

Decision Record

Compliance

The proposed action is authorized by the Federal Land Policy and Management Act of 1976, (43 U.S. C. 1701 et seq.), and conforms to the Red Rock Canyon Resource Management Plan, approved May 20, 2005 (RMP). The proposed action is in compliance with the Clean Air Act (42 USC 740 et seq.), the Migratory Bird Treaty Act (16 USC 703-711), the Endangered Species Act of 1973, as amended (16 USC 1531), the National Historic Preservation Act (16 USC 470), and E.O 13112 Noxious Weed.

Selected Action

The Bureau of Land Management (BLM), Red Rock/Sloan Field Office has determined that authorization of proposed action would not result in significant impacts based on Environmental Assessment (EA) DOI-BLM-NV-S020-2011-0004-EA and Finding of No Significant Impact (FONSI). It is the decision of the Red Rock/Sloan Field Office Manager to authorize the proposed action.

The proposed action is for the removal of graffiti that has damaged the Lost Creek Archeological Site in the Red Rock Canyon National Conservation Area (NCA) which is administered by the BLM. The total amount of disturbance is less than 0.10 acre. A total of fourteen sandstone panels, including one small boulder next to the Children's Discovery Trail have been marked with painted graffiti. Of these, four panels contain prehistoric rock art: three contain prehistoric pictographs, or painted designs on the rock surface, and one prehistoric rock art panel that contains a single petroglyph, or a pecked design into the rock surface.

To remove the graffiti, the services of an approved rock art specialist will be utilized. If camouflaging activities are deemed appropriate, these will be identified and implemented with the approval of the BLM. As appropriate technique(s) must be identified in the field, these will be contingent on test results obtained in less conspicuous locations on the site. Also, graffiti will be removed in such a way to maintain it's integrity as a site listed under the National Register of Historic Places. All work will be staged at the Lost Creek — Children's Discovery Trail Parking Lot area with and will be hand-carried to the site, thereby minimizing any effect to the Children's Discovery Trail and the site. Small amounts of hand equipment used for the graffiti removal may be staged on-site, but will be removed daily.

Compliance with NEPA:

I have determined that the proposed action, with the mitigation measures described in the attached Environmental Assessment DOI-BLM-NV-S020-2011-0004-EA, incorporated herein by this reference and through a FONSI, will not have any significant impact on the human environment and that the action does not require the preparation of an Environmental Impact Statement.

Public Involvement:

The review of this Environmental Assessment consisted of an internal review by the staff at the BLM Southern Nevada District Office.

Rationale:

This Environmental Assessment for graffiti removal at the Lost Archaeological Site subject of the BLM's Archaeological Damage Assessment Report dated February 3, 2011. The action is

in conformance with the Red Rock Canyon NCA RMP, approved May 20, 2005. The RMP identifies a broad range of management activities that may be implemented under the “principles of multiple-use” as required by FLPMA, as well as managing/protecting sites known to be eligible for National Register nomination. The work proposed also would also be in conformance with the Archaeological Resources Protection Act, National Historic Preservation Act and other similar legislation, regulations, and Executive Orders that require management of significant cultural site.

1. The proposed action is in conformance with the Red Rock Canyon NCA RMP signed May 20, 2005.
2. The proposed action and its potential effects on the quality of the human environment are neither controversial nor do they involve unique or unknown results.
3. No threatened or endangered species within the project area will be impacted by the authorized use.
4. The decision to allow the proposed action does not result in any undue or unnecessary environmental degradation.

Limitations Added

The following summary of limitations deemed necessary to reduce impacts . These are to be added, as appropriate, to stipulations under this Environmental Assessment.

Mitigation Measures:

1. Individuals involved with the graffiti removal will comply with BLM Safety Standards. All work will be in conformance with BLM’s Safety Standards, including the use of Personal Protective Equipment, tarps where necessary to ensure that chemicals are not spilled directly onto the ground, BLM spill clean-up measures, and fire avoidance practices.
2. Should hazardous materials be spilled or deposited, the Authorized Office for the BLM Red Rock Field Office shall be immediately notified. Any clean up or reporting requirements shall be completed in compliance with all applicable State and Federal laws and regulation.
3. All materials used for removal will be approved by the BLM. Product(s) used for the graffiti removal must be used in accordance with manufacturing (MFG) specifications and no alterations, modifications are acceptable.
4. Removal treatments either wet or dry, where successful, will be in conformance with professional conservation practices/standards. If camouflaging activities are deemed appropriate, these will be identified by a qualified BLM-permitted conservator. All treatments implemented will be with the approval of the BLM.
5. All work will be staged at the Lost Creek—Children’s Discovery Trail Parking Lot and will be hand-carried to the site, thereby minimizing any effect to the Children’s Discovery Trail.
6. Work will only be performed during clear weather.
7. Equipment brought to the site will be removed daily.
8. Warning signs will be posted as necessary.

9. Access to the site will be restricted during clean-up to key personnel who will monitor the graffiti removal work to ensure that all BLM practices and safety measures are followed.
10. Access to the Children's Discovery Trail will not be impeded.
11. Department of Air Quality and Environmental Management (DAQEM) requires a dust control permit for all construction activity of .25 acres or greater in the aggregate. Ensure compliance with dust control permit stipulations for the duration of the project.
12. All individuals involved with the Proposed Project are required to enter and leave the site free of vegetation and soil on clothing and equipment.
13. A speed limit of 25 miles per hour shall be required for all vehicles travelling on the existing access road.
14. Should a Desert Tortoise enter the project area, all activities will immediately stop until such time as the animal has left the area of its own accord.
15. Workers will be instructed to check underneath all vehicles before moving them as tortoises often take cover underneath parked vehicles.
16. Individuals involved with the graffiti removal will not harass (feed, pet, chase, etc.) wild burros if they are encountered on or near the Lost Creek Trail and surrounding area. If they do see any wild burros, they should keep a safe distance, they are wild animals and can be unpredictable, especially during foaling and breeding season.

Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 2931.8, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof in demonstrating that a stay should be granted.

Standards for obtaining a Stay

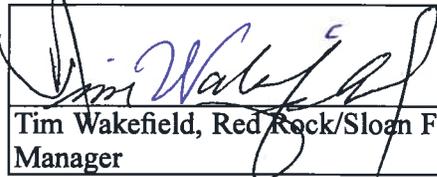
Except as otherwise provided for by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

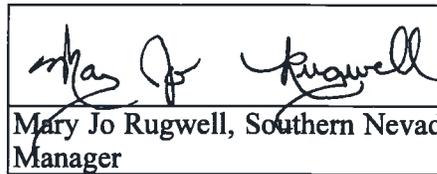
1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and

4. Whether the public interest favors granting the stay.

Authorizing Official:

Approved by:

	3-22-11
Tim Wakefield, Red Rock/Sloan Field Office Manager	Date

	3/22/11
Mary Jo Rugwell, Southern Nevada District Manager	Date

Contact Person

For additional information concerning this Finding, contact:

Mark Boatwright

Red Rock/Sloan Field Office

4701 N. Torrey Pines Drive

Las Vegas, NV 89130

(702) 515-5227

Finding of No Significant Impact

Graffiti Removal from the Lost Creek Archaeological Site

Environmental Assessment DOI-BLM-NV-S020-2011-0004-EA

I have reviewed Environmental Assessment (EA) DOI-BLM-NV-S020-2011-0004-EA, dated March 21, 2011. After consideration of the environmental effects, as outlined in the EA, and which are incorporated herein, I have determined that the Proposed Action in the EA will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required to be prepared.

In addition, I have determined that the proposed action is in conformance with the Red Rock Canyon National Conservation Area (NCA) Resource Management Plan (RMP). This finding and conclusion is based on my consideration of the Council Environmental Quality (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and intensity of the effects described in the EA.

Context: The Lost Creek Archaeological Site is located in the Red Rock Canyon National Conservation Area (NCA). The site is situated in an outcrop of Red Rock Escarpment southwest of the 13-Mile Scenic Drive about 2,000 feet from Lost Creek/Willow Springs Picnic Area turn-off and less than one hundred feet from the Children's Discovery Trail. On the archaeological site, a total of fourteen sandstone panels, including one small boulder were marked with painted graffiti. Of these, four panels were found to contain prehistoric rock art: three contain prehistoric pictographs, or painted designs on the rock surface, and one prehistoric rock art panel that contains a single petroglyph, or a pecked design into the rock surface. While the Lost Creek Archaeological Site retains integrity of location, setting and feeling, the part of the site that has been vandalized has reduced the quality of workmanship and association of some of the rock art present on the site. This graffiti detracts from the prehistoric nature of the site. The total amount of disturbance is less than 0.10 acre.

Intensity: The Selected Action Alternative, graffiti-removal treatments at the Lost Creek Archeological Site, may vary depending on the techniques implemented; i.e. mechanical versus chemical or wet versus dry. It is likely that mechanical methods will utilize a drill with various wire-brush attachments (such as a Dremel drill or some other battery-powered drill with steel, copper, nylon grout brushes). Treatments may also include the use of air abrasives and various kinds of hand-brushes. Where chemical solvents will be identified for use, as appropriate, this will be determined after field testing. Chemicals may include acetone, various types of paint thinners, alcohols, and other branded graffiti-removal solvents. Removal treatments either wet or dry, where successful, will be in conformance with professional conservation practices/standards. If camouflaging activities are deemed appropriate, these will be identified by the qualified conservator and implemented with the approval of the BLM. Work to remove the graffiti would begin as early as May 2011, and may be completed in less than six weeks.

1) **Impacts that may be both beneficial and adverse.** The EA considered both the beneficial and adverse impacts of the proposed action. There would be a substantial benefit to the Lost Creek Archaeological Site if the graffiti that diminishes the quality to the site is removed. The proposed action would also likely reduce new graffiti from potentially occurring on the site in the future.

2) **The degree to which the proposed action affects public health and safety** All work will be staged at the Lost Creek — Children's Discovery Trail Parking Lot and will be hand-carried to the site, thereby minimizing any effect to the Children's Discovery Trail. All work will be in

conformance with BLM's Safety Standards, including the use of Personal Protective Equipment, tarps where necessary to ensure that chemicals are not spilled directly onto the ground, BLM spill clean-up measures, and fire avoidance practices. Access to the Children's Discovery Trail will not be impeded and access to the site will be restricted during clean-up to key personnel who will monitor the graffiti removal work to ensure that all BLM practices and safety measures are followed. All materials used for removal will be approved by the BLM, and work will only be performed during clear weather. Equipment brought to the site will be removed daily. Warning signs will be posted as necessary. If these measures are implemented no impacts effects to public health and safety will result from this action.

3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. The site is located on the Red Rock Canyon NCA in relative close proximity to several other archaeological sites in the vicinity. This action will not have any effects to these sites or other resources in the immediate area.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial. It is expected that with the removal of the graffiti there not be any lasting effects on the human environment.

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks. There would not be unique or unknown risks to the human environment, if the safety/conservation measures are implemented; little uncertainty exists as the action is restricted to a small area and the techniques that may be employed will be based on industry-standard and BLM best management safety practices.

6) The degree to which to action may establish a precedent for future actions with significant effects or represents a decision in principle about future considerations. The proposed action will be implemented within existing authorities, regulations and policies and does not establish a precedent for future actions.

7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Under the proposed action, no significant cumulative effects were identified in the EA.

8) The degree to which the action may adversely effect districts, sites, highways, structures or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural or historic resources. Under the proposed action, the graffiti would be removed in such a way to maintain it's integrity as a site eligible for listing in the National Register of Historic Places.

9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under ESA of 1973. No potential impact to threatened and/or endangered species is expected to result from the proposed action, as addressed in the EA.

10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. The Proposed Action is in conformance with the Red Rock Canyon NCA RMP, approved May 20, 2005. The RMP identifies a broad range of management activities that may be implemented under the "principles of multiple-use as required by the Federal Land Policy and Management Act (FLPMA), as well as managing/protecting sites

known to be eligible for National Register nomination. Management of graffiti as proposed is consistent with such authorities as NHPA, ARPA, and other Federal, State, and local laws and policy.

Mitigation Measures:

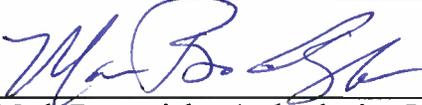
To ensure potential impacts to the area are not significant, the following measures will be added as Standard Stipulations:

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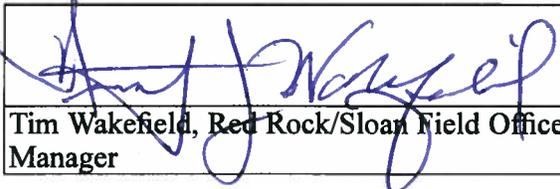
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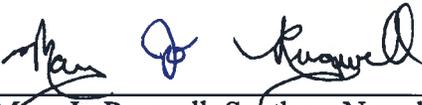
Signatures:

Recommended by:

	3/22/11
Mark Boatwright, Archeologist, Red Rock/Sloan Field Office	Date

Approved by:

	3-22-11
Tim Wakefield, Red Rock/Sloan Field Office Manager	Date

	3/22/11
Mary Jo Rugwell, Southern Nevada District Manager	Date