

United States Department of the Interior  
Bureau of Land Management

---

Environmental Assessment  
DOI-BLM-CO-S070-2014-0018-EA

---

November 2014

---

The Conservation Fund:  
Poe Property Acquisition (COC-76524)

*Location:* NMPM, Montezuma County, CO, T. 36 N., R. 17 W.,  
Portions of Sections 2, 10, 11, 14, and 15.

*Applicant/Address:* Bureau of Land Management

---

Tres Rios Field Office  
29211 Highway 184  
Dolores, CO 81323  
(970)882-6841 (O)  
(970)882-2643 (F)



**Poe Property Acquisition  
DOI-BLM-CO-S070-2014-0018-EA**

---

**1.0 PURPOSE & NEED**

**1.1 Introduction**

This Environmental Assessment (EA) has been prepared to disclose and analyze the environmental effects of acquiring 920 acres of land in four parcels, collectively referred to as the Poe Property, located within and adjacent to Canyons of the Ancients National Monument (CANM) boundary, (see Maps 1-3, Appendix A).

The EA is a site-specific analysis of potential effects that could result with the implementation of a proposed action or alternatives to the proposed action. The EA assists the BLM in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any “significant” effects could result from the analyzed actions. “Significance” is defined by NEPA and is found in regulation 40 CFR 1508.27.

An EA provides analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a statement of “Finding of No Significant Impact” (FONSI). If the decision maker determines that this project has “significant” effects following the analysis in the EA, then an EIS will be prepared for the project. If not, a Decision Record (DR) may be signed for the EA describing the decision. The decision can be an alternative as described or a combination of alternatives. A DR, including a FONSI, documents the rationale for why implementation of the selected alternative would not result in “significant” environmental effects beyond those already addressed in the Canyons of the Ancients National Monument Resource Management Plan Record of Decision (ROD, 2010) and Final Environmental Impact Statement (FEIS, 2010).

This chapter presents the purpose and need of the proposed project, as well as the relevant issues, i.e., those elements of the human environment that could be affected by the implementation of the proposed project/action. In order to meet the purpose and need of the proposed project in a way that resolves the issues, the BLM has considered and/or developed a range of action alternatives. These alternatives are presented in Chapter 2. The potential environmental effects or effects resulting from the implementation of each alternative considered in detail are analyzed in Chapter 4 for each of the identified issues.

CASEFILE/PROJECT NUMBER: COC-76524

PROJECT NAME: Poe Property Acquisition Project

PLANNING UNIT: Canyons of the Ancients National Monument

**1.2 PROJECT LOCATION AND LEGAL DESCRIPTION**

LEGAL DESCRIPTION:

Poe Parcel No. 1 (320 acres): N.M.P.M., T. 36 N., R. 17 W.,

Sec. 11: SW1/4SE1/4; (\*)

Sec. 14: W1/2NE1/4, NW1/4;

Sec. 15: E1/2NE1/4NE1/4, E1/2SE1/4NE1/4.

(\*) and a non-exclusive easement for purposes of access and utilities over and across the south 30 feet of Lots 3 and 4 of Section 11.

Poe Parcel No. 2 (160 acres): N.M.P.M., T. 36 N., R. 17 W.,  
Sec. 15: W1/2NE1/4NE1/4, W1/2NE1/4, W1/2SE1/4NE1/4, NW1/4SE1/4.

Poe Parcel No. 3 (160 acres): N.M.P.M., T. 36 N., R. 17 W.,  
Sec. 10: SE1/4.

Poe Parcel No. 4 (280 acres): N.M.P.M., T. 36 N., R. 17 W.,  
Sec. 2: SW1/4SE1/4;  
Sec. 11: W1/2NE1/4, E1/2NW1/4 and E1/2SW1/4.

**Total Acreage proposed to be acquired: 920 acres.**

### **1.3 Background**

Canyons of the Ancients National Monument protects an archaeologically important landscape located in the southwestern region of the state of Colorado. The monument's 178,000 acres are managed by the Bureau of Land Management (BLM), as directed in the Presidential proclamation which created the unit on June 9, 2000. The CANM Resource Management Plan provides for acquisition of non-Federal land through exchange, donation or purchase from a willing seller. Also, the 2010 CANM Resource Management Plan provides that the "BLM will work with willing sellers in order to acquire private inholdings and edge holdings." (CANM ROD/RMP, page 9).

In October of 2013, the Bureau of Land Management (BLM) was approached by a representative of the current property owners, who offered four parcels of land for purchase. The Conservation Fund (TCF) has acted as a cooperating organization to facilitate the prospective sale. The BLM has applied for Land and Water Conservation Fund (LWCF) funds to acquire the four parcels. LWCF funds allocated in FY14 would be used for the purchase of two parcels if the proposed action is approved. The remaining parcels would be acquired as future LWCF or other funding becomes available.

### **1.4 Purpose and Need of the Proposed Action**

#### **Purpose of the Action**

BLM's purpose of the acquisition is to improve manageability of the area, protect the unique cultural and historic resources present on the Poe Property, and enhance recreation and education opportunities for residents and visitors in the area. Acquisition of private inholdings is needed to effectively manage the landscape in accordance with the objectives of the CANM RMP, and to allow the BLM to continue to develop appropriate management for this area to protect the resources and provide additional recreation and education opportunities.

The CANM RMP provides for acquisition of non-Federal land within and/or adjacent to CANM's boundaries through exchange, donation or purchase from a willing seller.

The Purpose of acquiring land fulfills the Canyons of the Ancients National Monument's Resource Management Plan (CANM RMP, June 2010), which states:

"Acquire or exchange land only when cultural resources management will be enhanced."

## **Need for the Proposed Action**

BLM's need for action is in accordance with and authorized by Section 205 of the Federal Land Policy and Management Act of 1976, as amended, (43 U.S.C. 1701 et seq.) pertaining to acquisition of non-Federal lands or interests in lands by purchase, exchange or donation.

The need for acquiring these lands is to advance the achievement of Goal A, Objective 1 of the CANM RMP Lands and Realty Goals and Objectives section, which states:

“Identify private land within, and/or adjacent to, the Monument boundary for possible acquisition from willing sellers, if the acquisition will contribute to achieving cultural and/or natural resource goals and objectives.”

### **1.5 Decision to be Made**

The BLM will decide whether to complete the proposed acquisitions. The BLM may choose to:

- a) Complete the acquisition project as proposed;
- b) Complete only a subset of the proposed acquisitions; or
- c) Not complete the acquisition project at this time.

### **1.6 Conformance with BLM Land Use Plan**

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

Name of Plan: **Canyons of the Ancients National Monument Resource Management Plan**

Date Approved: June, 2010

Decision Number/Page: page 78

Decision Language: Work with willing sellers in order to acquire private in-holdings and edge-holdings by means of acquisition, exchange of other BLM lands targeted for disposal outside of the Monument, donation, or conservation easement. When, and/or if, the opportunity arises, acquire private parcels that:

- Adjoin, or are contained within, the Monument boundary .
- Protect cultural and/or natural resources (CANM RMP, 2010)

### **1.7 Relationship to Statutes, Regulations, or Other Plans**

The BLM acting on behalf of the Secretary of the Interior, is authorized by Section 205 of the Federal Land Policy and Management Act of 1976, as amended, (43 U.S.C. 1701 et seq.) to acquire non-Federal lands or interests in lands by purchase, exchange or donation that are consistent with BLM's mission and applicable land-use plans.

Also, the proposal is consistent with the Montezuma County Comprehensive Land Use Plan (1997). Page 12-2, Policy Statement on Multiple Use.

<<http://www.co.montezuma.co.us/documents/planning/comp%20plan.pdf>>

In addition to BLM Land Use Plans, Colorado Bureau of Land Management approved the Standards for Public Land Health. These standards cover upland soils, riparian systems, plant and animal communities, threatened and endangered species, and water quality. Standards describe conditions needed to sustain public land health and relate to all uses of the public lands;

Standard 1: Upland soils exhibit infiltration and permeability rates that are appropriate to soil type, climate, land form, and geologic processes.

Standard 2: Riparian systems associated with both running and standing water function properly and have the ability to recover from major disturbance such as fire, severe grazing, or 100-year floods.

Standard 3: Healthy, productive plant and animal communities of native and other desirable species are maintained at viable population levels commensurate with the species and habitat's potential.

Standard 4: Special status, threatened and endangered species (federal and state), and other plants and animals officially designated by the BLM, and their habitats are maintained or enhanced by sustaining healthy, native plant and animal communities.

Standard 5: The water quality of all water bodies, including ground water where applicable, located on or influenced by BLM lands will achieve or exceed the Water Quality Standards established by the State of Colorado.

### **1.8 Scoping & Identification of Issues**

NEPA regulations (40 CFR §1500-1508) require that the BLM use a scoping process to identify potential key issues related to the proposed action. The principal goals of scoping are to allow public participation to identify issues, concerns, and potential impacts that require detailed analysis. The IDT identified that for many resources the proposed land acquisitions would have either no impact or beneficial impacts.

Persons/Public/Agencies Consulted: Scoping was conducted by posting this project notice on the Tres Rios Field Office NEPA website, as well as mailing a Scoping Letter to potentially interested and/or affected parties or individuals. Five comments were received by email. As a result of public and internal scoping, the following were identified as key issues:

- **Cultural Resources**

Would the acquisition of the property result in potential negative effects to cultural resources due to increased public access?

- **Socio-economics**

The acquisition of the property may result in a decrease in Montezuma County tax revenues.

- **Access**

Would trespass increase on adjoining private property as a result of the acquisition of private property?

- **Minerals (fluid)**

How would the acquisition of 120 acres of private mineral rights be managed under federal leasing regulations?

## 1.9 Issues Considered but Eliminated from Further Analysis

- **T & E Plant & Animal Species**

There are no known occurrences of Threatened and Endangered Plant species. Under the proposal the management of the parcels would be consistent with the CANM Resource Management Plan and would be surveyed for T&E plant species.

- **Air Quality**

There would be no effects to air quality by acquiring the parcels.

- **Fish Habitat**

There would be no effects to the Fish Habitat under the proposal to acquire the parcels.

- **Forest and Rangelands**

There would be no effects to Forests and Rangelands under the proposal to acquire the parcels.

- **Migratory Birds**

There would be no effects to Migratory Birds under the proposal to acquire the parcels, because there is no ground disturbance proposed.

- **Wastes, Hazardous or Solid**

An Environmental Site Assessment was done on site; there are no wastes (hazardous or solid) within the acquisition boundary.

- **Water Resources**

Acquisition of the non-federal parcels would increase BLM's opportunities to improve watershed function/condition, water quality, and manage water resources. No further analysis is necessary.

- **Wilderness**

There is no Wilderness or Wilderness Study Areas or lands managed as lands with wilderness characteristics present on the parcels.

- **Wildlife**

There are no impacts related to wildlife due to the small amount of acres, the lay of the land and continuity of landscape.

- **Floodplains**

There are no effects to floodplains under the proposal.

- **Wetland-Riparian Zone**

There would be no effects to wetland-riparian zones under the proposal.

- **Livestock Grazing**

No parcels under the proposal are within any grazing allotments.

- **Noxious, invasive, non-native species**

There are some small infestations of noxious weeds (Russian thistle, Musk Thistle, Russian knapweed, Tamarisk and Russian olive) that occur in some areas of the parcels but make up an estimated 10% or less of the total area. BLM would incorporate the acquired parcels into the annual weed treatment schedules for CANM and TRFO.

- **Lands and Realty**

After having examined the parcels with the applicant and a variety of specialists, no additional uses or occupancies were identified through the site inspection, other than those identified in the initial title commitment. No authorizations are currently being considered within the property boundaries to be acquired.

## **2.0 DESCRIPTION OF ALTERNATIVES, INCLUDING PROPOSED ACTION**

### **2.1 Introduction**

The purpose of this chapter is to provide information on the Proposed Action and Alternatives. In this document the Proposed Action and No Action Alternatives were analyzed in detail.

### **2.2 Alternative A – Proposed Action**

The proposed action is for the BLM to acquire four parcels in Montezuma County of non-Federal lands within and adjacent to Canyons of the Ancients National Monument boundary through purchase from willing sellers.

The BLM proposes to purchase roughly 920 acres of private land, just southeast of Hovenweep National Monument. The four parcels (See Appendix A, Maps 1-3) lie both within the CANM boundary (280 acres) and within TRFO lands (640 acres) adjacent to the CANM boundary. Access to the property exists via MC RD 18 (parcels 2 and 3), and MC RDs 20 and M (parcels 1 and 4).

The potential parcels acquired under the LWCF Act would not be subject to entry under the Acquired Lands Mineral Leasing Act, including oil & gas, upon acquisition, with the exception that the acquisitions are subject to any and all valid and existing leases. In addition, the potential acquired parcels would not be subject to hard rock mineral leasing through a prospecting permit.

No change in the natural landscape is associated with the Proposed Action. Land ownership and status would change from Private to Federal. The land would be managed according to the goals and objectives outlined in the respective RMP, CANM RMP (2010).

The BLM proposes that the parcels would not be managed for livestock grazing because no parcels are within any grazing allotments in accordance with the RMPs.

Proposed actions specific to management would be as follows:

Canyons of the Ancients National Monument (Parcels 1 & 2 & 3 & 4)

Travel Management: a travel management plan would be developed. Per page 9 of the CANM RMP (ROD, 2010), “designating travel routes on any acquired lands will require an amendment to the Transportation Plan.”

Range Management: No grazing is proposed since there would be no grazing allotment within the parcels.

## **Proposal by Parcel**

### **Parcel 1 (320 acres total)**

Parcel one would be located within both the proclamation boundaries of CANM and Tres Rios Field Office, but under the CANM RMP would be an edgeholding. Parcel one would be managed in conformance with the CANM RMP.

### **Parcel 2 (160 acres total)**

Parcel two would be entirely located within the CANM boundary. Parcel two would be managed in conformance with the CANM RMP. The parcel would be managed in accordance with Goodman Point SRMA and the associated management prescriptions (CANM RMP page 88).

### **Parcel 3 (160 acres total)**

Parcel three would be adjacent to the CANM boundary, would be managed under CANM RMP as an edgeholding. **Parcel 4 (320 acres total)**

Parcel four would be adjacent to the CANM boundary and would be managed under CANM RMP as an edgeholding.

## **2.3 Alternative B – No Action**

Under this alternative the BLM would not acquire the non-Federal lands. The effects of the No Action alternative of the issues are analyzed below in Section 4.5.

## **3.0 AFFECTED ENVIRONMENT**

### **3.1 Introduction**

This chapter presents the affected existing environment (i.e., the physical, biological, social, and economic values and resources) of the affected area as identified in the Interdisciplinary Team Checklist found in the administrative record and summarized in Chapter 1 of this EA. This chapter provides the baseline for comparison of effects described in Chapter 4.

### **3.2. Cultural Resources and Native American Religious Concerns:**

The combined parcels contain 36 documented archaeological sites that have been determined to be eligible for listing on the National Register of Historic Places. These sites include habitation sites containing room-blocks, kivas/pit structures, and associated midden deposits as well as artifact scatters representing locations of tool manufacture and other resource procurement and processing activities. The majority of the sites are of Ancestral Puebloan cultural affiliation (ca. A.D. 900-1300). Several of the sites also contain historic components related to later modifications attributed to farming and ranching activities in the area. One site contains diagnostic artifacts that may indicate an early Paleoindian (ca. 10,500 years before present) occupation of the area, though this remains to be verified. Paleoindian evidence is rare in the uplands west of Cortez and is of potentially great significance.

The Hopi Tribe considers the archaeological sites of the Ancestral Puebloan prehistoric tradition to be “Traditional Cultural Properties.” Other tribes in the Southwest also have ancestral associations with the archaeological sites, as well as traditional associations with the lands of the region.

### **3.5 Socio-economics**

Montezuma County is located in the southwest corner of Colorado and contains 1.3 million acres. Less than one-third of the land area in Montezuma County is privately owned. Montezuma County is highly dependent on tax revenues generated by CO<sub>2</sub> and other fluid mineral production to fund schools and other county services. In Montezuma County, property and severance tax revenues related to CO<sub>2</sub> production comprise almost half of all county revenues. Changes in CO<sub>2</sub> production or pricing have a direct impact on funding for county services and schools. Production-related impacts can be mitigated or exacerbated by higher or lower CO<sub>2</sub> prices. However, the BLM has no influence on this fluctuation.

Also tourism, hunting industries and recreation contributes to economic diversity in Montezuma County including dispersed recreation (i.e. hiking, sight-seeing, viewing/studying archaeological sites, and exploring in a mostly backcountry setting).

### **3.6. Access**

As privately held lands, there is currently no legal access into these parcels by the general public. Montezuma County Road 18 runs along the western edges of both Parcels 2 and 3. Access to Parcels 1 and 4 can only be obtained currently through secured private gates branching off of Montezuma County Roads M and 20 at two separate intersections.

### **3.7. Fluid Minerals**

The parcels proposed for acquisition may lie above deep sub-surface fluid minerals including crude oil, natural gas, and carbon dioxide (CO<sub>2</sub>).

There are no current or historical oil and gas developments within the combined parcels. There are no pending applications for oil and gas development submitted to the BLM or to the Colorado Oil and Gas Conservation Commission within the proposed parcel areas, and the parcels are not within any unitized lease areas.

## **4.0 ENVIRONMENTAL EFFECTS**

### **4.1 Introduction**

This section analyzes the effects of the proposed action to those potentially impacting resources described in the affected environment Chapter 3, above.

### **4.2 General Analysis Assumptions and Guidelines**

These parcels are located relatively close to Cortez, CO. It is assumed that there would be interest in the property with the conversion from private to public lands. The relatively close proximity to the town and maintained county road access creates the potential for increased use and access to the parcels. It is assumed the use and visitation to the parcels would increase under the proposed action.

### **4.3 Direct and Indirect Effects**

Direct effects are caused by the action and occur at the same time and place. Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.

### **4.4. Alternative A – Proposed Action**

#### **4.4.1. Cultural Resources and Native American Religious Concerns**

Under ownership of the BLM, cultural resources located on the subject parcels would be protected under Federal Historic Preservation laws. The sites could also receive an increased level of management under

the BLM, in consultation with the Native American Tribes who are affiliated or whom have traditional associations with this region.

The assumption is that increased access to the parcels of land might increase access to sensitive cultural resources. This potential impact would be no more likely than on the other acres of public land in the field office. Creating public access through the acquisition of the parcels could expose previously private cultural resources to unauthorized collection, but may also direct public access in a way that lessens the impacts to cultural resources for other portions of the field office and in that case might be beneficial to some cultural resources outside of the parcels. Additionally, increased interpretation could provide the public with the sense of stewardship for cultural resources which may also result in increased protection by the public. Future management of the area will require additional NEPA analysis, including potential impacts to cultural resources.

### **Proposed Mitigation**

The BLM would evaluate the noticeable cultural resources that would be acquired during the proposed action and record the properties to current standards, determine their cultural resource use allocation, and as necessary develop cultural resource management plans for some of the individual properties. These plans could include possible mitigations such as monitoring and protection of acquired cultural resources.

#### **4.4.4 Socio-economics**

As authorized by Chapter 69 of Title 31 of the United States Code, the Department of the Interior provides “Payments in Lieu of Taxes” (PILT) to local governments to prevent a loss of local property tax revenue when the BLM and other Federal agencies acquire lands within local taxing jurisdictions. In accordance with 43CFR 44.31, PILT payments are equal to the lesser of one-percent of fair market value or the amount of real estate taxes paid on the land in the year before acquisition. Assessed taxes on the property in 2014 were \$104 on the 320 acre parcel, and \$147 on the 600 acre parcel. Because Montezuma County has not reached the maximum payment under PILT guidelines, future PILT payments would be expected to fully offset any reduction to the local tax base.

Existing valid rights for mineral development would continue following acquisition. The transition of private land into public land could expand public recreation opportunities, but effects to the overall economy within Montezuma County would be negligible.

#### **4.4.5. Access**

If acquired, motorized access to these parcels would continue to be provided via CR MC 18. Additional travel management decisions for access would be subject to additional NEPA analysis, either site specific or as a part of a greater comprehensive travel management planning effort. Cross country mechanized and non-motorized access would be available to the public upon acquisition (though limitations could be applied during future Comprehensive Travel Management Planning).

These parcels are located relatively close to Cortez, CO. It is assumed that there would be interest in the property with the conversion from private to public lands. The relatively close proximity to the town and maintained county road access creates the potential for increased use and access to the parcels. It is assumed the use and visitation to the parcels would increase under the proposed action.

#### 4.4.6. Minerals (fluid)

If BLM were to acquire the parcels, approximately 920 acres of surface estate and 120 acres of subsurface rights would transfer to federal ownership (See Map 3 and Table 4.4.6). The potential parcels acquired under the LWCF Act would not be subject to entry under the Acquired Lands Mineral Leasing Act, including oil & gas, upon acquisition, with the exception that the acquisitions are subject to any and all valid and existing leases.

”. Any proposal to develop the already leased areas would undergo further NEPA analysis, and would be subject to federal regulations and inspections.”

Any already leased federal or private minerals could be subject to oil and gas development. Oil and gas wells would carry the potential for environmental impacts including access roads, pipeline right-of-ways, spills, increased noise, soil contamination, ground-water and surface-water contamination, hydrogen sulfide (H<sub>2</sub>S) gas exposure, leaking tanks, unknown hazardous materials, introduced noxious weeds and invasive plants, and health and human safety impacts.

**Table 4.4.6: Subsurface Mineral Ownership (in acres) Prior to and After the Acquisition**

Parcel	Federal	Private
Parcel 1 prior to the acquisition	120 (not leased,)	200
Parcel 1 after the acquisition	120 (not leased) 40 (not leased)	160
Parcel 2 prior to the acquisition	40 (not leased)	120
Parcel 2 after the acquisition	80 (not leased)	80
Parcel 3 prior to the acquisition	160 (already leased)	0
Parcel 3 after the acquisition	160 (already leased)	0
Parcel 4 prior to the acquisition	0	280
Parcel 4 after the acquisition	40 (not leased)	240

#### 4.5. Alternative B – No Action

##### 4.5.1 Cultural

Under the No action alternative, effects to Cultural Resources would not occur as described under the proposed action and would not be managed by Bureau of Land Management. There would be no public access to the parcels.

##### 4.5.2. Recreation

Under the No action alternative, recreational access to these parcels would continue to be subject to the authorization of the private land owner.

##### 4.5.3 Wildlife

Under the no action effects to wildlife as described under the proposed would not occur.

#### **4.5.4 Socio-economics**

Under the No Action Alternative, the socio-economics effects described under the proposed action would not occur.

#### **4.5.5 Access**

Under the No Action Alternative, the parcels would not be acquired by the BLM and would be subject to the future management actions of the present and/or future property owners. None of the parcels provide access to BLM public lands that cannot be accessed in other ways. As such, there would be no impact to current public access with the No Action alternative.

Although past, present, and reasonably foreseeable actions in the area have improved public access, the No Action alternative would not result in a loss of public access.

#### **4.5.6. Minerals (fluid)**

Under the No Action Alternative, 920 acres of surface estate and approximately 120 acres of subsurface minerals would remain in private ownership. There is no current oil and gas development on these parcels, however, new wells may be drilled and put into production on the lands. These new wells would carry the potential for environmental impacts including access roads, pipeline right-of-ways, spills, increased noise, soil contamination, ground-water and surface-water contamination, hydrogen sulfide (H<sub>2</sub>S) gas exposure, leaking tanks, hazardous materials, introduced noxious weeds and invasive plants, and health and human safety impacts.

### **4.6 Cumulative Effects Analysis**

“Cumulative effects” are those effects resulting from the incremental effect of an action when added to other past, present, or reasonably foreseeable actions regardless of what agency or person undertakes such other actions.

#### **4.6.1 Past and Present Actions**

Past or ongoing actions that affect the same components of the environment as the proposed action are: BLM authorized actions on public lands in the area include livestock grazing (livestock grazing would be managed to reduce conflicts between livestock grazing, recreational activities, and the Monument’s mandate to protect cultural resources), other land acquisitions, developed and undeveloped recreation (including motorized, mechanized, foot, equestrian, camping, hunting, etc.), road and utility rights-of-way, noxious weed management, oil and gas development and gravel mining and commercial and residential development on nearby private lands. A complete description of cumulative effects for the Monument are disclosed in the Proposed Resource Management Plan/final EIS (July 2009) in Chapter 4.

#### **4.6.2 Reasonably Foreseeable Action Scenario (RFAS)**

It is likely that there is potential for increases in visitor use in the Monument, .

#### **4.6.3 Cultural Resources and Native American Religious Concerns**

Cultural resources would continue to be managed under the NHPA Section 106 compliance requirements. The proposed action is unlikely to affect cultural resources located on the subject parcels because the resources would be protected under Federal Historic Preservation laws. Therefore, no anticipated cumulative effects to Cultural Resources or Native American Religious Concerns are identified, the resource direction for the parcels would be in accordance with the CANM RMP (2010).

#### **4.6.6. Socio-economics**

Since the Monument was established in 2000, the BLM has acquired 6,999 acres through land acquisitions from various willing-sellers. The PILT nullifies the tax impact so no anticipated cumulative effects to Socio-economics are identified. These lands have been managed in accordance with the respective RMP. Several private landowners, Monument in-holders and edge-holders, have donated conservation easements to the Montezuma Land Conservancy and La Plata Open Space Conservancy.

#### **4.6.7 Access**

In combination with past, present, and reasonably foreseeable actions, the proposed action could improve public access. No other cumulative effects are anticipated.

#### **4.6.8 Minerals (fluid)**

In combination with past, present, and reasonably foreseeable actions, the proposed action would slightly decrease the oil and gas development potential of the area by transferring 40 acres of minerals to federal ownership inside the CANM boundary. For the 80 acres of subsurface minerals to be acquired outside the CANM boundary, development potential is unchanged.

### **5.0 CONSULTATION AND COORDINATION**

#### **5.1 Introduction**

The issue identification section of Chapter 1 identifies those issues analyzed in detail in Chapter Four. The ID Team Checklist provides the rationale for issues that were considered but not analyzed further. The issues were identified through the public and agency involvement process described in sections 5.2 and 5.3 below.

#### **5.2 Persons, Groups, and Agencies Consulted:**

A letter was mailed in August 2014 to interested members of the public regarding the proposal for a scoping period. The ID team considered scoping comments received during identification of issues and scope for the EA (see section 1.8). Dolores, La Plata and Montezuma County Boards of Commissioners were provided a copy of the scoping letter, as well as numerous other Tribal Councils, local and National organizations, and Colorado State agencies. In addition, the preliminary EA was made available for public review and comment for 30 days from 09/17/2014 – 10/17/2014. Seven comment letters were received from three tribal governments, three individuals and one organization. After review of the comment letters, substantive comments were received on the following topics (see Attachment B for summary of comments and responses):

- Cultural Resources
- Resource Management Plan
- Editorial Comments
- LWCF

After the end of the public comment period, the BLM analyzed the comments and made changes as necessary to the EA. A summary of public comments and responses is included as Attachment B.

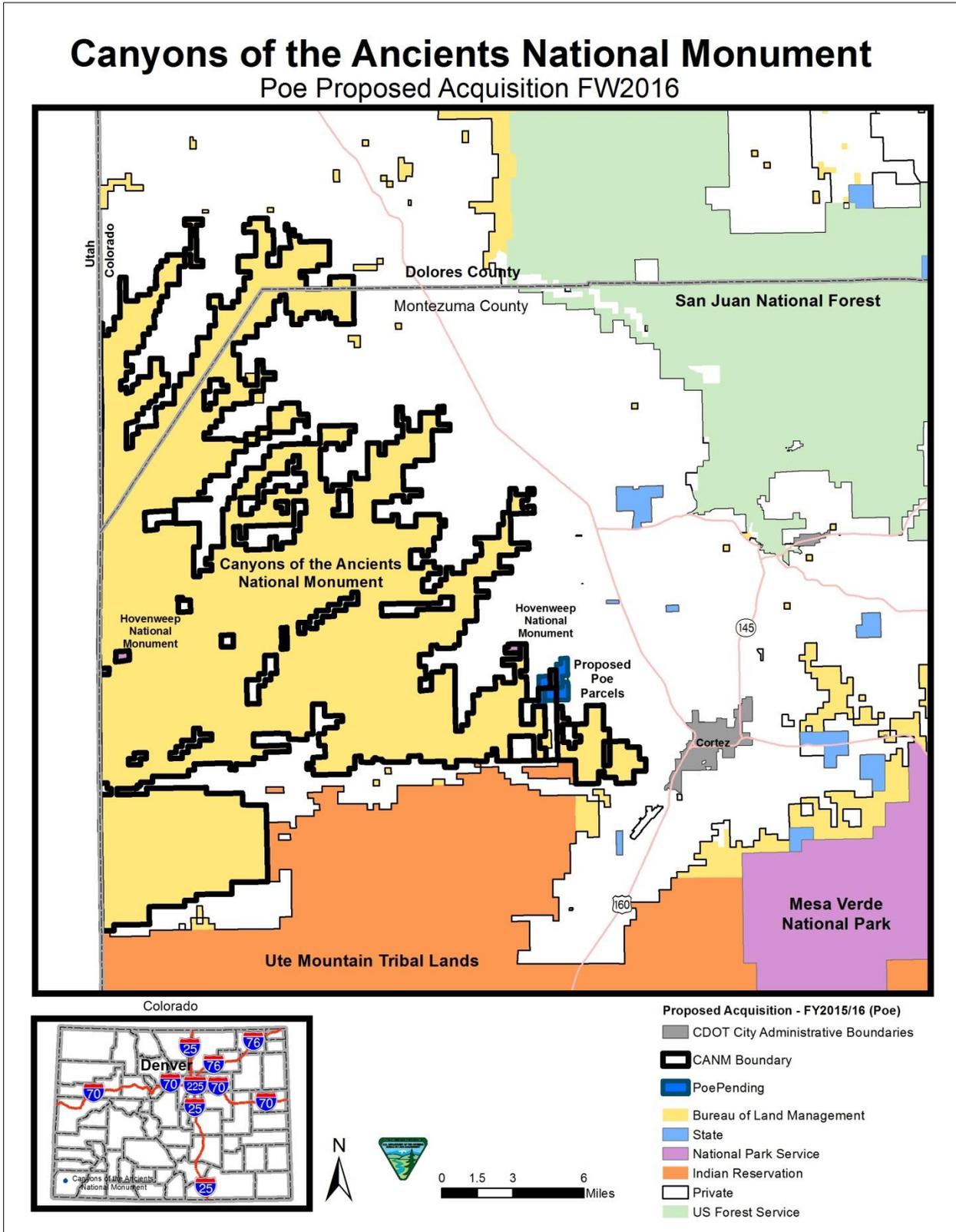
**5.3 List of Preparers:**

<b>Name</b>	<b>Title</b>
<b>Harrison Griffin</b>	<b>Lands and Realty Specialist</b>
<b>Gina Jones</b>	<b>NEPA Coordinator</b>
<b>Tracy Perfors</b>	<b>Natural Resource Specialist</b>
<b>Michael Schmidt</b>	<b>Wildlife Biologist</b>
<b>Vince MacMillan</b>	<b>Archeologist</b>
<b>Martin Hensley</b>	<b>Economist</b>
<b>David Sanders</b>	<b>Park Ranger</b>

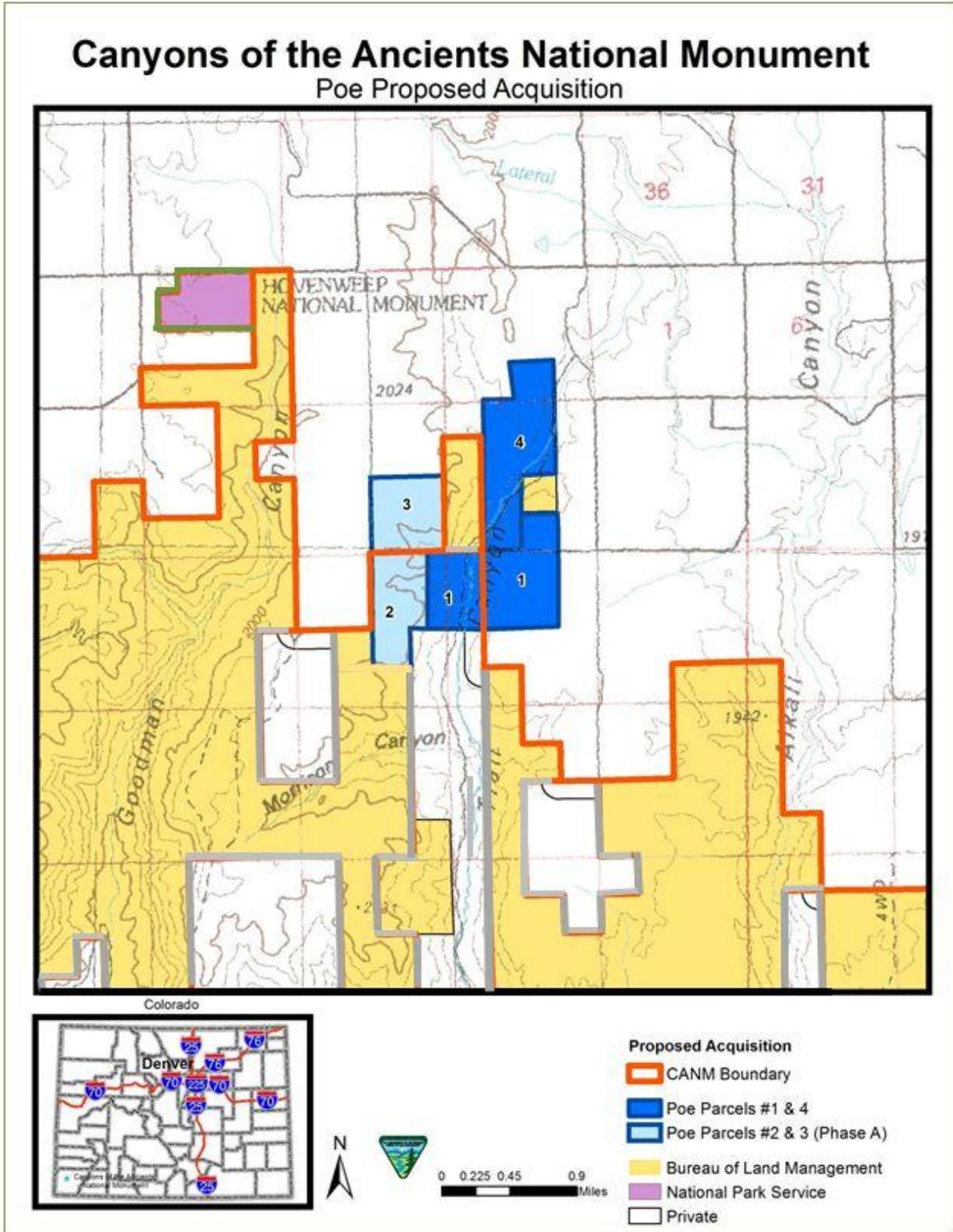
## **APPENDICES**

### **APPENDIX A – MAPS**

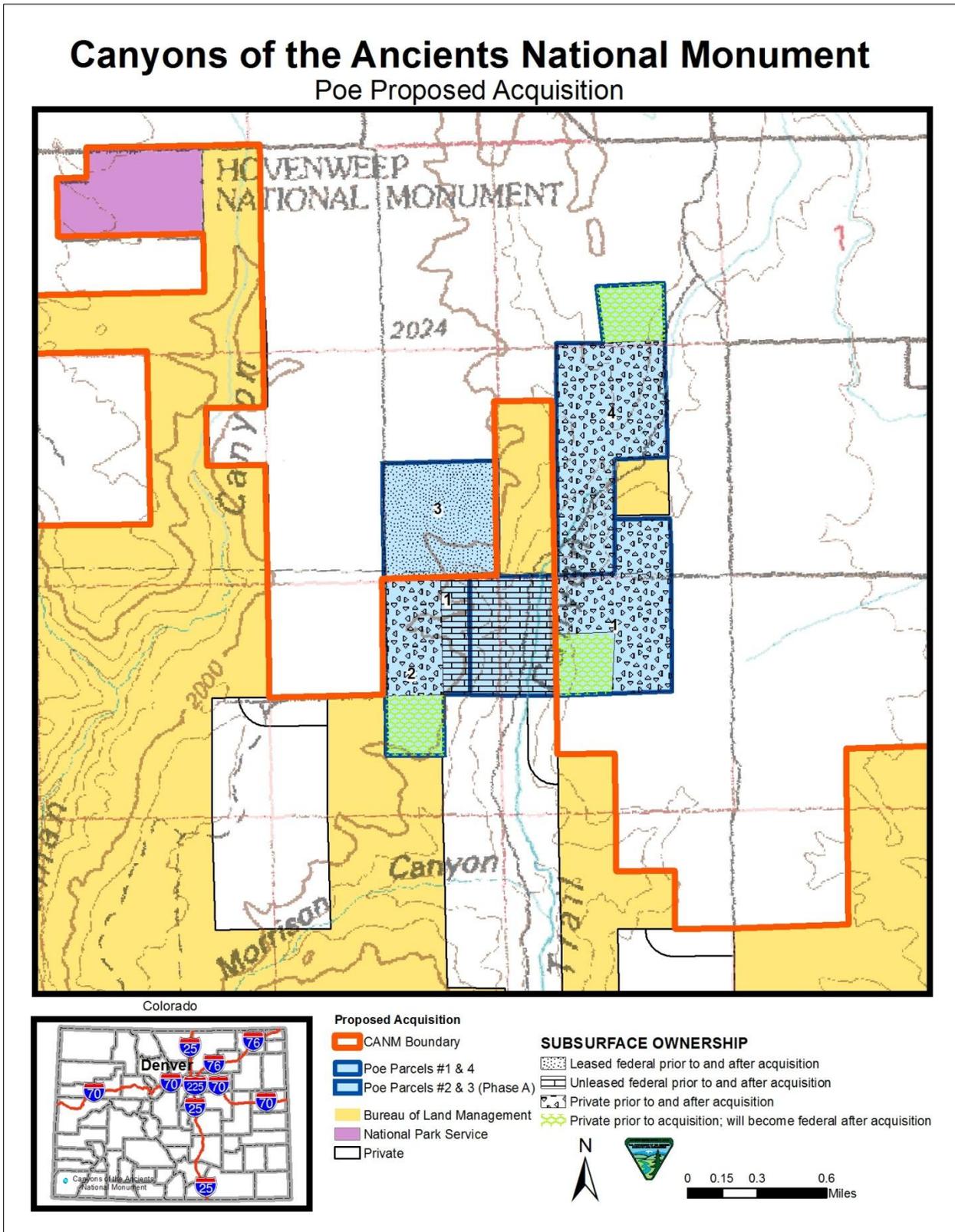
MAP 1: Poe Parcel Acquisition Overview



Map 2: Poe Parcel Acquisition Detail View



Map 3: Poe Parcel Acquisition Subsurface Minerals





**APPENDIX B – SUMMARY OF COMMENTS AND RESPONSES**

<b>Cultural Resources</b>		
<b>Commenter</b> Jacobson, Farnsworth	<b>Comment</b> Section 4.6.3 contradicts Section 4.4.1 as written. See comment above. This section lacks even basic identification and quantification of past, present, and future actions in and around the project area. No effort has been made to analyze cumulative effects in this EA.	<b>Response</b> Additions were made to section 4.6 of the EA to clarify that this EA is tiered to the CANM Proposed RMP/Final EIS (2009) and that cumulative effects are disclosed in that document. This action would not likely result in any beyond the analysis described because the proposed action would not have direct and indirect impacts so there would not be any cumulative.
<b>Resource Management Plan</b>		
<b>Commenter</b> Jacobson, Farnsworth	<b>Comment</b> Contrary to the Canyons of the Ancients Resource Management Plan (Monument RMP), the EA states that the Poe edgeholdings would be managed by the Tres Rios Field Office using the San Juan/San Miguel RMP (SJSM RMP) for guidance. The almost 30-year-old 1985 SJSM RMP is outdated and out of step with current national policy and guidance.	<b>Response</b> As a result of public comments, changes to section 1.3, section 1.6 Conformance with BLM LUP, and section 2.2, and 4.6.2 of the EA (DOI-BLM-CO-S070-2014-0018-EA) were made to correct the conformance and management prescriptions of the proposed acquired parcels under the Canyons of the Ancients Resource Management Plan (CANM RMP, 2010). As stated on page 10 of the CANM RMP ROD, "This ROD and the Approved Plan apply to all previously acquired lands (June 9, 2000 to the present), and to all lands acquired by the Monument in the future.
<b>Commenter</b> Jacobson, Farnsworth	<b>Comment</b> The proposed decision to allow unrestricted motorized use and the potential for impacts to cultural resources is in direct conflict with the BLM's stated purpose of the acquisition: i.e. "...to protect the unique cultural and historic resources present on the Poe property" (EA p. 3). To resolve the out-of-compliance-with-the-Monument-RMP issues, specific mitigation measures would have to be identified and implemented. Unrestricted	<b>Response</b> As a result of public comments, the following change was made to Section 2.2 Proposed Action of the EA to manage the parcels in accordance CANM RMP, 2010; "A transportation plan would need to be developed, as the RMP ROD states designating travel routes on any acquired lands will require an amendment to the Transportation Plan."

	motorized use in an area as rich in cultural resources as these parcels could not be justified and would not withstand the inevitable appeal(s).	
<b>Editorial Comments</b>		
<b>Commenter</b> Jacobson, Farnsworth	<b>Comment</b> The EA repeatedly refers to “the 2000 legislation designating the monument...”. The Monument was established by Presidential Proclamation, <b>not</b> legislation.	<b>Response</b> Changes to section 1.3, and 1.4 of the EA have been made to instead include that the Presidential Proclamation Number 7317 (the Proclamation) established the Canyons of the Ancients National Monument in order to ensure the protection of the area’s cultural and natural objects.
<b>Commenter</b> Jacobson, Farnsworth	<b>Comment</b> The Standards for Public Land Health document is not a Land Use Plan and should not be referenced in Section 1.6. It is more appropriate in Section 1.7.	<b>Response</b> Based on public comments, the Standards for Public Land Health section was moved from section 1.6 to section 1.7 Relationship to Statutes, Regulations, or Other Plans.
<b>Commenter</b> Jacobson, Farnsworth	<b>Comment</b> Based on the above comments regarding management using Tres Rios Field Office RMP guidance, delete the reference to “revised Tres Rios RMP” in Section 4.6.2.	<b>Response</b> Reference to the “revised Tres Rios RMP” in section 4.6.2 was removed made based on the CANM RMP and that the proposed parcel acquisition would managed in accordance with that plan.
<b>Land and Water Conservation Fund</b>		
<b>Commenter</b> Jacobson, Farnsworth	<b>Comment</b> The EA repeatedly states that the mineral estate transferred from private to federal ownership outside Monument boundaries would be designated “available to lease” (EA pp. 8,11,12). A designation of “available to lease” would require an opening order published in the Federal Register. It is not a decision that can be made in this EA. It is not in compliance with BLM policy provided in the BLM Acquisition Handbook and is contrary to the intent of the Land and Water Conservation Fund (LWCF) legislation.	<b>Response</b> As a result of public comments, changes to the following section of the EA have been made; section 2.2, , section 4.4.6, section 4.6.8. The potential parcels acquired under the LWCF Act would not be subject to entry under the Acquired Lands Mineral Leasing Act, including oil & gas, upon acquisition, with the exception that the acquisitions are subject to any and all valid and existing rights.