

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
GRAND JUNCTION FIELD OFFICE
2815 H Road, Grand Junction, CO 81506**

DECISION RECORD

**Carnes Point Reservoir and Trail
DOI-BLM-CO-N030-2015-0027-EA**

DECISION:

It is my decision to authorize the construction of the proposed livestock reservoir and trail within the Carnes Point allotment as described in the attached Environmental Assessment (EA).

This decision is contingent on meeting all mitigation measures and monitoring requirements listed below.

The office completed an EA and reached a Finding of No Significant Impact.

RATIONALE:

The proposed reservoir and trail will provide water for livestock in the Carnes Point allotment and a trail for the permittee to access an adjoin area for livestock use. Impacts to the area and resources are minimal and occur in a small area over a short period of time. The project has also been designed to create minimal impacts to visual resources.

MITIGATION MEASURES\MONITORING:

Mitigation measures identified during scoping and development of the EA are as follows:

Soils:

- Design the trail with appropriate drainage features to reduce the potential for water concentration.
- Place the trail in such a way as to minimize the need for cut and fill slopes.
- Create some ground cover after construction on bare soils.
- Monitor and maintain the trail for potential issues.

Cultural Resources:

The following Standard Stipulations should protect any cultural resources unknown to the agency within the Area of Potential Effects (APE):

All persons in the area who are associated with this project shall be informed that any person who, without a permit, injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361). Strict adherence to the confidentiality of information concerning the nature and

location of archeological resources would be required of the proponent and all of their subcontractors (Archaeological Resource Protection Act, 16 U.S.C. 470hh)

Inadvertent Discovery: The National Historic Preservation Act (NHPA) [16 USC 470s., 36 CFR 800.13], as amended, requires that if newly discovered historic or archaeological materials or other cultural resources are identified during the Proposed Action implementation, work in that area must stop and the BLM Authorized Officer (AO) must be notified immediately. Within five working days the AO will determine the actions that will likely have to be completed before the site can be used (assuming in place preservation is not necessary).

The Native American Graves Protection and Repatriation Act (NAGPRA) [25 USC 3001 et seq., 43 CFR 10.4] requires that if inadvertent discovery of Native American Human Remains or Objects of Cultural Patrimony occurs, any activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice be made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)).

The operator may relocate activities to avoid the expense of mitigation and delays associated with this process, as long as the new area has been appropriately inventoried and has no resource concerns, and the exposed materials are recorded and stabilized. Otherwise, the operator shall be responsible for mitigation costs. The BLM authorized officer will provide technical and procedural guidelines for relocation and/or to conduct mitigation. Upon verification from the BLM authorized officer that the required mitigation has been completed, the operator will be allowed to resume construction.

Antiquities, historic ruins, prehistoric ruins, and other cultural or paleontological objects of scientific interest that are outside the authorization boundaries but potentially affected, either directly or indirectly, by the proposed action shall also be included in this evaluation or mitigation. Impacts that occur to such resources as a result of the authorized activities shall be mitigated at the operator's cost, including the cost of consultation with Native American groups

Tribal and Native American Religious Concerns:

Tribal representatives have consulted with the BLM Field Office on similar projects and provided instructions for the protection of culturally sensitive sites should any be discovered during construction. If new information is provided or discovered additional or edited terms and conditions for mitigation may have to be negotiated or enforced, such as the following.

- If new information is brought forward any site-specific Native American mitigation measures suggested during notification/consultation would be considered during the implementation of the Proposed Action.
- Strict adherence to the confidentiality of information concerning the nature and location of archeological resources would be required of the grazing permittee and their subcontractors (Archaeological Resource Protection Act, 16 U.S.C. 470hh).

- Inadvertent Discovery: The NHPA, as amended, requires that if newly discovered cultural resources are identified during the Proposed Action implementation, work in that area must stop and the BLM Authorized Officer notified immediately (36 CFR 800.13). The Native American Graves Protection and Repatriation Act (NAGPRA) requires that if inadvertent discovery of Native American Remains or Objects occurs, any activity must cease in the area of discovery, a reasonable effort made to protect the item(s) discovered, and immediate notice be made to the BLM Authorized Officer, as well as the appropriate Native American group(s) (IV.C.2). Notice may be followed by a 30-day delay (NAGPRA Section 3(d)).
- On private lands, laws for Historic, Prehistoric, and Archaeological Resources, and for unmarked Human Graves (CRS 24-80-401 and CRS 24-80-1301) would be adhered to by grazing permittee and their subcontractors. These state statutes require that the federal Authorizing Officer be notified immediately of any historic or prehistoric finds or human grave. The find must be protected until the authorizing officer indicates the action may proceed.

PROTEST/APPEALS:

This decision shall take effect immediately upon the date it is signed by the Authorized Officer, and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR §2801.10(b)). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at Grand Junction Field Office, 2815 H Road, Grand Junction, Colorado, 81506. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

NAME OF PREPARER: Jim Dollerschell

NAME OF ENVIRONMENTAL COORDINATOR: Christina Stark

DATE: 11/6/15

SIGNATURE OF AUTHORIZED OFFICIAL:



 Grand Junction Field Manager

DATE SIGNED: 10/10/15