

**U.S. Department of the Interior  
Bureau of Land Management**

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**DECISION RECORD  
Dana Quarry Excavation**

**May 2016**



**PREPARING OFFICE**

U. S. Department of the Interior  
Bureau of Land Management  
Worland Field Office

# Decision Record

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**BLM Office:** Worland Field Office  
**NEPA Number:** DOI-BLM-WY-R010-2016-0012-CX  
**Case File Number:** 010-2015-062  
**Name of Preparer:** Marit Bovee, Archeologist/Paleontology Coordinator  
**Title of Proposed Action:** Dana Quarry Excavation

## **DECISION:**

I have reviewed this plan conformance and NEPA compliance record DOI-BLM-WY-R010-2016-0012-CX, and have determined that the proposed project is in conformance with the approved land use plan and that no further environmental analysis is required. It is my decision to implement the project, as described, with the mitigation measures identified below.

## **Description of Proposed Action:**

The Nova University of Lisbon has submitted an application for a BLM Paleontology Excavation Permit for excavation of a fossiliferous outcrop on BLM managed public lands. Proposed excavation blocks will measure no more than a total of 200 square meters and 2 meters deep in an 8 acre project area. Matrix removed from the units will be captured for refilling and stock piled adjacent to the excavation. Excavation units will be backfilled and re-contoured at the end of the 2016 field season. Any excavated and collected material will be curated at the American Museum of Natural History (AMNH).

## **Compliance and Monitoring:**

The permit holder will be responsible for contacting the Authorized Officer at least 5 days prior to initiation of action. The approved action would be monitored during regularly scheduled field inspections.

## **Terms /Conditions/ Stipulations:**

In addition to the Paleontological Resources Use Permit Terms attached to the proponent's exaction permit, this Authorization will be granted subject to the conditions Special Terms and Conditions as attached.

## **Plan Conformance Review:**

This proposed action is subject to the following land use plan:

Name of Plan:	Date Approved:
Worland Field Office ARMP	September 2015

The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual Section 1617.3).

**Protest/Appeal Language:**

This decision may be appealed to the Interior Board of Land Appeals, 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 the Wyoming State BLM Office, P.O. Box 1828, 5353 Yellowstone Road, Cheyenne, Wyoming 82003-1828 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 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, 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 the Interior Board of Land Appeals and to the Office of the Solicitor (see 43 CFR 4.413); Rocky Mountain Region; 755 Parfet Street, Suite 151; Lakewood, Colorado 80215; at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

**Standards for Obtaining a Stay**

Except as otherwise provided by law or other pertinent regulation, 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.

  
\_\_\_\_\_  
Authorized Officer

5/27/16  
\_\_\_\_\_  
Date

**Attachments:**

- DOI-BLM-WY-R010-2016-0012-CX

# Appendix 1

## Terms and Conditions Paleontology Excavation, Dana Quarry Excavation (010-2015-062) NEPA No. DOI-BLM-WY-R010-2016-0012-CX

In addition to the standard and general Terms and Conditions in the excavation permit, the following Site Specific Terms and Conditions apply:

### **Cultural**

The holder is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the holder is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the holder as to:

- whether the material appears eligible for the National Register of Historic Places;
- the mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
- a timeframe for the AO to complete on expedited review under 36 CFR 800.11 to confirm, through the state Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the holder will then be allowed to resume construction measures.

### **Waste**

1. Sewage disposal will be in strict conformance with Wyoming Department of Environmental Quality (DEQ) rules and regulations regarding sewage treatment and disposal.
  - a. The permittee will provide adequate access to portable toilets with sufficient capacity to collect human waste for the estimated number of crew members. At a minimum, one toilet should be available for every 50-75 persons at campsites.
  - b. Solid human waste shall be disposed of in a portable toilet provided at the camp site, or shall be fully contained in impermeable containers and removed from public lands; all human waste shall be disposed of at an approved, permitted sewage disposal facility. Human waste may not be buried on public lands.
  - c. Urine shall be disposed of in a portable toilet provided at the camp site or dispersed when away from the camp site.
2. Dishwater and bathwater shall be dispersed at least 100 feet from any water source.
3. All forms of refuse must be removed from public land including but not limited to cans, plastic, paper, food waste, grease, micro trash, and cigarette butts. Trash shall be fully contained in an enclosed receptacle at all times at the camp and work sites.

**Wildfire**

- Firewood: Cutting or removing any live plant material is prohibited without receiving prior authorization from the authorized officer. Cutting or gathering firewood from historic structures or from standing trees (alive or dead) is prohibited.
- Campfire: Fires and stoves are prohibited within old cabins or historic structures. No fires will be left unattended.
- Fires may be prohibited during certain time periods depending upon the current fire danger.
- The permittee is responsible for informing employees, clients, and participants of the current fire danger and the required precautions that may be placed in effect by the county, the State of Wyoming, or the BLM. The permittee is responsible financially for suppression costs for all wildfires which the permittee, employees, clients, or participants start. Wildfire should be reported immediately. The Cody Interagency Dispatch Center can be reached at (800) 295-9954.

**Surface**

1. Attached Reclamation Plan will be followed.

**We ask all public land users to integrate the precepts of Leave No Trace: An Outdoor Ethic with their activities ([www.lnt.org](http://www.lnt.org)).**

# Appendix 2

**Reclamation Plan**  
**Paleontology Excavation, Dana Quarry Excavation (010-2015-062)**  
**NEPA No. DOI-BLM-WY-R010-2016-0012-CX**

## **I. Reclamation – Baseline Information**

### 1) Site Description

The project area is a fossiliferous outcrop of the Morrison Formation in Washakie County. No more than 200 square meters of disturbance will occur within an 8 acre area.

### 2) Climate/Precipitation/Hydrology

- Watershed – Nowood River- Big Cottonwood Creek
- NRCS Precipitation Zone – 5 to 9 inches
- Aspect – varied
- Slope – average 10 percent within project area
- Existing land use – dispersed recreation and livestock grazing
- Ecological Site – Saline Upland 5-9 in. pz.

### 3) Soil and Vegetation

The soil survey for Washakie County places the project area in Map Unit 30: Greybull-Persayo Association. These are shallow to deep soils (40 to 60 inches). Surface texture is clay loam. The distinctive characteristic of the soil is their moderately to strongly saline and/or alkaline properties. The surface soil will vary from 1 to 6 inches in thickness.

The dominant Ecological sites are listed below:

- |   |             |
|---|-------------|
| • Saline Upland 5-9 inch Precipitation Zone | R032XA143WY |
| • Loamy 5-9 inch Precipitation Zone         | R032XA122WY |

These soils offer few limitations to seeding success and the proposed seed mix is suitable to the soil properties. Water holding capacity is naturally low where soils are shallow. Though this could limit vegetative production, adequate cover can still be obtained. Matrix removed from the excavation units will be captured for refilling and stock piled adjacent to the excavation.

### 4) Known weed infestations

- Limited to scattered cheatgrass (*Bromus tectorum*)

## **II. Reclamation Objectives:**

Since this is a short term project spanning approximately 3 weeks during the 2016 field season, there will be no interim reclamation. All reclamation objectives are to be considered long-term reclamation.

The reclamation objective follows:

- Establish self-perpetuating native plant community
- Stabilize soil surface
- Maximize water capture and minimize runoff
- Reclamation success will be determined using the Ecological Site Descriptions (ESD) for the Saline Upland 5-9 in. pz.

**III. Reclamation Performance Standards**

Based on the ESD for the Saline Upland 5-9 in. pz ecological site, the disturbed area will be considered successfully reclaimed when the following conditions are met:

- 1) Bare Ground – Less than 45 percent
- 2) Species Composition – Dominated by planted species or other desirable native species
- 3) Invasive Species
  - a. No State of Wyoming Listed Noxious Weeds present
  - b. Cheatgrass less than 5 percent total composition
- 4) Other Annual Weeds – Species such as halogeton and Russian thistle will be tolerated as part of the interim plant community for the first two growing seasons providing desirable native species are becoming established.
- 5) Indicators of Rangeland Health – Based on guidance provided in BLM Technical Reference 1734-6 *Interpreting Indicators of Rangeland Health*, the Attributes for *Soil/Site Stability* and *Hydrologic Function* (Rangeland Health Indicator 1-11 and 14) shall not exceed a *slight to moderate* departure for any rangeland health indicator described in the reference sheet for the Saline Upland 5-9 in. pz. Ecological Site.

**IV. Reclamation Plan Requirements**

- 1) Operator Contact/Responsible Official
  - University of Lisbon – Prof. Octavio Mateus
  - BLM Point of Contact – Marit Bovee
- 2) Construction Control Actions
  - None planned due to total area of proposed disturbance and duration of project.
- 3) Management of Invasive, Noxious, and Non-Native Species (Policy Section B9)
  - Pre-disturbance presence/Treatment – None planned
  - Invasive plant management plan – See Reclamation Performance Standards above
  - Monitoring – University of Lisbon in cooperation with BLM
- 4) Reclamation
  - a) Site Preparation
    - Excavation pits will be backfilled with stockpiled matrix and recontoured.
  - b) Establish desired self-perpetuating native plant community
    - The following seed mix will be used:

Species of Seed (Cultivar)	Seed Source (genetic source; distributor)	App. Rate PLS (lbs/ac)
Wyoming big sagebrush	BLM	TBD
Western wheat grass	BLM	TBD
Blue grama	BLM	TBD
Pale argoseris	BLM	TBD
Roughseed cryptantha	BLM	TBD
		Total: TBD

- All seed will be regionally appropriate and provided by the BLM from the Worland Field Office Seeds of Success (SOS) collections. Application Rate is dependent on seed availability in the collections.
  - Depending on moisture conditions, the seeding will be conducted in the fall of 2016.
  - Seedbed will be created by scarifying soil surface using hand tools.
  - Seed will be broadcast by hand, scratched into the soils, and then compacted by walking over the seeded area.
- c) Reclamation Monitoring (Policy Section B10)
- Photo Point installed prior to the project's implementation.
  - Photos taken 1 and 3 years after seeding.
- d) Additional Measures proposed to enhance "success" (ie irrigation, fertilization, fencing, etc)
- None planned

**U.S. Department of the Interior  
Bureau of Land Management**

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**CATEGORICAL EXCLUSION  
Dana Quarry Excavation**

**May 2016**



**PREPARING OFFICE**

U. S. Department of the Interior  
Bureau of Land Management  
Worland Field Office

# Categorical Exclusion

## *Dana Quarry Excavation*

***DOI-BLM-WY-R010-2016-0012-CX***

### **Background**

**BLM Office:** Worland Field Office

**Lease/Serial/Case File No.:** 010-2015-062

**Proposed Action Title/Type:** Dana Quarry/ Paleontology Excavation

### **Location of Proposed Action:**

6<sup>th</sup> PM, Washakie County, Wyoming



### **Description of Proposed Action:**

Dana Quarry is located in the Morrison Formation on the western slope of the Bighorn Mountains. The Nova University of Lisbon has submitted an application for a BLM Paleontology Excavation Permit for excavation of a fossiliferous outcrop on BLM managed public lands. Proposed excavation blocks will measure no more than a total of 200 square meters and 2 meters deep in an 8 acre project area. All excavations will be completed with common modern methods using hand tools. Matrix removed from the units will be captured for refilling and stock piled adjacent to the excavation. Excavation units will be backfilled and re-contoured at the end of the 2016 field season. Any excavated and collected material will be curated at the American Museum of Natural History (AMNH). Vehicle travel will be restricted to existing roads and trails. The field crew will be camping on the adjacent private land.

### **Land Use Plan Conformance**

**Land Use Plan Name:** Approved Worland Field Office RMP

**Date Approved/Amended:** September 2015

**The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):**

Record # 5043: Encourage paleontological research opportunities for qualified scientists/academia on BLM-administered land within the planning area in conjunction with the Wyoming State Office Paleontologist implementing the paleontology permitting program.

### **Compliance with NEPA:**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9: "Use of small sites for temporary

field work camps where the sites will be restored to their natural or original condition within the same work season (BLM Handbook H-1790-1, Appendix 4, J.4).”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply.

I considered the proposed action and have determined that there is no potential for significant impacts.

## Approval and Contact Information



Michael J. Phillips  
Worland Field Office Manager

5/27/16

Date

### Contact Person

For additional information concerning this CX review, contact.

Marit Bovee  
Archeologist/Paleontology Coordinator  
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Worland, WY 82401  
[mbovee@blm.gov](mailto:mbovee@blm.gov)  
(307)347-5114

### Attachments

A- Project Map (Not for Public Release)

Extraordinary Circumstances Review

## ***Categorical Exclusion Rationale***

<b>Extraordinary Circumstances</b>			
Would the proposed project....			
1. Have significant impacts on public health or safety?			
Yes	No	Resource	Rationale
	X	Wastes (Solid or Hazardous)	Stipulations shall be added to the permit to ensure the handling and disposal of trash, refuse, and human waste in accordance with local, state, and federal laws. No significant impacts are anticipated.
	X	Public Health or Safety	No impact
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?			
Yes	No	Resource	Rationale
	X	Sole or principal drinking water aquifers	None present
	X	Prime farmlands	None present in WFO
	X	Wetlands	None present
	X	Floodplains	None present
	X	National monuments	None present in WFO
	X	Migratory birds	No measureable effect on migratory birds is anticipated.
	X	National Natural landmarks	None present in WFO
	X	Wild/Scenic Rivers	None present in WFO
	X	Wilderness Areas	None present in project area
	X	Park/recreation/refuge lands	No recreation resources will be affected
	X	Historic or Cultural resources	No historic properties will be affected.

## Extraordinary Circumstances

Would the proposed project...

	X	Other ecologically significant or critical areas (Wild Horses/HMA, LWCs, etc.)	No LWC's present in the project area.
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3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2) (E)]?

Yes	No	Resource	Rationale
	X	Vegetation	The proposed action does not conflict with existing permitted grazing use or vegetation management on the Southside Group Allotment.
	X	Soils	No measureable effects on soils are anticipated
	X	Hydrology	No measureable increase in runoff is anticipated.
	X	Recreation	There are no controversial effects or unresolved conflicts regarding recreation resources associated with the proposed project.
	X	Visual Resources	There are no controversial effects or unresolved conflicts regarding visual resources associated with the proposed project.
	X	Wildlife	There are no controversial effects or unresolved conflicts regarding wildlife resources associated with the proposed project.
	X	Lands/Access	No controversial environmental effects or unresolved conflicts concerning land resources are anticipated in association with the proposed project.
	X	Travel Management	There are no controversial effects of unresolved conflicts regarding CTTM associated with proposed project.

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

Yes	No	Resource	Rationale
	X	Vegetation	The loss of vegetation from the proposed action, which would be the vegetation lost when the 200 square meters and 2 meters deep block is excavated, is considered minimal. The site of the proposed action has sparse existing vegetation and areas of bare ground commonly seen in the dominant ecological site description, Saline Upland

## Extraordinary Circumstances

Would the proposed project....

	X	Soils	There are no uncertain or potentially significant environmental effects or risks regarding soils with this proposed project
	X	Hydrology	The area is an upland site and no change to hydrologic conditions as a result.
	X	Recreation	There are no uncertain or potentially significant environmental effects or risks regarding recreation resources associated with this proposed project.
	X	Visual Resources	There are no uncertain or potentially significant environmental effects or risks regarding visual resources associated with this proposed project.
	X	Wildlife	There are no uncertain or potentially significant environmental effects or known environmental risks regarding wildlife resources associated with this proposed project.
	X	Lands/Access	Lands/Access -- No uncertain or unique environmental effects are associated with the proposed action.
	X	Travel Management	There are no uncertain or potentially significant environmental effects or known environmental risks regarding CTTM associated with this proposed project.

5. Establish a precedent for future action or represent a decision in principal about future actions with potentially significant environmental effects?

Yes	No	Resource	Rationale:
	X	Vegetation	The minimal loss of vegetation from the proposed action is not a connected action and it does not establish precedent for future actions which disturb existing vegetative resources.
	X	Soils	The minimal soil disturbance from the proposed action does not establish precedent for future soil disturbance
	X	Hydrology	There are no other connected actions for hydrology resources.
	X	Recreation	No establishment of precedent or representative decision involving future actions regarding recreation resources is present with regard to this proposed project.
	X	Visual Resources	No establishment of precedent or representative decision involving future actions regarding visual resources is present with regard to this proposed

## Extraordinary Circumstances

Would the proposed project....

			project.
	X	Wildlife	No establishment of precedent or representative decision involving future actions regarding wildlife resources is present with regard to this proposed project.
	X	Lands/Access	The proposed action does not set a precedent for future lands actions.
	X	Travel Management	No establishment of precedent or representative decision involving future actions regarding CTTM is present with regard to this proposed project.

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

Yes	No	Resource	Rationale
	X	Vegetation	The minimal loss of vegetation from the proposed action would not have a cumulative impact on existing vegetative resources.
	X	Soils	There are no known concerns involving soil resources.
	X	Hydrology	No other cumulatively significant project to impact hydrology resources.
	X	Recreation	There are no known concerns regarding recreation resources.
	X	Visual Resources	There are no known concerns regarding visual resources.
	X	Wildlife	There are no known concerns regarding wildlife resources.
	X	Lands/Access	Approving this project would not have a direct relationship to other actions causing cumulatively significant effects on land uses.
	X	Travel Management	There are no known concerns regarding CTTM.

7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau?

Yes	No	Rationale
	X	A class III cultural resources inventory was completed of the project area. No historic properties were identified. Consultation occurred with SHPO per the Wyoming State Protocol Agreement between the BLM and the SHPO.

8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened

## Extraordinary Circumstances

Would the proposed project...

Species, or have significant impacts on designated Critical Habitat for these species?

Yes	No	Resource	Rationale
	X	Wildlife	No significant impacts regarding threatened, endangered, or sensitive species or critical wildlife habitat is known to exist with reference to this proposed project.
	X	Plants	There are no threatened, endangered, or sensitive plant species known to occur in the project area.

9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment?

Yes	No	Resource	Rationale
	X	Vegetation	The minimal loss of vegetation from the proposed action does not violate the Taylor Grazing Act of 1934; Federal Land Policy and Management Act of 1976; Public Rangelands Improvement Act of 1978; or the principle Bureau permitting regulations for livestock found in 43 CFR 4100.
	X	Soils	The project does not violate any known federal, state, or local law or requirement imposed for the protection of soils
	X	Hydrology	The project does not violate any known Federal law, or a State, local or tribal law, or requirement for hydrology.
	X	Recreation	There are no known violations of any laws relevant to recreation resources associated with this proposed project.
	X	Visual Resources	There are no known violations of any laws relevant to visual resources associated with this proposed project.
	X	Wildlife	There are no known violations of any laws relevant to wildlife resources or their habitats associated with this proposed project.
	X	Lands/Access	The project does not violate any known federal, state or local law or requirement imposed for the protection of land uses.
	X	Travel Management	The project does not violate any known federal, state, or local law or requirement imposed for the protection of CTM.

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order

## Extraordinary Circumstances

Would the proposed project....

12898)?

Yes	No	Rationale
	X	Authorizing the proposed action would not have an adverse effect on low income or minority populations. Such populations are not present within the project area.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
Yes	No	Rationale
	X	No sacred sites or site types of interest, based on previous consultations, are known to be located within the project area.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		
Yes	No	Rationale:
	X	No known noxious weeds are known to occur in the project area and the proposed action will not contribute to the introduction, growth, or expansion of invasive or noxious weeds.