

**DECISION RECORD**  
**MCCULLOUGH PEAKS TRAVEL MANAGEMENT**  
**PLAN AND ENVIRONMENTAL ASSESSMENT**

**I. DECISION**

The following decision is the same decision that was issued on September 1, 2004 with the exception of the wording in section IV. Appeals. The previous version of this decision contained an incorrect address for filing appeals. This information has been corrected in this revised decision.

It is my decision to approve the McCullough Peaks Travel Management Plan and Off-Road Vehicle (ORV) Route Designations to implement the ORV decisions that were made in the Cody Resource Management Plan (RMP). This authorization will be granted under the legal authority of the Federal Land Policy and Management Act, subject to the standard stipulations and mitigating measures included in the proposed action.

**II. ALTERNATIVES CONSIDERED**

Alternative one is to approve the McCullough Peaks Travel Management Plan and associated route designations and management actions.

Alternative two is no action, or a continuation of the current management situation.

Alternative three is to approve the McCullough Peaks Travel Management Plan and associated route designations and management actions with the exception of the closed routes and actions related to closing the routes.

**III. RATIONALE**

My decision to approve the McCullough Peaks Travel Management Plan and Off-Road Vehicle (ORV) Route Designations is based on the following:

The Cody RMP management objective for Off-Road Vehicle Management is to maintain or enhance opportunities for ORV use while protecting or avoiding adverse effects of vehicular travel on other resource values. Alternative one (proposed action) would be in conformance to the Cody RMP stated objectives for management.

The Cody Resource Management Plan (RMP) Off-Road Vehicle (ORV) decisions designated the McCullough Peaks area as "limited to designated roads and trails." The management actions in the travel management plan outline a specific course of action to implement this decision on-the-ground.

Management of ORVs on BLM administered public land, in accordance with 43 CFR 8340, is necessary to address public and administrative access needs, protect resources, promote public safety, and minimize conflicts among the various uses of public lands. The proposed action provides a balance between motorized and non-motorized uses of the public lands. I have also determined that all practical mitigation measures to avoid or minimize environmental damage, while still providing a range of recreation opportunities and access have been incorporated into the proposed action.

Implementing the travel management plan will result in a clearly defined road network that is understandable to the public, provides needed access, does not cause resource degradation, and is enforceable.

#### **IV. APPEALS**

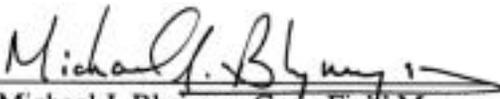
This decision may be appealed by any adversely affected party to the Interior Board of Land Appeals, in accordance with the regulations contained in 43 CFR, Part 4, Subpart E. If an appeal is filed, the notice of appeal must be filed with or delivered to the Cody Field Office, P.O. Box 518, 1002 Blackburn Avenue, Cody, Wyoming, 82414 within 30 days of receipt of the decision in accordance with 43 CFR Part 4. In filing a Notice of Appeal, you are required to provide a complete statement of the reasons why you are appealing. 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 Part (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 appropriate Office of the Solicitor at the same time the original documents are filed with the Cody Field Office, P.O. Box 518, 1002 Blackburn Avenue, Cody, Wyoming, 82414. 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.

  
Michael J. Blymyer, Cody Field Manger

11/29/2004  
Date

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

I have reviewed this environmental assessment (WY-020-E03-118) including any analysis of potentially significant impacts. I have determined the proposed action, Alternative I – Approve the McCullough Peaks Travel Management Plan with the mitigating measures included in the proposed action will not have any significant impacts on the human environment and that an Environmental Impact Statement is not required.

Authorized Officer Michael J. Blymyer Date 1 Sept 2004  
Michael J. Blymyer, Cody Field Office