

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have reviewed this environmental assessment (WY-020-E03-118) including any analysis of potentially significant impacts. I have determined the proposed action, Alternative I – Approve the McCullough Peaks Travel Management Plan with the mitigating measures included in the proposed action will not have any significant impacts on the human environment and that an Environmental Impact Statement is not required.

Authorized Officer Michael J. Blymyer Date 1 Sept 2004
Michael J. Blymyer, Cody Field Office

DECISION RECORD
MCCULLOUGH PEAKS TRAVEL MANAGEMENT
PLAN AND ENVIRONMENTAL ASSESSMENT

I. DECISION

It is my decision to approve the McCullough Peaks Travel Management Plan and Off-Road Vehicle (ORV) Route Designations to implement the ORV decisions that were made in the Cody Resource Management Plan (RMP). This authorization will be granted under the legal authority of the Federal Land Policy and Management Act, subject to the standard stipulations and mitigating measures included in the proposed action.

II. ALTERNATIVES CONSIDERED

Alternative one is to approve the McCullough Peaks Travel Management Plan and associated route designations and management actions.

Alternative two is no action, or a continuation of the current management situation.

Alternative three is to approve the McCullough Peaks Travel Management Plan and associated route designations and management actions with the exception of the closed routes and actions related to closing the routes.

III. RATIONALE

My decision to approve the McCullough Peaks Travel Management Plan and Off-Road Vehicle (ORV) Route Designations is based on the following:

The Cody RMP management objective for Off-Road Vehicle Management is to maintain or enhance opportunities for ORV use while protecting or avoiding adverse effects of vehicular travel on other resource values. Alternative one (proposed action) would be in conformance to the Cody RMP stated objectives for management.

The Cody Resource Management Plan (RMP) Off-Road Vehicle (ORV) decisions designated the McCullough Peaks area as "limited to designated roads and trails." The management actions in the travel management plan outline a specific course of action to implement this decision on-the-ground.

Management of ORVs on BLM administered public land, in accordance with 43 CFR 8340, is necessary to address public and administrative access needs, protect resources, promote public safety, and minimize conflicts among the various uses of public lands. The proposed action provides a balance between motorized and non-motorized uses of the public lands. I have also determined that all practical mitigation measures to avoid or minimize environmental damage, while still providing a range of recreation opportunities and access have been incorporated into the proposed action.

Implementing the travel management plan will result in a clearly defined road network that is understandable to the public, provides needed access, does not cause resource degradation, and is enforceable.

V. APPEALS

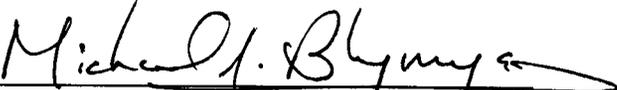
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, your notice of appeal must be filed in the Wyoming State BLM Office, P.O. Box 1828, 5353 Yellowstone Road, Cheyenne, Wyoming 82003-1828 within 30 days 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 pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) 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.


Michael J. Blymyer, Cody Field Manger

1 Sept. 2004
Date