

FEE ACQUISITION,  
LAND AND WATER CONSERVATION FUND  
(EGGERT PARCEL)

Case File No.: WYW-152424

ENVIRONMENTAL ASSESSMENT  
WY-010-EA1-50



**U.S. Department of the Interior  
Bureau of Land Management  
Worland Field Office**

**MAY 2001**



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Worland Field Office

P. O. Box 119

Worland, Wyoming 82401-0119

May, 2001

Dear Reader:

The enclosed environmental assessment (EA) analyzes a proposal for the Bureau of Land Management to buy approximately 192 acres of private land, known as the Eggert Parcel, located along the Bighorn River between Worland and Thermopolis. The general purpose of the proposed acquisition would be to provide public access to the Bighorn River for boating, fishing, hunting, floating, and wildlife viewing as well as provide boat access to a large block of public land on the east side of the river. The property would be purchased using Land and Water Conservation Fund (LWCF) money. The LWCF Act (1964) directs Congress to allocate money for the purchase land, waters and wetlands in our national parks, forests, wildlife refuges, and other resource lands. The Act also provides matching grant assistance for state and community open space and recreation projects.

This environmental assessment is being distributed to the public for a 30-day review and comment period. Comments on the EA are due by June 14, 2001. Please send your comments to: BLM - Worland Field Office, P. O. Box 119, Worland, WY 82401-0119, ATTN: Steve Till, Realty Specialist; or e-mail them to [worland\\_wymail@blm.gov](mailto:worland_wymail@blm.gov).

Comments, including the names and street addresses of respondents will be available for public review at the above address during regular business hours (7:45 a.m. to 4:30 p.m., Monday through Friday, except federal holidays). Comments may also be published as part of the Decision Record. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from public disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as a representative or officials of organizations or businesses, will be available for public inspection.

Your comments will be considered before BLM issues the final decision. If you have any questions, please contact Steve Till, Realty Specialist at (307) 347-5100

Sincerely,

Robert B. Ross, Jr.  
Assistant Field Manager  
Minerals and Lands

**FEE ACQUISITION, LAND AND WATER  
CONSERVATION FUND  
(EGGERT PARCEL)**

**Case File No.: WYW-152424**

**ENVIRONMENTAL ASSESSMENT  
WY-010-EA1-50**

**Prepared by:  
The United States Department of the Interior  
Bureau of Land Management  
Worland Field Office**

**MAY 2001**

# CONTENTS

PURPOSE AND NEED FOR PROPOSED ACTION .....	1
CONFORMANCE STATEMENT .....	1
ALTERNATIVES INCLUDING THE PROPOSED ACTION .....	1
Alternative 1–Proposed Action .....	1
Alternative 2: No Action Alternative .....	2
ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL .....	2
ISSUES AND CONCERNS .....	2
ENVIRONMENTAL CONSEQUENCES .....	3
Mandatory Critical Elements .....	3
DESCRIPTION OF IMPACTS .....	3
Wildlife and Fisheries Values .....	3
Recreation (Including Public Access, Visitor Use, Public Safety) .....	4
Noxious and Invasive Weeds .....	4
CUMULATIVE, IRREVERSIBLE, AND IRRETRIEVABLE IMPACT ANALYSIS .....	4
RESIDUAL IMPACTS .....	5
DESCRIPTION OF PROPOSED MITIGATION MEASURES .....	5
CONSULTATION AND COORDINATION .....	5
Agencies and Persons Consulted .....	5
Reviewers .....	5
Preparer .....	5
MAPS .....	6 & 7
PHOTOGRAPHS .....	8 & 9

## ABBREVIATIONS

BLM	U.S. Department of the Interior, Bureau of Land Management
CFR	Code of Federal Regulations
EA	environmental assessment
LWCF	Land and Water Conservation Funds
WFO	Bureau of Land Management, Worland Field Office
WGFD	State of Wyoming, Game and Fish Department

## DEFINITIONS

**Fee Acquisition.** Purchase of legal title to property

**ENVIRONMENTAL ASSESSMENT**  
**WY-010-EA1-50**  
**for the**  
**Fee Acquisition, Land and Water Conservation Fund**  
**Case File No: WYW-152424**

**PURPOSE AND NEED FOR PROPOSED ACTION**

During 1998, Robert Eggert, Jr., Richard Eggert, and James Eggert approached the BLM concerning an exchange for their property known as the "Eggert Parcel." The parcel is located in the 6th principal meridian, T. 45 N., R. 94 W., section 19, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; and section 30, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; and comprises 192.71 acres more or less. (See maps at the end of this document.) The Eggerts were seeking "mountain recreation-type" property in the exchange. While discussing the exchange proposal, it was determined the type of land the Eggerts were seeking would not be available from the BLM. It was suggested a direct purchase using Land and Water Conservation Funds (LWCF) might be considered; the Eggerts could then acquire property that met their needs through the private real estate market. The Eggerts were receptive to the idea.

The Land and Water Conservation Fund Act of 1964 directs Congress to allocate money for the purchase of land, waters, and wetlands in our national parks, forests, wildlife refuges, and other resource lands. The Act also provides matching grant assistance for state and community open space and recreation projects. Each year around \$900 million is deposited in the fund, primarily from Outer Continental Shelf oil and gas leasing.

The Eggerts inherited most of the property, but are not able to manage it effectively because they live out-of-state. Their wish is that the property be owned and managed by a public agency in order to protect and manage the natural resource values. The general purpose of the acquisition would be to provide river access. If the acquisition is completed, a site-specific management plan would be developed with public participation. The property is desirable

for public access since there is an at-grade crossing of the Burlington Northern Railroad tracks on the public land that adjoins it on the west and it adjoins the BLM-administered Cedar Mountain Wilderness Study Area on the east. From this point, river access could be provided safely above the Winchester Irrigation Diversion Dam.

In order to acquire the access desired by the public, purchase of the property or purchase of a public easement would be required.

**CONFORMANCE STATEMENT**

The proposed action is subject to the following land use plans:

Grass Creek Resource Area Resource Management Plan, September 1998  
Washakie Resource Area Resource Management Plan, September 1988  
Bighorn River Habitat and Recreation Management Plan, February 1989

These plans have been reviewed and it was determined that the proposed action would conform with all land use plan terms and conditions as required by 43 CFR 1610.5.

Public comments received during preparation of all three plans indicated a desire and need for public access to the Bighorn River for boating, fishing, hunting and floating. The plans direct BLM to acquire such access when opportunities present themselves.

**ALTERNATIVES INCLUDING THE PROPOSED ACTION**

**Alternative 1—Proposed Action (include mitigation required by policy, BLM manuals and the applicable Land Use Plan)**

The proposed action is to purchase the property owned by the Eggert family on the

Bighorn River near Winchester, Wyoming, using “Land and Water Conservation Fund” money. The property lies on both sides of the Bighorn River. It adjoins public land and US Highway 20/Wyoming Highway 789 on the west and BLM-administered public land in the Cedar Mountain Wilderness Study Area on the east. Approximately 148.86 acres of the parcel are in Washakie County; the remaining 43.85 acres are in Hot Springs County. As a part of the proposed action, the Eggerts would like to retain ownership of a small part of the parcel, with access. They propose to keep a piece of the property on the south (upstream) end, on the west side of the river. It would be approximately 5 acres with a 30-foot access easement on the west property boundary.

Processing the acquisition would involve title investigations and a policy of title insurance, a purchase contract with the landowners, an appraisal by a certified private appraiser, and preparation of warranty deeds. The offered price would be limited to the appraised value. If the property was acquired with Land and Water Conservation Funds, it could not thereafter be sold, exchanged, or otherwise disposed of.

### **Alternative 2: No Action Alternative**

The BLM would not acquire the property and public access to the river would not be facilitated.

### **ALTERNATIVES CONSIDERED BUT NOT ANALYZED IN DETAIL**

A less-than-full property rights acquisition was considered, such as a conservation or access easement across the Eggert property to the river. However, this alternative would not meet the desires of the landowners.

An alternative to develop public access using public land on the northern boundary of this parcel was considered. However, the opportunities at that location are severely limited by topography and the rail line. A new rail grade crossing would have to be developed with a considerable amount of fill. Then, the drop to the river would be steep, and the boat access would be closer to the diversion dam. Finally, the existing public land

parcel on the east side of the river does not access the larger block of public land on Cedar Mountain. This alternative would not meet the goals outlined in the publicly developed land use plans.

### **ISSUES AND CONCERNS**

A concern has been raised over loss of county property taxes if the property is purchased by the federal government. However, in conversations with the Washakie and Hot Springs county commissioners, both groups indicated the Payment-in-Lieu-of-Taxes payments the counties would receive if the property was federal land would likely be as much or more than they currently receive from property taxes.

Another concern revolves around the effect the proposed purchase by a federal agency would have on adjoining private property values. There are several considerations here. The proposed acquisition was discussed with the assessors from Washakie County and Hot Springs County. Neither felt the acquisition would have a negative effect on nearby property—partly because the nearby property is assessed as agricultural land (based on its production potential rather than land values) and partly because neither knew of any private marketplace data that showed such an effect. In fact, the Hot Springs County Assessor noted that property adjacent the Wedding of the Waters boat ramp, just upstream of Thermopolis, has sold since the boat ramp was installed and did not indicate any loss of value. The assessors also noted that public land can sometimes increase the value of adjacent private land by providing guaranteed open space and restrictions on development. The Wyoming BLM Chief State Appraiser indicated there is market data that shows property adjacent to national forests will sell at a higher price than similar nonadjacent land because of the open space and lack of development.

There is a concern that the federal government should not acquire more land than it disposes of in Wyoming, or should not acquire private land at all. Based on records

totaled since 1982, the BLM has disposed of approximately 106,400 acres of public land through sales, mineral patents, and exchanges and has acquired approximately 31,400 acres of private land through exchanges. The proposed acquisition would be a normal real estate transaction between a willing seller and a willing buyer. A fundamental right of private property ownership is the right to sell it whenever and to whomever the owner wishes.

A concern has been raised over the impact of public recreational use on the riparian areas next to the river. Several points may be considered. First, the acquisition would involve a half-mile of river frontage on both sides of the river. In combination with the existing one-quarter mile of existing public land river frontage, this should disperse public use along the riparian areas. Then, if the property is acquired by the BLM, the site-specific management plan will consider impacts to riparian areas and possible mitigation techniques. Finally, according to Game & Fish Department personnel, their existing boat access points and walking access easements upstream from the proposed acquisition do not show adverse impacts to the riparian areas.

A concern has been voiced over the potential of jet boats wakes causing impacts to the riverbanks. For practical purposes, jet boats can use the area now, by launching at an upstream site, driving downstream and then back up to the launch site. In areas currently used by jetboats, there does not appear to be any effect from the boat wake, over the normal bank impacts because of the varying water levels and volumes in the river.

A concern was also raised over an assumed price of \$900 per acre, suggesting it was too high for this type of property. An estimate of approximately \$1,000 per acre was used for planning purposes, in order to make the application for the LWCF money. This was based on informal discussions with private appraisers and was for planning purposes only. The value of the property will be determined by a qualified private real estate appraiser, using standard accepted appraisal techniques. The appraiser will

generally determine what the highest and best use of the property is, within the existing area real estate market, and then compare the property to similar properties that have been sold recently. The resulting value should be the same whether the property is being appraised for the BLM or for a private party. The BLM offer for the property is restricted to the appraised value.

## **ENVIRONMENTAL CONSEQUENCES**

### **Mandatory Critical Elements**

After complete analysis of the alternatives it was determined that none of the alternatives would affect air quality, areas of critical environmental concern, cultural resources, environmental justice, prime or unique farmlands, floodplains, invasive or nonnative species, Native American religious concerns, threatened or endangered species, hazardous or solid wastes, water quality, wetlands or riparian areas, wild and scenic rivers, or wilderness. Some of these elements do not occur in the planning review area, for some that do occur, the types of anticipated actions and the mitigation measures that would be applied indicate that the effects would be insignificant.

## **DESCRIPTION OF IMPACTS**

### **Wildlife and Fisheries Values**

Assuming that development of an access point would lead to an increase in river floating traffic downstream of the Black Mountain Road Bridge, some additional impacts to wildlife species would occur. Primarily, ducks and geese would be disturbed by the increased human presence, especially during the spring nesting and brooding period. This impact could be lessened because of the extensive amount of waterfowl habitat available along the length of the river and area ponds, lakes, and fields. This impact could also be partly mitigated by placing educational signs at boat launch sites. Other wildlife species such as mule and white-tailed deer and small

mammals would also be disturbed by additional human presence. Again, the habitat area is large in relation to the sites frequented by people. If the parcel was owned by a public agency, there could be opportunities to develop habitat improvement projects that would enhance wildlife habitat and riparian values.

According to the WGFD Fisheries in charge of the Bighorn River, that stretch of the river has never been inventoried because there is no way to get the boat in and out of the river. He also did not think many people had fished that stretch for the same reason. Based on the WGFD fisheries studies done above Black Mountain Bridge and below the Winchester Diversion Dam, there are probably fairly low numbers of trout, ling, catfish, and walleye. Because of this, the access would likely be used mostly for recreational floating and waterfowl hunting. Such use would also lessen the impacts to nesting waterfowl.

### **Recreation (Including Public Access, Visitor Use, Public Safety)**

Most of the impacts caused by the acquisition would be of a socioeconomic nature. A positive impact is that public access would be provided to and across the Bighorn River in a section where very little exists. Currently, the river can be accessed from the public land parcel north of the proposed acquisition but steep topography and the railroad crossing make such access difficult and potentially hazardous. The enhanced access could be used for fishing, hunting, and wildlife viewing, as well as a safe point for floaters to pull out the river above the Winchester Irrigation Diversion Dam. (The Winchester Diversion extends across the width of the river, and creates a strong undertow on the downstream side. There have been fatalities on similar diversions when boaters tried to float across them.) The at-grade railroad crossing has a long sight distance from both directions, which should enhance crossing safety. In addition, the train traffic slows somewhat in this area because of a curve. The Wyoming Game and Fish Department has developed several put in/take out points upstream of this parcel that are

used by fishermen, hunters, floaters, and river outfitters. This additional access point could attract more river recreationists to the area, which in turn would add to the recreation-based monetary contributions to the economy. The Eggerts retaining the 5 acres on the south end of the parcel would not have any effect on management of the site or public use.

Based on Wyoming Game & Fish Department information for other sections of the river, initial use of an undeveloped site such as this one would be less than 500 visitors per year. Prospectively, if a boat launch, parking lot and restroom facilities were developed, similar to the Game & Fish access points upstream, use could be between 500 and 7,000 visitors per year. By comparison, the Game & Fish Longwell Ranch access site, upstream from this point, receives about 2,500 visitors per year and the Wedding of the Waters site, at the mouth of Wind River Canyon, receives 16,000 visitors per year. The Cedar Mountain Wilderness Study Area may also receive an additional 50 to 100 visitors a year as people paddle across the river at this site.

### **Noxious and Invasive Weeds**

There are noxious and invasive weeds present in this parcel, as there are all along the Bighorn River. These weeds are Russian knapweed, hoary cress (white top), perennial pepperweed, Canada thistle, and salt cedar. Russian olive is also present in the parcel and is a "designated and declared" weed in both Hot Springs and Washakie counties.

If the parcel came into public ownership, the BLM would apply standard weed treatments and procedures which would reduce the infestations and spread of the weeds.

### **CUMULATIVE, IRREVERSIBLE, AND IRRETRIEVABLE IMPACT ANALYSIS**

There could be some cumulative impact on nesting waterfowl, due to the increased river traffic. Most of this impact could be mitigated. There could be a positive cumulative impact with public ownership of the parcel, in that development restrictions would

protect soil and water resources and wildlife habitat. There would also be a positive cumulative impact due to expanded public access to the river. There would be no irreversible or irretrievable impacts.

## **RESIDUAL IMPACTS**

There would be no residual impacts.

## **DESCRIPTION OF PROPOSED MITIGATION MEASURES**

If the acquisition is completed, a site-specific management plan would be developed with public and other agency input. The goal of the management plan would be to protect and enhance wildlife and riparian habitat while providing public access.

If the acquisition is completed, the BLM should build and/or maintain fences on the property boundary, and clearly mark the property boundary with signs. Warning signs visible from the river should be placed on the property, advising of the diversion dam and cautioning boaters to pull out of the river. Finally, educational signs should be placed at this site and at upstream launch sites advising floaters to avoid nesting waterfowl.

Treatment and preventive measures would be taken to reduce and(or) eradicate noxious and invasive weeds in the parcel.

## **CONSULTATION AND COORDINATION**

### **Agencies and Persons Consulted**

The following parties were consulted regarding the proposed acquisition: The Washakie County and Hot Springs County commissioners and assessors, the Wyoming Game & Fish Department; the Wyoming Congressional Delegation's staff, the Wyoming BLM Chief State Appraiser, owners of utility rights-of-way, and interested area landowners.

### **Reviewers**

Darrell Barnes, Worland Field Manager  
Chet Wheelless, Fisheries Biologist, WFO, Resources

Dave Baker, Outdoor Recreation  
Specialist, WFO, Resources

Steve Christy, Natural Resource  
Specialist, WFO, Resources

Steve Kiracofe, Natural Resource  
Specialist, WFO, Resources

### **Preparer**

Steven R. Till, Realty Specialist, Worland  
Field Office, Minerals and Lands

# Eggert Acquisition



1:192000



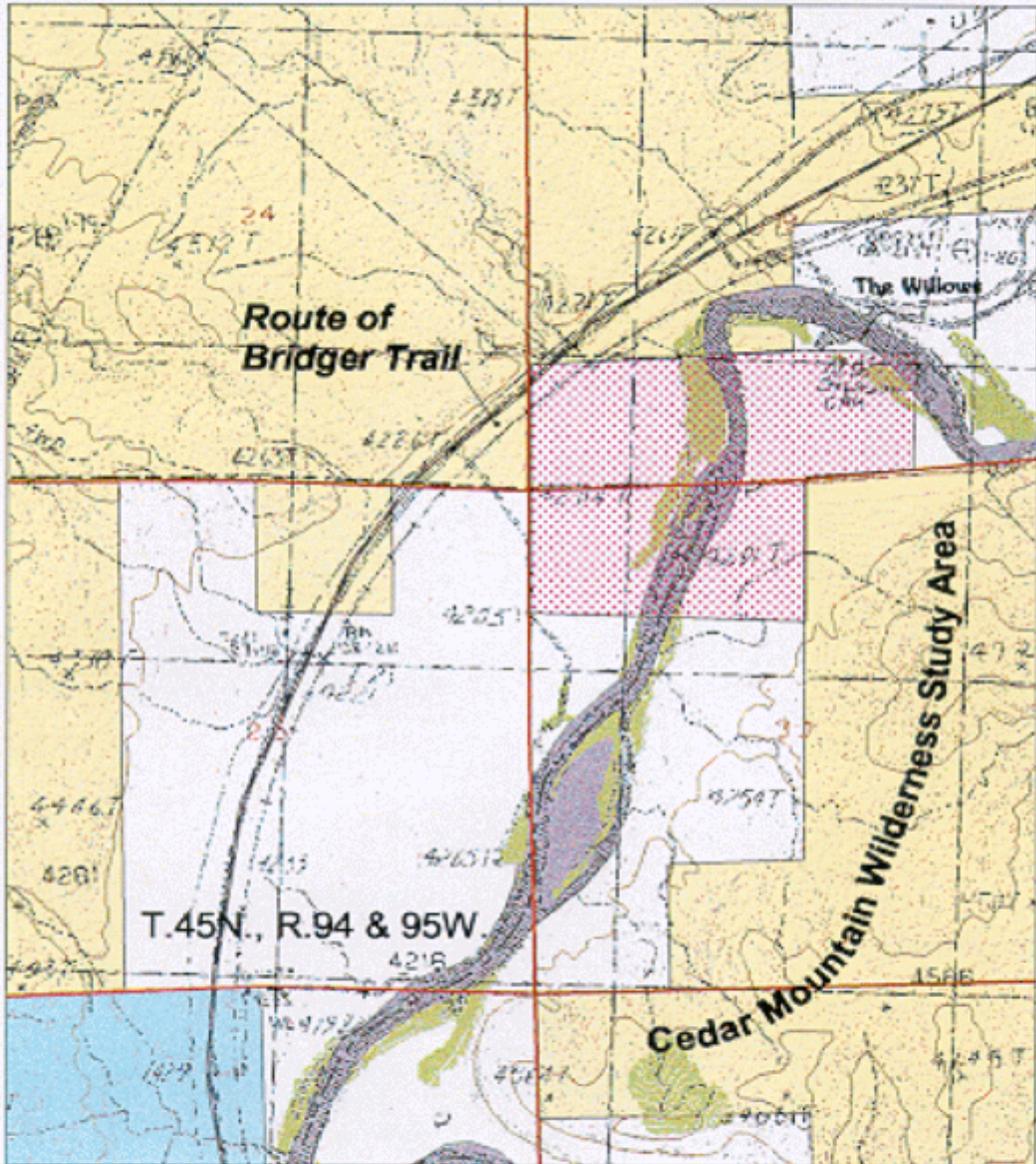
Steve Till 5/2000  
d:\steve\eggert.apr



## legend

- Proposed acquisition
- Federal
- Private
- State
- G&F Access

# Eggert Acquisition



1000 0 1000 2000 3000 Feet

Steve Till 5/2000  
d:\steve\leggert.apr



## legend

-  Proposed acquisition
-  Federal
-  Private
-  State
-  Riparian



Southerly view of Eggert acquisition parcel along Bighorn River. Parcel lies on both sides of river. Cedar Mountain in photo left, highway access point to photo right.



Easterly view from highway access point. Parcel to be acquired includes some of flat in photo center (adjoining public land) and riparian area along Bighorn River in photo distance. Cedar Mountain in photo right center. Photo taken from edge of Highway 20.



Southeasterly view. Vegetation in foreground is on public land on west side of river, public land corner on east side of river is in photo left center.



Southwesterly view from near northern boundary of parcel, showing western bank of river.