12	Survey completed
Visual Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 12/19/12	Short-term visual impacts during excavation. Re-contouring would reduce long-term impacts.
Social/Economic	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CE 1/7/13	
Transportation and Access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 12/19/12	
Wastes, Hazardous or Solid	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	AEK 12/10/12	
<b>LAND RESOURCES</b>						
Recreation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 12/19/12	
Special Designations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP	

**Table 1– Potentially Impacted Resources**

Resources	Not Present On Location	No Impact	Potentially Impacted	Effects sufficiently analyzed/ mitigated in previous NEPA document or proposed action?	BLM Evaluator Initial & Date	Comments
(ACEC, SMAs, WSR)					12/19/12	
Wilderness & Wilderness Characteristics	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	CPP 12/19/12	
Range Management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JRD 12/11/12	
Wild Horse and Burros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	JRD 12/11/12	
Land Tenure, ROW, Other Uses	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Y <input type="checkbox"/> N <input type="checkbox"/>	RBL 1/8/13	



STIPULATIONS:

1. While working in the area personnel should be careful of potential plants including, Cactus (Sclerocactus spp.), Cryptantha (Cryptantha spp.), and skeleton plant (Lygodesmia spp.).
2. Cultural resource surveys would need to be completed for the project area and the access to the project area prior to paleontological work.
3. Surface disturbance associated with the proposed excavation should be recontoured and vegetated to the greatest extent practicable to avoid accelerated erosion from the site.
4. After the dig, the proponent should mix into the soil a few handfuls of native seed such as sand dropseed, indian ricegrass, and 4 wing saltbush to help mitigate invasion of weedy annuals..