

**U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Canon City, CO 81212**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-200-2013-0068 CX

CASEFILE/PROJECT NUMBER (optional):

PROJECT NAME: RGFO Paleontological Resource Management

PLANNING UNIT: Gold Belt

LEGAL DESCRIPTION: Fremont County, Sixth PM, T 17S, R 70W

(Note: In accordance with Public law 111-011, the exact location of this project area will not be made available to the public.)

APPLICANT: BLM

DESCRIPTION OF PROPOSED ACTION:

In the BLM-managed Garden Park Fossil Area (GPFA), a partially exposed, fossilized bone of unknown size was discovered in the fall of 2012. Volunteers with the Garden Park Paleontological Society (GPPS) have reburied the bone and are currently monitoring it on a weekly basis. In order to protect scientifically significant, paleontological resources on public lands, as mandated by the Paleontological Resources Preservation Act of 2009, it will be necessary to excavate this fossil along with others that may become exposed during excavation as soon as possible. Both illegal collection and natural erosion of vertebrate fossils are potential issues that the BLM mitigates with regular monitoring - facilitated by the GPPS volunteer group - and by issuing resource use permits to licensed paleontologists for fossil excavation, lab work, and storage. By law, vertebrate fossils may only be collected with a paleontological resources use permit and because they remain the property of the federal government, the fossils must be preserved in an approved repository where they will be available for scientific and educational use.

Since 1992, scientists from the Denver Museum of Nature and Science have undertaken excavations in the same drainage as the current site. These excavations uncovered Jurassic-aged dinosaur egg nests. At nearby historic quarries in the GPFA, partial and complete skeletons of many species of Jurassic dinosaurs have been found.

The site is currently only accessed by foot. Whether or not heavy equipment will be required depends on the size and amount of fossils found. It is possible a temporary road up the small drainage will be needed, once the excavation is complete, the road would be reclaimed. Site excavation may cover a large area if an entire dinosaur skeleton is found. It is also possible that only the already exposed bone will be excavated. This would require a small excavation into an eroded, barren slope (approximately 3 meters

high, 30° grade). During excavation, a BLM representative will monitor disturbance, as required by the permit. It is the preference of the BLM to excavate the entirety of a fossil locality in order to prevent loss of resources if fossils are left behind. Once the excavation is complete, the terrain will be restored to as close to current topography as possible without bringing in fill material. Disturbance of the site would draw public attention and therefore, it needs to be monitored 24 hours a day during excavation. This would require overnight camping of workers near the site. This area would also need to be monitored regularly after excavation because of an increased probability of attempted illegal collections.

PLAN CONFORMANCE REVIEW:

Name of Plan: Royal Gorge Resource Management Plan

Date Approved: 05/13/96

Decision Number: Paleontological resources

Decision Language: Utilization of paleontological resources for educational, research, and other public uses such as tourism will be encouraged with special emphasis on the Garden Park Fossil Area.

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11.9 (I). None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion Criteria	YES	NO
1. Have significant impacts on public health or safety.		X
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; lands with wilderness characteristics; 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.		X
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		X
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		X
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		X
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		X
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		X

9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		X
10. Have a disproportionately high and adverse effect on low income or minority populations.		X
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.		X
12. 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.		X

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 9/11/2013
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	-----
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	CC, 9/3/2013
John Lamman	Range Management Spec.	Weeds	JL, 09/03/2013
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 09/03/2013
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	-----
Melissa Smeins	Geologist	Minerals, Paleontology	MJS, 11/19/2013
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 9/4/2013
Ty Webb	Prescribed Fire Specialist	Air Quality	TW, 9/4/2013
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 9/3/13
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	KL, 11/21/2013
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	-----
Ken Reed	Forester	Forestry	MKSG 11/22/2013
Monica Weimer	Archaeologist	Cultural, Native American	-----
Michael Troyer	Archaeologist	Cultural, Native American	MDT, 9/12/13
Steve Craddock	Realty Specialist	Realty	
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	SC, 11/20/2013
Bob Hurley	Fire Management Officer	Fire	

REMARKS:

Cultural Resources: No historic properties were found in the area of potential effect [see report CR-RG-14-051 (N)]. Therefore, the proposed undertaking will have no effect on any historic properties (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: There are no records of any federally listed. BLM sensitive plants may be present. If road construction is needed, a plant survey will be conducted and a route designed to minimize disturbance to sensitive plant species.

Migratory Birds: To be in compliance with the Migratory Bird Treaty Act (MBTA) and the Memorandum of Understanding between BLM and USFWS required by Executive Order 13186, BLM must avoid actions, where possible, that result in a “take” of migratory birds. Pursuant to BLM Instruction Memorandum 2008-050, to reduce impacts to Birds of Conservation Concern (BCC), no habitat disturbance (removal of vegetation such as timber, brush, or grass) is allowed during the periods of May 15 - July 15, the breeding and brood rearing season for most Colorado migratory birds. The provision will not apply to completion activities in disturbed areas that were initiated prior to May 15 and continue into the 60-day period.

An exception to this timing limitation will be granted if nesting surveys conducted no more than one week prior to vegetation-disturbing activities indicate no nesting within 30 meters (100 feet) of the area to be disturbed. Surveys shall be conducted by a qualified breeding bird surveyor between sunrise and 10:00 a.m. under favorable conditions.

Lands with Wilderness Characteristics: The inventory for this area was updated in 2013 and was found to not possess wilderness characteristics. Therefore, this resource would not be impacted.

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Melissa Smeins

SUPERVISORY REVIEW: /s/ Jay M. Raiford

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 12/10/13

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL:

/s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE SIGNED: 12/10/13