

PROPOSED DECISION RECORD

CO-500-2005-016 EA

To
Amend Off-Highway Vehicle Designations
in the
San Luis Resource Area Resource Management Plan

**USDI Bureau of Land Management (BLM)
San Luis Valley Public Lands Center**

Saguache, Alamosa, Rio Grande, Conejos, and Costilla Counties, Colorado

INTRODUCTION: This document describes my Proposed Decision and rationale to change the Off-Highway Vehicle (OHV) Area Designation of Bureau of Land Management Area # 1 (San Luis Valley-General) as part of the San Luis Resource Area Travel Management Plan (SLRA TMP) through a plan amendment to the San Luis Resource Area Resource Management Plan (RMP). My Proposed Decision is based on:

1. the SLRA TMP Environmental Assessment (EA),
2. BLM's subsequent finding that the proposed action (Alternative C) will have no significant impact on the human environment (FONSI), and
3. the goals and objectives of the San Luis Resource Area RMP.

The SLRA TMP EA utilized the goals and objectives of the RMP to analyze reasonable travel management alternatives on BLM lands in the San Luis Valley in Saguache, Alamosa, Rio Grande, Conejos and Costilla counties, Colorado.

This Proposed Decision on Off-Highway Vehicle (OHV) Area Designations is subject to a 30-day public protest period and 60-day governor's consistency review. In accordance with BLM policy, decisions pertaining to OHV Area Designations require an amendment of the Resource Management Plan (RMP), and are subject to the protest procedures outlined below. Once the decision to amend the plan is final a separate decision record will be issued to designate routes and other travel management implementation decisions.

The Administrative Record, including the EA that discusses and analyzes the Proposed Action and alternatives, is available for review at the San Luis Valley Public Lands Center, 1703 West Highway 160, Monte Vista, CO 81144.

The EA is available at the following web address:

http://www.blm.gov/co/st/en/fo/slvplc/Travel_Management.html

Please direct questions about this Proposed Decision Record, EA, or FONSI to Mark Swinney, Environmental Coordinator, at (719) 852-6260, or by submitting your questions via email to mark_swinney@blm.gov.

BACKGROUND: The travel planning area could be described generally as the San Luis Valley, including all ownership types. The travel planning boundary includes portions of Saguache, Rio Grande, Alamosa, Conejos, and Costilla Counties and encompasses approximately 2,396,803 acres. OHV area designations considered in this travel management plan are only those public land tracts managed in trust by the BLM as part of the San Luis Resource Area and are estimated at 520,945 acres. Presently the BLM OHV area designations in the planning area include:

- 389,279 acres designated as **OHV Open** in Area #1 - San Luis Valley General;
- 117,545 acres designated as **OHV Limited** in eight areas including Trickle Mountain Area of Critical Environmental Concern (ACEC), Blanca (containing Blanca Wetlands ACEC), Elephant Rocks (containing Elephant Rocks ACEC), La Rajadero Canyon (containing the La Rajadero Canyon ACEC), Los Mogotes (containing Los Mogotes ACEC), San Luis Hills (containing San Luis Hills ACEC), Rio Grande River Corridor (containing Rio Grande River ACEC), Cumbres and Toltec Scenic Railroad Corridor (containing Cumbres and Toltec Scenic Railroad ACEC), and;
- 10,240 acres designated as **OHV Closed** in the San Luis Hills Wilderness Study Area (WSA)

Under the Proposed Action the Area #1 **OHV Open** area would be changed to **OHV Limited** to designated roads and trails. The exceptions to this change in Area #1 designation would be retention of two small **OHV Open** areas: the Manassa Area of 179 acres and the Antonito Area of 81.9 acres.

Under the Proposed Action the San Luis Hills WSA would continue to be designated and managed as an **OHV Closed** area. The eight **OHV Limited** areas defined above would also continue to be designated and managed as **OHV Limited**.

PROPOSED DECISION: It is my Proposed Decision to change the OHV Open area designation to that of OHV Limited for the Area #1 – San Luis Valley General.

RATIONALE: The change in OHV area designation, found in the Proposed Action (Alternative C) for the SLRA TMP EA, will best balance the recreational demands with resource needs, RMP goals, compliance with Public Land Health Standards and the Interim Management Policy for Lands Under Wilderness Review (IMP). My Decision is based on the findings and analysis in the EA, including supporting documentation and reports, and public participation and involvement in this project.

PROTEST OPPORTUNITIES: Pursuant to BLM's Planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process for the San Luis Resource Area - Travel Management Plan and has an interest that is or may be adversely affected by the proposed **OHV Area Designation** amendment to the resource management plan may protest such amendment. A protest may raise only those issues that were submitted for the record during the planning process. New issues may not be brought into the record at the protest stage. These issues may have been raised by the protesting party or others. For consideration, the protest must be filed within 30 days of the published notice of the decision record's effective date. Please see the accompanying protest regulations in the pages that follow. E-mailed and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the e-mailed or faxed protest as an advance copy and will afford it full consideration. If you wish to provide the BLM with such advance notification, please direct faxed protests to the attention of Brenda Hudgens-Williams, BLM protest coordinator at 202-452-5112, and e-mail protests to:

Brenda_Hudgens-Williams@blm.gov

Please also courtesy copy (cc:) advance notification of protest to Mark Swinney, BLM SLRA TMP EA Project Lead via email to:

mark_swinney@blm.gov

If sent by regular mail to:

Director (210)
Attention: Brenda Hudgens-Williams
P.O. Box 66538
Washington, D.C 20035

Cc: BLM-SLVPLC Attn: Mark Swinney, 46525 State Hwy 114, Saguache, CO 81149

For overnight mailing (must be Federal Express) send to:

Director (210)
Attention: Brenda Hudgens-Williams
1620 L Street, N.W. Suite 1075
Washington, D.C. 20036

The regulations comprise critical elements of your protest. Take care to document all relevant facts. As much as possible, reference or cite the planning documents or available planning records (e.g. meeting minutes or summaries, correspondence, etc.) To aid in ensuring the completeness of your protest, a protest check list is attached following this letter.

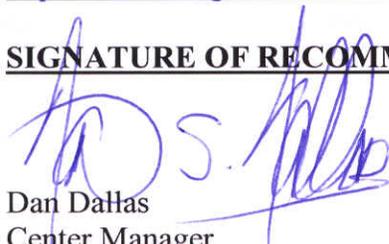
Before including your address, phone number, e-mail address, or other personal identifying information in your protest, be advised that your entire protest – including your personal identifying information – may be made publicly available at any time. While you can ask us in your protest to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

The BLM Director will make every attempt to promptly render a decision on each protest. The decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director regarding protests shall be the final decision of the Department of the Interior.

Upon completion of the 60-day Governor’s consistency review and resolution of any resource management plan protest, the BLM will issue an Approved RMP Amendment. Approval will be withheld on any portion of the Amendment under protest until final action has been completed on such protest. The Approved RMP Amendment will be available to all parties through the “San Luis Resource Travel Management Planning” page of the for the San Luis Public Lands Center BLM website:

http://www.blm.gov/co/st/en/fo/slvplc/Travel_Management.html

SIGNATURE OF RECOMMENDING OFFICIAL:



Dan Dallas
Center Manager
San Luis Valley Public Lands Center

Date 9/16/2008

PROPOSED DECISION

It is my proposed decision to amend certain Off-Highway Vehicle area designations in the San Luis Resource Area Resource Management Plan as described above.

SIGNATURE OF AUTHORIZED OFFICIAL:

Sally Wisely, State Director

Date

[Code of Federal Regulations]
[Title 43, Volume 2]
[Revised as of October 1, 2002]
From the U.S. Government Printing Office via GPO Access
[CITE: 43CFR1610.5-2]

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TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER II--BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

PART 1600--PLANNING, PROGRAMMING, BUDGETING--Table of Contents

Subpart 1610--Resource Management Planning

Sec. 1610.5-2 Protest procedures.

(a) Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record during the planning process.

(1) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the Federal Register. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.

(2) The protest shall contain:

(i) The name, mailing address, telephone number and interest of the person filing the protest;

(ii) A statement of the issue or issues being protested;

(iii) A statement of the part or parts of the plan or amendment being protested;

(iv) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and

(v) A concise statement explaining why the State Director's decision is believed to be wrong.

(3) The Director shall promptly render a decision on the protest. The decision shall be in writing and shall set forth the reasons for the

decision. The decision shall be sent to the protesting party by certified mail, return receipt requested.

(b) The decision of the Director shall be the final decision of the Department of the Interior.

Resource Management Plan Protest Critical Item Checklist

**The following items *must* be included to constitute a valid protest
whether using this optional format, or a narrative letter.**

(43 CFR 1610.5-2)

BLM's practice is to make comments, including names and home addresses of respondents, available for public review. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations and businesses, will be available for public inspection in their entirety.

Resource Management Plan (RMP) or Amendment (RMPA) being protested:
Name: Address: Phone Number: ()
Your interest in filing this protest (how will you be adversely affected by the approval or amendment of this plan?):
Issue or issues being protested:
Statement of the part or parts of the plan being protested: Chapter: Section: Page: (or) Map:
Attach copies of all documents addressing the issue(s) that were submitted during the planning process by the protesting party, <u>OR an indication of the date the issue(s) were discussed for the record.</u> Date(s):
A concise statement explaining why the State Director's decisions is believed to be wrong: