

PROPOSED DECISION RECORD

CO-200-2006-0086 EA

To
Amend Certain Off-Highway Vehicle Designations
in the
Royal Gorge Resource Management Plan

**USDI Bureau of Land Management
Royal Gorge Field Office**

Fremont, Chaffee, and Custer Counties, Colorado

INTRODUCTION: This document describes my Proposed Decision and rationale for the Arkansas River Travel Management Plan-Environmental Assessment (ARTMP-EA) and plan amendment to the Royal Gorge Resource Management Plan (RMP). My Proposed Decision is based on the ARTMP-EA, subsequent finding of no significant impact (FONSI), and the goals and objectives of the Royal Gorge Resource Management Plan (RMP). The ARTMP-EA utilized the goals and objectives of the RMP to analyze reasonable travel management alternatives on public lands along the Arkansas River in Fremont, Chaffee and Custer counties, Colorado.

This Proposed Decision is subject to a 30-day public protest period and 60-day governor's consistency review. In accordance with BLM policy, decisions pertaining to OHV area designations are deemed to be an amendment of the RMP, and are subject to the protest procedures outlined below. Once the decision to amend the plan is final a separate decision record will be issued to designate routes and other travel management decisions.

The Administrative Record, including the EA that discusses and analyzes the Proposed Action and alternatives, is available for review at the Bureau of Land Management (BLM) Royal Gorge Field Office, 3170 E. Main Street, Canon City, CO. The EA is available at the following web address:

http://www.blm.gov/co/st/en/fo/rgfo/travel_mgmt/arkansas_river_travel0.html

Please direct questions about this Proposed Decision Record, EA, or FONSI to John Dow, Environmental Coordinator, at (719) 269-8559, or by submitting your questions to rgfo_comments@co.blm.gov.

BACKGROUND: The 531,736-acre planning area extends along the Arkansas River corridor between the cities of Canon City, and Buena Vista, Colorado, and the northern half of Custer County to the town of Westcliff. Of the total 531,736 acres in the planning area, 240,555 acres are BLM-administered Public Lands with the following open area designations:

- 9,338 acres designated as OHV Open in the Texas Creek area
- 2,016 acres designated as OHV Open in the Grand Canyon Hills area
- 866 acres designated as OHV Open in the Sand Gulch area

Four **OHV Closed** areas currently exist in the ARTMP-EA planning area: the Browns Canyon, McIntyre Hills, Upper Grape Creek, and Lower Grape Creek Wilderness Study Areas (WSA's). A fifth area with WSA status, High Mesa Grassland RNA/ISA, is currently designated **OHV Limited**.

Under the Proposed Action all three **OHV Open** Areas would be changed to **OHV Limited to designated roads and vehicle type**. The Proposed Action would also establish a small (52 acres) area at Turkey Rock as **OHV Limited to Vehicle Type** for riding trials bike; a specialized class of motorcycle.

Under the Proposed Action all four WSAs that are currently **OHV Closed** would continue to be designated and managed as **OHV Closed** areas. The **OHV Limited** designation, for the 680 acres in the High Mesa Grassland Research Natural Area/Instant Study Area (RNA/ISA), would be changed to **OHV Closed**. The RNA/ISA closure assures BLM consistency with the Interim Management Policy for Lands Under Wilderness Review.

PROPOSED DECISION: It is my Proposed Decision to change the OHV Open area designations to that of OHV Limited for the Texas Creek, Grand Canyon Hills, and Sand Gulch areas and to designate 56 acres at Turkey Rock as OHV Limited to Vehicle Type. It is also my Proposed Decision to change the OHV Limited designation for the High Mesa Grassland RNA/ISA to that of OHV Closed.

RATIONALE: The proposed change in OHV area designations, found in the Proposed Action (Alternative C) for the ARTMP-EA, will best balance the recreational demands with resource needs, RMP goals, compliance with Public Land Health Standards and the Interim Management Policy for Lands Under Wilderness Review (IMP). My Proposed Decision is based on the findings and analysis in the EA, including supporting documentation and reports, and public participation and involvement in this project.

PROTEST OPPORTUNITIES: Pursuant to BLM's Planning regulations at 43 CFR **1610.5-2**, any person who participated in the planning process for the Arkansas River Travel Management Plan and has an interest that is or may be adversely affected by the proposed **OHV Area Designation** amendment to the resource management plan may protest such amendment. A protest may raise only those issues that were submitted for the record during the planning process. New issues may not be brought into the record at the protest stage. These issues may have been raised by the protesting party or others. For

consideration, the protest must be filed within 30 days of the published notice of the decision record's effective date. Please see the accompanying protest regulations in the pages that follow. E-mailed and faxed protests will not be accepted as valid protests unless the protesting party also provides the original letter by either regular or overnight mail postmarked by the close of the protest period. Under these conditions, the BLM will consider the e-mailed or faxed protest as an advance copy and will afford it full consideration. If you wish to provide the BLM with such advance notification, please direct faxed protests to the attention of Brenda Hudgens-Williams, BLM protest coordinator at 202-452-5112, and e-mail protests to: Brenda_Hudgens-Williams@blm.gov.

If sent by regular mail to:

Director (210)
Attention: Brenda Hudgens-Williams
P.O. Box 66538
Washington, D.C 20035

For overnight mailing (must be Federal Express) send to:

Director (210)
Attention: Brenda Hudgens-Williams
1620 L Street, N.W. Suite 1075
Washington, D.C. 20036

The regulations comprise critical elements of your protest. Take care to document all relevant facts. As much as possible, reference or cite the planning documents or available planning records (e.g. meeting minutes or summaries, correspondence, etc.) To aid in ensuring the completeness of your protest, a protest check list is attached following this letter.

Before including your address, phone number, e-mail address, or other personal identifying information in your protest, be advised that your entire protest – including your personal identifying information – may be made publicly available at any time. While you can ask us in your protest to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

The BLM Director will make every attempt to promptly render a decision on each protest. The decision will be in writing and will be sent to the protesting party by certified mail, return receipt requested. The decision of the BLM Director regarding protests shall be the final decision of the Department of the Interior.

Upon completion of the 60-day Governor's consistency review and resolution of any resource management plan protest, the BLM will issue an Approved RMP Amendment.

Approval will be withheld on any portion of the Amendment under protest until final action has been completed on such protest. The Approved RMP Amendment will be available to all parties through the “Arkansas River Travel Management Planning” page of the BLM Royal Gorge Field Office website.

http://www.blm.gov/co/st/en/fo/rgfo/travel_mgmt/arkansas_river_travel0.html

SIGNATURE OF RECOMMENDING OFFICIAL:

/s/ Roy Masinton
Roy L. Masinton
Field Manager
Royal Gorge Field Office

12/18/2007
Date

PROPOSED DECISION

It is my proposed decision to amend certain travel management designations in the Royal Gorge Resource Management Plan as described above.

SIGNATURE OF AUTHORIZED OFFICIAL:

Sally Wisely, State Director

Date

[Code of Federal Regulations]
[Title 43, Volume 2]
[Revised as of October 1, 2002]
From the U.S. Government Printing Office via GPO Access
[CITE: 43CFR1610.5-2]

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TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER II--BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

PART 1600--PLANNING, PROGRAMMING, BUDGETING--Table of Contents

Subpart 1610--Resource Management Planning

Sec. 1610.5-2 Protest procedures.

(a) Any person who participated in the planning 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 raise only those issues which were submitted for the record during the planning process.

(1) The protest shall be in writing and shall be filed with the Director. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the Federal Register. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.

(2) The protest shall contain:

(i) The name, mailing address, telephone number and interest of the person filing the protest;

(ii) A statement of the issue or issues being protested;

(iii) A statement of the part or parts of the plan or amendment being protested;

(iv) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and

(v) A concise statement explaining why the State Director's decision is believed to be wrong.

(3) The Director shall promptly render a decision on the protest. The decision shall be in writing and shall set forth the reasons for the decision. The decision shall be sent to the protesting party by certified mail, return receipt requested.

(b) The decision of the Director shall be the final decision of the Department of the Interior.

Resource Management Plan Protest Critical Item Checklist

**The following items *must* be included to constitute a valid protest
whether using this optional format, or a narrative letter.**

(43 CFR 1610.5-2)

BLM's practice is to make comments, including names and home addresses of respondents, available for public review. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, be advised that your entire comment--including your personal identifying information--may be made publicly available at any time. While you can ask us in your comment to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations and businesses, will be available for public inspection in their entirety.

Resource Management Plan (RMP) or Amendment (RMPA) being protested:

Name:

Address:

Phone Number: ()

Your interest in filing this protest (how will you be adversely affected by the approval or amendment of this plan?):

Issue or issues being protested:

Statement of the part or parts of the plan being protested:

Chapter:

Section:

Page:

(or) Map:

Attach copies of all documents addressing the issue(s) that were submitted during the planning process by the protesting party, OR an indication of the date the issue(s) were discussed for the record.

Date(s):

A concise statement explaining why the State Director's decisions is believed to be wrong: