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Record of Decision and Finding of No Significant Impact for the Shirley Mountain Planning Review Travel Management

United States Department of the Interior, Bureau of Land Management

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U.S. Department of the Interior
Bureau of Land Management
Rawlins District Office

Great Divide Resource Area

RECORD OF DECISION and FINDING
OF NO SIGNIFICANT IMPACT for the
Shirley Mountain Planning Review
Travel Management

MISSION STATEMENT
It is the mission of the Bureau of Land Management to sustain the health, diversity,
and productivity of the public lands for the use and enjoyment of present and future
generations.
Dear Reader:

Attached is the proposed decision for the Shirley Mountain Travel Management Planning Review. The Shirley Mountain Planning Review Area is comprised of about 69,590 acres of intermingled public, private, and state land surface ownerships. The review area is within the Bureau of Land Management (BLM) Great Divide Resource Area, Carbon County, Wyoming.

The planning review was conducted to analyze and weigh the affects of retaining or changing the Off-Road Vehicle (ORV) designation for the BLM-administered public lands within the Shirley Mountain Planning Review Area. The proposed decision considers comments received during public scoping and the 45-day comment period for the Shirley Mountain Planning Review Travel Management Environmental Assessment (EA).

The proposed decision, to change the ORV designation within the Shirley Mountain Planning Review Area, from "limited to existing roads and trails" to "limited to designated roads and trails," constitutes an amendment to the Great Divide Resource Management Plan (RMP) and is subject to protest. As provided in 43 Code of Federal Regulations, Part 1610.5-2, any person who participated in the planning review process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may concern only those issues which were raised and submitted for the record during the planning review process and by only the party(ies) who raised the issue(s). All parts of the proposed decision may be protested. Protests must be in writing and must be sent to the Director (1100) Bureau of Land Management, Attention: Brenda Williams, 1849 C Street N.W., Washington, D.C. 20240. Protests must be post-marked within 30 days following the date the notice of availability (NOA) of this decision record is published in the Federal Register. Protests must include: (a) the name, mailing address, telephone number, and interest of the person filing the protest; (b) a statement of the issue or issues submitted during the planning review process by the protesting party; or an indication of the date the issue or issues were discussed for the record; (c) a statement of the part, or parts, of the proposed decision being protested; (d) a copy of all documents addressing the issue or issues that were submitted during the planning review process by the protesting party, or an indication of the date the issue or issues were discussed for the record; and (e) a concise statement explaining why the proposed decision is believed to be wrong.

If no protests are received, the attached proposed decision will become final at the end of the 30 day protest period. If protests are received the decision will not become final until the protests are resolved.

Through your participation, we look forward to improved public land management in the Shirley Mountain Planning Review Area.

Sincerely,

Alan B. Peterson
Wyoming State Director
SHIRLEY MOUNTAIN PLANNING REVIEW AREA BOUNDARY

SCALE: 1/2 INCH = 1 MILE

Legend:
- Federal Land
- State Land
- Private Land

Planning Review Area Boundary
(Area where ORV travel is limited to designated roads and trails)

No warranty is made by the BLM as to the accuracy, reliability, or completeness of data for individual use or against use with other data.
The BLM-administered public lands in the Shirley Mountain Planning Review Area will remain open to off-road use by motorized over-the-snow vehicles, provided that they do not adversely affect soils, wildlife, or vegetation. This is consistent with the motorized over-the-snow vehicle policy for the majority of BLM-administered public lands within the Great Divide Resource Area. Horse and foot travel will continue to be allowed across the public lands within the Shirley Mountain Planning Review Area.

The BLM may authorize the construction and use of temporary or permanent roads on BLM-administered public lands for the purposes of resource management activities. Such roads would be associated with such things as forest management projects and contracts, construction of public utilities, and similar resource management activities. Authorizations for the construction of new roads will include specific design criteria, maintenance responsibilities, seasonal restrictions, closure dates and methods of closure, as appropriate and necessary to conform to the management objectives for the area.

Off-road travel of official vehicles on BLM-administered public lands will be permitted when directly in support of range and forest fire control efforts, rescue operations, and similar emergency uses.

The livestock operators who hold BLM grazing permits within the Shirley Mountain Planning Review Area will continue to be authorized to drive off-road to accomplish "necessary tasks," only if such travel will not result in resource damage. Resource damage is defined as: driving (off of roads designated for vehicular use) into or across range areas, springs, or seeps during times of high runoff or soil saturation; cutting standing dead or live trees or shrubs to gain access into an area; and cutting, damaging or destroying fences or any other range improvement projects on the public lands. Necessary tasks for livestock operators are defined as construction or maintenance of approved range improvements on BLM-administered public lands, retrieval of sick or injured livestock, and the distribution of salt and mineral blocks. These necessary tasks are consistent with tasks allowed under the Great Divide RMP for other ORV "limited" designation areas. (See note below.)

The general public will continue to be permitted to drive vehicles off-road on BLM-administered public lands only during big game hunting seasons in the area for the "necessary task" of retrieving downed big game animals, and only if such travel does not result in resource damage. Again, resource damage is defined as: driving (off of roads designated for vehicular use) into or across range areas, springs, or seeps during times of high runoff or soil saturation; cutting standing dead or live trees or shrubs to gain access into an area; and cutting, damaging or destroying fences or any other range improvement projects on the public lands. This "necessary task" is consistent with tasks currently allowed under the Great Divide RMP for other "limited" ORV designation areas. (See note below.)

The required monitoring of the effectiveness of this management decision, to be initiated with the activity or implementation plan for the Shirley Mountain area, will include annual resource monitoring and evaluation to determine if "necessary task" activities will contribute to unacceptable levels of soil erosion or fragmentation of wildlife habitat. Any unacceptable levels of resource damage occurring as a result of off-road vehicular use for "necessary tasks," will result in restriction or prohibition of these types of activities.

Note: This decision does "not" change the statewide BLM policy or the Great Divide RMP decision which allow off-road vehicular use for conducting "necessary tasks" (as defined above). It is necessary to clarify that the Proposed Action as described on page 4 of the EA (to change the ORV designation in the Shirley Mountain Planning Review Area from "limited to existing roads and trails", to "limited to designated roads and trails"), does not restrict off-road vehicular travel for the purpose of conducting "necessary tasks." However,
and stipulations and not restrict the use of motorized vehicles for the completion of necessary tasks. Enforcement of road closures is going to be difficult regardless of whether motorized vehicles are allowed for the completion of necessary tasks or not. In addition, only allowing the use of motorized vehicles for the retrieval of downed game animals would have been biased against other legitimate necessary task activities.

RATIONALE FOR DECISION

The decision to change the ORV travel designation from "limited to existing roads and trails," to "limited to designated roads and trails" was based on the environmental analysis documented in the EA, the ability to better enforce the "designated" roads and trails ORV designation and to control the proliferation of roads and trails in the planning review area, and the information and comments received from the public during scoping and during the comment period for the EA.

Note: This decision does not change the statewide BLM policy or the Great Divide RMP decision which allow off-road vehicular use for conducting "necessary tasks" (as defined in the decision above).

It is necessary to clarify that the development of the proposed action in the EA and the associated environmental analysis were completed with the misunderstanding that the "limited to designated roads and trails" ORV designation would prohibit off-road use of motorized vehicles for conducting "necessary tasks." As a result, the proposed action and environmental analysis appear to be inconsistent with the decision above. The decision is, however, within the range of analyses presented in the EA for the two alternatives considered in detail. The analysis of the "No Action - Continuation of Present Management" alternative includes off-road vehicular travel for the purpose of conducting necessary tasks. Therefore, necessary task activities and the effect these activities may have on the proliferation of new roads were adequately considered in the course of analyzing and documenting the environmental consequences of the No Action alternative.

The decision to continue the provision for allowing off-road use of motorized vehicles for the purpose of conducting "necessary tasks" is based on the analyses presented in the EA and the expectation that the majority of the resource management objectives for the planning review area can be achieved through implementing the changed ORV designation and the associated requirements and stipulations cited in the decision above. While it is possible that "necessary task" activities may result in higher impacts than were identified in the analysis of the proposed action, they are consistent with the impacts identified for the No Action alternative and will not reach a level of significance that may require the preparation of an environmental impact statement (EIS). In addition, the monitoring requirements of the decision would assure that any unacceptable levels of impact are timely identified and rectified (i.e., further restriction or prohibition of necessary task activities). Allowing for and monitoring off-road vehicular use for the conduct of "necessary tasks" will not reduce the BLM's ability to further control or prohibit these types of activities (selectively or totally) in the future, particularly if monitoring supports the need for such action.

SUMMARY OF PUBLIC COMMENTS ON THE ENVIRONMENTAL ASSESSMENT FOR A CHANGE IN ORV DESIGNATION WITHIN THE SHIRLEY MOUNTAIN PLANNING REVIEW AREA

Eleven letters were received during the 45-day comment period for the EA.

Where responses to individual comments would provide clarification to the planning review process or the environmental analysis, we have provided responses below.
4. A comment was made that all purposes of proposals. These criteria are not concerned specifically with the specific use of designated roads and trails or temporary roads for purposes of resource management principles (e.g., for fire control, timber management, public utilities).

The BLM agrees that the designated road use system needs to be flexible and allow for changes based on sound resource management principles. The decision adequately provides for these concerns and they will be further addressed in future implementation planning and processing of use authorizations on the public lands.

8. A comment was made that off-road use should be allowed for official vehicles in support of fires, rescue operations, and similar types of emergency use.

Refer to 7 above.

9. A comment was made that snowmobiles should be exempt from the no off-road travel designation.

This decision will not change the Great Divide RMP decision that the Shirley Mountain area is open to off-road use by over-the-snow vehicles, provided that they do not adversely affect wildlife or vegetation.

10. One commentor wanted to know why mineral resources were not discussed in the Existing Environment, and Environmental Consequences section of the EA. In particular, the commenter felt that changing the ORV designation would affect the ability to explore for mineral resources.

Mineral resources was one of the resources determined to not be affected by the change in ORV designation as identified in page 10 of the EA. Access issues would be addressed in Plans of Operations and could include the use of designated roads and trails or the construction of new or temporary roads if necessary. All operators would also be required to obtain all necessary permits from the State of Wyoming Department of Environmental Quality.

11. A commentor felt that the closure of roads on public land that access riparian areas should not be a goal.

The goal is to reduce soil erosion and compaction and to create larger blocks of security area for wildlife on Shirley Mountain. The BLM believes that the designated road-use system will offer reasonable access to most large blocks of public land and ample access and recreation opportunities in riparian areas.

12. A comment was made that BLM law enforcement patrols on Shirley Mountain should be increased instead of closing or obliterating roads and trails.

The Shirley Mountain Planning Review Area currently has an average of two miles of road per square mile. Studies have shown that habitat effectiveness for big game species is reduced when road densities are this high. A primary objective of obliterating or closing some roads on Shirley Mountain is to lower the road density in the area to one mile of road per square mile. The level of law enforcement activity needed in the area is another aspect that will be subject to activity implementation planning and monitoring of the area for effectiveness in meeting management objectives.

13. A commentor felt that the BLM should close problem roads and trails for a few weeks before and during hunting season and not year-round.

Seasonal or temporary road closures may be a partial solution toward meeting the management objectives for the area and can best be addressed in the course of developing the travel management plan and other implementation plans for the area. However, this would not provide a practical long-term solution to meeting the objectives of reduced road densities or reduced road and trail erosion problems in the area (i.e., erosion of road and trail cuts can occur at any time during the spring, summer and fall months, not only when vehicle use occurs or during periods of heavy vehicle use). While holding six on the mountain longer during hunting season by creating larger blocks of security area is one of the main objectives for proposing a designated road use system, it is not the sole objective.
One commentator expressed concern that the BLM did not use good science to make decisions concerning travel management on Shirley Mountain. The commentator also felt that, if the BLM adopts the new ORV designation, all users would be made to suffer in order to increase the elk harvest.

While the elk hunting experience and harvest in the area may be aspects of consideration, the primary management concerns are related to the proper management of soil and vegetation resources that, in turn, provide the basis for the elk habitat, along with all the other resource and land use values of the area. Where scientific data or research information is available, it is used in the decisionmaking process. However, recent scientific data are not the only tools available for resource evaluation. In situations where the scientific information is dated, unavailable, or difficult or expensive to acquire, decisions based on the best available data and a reasoned analysis are used in the decisionmaking process. The environmental consequences section of the EA forms the scientific and analytic basis for the comparison of alternatives. It is also noted that no additional or new data was provided to support this comment.

Existing information used in the analysis included the Wyoming Game & Fish Department (WGFD) 1994 habitat analysis for Shirley Mountain and BLM's 1995 Habitat Management Plan (HMP) for Shirley Mountain. A portion of the WGFD analysis was based on road and trail density and the effects of wildlife habitat fragmentation. The BLM's HMP recommended that a plan be developed to control the proliferation of two-track roads and trails and to address travel management. Both of these documents are available for review at the Great Divide Resource Area Office in Rawlins.

Corrections and clarifications to the Shirley Mountain Planning Review Travel Management Environmental Assessment are included in the attached errata (Attachment 1).

I have reviewed my responsibilities under existing laws, regulations, policies, and land use decisions, and my decision is consistent with them.

Alan R. Pierson
Wyoming State Director