



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Worland Field Office
P.O. Box 119
Worland, Wyoming 82401-0119

8300 (010)

February 14, 2005

Dear Reader:

The enclosed Decision Record and Finding of No Significant Impact (FONSI) will direct future management plans for the Elizabeth B. Eggert Nature Tract.

This tract includes approximately 187 acres of land acquired by the BLM in 2003 and a parcel of land identified as the Willows Tract in the 1986 Bighorn River Recreation and Habitat Management Plan. The land is located along the Bighorn River between Worland and Thermopolis, Wyoming.

This Decision Record and FONSI are being distributed to the public.

Sincerely,

Brendan J. Cain
Assistant Field Manager
Resources

Enclosure:
Decision Records/FONSI

Management Plan for the
Elizabeth B. Eggert Nature Tract

Case File No. WYW-152424

DECISION RECORD
AND
FINDING OF NO SIGNIFICANT IMPACT
(FONSI)

EA WY-010-EA04-44

Prepared by:
U.S. Department of the Interior
Bureau of Land Management
Worland Field Office
Worland, Wyoming

FEBRUARY 2005

**Decision Record
and
Finding of No Significant Impact
for
Management Plan for the
Elizabeth B. Eggert Nature Tract
EA WY-010-EA04-44**

DECISION

My decision is to pursue Alternative 1. This alternative provides public access to the Bighorn River and allows for native plant restoration. This alternative will rehabilitate the existing two-track road and provide a fenced all-weather access road. Separate environmental analysis would be completed for individual vegetation treatments during native plant restoration efforts. Improved access and vegetation treatments would occur over time as funding and labor force allow.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts contained in the environmental assessment, I have determined that the proposed action will not have any significant impacts on the human environment and that an EIS is not required. I find that implementation of the proposed action would not result in unnecessary or undue degradation of the Public Lands. I have determined that the proposed action is in conformance with the appropriate approved land use plans. It is my decision to implement the proposed action.

RATIONAL

In previous land-use planning which resulted in the Washakie Resource Management Plan, the Grass Creek Resource Management Plan and the Bighorn River Habitat & Recreation Management Plan (BRH&RMP), public comment strongly supported river access and riparian habitat improvement. Public comment on this environmental assessment (EA) repeated support for river access and riparian habitat improvement. Four alternatives were analyzed in the EA and all public concerns were addressed. Several concerns are discussed in more detail in the "Summary of Public Comments" below.

SUMMARY OF PUBLIC COMMENTS

This environmental assessment was distributed for a 30-day public review and comment period on June 18, 2004. At the request of the Hot Springs County Commissioners the comment period was extended until September 20, 2004

Of the fourteen comment letters that were received, eleven were from the general public and one each was from the Wyoming Game and Fish Department, Hot Springs County Commissioners and the Hot Springs County Farm Bureau Federation.

All comments were carefully considered and evaluated in developing this decision record. Comments addressing the same topic have been paraphrased and addressed as a group in the section below.

Comment: Development of river access will increase recreational river use and will have adverse environmental impacts such as trespass, littering and site degradation.

Response: Analysis in the Bighorn River Habitat and Recreation Management Plan (BLM 1988) estimated that most river use is by local residents for day trips involving fishing, hunting or float boating. Use is heaviest in the southern portion of the river near Thermopolis and near other population centers.

Current monitoring of BLM land tracts from Wedding of the Waters to the Eggert Tract does not indicate adverse environmental impacts. Developing a remote river access at the Eggert land tract is expected to decrease present use at existing river portals by dispersing users. There is no basis for assuming that use of the river will increase.

Comment: Wildlife could be adversely impacted by improved access to the tract.

Response: Use of the area will predominately be in the late summer and fall for hunting and fishing. Vehicle use will be restricted to a fenced, improved road. Although wildlife displacement is expected when people are present, according to resource staff at BLM and Wyoming Game and Fish Department the level and timing of such disturbance is not expected to negatively impact wildlife. This area consists of less than $\frac{3}{4}$ of a river mile. Use levels will be monitored for indications of adverse effects on wildlife and if evident, BLM and Wyoming Game and Fish Department can impose use restrictions and other damage mitigation measures.

By providing additional river access, use will disperse from existing areas affording improved distribution of users and increased opportunity for wildlife viewing. Quality of wildlife viewing and hunting will be improved over the entire river.

Comment: BLM investment for improved access may be a waste of taxpayer dollars if the Kirby Dam is developed.

Response: The development will occur as the 16 sites for a potential dam are studied and selected. Considering current and projected budget constraints, development will take place over several years and will cease if a dam site is selected which will affect the river access. Initial development of river access is not considered to be a significant capitol investment, and if long term monitoring indicates a need for amenities such as

toilets, picnic tables and camping sites, more will be known about development of a dam by that time.

Comment: Public health and safety may be at risk due to the proximity of the Winchester diversion dam.

Response: BLM considers this river portal to be primarily a takeout for watercraft (BRH&RMP). Adequate warning signs and reasonable user precautions will minimize situations that endanger people.

Comment: Public access to the Bighorn River is limited and increased access is needed for recreational use.

Response: The majority of land ownership adjacent to the Bighorn River between Wedding of the Waters and Bighorn Lake is private (about 85%). Few public easements exist on private lands. Limited potential exists for river access on the remaining public lands (about 15%).

Providing improved river access will allow the recreating public additional river area to experience, provide for public health and safety and support the local recreation based economy.

Comment: Comments received regarding treatment of vegetation were equally divided between “restoring native vegetation” and “maintaining existing vegetation (non-native species) beneficial to wildlife”.

Response: The BLM will conduct vegetation project activities on this tract geared to restoration of native plant communities both along the river and on the upland portions. Dependant on project funding, a 10 year goal will be set for this sequence of projects. In accordance with the National Environmental Policy Act, environmental analyses and opportunities for public involvement will take place prior to implementation of any vegetation treatment project. Preliminary observations by BLM resource staff indicate that existing (non-native) vegetation types on adjacent private lands exist in quantities sufficient to maintain their existence.

Progress toward native plant restoration will occur slowly over 10 years or more. It is not anticipated that wildlife and other resources will be impacted.

Comment: Can the project begin with minimal development for access to the river and increase as use increases?

Response: Based on use estimates analyzed in the EA, consultation with Wyoming Game and Fish Department and monitoring of other public land river access areas, if left alone this site will evolve with “user created” developments. By proactively establishing the basic improvements for river access the needs of all natural resources will best be served.

Numerous suggestions for building trails, interpretive signing, seasonal closures and restoration of natural river meanders were not analyzed in this EA and will not receive a response at this time.

APPEALS

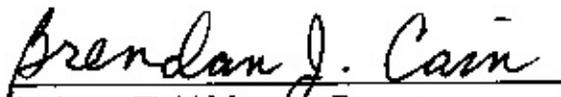
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Worland BLM Field Office, 101 S. 23rd, P.O. Box 119, Worland, Wyoming 82401 within 30 days of the date that notice of this decision is published in the Worland Northern Wyoming Daily News and the Thermopolis Independent Record. 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 or 43 CFR 2884.1 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 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.

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.


Assistant Field Manager-Resources
Brendan J. Cain

2-17-05
Date