



**U.S. Department of the Interior**

Bureau of Land Management

Wyoming State Office

Lander Field Office

March 2005



**FINDING OF NO SIGNIFICANT IMPACT and  
DECISION RECORD for the  
Proposed Special Recreation Permit to Conduct  
Handcart Treks on Bureau of Land Management  
Administered Public Lands Between Sixth  
Crossing and Rock Creek Hollow**



### MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

**FONSI/DECISION RECORD**

**For**

**ISSUANCE OF A SPECIAL RECREATION PERMIT  
TO CONDUCT HANDCART TREKS ON  
BUREAU OF LAND MANAGEMENT ADMINISTERED  
PUBLIC LAND BETWEEN SIXTH CROSSING  
AND ROCK CREEK HOLLOW**

**As Analyzed In**

**ENVIRONMENTAL ASSESSMENT WY050-EA4-047**

**Dated April 29, 2004**

**LOCATION: Lander Field Office**

**Within**

**Fremont County, Wyoming**

**Prepared by the**

**Bureau of Land Management**

**Lander Field Office**

**Lander, Wyoming**

**March 28, 2005**

## FINDING OF NO SIGNIFICANT IMPACTS

Based upon the analysis of potential environmental impacts contained in the Environmental Assessment for the Proposed Special Recreation Permit to Conduct Handcart Treks on BLM Administered Public Lands Between Sixth Crossing and Rock Creek Hollow, WY050-EA-4-047, dated April 29, 2004, and the decisions and rationale of this document, I have determined that impacts are not expected to be significant and an environmental impact statement is not required. The decisions contained in this document are in compliance with the applicable land use plan (Lander Resource Area Resource Management Plan, 1987) covering the BLM administered public lands, including the NHTs, to be used for handcart trekking, organized group and commercial use, and casual use by the general public.

*/s/ Jack Kelly*

*March 28, 2005*

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Lander Field Manger

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Date

These decisions 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 Lander Field Office, P.O. Box 589, Lander, WY 82520, within 30 days from receipt of these decisions. The appellant has the burden of showing that the decision (s) 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 effectiveness of this decision (s) during the time that your appeal is being reviewed by the Board, the petition for 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 stay must also be submitted to each party named in this decision (s) and to the 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 the appropriate field office. If you request a stay, you have burden of proof to demonstrate that a stay should be granted.

### Standards for Obtaining a Stay

- (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.

**DECISION/RATIONALE:** It is my decision to issue a Special Recreation Permit (SRP) to the Church of Jesus Christ Latter Day Saints, Farm Management Company (FMC) to conduct handcart treks on Bureau of Land Management (BLM) administered public lands between Church properties at Sixth Crossing, near Sweetwater Station, WY, and Rock Creek Hollow, south of Atlantic City, WY. The use of all private lands and Wyoming State lands will require the permittee to provide written proof of permission to utilize these non-BLM administered lands in conducting the handcart treks associated with the use of the public lands.

The following issues were discussed and analyzed in Environmental Assessment, WY050-EA4-047, for the Proposed SRP to Conduct Handcart Treks on BLM Administered Public Lands Between Sixth Crossing and Rock Creek Hollow. **Each issue has a summary of the proposed action and alternatives considered in the EA followed by the decision and rationale for making the decision.** These decisions are discussed in the decision/rationale as they relate to the issuance of the SRPs for handcart trekking and other organized group use of the BLM administered public lands within the National Historic Trails corridor (Oregon, Mormon Pioneer, California, and Pony Express) and other lands public managed by the Lander Field Office:

- When a SRP will be required
- Route selection
- Season of use
- Number of participants per season
- Maximum group size
- Vehicle use on the National Historic Trails
- Staging area
- Sanitation
- Monitoring
- Alien/Invasive species awareness and prevention

## **SRP REQUIREMENTS –**

**Proposed Action -** A SRP is required when a recreational organized group or event is a structured, ordered, consolidated, or scheduled event on, or occupation of, the public lands for the purpose of recreational use in areas

that require additional stipulations or monitoring of the activity. These organized groups or events are not commercial or competitive in nature.

**Alternatives** – None.

**Decision** – A SRP will be required of all publics utilizing BLM administered public lands for recreational activities when the thresholds of three (3) or more motor vehicles **or** twenty-six (26) or more people is met. This requirement will be for all BLM administered public lands within the Lander Field Office, including activities within the National Historic Trails (NHTs) corridor (e.g., use of two-track roads, the Hudson-Atlantic City Road, and the NHTs). The standard BLM SRP fee of \$4/person/day, with a minimum of \$90.00 per permit, will be assessed each organized group SRP. The threshold will be evaluated on a yearly basis to determine if any adjustments are necessary to prevent impacts to the public lands or to address any abuses to the permitting process that may occur.

The individually issued SRPs will be handled on a first-come-first-served basis for the 2005 use season and in subsequent years. If future demand for these SRPs exceeds the allocated level for the number of participants, a lottery type system will be used to equitably issue permits to interested parties. Additionally, an application period for these individually issued SRPs will be established each year for the available permits and last until the number of participants/permits for the BLM allocation is met. (See the decision on number of participants below for the decision/rationale on allocation levels)

Recreational use of public lands under the thresholds of three (3) or more motor vehicles **or** twenty-six (26) or more people may still require a SRP if it is determined the activity warrants additional management. All recreational commercial use of public lands requires a SRP.

**Rationale** – Organized recreational group use of the BLM administered public lands requires additional management to protect the unique historic, cultural, and natural resource values. This is especially evident within the NHT corridor. The BLM permit policy (at the national level) states that a SRP is required when an organized recreational group or event activity is a structured, ordered, consolidated, or scheduled event on, or occupation of the public lands. The 1986 Wyoming BLM Oregon/Mormon Pioneer National Historic Trails Management Plan and the 1987 Resource

Management Plan for the Lander Resource Area called for the enhanced protection of the historic values found along the NHT corridor through the issuance of permits for organized group use of the public lands including the NHTs.

The thresholds of three or more motor vehicles **or** 26 or more people were determined through a combination of recent (within the past five years) observations, 2004 handcart trekking use monitoring, and public comments received during the January 2003 scoping period and the May 2004 public comment period on the environmental assessment that was prepared for the issuance of the SRP for handcart trekking. These observations, monitoring data, and public comments revealed that motor vehicle use accounts for most of the serious impacts to the trail corridor vegetation, soils, and historic values. Therefore, it was determined that three or more motor vehicles should have greater management controls through the issuance of a special recreation permit with its terms and conditions of use (e.g., route selection, season of use, travel restrictions, and vehicle use on the NHTs). The threshold of 26 people allows for individuals, families, and smaller groups to utilize the public lands without the need for additional use restrictions, while allowing for more management (e.g., route selection, season of use, travel restrictions, including vehicle use on the NHTs, sanitation, etc.) of the larger groups to minimize impacts to the NHTs.

It is the BLM national policy to charge a fee for SRPs for organized groups at the rate of \$4/person/day or a minimum \$90.00, which ever is greater. This fee structure applies to all SRP issued for organized group use of the BLM administered public lands, including the NHTs. Commercial recreational permittees are assessed a fee of 3% of the gross income or a minimum \$90.00, which ever is greater.

By instituting an application period for the individually issued SRPs the BLM will be able to manage for the issuance of these permits in a timely and fair manner.

Requiring a SRP for certain recreational activities under the thresholds of three (3) or more motor vehicles **or** twenty-six (26) or more people may be necessary to reduce impacts to the public lands, reduce user conflicts, or provide for the health and safety of the public. The need for a SRP under the established thresholds will be determined on a case-by-case basis.

## **ROUTE SELECTION**

The following proposed actions, alternatives, decisions, and rationale are provided for each of the 2-day, 1-day, and 1/2-day handcart treks.

**Proposed Action, 2-Day Treks** – Self-contained trekkers (trek groups carrying all of their provisions in the handcarts without the use of motor vehicle support) and vehicle-supported trekkers would utilize private lands from Church property at Sixth Crossing following existing two-tracks (vehicle route not constructed or maintained, but created, over time, by the passage of motor vehicles) to the Hudson-Atlantic City Road (H-AC Road). The route follows the improved H-AC Road to the eastern Silver Creek Reservoir Road leading to the ridge above the reservoir. At this point the self-contained trekkers would cross the reservoir dam and follow a two-track to enter the designated BLM trekker's campsite. Continuing on, they would arrive at the Lower Monument. The vehicle supported trekkers would leave the ridge above the reservoir via the western Silver Creek Reservoir Road to return to the H-AC Road. They would follow it to the H-AC Road staging area and on to the Lower Monument.

**Alternative 1, 2-Day Treks** – Self-contained trekkers follow the Proposed Action route, while the vehicle-supported trekkers stay on the H-AC Road to the staging area and on to the Lower Monument.

**Alternative 2 – 2-Day Treks** – Both self-contained and vehicle-supported groups would follow the route across the Silver Creek Reservoir dam to the designated BLM campsite and on to the Lower Monument.

**Decision – 2-Day Self-Contained and Vehicle Supported Treks** — The 2-day trek route starting on Church property at Sixth Crossing will utilize the NHTs and other existing two-tracks leading westward to the improved Hudson-Atlantic City Road (H-AC Road). The trekkers will utilize the improved road for approximately four miles to the designated staging area until such time as an approved alternative route can be found north of the H-AC Road on existing two-tracks. When a new route is located on two-tracks to remove the route from the H-AC Road, it will be surveyed for archaeology and wildlife resources prior to being authorized for use by the trekkers. To alert drivers of motor vehicles that there may be handcart and

foot traffic on the H-AC Road, signs will be placed along the roadway advising vehicle operators that pedestrian traffic may exist and to drive slowly. From the H-AC Road staging area, the two -day trek route utilizes an existing two-track, through the Church's Sage Creek Campground, to the Lower Monument. The remaining portions of the 2-day trek route utilize the NHTs over Rocky Ridge, through McLean Meadows, past the Gillespie Place, crossing Strawberry Creek and following the Lewiston Fremont County Road on to Church property at Rock Creek Hollow ([see attached map](#)). This route will be implemented during the 2005 use season.

**Rationale, 2-Day Treks** – The majority portion of the 2-day trek route was used during the 2003 and 2004 use seasons. The ultimate objective of removal of 2-day trekkers from the H-AC Road was added after consideration of proposals by the Church to provide a safer route off of the H-AC Road that has the potential for heavy motor vehicle traffic. A route south of the H-AC Road was located, but was dismissed from further consideration due to the presence of the active Silver Creek sage grouse lek located along this route. Location of the 2-day route utilizing existing two-tracks north and adjacent to the H-AC Road, if they are available, will ultimately remove the trekkers from approximately four miles of the H-AC Road, thereby eliminating the safety concerns of mixing trekkers and motor vehicles. Trekker use of the improved road will be necessary until such time as a new route is located.

Authorized use of the crossing of the Silver Creek Reservoir dam and the BLM Trekker's Campsite was withdrawn in 2004 since the Sage Creek Campground was constructed prior to the 2004 trekking season. With use of the Sage Creek Campground, the route to and use of the BLM campsite was no longer needed in 2004, therefore the use of the Silver Creek Reservoir/BLM campsite route was dropped from consideration.

**Proposed Action, 1-Day Treks** – Trekkers would leave the staging area along the H-AC Road and follows an existing two-track road through the Sage Creek Campsite (on state land) to the Lower Monument where the NHTs are then followed west over Rocky Ridge to Rock Creek Hollow.

**Alternative 1, 1-Day Treks** – None.

**Decision, 1-Day Treks** – The route as described in the proposed action, 1-day treks, will utilize the 2-day trek route from the H-AC Road staging area, through the Church’s Sage Creek Campground, to the Lower Monument. The 1-day trek route continues to follow the 2-day trek route on the NHTs over Rocky Ridge, through McLean Meadows, past the Giles pie Place, crossing Strawberry Creek and following the Lewiston Fremont County Road on to Church property at Rock Creek Hollow ([see attached map](#)). This route will be implemented during the 2005 use season.

**Rationale, 1-Day Treks** – This is the route that has been used by 1-day trekkers since 2000. The route provides access to areas of significance to the trekkers that include Rocky Ridge and the NHTs in general.

**Proposed Action, 1/2-Day Treks** – From the H-AC Road staging area, trekkers travel to the Lower Monument and Rocky Ridge on an existing two-track and the NHTs and return to the staging area via the same route.

**Alternative 1, 1/2-Day Treks** – From the H-AC Road staging area, trekkers travel to the Lower Monument and Rocky Ridge on an existing two-track and the NHTs. They would continue over the Rocky Ridge to the Lewiston Lakes Road and head north to the H-AC Road then follow the improved H-AC Road east to the staging area.

**Decision** - The 1/2-day trek route follows the existing two-track from the H-AC Road staging area to the Lower Monument. It then follows the NHTs to the top of Rocky Ridge. The return to the staging area will be in the form of a loop route along the NHTs west to the Lewistown Lakes Road. Continuing north on the Lewiston Lakes Road, the route turns northeasterly in Section 20, T29N, R97W to follow above the South Fork of Silver Creek on an existing two-track road (referred to as the northern Rocky Ridge route) that provides a return to the Sage Creek Campground and on to the staging area ([see attached map](#)). The FMC shall obtain and provide proof of written permission from the private land owners in Sections 20 and 21, T29N, R97W, for use of the private lands prior to utilizing this 1/2-day loop route. If permission is not obtained, the 1/2-day route will return to the staging area from Rocky Ridge via the NHTs and the access road through the Sage Creek Campground.

**Rationale** – A loop route for 1/2-day trekkers was added in response to a Church proposal to provide a route which basically makes Rocky Ridge a one-way trek route, thus reducing conflicts with two-way handcart traffic. The addition of the loop route would minimize the 1/2-day groups returning to the staging area from conflicting with any 2-day or 1-day trek groups. The one-way handcart traffic would also reduce conflicts with other recreationists. The loop route would provide a better recreational experience for the 1/2-day trekkers by providing a route that eliminates having them return on the same route. The northern Rocky Ridge route would also avoid use of the H-AC Road, thereby reducing potential conflicts with motor vehicles and trekkers. Requiring the proponent of a recreational activity to obtain advance permission to use private lands is a standard stipulation of the special recreation permit.

## **SEASON OF USE**

**Proposed Action** – June 1<sup>st</sup> through September 30<sup>th</sup>, Monday through Friday.

**Alternative 1** – June 15<sup>th</sup> through August 15<sup>th</sup>, Monday through Friday.

**Alternative 2** – Flexible time-frame to match conditions such as weather related trail conditions. The earliest use would begin on June 15<sup>th</sup> and end the Friday prior to Labor Day. Days of the week would be Monday through Friday.

**Decision** — The season of use for organized group use, including handcart trekking, will be from July 1<sup>st</sup> to September 15<sup>th</sup>. The days of the week for operation of the handcart treks will be Monday through Friday. Trekking use on Fridays must be concluded by 4 PM. Use of the NHTs for non-permitted use (e.g., casual use) can occur prior to July 1<sup>st</sup> and after the date of September 15<sup>th</sup> as long as the conditions of the access roads, two-track roads, and NHTs are dry enough to avoid rutting and other damage from use. Existing commercial SRPs will be modified to reflect the July 1<sup>st</sup> and September 15<sup>th</sup> use season. These seasons of use dates will be implemented starting with the 2006 use season. For the 2005, the use season shall run from June 15 – September 1.

**Rationale** – In 2006, the use season will begin on July 1st to allow for enhanced protection for the nesting/brood rearing of sage grouse, birthing of antelope and deer, and for protection of nesting raptors. While the standard mitigation measure for surface disturbance activities (oil and gas production, road building, etc.) is July 15 for sage grouse protection, it was determined that trekking activities are less impacting and are confined to a narrow corridor along the two-track roads and the NHTs. Therefore, the July 1 date would provide adequate protection for the nesting/brood rearing of sage grouse. By delaying the start of the trekking until July 1, the road conditions will be less likely to be wet/muddy, therefore, the incidence of rutting of the H-AC Road and damage to the two-tracks and the NHTs will be reduced. Also, the delay allows the existing vegetation to get more established, the soils are likely to be drier, so less soil compaction would be expected.

The end of the use season will be set as September 15<sup>th</sup>. While use by organized handcart trek groups drops off by mid-August due to the return to school by many participants, the September date will allow use by other organized groups to continue. The September 15<sup>th</sup> date being prior to the rifle hunting season should minimize the potential for conflicts between group use and rifle hunters.

The SRP will authorize handcart treks Monday through Friday, with use to be concluded by 4 PM on Fridays. Non-permitted use (e.g., casual use) by the general public will be able to occur in the area seven days a week with no set hours restricting use of the public lands (if it is determined the activity warrants no additional management). The non-permitted use will encounter fewer potential conflicts with handcart trekkers during late afternoons on Fridays and on the weekends, which are traditionally the general public's higher use periods. This schedule will essentially remove handcart trek use from the area during the heavier general public use period of Friday evening through Sunday.

Use of the public lands by non-permitted users (casual use), including the NHTs, prior to July 1<sup>st</sup> or after September 15<sup>th</sup> during dry conditions, is not in conflict with wildlife or other resource protection measures that are to be applied to organized groups. Historically, use by individuals and family units, under the thresholds of three (3) or more vehicles or twenty-six (26) or more people, has been limited by the conditions of the roads (i.e., wet/muddy conditions). Monitoring of this spring and fall use will reveal if damage to the roads and resources are occurring. If warranted, restrictions

on the type, timing, and level of use could be implemented to address any future resource impacts.

Due to advance planning by many groups, and the delays experienced in issuing this decision record, the season of use of July 1 – September 15 for organized group use will be phased in for the 2005 season at the dates of June 15 – September 1, as previously used in 2004. The use season of July 1 – September 15 will be implemented in 2006. Individual BLM issued SRPs will also follow the June 15 – September 1 dates for 2005, with the July 1 – September 15 use season to be implemented in 2006.

## **NUMBER OF PARTICIPANTS PER SEASON**

**Proposed Action** – 7,500 per use season

**Alternative 1** – 5,000 per use season

**Alternative 2** – 2,500 per use season

**Decision** - The number of sponsored handcart trekkers utilizing the NHTs through the FMC reservation system (reservations made through the Martin's Cove Visitor Center for handcart trekking) per season will be limited to 5,000, including support personnel. Other use by organized groups, commercial permittees, and non-permitted use (casual use) will be allocated an additional 2,500 participants for use of the NHTs. The total number of visitors (FMC reservations, BLM issued SRPs for organized groups and commercial outfitters, and casual use by the general public) to the BLM administered NHTs segment from near Sixth Crossing to near Rock Creek Hollow should not exceed 7,500 visitors per season. Organized groups meeting the threshold of when a SRP is required (3 or more motor vehicles or 26 or more people) and commercial SRP permittees will be subject to the BLM SRP requirements. Casual use by the general public on the BLM administered public lands will not require any permit unless it is determined on a case-by-case basis that additional controls are needed to protect the NHTs. Organized groups and commercial permittees use and casual use will be monitored along with the number of participants from the FMC reservations system to determine when the 7,500 total is reached each year. Should yearly visitation exceed the 7,500 number, adjustments to user group categories, other than casual use, could be made for the following year

to ensure that impacts to the NHTs, other resources, and other recreationists does not exceed acceptable levels.

Due to advance planning by many groups, and the delays experienced in issuing this decision record, the LDS Church's reduced allocation of 5,000 participants will be phased in for the 2005 season at the pre-existing 7,500 number; it will then be reduced to 5,000 in the 2006 season. To help offset the higher allocation in 2005 of 7,500 participants with FMC reservations, BLM permits will be allocated to allow 1,000 participants on a first-come-first-served basis in 2005. The carrying capacity and allocation levels may need to be adjusted over time based on intensity of impacts and changing user group demands.

**Rationale** – As determined through past monitoring of use by handcart treks and other public use of the NHTs, the carrying capacity of the historic trails corridor area has been established at 7,500 visitors per year. The number of handcart trekkers was reduced to 7,500 in both 2003 and 2004 from a total of over 12,000 in 2002 due to the severity and frequency of impacts to the historic and natural resources, and due to impacts to other recreationists using the same area of public land.

In 2004, approximately 3,000 visitors made up of groups of stakes and wards from the LDS Church, who were not able to make reservations for handcart trekking through the Martin's Cove Visitor Center's reservation system, utilized the NHTs corridor including the area of Rocky Ridge. These groups went out on the NHTs on their own and swelled the number of visitors in large organized groups using the NHTs to over 10,000. As reported by FMC, 6,800 handcart trekkers actually went on treks in 2004 out of the 7,500 allocated for handcart trekker use. The 6,800 handcart trekkers, plus an additional 3,000 Church related organized group visitors and an estimated 2,000 casual use public/visitors use put visitation in the Rocky Ridge area to approximately 12,000 for the period of mid-May to the first part of November. Use figures for the two commercial use permittees on this segment of the NHTs in 2004 were reported at zero. Other permitted organized group use of the NHTs corridor was 124. Based on the monitoring and observations of the use in 2004, it was determined that 2004 use exceeded the carrying capacity of the historic and natural resources resulting in significant impacts to these resources. By exceeding the carrying capacity, the quality of the recreational experience of recreationists using the area was also impacted. Therefore, to allow for other organized

group use and commercial use (to be permitted by the BLM with individual SRPs), and casual general public use, handcart trek numbers under the SRP will be set at 5,000 for the 2006 use season. An allocation for the number of participants for each group (handcart trekking, other organized groups, commercial use) would be set for the next use season based upon monitoring and evaluation from the preceding use season.

Allowing use in 2005 to remain at the 7,500 level, due to planning for the handcart treks already well under way, will delay implementation of the decision to set FMC handcart trekking at 5,000, but is fair-minded to the groups that have spent a year or more in the planning of their activities. Their advance planning has often involved the expenditure of money for equipment, transportation, and travel to attend FMC required handcart leader training at the Handcart Visitors Center at Martin's Cove. To implement the 5,000 participant allocation in 2005 could cause up to 2,500 participants unnecessary hardship if their use of the public lands were cancelled at this late date. Keeping other SRPs at 1,000 participants will help offset the FMC level of use for 2005 of 7,500.

## **MAXIMUM GROUP SIZE**

**Proposed Action** – 400 per trek group

**Alternative 1** – 200 per trek group

**Alternative 2** – 100 per trek group

**Decision** – In 2006, during the period of July 1<sup>st</sup> through July 15<sup>th</sup> (Monday through Friday at 4 PM), FMC will be authorized to have one group of up to 200 participants, including support personnel, east of Sage Creek Campground and one group of up to 200 people per group, including support personnel, between Sage Creek Campground and Rock Creek Hollow. During this same time period (July 1 – July 15, to include Sunday – Saturday) the BLM permittees (organized groups and commercial permittees) will be limited to one group of up to 200 participants, including support personnel, on the eastside of Sage Creek Campground and a similar sized group between the campground and Rock Creek Hollow.

During the period of July 16<sup>th</sup> through September 15<sup>th</sup> (Monday through Friday at 4 PM), FMC will be permitted to have two groups of up to 200 participants each, including support personnel, east of Sage Creek Campground and two groups of up to 200 people per group, including support personnel, between Sage Creek Campground and Rock Creek Hollow. During this same time period (July 16<sup>th</sup> through September 15<sup>th</sup>, to include Sunday – Saturday) the BLM permittees will be limited to two groups of up to 200 participants, including support personnel, east of Sage Creek Campground and two similar sized groups between the campground and Rock Creek Hollow. Each group of 200 (FMC and BLM) will be separated by a minimum of one hour so as not to be in affect concentrated in larger groups.

For the 2005 use season the maximum group size will be 400. Also in 2005, the number of groups permitted to be on either side of the Sage Creek Campground can be up to two, as long as the total number of participants does not exceed 400 on either side of the campground. The maximum group size of 200 and the restrictions on the number of groups either side of the campground will be implemented in 2006.

**Rationale** – The limit of 200 per group, including support personnel, is a reduction from the maximum group size of 400 previously allowed. The reduction was deemed necessary to reduce the impacts to wildlife and other recreationists. Monitoring of large trek groups in 2004 revealed that groups of 300 - 400+ can often spread out over a one to two mile segment of the route. The repeated disturbance to wildlife by “sub-groups” spread over the one to two mile segment can be mitigated some by reducing the total group size from 400 to 200. Keeping the 300-400+ groups intact or congregated together can be a logistical problem and can reduce the recreation experience of other public land users by concentrating large numbers of participants together. The maximum group size could be revised for the next use season based upon monitoring and evaluation from the preceding use season.

From July 1-15, the number of groups is limited to one each for FMC trekkers and BLM permittees during the more critical time to reduce impacts to sage grouse brood rearing and deer/antelope fawning. From July 15 – September 15 the number of groups for FMC trekkers and BLM permittees is set at two each during the less critical time for sage grouse brood rearing and deer/antelope fawning. By keeping each group of 200 separated by a

minimum of one hour the effect on other recreationist's historic trail experience will be reduced.

Delaying implementation of the 200 maximum group size during the 2005 use season (e.g., allowing a 400 maximum group size in 2005) is fair-minded to the groups that have spent a year or more in the planning of their activities. Their advance planning has often involved the expenditure of money for equipment, transportation, and travel to attend FMC required handcart leader training at the Handcart Visitors Center at Martin's Cove. To implement the 200 maximum group size in 2005 could cause several groups (17 out of 32 groups had more than a 200 maximum group size in 2004) unnecessary hardship if their group size were reduced at this late date in 2005.

Based upon 2003 and 2004 use data, implementing the restrictions on the number of groups allowed on either side of the Sage Creek Campground should not cause any undue hardship for most groups scheduled for the 2005 use season. However, the 2005 schedule includes at least two days where more than one group would be on the route east of the Sage Creek Campground between June 15 and July 15. Accommodating these few groups should not cause additional impacts to the resources.

## **VEHICLE USE ON THE NHTs**

**Proposed Action** - Motor vehicle support will be excluded from the NHTs by limiting their use to designated access points off the NHTs along the route. Motor vehicles would not follow or accompany the trekkers along the route.

**Alternative 1** – To allow one vehicle for transporting supplies and one vehicle for emergency purposes to accompany the trekkers on the route.

**Alternative 2** – Allow individuals with disabilities the opportunity to “experience” the NHTs via motorized vehicles while accompanying trek groups.

**Decision** – Use of motor vehicles in support of the permitted organized group use will be limited to:

- No motor vehicles are permitted to accompany (e.g., follow along with) the trekkers on the trek route.
- The number of motor vehicles will be limited to two per 100 participants.
- The use of dual wheeled vehicles is not authorized off of the H-AC Road, except to access the Sage Creek Campground from the H-AC Road staging area.
- Access to the trekkers route and the NHTs will be limited to designated locations at 1) the Snow Fence Road, 2) the H-AC Road staging area, 3) Lewiston Lakes Road, 4) The GilesPie Place Road at the NHTs (not at the GilesPie Place historic buildings or at Radium Springs), and 5) the Lewiston Road (Fremont County Road 511) near the Strawberry Creek Crossing.
- No motor vehicles will be operated (driven) on the NHTs.
- No support motor vehicles will accompany or stop with trek groups along the H-AC Road.
- No support motor vehicles will utilize the Ellis Ranch Road.
- No motor vehicles will drive to Rocky Ridge, GilesPie Place/Radium Springs, or other access points along the handcart trekker's route or the NHTs not designated on the list above.

The exception to these restrictions on the operation of motor vehicles is for the express purpose of responding to an emergency medical situation involving the participants. A condition of the Post-Use-Report that will be submitted by FMC and BLM permittees on a bi-weekly basis, within 10 calendar days, will require the reporting of each incident where motor vehicles were used on the NHTs for the purpose of responding to an emergency medical situation involving the participants.

An emergency Off-Highway Vehicle closure order (43 CFR 8341.2) will be implemented on approximately 2 miles of the trek route on the NHTs from near the Lower Monument over Rocky Ridge to the western edge of the BLM administered public land in Section 28, T29 N, R97 W. The closure will include both the main NHTs route and the NHT variant from the top of Rocky Ridge west to its return to the NHTs near the public/private land boundary. Acts exempt from this order will include 1) access on the closed two-track NHTs by foot (with or without handcarts), horseback, and mountain bike; 2) a permitted organized group support vehicle responding to an emergency medical situation); and 3) any federal, state or local officer, or

a member of an organized rescue or fire fighting force in the performance of an official duty.

**Rationale** – In 2004, during monitoring of use of the handcart trek route, including the NHTs, motor vehicle use in support of handcart treks and other organized groups had been observed to result in impacts to vegetation, soils, wildlife, historic resources, and other recreationists utilizing the same NHT corridor. Motor vehicle use on the segment of the NHTs from the Lower Monument over Rocky Ridge has substantially increased since the early 1990s. This increased use has resulted in considerable disturbance to this nationally significant segment of the NHTs. It is a very fragile segment because of the rocky, shallow soils with only sparse vegetation. The harsh climatic conditions (i.e., high winds and their drying effect), temperature extremes and short growing season make recovery or restoration difficult and slow. While the handcart treks have caused some noticeable impacts to the center vegetation strip of the two-track NHTs, the major impacts have been caused by motor vehicle use. Motor vehicles cause more impact on Rocky Ridge because the route is so rough and rocky that drivers deviate from the trail to find smoother going which results in widening of the two-track or in creation of new vehicle routes. Motor vehicle operators also have relocated rocks to or from the NHTs to establish sufficient clearance for their vehicles. This action alters the historical values associated with the rough segments on Rocky Ridge.

Previous authorizations limiting motor vehicle use by handcart trekking groups has reduced the amount of vehicle traffic over Rocky Ridge, but this measure has not reduced or even stabilized the level of impacts to the NHTs. In support of the closure of Rocky Ridge to motorized vehicles, public comments during the initial scoping period for the environmental assessment and the public comments received on review of the environmental assessment provided support for closing this segment of the NHTs to all motorized vehicle use. Thus, mitigation of the impacts to the cultural, historic and natural resources by closing Rocky Ridge to motor vehicle use will reduce the significance of these impacts. Therefore, an emergency closure for motor vehicles is necessary on approximately two miles of NHT on Rocky Ridge. The displaced vehicle use will be able to use alternative two-tracks and the H-AC Road to reach public lands east and west of the 2 mile segment on Rocky Ridge.

The two-tracks and the NHTs (other than the Rocky Ridge segment) will be available for use by motorized vehicles by the general public when the size of the group is below the threshold of 26 people and/or three motor vehicles that would require a SRP to be issued. This is in conformance with the existing Off-Highway Vehicle designation of limiting motorized vehicle use to existing roads and vehicle routes along the NHTs. Due to the need to place additional restrictions on organized group activities on the public lands, groups requiring a SRP will be limited to the use of motor vehicle standards stated above when conducting their activities.

## **STAGING AREA**

**Proposed Action** – Develop a staging area at the intersection of the H-AC Road and the Sage Creek Campground access road to include delineation of the parking area with barriers. Signage would be developed to inform the public of restrictions on use of the NHTs, including motor vehicle use. Short-term parking of motor vehicles would be authorized, but not overnight camping use.

**Alternative 1** – No effort will be made to manage the site as a parking area.

**Decision** – An area adjacent to the intersection of the H-AC Road and the Sage Creek Campground access road will be designated as the H-AC Road staging area for individuals and groups to utilize as a parking and unloading area. The staging area can be used by the general public as well as by organized groups and commercial outfitters for the parking of motor vehicles while they utilize the Rocky Ridge area. Use of the staging area for camping, either on the ground, in a tent, or use of an RV or other motor vehicle, will not be permitted. Motor vehicles may be parked overnight, but shall not be permitted to remain at the staging area more than three (3) consecutive days. The staging area perimeter will be delineated with barriers (posts and timbers) by the BLM Lander Field Office staff and volunteers. The need to gravel the staging area to reduce rutting and soil loss caused from motor vehicles utilizing the site will be evaluated based on annual monitoring of the site use and condition.

**Rationale** – This site has been used by the public as a staging area since a large BLM informational sign was placed at the site in the early 1990s. Use of the area as a place for staging of motor vehicles and unloading of

handcarts and trekking participants has occurred since 2000. By restricting the use of the site to parking of motor vehicles and the unloading/loading of passengers and handcarts only, the site would not become a make-shift campground. Installing barriers around the perimeter of the staging area will provide the public with the area available for use as a staging area, thus reducing impacts to vegetation and soils and compaction outside the designated staging area. The barriers will also prevent expansion of the staging area by providing a delineated area of use.

## **SANITATION**

**Proposed Action** - All trekkers and support personnel would be encouraged to utilize available facilities at Sixth Crossing, Sweetwater Campground, the Sweetwater Station rest area, or the Sage Creek Campground prior to beginning their trek.

Portable toilets would be placed along or near the trekking route at the following locations to provide for the needs of the 1/2-day, 1-day and 2-day treks:

**BLM administered public lands:** Portable toilets delivered to the trekker's route at the Snow Fence Road on a daily basis for use by the trekkers.

**Private lands:** (not included in the federal action of issuing the SRP). The decision to allow placement of portable toilets would lie with the private landowner.

\*North of Lewiston Lakes on Woolery Ranch lands (permission received; for use by 1 & 2-day treks). Units would utilize a façade to lessen the visual impacts of the portable toilets.

\* At Strawberry Creek crossing, near the Lewiston Road (permission received; for use by 1 & 2-day treks).

**Wyoming State lands:** (not included in the federal action of issuing the SRP). The decision to allow placement of portable toilets would lie with the Wyoming State Lands and Investment Board.

- \* East of the Ellis Ranch Road in the area used during 2003 & 2004 (for use by both self-contained and vehicle-supported 2-day treks).
- \* Sage Creek Campground (for use by 1/2-day and 1-day treks, & 2-day vehicle-supported treks)
- \* East of the Gilespe Place (for use by 1 & 2-day treks). Units would utilize a facade to lessen the visual impacts of the portable toilets.

Servicing of the units would be provided by a commercial operator utilizing a one – two ton service vehicle. The larger sized service vehicle can complete the servicing of all units (includes Sixth Crossing, along the NHTs corridor, and Rock Creek Hollow) in one trip before delivery to an approved dump station. The smaller unit would require two trips to the dump station. Unit servicing intervals ranged from 2-3 times per week or after any trek groups exceeding 200 people came through.

**Alternative 1** - In addition to the Proposed Action sites, portable toilet units would be authorized at the BLM Trekker's Campsite.

**Alternative 2** – No portable toilets would be allowed to be placed on BLM administered public lands. Require trek groups to utilize commercially available portable/disposable sanitation toilets. The number of units per handcart (up to 10 people per handcart) would be determined by the manufacturer's recommendation and through experience of trek groups. These toilets are portable, spill proof, sanitary, and EPA approved for disposable in landfills. There are commercially available screening products that provide a level of privacy to the user.

**Decision** – The goal is to ultimately minimize the use of industrial portable toilets **and** the related servicing of these units by large service motor vehicles along the NHTs. To make progress toward meeting this goal, the BLM will use a portion of the SRP fees generated by organized group use, including handcart trekking, in 2005 to purchase a limited number of commercially available disposable portable toilets for testing use by organized groups in 2005. Yearly evaluation on the use of the disposable portable toilets will be used in determining the feasibility of requiring the use of these units to replace the need for placement and use of the larger industrial portable toilets.

In the interim, placement of industrial portable toilets along the trekking route could involve public lands, as well as private and state lands, with appropriate permission from the private landowners and the Wyoming State Lands and Investment Board. The best location to reduce impacts to the NHTs will be utilized. These locations should provide visual screening from the NHTs and other key observation points, eliminate the need for use of the NHTs by large service motor vehicles, and provide a reasonable distance from the NHTs for use by the trekkers. Use of service motor vehicles on segments of the NHTs located on BLM administered public lands will not be authorized. The temporary placement of trailer mounted industrial portable toilets on a daily basis at the intersection of the Snow Fence Road and the NHTs will be replaced by the use of properly located and screened portable toilets. Their location will avoid use of the NHTs by the service vehicles, while providing reasonable access to the units by the trekkers.

The BLM will work with the National Park Service, State Historic Preservation Office, and FMC to develop historically compatible visual mitigation for the use of industrial portable toilets to provide sanitation facilities for the trekkers, while reducing the impacts to the visual/scenic and historic resources and to maintain an authentic historical setting. This would include relocating the toilets from the state land (east of the Giles pie Place) to BLM administered public lands along the Giles pie Place Road (north of the NHTs) to eliminate use of the NHTs by the servicing vehicles. This measure would eliminate the visual impact that exists from having the toilet placed on the state land along the sky-line of the ridge.

Also, to be less intrusive to the historic setting, an improved method of screening the toilets from view by using historically compatible means rather than the current practice of screening the toilets with a drama class style façade of a miner's cabin would be adopted. Historically compatible mitigation could consist of a combination of placement of toilets in authentic replicas of covered wagons, sheep herder's wagons, and/or cabins that are authentic to the historic period of the mid-1800s. They must be authentic in all aspects of design, color, setting, etc. while providing for venting, safety, access, and serviceability. Placement of the portable toilets and their associated screening could be long-term (to be left in place beyond the trek use season) provided the screening is appropriate and compatible with the specific historic setting of the placement location.

**Rationale** – While the use of industrial portable toilets has been limited to state and private lands at the discretion of the State of Wyoming and the private landowner, it is the responsibility of the BLM when authorizing a federal action that affects adjacent lands to consider off-site and cumulative impacts and to provide for mitigation of impacts affecting the state and private lands. In regard to the toilets located on the state and private lands, the impacts to the visual and historic integrity of the NHTs necessitates the terms of the SRP to include mitigation measures for impacts caused by the location of toilets on non-BLM administered lands.

To encourage organized trek groups to use the portable disposable toilets, the BLM will purchase these for demonstration by groups willing to conduct testing of the use of these units. The successful use of these units by handcart groups or other organized groups could lead to future groups becoming self-contained from a sanitation standpoint which could lead to the goal of removing the industrial toilets from the NHTs corridor. The more often portable disposable toilets are used there will be less need to service the industrial portable toilets resulting in a reduction of impacts from the service vehicles. A reduction in the visual impacts associated with use of the industrial toilets along the NHTs corridor would occur if they were ultimately replaced by use of the portable disposable toilets.

Toilet servicing vehicle use along the handcart trekker's route, including use of the NHTs, results in major impact to the soils (compaction), vegetation (crushing resulting in death and loss of vegetation), and widening of the narrow two-tracks (compaction of soil and crushing of vegetation) due to their wide width of the axle/tires and their longer wheel-base. By limiting use of dual wheeled service motor vehicles from the trekker's route (non-NHTs segments) and their total removal from the NHTs there will be a reduction in impacts to soils and vegetation. Also, the removal of large motor vehicles from the NHTs will enhance the scenic and historic experience of users looking for a sense of connection to the historic values they came to discover.

Proper placement and use of historically compatible screening of the industrial portable toilets will help mitigate the visual impacts associated with placing these toilets along the NHTs corridor. The ultimate goal of replacing use of these units with the portable disposable toilets will lead to reduced impacts to the soils, vegetation, and visual impacts that result in the placement and use of the larger units.

## **MONITORING**

**Decision** - A monitoring plan that includes the following will be implemented as part of the administration of the SRP for handcart trekking, other organized group SRPs, commercial SRP permittees, and for casual use along the handcart route and NHTs.

- 1) Impacts of use on wildlife.
- 2) Impacts to soils and vegetation.
- 3) Conflicts with other public land users or visitors.
- 4) Resource and cultural damage resulting from use.
- 5) Development of new user created roads, trails, plus wear and tear or widening of existing routes.
- 6) Use associated private land conflicts and impacts.
- 7) Effectiveness of SRP stipulations and terms and conditions in mitigating impacts and conflicts.
- 8) Alien/invasive species.

Monitoring methods may include the use of vegetative transects, traffic counters, intercept/satisfaction surveys, aerials flights, remote sensing, photo monitoring (new and reoccurring), and field observations.

**Rationale** - A monitoring plan is an integral component of SRPs for handcart trekking, other organized group use, commercial use, and casual use of the NHTs. Monitoring of use of the BLM administered public lands will provide a measure of the effectiveness and appropriateness of the stipulations and terms and conditions of the SRPs. A NHT Use Observation Report will be a valuable tool for quantifying types of use, numbers of visitors, and resource conditions. The information gathered through monitoring will be used to make adjustments, as necessary, during the current use season or for subsequent use seasons. Items subject to adjustments include the decisions in this document on the route, season of use, number of participants, maximum group size, vehicle use, staging area use, sanitation, monitoring, and alien/invasive species.

## **ALIEN/INVASIVE SPECIES**

No proposed action and alternatives were developed in the EA on alien/invasive species, however, to increase the awareness and prevention of

the spreading of alien/invasive species on the public and private lands within the use area, the following decision/rationale are provided.

**Decision** – BLM will request that the Fremont County Weed & Pest District provide annual training in alien/invasive species awareness and prevention to the trek group leaders enrolled in the FMC trek leadership training program.

All hay and animal feeds and straw bedding will be certified weed-free.

**Rationale** - The training will assist trek leaders in the identification of alien/invasive species and to be aware of possible new weeds that may show up via accidental introduction. At present the trek routes are relatively free from noxious weeds. With increasing traffic the likelihood of weed introductions will also increase. Near Sweetwater Station, along Wyoming State Highway 287 and the Sweetwater River, the following State of Wyoming designated noxious weed species are currently found: spotted knapweed, Russian knapweed, perennial sowthistle, field bindweed, tamarisk, hoary cress, and Canada thistle. It is a short distance from the currently infested state highway right-of-way which is accumulating new weed introductions from passing traffic, to the trek routes and connecting ancillary roads and trails.

Currently, commercial outfitters and most industrial construction activities like pipelines are required to take precautions and measures to minimize the introduction and spread of noxious weeds. New, potentially seriously invasive weed species occur annually in Wyoming, primarily being introduced along railroad corridors, as in the case of vipers bugloss, and in heavy tourist traffic areas, as with the recent report of star thistle from the Jackson, Wyoming area. Greater public awareness of the weed problem and taking action to prevent their introduction will reduce the incidence of the spread of alien/invasive species.

*/s/ Jack Kelly*

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Lander Field Manager

*March 28, 2005*

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Date