

**DECISION RECORD  
FOR  
Killpecker Sand Dunes Recreation Site Facility Improvement  
EA #: WY040-EA13-098**

**Summary**

Expansion of facilities at the Killpecker Sand Dunes Recreation Site

**Decision**

Based upon the analysis of the potential environmental impacts described in the Killpecker Sand Dunes Recreation Site Facility Improvement Environmental Assessment and supporting documents in the case file, it is my decision to approve the Proposed Action to Expand Visitor Services facilities at the Killpecker Sand Dunes site.

1. **Compliance with applicable laws:** The proposed action and alternatives were evaluated under the following authorities:

Decisions in the Green River Resource Management Plan (1997) provided direction for the BLM to develop recreation management plans to accommodate recreational uses and correct resource degradation problems in the Greater Sand Dunes ACEC and the associated Special Recreation Management Area.

This proposed action is subject to the Jack Morrow Hills Coordinated Activity Plan (2006).

Section 102 (a) (8) of the Federal Land Policy and Management Act of 1976 states, “the public lands be managed in a manner that will protect the quality of scientific, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values: that, where appropriate, will preserve and protect certain public land sin their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.”

The Architectural Barriers Act of 1968, Section 504 of the Rehabilitation Act of 1976 (as amended in 1978), and Title II of the Americans with Disabilities Act of 1990 directed the BLM to accommodate persons with disabilities with appropriate facilities on BLM administered sites. An agency may not discriminate or deny a person with disabilities the opportunity to participate in a service based on their disability.

The Greater Sand Dunes ACEC management plan (1983) was prepared to protect unique resources values in the area while providing for off-road vehicle activity. This plan also serves as the Recreation activity Management Plan.

Executive Order 11989 (1977) directed federal agencies to (1) close areas or trails to HOVs causing considerable adverse effects and (2) designate lands as closed to OHV use unless the lands are specifically designated as open to them

## 2. **Selected Alternative:** Proposed Action

### Parking and camping areas:

Actions would include: expand the parking and camping area from 80' x 200'; to 150' x 500'.; install picnic tables and fire rings in specific areas to direct visitor use during the average use days; place a trash facility in a centralized location; improve the access and day-use parking areas; install informational kiosks; develop safety related information for the public to mitigate exposed pipelines in the open area; and place information/interpretive signs at the site.

### Family and group camping area:

The planned actions would include: construction of 10 pullouts approximately 150 yards to the east of the existing parking area; place picnic tables and fire rings at each site; install stop signs, speed limit signs and other safety related signs throughout the site.

### Supplemental Rules:

Actions would include posting and implementing the following supplemental rules for the site:

- 1) SAFETY FLAGS ARE REQUIRED ON ALL VEHICLES IN THE KILLPECKER SAND DUNES RECREATION AREA (This includes two-wheeled motorcycles.) All vehicles shall be equipped with a whip mast and a 6x12 inch red/orange flag. Flags may be of pennant, triangle, square, or rectangular shape. Masts must be securely mounted on the vehicle and extend 8 feet from the ground to the mast tip. Safety flags must be attached within 10 inches of the tip of the whip mast with club or other flags mounted below safety flag or on another whip.
- 2) A 15 MPH SPEED RULE EXISTS ON THE SAND HIGHWAYS. No person shall operate an OHV in excess of 15 mph on public lands within 500 feet of access roads within the Killpecker Sand Dunes Open Play area.
- 3) FIRES The burning of potentially hazardous materials e.g.(but not limited to) pallets, treated lumber, gas, oil, plastic and magnesium is prohibited.
- 4) NO GLASS BEVERAGE CONTAINERS ARE ALLOWED. Possession or use of any glass, cup or bottle, empty or not, used for carrying any liquid for drinking purposes is prohibited. Persons may pick

up glass beverage containers discarded by others to remove for deposit in approved trash receptacles.

BLM committed measures

Before any construction begins at the parking areas a survey will be conducted for *Penstemon haydenii* (Blowout penstemon) and for Cultural Resources. If construction occurs between May 1 and June 15, a survey will be conducted for nesting Mountain Plovers

3. **FONSI:** I have determined that the proposed project is in conformance with the approved land use plan. I have reviewed this environmental assessment including the analysis of potentially significant environmental impacts. I have determined that the proposed action with the mitigation measures as identified in the EA will not have any significant impacts on the human environment and that an EIS is not required. It is my decision to implement the proposed action.

4. **Public Involvement.**

Several briefings, public meetings and visitor use discussions were conducted with the public, Congressional Representative and County Commissioners when the Rock Springs Field Office was considering adding the Sand Dunes Off-Road Vehicle area to the Bureau's Pilot Fee Demonstration.

The University of Idaho Park Studies Unit conducted a Visitor Survey to comply with the Government Performance and Results Act (GPRA) during the fiscal year 2008.

The Green River Chamber of Commerce, the Rock Springs Chamber of Commerce and the Sweetwater County Joint Travel and Tourism were consulted under the existing Memorandum of Understanding concerning collaboration of outdoor recreation, tourism and economic development dated January 2012.

5. **Rationale for Alternative Selected.** The proposed action is to improve visitor satisfaction, public health and safety, and protect the nearby riparian area and the Crookston Ranch Cultural Site by providing for controlled access and promoting responsible visitor use through improved facilities. The site is not being used in a controlled fashion. The current improper use is degrading the adjacent riparian area and cultural site. Visitor satisfaction of the current facilities is low.

6. **Appeal Procedures.**

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, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. 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 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 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 (see 43 CFR 4.413) at the same time the original documents are filed with this office. 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.

  
Stephanie Odell  
Acting Field Manager  
Rock Springs Field Office

3/12/13  
Date