

Decision Record - Memorandum

Renewal of a Special Recreation Permit on the LFO National Historic Trail

Prepared by
**U.S. Department of the Interior
Bureau of Land Management
Lander Field Office
Lander, WY**

This page intentionally
left blank

Table of Contents

1. Renewal of a Special Recreation Permit on the LFO National Historic Trail	1
1.1. Compliance	1
1.2. Selected Action	1
1.3. Best Management Practices (BMPs) For Permit Management on the National Historic Trail:	6
1.4. Compliance with NEPA:	7
1.5. Public Involvement:	7
1.6. Rationale:	15
1.7. Appeal Opportunities:	18
1.8. Authorizing Official:	18
1.9. Contact Person	18
Appendix A. Permit Terms and Conditions	19
A.1. 2015 CPB Permit Terms and Conditions	19

This page intentionally
left blank

List of Tables

Table 1.1. Design Features Common to All Alternatives Including the Selected Action	1
Table 1.2. Alternatives Carried Forward for Detailed Analysis Including the Selected Action	3
Table 1.3. NHT Physical Impact Indicators and Thresholds Used To Adjust Causal Factors as Necessary to Ensure Accomplishment of Lander RMP Objectives	4
Table 1.4. Recreation Outcomes and Setting Impact Indicators and Thresholds Used To Adjust Causal Factors as Necessary to Ensure Accomplishment of Lander RMP Objectives	5
Table 1.5. Potential Remedial Action and Notification Requirement	6
Table 1.6. Substantive Public Comment and the BLM's Response	8
Table 1.7. Summary of Objective Achievement	16
Table 1.8. Summary of Impacts to Relevant Issues from Each Alternative	17

This page intentionally
left blank

Chapter 1. Renewal of a Special Recreation Permit on the LFO National Historic Trail

This page intentionally
left blank

1.1. Compliance

The selected action makes progress towards the objectives detailed in section 1.1 of the environmental assessment entitled: *Environmental Assessment to Renew a Special Recreation Permit on the LFO National Historic Trail* (the supporting EA). These objectives were originally established by the Lander Resource Management Plan (June, 2014) and therefore I have determined that the selected action conforms to and supports the direction contained in the Land Use Plan.

The scope of the document and selected action are also in compliance with several additional laws and policies. These regulations are generally detailed and further described in 43 CFR, Subtitle B – Regulations Relating to Public Lands.

Some laws, regulations, or documents require the Bureau of Land Management (BLM) to consult with other government agencies or affected Native American Tribes prior to initiating an action.

Pursuant to Section 106 of the National Historic Preservation Act and the BLM's programmatic agreement between the Wyoming State Historic Preservation Office (SHPO), the BLM consulted with the SHPO prior to and during the development of the selected action. The BLM also consulted with the National Park Service to ensure compliance with the National Trails Comprehensive Plan.

1.2. Selected Action

The tables in this section detail the selected action in comparison to the Alternatives analyzed in the Environmental Assessment as well as features that are common to all alternatives including the selected action.

Table 1.1. Design Features Common to All Alternatives Including the Selected Action

Design Features Common to All Alternatives Including the Selected Action
Use integrated pest management including mechanical/chemical treatments to control weeds. Reseed or replant as necessary to promote vegetative growth in consultation and cooperation with interested parties.
Prohibit surface-disturbing activities within 500 feet of surface water, riparian-wetland areas, and playas unless activities are determined to be necessary and when impacts can be mitigated.
Prohibit surface-disturbing and disruptive activities within identified big game crucial winter range from November 15 to April 30 and within identified big game parturition areas from May 1 to June 30 unless the Authorized Officer grants a prior written exception, waiver, or modification.
Prohibit surface disturbing and/or disruptive activities that have the potential to cause destruction of reproductive nests, eggs or young of migratory birds will be prohibited during the period of May 1 to July 15. The Authorized officer may grant a prior written exception if a survey (following BLM protocol) reveals that no nesting migratory birds exist in the project area.
Avoid pygmy rabbit habitat.
Cultural materials on public lands may not be removed, damaged, disturbed, excavated or transferred without BLM permit. No alternative proposes authorizing such a permit. Therefore users of the public lands and BLM employees and volunteers are not authorized to disturb archeological and historical values, including, but not limited to, petroglyphs, ruins, historic buildings, and artifacts.
As detailed in the Lander RMP, Competitive Event SRPs will not be issued within the National Trails Corridor.
Additional permit stipulations will be applied as necessary to ensure resource protection and human/health and safety.

Design Features Common to All Alternatives Including the Selected Action
<p>A SRP is required when the threshold of 3 or more vehicles or 26 or more people are met throughout the public land administered by the Lander Field Office, including activities within the NHTs. Organized use by groups below the identified thresholds may require a SRP if its determined the activity warrants additional management.</p>
<p>Vehicle Support Associated with SRPs in the area are limited to the following:</p> <ul style="list-style-type: none"> • No motorized vehicles (such as support or toilet servicing vehicles) will be operated on the NHTs. • Vehicle use is limited to routes designated below or in subsequent SRP operating plan. • Access to the trekker's route and NHTs is limited to designated locations at the 1) Snow Fence Road, 2) the H-AC Road staging area, 3) the Lewiston Lakes Road, 4)Gilespie Place Road, 5) Lewiston County Road, and 6) Strawberry Creek Road. • A maximum of two motor vehicles per 100 participants, not to exceed 4 per group • No vehicles are permitted to follow groups • The use of dual-wheeled vehicles is not allowed off of the Hudson Atlantic City (H-AC) Road, except to access the Sage Creek Campground from the H-AC Road staging area. • No motor vehicles will be operated on routes not identified as an access route on the individual SRP. Including but not limited to: Ellis Ranch , Rocky Ridge, Gilespie Place <p>Exceptions to these restrictions are limited to responding to medical situations or emergencies.</p>
<p>NHT related SRPs in the area will be limited to the trek route, support locations, and restroom locations Detailed on Map 1 of Appendix A, of the Environmental Assessment.</p>
<p>The terms and conditions applied to the CPB permit, will also be applied to other SRPs in the area. See Appendix 1.</p>

Table 1.2. Alternatives Carried Forward for Detailed Analysis Including the Selected Action

Alternative A- No Action	Action Alternative B	Action Alternative C	Selected Action
CPB Permit not renewed	CPB Permit Renewed		
Since this alternative does not renew the CPB permit, thresholds and permit adjustments are not applied.	Less restrictive thresholds, see Table 1.3–1.4.	Stricter resource thresholds, see Table 1.3–1.4.	Same as Alternative B
	The action alternatives adjust the following permit stipulations as necessary to address the cause and meet the performance thresholds contained in Table 1. 3–1.4.		
Since this alternative does not renew the CPB permit, stipulations on the permit are not applied.. The BLM will evaluate placing these stipulations on other permits if necessary to alleviate resource concerns or ensure authorized activities comply with the RMP.	July 1 – September 15	July 15 — September 15	Same as Alternative B
	Up to 4 groups per day (2 groups on either side of Rocky Ridge). The average groups per day for the entire trekking season will not exceed 3.	Up to 2 groups per day (1 either side of Rocky Ridge). Since only 2 are authorized there is no “average” limitation.	Same as, Alternative C from July 1 —July 15, Same as Alternative B from July16–September 15. The average groups per day for the entire trekking season will not exceed 3.
	5 days per week. All trekking must end by 4:00 PM Friday, no trekking on weekends.	3 days per week (Tuesday- Thursday). No limits on hours of use	Same as Alternative C from July 1–July 15. Same as Alternative B from July 16–September 15.
	July 1–August 31: Maximum of 2000 participants per week. September 1–September 15: Maximum of 1000 participants per week	Same as Alternative B, except use season starts on July 15.	Same as Alternative B
	Up to 350 individuals per group including support personal.	Same as B, except to be incrementally increased to 350 individuals per group over 5 years so long as performance thresholds are acceptable.	Same as Alternative B. Average group size per season (yearly total of individuals/yearly total of groups) will not exceed 200.
	4000–8000 visits per year, including support personal. The five year average visitation will not exceed 7000 visits.	Incrementally increase annual visitation to 7,000 visitors per year over 5 years, so long as performance thresholds remain at acceptable levels. After 5 years and so long as performance thresholds are acceptable, 4000–8000 visits per year, including support personal. The five year average visitation will not exceed 7000 visits.	Same as Alternative B.
Note: As directed by the BLM, the CPB scheduled their 2016 use within the parameters of the 2015 season which diverged from the selected action in that it allowed for use on Monday through Friday throughout the use season. As a result, two groups are scheduled to trek on a Monday and Friday on June 1 and again on June 15th of 2016. As part of this decision these groups are given a one time exemption to the decision above that limits group use to Tuesday-Thursday from July 1–July 15.			

Table 1.3. NHT Physical Impact Indicators and Thresholds Used To Adjust Causal Factors as Necessary to Ensure Accomplishment of Lander RMP Objectives

National Historic Trail Physical Impact Matrices					
Based on annual monitoring of 23 NHT sites before and after trekking season.					
Physical Impact Indicator	Baseline Condition	Threshold Proposed For Alt. A	Threshold For Alt. B	Threshold For Alt. C	Selected Alternative
<u>Widening of trail width trend:</u> Number of NHT monitoring sites where a widening trend of trail width can be observed before a management adjustment is required	3 out of 23 sites or <10%	This alternative does not renew the CPB permit and therefore performance thresholds for the permit are not applied.	5 out of 23 sites or <20%	3 out of 23 sites or <10% (Same as Baseline)	Same as Alternative B
<u>Widening of average track width trend:</u> Number of NHT monitoring sites where a widening trend in average track width can be observed before a management adjustment is required	1 out of 23 sites or <5%		5 out of 23 sites or <20%	1 out of 23 sites or <5% (Same as Baseline)	Same as Alternative B
<u>Deepening trend in rut depth:</u> Number of NHT monitoring sites where a deepening trend in rut depth can be observed before a management adjustment is required	1 out of 23 sites or <5%		5 out of 23 sites or <20%	1 out of 23 sites or <5% (Same as Baseline)	Same as Alternative B
<u>Decreasing trend in width of trail vegetation:</u> Number of NHT monitoring sites where a decreasing trend in total width of trail vegetation can be observed before a management adjustment is required	3 out of 23 sites or <10%		5 out of 23 sites or <20%	3 out of 23 sites or <10% (Same as Baseline)	Same as Alternative B
<u>Downward trend in total height of trail vegetation:</u> Number of NHT monitoring sites where a downward trend in the total height of trail vegetation can be observed before a management adjustment is required.	0 out of 23 sites or <5%		5 out of 23 sites or <20%	0 out of 23 sites (Same as Baseline)	Same as Alternative B
<u>Expansion of barren ground at staging areas:</u> Cumulative percentage expansion of barren ground at staging areas adjacent to the NHT before a management adjustment is required.	No expansion documented		Not to exceed 2.65% of existing barren ground over the life of the permit at any single staging area	Management activities will be adjusted if any expansion at any site is observed	Same as Alternative B

Table 1.4. Recreation Outcomes and Setting Impact Indicators and Thresholds Used To Adjust Causal Factors as Necessary to Ensure Accomplishment of Lander RMP Objectives

Recreation Outcomes and Setting Impact Matrices					
Performance thresholds to ensure recreation experience and benefits identified in RMP are being realized.					
Indicator	Baseline Condition	Threshold Proposed For Alt. A	Threshold Proposed For Alt. B	Threshold Proposed For Alt. C	Selected Alternative
Visitor enjoyment of recreation experiences and benefits established in the management objective for the Group Use Zone as detailed in the RMP.	Last visitor survey was done in 2006 in support of the RMP. Permit restrictions were identified in scoping as being an encumbrance to the experience.	This alternative does not renew the CPB permit and therefore performance thresholds for the permit are not necessary	The BLM will conduct visitor assessments/surveys once during the 10 year lifespan of the permit. Mean response rate that indicates anything below a higher than average realization rate will trigger a management adjustment.		
Encounters with permitted groups on the NHT (CPB authorized trekkers and other permitted groups) per day during the approved use season.	Does not exceed 3, from July 1–15, and does not exceed 5 for the remainder of the season.		Not to exceed 5	Not to exceed 3	Same as Alternative B
Mean group size per use season	Does not exceed 200		Not to exceed 200		

If the thresholds proposed for the selected Alternative are approached or exceeded, the causal factor(s) will be identified and the BLM will develop a management response based on the direction contained in the table below.

Table 1.5. Potential Remedial Action and Notification Requirement

Identified Casual Factor	Remedial Action Example	Additional Analysis or Notification Requirement
Impact caused by an identified SRP use or use(s) that can be addressed without additional notifications.	<ul style="list-style-type: none"> Alter/restrict permit activities through additional stipulation Reduced visitation allowance Reduced groups per day Reduced group size Increase education 	None of these actions will require additional notification and analysis under the National Environmental Policy Act (NEPA) because the annual evaluation findings produced from the monitoring of thresholds contained in Table 1.3-1.4, as well as the analysis in the EA and the RMP, are adequate analysis and public disclosure to meet the requirements of NEPA.
Impact caused by an identified SRP use or use(s) that cannot be addressed without additional notifications	<ul style="list-style-type: none"> Reductions in CPB permit use levels below minimum levels specified in Table 1.2 of this document Changes to the permit that will result in new surface disturbances Permit termination 	Each of these actions will require additional notification and analysis under the National Environmental Policy Act (NEPA) and other relevant BLM laws/policy.
Impact caused outside of trekking season by an identified general public activity or use that can be addressed without additional notifications.	<ul style="list-style-type: none"> Increased education and enforcement 	The monitoring and evaluation findings, this document, and the RMP serve as adequate analysis and public disclosure requirements of NEPA to institute these actions without additional analysis.
Impact caused outside of trekking season by an identified general public activity or use that cannot be addressed without additional notifications.	<ul style="list-style-type: none"> Seasonal restrictions of motorized vehicle use Changes to the threshold where permit is required. Requiring a permit of all users Any change resulting in new surface disturbance Additional restrictions/rules 	Each of these actions will require additional notification and analysis under the National Environmental Policy Act (NEPA) and other relevant BLM laws/policy.

1.3. Best Management Practices (BMPs) For Permit Management on the National Historic Trail:

Some actions that involve education, information, interpretation and monitoring may not require site-specific NEPA analysis. The subsequent best management practices for implementation-level planning guidance are presented to illustrate opportunities for active stakeholder collaboration, and they also provide a suite of possible implementation-level actions that could be adaptively

performed to ensure management effectiveness in meeting recreation and visitor services goals and objectives.

Monitoring BMP:

1. BLM will invite interested parties for ride-along opportunities to support or learn about monitoring efforts in association with the CPB permit and management of the National Historic Trail.
2. Trail impact monitoring will be conducted in an interdisciplinary approach.
3. The BLM will annually post monitoring results and adaptive decisions to address undesirable conditions on the public website.
4. Monitoring/data of recreation experiences and benefits will be collected from onsite users during the entire trail use season.
5. Photo points will be taken before and after the use season from the same locations each year.

Education, Information, and Interpretation BMP:

1. BLM will continue to conduct preseason training to CPB volunteers to encourage protection of trail resources.
2. BLM will continue to work with interested parties in pursuit of RMP Decision 7029 which provides further direction for interpretation of the trail resources.
3. BLM will post a group use schedule to the public website annually prior to the use season.
4. BLM will encourage interested groups to exchange information about the history of the area.
5. BLM will issue new permits to groups and individuals who propose a use and education component that adds diversity to the reenactment opportunities available on the trail. The BLM will not issue new SRPs to accommodate overflow from the CPB permit.
6. The CPB will have at least two CPB volunteers accompany each group, and one CPB volunteer per 50 individuals for groups larger than 200 individuals.

1.4. Compliance with NEPA:

The Environmental Assessment (EA) entitled: *Environmental Assessment to Renew a Special Recreation Permit on the LFO National Historic Trail* analyzed three alternatives for responding to the purpose and need for action. All requirements associated with the National Environmental Policy Act (NEPA), were satisfied through the EA and subsequent Decision Record and Finding of No Significant Impact. The EA was available for a 30 day comment period in early May of 2016.

1.5. Public Involvement:

The BLM received over 100 comment letters during an initial 30 day scoping process. The initial scoping input was used to develop the Environmental Assessment. Later the BLM received an additional 100+ comments during a 30 day comment period that sought input on the Environmental Assessment. The comments received on the Environmental Assessment were

*Chapter 1 Renewal of a Special Recreation Permit
on the LFO National Historic Trail
Compliance with NEPA:*

reviewed for substantive issues, comments, or concerns. Substantive issues and/or concerns were then further reviewed by the BLM to assist in determining the next course of action. A summary of the substantive comments and the BLM response is contained in the table below:

Table 1.6. Substantive Public Comment and the BLM's Response

#	Paraphrased Comment	BLM Response
Monitoring Comments		
1	The BLM should take GPS photos at the same spots each time and perhaps conduct random interviews with trekkers on the quality of their experience. Take photos and gather other data at the same spots each year once before the trekking season, once during, and once after it. Geographically and temporally consistent monitoring should produce enough data for good decisions. Changes in traffic levels or other restrictions should be made only when there is good data to support them.	The monitoring as directed by the BLMs protocol and this decision document will continue to provide such data. The Best Management practices detailed in Section 1.3 further clarify the monitoring process and timing.
2	Can BLM meet the monitoring requirements set in this document?	The BLM currently collects most of the monitoring data directed by this decision. The cost of the monitoring directed by this document will be funded by the fees generated from the CPB permit. Each of the data elements was scrutinized to ensure that the BLM will be able to meet the associated staffing requirement.
3	The BLM should develop a group of interested parties that assist the agency with monitoring. CPB fees should be used to offset participant cost.	The CPB fees, which are set by BLM regulations, support a BLM employee presence on the NHT almost full time during trekking season to conduct the monitoring required by this document. The BLM believes that this is the best method to obtain repeatable monitoring results and that less responsive management would result if CPB fees were diverted to outside parties. The comments did not explain how a group of people would yield more useful information than BLM monitoring. Accordingly, the BLM will not create a formalized working group to assist with monitoring until a need to do so is identified. However, several BMPs identified in Section 1.3 further clarify how the BLM will engage public input and ideas for monitoring and data collection in association with this permit.
4	The BLMs current monitoring system is inadequate because it did not detect the vandalism at Rocky Ridge.	<p>The BLMs current monitoring process is systematically focused on conducting impact measurements at the same locations and intervals throughout the trekking season. The process is based on accepted methodologies and provides repeatable results.</p> <p>The cited disturbance to Rocky Ridge is very new and the BLM does not have a full understanding as to how this change occurred, its nature or extent. The BLM will evaluate this as soon as weather allows and develop an action plan. The BLM was first made aware of this concern in late summer of 2015. The post season monitoring effort included additional research into this area. A BLM employee took photos of the change, but no action was taken because the BLM trail managers deemed the photos as inconclusive.</p>

#	Paraphrased Comment	BLM Response
		<p>Soon after weather set in and access to the area was no longer possible.</p> <p>The preseason monitoring done in late June did not detect the change. This likely means that the change occurred in July or August.</p> <p>The impact and remedial actions are outside the scope of this decisions because nothing in the associated Environmental Assessment nor the decision authorizes such a disturbance. The BLM has no information which would support a conclusion that the vandalism was done by trekkers on the trail under the CPB permit.</p>
5	It is clear to me that the handcarters have had a great impact on that historic place, despite what BLM studies conclude. It is disingenuous to say that they have had no impact. Thousands of hard wheeled carts gradually wear down the ridges and erode the route of trail on the east and west side. The crossings at Deep Creek, Radium Springs and Strawberry Creek have greatly eroded since the hordes of handcarters have been trampling across them. They are far wider and deeper then they were in the 1990s.	<p>The BLMs current monitoring process is systematically focused on conducting impact measurements at the same locations and intervals throughout the trekking season. The process is based on accepted methodologies and provides repeatable results.</p> <p>The monitoring results do not indicate a causal link between the amount of current handcart trekkers and physical impact to ruts, rocks, routes, or crossings.</p>
6	The monitoring model initially used a sophisticated design by a federal agency for one season and based on that plus monitoring as we understand it, by one person, managing permits for the Lander Office, an increase was allowed. Presumably that monitoring design will be used for the next permit.	<p>The USGS aerial photo analysis was conducted to provide an initial look into the extent of impact caused by handcart trekking. The analysis found no link between the amount of handcart use and impacts, but further concluded that the BLM should develop a repeatable systematic process for taking measurements of the trail in order to further explore this concern.</p> <p>In response the BLM developed the current monitoring process.</p> <p>The BLM's current monitoring process is systematically focused on conducting impact measurements at the same locations and intervals throughout the trekking season. The process is based on accepted methodologies and provides repeatable results.</p> <p>Finally, the monitoring process has been subjected to interdisciplinary team review and scrutiny. The BMPs in Section 1.3 further clarify this process.</p>
7	Allowing up to 7,000 trekkers a year may not negatively impact the trail, we also acknowledge that we don't really know. Given climate variability and other uses (from non-historic trail recreationists like hunters), it is essential that as we incrementally increase towards the requested 7,000 trekkers, the BLM gathers data necessary to evaluate how increasing numbers impacts trails.	<p>The environmental analysis and this decision acknowledge that there are some uncertainties associated with the decision. However, based on best available science and the adaptive management tools built into the decision, the BLM has determined that there is no potential for significant impacts to the National Historic Trails or impacts that will conflict with the nature and purpose(s) of the Trails.</p>
Environmental Assessment or Alternatives Comments		

#	Paraphrased Comment	BLM Response
8	Limit party sizes at 250 or less, larger party sizes harm the historical experience too much for anyone else who might be near the trail when they pass.	<p>During the Environmental Assessment the BLM considered several alternatives with reduced visitation both in group size, groups per day, and total visitors per year. For more information review Chapter 2 of the Environmental Assessment.</p> <p>The historical experience of the NHTs was not a solitary experience but consisted instead of many large parties. The Wyoming State Historical Society estimates that approximately a half million pioneers used the historic trails during a relatively short period of time in the mid-nineteenth century. The volume of emigrants caused extensive resource damage including denuding a substantial area around the trails of vegetation. The image of an isolated two-track trail going endlessly across a vast and empty landscape is not representative of the historical experience.</p> <p>The BLM considers solitude and quiet trail experience when it develops recreational objectives during the Resource Management Planning process. During the creation of the Lander RMP, the BLM considered the types of recreational experiences that were desired for all of the segments of the NHTs. The RMP objectives of solitude and “being isolated and independent” are provided in the Alkali Basin Recreation Zone which includes extensive National Historic Trail resources.</p> <p>The section of the NHT where the CPB trekking occurs is in the Group Re-enactment Zone and not managed for a solitude or a quiet trail experience. Instead the area was specifically targeted for group use and opportunities for youth. Notwithstanding this management, analysis in the Environmental Assessment found that under the selected action, visitors can still be away from large groups between 73–87% of the use season.</p> <p>Section 1.3 of this Decision Record directs the agency to provide the public with a schedule for group use of the area, this will provide a trip planning tool for visitors who want to experience or avoid large groups.</p>
9	Only allow treks in July and August.	See the BLM’s response in line 8.
10	If significant demand arises for a handcart-free experience, please consider an allowance for a short mid-season break in handcart activity when other users with other interests can experience the trail.	See the BLM’s response in line 8.
11	The BLM should utilize the same resource based approach it utilized on the RMP to manage this use.	<p>The use and impacts associated with the Alternatives B and C, as well as the selected action are in compliance with the Lander RMP; see above at line 8.</p> <p>The Lander RMP provided the objectives for which each alternative was compared, see section 1.6 in this document, as well as Chapter 1, 2, and 3 of the Environmental Assessment.</p>

#	Paraphrased Comment	BLM Response
12	Any permit that results from this draft EA should be granted based on sound management decisions that are consonant with the new Lander BLM Resource Management plan and that benefit the general public and not any one special interest group.	See the BLM's response in line 11.
13	The EA and the education experience is lacking the historic context of this region.	The historical context of the region was an integral consideration during the development of the 2014 Lander RMP. This EA evaluates the compliance of the activity with the RMP and therefore considers the impact of the activities on the historical context. Refer to the National Trails and Related Sites, as well as the Visual Resources sections of the Environmental Assessment for the analysis of relevant components of the historical context. Please see the BLM's response in line 8.
14	Nothing in the EA sets forth a justification for increasing the number of trekkers permitted or the number of days trekking is allowed.	The EA's Purpose and Need Section as well as the Recreation Section explain why these increases are being considered in the action alternatives as well as the selected action.
15	There is absolutely no evidence to support the belief that the area can handle increasing numbers.	See the BLM's response in line 7 and 8.
16	In the "Work Cited" section of the draft document a curious omission is noted: the Oregon, California, Mormon Pioneer, and Pony Express National Historic Trails, Comprehensive Management and Use Plan and Environmental Assessment (1999) is not cited. It is the guidance document for administration of the four national historic trails.	While, EA did not specifically cite the Comprehensive Management and Use Plan and Environmental Assessment it establishes the baseline by which the alternatives were evaluated. The Comprehensive Plan informed the development of the 2014 Lander RMP. This EA evaluates the compliance of the activity with the RMP and therefore the compliance with the Comprehensive Plan. While this document specifically sites the Comprehensive Plan (see the BLMs response in line 45) both the RMP and this decision are fully within the goals and objectives of the Plan. The comment did not identify any way in which this action is not in compliance with the Plan.
17	Do not increase numbers keep them as is currently provided.	See the BLM's response in line 8.
18	To continue to increase numbers increases the risk of resource damage, and once degraded, nearly impossible to restore given annual BLM budget and staffing levels.	See the BLM's response in line 7 and 8.
19	Place a ceiling on number of trekkers starting with the permit now being sought.	Each of the action alternatives places a ceiling on number of trekkers. This decision on the permit will be in place for 10 years which is the longest period possible under the BLM's regulations governing Special Recreation Permits.
20	If I am to read this correctly, Alternative B and C would allow a maximum number of 2,000 Trekkers per week for July and August and 1,000 per week for September 1-15 with Alternative C dates starting July 15...along with a maximum number of 350 individuals per group	Alternatives B and C include additional language that limit the average group size per year and the number of visitors per year as well as the average visitors per year for a 5 year period. Please see Chapter 2 of the Environmental Assessment and Section 1.2 –1.3 of this document for a description of the Alternatives.
21	I object to the handcarts during the summer – the number of individuals involved, the number of buses and the impact that they have on the recreational use in that area, in general.	See the BLM's response in line 7 and 8.

#	Paraphrased Comment	BLM Response
22	I was pleasantly surprised with the depth of your analysis. Thank you for the professional and fair EA you put together.	Thank you.
23	Option C applies thresholds that don't favor a truly adaptive management process. Adaptive management practices have to allow enough variation in monitoring measurements so that correlations between uses and resource impacts can be defined.	The monitoring data, the Environmental Assessment, and independent peer reviewed research draw similar conclusions.
24	Option B accomplishes a common sense approach to supporting a RMP that allows for needed expansion without placing any resources in jeopardy. Option B will allow the monitoring process to gather statistically significant data for future decisions.	See the BLMs response in line 23.
25	The incremental jump in the rigid number in Alternative B represents less than a 20% increase in total numbers over the course of the visitor season but the thresholds established have an overriding protection on the impact to resources. In other words the almost 20% increase will never occur unless the impact to resources is irrelevant.	The BLM agrees that the safeguards provided by the alternatives is an inherent benefit of an adaptive management approach as opposed to a more quota based decision. Both Alternatives B and C provide for such an approach. If the increase in visitation begin to demonstrate undesirable impacts then the agency can make proactive adjustments to the causal factor long before it causes major or irreparable impacts.
Recreation Opportunities Comments		
#	Paraphrased Comment	BLM Response
26	The option C increases occur too slowly to make a significant increase in visitor benefits and experience.	Our analysis generally agrees with this comment. Also, the manner in which the CPB takes reservations will likely result in the increase being phased in anyway, negating the need for an Alternative that provides for a faster, phased approach. For these and other reasons discussed in this document, the BLM chose not to institute a mandated phased increase as proposed in Alternative C.
27	Greater flexibility for large group organizers allows those groups to maximize their visitor benefits and experiences in the same way that the BLM uses adaptive management practices to manage the resources better.	Our impact analysis and other public input indicates that group reenactment opportunities will be enhanced through an adaptive management approach as opposed to a rigid quota decision.
28	The experiences and benefits realized by trek participants are very important.	The BLM received numerous comments about the importance of the experience and the benefits realized by people who have participated in the activities provided by the CPB permit. These experiences and benefits strongly correspond to the objective that the RMP set for the area. The EA evaluates each alternative's impact on the visitors or participants ability to realize these important outcomes.
29	The BLM should balance opportunities for solitude with opportunities for groups.	See the BLM's response in line 8.

#	Paraphrased Comment	BLM Response
30	The BLM should be concerned with the quality of the experience not the quantity.	In the 2014 Lander RMP the area was specifically targeted for group reenactment opportunities as well as opportunities for youth. This could allow for a higher visitation rate than other areas along the trail. This higher visitation rate is only possible so long as the activities and uses do not interfere with the nature and purpose of the trails or cause unacceptable adverse impacts. Neither Alternatives B or C were found to cause significant adverse impact. In addition, the CPB believes that increases in the size of groups to facilitate a shared experience directly improves the quality of the experience.
31	The BLM should manage this area for more opportunities for others to be away from large groups.	See the BLM's response in line 8 and 30.
32	The BLM should balance the quality of the experience for diverse users-both for groups and individuals.	See the BLM's response in line 8 and 30.
33	The recreation experience should be based on the quality of the resource and I think it is legitimate to argue that, the higher the number of trekkers, the more diminished the recreation experience becomes.	See the BLM's response in lines 5, 7, 8, and 30
34	It is clear that increasing the number of trekkers allowed under this SRP does have a direct, negative impact on anyone wishing to experience Rocky Ridge or this region separate and apart from these large, organized treks.	See the BLM's response in line 8 and 30. In addition, please note that the time the Rocky Ridge section is occupied by organized groups is from July 1 to September 15 and does not occur on weekends. . Therefore, Rocky Ridge is accessible at many other times of the year when encounters with others is unlikely.
35	Provide opportunities for organized treks while also providing opportunities for a more quiet exploration.	See the BLM's response in line 8 and 30.
36	A key factor for improving the quality of experience for trekkers and others who visit the historic trail is to continue restriction of periods of use and days of use. Narrowing the days and months adds to the quality of experience for all users.	See the BLMs response in line 8 and 30. Reducing the period of group use does not add to the quality of experience for users desiring a group experience.
37	Limited mention is given to the quality of recreation experience with smaller groups and fewer groups during the season, or for non-trekkers who may desire to visit the national historic trail route during the busy season.	See the BLMs response in line 8 and 30.
38	The recreation experience should be based on the quality of the resource and I think it is legitimate to argue that, the higher the number of trekkers, the more diminished the recreation experience becomes.	See the BLMs response in line 8, 30, and 36.
39	As long as the LDS Church follows the rules and respects the significance of this trail over Rocky Ridge (and I think they do maybe more than most people) I hope you will continue to allow them to use it as they have in the past, and even more so if they want.	These observations were relayed to the BLM by several individuals. The BLM's permit compliance monitoring and physical impact monitoring indicates similar findings.
40	When balancing the quality of the experience for diverse users-both for groups and individuals-we find that several components of Alternative C will best match protection for the integrity of the trail with recreational use.	For this and other reasons the selected action includes components of Alternative B and C.

41	I would opt for Alternative A with the same rigid regulations for the public such as adhering to trails, leave no trace, etc. but not with the same preposterous numbers allowed.	Currently the visitation on the CPB permit constitutes the largest sector of the visitors to the area. The CPB is not allowed to operate motor vehicles on the NHT and is not allowed to travel the trail during wet periods. To implement the alternative being proposed in the comment the would require the BLM to close the NHTs to motorized vehicles and close it to all use on a seasonal basis. The BLM does not believe such a restriction on the general public is necessary so long as the CPB permit is in place. For these reasons this alternative was not considered further.
Comments about Information and Education		
#	Paraphrased Comment	BLM Response
42	The BLM should require the LDS Church to teach other history.	The BLM does not typically require permitted groups to teach a specific interpretation of history. The BLM's attempt to dictate the Church's message to its group raises serious First Amendment issues. The Education, Information, and Interpretation BMPs contained in Section 1.3 of this Decision Record provides direction to ensure a balance of opportunities for individuals to learn about the diverse history of the area.
43	The BLM should ensure interpretation is balanced and not overwhelmed by one story.	The BLM agrees that improved BLM interpretation of the NHT is important and is implementing innovative ways to do so. With regard to the CPB's interpretation, please see the BLM's response to line 42.
44	The BLM should create a short video covering the whole historic context of the common trail corridor as well as proper trail etiquette and preservation efforts to be shown to each group of trekkers prior to their setting out on their experience.	Currently the BLM conducts group leader training to ensure permit compliance and stewardship of the trail resource. All monitoring indicates that this program is effective. This program is further emphasized in Section 1.3 Education, Information, and Interpretation BMPs. At this time the BLM does not believe that a video will be as effective as current methodologies.
45	Require trek managers to speak of the historic context of all the historic trails, not just the Mormon handcart experience that occurred after the dates of the congressionally authorized Mormon Pioneer National Historic trail (1846-1847).	<p>To understand why the BLM will not require trek managers to teach a specific interpretation of history refer to BLMs response to line 42.</p> <p>The enabling legislation of the Mormon Pioneer trail authorized a route commemorating the 1846–1847 journey of the Mormon Pioneer party. Later the National Park Service in its Comprehensive Management and Use Plan described one of the main purposes of the Mormon trail as <i>“to commemorate the 19th century migration of Mormon emigrants to the Valley of the Great Salt Lake as an important aspect of our national heritage.”</i></p> <p>The history taught by the CPB groups speaks to the enabling legislation and purpose of the Mormon Pioneer National Historic Trail.</p>

46	The permit renewal should include significant language requiring the Church to educate its volunteers, filed staff, and trekkers about appropriate stewardship of the trails, maintaining the integrity of this sensitive historic resource, and reiterates the practices of leaving no trace.	This information is contained in the existing permit terms and conditions, See Appendix A. In addition, the BLM works closely with the CPB to ensure volunteers, staff, and trekkers are educated in a manner that ensures protection of this sensitive resource. In addition the BMPs contained in this document will further clarify the importance of this educational component.
47	Protecting resources is your top priority. Your analysis suggests that proper guidelines and group education provide much greater resource protection than strict limits on users	Our analysis and monitoring results agree with this conclusion. In this particular area, the BLM is charged with providing for recreation opportunities while ensuring protection of the National Trail resource. We take this task very seriously. The 2005 decision constituted a conservative reaction to visitor behavior that was leading towards potential resource damage. In the 10 years since that decision the BLM and the CPB have leveraged education and partnership to virtually eliminate visitor behavior that damages the resource. Successful education and outreach are the main factors that produced this positive outcome.

1.6. Rationale:

The implementation of the selected alternative will not have significant environmental effects. In addition the selected alternative will respond to the purpose and need for the project as well as the public comments received. As can be viewed in Section 1.2, the selected alternative is very similar to Alternative B in the way it responds to the purpose and need for the project. The selected alternative is also responsive to the majority of public comments received and detailed above in Section 1.5. Finally, as detailed in below in Section 1.6, the Selected Alternative reduces impacts to other resources.

Table 1.7. Summary of Objective Achievement

Objective Indicator discussed in Chapter 1 of the EA	Alternative A-No Action	Action Alternative B	Action Alternative C	Selected Alternative
Trend in motorized vehicle use on the NHTs	Increasing	No Change, no CPB vehicle use allowed on NHT	Same as Alternative B	
NHTs Total Width Trend	Increasing without thresholds to limit change	Static or decreasing on greater than 80% of trekking route on NHT .	Static or decreasing on 90% of the trekking route on NHT.	Same as Alternative B
NHTs Rut depth Trend	Increasing without thresholds to limit change	Static or decreasing on greater than 80% of trekking route on NHT .	Static or decreasing on greater than 95% of trekking route on NHT .	Same as Alternative B
Track width Trend	Increasing without thresholds to limit change	Static or decreasing on greater than 80% of trekking route on NHT .	Static or decreasing on greater than 95% of trekking route on NHT .	Same as Alternative B
Center Vegetation Height	Decreasing without thresholds to limit change	Static or increasing on greater than 80% of trekking route on NHT .	Static or increasing on greater than 90% of trekking route on NHT .	Same as Alternative B
Center Vegetation Width	Decreasing without thresholds to limit change	Static or increasing on greater than 80% of trekking route on NHT .	Static or increasing on greater than 90% of trekking route on NHT.	Same as Alternative B
Visual Contrast of temporary structures	Short term, moderate	Short term visual impact with low levels of contrast at a distance, moderate from 100 yards or less.		
Permit restrictions affect on opportunities for group togetherness	Groups larger then 200 individuals will divide or reduce participants	Groups larger then 350 individuals will divide or reduce participants	During 5 year phase in period groups will be forced to divide or reduce participation. After 5 years, groups larger then 350 individuals will divide or reduce participants	Same as Alternative B
Realization of Recreation Experiences and Benefits identified in RMP for the area	Reduced	Improved		

Table 1.8. Summary of Impacts to Relevant Issues from Each Alternative

Issue	Alternative A-No Action	Action Alternative B	Action Alternative C	Selected Alternative
Number and duration of wildlife lifecycle disruptions	Highest	Lower than A, but 2 disruptions per use day higher than Alternative C.	Lowest	Same as C from July 1–July 15, and Same as B from July 16–September 15.
Encounters with other groups description	Several (greater than 2) encounters with general public users per day. Up to 4 encounters per day with permitted groups of up to 200 individuals. No encounters with large groups on weekends.	Up to 2 encounters per day with general public groups. Up to 4 additional encounters per day with CPB groups as large as 350 individuals. No encounters with large groups from 4:00 PM Friday through Sunday.	Up to 2 encounters with general public groups. Up to 2 encounters per day with CPB groups as large as 350 individuals. No encounters with large groups Friday through Monday.	Same as C from July 1–July 15, and Same as B from July 16–September 15.
Daylight Hours during public access period where users can expect to be away from large groups	Decreasing, less than 73% of daylight hours will be available to be away from groups.	No change. 73% of daylight hours will be available to be away from groups	Increasing, 87% of daylight hours will be available to be away from other groups.	Less then C but greater then B.
Vehicle use on adjacent transportation features	Increasing by an unknown amount greater then Alternative B.	Increasing by 20 vehicles per year.	Same as B except increase will be phased over 5 years.	Same as B

1.7. Appeal Opportunities:

This decision constitutes my final decision. Any person adversely affected by this decision may appeal to the U.S. Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals (IBLA) in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1 (form available at the BLM address on the front page of this document). If you file an appeal, your notice of appeal must be filed in this office within 30 days from receipt of this decision for transmittal to the IBLA. Only signed hard copies of a notice of appeal will be accepted; faxed or emailed appeals will not be considered. The appellant has the burden of showing that the decision appealed is in error. If your notice of appeal does not include a statement of reasons, one must be filed with the IBLA within thirty (30) days after the notice of appeal was filed.

A copy of your notice of appeal and any statement of reasons, written arguments, or briefs, must also be served upon the Regional Solicitor, Rocky Mountain Region, U.S. Department of the Interior, 755 Parfet Street, Suite 151, Lakewood, CO 80215. Service must be accomplished within fifteen (15) days after filing in order to be in compliance with appeal regulations.

As provided by 43 CFR Part 4, you have the right to petition the Office of Hearings and Appeals to stay implementation of the decision. However, you must show standing and present reasons for requesting a stay of the decision that addresses your interests and the manner by which they would be harmed. A petition for stay of a decision pending appeal must 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.
4. Whether the public interest favors granting the stay.

1.8. Authorizing Official:

/S/ Richard Vander Voet

Richard Vander Voet
Lander Field Manager

06/10/2016

1.9. Contact Person

For additional information concerning this Finding, contact.

Jared Oakleaf, Outdoor Recreation Planner]
Lander Field Office
1335 Main Street
Lander Wyoming 82520
307-332-8407

Appendix A. Permit Terms and Conditions

A.1. 2015 CPB Permit Terms and Conditions

Terms and Conditions for Organized Group Use on BLM Administered Public Lands in the Lander Field Office, Wyoming

In addition to the stipulations contained on Form 2930-1, Special Recreation Application and Permit, the Lander Field Office Bureau of Land Management (BLM) in Wyoming has established the following terms and conditions to protect the land or resources involved, reduce user conflicts, and/or minimize health and safety hazards. These stipulations are made a part of the permit. Failure to comply may result in the loss of permit privileges.

1. General

- a. This Special Recreation Permit is for use of specific BLM-administered public lands in Wyoming only. Rights of access to privately owned lands, state lands, or public lands under any other jurisdiction other than the BLM **are not** granted or implied by this permit. Obtaining permission for access to or use of any non-BLM lands is the sole responsibility of the permittee. The permittee must provide proof of obtaining the necessary permission for the use of privately owned lands, state lands, or public lands under any other jurisdiction other than the BLM.
- b. Issuance of a permit by BLM does not guarantee the permittee's use of specific public lands, nor does it grant the permittee exclusive use of any area of BLM administered public land. Trek participants and support personnel shall not interfere with other public land user's access and use of the public lands, including use of the historic trail and its corridor. For example: the trekkers are to "step off" the trail to allow other publics to pass on by the trek group.
- c. The public lands will generally remain available on a first-come, first-served basis to as many other commercial, organized groups, and private users as allowed by the BLM. Nothing herein implies that the first permittee into any area has been authorized an exclusive use privilege.
- d. Issuance of an SRP does not authorize the permittee to have free use of public facilities such as BLM managed, developed campgrounds. Use of these fee areas requires the payment of all fees as is required for the general public.
- e. Permittee is responsible for all actions of employees and trek participants, including support personnel while on the public lands. If the permittee's performance, including the actions of employees and trek participants, is found to be out of compliance with the terms and conditions, the authorized officer can modify, suspend, revoke, or terminate this permit at any time.
- f. BLM reserves the right to close various sites, trail segments, and/or areas of the public land to prevent resource damage, use conflicts, and to promote visitor safety.
- g. No alterations to the permitted use area will occur without first obtaining written permission from the authorized officer to revise the permit. The placement or construction of make-shift graves or grave markers is not permitted along the trek route, including BLM administered public lands or any other lands managed by another entity.
- h. No alterations or side trips to the permitted use route will occur without first obtaining written permission to revise the authorized route or use locations.

- i. Only signs authorized in writing by the BLM will be permitted on public lands.
- j. A schedule of planned trek group use shall be provided to the authorized officer no later than two weeks prior to the first scheduled trek group use of the BLM administered public lands. This schedule shall contain the date, group name, length of trek (1/2-day, 1-day, or 2-day), estimated number of participants, and the planned number of handcarts to be used.
- k. A post use report (forms to be provided by the BLM) must be returned to the authorized officer, along with any fees due (at a rate of \$5.00/person/day), to be agreed upon by BLM and the permittee.
- l. If payment of fees due is not received by the due date, then a late fee will be added to the permittee's bill.
 - The late fee will be assessed 15 days after the due date of the bill.
 - The late fee is calculated at 10% of the amount due or \$25 whichever is greater, not to exceed \$250.
 - If the late payment and bill are not paid within 15 days, a series of demand letters will be issued with additional interest (at the current Federal Reserve rate), administrative fees (\$15 per letter) and an administrative penalty of 6% of the principle amount due.
 - After 180 days, if the bill has not been paid, then it is turned over to the U.S. Treasury Department for collection.
 - Any bill that has accrued late fees or interest is paid applying the money collected first to interest and penalties, then to principle.
- m. To assist in the tracking of visitor use of the BLM administered public lands, a final post use report detailing the dates of use, group name, length of trek (1/2-day, 1-day, or 2-day), actual number of participants, and the number of handcarts used shall be provided to the authorized officer within two-weeks of the conclusion of the use season.
- n. Permittee shall provide a copy of the authorization with the terms and conditions to the leader of each trek group. Trek leaders shall have this copy available on all excursions and will show evidence of the authorization to any BLM employee upon request.
- o. The permittee shall assume the lead for scheduling handcart treks and conducting an orientation of the route and permit provisions with group leaders. This coordination effort is limited to Church sponsored treks as authorized by this permit. The purpose of this scheduling is to avoid over-use and damage of the trail resource and to limit potential user conflicts between handcart trek groups and among handcart trek groups and other recreationists.
- p. For each individual trek group an orientation briefing shall be given to trip leaders no more than one day in advance of the scheduled trek. This pre-trek orientation is required as an effort to inform trek leaders of the terms and conditions in affect for use of the BLM administered public lands and the lands of the other entities along the trek route. The trek leaders will be responsible for passing this information on to participants to inform them of the designated route, hiking conditions, limitations on support vehicle use, portable toilet requirements, and the possible presence of other public land users along the route. Also, there are certain natural hazards that

could be encountered that present risks to participants. All participants must be advised of the conditions which might be encountered along the designated route.

q. The permittee shall make a request to the Fremont County Weed and Pest District to provide annual training in alien/invasive species awareness and prevention to the trek group leaders enrolled in the trek leadership training program.

r. Support personal are authorized to visit the lower monument at Rocky Ridge with 2 vehicles or less per group. Visits to the lower monument will not occur while trekkers are in the Rocky Ridge vicinity. This vehicle use is authorized solely for the purpose of allowing support personal to see Rocky Ridge and the Lower Monument.

s. Women's pulls will only be allowed at the "Y hill before the Hudson Atlantic City Road" and on Rocky Ridge. Spectators of the Women's pull will only be allowed at the Y hill prior to the Hudson Atlantic City Road location (not on National Historic Trail); all spectators and support personal must remain on the two track and stay at the top of the hill. No vehicles will be allowed at this location.

2. Season of Use

a. The season of use for trekking shall be July 1 – September 15. Trekking, with or without handcars, shall be limited to Monday – Friday, with use on Fridays to be concluded by 4 PM. These dates shall apply to all groups, regardless of size that receive handcart support from the permittee (including groups less than 26 participants).

b. During wet weather conditions, the permittee shall be responsible for determining whether use of the authorized route should be cancelled due to wet/muddy conditions and take the necessary actions (i.e., cancel trekking activities) to protect the public lands prior to receiving notice from the Lander Field Office to cancel scheduled use of the trekking route.

3. Route Selection (see attached map)

Routes other than those described below shall not be used until written authorization is given by the BLM Lander Field Office for use of any new route segment.

a. **2-Day Treks: Day-one** - starting on Church property at Sixth Crossing the route will utilize the NHTs and other two-track roads westward to the Hudson-Atlantic City Road (H-AC Road). The route continues on the H-AC Road for approximately four miles to the designated H-AC Road staging area. From the H-AC Road staging area the route continues on to the Church operated Sage Creek Campground. **Day-two** - from the campground the route utilizes an existing two-track road to the Lower Monument. The route follows the NHTs over Rocky Ridge, through McLean Meadows, past the Gilespe Place, crossing Strawberry Creek to follow the Lewiston Fremont County Road to Rock Creek Hollow.

b. **1-Day treks:** From the H-AC Road staging area, the 1-day route follows the same route as day-two of the 2-day trek route described above.

c. **1/2-Day treks:** From the H-AC Road staging area the 1/2-day route follows the same route from the H-AC Road staging area as the 1-day route to the Upper Monument on Rocky Ridge. The 1/2-day route will return to the staging area from Rocky Ridge, via the reverse route (i.e., Rocky Ridge to the Lower Monument, through the Sage Creek Campground and on to the H-AC Road staging area).

4. Number of Participants per Season

- a. See selected alternative in this document.
- b. Participants receiving logistic support (i.e., handcarts) from the permittee shall be counted toward the maximum participants (i.e., Mormon Handcart Historic Sites participant reservations, and those individuals/groups below the threshold of 26 participants).

5. Maximum Group Size

(See Selected Alternative developed in support of this document)

6. Vehicle Uses on the National Historic Trails and Trek Route

- a. Use of motor vehicles in support of permitted organized group use is restricted to:
 - A maximum of two motor vehicles per 100 participant, not to exceed 4 per group.
 - No vehicles shall accompany (i.e., follow along with the trekkers) on the trekking route, which includes the National Historic Trails (NHTs), other two-track routes, and the Hudson-Atlantic City Road (H-AC Road).
 - The use of buses (i.e., school buses, charter buses) to transport participants to the H-AC Road staging area is authorized. Buses shall not be parked at the staging area overnight. No buses are permitted on the H-AC Road west of the staging area, nor shall they be driven into the Sage Creek Campsite. Buses shall return to U.S. Highway 287 via the H-AC Road.
 - The use of dual-wheeled vehicles is not authorized off of the H-AC Road, except to access the H-AC Road staging area and Sage Creek Campground.
 - The use of semi-truck and trailer units, RV/motor homes, truck/van units such as U-Haul or Ryder vehicles, or other large multi-axel vehicles are not authorized on the H-AC Road.
 - Access to the trekker's route for support purposes is limited to the designated locations at the 1) Snow Fence Road; 2) the trekker's route two-track road at, but not on, the H-AC Road; 3) the H-AC Road staging area; 4) the Lewiston Lakes Road at the NHTs; 5) The Giles pie Place Road at the NHTs (not the actual historic buildings at the Giles pie Place, or at Radium Springs, or on Deep Creek); and 6) the Lewiston Road (Fremont County Road 511) near the Strawberry Creek Crossing. (see map for locations)
 - Support vehicles stopping at the trekker's route two-track road at, but not on, the H-AC Road shall park off of the H-AC Road along the first 75' of the two-track road. Vehicles shall not park on the H-AC Road.
 - No vehicles will be operated on any portion of the NHTs. This includes the operation of vehicles on the NHTs to access the western side of Rocky Ridge.
 - No support motor vehicles will accompany or stop with the trek groups along the H-AC Road.
 - The Ellis Ranch Road (Ranch Access Road) shall not be used as a motorized vehicle support route.
- b. Exceptions to the use of motorized vehicles on the routes described above are limited for the express purpose of responding to an emergency situation involving the participants. An

emergency situation includes search and rescue operations in cases of injured or ill persons. Emergency use of vehicles shall be conducted in the manner that is least disturbing to the soils and vegetation on or along the vehicle route(s) used. Support vehicles assigned as medical units shall abide by vehicle use restrictions unless expressly responding to an emergency situation.

c. The completion of the Post-Use-Permit will require, within 10 calendar days of the use, the reporting of each incident where motor vehicles were used on the NHTs or other portions of the trekking route for the purpose of responding to an emergency situation involving any of the participants, including support personnel.

d. An OHV closure order implemented on the NHTs from near the Lower Monument, over Rocky Ridge, to the western edge of the BLM administered public land in Section 28, T29N, R97W, shall be adhered to by the permittee and its trek participants. The closure will include the main NHTs route and the NHT variant from the top of Rocky Ridge west to its return to the main NHTs near the public/private land boundary as described above.

e. During use of the H-AC Road by trekkers, signs shall be placed in advance of trek use advising motor vehicle users of the potential of meeting trekkers and handcarts along the roadway. The sign wordage shall be approved by the BLM in advance of their placement. These signs will be placed at identified locations, as determined by the BLM, prior to the use of the H-AC Road by trek groups from July 1 – September 15. The signs shall be removed immediately following the last scheduled use of the H-AC Road. For example: the first trek group is scheduled to use the H-AC Road on July 1 at 11 AM. The advisory signs should be in place by not later than 10 AM on July 1. The last group is scheduled to finish using the road by 3 PM on the September 6. The signs should be removed by 4 PM on September 6.

f. The use of ATVs or other motor vehicles by trek groups or the permittee to monitor the activities along the trek route is not authorized by this permit. The use of mountain bicycles, foot access, and horse use (see # 10 below for guideline for use of livestock along the trek route) is permitted for monitoring purposes by the trek groups and/or permittee.

7. Staging Area

At the intersection of the H-AC Road and the access road leading to the Sage Creek Campground a staging area will be available for use by individuals and groups as a temporary parking and unloading area. Use of the staging area will be limited to the area delineated by barrier posts/timbers. Use of areas outside of the delineated staging area for parking of vehicles and unloading of passengers is not authorized. No overnight camping will be permitted either on the ground, in tents, cars, trucks, campers, trailers, or RVs. Parking of vehicles at the staging area shall not exceed 3 days in length. No additional staging areas are authorized on BLM administered public land by this permit. No staging shall be conducted at the Lower Monument, Lewiston Lakes Road/H-AC Road intersection, Snow Fence Road, Strawberry Creek/Fremont County Lewiston Road intersection or other locations other than the designated H-AC Road staging area.

8. Sanitation

a. The BLM will provide disposable portable toilets to groups volunteering to test the feasibility of their use on organized group treks. An evaluation on the use of the disposable portable toilets will be used in determining the feasibility of using these units in place of the industrial portable toilets currently in use along the handcart trekking route.

b. The temporary placement of industrial portable toilets will be authorized near the NHTs on BLM administered public lands and on other lands (private or state), with advance permission to place the units on the other lands, in such a manner that will reduce visual and resource impacts. The permittee shall be responsible for obtaining permission from the appropriate private landowner or state entity for placement of the portable toilets on non-BLM lands. The authorized locations for placement of these toilets will be limited to the following sites near the trekking route and the NHTs:

- Along the Snow Fence Road, north of the NHTs (BLM)
- On state land east of the Ranch Access Road (Wyoming State Lands)
- Along the Lewiston Lakes Road, north of the NHTs (Woolery Ranch private land)
- Along the Gilesie Place Road, north of the NHTs, at least 500' from Deep Creek (BLM)
- At Strawberry Creek crossing, south of the creek/east of the NHTs, near the Lewiston County Road (private land)

c. No toilet servicing motor vehicles will be authorized to drive along segments of the NHTs. Access to the toilets for servicing purposes shall be along non-NHT route segments (i.e., Snow Fence Road, Ranch Access Road to two-track road leading to state land toilets, the Gilesie Place Road, and the Lewiston County Road).

d. The permittee shall provide temporary historically compatible visual mitigation screening at all toilets locations at the above listed placement sites. The visual mitigation method used shall reduce the visual impacts from the use of the industrial portable toilets along the NHT corridor. Mitigation measures used may include the use of rustic wood materials to construct siding, construction and use of authentic replicas of covered wagons, sheep herder's wagons, and/or cabins that are authentic to the historic period of the mid-1800s (i.e., miner's cabin from the Lewiston Lakes Road west or a log cabin between Sixth Crossing and Sage Creek Campground). Guidance on the construction techniques to mitigate visual impacts will be available from the BLM, with assistance from the National Park Service and the Wyoming State Historic Preservation Office. Prior to the placement of the screening facilities, approval of the design, materials, and construction method must be obtained by the permittee from the authorized officer. The screening facilities and toilets must be removed from the trek route within five (5) days following the conclusion of the last trek group's use or no later than September 15.

9. Day Use, Overnight Camping, and the Use of Fires on Public Lands

- a. The authorized route and day-use areas will be maintained in a neat and clean condition with no litter. When trek groups vacate an area, the area should be left in a natural state.
- b. Use of water sources (reservoirs, springs, streams, creeks, and water developments) for swimming; wading; bathing; etc. is not authorized by this permit.
- c. The discharge of fire works is prohibited year round on BLM administered public lands.
- d. All litter and garbage will be removed. No litter or garbage will be buried.
- e. Cutting or removing any live plant material is prohibited.

f. The use of BLM administered public lands for overnight camping is not authorized by this permit. The permittee or participants will not establish a campsite for overnight use on public lands without first notifying and receiving written approval from the authorized officer.

g. The building and tending of campfires by trek groups or the permittee is prohibited on BLM administered public lands.

10. Guidelines for Livestock Use

The use of livestock along the trek route and NHTs corridor shall follow the principles of the Leave No Trace Outdoor Skills and Ethics, Backcountry Horse Use outdoor skills and ethics program. A summary of this Leave No Trace program for livestock use is provided below:

a. Livestock use will be permitted on roads and trails. Use for cross country travel shall be done in the least impacting manner.

b. Livestock will remain under control of the permittee or trek groups all times.

c. When forage for livestock is provided by the permittee or trek groups, it must be certified weed free by the Fremont County Weed and Pest Control office or other authorized certification entities. Evidence of proper certification must be available upon request on all excursions.

d. Livestock shall not be tied to trees or other vegetation for extended periods. Use of the highline method or hobbles is encouraged to prevent trampling the plants and/or root systems around the vegetation.

11. Leave No Trace and Tread Lightly Programs

The BLM recognizes and endorses the principles of Leave No Trace and Tread Lightly as appropriate wildland recreational use ethical behavior for the public. It is highly encouraged that the permittee adopt these principles and use them in conducting their operations. These principles of Leave No Trace and Tread Lightly are recommended as a guide to minimizing signs of visitation to the expansive and varied BLM administered public lands and are intended to support and complement BLM regulations. Additional information on the Leave No Trace and Tread Lightly programs is available at the Lander Field Office. Summaries of both programs are listed below.

LEAVE NO TRACE

Plan Ahead and Prepare

- Become aware of the permit requirements for your activity. Attending trek leadership training is a good way to obtain information.
- Prepare for extreme weather. It's not unusual to have afternoon thunderstorms, rain, and/or snow as well as hot dry conditions in the summer. And don't forget about the WIND!
- Be familiar with the hazards that may exist on the public lands, such as badger holes, rattlesnakes, barbed wire on fence gates and other hazards. Plus, be aware of dehydration, heat exhaustion or heat stroke.
- Be prepared for medical emergencies by being first aid trained and equipped. Prevent the emergency from occurring before it happens. Don't accept dehydration from lack of drinking adequate amounts of water or bonking from the lack of eating food as the norm. Require the

trekkers to drink before they're thirsty and eat before they're hungry. An IV drip at the end of the day should not become common practice.

- Schedule your trip to avoid times of high use. Visit in smaller groups. The quality of the recreational experience is often tied directly to the size of a group. Large groups can be a logistic nightmare, as compared to smaller groups.
- You can reduce litter at the source by repackaging food to minimize waste. This will result in fewer waste products that you'll need to carry with you. It can also lessen the instances of trash ending up on the ground or being blow into Nebraska.
- Make it simple. Elaborate activities and meals can require additional logistics and support vehicles, which can lead to increased impacts to the historic values and recreational experiences you came to enjoy.
- Use a map and compass to reduce or eliminate the need for flagging, rock cairns, or paint makers to mark the route.

Travel and Camp on Durable Surfaces

- Concentrate use on existing trails. Don't deviate from the approved and designated route.
- Walk on the trail, even when it is wet or muddy. Often it is best when encountering a wet or muddy spot on the trail to walk through it rather than walk around it. Walking around these spots will result in damage to vegetation and the widening of the road or trail. This widening of the trail diminishes the historic setting of the trails.
- Avoid using places where impacts are just beginning. Don't add to the destruction of vegetation and soils.
- Trekkers using the Hudson-Atlantic City Road should stay to the far right hand side to allow vehicles to safely pass on by.

Dispose of Waste Properly

- Pack it in, pack it out. Inspect your route and rest areas for trash, food, and litter. Pack out all trash, food, and litter.
- Use the portable toilets provided. Do not use the "bushes". The number of trek participants each season requires the use of the portable toilets. In 2005 the BLM will offer groups the use of portable disposable toilets on a voluntary basis. Groups will be providing valuable feedback on the feasibility of using these units.

Leave What You Find

- Preserve the past; observe cultural and historic features and artifacts, but leave them as you found them so others can experience the feeling of discovery as you did.
- Do not build rock cairns or grave markers. The national historic trails have been referred to as a "linear graveyard". Respect the fact that hundreds of pioneers made the ultimate sacrifice with their lives by not defacing the historic trails with modern-day markers.

- Leave rocks, plants and other natural objects as you find them. Allow others that follow in your foot steps to discover the naturalness of the historic trails.
- Avoid introducing or transporting non-native species. Throughout the west invasive weed species are getting established and competing with the native vegetation.

Minimize Campfire Impacts

- Where fires are permitted, use established fire rings or fire pans. There are no fires permitted along the trek route on the BLM administered public lands.

Respect Wildlife

- Observe wildlife from a distance. Do not approach them. Wildlife can be in the mating, nesting, or raising young during the trek season. Don't add to their stress levels.
- Never feed wildlife. Feeding wildlife damages their health, alters their natural behaviors, and exposes them to predators and other dangers. It can also expose you to diseases that wildlife can carry.
- Always protect wildlife by storing food, toiletries and trash in a secure manner.

Be Considerate of Other Visitors

- Respect other visitors and protect the quality of their recreational experience.
- Be courteous. Yield the trail or road to other users. If a vehicle approaches your group along the trail you can move off the trail enough to allow them to pass on by.
- When taking a break you can move off the trail to allow others the opportunity to pass on by. Be careful to select areas that are less likely to be impacted by trampling from foot prints (i.e., dry grass, rocky areas, or existing campsites).
- Let nature's sounds prevail. Avoid loud voices and noises. Sounds carry a long distance along the trek route. The noises one group creates can impact the quality of the experience other visitors to the national historic trails are seeking. Respect the choice of others to experience quiet and solitude.

TREAD LIGHTLY!

Travel only where permitted.

Know what areas/roads/trails are open to vehicles.

Respect the rights of others.

Be considerate of others on the roads/trail that you travel. Vehicles yield the right-of-way to bicycles, hikers, and horses.

Educate yourself.

Obtain information on your destination before you go. If you have questions contact the managing agency of the area(s) you are visiting.

Avoid streams, meadows, wildlife areas, etc.

Be aware of wildlife habitat. Crashing through underbrush or across open meadows upsets the balance of nature, destroys nesting sites, and disturbs wildlife.

Drive and travel responsibly.

Use common sense. Avoid muddy roads and trails and stay out of meadows and wetlands.

The historic trails are an irreplaceable national treasure. The use of the historic trails and other public and private lands needs to be done in a sustainable manner. “Loving it to death” by irresponsible use could lead to tighter restrictions on recreational uses. Together, the permittee, trekkers, other users, and the BLM can protect these historic trails for future generations to enjoy and experience our national heritage.