

**U.S. Department of the Interior
Bureau of Land Management
San Juan Field Office,
Canyons of the Ancients National Monument
COS07000**

ENVIRONMENTAL ASSESSMENT

NUMBER: CO-800-2008-090

PROJECT NAME: Trail Canyon Acquisition #1: COC 73155
Trail Canyon Acquisition #2: COC 73156.

PLANNING UNIT: Canyons of the Ancients National Monument, CO-840

LEGAL DESCRIPTION: Montezuma County, Colorado,
New Mexico Principal Meridian,
T. 36 N., R. 17 W.
Trail Canyon #1: Section 15: NE $\frac{1}{4}$ SW $\frac{1}{4}$
Trail Canyon #2: Section 22: SE $\frac{1}{4}$ SE $\frac{1}{4}$, and
Section 27: NE $\frac{1}{4}$.

APPLICANT: Bureau of Land Management

DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Background/Introduction: The Bureau of Land Management (BLM) is proposing to purchase two parcels of private land within the boundaries of Canyons of the Ancients National Monument (Monument). The subject lands are owned by two separate, but related, entities. The lands are identified as: Trail Canyon #1 (section 15: NESW), comprising 40 acres, more or less, owned by Howard & Jean Poe, and David and Vicki Poe; and, Trail Canyon #2 (section 22: SESE, section 27: NE), comprising 200 acres, and owned by the Poe Family Partnership LLLP (Limited Liability Limited Partnership) (See attached maps). Access to the properties is made via Montezuma County Road 18, and other Poe Family properties. The properties are undeveloped and have historically been used, primarily, for livestock grazing. No public utilities are available. The subject parcels contain at least eight known prehistoric Ancestral Puebloan sites.

Proposed Action: The Proposed Action is for the BLM to purchase the above-described parcels of land at the appraised fair market value, at the earliest possible date. The purchase would use appropriated funds from the Land and Water Conservation Fund inholding account for Colorado in FY 2009. The acquired land would become part of Canyons of the Ancients National Monument.

No Action Alternative: The BLM would not purchase the parcels of land described above.

PURPOSE AND NEED FOR THE ACTION:

In May, 2005, Bud and Jean Poe, General Partners representing the Poe Family Partnership, LLLP, contacted BLM and offered to sell the subject property for the fair market value, as determined by an Appraisal conducted by the Department of Interior's Appraisal Services Directorate. The Appraisal has been requested and is expected by spring 2009.

The subject private lands are located within the Canyons of the Ancients National Monument. Because the private properties are within the Monument, acquisition of the private lands by the United States would help block-up public lands, create a more contiguous landscape, and would support Monument management goals in the vicinity.

The Monument Proclamation states "Lands and interests in lands within the proposed monument not owned by the United States shall be reserved as a part of the monument upon acquisition of title thereto by the United States," indicating an intention by the writers of the proclamation that other land within the monument would be acquired by the United States in the future. Acquisition of these properties would insure protection of the cultural resources located on them. Under management of the BLM, the cultural resources located on the private properties could receive increased management and protection under Federal Historic Preservation laws. The inclusion of these cultural resources would insure long-term preservation of additional components of the prehistoric landscape of this region.

THE PURPOSE of the project is to acquire a total of 240 acres of private land located within the boundaries of Canyons of the Ancients National Monument. This would add to the land base of the Monument and create a more contiguous cultural landscape to preserve the interrelationships of these sites.

THE NEED is to preserve the cultural resources in the project vicinity. The cultural sites and artifacts in and adjacent to the Monument are related. Acquisition of the subject 240 acres would provide: geographical continuity of the Monument; Federal protection and management to the subject sites and artifacts; and would help preserve the cultural relationships between the sites and artifacts in the Monument, and those on the (current) private property.

DECISION TO BE MADE.

Given the Purpose and Need, the Authorized Officer would review the Proposed Action and Alternatives in order to make the following decision:

- Should the two parcels of private land be acquired and made a part of the Canyons of the Ancients National Monument?

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

Plan: *San Juan/San Miguel Planning Area Resource Management Plan (RMP)*

Date: September 1985

Page: Page 18, Record of Decision.

Language: *“Management of these nationally significant cultural resources is a major program in this planning area. Protection, interpretation, and stabilization of these resources will be undertaken as funds and personnel are available.*

Since the proposed action would geographically connect areas of the Monument that are culturally connected, the Proposed Action would help protect these resources and fulfill the objective and intent of the San Juan-San Miguel RMP and therefore is in conformance with the RMP.

Plan: *Area of Critical Environmental Concern Plan for the Anasazi Culture Multiple-Use Area.*

Date: July 1986.

Language: *BLM will pursue acquisition of private in-holdings within the ACEC boundary by means of exchange or other means when possible.*

Proclamation: *Proclamation establishing Canyons of the Ancients National Monument*

Date: June 9, 2000

Language: NOW, THEREFORE, I, the President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Canyons of the Ancients National Monument, for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the United States within the boundaries of the area described on the map entitled "Canyons of the Ancients National Monument" attached to and forming a part of this proclamation. The Federal land and interests in land reserved consist of approximately 164,000 acres, which is the smallest area compatible with the proper care and management of the objects to be protected.

The proposed action is in conformance with the Presidential Proclamation of June 9, 2000, which established Canyons of the Ancients National Monument. The Monument was designated to protect its objects of scientific and historic interest. Acquisition of this private land to create a more contiguous landscape would help protect the objects within the Monument and put more objects under the protection of the Monument.

Guidance: *BLM Interim Management Guidelines for all National Monuments*

Language: *“consider land or easement acquisitions and land exchanges that will enhance the values of the Monument.”*

Guidance: *Colorado BLM State Director's Interim Guidance*
Language: The Colorado State Director's Interim Guidance for National Monuments supplements the National Interim Guidance. Since the National Guidance discussed land acquisitions, it is not repeated in the Colorado Guidance. Nothing about the proposed action conflicts with any Colorado Interim Guidance. Therefore, the proposed action is also in Conformance with the Colorado Interim Guidance for national Monuments.

The No Action Alternative would not contribute towards protecting these resources and therefore is not in conformance with the Plans, Proclamation or Interim Guidance.

STANDARDS FOR PUBLIC LAND HEALTH: The subject parcels are private lands. Therefore, no public land health assessments have been conducted on them. The standards for public land health would not apply to the Proposed Action.

AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES / MITIGATION MEASURES:

RESOURCE ELEMENTS

The following resource elements are present in the project area, but would not be adversely affected by the Proposed Action or alternative for the reasons stated below.

ACCESS

Affected Environment: BLM lands in the project vicinity are interspersed with private properties. As opportunities arise, the United States is acquiring those private properties to protect cultural resources in the area. The subject properties adjoin existing BLM lands.

Environmental Consequences/Mitigation: Acquisition of the subject properties would physically connect the properties to other existing BLM-administered public lands. In so doing, the subject properties would receive increased protection through patrolling and data collection. No mitigation measures identified.

AIR QUALITY

Affected Environment: Air quality in the area of analysis is good, as is typical of undeveloped areas of the western United States. The area is listed as Class II under the Prevention of Significant Deterioration (PSD) program. The proposed action would not contribute to any change in air quality.

Environmental Consequences/Mitigation: None required.

ENVIRONMENTAL JUSTICE

Affected Environment: On February 11, 1994, the President issued Executive Order No. 12898 on environmental justice as it affects minority and low income populations. The purpose of the order is to identify and address, as appropriate,

disproportionately high and adverse human health and environmental effects of programs, policies, or activities on minority or low income populations. In the project region, minority populations including Native Americans and Hispanics are present. These populations also tend to be the low income groups in the area. Since none of these groups would be displaced by the acquisition of the subject parcel, the proposed action is in conformance with the Executive Order.

Environmental Consequences/Mitigation: None required.

CULTURAL RESOURCES

Affected Environment: Eight prehistoric archaeological sites are known within the subject parcel. These sites include habitation sites containing room-blocks, kivas / pitstructures, and associated midden / sheet trash deposits; a large water reservoir designed and constructed to capture and store surface water runoff, and artifacts scatters representing locations of tool manufacture and other resource procurement and processing activities. The sites are all of Ancestral Puebloan cultural affiliation, and were occupied between approximately A.D. 900-1300. Several of the sites have additional historic components related to later modifications and are attributed to farming activities in the area. One site contains several diagnostic surface artifacts that may indicate a late prehistoric period Ute presence. Further research would be needed to verify the Ute association, however, such an association is rare in the uplands west of Cortez, and is of great potential importance archaeologically and culturally.

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 in this region.

Environmental Consequences/Mitigation: Under ownership of the BLM, the cultural resources located on the 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. Because these lands would become part of Canyons of the Ancients National Monument, protection of cultural resources would take precedence over other land uses.

INVASIVE, NON-NATIVE SPECIES

Affected Environment: Russian Knapweed infestations were identified within both subject properties (< 3 ac. each). Russian Knapweed is an invasive species known to exist within both the private lands and Canyons of the Ancients National Monument lands within the Four Corners area, and have been most generally found on locations ranging from .10 acre to 5 acres in size. This species is most commonly found on disturbed sites (homesteads, roadsides, etc.).

Environmental Consequences/Mitigation: A maintenance program requiring multiple herbicide treatments would be necessary to reduce/eliminate propagation and spread. Access into the parcels for treatment would be through adjacent Monument land.

MIGRATORY BIRDS

Affected Environment: Migratory birds are located on public lands adjacent to this proposed acquisition. It is assumed that this same complement of birds is found on the Poe property. Birds of Conservation Concern (USFWS 2002) which may be found in the area are: golden eagle, black-throated gray warbler, northern harrier, ferruginous hawk, pinyon jay, short-eared owl, gray vireo, and sage sparrow.

Environmental Consequences/Mitigation: This acquisition would have no impact on these species and would give land managers an opportunity to better manage habitats for these birds.

RANGELAND MANAGEMENT

Affected Environment: there are two BLM grazing allotments near the acquisition properties. They are the Goodman Allotment and the Trail Canyon Allotment. The Trail Canyon Allotment is currently vacant. The Draft Monument RMP Preferred Alternative recommends that the Trail Canyon Allotment be withdrawn from future grazing.

Environmental Consequences / Mitigation: The acquisition parcels would not be added into the BLM grazing allotments, therefore, there would be no environmental consequences to the land.

THREATENED, ENDANGERED, AND SENSITIVE SPECIES

Affected Environment: There are no records of threatened and endangered species known to occur on the public lands adjacent to this private property. However, habitat exists for the longnose leopard lizard, Yuma and fringed myotis, spotted bat, Allen's big-eared bat, big free-tailed bat, and ferruginous hawk, all BLM Colorado State sensitive species.

Environmental Consequences/Mitigation: This acquisition would have no impact on these species. Acquiring these lands would give land managers an opportunity to better manage habitats for these animals.

TERRESTRIAL WILDLIFE

Affected Environment: Deer and elk are found on public and private lands in this area. Other wildlife associated with these habitats is likely to be found there.

Environmental Consequences / Mitigation: This acquisition would not alter habitat for these animals. Acquiring these lands would give land managers an opportunity to better manage habitats for these animals.

VEGETATION

Affected Environment: Vegetation in the parcels is predominantly dense mature pinyon-juniper woodland with some small inclusions of sagebrush openings. With the exception of some very small disturbed areas, habitat is pristine and can be used as a reference area. Shrubs are thriving; species include mountain mahogany, serviceberry, big sagebrush, rubber rabbitbrush, low rabbitbrush and cliff rose. The herbaceous community includes thriving bunch grass populations of muttongrass, Indian ricegrass, needle and thread, galleta, and bottlebrush squirreltail. There is a small disturbed area that includes Russian knapweed and dense cheatgrass. It is located very near the road that runs along the eastern edge of the southern parcel in the southwest of the northeast section 27.

Environmental Consequences / Mitigation: Acquisition of these parcels by the BLM is unlikely to have any consequence on vegetation, unless a future decision allows them to become part of an active grazing allotment. If overgrazed, the vegetation community would be strongly impacted in that the bunchgrass community would substantially decline.

Mitigation Measures: Treat the existing Russian knapweed infestation after acquisition.

WATER QUALITY, SURFACE AND GROUND

Affected Environment: Surface waters on the subject property are ephemeral. They flow in response to runoff events directly into Trail Canyon or Morrison Canyon.

Environmental Consequences/Mitigation: Surface waters would not be degraded under the Proposed Action and alternative.

WETLANDS & RIPARIAN ZONES

Affected Environment: Aerial photos indicate that wetlands may exist in small swales within and immediately exiting the agricultural land on the top of the mesa. Riparian vegetation also exists near a small reservoir within the subject property.

Environmental Consequences/Mitigation: None.

FOR THE FOLLOWING RESOURCES, BLM resource specialists have determined that the following elements of the human environment are not present in the area that would be affected by the Proposed Action or alternative of this EA, and are not discussed in this EA.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN
CADASTRAL SURVEY
FARMLANDS, PRIME AND UNIQUE
FIRE

FLOODPLAINS
FOREST MANAGEMENT
GEOLOGY AND MINERALS
LAW ENFORCEMENT
NATIVE AMERICAN RELIGIOUS CONCERNS
NOISE
PALEONTOLOGY
REALTY AUTHORIZATIONS
RECREATION
SOCIO-ECONOMICS
SOILS
TRANSPORTATION
VISUAL RESOURCES
WASTES, HAZARDOUS OR SOLID (verified by ASTM Phase I Environmental Site Assessment 11/18/2008)
WATER RIGHTS
WILDLIFE, AQUATIC AND TERRESTRIAL
WILD AND SCENIC RIVERS
WILDERNESS

CUMULATIVE IMPACTS SUMMARY: The long-term preservation of these parcels and their resource values, including cultural resources, would contribute towards a cumulative effect. Acquisition of these parcels would combine with land acquisitions made in the past, and any land acquisitions made in the future, to make the geographical and cultural landscape of the Monument more contiguous.

REFERENCE CITED: U.S. Fish and Wildlife Service. Birds of Conservation Concern (2002). Division of Migratory Bird Management (2002).

PERSONS / AGENCIES CONSULTED:

Tom Kelly, USFS/BLM Weed Coordinator
Cara MacMillan, USFS/BLM Ecologist
Mike Jensen, BLM Range Management Specialist
Shauna Jensen, USFS/BLM Hydrologist
Charlie Higby, BLM Realty Specialist
Linda Farnsworth, BLM Archaeologist
Kathy Nickell, BLM Wildlife Biologist
Stephanie Odell, BLM HazMat Coordinator
Eric LaPrice, USFS/BLM NEPA Coordinator

Decision Record and Finding of No Significant Impact

Environmental Assessment No. CO-800-2008-090 Trail Canyon Acquisition

1.0 DECISION

It is my decision to approve the proposed action, the acquisition of both the private properties identified as Trail Canyon #1, and Trail Canyon #2, representing 40 acres and 200 acres respectively. The parcels will be acquired at the appraised fair market value, which will be determined by the Department of the Interior's Appraisal Services Directorate.

This acquisition is made pursuant to the Federal Land Policy and Management Act, Title II, Section 205.

I have reviewed the environmental assessment prepared for this proposed action, including the analyses of potentially significant environmental impacts.

2.0 FINDING OF NO SIGNIFICANT IMPACT

My review of the analysis of the environmental consequences displayed in the environmental assessment for this project, my understanding of the level of anticipated effects, and my familiarity with projects similar in nature, indicates to me that this is not a major federal action as defined in 40 CFR 1508.18.

I considered the 10 intensity factors required for significance determinations under 40 CFR 1508.27 and have determined that no significant effects on the quality of the human, biological or physical environment (as defined at 40 CFR 1508.27) are anticipated within either the context or intensity of the selected alternative.

3.0 ALTERNATIVES CONSIDERED

1. Proposed Action – Purchasing the two parcels at fair market value for inclusion into Canyons of the Ancients National Monument.
2. No Action Alternative -- Not acquiring the two parcels of private property for inclusion into Canyon of the Ancients National Monument.

4.0 RATIONALE FOR MY DECISION

I have determined that the proposed action is the most reasonable alternative. I have determined that this action will not have significant impacts on the human environment

and an EIS is not required. This decision is in conformance with the San Juan/San Miguel Resource Management Plan/EIS, Record of Decision (ROD) (September 1985), the 1986 Area of Critical Environmental Concern Plan for the Anasazi Culture Multiple-Use Area, the Monument Proclamation, the National Interim Guidance for National Monuments, and the Colorado Interim Guidance for National Monuments.

I considered the No Action alternative. I did not select the No Action Alternative because I determined that it would not contribute towards enhancing the values of Canyons of the Ancients National Monument. Such a decision would not be in conformance with the National Interim Guidance for National Monuments.

5.0 PUBLIC INVOLVEMENT

The project has been listed on the San Juan Public Lands Schedule of Proposed Actions since the October-November 2008 publication.

A 30-day public comment period on the Preliminary Environmental Assessment, advertised in local newspapers, was held during XXXXX. During the comment period I received XXX comments.....

6.0 MITIGATION MEASURES/COMPLIANCE MONITORING

Mitigation measures were identified in the Environmental Assessment with each affected resource.

7.0 PREPARATION AND REVIEWS

Preparer: Charlie Higby

Environmental Coordinator: Eric G. La Price

8.0 AUTHORIZED OFFICER'S DECISION APPROVING THE PROPOSED ACTION

Authorizing Official: _____ Date: _____

LouAnn Jacobson
Manager, Canyons of the Ancients National Monument

Attachments:
Map of subject parcels

9.0 APPEAL OPPORTUNITIES

If you do not agree with this decision and believe you will be adversely affected by it, you may appeal to the Office of Hearings and Appeals as described in 43 CFR 4.411 and 4.413.

Any Notice of Appeal must be postmarked or received within 30 calendar days of this decision by:

Mark Stiles
Center Manager
San Juan Public Lands Center
15 Burnett Court
Durango, CO 81301

A copy of the appeal must also be sent to both:

Regional Solicitor
Rocky Mountain Region
755 Parfet Street
Suite 151
Lakewood, CO 80215

Interior Board of Land Appeals
Office of Hearings and Appeals
US Department of the Interior
801 North Quincy Street, Suite 300
Arlington, VA 22203

Within 30 calendar days after filing the Notice of Appeal, a complete statement of reasons why the appeal is being filed must be received at the above addresses. The appellant has the burden of showing that the decision appealed is in error. If all your reasons were fully stated in the Notice of Appeal, no additional statement is necessary.