

Jeramie Prine dba Dunoir Fishing Adventures, LLC

Compliance

The proposed action and alternatives 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):

Washakie Resource Area Resource Management Plan (September, 1988), page 21, “Special recreation permits will be issued to authorize organized recreational use.”

The Grass Creek Resource Management Plan does not specify any limit on the number of outfitters and guides to be authorized for operations on the BLM-administered public lands indicated in NEPA document DOI-BLM-WY-R010-2010-0009-CX. The resource management plan ensures recreation will be managed for multiple opportunities.

Selected Action

The decision is to approve Jeramie Prine’s, dba Dunoir Fishing Adventures, LLC, special recreation permit (SRP) authorizing guided fishing and floating trips on BLM-administered public lands along the Bighorn River. If Dunoir Fishing Adventures, LLC operations abide by all specified SRP stipulations and in conformance to the operating plan, the SRP will be active for five years. The proposed action is limited to BLM-administered public lands and Wyoming Game and Fish Access points along the Bighorn River between the Wedding of the Waters, and The Willows. Dunoir Fishing Adventures, LLC anticipate up to 50 participants a year.

Compliance with NEPA:

The report “Recreation Categorical Exclusion Analysis Report,” explains the rationale for allowing SRPs to be categorically excluded (Larson et al., 2007). In the aforementioned report the BLM found it was viable to expedite the NEPA process with categorical exclusions for certain types of permits rather than requiring environmental assessments for all SRPs.

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM citation 11.9 H(1):

Issuance of Special Recreation Permits for day use, or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5). The requirement for Special Area SRPs and the issuance of individual SRPs in “Special Areas” must be directed by specific land use planning decisions.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

In preparing this document current special recreation permits authorized out of the Worland Field Office were considered. SRPs are generally associated with dispersed activities for short durations of time (less than 14 consecutive days). Staging and camping areas are commonly located on

previously disturbed sites. The dispersed nature and short duration of the activities limit the potential for significant impacts. Furthermore, additional mitigation measures and stipulations will be incorporated into SRPs eliminate the potential for significant impacts.

In addition to the conditions listed on the Special Recreation Application and Permit, form 2930-1 page 2, additional stipulations will also be applied to the permit found in the Worland Field Office Additional Stipulations attached to the current SRP #WY-010-RU11-01 and located in DOI-BLM-WY-R010-2011-0009-CX Appendix C.

Public Involvement:

Because of the scope of the Special Recreation Permit application, there was no public scoping undertaken. Dunoir Fishing Adventures, LLC’s SRP to guide fishing and floating trips along the Bighorn River is not an extraordinary activity, nor an activity that conflicts with the usual activities observed on the Bighorn River. The NEPA document was analyzed through a BLM interdisciplinary team and the Wyoming State Game and Fish.

Rationale:

The applicant has requested permission to conduct commercial fishing and floating events on BLM administered public lands along the Bighorn River as spelled out in the Special Recreation Permit (WY-010-RU11-01). The request is in conformance with the Washakie Resource Area Land Use Plan (LUP) (September, 1988) and the Grass Creek Resource Area LUP (September, 1998). There are no environmental or other reasons to deny the request. Sufficient stipulations are included in the authorization to protect the environment.

Appeal or Protest Opportunities:

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.

Authorizing Official:

/S/Michael J. Phillips

1/28/2011

Michael J. Phillips
Assistant Field Manager,
Resources

Date

Contact Person

For additional information concerning this Finding, contact.

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Michael Peterson, Outdoor Recreation Technician

Worland Field Office

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