

FINDING OF NO SIGNIFICANT IMPACT

ROAD RIGHT-OF-WAY WYW-165140

DOI-BLM-WY-R010-2009-0065-EA

July 2011

BLM

Worland Field Office, Wind River/Bighorn Basin District, Wyoming



FINDING OF NO SIGNIFICANT IMPACT

Environmental Assessment

DOI-BLM-WY-R010-2009-0065-EA

Washakie County Road Right-of-Way WYW-165140

Based on the analysis of potential environmental impacts contained in the referenced environmental assessment, and considering the significance criteria in 40 CFR 1508.27, I have determined that the proposed action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.



Authorized Officer



Date

DECISION RECORD

ROAD RIGHT-OF-WAY
WYW-165140

DOI-BLM-WY-R010-2009-0065-EA

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Worland Field Office, Wind River/Bighorn Basin District, Wyoming

July 2011



DECISION RECORD

Environmental Assessment

DOI-BLM-WY-R010-2009-0065-EA

Washakie County Road Right-of-Way WYW-165140

It is my decision to grant the road right-of-way described as the Proposed Action of Environmental Assessment DOI-BLM-WY-R010-2009-0065-EA to include those measures proposed by the applicant subject to the terms and conditions attached.

The authority for the proposed road right-of-way is contained in Section 501 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1761-1771, as amended, which authorizes the Secretary of the Interior to grant rights-of-way on public lands for roads pursuant to the regulations at 43 CFR 2800.

PLAN CONFORMANCE AND CONSISTENCY:

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:

Name of Plan: Washakie Resource Management Plan **Date Approved:** September 1988

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): WRMP ROD pg 14; "The RMP delineates preferred right-of-way corridors, right-of-way avoidance areas, right-of-way exclusion area, and area available for rights-of-way under certain circumstances."

This proposal would be within an area available for linear rights-of-way generally open to rights-of-way, and thus it would be in conformance with the land use plan.

Alternatives Considered:

The Environmental Assessment (EA) for the proposal considered two alternatives.

The Proposed Action alternative assessed and disclosed the projected effects of the proposal with BLM resource staff input as detailed in the Proposed Action portion of the environmental assessment. Terms and Conditions were determined to be necessary and proper to provide adequate protection for surface and subsurface resources. The terms and conditions are considered part of this alternative for the purpose of analysis.

The No Action alternative assessed the effects of not implementing any portion of the proposal. Under the no action alternative the Worland Field Office (WFO) analyzed the effects of denial of any further development associated with this project. This alternative provides a benchmark to compare the magnitude of the environmental effects of the alternatives.

Rationale for Decision:

Implementation of the proposed road right-of-way would not result in unnecessary or undue degradation of the public lands.

The proposed action is in conformance with the Washakie Resource Management Plan.

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 this office (BLM, Worland Field Office, 101 South 23rd Street, Worland, WY 82401) 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 (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) 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) 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.



Authorized Officer



Date

Attachments:

Terms and Conditions

Terms and Conditions

The following additional mitigation and standard terms and conditions apply to road right-of-way WYW-165140.

1. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

-whether the material appears eligible for the National Register of Historic Places;

-the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

-a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

2. The holder shall conduct all activities associated with the construction, use, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.

3. The holder shall ensure equipment has been thoroughly cleaned prior to use on the right-of-way, especially if it has been used in a weed infested area. Only weed free gravel may be used on the right-of-way. The holder shall monitor the right-of-way regularly for the presence of noxious weeds. The holder shall treat any noxious weeds detected in the right-of-way in accordance with BLM policy.

4. The authorized officer may suspend or terminate, in whole or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

5. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, re-contouring, top soiling, or

seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

ENVIRONMENTAL ASSESSMENT

ROAD RIGHT-OF-WAY WYW-165140

DOI-BLM-WY-R010-2009-0065-EA

BLM

Worland Field Office, Wind River/Bighorn Basin District, Wyoming

July 2011



**Environmental Assessment
DOI-BLM-WY-R010-2009-0065-EA**

**CHAPTER 1
INTRODUCTION AND NEED FOR THE PROPOSED ACTION**

INTRODUCTION

BLM Office: Worland Field Office

File Number: WYW-165140

Proposed Action Title/Type: Road Right-of-Way

Location: Sixth Principal Meridian, Wyoming
Township 47 North, Range 92 West,
section 23, S½NW¼, E½SW¼

Other Reference: Worland SE

Applicant: Washakie County
P.O. Box 260
Worland, WY 82401

Washakie County has requested a right-of-way for the construction, use, maintenance and termination of an existing road on public land that will provide access to septic waste disposal facilities on county owned land.

PURPOSE AND NEED FOR THE PROPOSED ACTION

The purpose of the proposed action is to provide legal access to Washakie County across public land administered by the Worland Field office (WFO). The need for the proposed action is established by Bureau of Land Management (BLM) responsibility under the Federal Land Policy and Management Act of 1976, as amended.

CONFORMANCE WITH BLM LAND USE PLAN(S)

Name of Plan: Washakie Resource Management Plan **Date Approved:** September 1988

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): WRMP ROD pg 14; "The RMP delineates preferred right-of-way corridors, right-of-way avoidance areas, right-of-way exclusion area, and area available for rights-of-way under certain circumstances.

This proposal would be within an area available for linear rights-of-way generally open to rights-of-way, and thus it would be in conformance with the land use plan.

RELATIONSHIPS TO STATUTES, REGULATIONS AND OTHER PLANS

The authority for the proposed road is Section 501 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1761-1771, as amended, which authorizes the Secretary of the Interior to grant rights-of-way on public lands for roads pursuant to the regulations at 43 CFR 2800.

The right-of-way proposed is not in conflict with land use plans, multiple use values or environmental protection requirements.

CHAPTER 2 DESCRIPTION OF ALTERNATIVES

INTRODUCTION

This environmental assessment (EA) focuses on the Proposed Action and No Action alternatives.

The proposed action involves construction, use, maintenance, and termination of an existing road on public land needed for access to county owned facilities in Washakie County. The application/plan of development (POD) filed would be considered part of the proposed action, subject to additional mitigation including standard BLM terms and conditions and certain terms and conditions determined to be necessary and proper to provide adequate protection of public land surface and subsurface resources, based on BLM staff specialist recommendations.

The No Action alternative would involve the denial of use of the road as proposed by Washakie County. The county would have casual use of the existing road as is but would not have legal access to the county public purposes septic site.

PROPOSED ACTION

Washakie County has applied for a right-of-way for construction, use, maintenance, and termination of an existing road across public land needed for legal access to county septic waste disposal facilities. The county proposes to grade and gravel and ditch 1200 feet of existing road to an abandoned well. The improved road would have a 20 foot top and an existing 18-inch culvert would be replaced. The remaining existing road from Highway 16 (3400') does not require upgrading. The road is located 4 miles east of Worland, Wyoming. The right-of-way would be 60 feet in width and 4,600 feet in length (6.336 acres). The right-of-way would be granted for a term of 30 years with a right of renewal. Right-of-way rent would not be required for county government purposes benefitting the general public.

The application filed and maps provided would be considered part of this EA by reference. The plan of development (POD) filed would be considered part of the proposed action subject to standard BLM terms and conditions and certain other terms and conditions (additional mitigation) determined to be necessary and proper to provide adequate protection of public land surface and subsurface resources as part of this alternative.

NO ACTION

The No Action alternative would be to deny the road right-of-way as proposed. Washakie County would not have legal access to the septic waste disposal facility needed for governmental purposes for the benefit of the general public. Authorized and casual activities currently on-going would be allowed to continue.

CHAPTER 3 AFFECTED ENVIRONMENT

INTRODUCTION AND GENERAL SETTING

The road use proposed would be located in the Cottonwood Oil Field 4 miles east of Worland, Wyoming in Washakie County on public land owned by the Federal government and administered by the Bureau of Land Management (BLM).

Cultural Resources

Human activity within the last 50 years has modified the surface to such an extent as to eradicate traces of cultural properties. The project is within existing disturbance. Historic properties will not be affected and a Class III level cultural inventory will not be required.

Wildlife Habitat

Existing surface activity associated with oil and gas development in the area is such that project activity does not pose significant impact.

Livestock Grazing

This project is located within the Rattlesnake Ridge Allotment which is operated by Brubaker Ranch. The Allotment consists of 11,885 acres all of which are federal land. The grazing permit authorizes a total of 1,243 AUMs in the grazing year with the majority of use occurring during the non-growing season or dormant season. The authorization schedule is shown below:

1290 Sheep 12/1 to 2/28 100% P.L. 763 AUMs

1300 Sheep 3/1 to 4/25 100% P. L. 479 AUMs

The Rattlesnake Ridge Allotment is within the 5-9 inch precipitation zone and the majority of the Range Sites are Shale, Saline Upland, and Rock Outcrop. The proposed project is located within a Shale Range Site which is naturally sparse in vegetation with bare ground making up to 75 to 85 percent of the site. Grasses found on this site include bottlebrush squirreltail, rhizomatous wheatgrasses, blue grama, alkali sacaton and cheatgrass. Forbs commonly found include smooth woodyaster, stemless mock goldenweed, Hood's phlox, sulfur flower buckwheat, Cous biscuitroot, and scarlet globemallow. Shrubs such as Gardner saltbush, winterfat, and birdfoot sagebrush are present as well as plains pricklypear.

Under the proposed action, livestock grazing management on the Rattlesnake Ridge Allotment would occur in the same manner as in the past. Project disturbance, and installment prior to the grazing season, will not significantly reduce AUMs or have any displacement effects on livestock. Terms and conditions are not recommended.

Under no action, grazing will continue as it has in the past.

Migratory Birds

Not present in significant numbers for project activity to be of concern.

Rangeland Health Standards

Unknown

Recreation

The proposed project is located within BLM-administered public lands managed under extensive recreation management area (ERMA) objectives, where recreation management is custodial and addresses public health and safety, use and user conflicts, and resource protection. Recreational uses observed within and surrounding the area are dominantly motorized touring and hill-climbing activities. Rattlesnake Ridge has been historically a local destination for exceptional hill-climbing activities. The BLM had once managed the area as an open OHV area, but due to excessive high levels of Hydrogen Sulfide Gas, the BLM closed the area as an OHV play area. Travel and transportation management limits motorized use to existing roads and trails, although there is still a high amount of off-road use.

Threatened, Endangered or Candidate Plant Species

Not present in the area impacted by the proposed or no action.

Threatened, Endangered or Candidate Animal Species

The project area has been designated as suitable for mountain plover by the Wyoming State Department of Game and Fish. However no birds have been observed.

Visual Resources

This area is managed under VRM Class III objectives. Class III objectives are to partially retain the existing character of the landscape. The level of change to the characteristic landscape should be moderate. Management activities may attract attention but should not dominate the view of the casual observer. Changes should repeat the basic elements found in the predominant natural features of the characteristic landscape.

Wild Horses and Burros

Not present in the area impacted by the proposed or alternative actions.

Areas with Wilderness Characteristics

Wilderness characteristics are resource values that include naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive and unconfined recreation. Areas evaluated for wilderness characteristics generally occur in undeveloped locations 5,000 contiguous acres and greater, or of sufficient size to be practical to manage for these characteristics. The BLM Land Use Planning Handbook (H.1601-1) states that the BLM must consider the management of lands with wilderness characteristics during the land use planning process. The criteria used to identify these lands are essentially the same criteria used for determining wilderness characteristics for wilderness study areas (WSA). However, the authority set forth in Section 603(a) of FLPMA to complete the three part wilderness review process (inventory, study, and report to Congress) expired on October 21, 1993; therefore, FLPMA does not apply to new WSA proposals and consideration of new WSA proposals on BLM-administered public lands is no longer valid. As mandated by FLPMA, Section 201, the BLM is still required to maintain an inventory of BLM-administered public lands to determine whether they possess wilderness characteristics. Recent inventories have found BLM-administered public lands that are within and proximity to the immediate project are absent of wilderness characteristics.

CHAPTER 4 ENVIRONMENTAL IMPACTS

DIRECT AND INDIRECT IMPACTS

PROPOSED ACTION

Cultural Resources

Additional consequences would not be expected under this alternative. The following standard stipulation is recommended under right-of-way Terms and Conditions.

Additional mitigation

The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

-whether the material appears eligible for the National Register of Historic Places;

-the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

-a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate.

If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Recreation

The access road will not impact recreational uses within the area, but rather benefit recreation by providing for an additional access route to the Rattlesnake Ridge area. Conflicts between recreationists and the other land users within the area may elevate due to a higher amount of use on the route. These conflicts may be minimal because the desired recreational resources within the area are along Rattlesnake Ridge, located east of the septic waste disposal facility. The access road will not impact recreational uses within the area, but rather benefit recreation by providing for an additional access route to the Rattlesnake Ridge area. Conflicts between recreationists and the other land users within the area may elevate due to a higher amount of use on the route. These conflicts may be minimal because the desired recreational resources within the area are along Rattlesnake Ridge, located east of the septic waste disposal facility.

Visual Resources

The proposed project will not directly impact VRM, but rather cumulate impacts to the visual resource by adding additional contrasting elements of line, form, color, and texture against the surrounding natural elements. Currently, the area already contains contrasting elements created from oil and gas development, access routes, off-road trails, and other industrial facilities. The proposed project may go unnoticed to the casual observer.

NO ACTION

Recreation

Under the No Action Alternative, the development of the proposed action would not occur. No resulting effects on recreation would be expected to occur beyond the current situation.

Visual Resources

Under the No Action Alternative, development of the proposed action would not occur. No resulting effects on visual resource management would be expected to occur beyond the current situation.

CUMULATIVE IMPACTS

Continued use of the existing road by the applicant would not lead to any additional impacts.

CHAPTER 5 PERSONS, GROUPS, AND AGENCIES CONSULTED

A public comment period has not been offered considering the scope and nature of the action proposed.

Non-BLM persons, groups, and agencies consulted regarding the proposed action include Bruce Frederick, Planner/Surveyor and agent representative for Washakie County (Table 5.1).

The proposed action was also reviewed by Worland Field Office natural resource staff who aided in developing issues, alternatives, and appropriate mitigation requirements regarding this proposal (Table 5.1).

Table 5.1 Persons, Groups, and Agencies Consulted

Non-BLM Contacts

Name	Representing	Responsibility
Bruce Frederick	Washakie County	Planner/Surveyor

BLM Reviewers

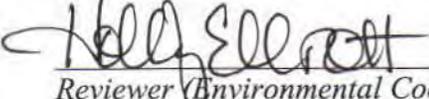
Name	Title	Review or Analysis Provided
Marit Bovee	Archaeologist	Cultural Resources
Karen Hepp	Rangeland Management Specialist	Threatened or Endangered Plant Species
Mike Peck	Rangeland Management Specialist	Rangeland Management/Grazing
Paul Rau	Outdoor Recreation Planner	Recreation/Visual Resource Management
Ted Igleheart	Wildlife Biologist	Wildlife Habitat/T&E

Victor Trickey	Realty Specialist	Preparer
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APPENDICES

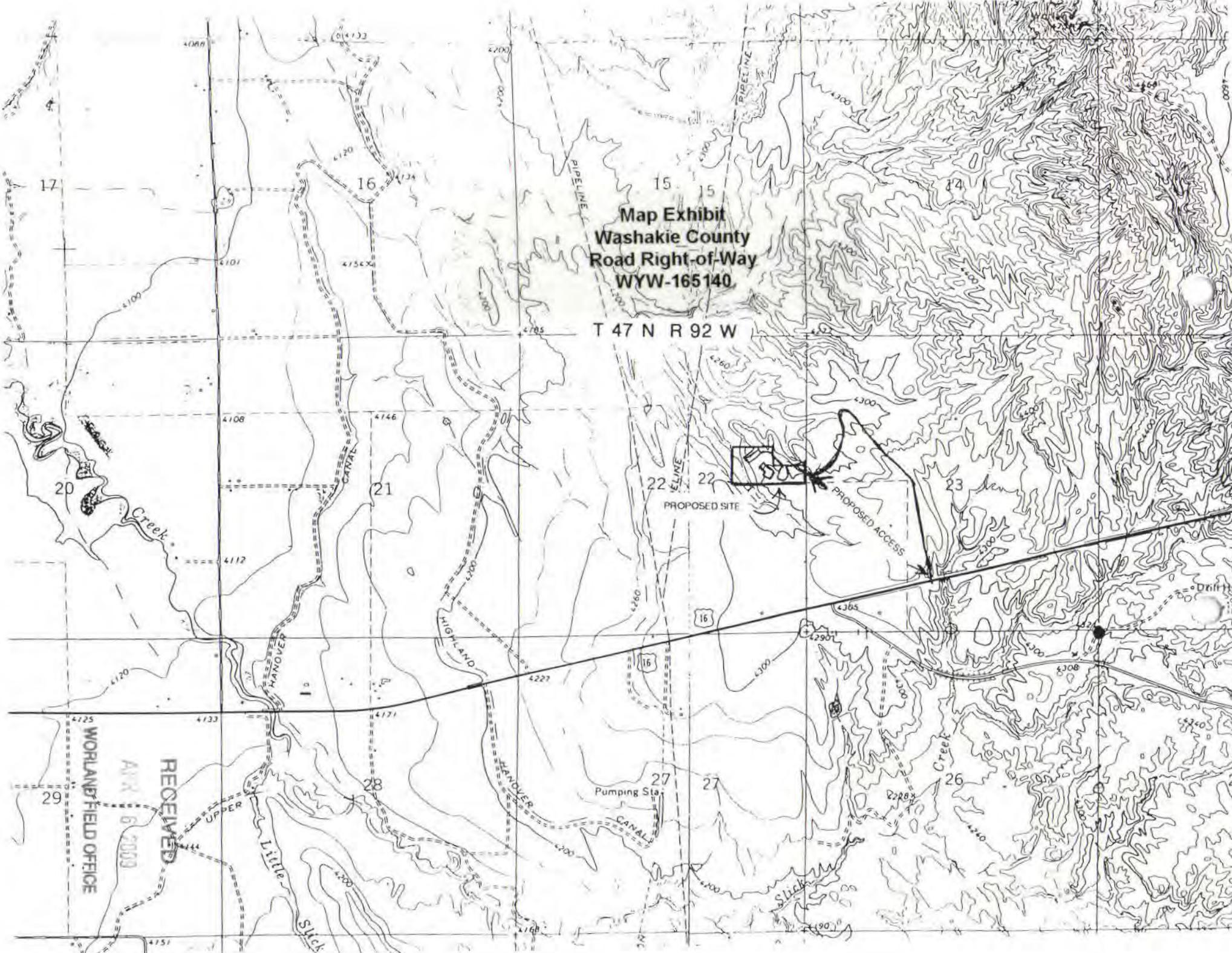
Map Exhibit

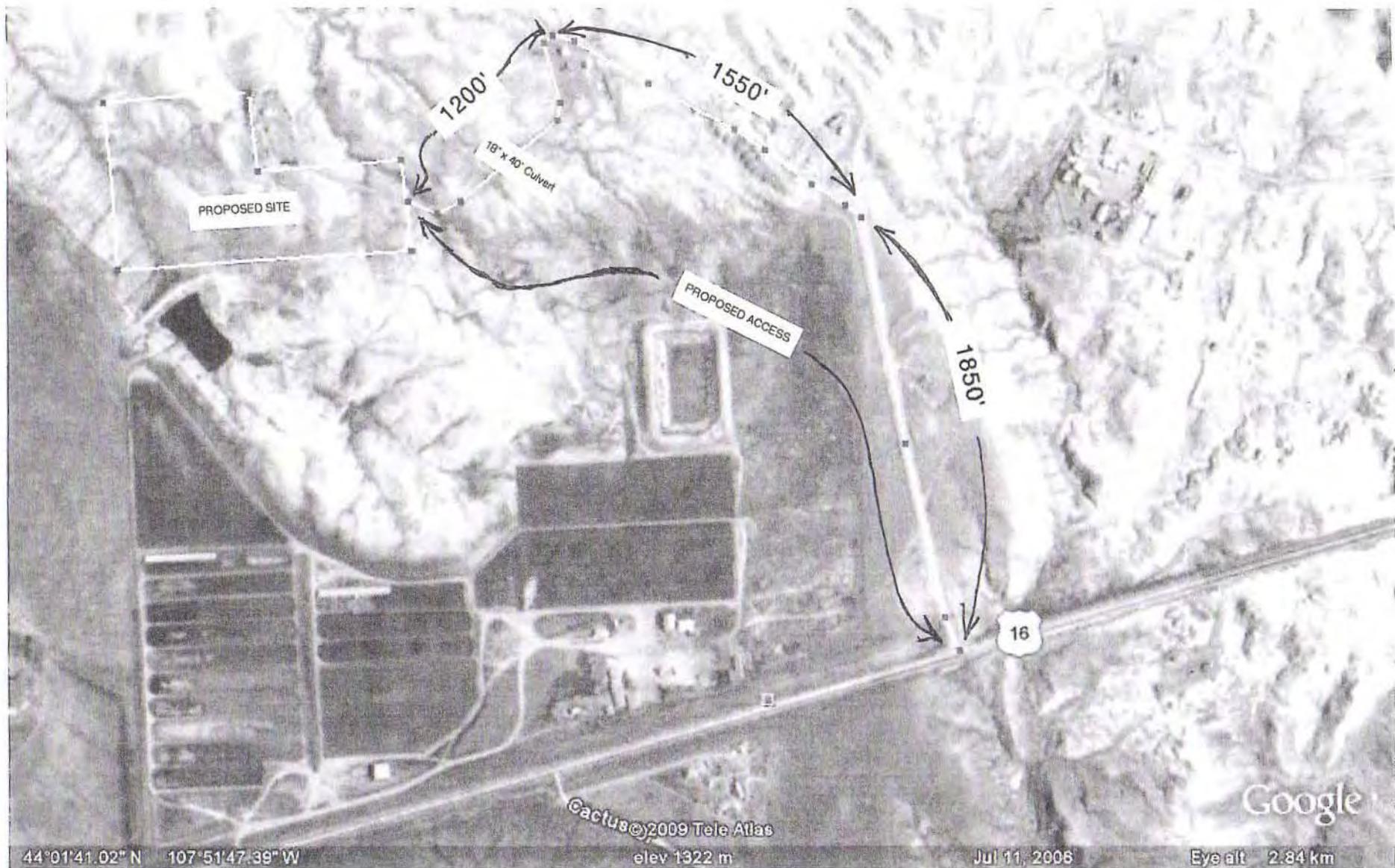
Photo Exhibit


Reviewer (Environmental Coordinator)

Map Exhibit
Washakie County
Road Right-of-Way
WYW-165140

T 47 N R 92 W





**Photo Exhibit
Washakie County
Road Right-of-Way
WYW-165140**

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