

**Categorical Exclusion Not Established by Statute**  
**CX Number: WY-D030-2016-0155-CX**

**A. BACKGROUND**

BLM Office: Rawlins Field Office                      Lease/Serial/Case File No.: WYW-030-SRP-16-02

Proposed Action Title/Type: Fishing SRP for Phillip McGrath  
Location of Proposed Action: North Platte River and Encampment River within the Rawlins Field Office  
Description of the Proposed Action: Guiding fishing float trips on the river

**B. LAND USE PLAN CONFORMANCE**

Land Use Plan Name: Record of Decision and Approved Rawlins Resource Management Plan  
Date Approved/Amended: December 24, 2008/September 21, 2015

  X   The proposed action is in conformance with the Land Use Plan (LUP), because it is specifically provided for in the following LUP decision(s):

Section 2.3.10.1 Special Recreation Management Areas, North Platte River SRMA  
p. 27, Management Action 3. "Manage commercial outfitting to disperse river usage."

       The proposed action is in conformance with the LUP decision(s) even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

The action is also in conformance with the North Platte River Recreation Area Management Plan (RAMP) signed September 20, 2013.

**C: COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9(H)(1)

H. Recreation Management.

"Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for "Special Area" management (43 CFR 2932.5)."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43

CFR 46.215 apply. These circumstances, and the rationale specific to this categorical exclusion, are listed and described in Table 1.

I considered the proposed special recreation permit my evaluation, and find that the Proposed Action would not have any effects that may significantly affect the environment.

**D: AUTHORIZED OFFICER SIGNATURE**



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Dennis J. Carpenter  
Field Manager

JUN 20 2016

\_\_\_\_\_  
Date

**Contact Person**

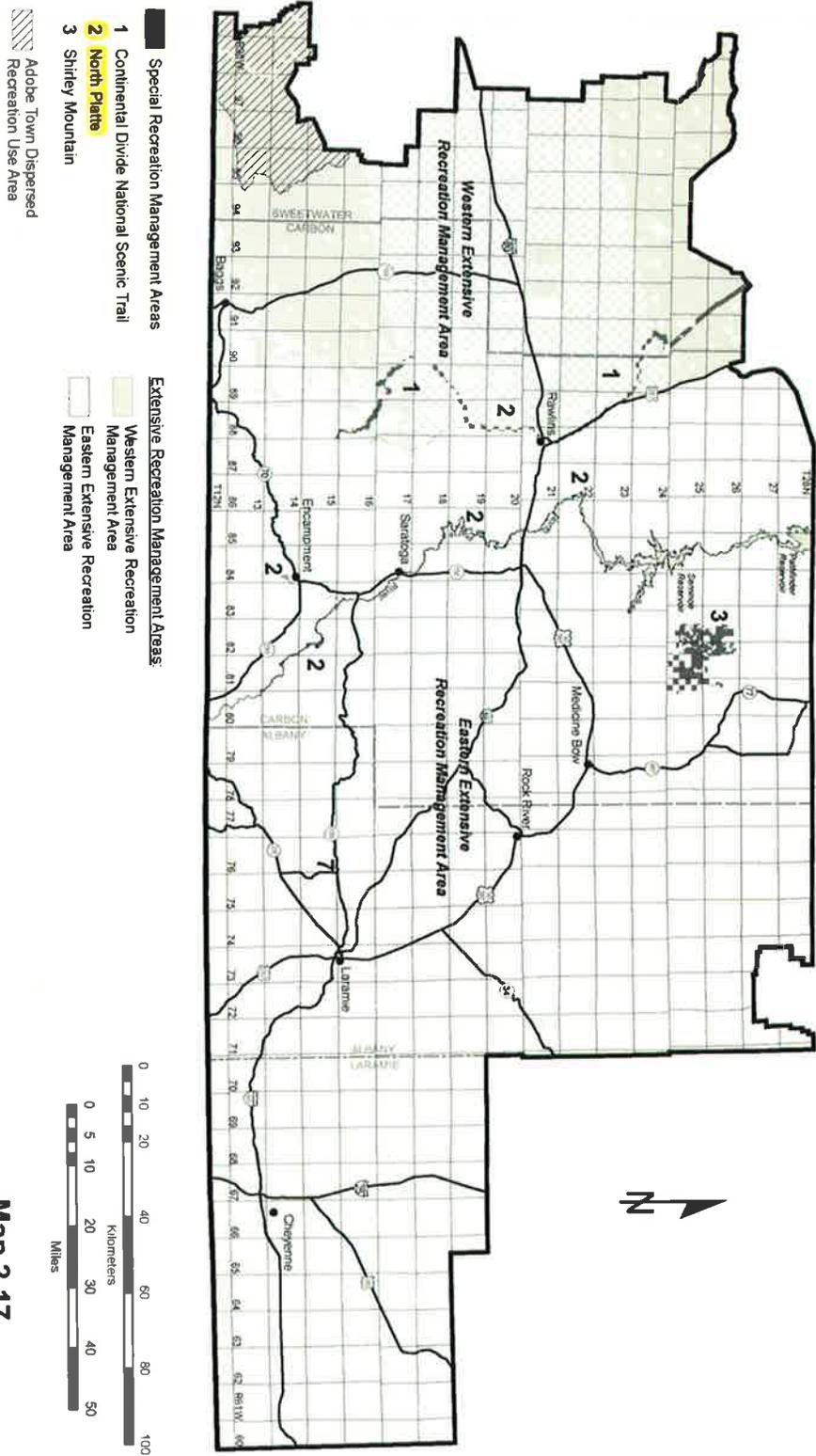
For additional information concerning this CX review, contact: Timothy Novotny, Assistant Field Manager, Resources, Rawlins Field Office, PO Box 2407, Rawlins, WY 82301, or you may call (307) 328-4311

**Table 1. Extraordinary Circumstances**

	<b>Extraordinary Circumstances</b>	<b>Affected Yes/No</b>	<b>Rationale</b>
(a)	Have significant impacts on public health or safety.	No	The proposed project would not affect public health or safety.
(b)	Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.	No	The proposed project will have no significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (EO 11990); floodplains (EO 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
(c)	Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (National Environmental Policy Act Section 102(2)(E)).	No	The proposed project does not have any highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources (National Environmental Policy Act Section 102(2)(E)).
(d)	Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No	No significant environmental effects or unknown risks have been identified.
(e)	Establish precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.	No	The proposed project will not establish precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.
(f)	Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No	The Proposed Action, when considered with other actions in the area, would not have cumulatively significant environmental effects to BLM lands and/or resources.
(g)	Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.	No	The proposed project will not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau.
(h)	Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical habitat for these species.	No	The proposed project will not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical habitat for these species.
(i)	Violate a Federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment.	No	The Proposed Action would not violate a Federal law, or a state, local, or tribal law or a requirement imposed for the protection of the environment.
(j)	Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No	The Proposed Action would not have a disproportionately high and adverse effect on low income or minority populations.
(k)	Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No	The proposed project would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

	<b>Extraordinary Circumstances</b>	<b>Affected Yes/No</b>	<b>Rationale</b>
(1)	Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No	As proposed, the project design features would ensure that this project would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.

# MAP 1



Map prepared by the Wyoming State Office, Wyoming State Office, Cheyenne, WY. All data is current as of 10/1/2014. All data is subject to change without notice. All data is subject to change without notice.

## APPENDIX A

### Special Terms & Conditions

The following Terms and Conditions will be added to the Special Recreation Permit.

1. The permit holder must maintain the following internal accounting records pertaining to the permit for a minimum of three years after the expiration of the permit: (a) W-2 records or similar records of employment for all employees conducting trips under the permit, (b) records of all financial relationships with booking agents or advertisers, (c) records of all receipts or compensation including payments, gratuities, donations, gifts, bartering, etc., received from any source during activities conducted under the permit, (d) a record of all payments made by the permittee and claimed as a deduction in the permit holder's fee submission, and (e) a complete and reconcilable accounting system that includes the following items: (1) customer cash receipt deposit ledger or statements (these include the deposit transactions with continuous sum totals) and (2) bank statements/ledgers, or the deposit slip ledger receipts.

2. The BLM retains the right to verify permit compliance from the books, correspondence, memoranda, and other records of the permittee, and from the records pertaining thereto of a proprietary or affiliated company during the period of the permit and for 3 years thereafter regardless of physical location. (similar to WY stipulation on page 5k in our state SRP Handbook)

3. Permit Holder agrees to make all relevant books, documents, papers, and records of his/her operation available to BLM upon request (as outlined in 43 CFR Subpart 2932.55) for analysis by qualified representatives of BLM and other agencies authorized to review BLM's permitting activities.

4. BLM may enforce penalties in the event permit holder's (PH) fail to comply with BLM/audit requests for documents, including the following:

- a) Suspend SRP until PH complies and provides all documentation to the BLM or Auditor.
- b) Put PH on probation for a period of one year. During this time, PH may be required to provide tax records to verify revenue, revenue ledger, bank statements to prove gross revenue/receipts, and request that no co-mingling of revenue be undertaken.

5. The permit holder must submit a Post Use Report to the authorized officer for every year the permit is in effect. If the post use report is not received by the established deadline, the following late fee schedule will be initiated: \* More than 15 days but less than 30 days after the due date: \$125; \* More than 30 days after the due date, but less than 45 days: \$250; \*Post use reports submitted more than 45 days after the due date may result in criminal, civil, and/or administrative action to protect the interest of the United States.

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DECISION RECORD

**Fishing SRP for Phillip McGrath  
WY-D030-2016-0155-CX**

**Decision:** I have reviewed the attached Categorical Exclusion (CX), WY-D030-2016-0155-CX. I have determined that the proposed action is categorically excluded from further National Environmental Policy Act (NEPA) documentation in accordance with 516 DM 11.9(H)(1). It is my decision to authorize the issuance of the Special Recreation Permit as described in the CX.

**Rationale for Decision:** The Proposed Action serves to manage commercial outfitting to disperse river usage and will result in no new impacts. The Proposed Action is in conformance with the Rawlins RMP and ROD, dated December 24, 2008, as amended, and the North Platte River Recreation Area Management Plan (September 2013). The Proposed Action does not cause any undue or unnecessary environmental degradation.

**Mitigation and Monitoring:** No mitigation will be needed as a result of this action. BLM recreation staff will monitor the effects of outfitting on the North Platte and Encampment Rivers.

**Appeal:** 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 sought (see 43 CFR 4.410), your notice of appeal must be filed within 30 days (see 43 CFR 4.411) from receipt of this decision to:

Field Manager  
Bureau of Land Management  
Rawlins Field Office  
P.O. Box 2407  
Rawlins, Wyoming 82301

The appeal shall state the reasons, clearly and concisely, why you think the final decision is in error (see 43 CFR 4.412).

If you wish to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board of Appeals, the petition for a stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

  
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Rawlins Field Manager

JUN 20 2016  
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Date