

DECISION RECORD

Environmental Assessment

DOI-BLM-WY-R010-2011-0038-EA

Canyon Creek Fence

The decision is to select the preferred alternative, which is to construct a 1,555 foot long fence along the upgraded access route and parking area in the Canyon Creek area. 1,160 feet of the fence will be constructed as a 3-wire, wood pole top fence along the access route, and a buck and pole fence around the parking area. The 3-wire fence is anticipated to be contracted, and the buck and pole fence will be constructed in-house.

The dimensions of the 3-wire fence are as follows:

- The 3-wire fence will be approximately 1,160 feet long
- Post and wire will be 40” from ground;
- 2nd wire will be 28” from ground;
- 3rd wire will be a smooth wire 18” from ground

The buck and pole fence will be approximately 395 feet and will encompass the parking area, and tie off into the slope located north of the parking area. Additional wire fencing will be extended up from the buck and pole fence up the slope to tie into existing fencing. As illustrated in Appendix A, a wire gate will be installed along the pole top wire fence so as to mitigate for livestock found within the access route area. A walk-thru gate will be constructed at the parking area to access the easement foot trail.

The fence construction along the road supplements EA# DOI-BLM-WY-R010-2009-0064-EA, Canyon Creek Road and Access Area, pages 8 and 10, “Boulders or bollards will be used to border the parking area.” The fence will be used to encourage use to remain on the access route and in the parking area so as to mitigate for weed control and soil erosion, and to maintain the visual and recreational settings. The fence will also be used to prevent unauthorized livestock and motor vehicle use in the BLM-administered public lands surrounding the parking area.

Authorities: The authority for this decision is contained in Title 43 of the Code of Federal Regulations (CFR), Sub Chapter H Recreation Programs Part 8000, and 43 CFR 8360, Visitor Services.

Compliance and Monitoring:

Following fence construction and during normal maintenance activities, the area would be monitored for noxious weed infestations and promptly treated if they are found. Seeding success would be monitored, and the need to reseed assessed after the first full growing season.

The fence will be monitored for wildlife movement and will be monitored as necessary to allow wildlife to move freely throughout the area.

Terms / Conditions / Stipulations:

The fence will be constructed to wildlife friendly design. The dimensions of the 3-wire fence are as follows:

- The 3-wire fence will be approximately 1,160 feet long
- Post and wire will be 40” from ground;
- 2nd wire will be 28” from ground;
- 3rd wire will be a smooth wire 18” from ground

A wire gate will be installed along the pole top wire fence so as to mitigate for livestock found within the access route area.

A walk-thru gate will be constructed at the parking area to access the easement foot trail.

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action conforms to the Record of Decision and Approved Resource Management Plan for the Washakie Resource Area dated 9/2/1988, which is under revision and consolidation into the Bighorn Basin Resource Management Plan (expected completion in 2012.) The decisions in the Washakie Resource Management Plan provide general management direction and allocation of uses and resources on the public lands in the area. The proposed action falls within alternatives analyzed in the Draft Bighorn Basin RMP revision.

The proposed action is in conformance with the Washakie RA LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP objectives, terms, and conditions:

The above Resource Management Plan specifically states, "To enhance and expand opportunities for recreation while intensively managing areas with high recreation value," (page 21) as well as, "To provide forage for livestock grazing, to reduce conflicts between livestock grazing and other resources uses, and to improve ecological range condition" (page 17).

Alternatives Considered:

Alternative 2 analyzes a buck and pole fence design along the entire length of the access route and the parking area. This alternative was not selected due to the minimal feasibility of fence completion, primarily from costs, meeting VRM Class III objectives, and maintaining wildlife health.

The no action analyzed the impacts of not constructing a fence. The BLM did not select the no action alternative because this alternative does not adequately address the unauthorized uses currently occurring at the recreation site.

Rationale for Decision:

The preferred alternative was selected to address the unauthorized uses currently occurring at the recreation site, primarily unauthorized livestock use in BLM-administer public lands not managed under an allotment, off-road motorized use, and trespassing issues encroaching into neighboring private lands. The desired fence design will be used to meet wildlife objectives (wildlife friendly fence design) and sustain wildlife health and habitat. Alternative 2 was not selected because the fence design will not meet wildlife objectives, VRM Class III objectives, and is cost prohibitive. The No Action alternative was not selected because this alternative would not appropriately address the current issues observed at the recreation site.

Protest/Appeal Language:

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 and the enclosed Form 1842 1. If an appeal is taken, your notice of appeal must be filed in the Wyoming State BLM Office, P.O. Box 1828, 5353 Yellowstone Road, Cheyenne, Wyoming 82003 1828 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) 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 Office of the Solicitor (see 43 CFR 4.413); Rocky Mountain

Region; 755 Parfet Street, Suite 151; Lakewood, Colorado 80215; 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.

/S/ Michael J. Phillips
Authorized Officer

4/14/2011
Date