

**United States Department of the Interior
Bureau of Land Management**

Environmental Assessment WY-020-EA06-009

**Finding of No Significant Impact
& Decision Record**

North Fork Shoshone River Access

for

Bureau of Land Management

Location: 6th Principal Meridian, T. 52 N., R. 104 W., SECTIONS 18 & 19, Park County, Wyoming.

U.S. Department of the Interior
Bureau of Land Management
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April 7, 2008



Finding of No Significant Impact

Cody Field Office

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental analysis, (EA No. WY-020-E06-009). The proposed action is to construct a boat ramp and associated facilities on the North Fork of the Shoshone River about 18 miles west of Cody, in Park County. The proponent is BLM. The project location is, T. 52 N., R. 104 W., Sections 18 & 19.

Alternatives analyzed in detail:

- A. The Proposed Action (construct a boat ramp and associated facilities)
- B. The No Action Alternative (no construction)

The first alternative entails the proponent's proposal for development with stipulations and monitoring to protect resources.

The no action alternative would be to not construct the facilities.

The EA is available at the Cody Field Office, and is incorporated by reference for this Finding of No Significant Impact (FONSI).

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternative have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

The proposed action is in conformance with the Cody Resource Area, Record of Decision (ROD) and Resource Management Plan, dated November 8, 1990; page 22 of the ROD contained the following management objective: "To enhance opportunities for primitive recreation, while increasing visitor services in some areas (to meet needs for more developed forms of recreation)." The ROD (page 22) also identified the "Rivers Special Recreation Management Area (SRMA)" to recognize and manage the high value recreational opportunities on the North Fork and South Fork of the Shoshone River, the main stem of the Shoshone River, and the Clarks Fork of the Yellowstone River. The ROD (page 38) contained the following management objective for wildlife and fish habitat: "To maintain and enhance fish and wildlife resources so that the forage production and quality of rangelands and fish and wildlife habitat will be maintained or improved."

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Environmental effects do not meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Cody RMP/FEIS. ***Therefore, an environmental impact statement is not needed.*** This finding is based on the context and intensity of the project as described:

Intensity: The following discussion is organized around the Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memoranda, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

- 1. Impacts may be both beneficial and adverse.** The proposed action would impact resources as described in the EA. Those resources analyzed are: vegetation, invasive non-native species, water quality, threatened and endangered plants and animals, visual resources, wildlife, sensitive species, fisheries, cultural resources and Native American religious concerns, special management areas, recreation, and livestock grazing. Construction methods, site layout, and monitoring during construction will mitigate effects to resources. Stipulations will be applied to protect cultural resources.
- 2. The degree to which the selected alternative will affect public health or safety.** The proposed action is designed to have minimum impact on public health. Transportation of equipment to the project location will be in conformance with state and federal laws.
- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farm lands, wetlands, wilderness, wild and scenic rivers, or ecologically critical areas.** Cultural resources in the project area have been inventoried and avoided. Potential impacts have been mitigated in the design of the proposed action, stipulations, and monitoring.

The following Critical Elements of the Human Environment and Other Resource Issues are not present in the project area and are not affected: areas of critical environmental concern, environmental justice, farmlands (prime or unique), flood plains, Native American religious concerns, wilderness, wastes (hazardous or solid), and wild/scenic rivers.

- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.** There is no scientific controversy over the nature of the impacts. Comments received from the public listed several concerns about wildlife and wildlife habitat, visual impacts, cultural resources, water quality, and increased public use with an increase in conflicts between the public and private landowners. Each one of these issues has been analyzed in the EA.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The project is not unique or unusual. The BLM has experience implementing similar actions in similar areas.

The environmental effects to the human environment are fully analyzed in the EA. There are no predicted effects on the human environment that are considered to be highly uncertain or involve unique or unknown risks.

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The actions considered in the selected alternative were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted.
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts – which include connected actions regardless of land ownership.** The interdisciplinary team evaluated the possible actions in context of past, present and reasonably foreseeable actions. Significant cumulative effects are not predicted.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The project will not affect districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor will it cause loss or destruction of significant scientific, cultural, or historical resources. A cultural inventory has been completed for the proposed action, and resources are being avoided. Consultation with SHPO has been completed in accordance with Section 106 of the NHPA and the Programmatic Agreement between the Wyoming BLM and SHPO.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, or the degree to which the action may adversely affect: 1) a proposed to be listed endangered or threatened species or its habitat, or 2) a species on BLM's sensitive species list.** Mitigating measures to reduce impacts to wildlife have been incorporated into the design of the proposed action. Potentially, several threatened or Special Status species could pass through the project area. These include; grizzly bears, bald eagles, wolves, and lynx. This parcel and surrounding area does not provide any important food, cover, or reproductive habitat for any of these species and any use would be very brief travel through to reach more useful habitat. Similarly, there is potential for several other BLM Sensitive Species to pass through or briefly use the parcel. However, this site does not provide any important habitat or functionally support any of these species. Potential BLM sensitive species that might be observed include: bat species, trumpeter swans, peregrine falcon, greater sage grouse, loggerhead shrike, sage sparrow, additional migratory birds, and northern leopard frog. No other threatened or endangered plants or animals are known to occur in the area.

10. **Whether the action threatens a violation of a federal, state, local, or tribal law, regulation or policy imposed for the protection of the environment, where non-federal requirements are consistent with federal requirements.** The project does not violate any known federal, state, local or tribal law or requirement imposed for the protection of the environment.


Michael P. Stewart
Cody Field Manager


Date

Decision:

Based upon the analysis of the potential environmental impacts described in environmental assessment WY-020-EA06-009 (EA), and supporting documents in the case file, consideration of comments received during scoping and on the EA, it is my decision to construct a boat ramp and associated facilities on BLM-administered public lands, as described in the proposed action alternative (Alternative A) which includes stipulations and monitoring.

Authorities: The authority for this decision is contained in the Federal Land Policy and Management Act (FLPMA) of 1976.

Compliance and Monitoring: A BLM representative will be conducting compliance monitoring during construction. BLM staff will monitor and manage the recreation site.

Project Design Features / Terms / Conditions / Stipulations: The layout of the facilities has been designed to avoid known cultural resources. An archeologist will monitor construction. The road construction method (placement of fabric on the prepared ground with gravel surfacing) has been selected to minimize surface disturbance. Temporary construction fencing will be placed prior to construction to keep vehicles and equipment in the proper areas. After construction, the temporary fence will be replaced with a low, post and cable fence to keep vehicles on the road and parking area. Standard cultural resource stipulations will apply. The site will be managed as a day use site with no camping or fires allowed.

Rationale for Decision: This decision is based on the FONSI and that it is in accordance with policy for management of recreation and wildlife habitat.

In addition, the decision conforms with the Cody Resource Management Plan, (Record of Decision (ROD), 1990), which allows development of recreation sites, which recognizes the high value recreational opportunities on the North Fork of the Shoshone River, and which provides for management of wildlife habitat. It is consistent with a 1983 agreement between BLM and the Wyoming Game and Fish Department to pursue development of select high-value locations on the North Fork of the Shoshone River for recreational opportunities.

The Environmental Assessment/Recreation Project Plan was distributed to the public for review and comment in January, 2007. It was sent to persons who expressed interest during the scoping phase; adjacent landowners; Wyoming Game and Fish Department; the East Yellowstone Chapter of Trout Unlimited; the Park County Recreation Board; Park County Commissioners; Special Recreation Permittees who use the North Fork of the Shoshone River; the Shoshone National Forest; and the Superintendent of Buffalo Bill State Park. The comment period ended on February 13, 2007. Comments were received from fifteen individuals or agencies.

An open house was held on July 26, 2005 from 3:00 to 7:00 pm at the BLM office in Cody and 21 people attended. BLM and Wyoming Game and Fish Department employees participated. The proposal was explained and comment forms were made available. For those people unable to attend the open house, an invitation was made to visit the BLM office on July 27 or 28 from 8:00 to 4:30 and discuss the proposal. Comments were received from thirty-six individuals or agencies. On July 12, 2005 a news release was sent out to 49 entities including newspapers, radio, television, Park County and neighboring counties, special interest groups, and Field Representatives for Senator Craig Thomas, Senator Mike Enzi and Representative Barbara Cubin. The news release advertised the open house.

Since about 1999, several field visits were made to the site and there were contacts with neighboring landowners. The proposal was discussed at various interagency meetings over the years.

Public comments have been incorporated into the Environmental Assessment and are made part of this decision by reference.

The BLM contacted the Wyoming State Historic Preservation Officer (SHPO) in items related to cultural resources.

Changes Made to the Environmental Assessment: Several changes were made to the environmental assessment as a result of public comments and additional information. Following is a description of the changes:

1. The name of the project was changed from "River's Rest" to "North Fork Shoshone River Access."
2. The location of the entrance road was moved slightly to the west.
3. The boat ramp location was moved from the west side of the parking lot to the east side.
4. Road access to the parking lot was changed from a one-way entrance road and a separate one-way exit road to a single road providing ingress and egress.
5. Temporary construction fencing would be used to keep vehicles and equipment in the proper areas. After construction, the temporary fencing would be removed and replaced with a low profile, post and cable fence to keep vehicles on graveled surfaces only.
6. The road construction method was changed to reduce surface disturbance. The method to be used includes removal of brush and light preparation of the ground surface, placement of fabric, and placement of gravel surfacing.

Appeals Language: This decision is in full force and effect upon the date it is signed by the authorized officer and will remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay pursuant to 43 CFR 3150.2.

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the authorized officer at the Cody Field Office, 1002 Blackburn Avenue, P.O. Box 518, Cody, WY 82414. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

To file a petition for stay pursuant to 43 CFR Part 4.21(b), it must accompany your notice of appeal and must 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 irreparable harm to the appellant or resources if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, CO 80215, not later than 15 days after filing the document with the authorized officer and/or IBLA.



Michael P. Stewart
Cody Field Manager



Date