

Travel Management Plan for the  
Upper Nowood and South Brokenback  
Areas

DECISION RECORD  
AND  
FINDING OF NO SIGNIFICANT IMPACT  
(FONSI)

EA WY-010- EA06-30

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

October 6, 2006

**Decision Record  
and  
Finding of No Significant Impact  
for the  
Upper Nowood and South Brokenback Travel  
Management Plan  
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**DECISION**

My decision is to pursue Alternative 3 which provides adequate public access using motorized vehicles, and allows for protection of air, water, soils, vegetation and wildlife habitat. The decision will increase the size of areas where vehicles will not be present. The decision balances the need for motorized access, with the need for hunting and recreational opportunities that are free of disturbance from motorized vehicles. The decision also addresses seasonal wildlife concerns in security areas; fewer roads mean fewer disturbances of Sagegrouse leks and spring parturition areas. Finally, permanent closure of roads and trails (as opposed to seasonal closure) allows natural rehabilitation of the routes, and will eliminate confusion between open and closed routes.

**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 significantly impact the human environment, and that an EIS is not required. I find that implementation of the proposed action would not unnecessarily or unduly degrade 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 the Washakie Resource Management Plan, the decision was made to manage motorized vehicle use of the west slope of the Bighorn Mountains as “limited to designated roads”. Public comment on this environmental assessment (EA) repeated support for management of vehicles using this criteria. Four alternatives were analyzed in the EA and 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 preceded by a “Scoping Notice and Request for Public Input” and was distributed for a 30-day public review and comment period which ended on April 10, 2006. An open house public meeting was held on March 22, 2005 in which 25 people attended. Twenty one comments were received during the scoping period. Comments and concerns brought to the attention of the BLM were addressed in the environmental assessment.

The environmental assessment was distributed for a 30-day public review and comment period which ended on August 31, 2006. Of the seventeen comment letters that were received, fifteen were from the general public and one each was from the Wyoming Game and Fish Department, and Wyoming Department of Transportation.

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:** “The area is getting destroyed by irresponsible 4-wheelers and needs to be closed to their use immediately”

**Response:** Several responses similar to this were received. Numerous responders indicated that they use the area to hunt and were disturbed by vehicle use and noise. The selected alternative reduces disturbance to visitors while allowing for access by motorized vehicle. Closing the entire area to use by vehicles would severely restrict access to a minority of the public.

**Comment:** “I am not in favor of closing any roads”

**Response:** The selected alternative closes spur roads and parallel roads while allowing for access to public lands and resources on major roads. The alternative balances the needs of the various recreation resources which include hunting, hiking, and fishing, with the needs and desires of the public who wish to visit and use public lands solely by use of motorized vehicles. The alternative also balances the needs of recreation with the protection of public resources.

**Comment:** “Vehicle use disturbs the land and wildlife”

**Response:** The selected alternative will reduce the amount of disturbance to the land and wildlife by limiting motorized vehicle use to designated routes. Currently vehicles are limited to existing roads and trails. In certain areas this has created confusion regarding which roads can legally be used. By designating certain routes confusion can be reduced. This alternative also reduces the number of spur roads and parallel routes which are largely unnecessary.

**Comment:** “There really needs to be something done to cut down on vehicle traffic going off of designated roads”

**Response:** The BLM plans to post these areas with maps which clearly show the designated routes in the area. BLM will also post these maps on the internet in an attempt to inform the public before they enter the field. Designated route signs along with “white arrow” signs will be placed along the designated routes to reassure users that they are on a legal road. Roads that are not designated will be posted with signs to inform the public that they are not open to public use. BLM will use a reward program which, upon conviction of a violator, allows for \$250 to be paid to those who report violations. Violations can be reported to a 24 hour telephone hotline (1-888-358-2310). The areas will also be patrolled by a BLM Law Enforcement Ranger.

The Washakie Resource Management Plan allows for exceptions to the designated road rule for “necessary tasks” as long as no resource damage is incurred. Individuals who are performing lawful, “necessary tasks,” may drive off of designated routes.

**Comment:** “A lot of the Brokenback area is closed to the general public a big portion of the year”

**Response:** There are several areas adjacent to BLM administered lands which are privately owned lands. There are agreements in place on some of these lands which were put in effect at the time of purchase and which close these lands to public access during the majority of the year. The lands are open to public foot or horse access during the hunting season. These lands are not managed by the BLM and therefore outside of the scope of this environmental assessment. The selected alternative allows access to these lands via the South Brokenback road.

**Comment:** “Public notification was not good.”

**Response:** During this process numerous attempts were made to notify the public. Two separate 30-day comment periods were held. In all 37 comments were received. Notification was also attempted by use of the internet, mailing lists, and local media.

## **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 made, your notice of appeal must be filed in the Worland BLM Field Office, 101 S. 23<sup>rd</sup>, P.O. Box 119, Worland, Wyoming 82401, within 30 days of the date this Decision. The appellant has the burden of proof that the decision 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 stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for 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**

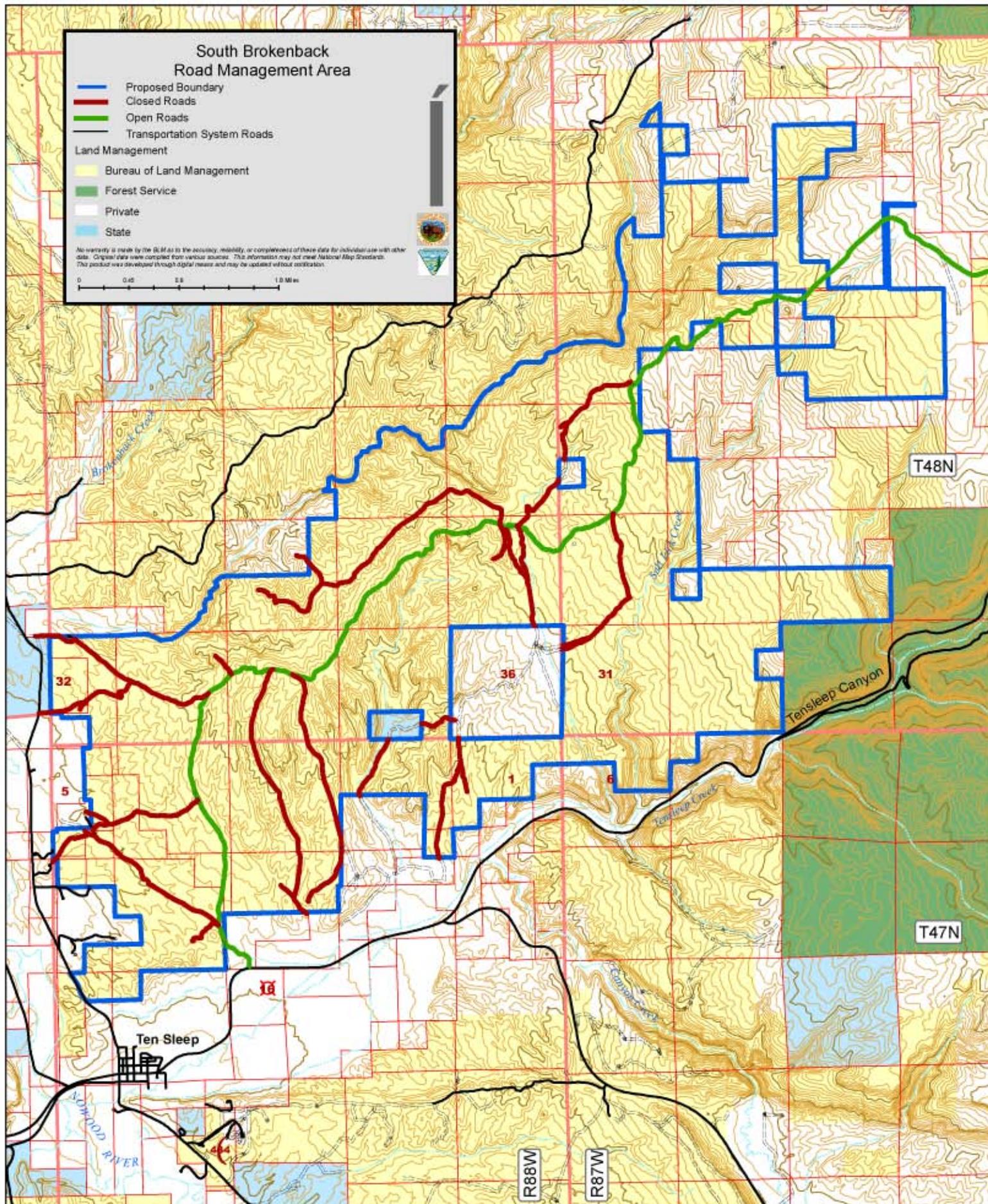
Except as otherwise provided by law or other pertinent regulation, a petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (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.

  
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Field Manager  
Bill Hill

  
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Date

# Map 5. Main Routes - Preferred Alternative South Brokenback



# Map 6. Main Routes - Preferred Alternative Upper Nowood

