

**U.S. Department of the Interior  
Bureau of Land Management  
San Juan Public Lands Center  
Canyons of the Ancients National Monument  
COS07000**

## **ENVIRONMENTAL ASSESSMENT**

NUMBER: DOI-BLM-CO-SO10-2011-0079

PROJECT NAME: The Conservation Fund-Veach Acquisition, COC 074937

PLANNING UNIT: Canyons of the Ancients National Monument, COS07000

APPLICANT: Bureau of Land Management

## 1. LEGAL DESCRIPTION

Montezuma County, Colorado; New Mexico Principal Meridian  
Township 35 North, Range 20 West, N.M.P.M.  
Section 13: S1/2S1/2  
Section 14: SE1/4SE1/4  
Section 22: SE1/4 and Lots 3 and 4  
Section 23: E1/2NE1/4 and S1/2  
Section 24: All  
Section 26: S1/2NW1/4 and NE1/4NW1/4  
Section 27: NE1/4;, NW1/4SE1/4 and Lots 1, 2 and 3

## 2. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES

Introduction: The Bureau of Land Management (BLM) is proposing to purchase 1,855 acres of private land within the boundaries of Canyons of the Ancients National Monument (Monument) (see Maps). The lands are identified as:

Montezuma County, Colorado; New Mexico Principal Meridian  
Township 35 North, Range 20 West, N.M.P.M.  
Section 13: S1/2S1/2  
Section 14: SE1/4SE1/4  
Section 22: SE1/4 and Lots 3 and 4  
Section 23: E1/2NE1/4 and S1/2  
Section 24: All  
Section 26: S1/2NW1/4 and NE1/4NW1/4  
Section 27: NE1/4;, NW1/4SE1/4 and Lots 1, 2 and 3

The properties are undeveloped and have historically been used, primarily, for livestock grazing. Public utilities cross the acquisition property.

The property is currently owned by Mr. Corey Veach and is under contract for sale to The Conservation Fund (TCF). Total acreage for the parcel is 1,855 acres. Access to the property is made via Montezuma County Road G and Road #47524 south of McElmo Creek.

The Bureau of Land Management was approached via email on 9/18/2009 by a representative of Corey Veach to request consideration for purchasing 1,855 acres of private land. A letter of intent to sell by Corey Veach and Dixie Veach was signed on November 9, 2009. On February 9, 2011 the TCF was sent a letter of intent to acquire the property by the Colorado State Director. At this time, TCF began negotiations with the owners' realtor.

Proposed Action: The Proposed Action is for the BLM to purchase the above-described parcel of land at the appraised fair market value at the earliest possible date. The purchase would use funds from the BLM Washington Office. The acquired land would become part of Canyons of the Ancients National Monument.

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

### 3. PURPOSE AND NEED FOR THE ACTION

THE PURPOSE of the project is to acquire a total of 1,855 acres of private land located within the boundaries of Canyons of the Ancients National Monument.

THE NEED is to preserve the cultural and natural resources in the project vicinity.

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

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 that the writers of the proclamation anticipated other land within the Monument would be acquired by the United States in the future.

Under management of the BLM, the cultural resources located on the private properties would receive increased management and protection under Federal historic preservation laws. The inclusion of these cultural resources in the Monument would ensure long-term preservation of additional components of the prehistoric landscape of this region.

### 4. DECISION TO BE MADE

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

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

### 5. 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). The proposed purchase of the property is consistent with the goals and objectives of Canyons of the Ancients National Monument Resource Management Plan (2010):

**Plan:** Record of Decision/Resource Management Plan (RMP)

**Date:** June 2010

**Language:** *“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.”* (Page 77, Record of Decision)

*“Acquire or exchange land only when cultural resources management will be enhanced.”* (Page 78, Record of Decision)

*“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;*
- *Enhance recreation experiences and benefits;*
- *Provide additional access to public lands; and/or*
- *Contain no, or few improvements unless they can be used to meet Monument management goals, or they require little or no reclamation.”*  
(Page 78, Record of Decision).

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 Canyons of the Ancients RMP and therefore is in conformance with the RMP.

**Proclamation:** Presidential Proclamation #7317 established 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 objects of scientific and historic interest as they occur on the landscape. Acquisition of this private land would create a more contiguous landscape allowing for the protection of more objects within their context on the land.

## **6. 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 be applied should the Proposed Action be approved.

## 7. AFFECTED ENVIRONMENT / ENVIRONMENTAL CONSEQUENCES

This section describes the existing environmental conditions that may or may not be affected by either the Proposed Action (acquisition) or the No Action (no acquisition) alternatives.

Environmental consequences listed below describe the projected results of acquiring the private land or not acquiring the private land. Since the BLM would have no jurisdiction over the land under the No Action alternative, any number of situations may occur, including land subdivision, placement of a conservation preserve, grazing or no grazing, cultural site excavation, etc. Therefore, while the No Action alternative can be described as the affected environment (what we know at this moment in time) its fate is uncertain. This is what we refer to as the “current condition”. In a few cases, the current condition can be determined to continue into perpetuity since it is defined through existing leases and rights.

### 7.1 CULTURAL RESOURCES AND NATIVE AMERICAN RELIGIOUS CONCERNS

#### Affected Environment

Delay of the negotiated sale may put the acquisition at risk, Approximately 21.5% of the 1,855 acre parcel has been inventoried for cultural resources with 61 documented sites having been previously located. Extrapolating from this existing inventory, approximately 284 total sites are predicted within the parcel. These sites include habitation sites containing room-blocks, kivas, and associated midden and sheet trash deposits; towers; granaries; petroglyphs; and artifact scatters representing locations of tool manufacture and other resource procurement and processing activities.

The known sites represent the full spectrum of prehistoric occupation, ranging from limited activity areas to large habitation complexes that include public architecture, rock art and storage. Occupational time periods begin around 5,500 B.C. and end around A.D. 1300, with historic components dating to the early A.D. 1900s. The degree of physical preservation at some of the recorded sites is exceptional.

Native Americans living in the Southwest consider Ancestral Puebloan sites “Traditional Cultural Properties.” They have ancestral associations with the archaeological sites, as well as traditional associations with the lands in this region. Letters of support for the acquisition have been provided by The Hopi Tribe and by the Pueblo of Zia.

#### Proposed Action

*Environmental Consequences:* Acquiring the private land would allow the BLM to manage and protect the cultural resources located on these parcels with protection under Federal historic preservation laws. The BLM would enhance site management through consultation with Native American Tribes who are affiliated or who have traditional associations with this region. Because these lands would become part of Canyons of the Ancients National Monument, protection of cultural resources could potentially take precedence over other land uses.

*Mitigation:* None required.

No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.2 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.

Proposed Action

*Environmental Consequences:* No change is anticipated.

*Mitigation:* None required.

No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.3 LIVESTOCK GRAZING

Affected Environment

Private lands proposed for acquisition are included in one BLM grazing allotment, the Mail Trail Allotment. The Environmental Assessment, DOI-BLM-CO-S010-2011-020 DNA, determined the appropriate grazing level for public lands in this allotment.

In 2001, rangeland health assessments were conducted in the allotment following the protocol outlined in BLM technical reference TR1734-6, *Interpreting Indicators of Rangeland Health* (Pellant et al. 2000). In February 2003, a BLM interdisciplinary team was assembled to determine if the allotment was meeting the BLM Standards for Public Land Health in Colorado (Standards) (43 CFR 4180.2(c)). Information including the 2001 Rangeland Health Assessment, proper functioning condition assessments for both lotic (i.e., moving water) and lentic (i.e., standing water) riparian areas, rangeland trends, vegetation production and water quality data were considered in determining if the five Standards were being achieved or not achieved. These five Standards include 1) upland soils; 2) riparian systems; 3) healthy, productive plant and animal communities; 4) special status, threatened and endangered species; and 5) water quality.

The allotment was not achieving the Upland soils (Standard 1) and Healthy, productive plant and animal communities (Standard 3) standards. The other 3 standards were not applicable to the Mail Trail Allotment (Appendix B, BLM 2003).

#### Proposed Action

*Environmental Consequences:* The acquired parcel would be included in the BLM's Mail Trail (formerly East McElmo) grazing allotment. A Land Health Assessment on the newly acquired property would need to be completed. Since there would be a single managing agent for all lands within these allotments, facilitating grazing management would be improved. A grazing system in compliance with the Decision Record for CO-S010-2011 DNA (BLM 2011) would be implemented and would result in improvements in rangeland health conditions. As a result, rangeland health conditions would make progress towards achieving the BLM Standards for Public Land Health in Colorado.

*Mitigation:* A variety of mitigation measures may be employed to improve public land health.

#### No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.4 MINERALS – FLUID

### Affected Environment

The ground surface of private lands proposed for acquisition lie above minerals including crude oil, natural gas and CO<sub>2</sub> (Carbon dioxide) gas, a portion of which is federally leased.

The private land proposed for acquisition contains federal mineral leases or portions of federal leases COC-01708, 069029, and 22687. Historic and current oil production is from the Flodine Park Field. According to the Colorado Oil & Gas Conservation Division (COGCC), there are 11 oil exploration/production sites on the parcel. Only one of those is currently producing oil -- the North Mail Trail #2 well operated by Bayless O&G, on lease COC-01708, in the NW SW Section 23, T35N, R20W. Of the other 10 sites, five holes were dry and abandoned, one is plugged and abandoned, one is an abandoned location - meaning the well was never drilled -, and three are shut-in wells - meaning they could be reworked for production at some time in the future.

Surface conditions at the well sites and along access roads are unknown. Specific site inspections would be necessary to determine current conditions. However, based on previous and reported observations of the well sites on this parcel and in surrounding areas, there could be a wide variety of surface conditions ranging from a clean, undisturbed site to well sites with numerous less-than-optimal environmental conditions, including but not limited to: oil or other soil contaminants; old, unused, or abandoned equipment; abandoned pipelines exposed at surface and/or underground; equipment in need of repair, leaking tanks; abandoned drums, abandoned access roads, and weed infestations in disturbed areas. The Pre-Acquisition Environmental Site

Assessment was conducted in May 2011 and concluded that No recognized environmental conditions were observed and a search was made for environmental cleanup liens and none were found.

#### Proposed Action

*Environmental Consequences:* The acquired oil and gas operations carry the potential for environmental impacts including spills, soil contamination, hydrogen sulfide gas exposure, leaking tanks, unknown hazardous materials, health and human safety impacts as well as the potential for new drilling within these leases. Additional BLM jurisdiction of the oil and gas operations allows for stricter production oversight and enforcement and correction of the problems listed in the Affected Environment section.

*Mitigation:* Mitigation includes removing unused oil field equipment; plugging any under- or non-producing wells; replacing leaking storage tank batteries and other well head equipment; removing petroleum laden soil; reclamation of unused roads and pads; and clean up, increased production inspections and oversight by the BLM.

#### No Action

*Environmental Consequences:* Since existing leases occur on the private land, environmental consequences would be similar to those expected on public lands. Oil and gas operations carry the potential for environmental impacts including spills, soil contamination, hydrogen sulfide gas exposure, leaking tanks, unknown hazardous materials, health and human safety impacts as well as the potential for new drilling within these leases.

*Mitigation:* None required.

### 7.5 PUBLIC SAFETY AND LAW ENFORCEMENT

#### Affected Environment

The private lands proposed for acquisition have not been patrolled by BLM law enforcement officers and have generally been closed to public access.

#### Proposed Action

*Environmental Consequences:* The acquired lands would be accessible to the public and, like neighboring public lands, would require the same level of responsibility by the BLM for public safety. Acquired lands may become more vulnerable to impacts from public use and vandalism. However, the lands would be patrolled by BLM law enforcement officers and monitored by BLM staff and volunteers, consistent with adjoining public land.

*Mitigation:* Include acquired lands in regular law enforcement patrols and in the Site Steward monitoring program.

#### No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.6 REALTY AUTHORIZATIONS

### Affected Environment

An examination of available BLM mapping, BLM databases and BLM Master Title Plat (MTP) records show that pipelines and communications lines which exist on adjoining BLM lands extend onto the private land proposed for acquisition. The following is a list of the BLM authorizations indicated on the MTP, and from multiple queries in BLM's LR2000 casefile management database:

COC 0 65554; Navajo Nation Oil & Gas  
COC 0 86601; Navajo Nation Oil & Gas  
COC 58802; Bayless Robert L  
COC 0 90876; Navajo Nation Oil & Gas  
COC 0 108732; Navajo Nation Oil & Gas  
COC 0 93686; Pan American Petroleum Corporation.  
COC-069029; Bayless RL Prod LLC  
COC-0-001708; Bayless RL Prod LLC  
COC-0-022687; BP America Production Co/Pioneer Natural Resources USA Inc  
COC-066128; Smith Energy LP 1988  
COC-0-124229; Pan American Petroleum Corporation  
COC-044588; K C Resources, Inc  
COC-046516; Navajo Nation Oil & Gas  
COC-010306; Rocky Mtn Power/Utah Power & Light

### Proposed Action

*Environmental Consequences:* In acquiring the private property the BLM would accept private land which may be encumbered with several oil/gas pipelines and communications lines. In allowing the utility companies to use the private property, it is probable that the private property owner would have conveyed an easement to the owners of the utilities, either with term limits (10 years, 20 years, etc), or in perpetuity. The BLM, in acquiring the property, would accept title to the private land subject to those easements. If the utility easements had a term limit on them, then the utility companies would have to renegotiate a new easement (BLM right-of-way) with the BLM upon the expiration of the existing easement. If the utility companies hold an easement in perpetuity then they would continue to operate those utilities subject to the terms of the easement.

*Mitigation:* None required.

### No Action

*Environmental Consequences:* No change in current conditions.

*Mitigation:* None required.

## 7.7 RECREATION

### Affected Environment

The area provides sweeping scenic vistas in an isolated setting. The Monument supports a variety of recreation activities adjacent to the proposed acquisition. Activities include back country horseback riding, hiking, and dispersed camping; hunting; viewing cultural sites; and mountain biking and off-highway vehicle (ohv) riding on BLM-designated routes. Recreation permittees in the Monument with outfitting/guiding permits provide services for guided big game hunting (i.e. deer, elk, and mountain lion), horseback riding, mountain biking, and guided archeological tours.

### Proposed Action

*Environmental Consequences:* Acquiring private lands as proposed would allow the BLM to open these lands for public use, expanding recreational opportunities over a larger area within the Monument.

*Mitigation:* None required.

### No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.8 SOCIO-ECONOMICS

### Affected Environment

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 (Preston 2001).

There are three key issues related to socioeconomic analysis for the project area: oil and gas development, livestock grazing management, and recreation and transportation management.

*Fluid Minerals Development:* McElmo Dome, one of the world's largest deposits of nearly pure CO<sub>2</sub>, is located in the project area. About 90 percent of the oil and gas production in Montezuma County is from CO<sub>2</sub> production.

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 from McElmo Dome comprise almost half of all county revenues. Changes to CO<sub>2</sub> production or pricing have a direct impact on funding for county services and schools, comprising almost three-quarters of the county's budgets. Production-related impacts could be mitigated or exacerbated by higher or lower CO<sub>2</sub> prices, which the BLM does not influence.

*Livestock Grazing Management:* The agriculture sector supplied over 1,000 jobs in Montezuma and Dolores Counties in 2005, comprising about eight percent of total employment. Due to low average wages, agricultural jobs contributed only two percent of total income. The local economic forecast predicts that the percentage of agricultural income will drop to less than one percent of total personal income during the next 20 years. Farm incomes have been trending toward the negative for the past 20 years in Montezuma County. Crops and livestock comprise about half of the total agricultural income, with government payments and other farm income, such as from custom tilling and other services, comprising the other half.

*Recreation and Transportation Management:* Recent studies of tourism employment found that 20 percent of total employment in Montezuma County is related to tourism. In Montezuma County, 12 percent of total employment is related to public lands. Tourism generates tax income through sales and lodging taxes and, in 2000, travel related sources generated 38 percent of State and local taxes in Montezuma County. Recreation and transportation management actions are linked to employment, income, and population through the tourism sector.

The project area is being affected by larger social trends that are changing settlement patterns and community groups throughout the southwestern United States. These include:

- **Amenity migration:** Newcomers are moving in to the area to take advantage of the unique natural resources, quality of life, and other amenities that the region offers. Many of these newcomers are retirees or second homeowners who bring along their pensions and other retirement benefits. As non-labor income, it also serves to diversify and stabilize total personal income in the area (CEDDS 2002).
- **Land conversion:** Traditional ranching and agricultural lands are being converted to low-density rural residential subdivisions. Montezuma County experienced a 22 percent reduction in average farm size, 1,262 acres to 988 acres, from 1992 to 2002 (Operation Healthy Communities 2005).
- **Rising land values:** Rising land prices make it difficult for existing agricultural operations to expand and for a new generation of farmers and ranchers to get established. On the other hand, those who have land equity have seen it grow, providing forbearance and credit to ride out difficult economic times and the opportunity to sell off pieces of land when the need for cash dictates. However, land values tend to have less impact on a family's choice to sell their ranch than retirement needs or a lack of interested heirs (Preston 2005).

Open space benefits, such as unimpeded vistas, wildlife, and remote recreation are contingent, in part, on the economic viability of agriculture. If farm and ranch operations remain viable, the open space benefits that they provide will be sustained. However, there are several factors that affect the rate at which privately owned agricultural lands are converted to other land uses. Some of the factors identified by ranchers and farmers include:

- increasing subdivision of surrounding agricultural land;

- residential subdivisions in agricultural areas generating conflicts with essential farm practices, such as night-time farming and aerial spraying;
- high land prices;
- negative farm income;
- uncertainty concerning potential changes in fees and stocking rates on Federal land; and
- private grazing lands for lease, which are becoming increasingly scarce.

Different scenarios are possible for future land use of private agricultural properties: Scenario A) farms or ranches remain as agricultural enterprise; Scenario B) farms or ranches are sold to a buyer with the means to maintain the agricultural land use; and Scenario C) farms or ranches are subdivided into residential properties.

Scenario C is the least desirable in terms of open space, wildlife, and maintaining the rural lifestyle and quality of life in the study area. Additionally, the degradation of these amenities could reduce or reverse amenity migration. Scenario B supports open space and wildlife values, but detracts from the historical custom and culture represented by agriculture. Scenario A would represent the best option for supporting both the open space amenities and the rural lifestyle because agricultural enterprises would continue to be viable and sustainable into the future.

#### Proposed Action

*Environmental Consequences:* The McElmo Dome CO2 unit as with other valid existing mineral rights would continue to be developed for production since private land acquisition would not change the status of current mineral leases. With improvements in land health, the sustainability of livestock grazing and the economic viability of livestock operations could be improved as a result of a more productive, sustainable rangeland being available for operators' future use. The transition of private land into public land would expand public recreation opportunities. While an increase in revenue associated with tourism may not be quantifiable, enhanced outfitter/guide opportunities may record economic benefits.

*Mitigation:* Payment in lieu of taxes (PILT) funds associated with newly acquired lands would be provided to the county on an annual basis.

#### No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.9 SOILS

#### Affected Environment

Geologic formations in the area of analysis are Dakota sandstone bedrock underlain by a series of sandstone and shale beds of the Morrison and Burro Canyon formations. An extensive layer of wind deposited silts and fine sands from the quaternary age mantles the uplands and mesas.

In general, soils can be grouped by major topographic and elevation features, climatic regimes and parent material. For the area being considered in this EA major soil groupings are:

- Alluvial fans, drainage ways and floodplains - very deep alluvium derived from sandstone and shale.
- Hills and basins - very shallow to shallow residuum from shale.
- Rock outcrop and soils in canyons - shallow to very deep residuum, coluvium and slope alluvium derived from sandstone and shale.
- Mesas - very deep to very shallow soils depending on distance from the mesa edge. Eolian material and residuum derived from sandstone.

Biological soil-crust communities comprised of varied proportions of cyanobacteria, mosses, and lichens are present throughout most upland environments. Where undisturbed, these cyanobacterial crusts may extend up to 1-cm in depth and can greatly enhance soil stability. In addition to enhancing soil stability, biological soil crusts are recognized for their importance in several aspects of nutrient cycling, including the ability of some soil-crust organisms to acquire and convert atmospheric nitrogen into forms available to higher plants (Evans and Johansen 1999). Through effects on soil nutrient dynamics, cyanobacteria and some lichens also may enhance the nutritional quality of forage plants used by wildlife (Harper and Pendleton 1993).

#### Proposed Action

*Environmental Consequences:* Acquiring private lands as proposed would allow the BLM to manage soil resources in compliance with public land health standards.

*Mitigation:* A variety of mitigation measures may be employed to reduce active soil erosion where possible and to improve public land health.

#### No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.10 TRANSPORTATION/ACCESS

#### Affected Environment

The following BLM-system roads are located on public lands in the vicinity of the private lands proposed for acquisition:

- Road #4524 connects with Road #4702 and runs through the private land parcel
- Road #4702 runs from Utah onto CANM, through the private land parcel

While these roads cross the private land proposed for acquisition, there is currently no public Right-of-way for access.

#### Proposed Action

*Environmental Consequences:* The acquisition of private land as proposed would incorporate additional lands into the transportation system. These lands would be required to meet Proclamation and RMP guidance for no cross-country travel by motorized or mechanized vehicles.

*Mitigation:* Opening travel routes on newly acquired land parcels would require an amendment of the current transportation plan.

#### No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.11 VEGETATION -- GENERAL

### Affected Environment

Three dominant vegetation types are present in the area being analyzed. They include salt desert shrub, big sagebrush and pinyon-juniper. Dependent on soil, elevation and moisture regime, seven dominant ecological types occur within these major vegetation types. The ecological sites are defined by the Natural Resource Conservation Service (NRCS) in the Cortez Soil Survey as follows:

#### *Salt desert Breaks and Clayey Salt desert*

These ecological sites occur at lower elevations with clay loam soils derived from Morrison shale. The “Potential Natural Community” (PNC) is a salt desert shrub community. The most common existing vegetation is cheatgrass, galleta grass, big sagebrush and Utah juniper.

#### *Alkali Flat and Shallow Desert*

These ecological sites occur at lower elevations. Alkali Flat sites have deep soils with fine sandy loam soils formed in alluvial or eolian materials derived from sandstone. Shallow Desert sites have shallow soils with sandy loam soils formed in residuum, or colluvial materials derived from sandstone. The PNC is shadscale, greasewood and galleta grass on the Alkali Flat sites and shadscale, sagebrush and New Mexico feathergrass on the Shallow Desert sites. With heavy grazing or other disturbance, these sites become dominated by cheatgrass, annual forbs, greasewood and big sagebrush. The most common, existing vegetation is cheatgrass, filaree and big sagebrush.

#### *Semidesert Loam*

This ecological site occurs in the low to mid elevations with deep fine sandy loam soils formed in eolian and alluvial materials derived from sandstone. The PNC is mixed grass-shrub with dominant species being big sagebrush and galleta grass. With heavy grazing or other disturbance, sagebrush increases in density and the understory becomes dominated by cheatgrass or bare soil. Currently, the existing vegetation is dominated by dense big sagebrush, juniper and cheatgrass.

### *Pinyon Juniper and Loamy Foothills*

These ecological sites are the most common types in the mid- to upper-elevations. Soils are loam, sandy loam or sandy clay loam derived from sandstone and shale. The PNC is pinyon pine and Utah juniper with a wide range in overstory canopy cover classes, depending on past fire history or other disturbance such as chaining or beetle outbreaks. Open canopy types have a dominant understory of shrubs and grasses. Closed canopy types have fewer understory species and less production. With heavy grazing, open sites return to pinyon-juniper dominance more quickly due to the removal of competing vegetation. Furthermore, understory perennial grasses and the more palatable shrubs decline with big sagebrush, rabbitbrush and annual grasses and forbs increasing. The most common existing vegetation sampled on these ecological sites is pinyon pine, Utah juniper, big sagebrush and cheatgrass.

#### Proposed Action

*Environmental Consequences:* The proposed acquisition of private land would allow the BLM to manage vegetation to meet public land health standards.

*Mitigation:* Monitoring of vegetation condition and appropriate mitigation as needed to meet public land health standards.

#### No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.12 VEGETATION -- INVASIVE, NON-NATIVE SPECIES

### Affected Environment

Infestations of Russian knapweed, a Colorado state designated noxious weed, have been identified within the private land proposed for acquisition. Russian knapweed is an invasive species known to exist on private lands adjacent to and within Canyons of the Ancients National Monument. It is generally found on locations ranging from .10 acre to 5 acres in size and is widely established throughout the western United States. Russian knapweed can produce from 6 to 27 root shoots per sq. ft. from roots that grow to a depth of 23 feet. This species is most commonly found on disturbed sites (homesteads, roadsides, etc.).

Russian olive, a non-native invasive species that displaces native riparian vegetation, may be found around stock ponds or springs.

Tamarisk is located within the private land proposed for acquisition, particularly around stock ponds. Tamarisk is established on private lands in the Four Corners region and within Canyons of the Ancients National Monument. It is generally found in areas ranging from .10 acres to 100s of acres in size. Tamarisk is a tenacious shrub/small tree with a deep root system that replaces native cottonwoods, willows, grasses, and forbs.

The Tamarisk beetle is currently moving through the Monument with some sign that it may be utilizing tamarisk stands south of McElmo Creek where it was originally established in 2007. Repeated defoliation by the beetle may eventually substantially diminish and/or kill the infestation.

#### Proposed Action

*Environmental Consequences:* The Proposed Action would allow the BLM to aggressively treat and control invasive species infestations on the acquired lands.

*Mitigation:* Treat existing Russian knapweed, Russian olive and tamarisk infestations after acquisition. A maintenance program requiring multiple herbicide treatments would be necessary to reduce/eliminate propagation and spread. Access into the parcel for treatment would be on BLM-designated public, administrative and temporary routes; and from County Road G.

#### No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

### 7.13 VEGETATION -- SPECIAL STATUS

#### Affected Environment

Sensitive plant species are derived from a list approved by the BLM Colorado State Director (BLM Colorado State Office Information Bulletin No. CO-2000-014). Sensitive plant species known or suspected to occur in the area of analysis include:

*Amsonia jonesii* (Jones blue star) is known from a single location on Hamilton Mesa. It is in a remote area and appears to be a healthy population. It is very likely that other locations exist on the private land since it is in proximity to Hamilton Mesa.

*Epipactis gigantea* (Giant helleborine), *Mimulus eastwoodiae* (Eastwood monkey flower) and *Erigeron kachinensis* (Kachina daisy) occur either singly or very often together, in seeps and alcoves of sandstone canyon walls. Although none of these species have been found on the Monument, there is potential for this habitat on the private land being considered in this EA.

*Astragalus cronquistii* (Cronquist milkvetch) and *Eriogonum clavellatum* (Comb Wash buckwheat) occur on shale soils in shadscale communities at elevations less than 5,800 feet. Although neither of these species has been found on the Monument, there is potential for this habitat in the private land being considered in this EA.

#### Proposed Action

*Environmental Consequences:* The proposed land acquisition would allow the BLM to survey for sensitive plant species on newly acquired lands and implement a monitoring/management plan if they are found.

*Mitigation:* None required.

No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.14 VISUAL RESOURCES

Affected Environment

The Final EIS/ROD for the RMP (BLM 2010) manages the area adjacent to the private land being considered in this EA as Visual Resource Management (VRM) Classes IV because of multiple-use development including oil and gas wells and transmission lines. VRM Class IV provides for management activities that require major modification of the existing character of the landscape.

Proposed Action

*Environmental Consequences:* The proposed acquisition would allow the BLM to manage for visual resources on the acquired parcels and on neighboring public lands potentially impacted by development on those parcels.

*Mitigation:* Apply a VRM Class to acquired land.

No Action

*Environmental Consequences:* No change from current condition.

*Mitigation:* None required.

## 7.15 WETLANDS, RIPARIAN ZONES, WATER QUALITY, AND FLOODPLAINS

Affected Environment

No perennial streams flow through the private land being considered in this EA. All of the drainages within the analysis area are ephemeral or intermittent systems. These dry washes do exist that flow during flash flood events and intermittently during the later summer monsoons or to a lesser degree during snowmelt in the spring. Since these washes flow in response to runoff events, they may or may not support discontinuous patches of riparian vegetation. The riparian vegetation generally consists of willow, Russian olive, tamarisk and little to no herbaceous riparian species. Some drainages are dominated by sagebrush, greasewood and rabbitbrush due to limited amounts of available water in the system.

No Water Rights are known to be attached to the parcel proposed for acquisition.

Proposed Action

*Environmental Consequences:* The proposed acquisition would have no effect on riparian/wetland ecosystems within the proposed acquired lands.

*Mitigation:* None required.

No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.16 WILDLIFE -- MIGRATORY BIRDS

Affected Environment

Birds within the project area are typical of those associated with shrubsteppe habitats. According to Brock et al. (1993), the most important shrubsteppe neotropical migrant birds are horned lark, sage thrasher, Brewer's sparrow, vesper sparrow, and western meadowlark. All of these neotropicals are ground nesting birds. The sage thrasher and Brewer's sparrow are more linked to sagebrush communities and have not been located during causal bird counts. Other neotropical birds that have been noted in the vicinity include the uncommon black-throated sparrow, gray flycatcher and gray vireo; and the more common Bewick's wren, black-throated gray warbler, blue bird, Say's phoebe, and ash-throated flycatcher. Birds in this environment are primarily influenced by extreme and irregular fluctuations in precipitation and ecosystem productivity. As a result, they are highly opportunistic and ecologically adaptable (Brock et al. 1993).

Golden eagles, a bird of conservation concern, have been recorded as nesting near this property and it is likely that these eagles would continue to use this area for hunting and foraging.

Proposed Action

*Environmental Consequences:* The proposed land acquisition would allow the BLM to manage habitats for these birds as it occurs on the acquired parcels.

*Mitigation:* None required.

No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

## 7.17 WILDLIFE -- TERRESTRIAL

Affected Environment

Resident deer can be found within and adjacent to the project area throughout the year. Wintering deer also utilize the area. Mammals that may be within the project area include red and gray fox, raccoon, desert shrew, possibly the Merriam's shrew, black-tailed jackrabbit,

desert and mountain cottontail, chipmunks, ground squirrels, prairie dogs, woodrats, several species of mice, and the ringtail (Fitzgerald et al. 1994). The condition of the grasses and forbs throughout the project area would affect the rodent, rabbit, and prairie dog populations, since these vegetation types are the forage base for these animals. Animals that utilize these vegetation types can illustrate extremes in numbers, fluctuating with available food resources. Rodents and rabbits, in turn, are prey for the carnivores likely to be found within the Monument.

Several species of reptiles and amphibians are likely to be found within the project area including the bull snake, striped whipsnake, red-spotted toads, and collared lizards. Most are either highly mobile, have a large home range, or are likely to be found in riparian areas.

#### Proposed Action

*Environmental Consequences:* Acquiring these lands would allow the BLM to manage habitats for these animals in compliance with public land health standards.

*Mitigation:* None required.

#### No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

### 7.18 WILDLIFE -- THREATENED, ENDANGERED AND SENSITIVE

#### Affected Environment

The proposed private land parcel to be acquired falls within the range of several listed threatened, endangered and sensitive wildlife species. The area of analysis does not provide suitable habitat for the black-footed ferret, Canada lynx, southwestern willow flycatcher, western yellow-billed cuckoo or Colorado Pikeminnow.

Bald eagles are occasionally seen foraging along McElmo Creek during the winter, but are not known to nest within the area of analysis. They may be found on occasion feeding on a dead carcass away from the stream. The bald eagle was downlisted from federally endangered to threatened in the lower 48 states in 1995 (50 CFR 17.41(a)), and was proposed for delisting in July 1999.

Mexican spotted owl habitat definitions have been refined for Colorado and include the importance of sandstone cliffs for nesting. The steep faces found in the private land parcel under consideration in this EA may provide habitat for this bird.

There is no habitat for the Gunnison's sage grouse, or boreal toad, which are candidate species. The yellow-billed cuckoo relies on cottonwood galleries within riparian areas, which none are present in this parcel.

Several BLM sensitive species may be found in the project area including the ferruginous hawk, Allen's big-eared bat, fringed myotis, Yuma myotis, big free-tailed bat, spotted bat, peregrine falcon, western burrowing owls, desert spiny lizards and long-nosed leopard lizards. There is a diversity of habitats suitable for terrestrial species from steep, rocky canyons to pinyon-juniper woodlands.

Allen's big-eared bats and fringed myotis roost in mines and caves and are known to forage in pinyon-juniper woodlands. There may be roosts on adjacent lands with pinyon-juniper woodlands in the project area providing suitable habitat.

The Yuma myotis is found in pinyon-juniper woodlands and semi-desert environments. They are tied to surface water and riparian areas, however, and therefore would be unlikely to occur on the private land under consideration.

The big free-tailed and spotted bats are likely to be found within this area. They roost in rocky cliffs with crevices and fissures and may be found foraging over stock ponds.

Peregrine falcons are suspected in Sand Canyon to the east. Peregrines are opportunistic hunters and forage over a large area, which we would suspect includes the project area.

The burrowing owl is a state listed species and a BLM sensitive species. Habitat for this species exists in the open grassy areas of the project area, especially near Negro Canyon. This species has been located south of McElmo Creek in areas neighboring the proposed acquired land (Freels, pers. Communication 2011).

The long-nose leopard lizard is on the BLM sensitive species list, but was mistakenly omitted from occurring in the San Juan Resource Area. Until the list is corrected, it is being considered sensitive for this resource area. It was identified for protection in the Monument proclamation. This lizard is known to occur in southwest Colorado and habitat for this lizard can be found in the Hamilton Mesa area, adjacent to the private land parcel under analysis.

The desert spiny lizard is also on the BLM sensitive species list, and is identified for protection in the Monument proclamation. It possibly occurs within the project area since its habitat includes shrub-covered dirt banks and sparsely vegetated rocky areas. However, it is often tied to flowing streams or arroyos (Hammerson 1999).

The Mesa Verde night snake is not on the BLM sensitive species list, but was identified for protection in the Monument proclamation. It may be found in the area of analysis. This snake inhabits rocky slopes and canyons. The distribution of this snake in western Colorado is probably more extensive than is now known.

#### Proposed Action

*Environmental Consequences:* This acquisition would have no impact on federally listed species or sensitive species, however, acquiring these lands would allow the BLM to manage habitats for these animals according to public land health standards should they occur in the future.

*Mitigation:* None required.

No Action

*Environmental Consequences:* No change from current conditions.

*Mitigation:* None required.

**SPECIES CONSIDERED**

Table 1. Federally listed species for the San Juan National Forest and San Juan BLM Resource Area based on July 14<sup>th</sup>, 2010 list from the FWS and the quarterly updates received at the San Juan Public Lands Center.

Species	Status	Habitat Present In Project Area?	Species Affected?
Canada lynx	Threatened	N	N
New Mexico jumping mouse	Candidate	N	N
Gunnison sage grouse (BLM)	Candidate	N	N
Mexican spotted owl	Threatened	N	N
Southwestern willow flycatcher	Endangered	N	N
Yellow-billed cuckoo	Candidate	N	N
Bonytail	Endangered	N	N
Colorado pikeminnow	Endangered	N	N
Greenback cutthroat trout	Threatened	N	N
Humpback chub	Endangered	N	N
Razorback sucker	Endangered	N	N
Uncompahgre fritillary butterfly	Endangered	N	N

Table 2. Colorado Bureau of Land Management sensitive fish, plant, and wildlife species based on Information Bulletin No. CO-2000-14 (November 2009) for the San Juan Public Lands.

Species	Habitat Present In Project Area?	Species Impacted?
<b>Mammals</b>		
Allen's big-eared bat	N	N
Big free-tailed bat	N	N
Fringed myotis	N	N
Spotted bat	N	N
Townsend's big-eared bat	N	N
Desert Bighorn Sheep	N	N
New Mexico Meadow Jumping Mouse	N	N
Gunnison's Prairie Dog	N	N
<b>Birds</b>		
American Bald Eagle	N	N
American peregrine Falcon	<b>Foraging Habitat</b>	N
Ferruginous hawk	<b>Winter Foraging</b>	N
Western Burrowing Owl	<b>Yes</b>	N
Western yellow-billed cuckoo	N	N
Colombian sharp-tailed grouse	N	N
Gunnison sage grouse	N	N

Northern goshawk	N	N
White-faced ibis	N	N
<b>Fish, Herps and Amphibians</b>		
Bluehead sucker	N	N
Colorado River cutthroat trout	N	N
Flannelmouth sucker	N	N
Roundtail chub	N	N
Desert spiny lizard	Y	N
Longnose leopard lizard	Y	N
Canyon treefrog	N	N
Northern leopard frog	N	N
<b>Insects</b>		
Great basin silverspot butterfly	N	N

**Table 3. Birds of Conservation Concern**

<b>Species</b>	<b>Habitat Present In Project Area?</b>	<b>Species Impacted?</b>
Golden eagle	<b>Foraging habitat</b>	<b>No</b>
Bald eagle	<b>No</b>	<b>No</b>
Ferruginous hawk (SC)	<b>Foraging habitat (winter only)</b>	<b>No</b>
Peregrine falcon (SC)	<b>Foraging Habitat</b>	<b>No</b>
Prairie falcon	<b>No</b>	<b>No</b>
Gunnison sage grouse (SC)	<b>No</b>	<b>No</b>
Yellow-billed cuckoo (BLM only)	<b>No</b>	<b>No</b>
Flammulated owl	<b>No</b>	<b>No</b>
Western burrowing owl (ST)	<b>Yes</b>	<b>No</b>
Lewis' woodpecker	<b>No</b>	<b>No</b>
Gray vireo (BLM only)	<b>Yes</b>	<b>No</b>
Pinyon jay	<b>Yes</b>	<b>No</b>
Southwest willow flycatcher	<b>No</b>	<b>No</b>
Juniper titmouse	<b>Yes</b>	<b>No</b>
Brewer's sparrow	<b>Yes</b>	<b>No</b>
Brown-capped rosy-finch	<b>No</b>	<b>No</b>
Cassin's finch	<b>No</b>	<b>No</b>
Grace's warbler	<b>No</b>	<b>No</b>

## 7.19 OTHER RESOURCES

BLM resource specialists have determined that the following elements of the human environment are either not present in the area or not affected by the Proposed Action or No Action alternatives analyzed in this EA. Therefore, these elements are not discussed in this EA.

### AREAS OF CRITICAL ENVIRONMENTAL CONCERN

AIR QUALITY

CADASTRAL SURVEY

FARMLANDS, PRIME AND UNIQUE

FIRE

FOREST MANAGEMENT

GEOLOGY  
MINERALS – SOLID  
NOISE  
PALEONTOLOGY  
WASTES, HAZARDOUS OR SOLID (verified by Pre-Acquisition Liability Survey and Pre-Acquisition Environmental Site Assessment May/2011)  
WATER RIGHTS  
WILDLIFE - AQUATIC  
WILD AND SCENIC RIVERS  
WILDERNESS AND WILDERNESS STUDY AREAS

## **8. CUMULATIVE IMPACTS SUMMARY**

Managing the proposed acquisition lands combined with past and future land acquisitions to meet the goals and objectives of the BLM (with its associated laws, regulations, and policies including the Monument Proclamation) would help to protect cultural and natural resources and sustain healthy ecosystems over a larger more contiguous area and into perpetuity.

## **9. PERSONS / AGENCIES CONSULTED**

Robert Garrigues, BLM/USFS Natural Resource Specialist  
Vince MacMillan, BLM Archaeologist  
Harrison Griffen, BLM Realty Specialist  
Marietta Eaton, BLM Monument Manager  
Heather Musclow, BLM ID TEAM Lead, Natural Resource Specialist  
Dave Jevons, BLM HazMat Coordinator  
Cara MacMillan, USFS/BLM Ecologist  
Eric Freels, BLM/USFS Wildlife Biologist

## 10. REFERENCES CITED

- BLM. 2010. *Record of Decision and Resource Management Plan for Canyons of the Ancients National Monument*. U. S. Department of the Interior, Bureau of Land Management, Canyons of the Ancients National Monument, Dolores, Colorado.
- BLM. 1997. *Environmental Assessment, Decision Record and Finding of No Significant Impact, Standard for Public Land Health and Guidelines for Livestock Grazing Management in Colorado*. U. S. Department of the Interior, Bureau of Land Management.
- BLM. 2011. *CO-S010-2011-020 DNA: Determination of NEPA Adequacy for the renewal of the Term Grazing permit for the East McElmo Grazing Allotment #08033*. U. S. Department of the Interior, Bureau of Land Management, Canyons of the Ancients National Monument, Dolores, Colorado.
- Brock, C.E., V.A. Saab, T.D. Rich, and D.S. Dobkin.  
1993. Effects of livestock grazing on neotropical migratory landbirds in western North America in Finch, D.M. and P.W. Stangel, eds. Status and management of neotropical migratory birds; 1992 September 21-25; Estes Park, CO. Gen. Tech. Rep. RM-229. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station.
- Comprehensive Economic Development Strategy (CEDS).  
2002. Region 9 Tourism Report. Graves, D. Region 9 Economic Development District. Gaining Ground or Shaky Ground? A Detailed Look at Tourism Employment in the SW Colorado Travel Region. Final Report, December 2.
- Evans, R. D., and J. R. Johansen.  
1999. Microbiotic crusts and ecosystem processes. *Critical Reviews in Plant Sciences* 18: 183-225.
- Fitzgerald, J.P., C.A. Meaney, D.M. Armstrong.  
1994. Mammals of Colorado. Denver Museum of Natural History and University Press of Colorado.
- Hammerson, G.A. .  
1999. Amphibians and reptiles in Colorado. University Press of Colorado.
- Harper, K. T., and R. L. Pendleton.  
1993. Cyanobacteria and cyanolichens: can they enhance availability of essential minerals for higher plants? *Great Basin Naturalist* 53:59-72.
- Operation Healthy Communities (OHC).  
2005. Pathways to Healthier Communities. 2003-2004, A Report that Measures the Health of Southwest Colorado.

Pellant Mike, P. Shaver, D. A. Pyke and J. E. Herrick.  
2000. Technical Reference 1734-6, Interpreting Indicators of Rangeland Health, version 3. U. S. Department of the Interior, Bureau of Land Management, National Science and Technology Center.

Preston, Mike.  
2001. Social and Economic Assessment, San Juan Forest Boggy Draw Allotment Management Planning: 4 – 7.

Preston, Mike.  
2005. Office of Community Services, Fort Lewis College. “Productive Harmony Analysis; Interpretive Framework for Social and Economic Assessment of Southwest Colorado Communities and San Juan Public Lands”. July.

U.S. Fish and Wildlife Service.  
2002. Birds of Conservation Concern. Division of Migratory Bird Management.

# **Decision Record and Finding of No Significant Impact**

Environmental Assessment DOI-BLM-CO-SO10-2011-0079  
The Conservation Fund-Veach Acquisition, COC 074937

## **1.0 DECISION**

It is my decision to approve the proposed action, the acquisition of 1,855 acres of private properties identified as

Montezuma County, Colorado; New Mexico Principal Meridian  
Township 35 North, Range 20 West, N.M.P.M.  
Section 13: S1/2S1/2  
Section 14: SE1/4SE1/4  
Section 22: SE1/4 and Lots 3 and 4  
Section 23: E1/2NE1/4 and S1/2  
Section 24: All  
Section 26: S1/2NW1/4 and NE1/4NW1/4  
Section 27: NE1/4;, NW1/4SE1/4 and Lots 1, 2 and 3

The parcel will be acquired at the appraised fair market value, which has been 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**

Proposed Action – Purchasing the approximate 1,855 acres at fair market value for inclusion into Canyons of the Ancients National Monument.

No Action Alternative – Not acquiring the 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 Resource Management Plan/Record of Decision (ROD) for Canyons of the Ancients National Monument (June 2010), and the Monument Proclamation.

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**

A telephone call was made and messages left with James Dietrich, Public Lands Coordinator for Montezuma County Commission and with Kylie Banks, Secretary for the Dolores County Commission on June 9, 2011. The proposed action was described during those telephone calls and they were informed about a letter being sent to them requesting a short turn-around for comments. A letter was sent certified to the Montezuma County Commission and the Dolores County Commission on June 10, 2011, requesting comments by June 17, 2011. The Canyons of the Ancients National Monument received a comment letter from the Montezuma County Commission on June 14, 2011 stating their objection to the acquisition as follows:

“This proposal is not in the best interest of anyone except the private landowner. While we support the right of private property owners to do as they wish with their private property we stand unified in our objection to converting more private land into the BLM land base.”

### **6.0 MITIGATION MEASURES/COMPLIANCE MONITORING**

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

## **7.0 PREPARATION AND REVIEWS**

Preparer: Heather Musclow

Reviewers: IDT members and  
Angela Glenn, BLM CO State Planning and Environmental Coordinator

## **8.0 AUTHORIZED OFFICER'S DECISION APPROVING THE PROPOSED ACTION**

Authorizing Official: /s/ *Marietta Eaton*

Date: 6/20/2011

Marietta Eaton  
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:

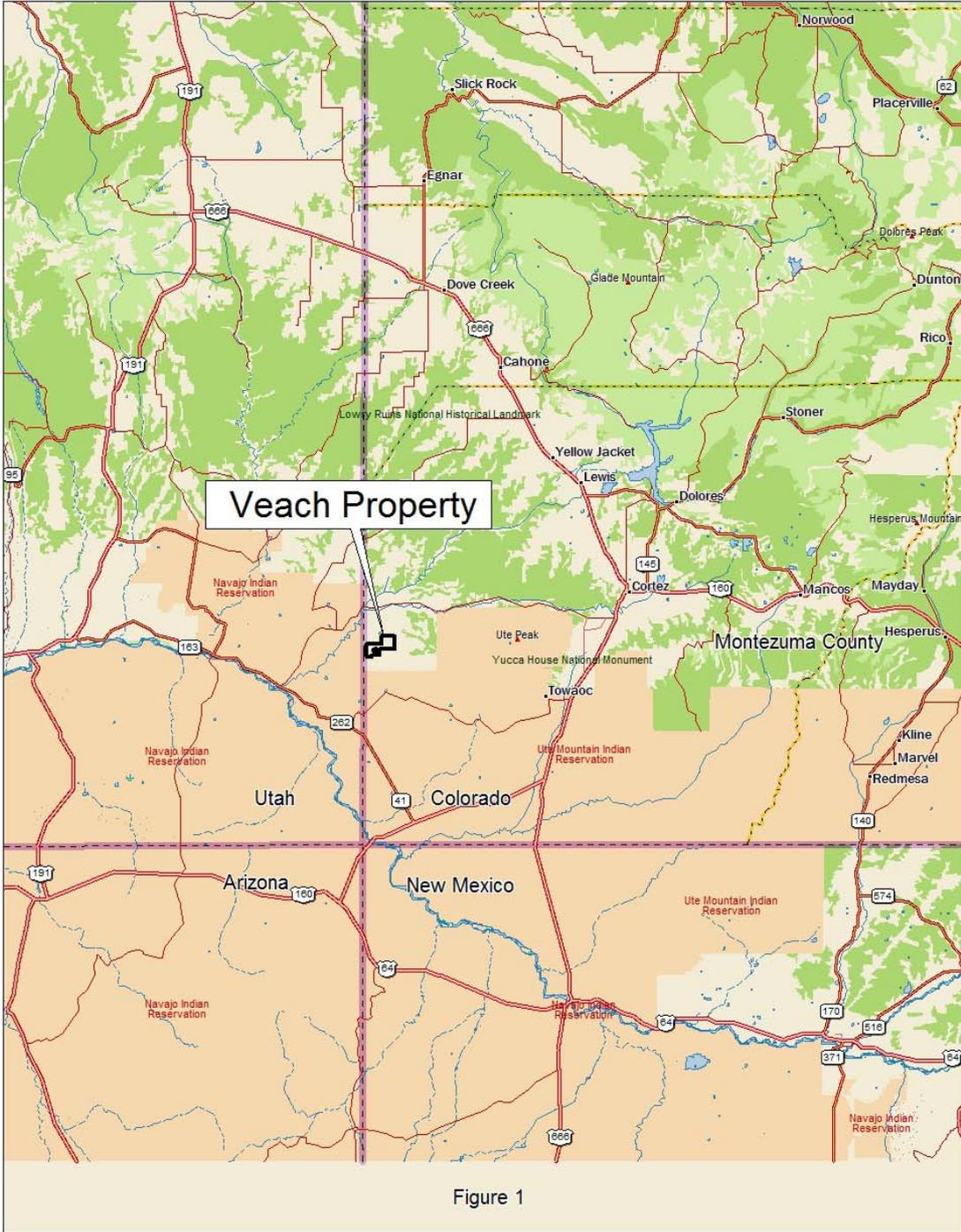
Regional Solicitor  
Rocky Mountain Region  
755 Parfet Street  
Suite 151  
Lakewood, CO 80215

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

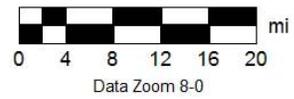
Within 30 calendar days after filing the Notice of Appeal, a complete statement of reasons why the appeal is being filed must be received at the above addresses. The appellant has the burden of showing that the decision appealed is in error. If all your reasons were fully stated in the Notice of Appeal,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

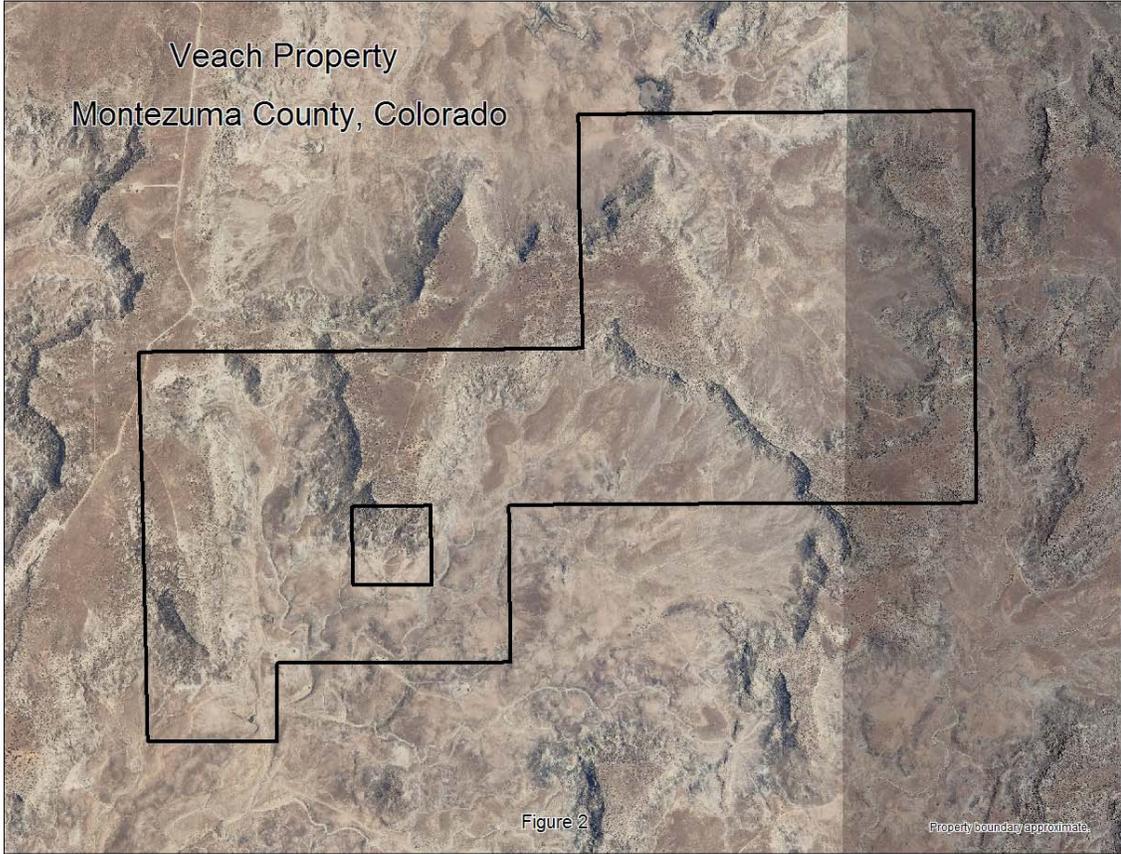
Appendix A

**MAPS**



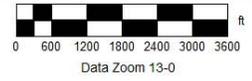
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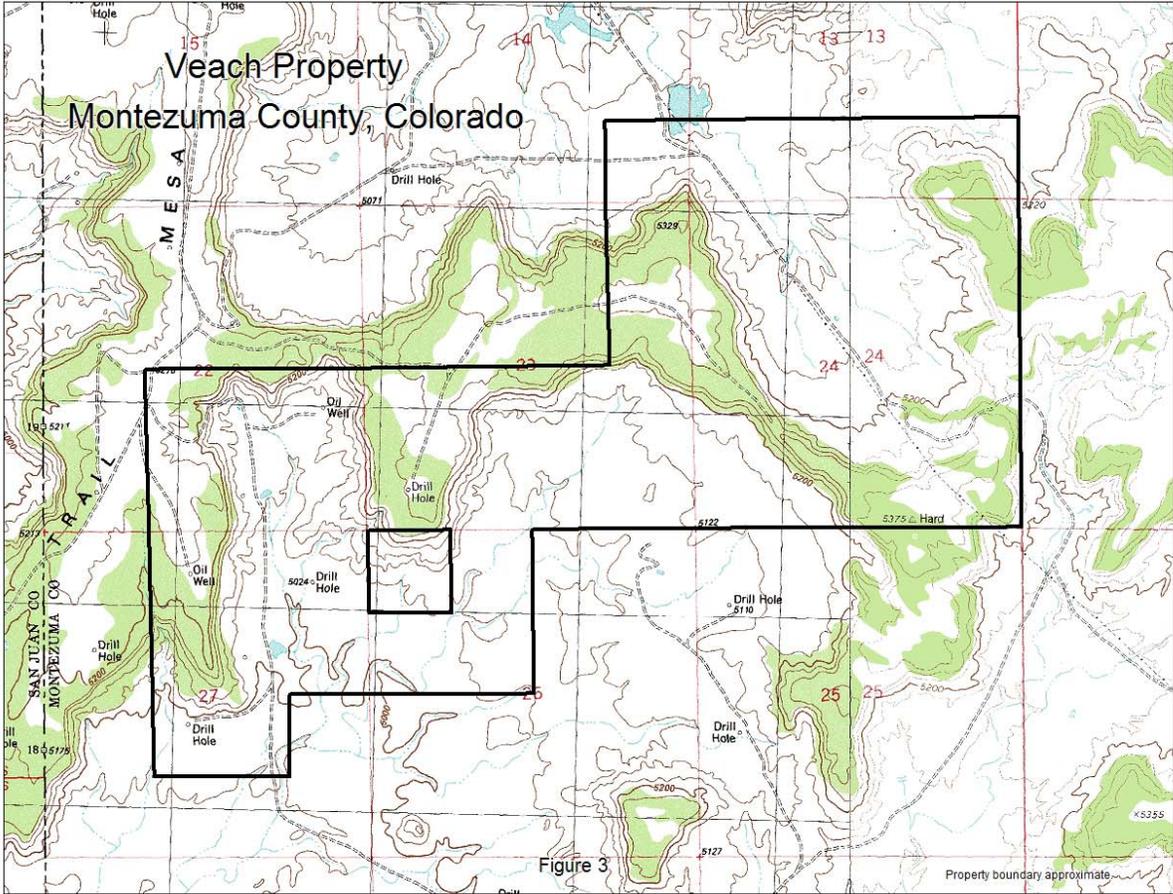




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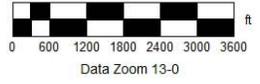




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Appendix B

**LAND HEALTH ASSESSMENT**

## Appendix B

### Canyons of the Ancients National Monument Evaluation of Land Health Assessment Status of the Resource Conditions

Rangeland Health Standards H-4180-1

Grazing Allotment Name East McElmo Creek (Mail Trail) Number 8033  
 Acres Federal 4,474 Acres Private 1,916  
 Date of Evaluation and Determination August 1, 2003

Indicators used in Health Assessment (Interpreting Indicators of Rangeland Health version 3, Technical reference 1734-6, 2000)

Attributes >	Soil/Site Stability	Hydrologic Function	Biotic Integrity
<b>Indicators</b>			
Rills	X	X	
Water flow patterns	X	X	
Pedestals and/or terracettes	X	X	
Bare Ground	X	X	
Gullies	X	X	
Wind-scoured blowouts and/or deposition areas	X		
Litter movement		X	
Soil surface resistance to erosion	X	X	X
Soil surface loss or degradation	X	X	X
Plant community composition and distribution relative to infiltration and runoff		X	
Compaction layer	X	X	X
Functional/structural groups			X
Plant mortality/decadence			X
Litter amount		X	X
Annual production			X
Invasive plants			X
Reproductive capability of perennial plants			X
Biological soil crusts	X	X	X

#### Data sources used in evaluation:

- 2001 CANM Rangeland health assessment - TR1734-6
- Vegetation composition – 2001 inventory of plant species cover data
- Ground cover status – 2001 inventory ground cover and soil surface resistance to erosion
- Vegetation production – 2001 production data
- Long-term compositional trend of vegetation and ground cover – monitoring transects
- Forage utilization monitoring data

- Actual livestock use records
- CANM Noxious weed inventory
- Colorado Natural Heritage Program – TES species database
- Precipitation records, Aneth Plant, Hovenweep NM, Yellow Jacket, Cortez
- Standards for Public Land Health and Guidelines for Livestock Grazing Management in Colorado, Environmental Assessment, June 1996

**Canyons of the Ancients National Monument  
Determination Record – East McElmo Creek Allotment**

**Statement of Achievement or Non-Achievement for each Standard:**

**1) Upland soils** exhibit infiltration and permeability rates that are appropriate to soil type, climate, landform, and geologic processes. Adequate soil infiltration and permeability allows for the accumulation of soil moisture necessary for optimal plant growth and vigor, and minimizes surface runoff.

Standard achieved \_\_\_\_\_ Making significant progress towards achieving \_\_\_\_\_ Not achieved  X .

**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. Riparian vegetation captures sediment, and provides forage, habitat and bio-diversity. Water quality is improved or maintained. Stable soils store and release water slowly.

Standard achieved  N/A  Making significant progress towards achieving \_\_\_\_\_ Not achieved \_\_\_\_\_.

**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. Plants and animals at both the community and population level are productive, resilient, diverse, vigorous, and able to reproduce and sustain natural fluctuations, and ecological processes.

Standard achieved \_\_\_\_\_ Making significant progress towards achieving \_\_\_\_\_ Not achieved  X .

**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 achieved  N/A  Making significant progress towards achieving \_\_\_\_\_ Not achieved \_\_\_\_\_.

**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. Water Quality Standards for surface and ground waters include the designated beneficial uses, numeric criteria, narrative criteria, and antidegradation requirements set forth under State law as found in (5 CCR 1002-8), as required by Section 303 (c). of the Clean Water Act.

Standard achieved  N/A  Making significant progress towards achieving \_\_\_\_\_ Not achieved \_\_\_\_\_.

If one or more Land Health Standards are not being achieved:

### **1) List reasons for not meeting and indicators used**

Standard 1 and 3

- The health attributes soil and site stability, hydrologic function and biotic function dominantly reflect a moderate (at risk) to moderate to extreme degree of departure from the ecological site descriptions.
- Vegetation condition ratings are poor and fair for more than half of the allotment, reflected by 0 – 25% of the desired species composition for 47% of the allotment and 26 – 50% of desired species composition for 24% of the allotment.
- Trend data for one permanent transect shows a decline in cool season bunchgrasses and increase in galleta grass and a stable trend for alkali sacaton and sand dropseed. Ground cover varies from year to year, a reflection of annual grass and forb species that dominate the site.
- Site productivity on some ecological sites, is above potential (unfavorable year). However the bulk of the production is annual grasses and forbs. About half of overall production is attributable to annual species. A little over half of the allotment, 53%, is below site potential and 38% of the acres on the allotment produce less than 200 pounds of forage per acre.

Standard 2, 4 and 5

- There are no riparian areas or live water on the allotment

### **2) List suspected causal factors**

Standards 1 and 3:

- Livestock grazing

3) Evidence used to reach conclusions for each causal factor:

Standards 1 and 3:

- Continuous winter and spring grazing is not providing regular rest during the critical growing period. This has led to the loss of perennial grasses and shrubs.
- Utilization levels have been exceeded or were at the upper end of acceptable levels on key forage species, both warm and cool season grasses and desirable shrubs, in many of the years of record. Utilization levels averaged for the period of record are at the upper limits of the standard.
- In 2001, on public land only, production of perennial species and palatable shrubs provided forage equivalent to 210 animal unit months (AUM), which equals 21 acres per AUM. The stocking level in 2001 was 210 AUM, the average stocking from 1982 through 2001 has been 367 AUM with a high of 423 and a low of 210. In 2001, production of annual grasses and forbs provided 276 AUM, total forage, both annual and perennial and palatable shrub was equivalent to 486 AUM (calculated using 50% of available production, 34 pounds of forage per cow/calf per day, 30.4 days per month).

**Statement of Conformance or Non-Conformance with Guidelines:**

1) Is it more likely than not that existing grazing management practices or levels of grazing use are significant factors in failing to achieve the Standards or conform with the guidelines

Yes   X   No       

2) Is it more likely than not that existing grazing management needs to be modified to ensure that the fundamentals of rangeland health are met, or making significant progress toward being met

Yes   X   No       

Assessment Team Members:

Leslie Stewart, Ecologist  
Mike Jensen, Rangeland Management Specialist  
Shauna Jensen, Hydrologist  
Kathy Nickell, Wildlife Biologist

Where land health standards are not achieved and there is no significant progress toward achieving them there will be additional documentation through NEPA analysis.

Recommendations for additional analysis:

Prioritize during CANM planning process

  S/S LouAnn Jacobson    
LouAnn Jacobson  
Manager, Canyons of the Ancients

  February 13, 2004    
Date