

Finding of No Significant Impact and Decision Record

North Platte River Recreation Area Management Plan Environmental Assessment

August 2013

BLM

High Desert District - Rawlins Field Office, Wyoming



The Bureau of Land Management's (BLM) multiple-use mission's is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The BLM accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

DOI-BLM-WY-030-2013-0094-EA

FINDING OF NO SIGNIFICANT IMPACT

North Platte River Recreation Area Management Plan

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The Environmental Assessment (EA) and analysis of the environmental effects of the proposed actions have been reviewed and are considered in the Finding of No Significant Impact (FONSI) for all of the following Key Actions: 1) Boat-In Campground, 2) Leave No Trace Education, 3) North Platte River Special Recreation Permit (SRP) Allocations, 4) Additional Parking Lot and Ramp Expansion at Bennett Peak Campground, 5) Improvement of Corral Creek Campground, 6) Improvement of Prospect Creek Undeveloped Recreation Site (including Prospect Creek Rd.), and 7) Improvement of Big Creek Undeveloped Recreation Site.

The approved design criteria/mitigation measures result in a FONSI on the human environment. Therefore, an environmental impact statement is not necessary to further analyze the environmental effects of the proposed actions in Key Actions 1 through 7. Context and Intensity of effects have been examined to reach the finding of non-significance.

This FONSI is based on the BLM's consideration of the Council on Environmental Quality's (CEQ) criteria for significance (*40 CFR 1508.27*), both with regard to the context and the intensity of impacts described in the EA.

Context

The significance of the proposed actions in Key Actions 1 through 7 was considered in several contexts such as the nation as whole, regionally, and locally. Both short and long-term effects were considered. The proposed actions in Key Actions 2 and 3 are planning area-wide actions involving a planning area of approximately, 4,322 acres of Bureau of Land Management (BLM) managed public land within a Special Recreation Management Area (SRMA). The proposed actions in Key Actions 1, 4, 5, 6 and 7 are site-specific actions involving 6.36 surface acres of disturbance area within the boundaries of the SRMA. The SRMA does not have international or national importance. The regional and state-wide importance of the project area is noteworthy when compared to typical BLM lands, but the recreational and natural setting of the project area is widespread when considered in the context of other federal lands in the state and region (e.g., U.S. Forest Service lands).

Intensity

The following discussion is organized around the 10 Ten Significance Criteria described in 40 CFR 1508.27 and incorporated into the BLM's Critical Elements of the Human Environment list (H-1790-1), and supplemental Instruction Memorandum, Acts, regulations and Executive Orders. The following have been considered in evaluating intensity for this proposal:

Impacts may be both beneficial and adverse. The proposed actions in Key Actions 1 through 7 would impact resources as described in the EA. Specific items in the proposed actions were developed to reduce impacts to many resources. The proposed actions seek to balance the management of the project area by offsetting the negative impacts of the large

amount of recreation with the positive impacts of public education efforts and restricting certain activities. None of the environmental effects discussed in detail in the EA are considered significant.

1. **Public health or safety.** The proposed actions in Key Actions 1 through 7 include overall management actions designed to manage and reduce the dangers to public health and safety throughout the planning area.
2. **Unique characteristics of the geographic area.** There are no prime or unique farmlands within the planning area; therefore those resources will not be affected.

There are no designated Wild and Scenic Rivers within the planning area. One segment of the North Platte River was found to be eligible but not suitable. The proposed action would not affect this designation.

There are no Areas of Critical Environmental Concern (ACECs) within the planning area.

There are no designated Wilderness or Wilderness Study Areas within the planning area.

4. **Highly controversial effects.** There is no scientific controversy over the nature of the impacts.
5. **Highly uncertain effects or unique or unknown risks.** The proposed actions in Key Actions 1 through 7 are not uniquely new or unusual types of actions with unknown effects. Implementation of the proposed actions in Key Actions 1 through 7 would not result in any new activities or management practices that have not already been occurring in the project area for years.
6. **Precedent for future actions with significant impacts.** The proposed actions in Key Actions 1 through 7 do not set precedence for future actions; possible future actions will require their own analyses and authorizations. The proposed actions in 1 through 7 have no bearing on, or recommendations for or against, potential future Congressional designations (e.g. National Conservation Area or additional Wilderness designation).
7. **Relationship to other actions with cumulatively significant issues.** The proposed actions in Key Actions 1 through 7 considered in the selected alternatives were considered by the interdisciplinary team within the context of past, present, and reasonably foreseeable future actions. Significant cumulative effects are not predicted.
8. **Scientific, cultural, or historic resources.** Potential impacts to cultural and historic properties have been evaluated and consulted on with the Wyoming State Historic Preservation Office. There are no historic properties that would be adversely affected by the implementation of projects within the planning area.

9. **Threatened or endangered species and their critical habitat.** An assessment was conducted and it was determined that there are two federally listed threatened or endangered species that could potentially occur within the planning area. These include the *Canada Lynx* and *Ute Ladies' Tresses*. There should not be any management issues with the Canada lynx since this species only uses the riparian habitats between ranges during dispersal and it would be unlikely that this species would be traveling through the analysis area, although this may occur. There should not be any significant impacts to this species as a result of implementing the proposed actions in Key Actions 1 through 7. There should not be any significant impacts to Ute Ladies' Tresses as a result of implementing the proposed actions in Key Actions 1 through 7. Site specific surveys were completed for the proposed improvement projects in Key Actions 4: Additional Parking Lot and Ramp Expansion at Bennett Peak Campground, 5: Improvement of Corral Creek Campground, and 6: Improvement of Prospect Creek Undeveloped Recreation Site (including Prospect Creek Rd.). No Ute Ladies' Tresses were found during the site visit. Therefore, the improvement projects proposed at Bennett Peak Campground, Corral Creek Campground, and Prospect Creek Undeveloped Recreation Site (including Prospect Creek Rd.) would have No Effect on Ute Ladies' Tresses. If future monitoring or site-specific surveys provided evidence of either of these two species within the planning area, consultation with the U.S. Fish and Wildlife Service would be initiated.
10. **Federal, state, tribal, and local laws or requirements imposed for the protection of the environment.** The project does not violate any known federal, state, tribal, or local law or environmental policy. These agencies were given the opportunity to participate and comment during the analysis process.

Determination:

This FONSI is based on the information contained in the EA and BLM's consideration of criteria for significance (40 CFR 1508.27). It is the BLM's determination that: 1) the implementation of the proposed actions in Key Actions 1 through 7 will not have significant environmental impacts; and 2) the proposed actions in Key Actions 1 through 7 do not constitute a major federal action having a significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

Authorized Official:

DRAFT

Dennis J. Carpenter
Field Manager

Date

DECISION RECORD
North Platte River Recreation Area Management Plan
Environmental Assessment
DOI-BLM-WY-030-2013-0094-EA

The North Platte River SRMA is located from Prospect Creek Undeveloped Recreation Site north to Seminoe Reservoir in the valleys and foothills west of the Snowy Range. The SRMA includes 5,060 acres administered by the BLM, Rawlins Field Office (RFO). The scope of the planning area for the North Platte River Recreation Area Management Plan and EA (NPRRAMP EA) includes parcels of land within the SRMA boundary from the Prospect Creek confluence to Seminoe Reservoir covering 110 river miles.

Private land ownership (*i.e.*, checkerboard) is predominant on the Lower North Platte Watershed as well as on the Upper North Platte Watershed between the Big Creek confluence and Saratoga. From south of the Big Creek confluence to the Colorado border, ownership on the Upper Platte Watershed is predominantly federally managed public lands (BLM and USFS) with some exceptions.

The North Platte River is a central feature within the boundaries of the RFO. The river descends through whitewater in the North Gate Canyon and sections bordering the Prospect Wilderness Study Area before widening and gently meandering through the agricultural Saratoga valley. The SRMA provides diverse and popular recreation opportunities for local residents of south central Wyoming and Colorado Front Range residents including, primarily, fishing, camping, wildlife viewing, Off-Highway Vehicles touring, hunting, floating, swimming, picnicking, hiking, horseback riding, and whitewater paddling.

In close proximity to a growing population in nearby Fort Collins and Boulder, Colorado, the SRMA has seen growth in visitation since the 1990s and receives peak visitor use during seasons with higher stream flows. This peak use has resulted in impacts to natural resources and concerns over congestion and crowding that necessitates the establishment of an appropriate management strategy. The BLM Outdoor Recreation Planners reported that the number of visits to the SRMA peaked in 2010. Approximately, 68,000 visits were recorded in 2010 followed by 2004 with 51,000, 2005 with 48,000, and 2006 with 45,000, respectively. The years with the lowest levels of use were, approximately, 2008 with 25,000 visits and 2009 with 31,000 visits.

As part of a proactive approach to managing and protecting the unique recreation-related resources in the SRMA, the BLM developed a Recreation Area Management Plan (RAMP) in 1985. Relative to managing the North Platte River SRMA, the 2008 RFO RMP (2-27) states that the management goal is to ensure the continued availability of outdoor recreation opportunities. Furthermore, the objectives for the SRMA include 1) maintain and enhance recreation opportunities to accommodate existing niche activities, 2) mitigate conflicts with other resource values and uses as appropriate, in coordination and cooperation with affected interests, 3) maintain or improve the quality of river-related recreation experiences and provide high-quality recreation experiences and benefits, and 4) maintain, restore, and enhance areas to meet Wyoming Standards for Healthy Rangelands. The 2008 RFO RMP also provides

supporting management actions necessary to achieve these objectives and manage for appropriate social and physical resource conditions.

Since the previous 1985 RAMP, concerns about human impacts and visitor use density have been identified by the public, Wyoming Game and Fish (WGFD), USFS, and the BLM as well as other agency stakeholders. Since these concerns were identified in the 1990s, these three agencies have each conducted extensive visitor surveys and counts to identify trends in social conditions and service quality on the North Platte River. The increasing levels of peak use observed at Bennett Peak Campground has caused waiting lines and issues with overflow parking impeding traffic flow. Littering and trespassing as well as crowded put-ins, take-outs, parking areas, and campgrounds degrade the quality of visitor experience and create conflicts within the SRMA during periods of peak use. Crowded parking and boat launch wait times during peak weekends have been identified as an issue by the public, the BLM, and cooperating agencies.

Currently, there is a moratorium on new Special Recreation Permits (SRPs; *i.e.*, permitted fishing outfitters and guides) for the North Platte River SRMA. Considerations for eliminating the moratorium and providing additional guidelines for allocating SRP permits has been identified as a critical issue to address in this document. Currently there is a waiting list of potential SRP applicants who have indicated an interest in obtaining a permit and are awaiting a decision on the moratorium.

The RAMP will establish a long-term framework that will determine how recreation opportunities are provided for and managed within the planning area. Relevant management strategies pursued within this RAMP correspond to the management actions prescribed within the 2008 RFO RMP (2-27). The RAMP EA provides an analysis of the impacts through a systematic review of the actions proposed and discussion of associated impacts.

From Prospect Creek Road to Seminoe Reservoir, only 10 percent of the land adjacent to the North Platte River is managed under the authority of the BLM while the remainder is under private, state, and Forest Service ownership. Management objectives and actions described in this plan pertain solely to federal lands managed by the BLM. Nothing in the management plan compromises private rights on private lands or circumvents the rights associated with existing legislation such as the 1872 General Mining Law, The Wilderness Act of 1964, and/or the Federal Land Policy and Management Act (FLPMA) of 1976.

DECISION: It is the BLM's decision to implement the proposed actions presented in the Preferred Alternatives under Key Actions: 1) Boat-In Campground, 2) Leave No Trace Education, 3) North Platte River Special Recreation Permit (SRP) Allocations, 4) Additional Parking Lot and Ramp Expansion at Bennett Peak Campground, 5) Improvement of Corral Creek Campground, 6) Improvement of Prospect Creek Undeveloped Recreation Site (including Prospect Creek Rd.), and 7) Improvement of Big Creek Undeveloped Recreation Site (North Platte River RAMP EA, DOI-BLM-WY-030-2013-0094-EA, Chapter 6, Section C, p.13-19). The BLM has determined that the proposed project is in conformance with the RFO RMP approved in December, 2008. The BLM authorizes the Proposed Actions within the Preferred

Alternatives for Key Actions 1 through 7 because these actions meet the Purpose and Need for the RAMP as well as the overall goals, objectives, and management actions of the SRMA.

Implementation of the proposed actions in the Preferred Alternatives for Key Actions 1 through 7 is dependent on securing the funding, and obtaining site-specific clearances for surface-disturbing activities.

The BLM's decision is also to implement the North Platte River Recreation Area Management Plan which includes the following:

- 1) Retain the current management goals, objectives, and actions of the North Platte River Special Recreation Management Area described in the 2008 Rawlins RMP (pg. 2-27).
- 2) Implementation of the Monitoring Plan to include the data collection described in Chapter X (pgs. 71-72) of the EA as well as implementation of the Reclamation Plan described in Chapter XVIII (pgs. 109-111).

Items of interest included in this decision, which vary from previous management, are:

- Designating a Boat-In Campground on the North Platte River just north of Oxbow Bend and providing signs.
- Implementing a Leave No Trace Educational program within the planning area.
- Considering the removal of the current moratorium on new float fishing SRPs and providing North Platte River Special Recreation Permit (SRP) Allocations to meet recreation setting objectives.
- Considering the selection of appropriate recreation settings (i.e., Front Country, Middle Country, and Back Country) and establishing limits on the number of encounters which conform to the BLM standards provided for the selected recreation setting (i.e., 15-29 craft encounters in Middle Country).
- Providing for the expansion of the existing boat ramp at Bennett Peak Campground to two or three lanes.
- Developing an overflow parking area for users of the existing boat ramp at Bennett Peak Campground.
- Developing a formal Leave No Trace educational kiosk next to the existing boat ramp at Bennett Peak Campground.
- Pursue limited access under Special Recreation Permits through the gated river access at Corral Creek.
- Pursue the development of a horse corral(s) and overflow parking area at Corral Creek Campground.
- Pursue the upgrade of Corral Creek Campground to meet current BLM fee site standards and pursue an overnight camping fee.
- Provide a switchback on Prospect Creek Rd. to decrease the steep grade.
- Provide water bars and fill to control erosion of Prospect Creek Rd.
- Enlarge the primitive parking area above the boat launch by mowing bordering vegetation.

MONITORING: The monitoring methods and outcome measures detailed in Chapter X: Implementation and Future Monitoring Strategies, (pgs. 71-72 of the RAMP EA) will be implemented. Additional monitoring measures listed in the RAMP EA under the Preferred Alternatives in Key Actions 1 through 7 will also be implemented. Furthermore, the Reclamation Plan for Bennett Peak Campground will be implemented (XVIII. Appendix E: Reclamation Plan for Bennett Peak Campground, pgs. 109-123).

RATIONALE: The EA considered three sets of four alternatives within Key Actions 1 through 7 in detail; the No Action/Existing Condition Alternative, the Proposed Action (Preferred Alternative), Alternative 1, and Alternative 2. There was a FONSI for the proposed actions which included each of the Preferred Alternatives within Key Actions 1 through 7. The opportunities provided in the alternatives for these Key Actions were given refinement and modification through the public and agency participation process.

COMPLIANCE WITH LAWS, REGULATION, AND POLICY: This decision is in compliance with implementation of the 2008 RFO RMP. This decision is in compliance with other major laws to minimize environmental impacts to public lands, including: Endangered Species Act of 1973 (P.L. 94-325); Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712); Federal Water Pollution Control Act of 1948 (Clean Water Act), as amended (33 U.S.C. Chap. 26); Clean Air Act of 1963, as amended (P.L. 88-206); Federal Noxious Weed Act of 1974, as amended (P.L. 93-629, 7 U.S.C. 2801 *et seq*); National Historic Preservation Act of 1966, as amended (P.L. 89-665); Archaeological and Historic Preservation Act of 1974 (P.L. 86-253); Archaeological Resources Protection Act of 1979, as amended (P.L. 96-95); and Native American Graves Protection and Repatriation Act of 1990 (P.L. 101-601).

APPEALS: 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. If an appeal is taken (see 43 CFR 4.410), your notice of appeal must be filed within 30 days (see 43 CFR 4.411) from receipt of this decision to:

Field Manager
Bureau of Land Management
Rawlins Field Office
P.O. Box 2407, 1300 N. Third St.
Rawlins, Wyoming 82301

The appeal shall state the reasons, clearly and concisely, why you think the final decision is in error (see 43 CFR 4.412).

If you wish to file a petition pursuant to regulations at 43 CFR 4.21 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. 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 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
- (4) Whether the public interest favors granting the stay.

If you decide to submit a petition for stay of the decision, a copy of the notice of appeal, statement of reasons, and petition for stay should be simultaneously filed with the Office of Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215.

If you have questions concerning this decision please contact Christopher D. Jones, Outdoor Recreation Planner, at the Rawlins Field Office at (307)328-4206.

Authorized Official:

DRAFT

Dennis J. Carpenter
Field Manager

Date