



U.S. DEPARTMENT OF THE INTERIOR

Bureau of Land Management
Wyoming State Office

Cody Field Office

August 2004



ENVIRONMENTAL ASSESSMENT for the McCullough Peaks Travel Management Plan and Off-Road Vehicle (ORV) Route Designations

MISSION STATEMENT

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

BLM/WY/PL-04/020+8300

TABLE OF CONTENTS

NEED FOR PROPOSED ACTION	1
RELATIONSHIP TO STATUTES, REGULATIONS, POLICIES, PLANS OR OTHER ENVIRONMENTAL ANALYSES.....	2
OVERVIEW OF THE PLANNING PROCESS	3
INVENTORY	3
CRITERIA AND ROUTE ASSESSMENT.....	3
PUBLIC INVOLVEMENT	3
PROPOSED ACTION AND ALTERNATIVES.....	4
ALTERNATIVE I – PROPOSED ACTION – APPROVE THE MCCULLOUGH PEAKS TRAVEL MANAGEMENT PLAN	4
ALTERNATIVE II – NO ACTION	5
ALTERNATIVE III – DESIGNATE ALL EXISTING ROUTES	6
ALTERNATIVES CONSIDERED BUT ELIMINATED FROM DETAILED ANALYSIS.....	6
AFFECTED ENVIRONMENT.....	6
GENERAL AREA DESCRIPTION.....	6
SOILS, VEGETATION, WATER, VISUAL RESOURCES.....	7
WILDLIFE	8
CULTURAL RESOURCES	8
SPECIAL MANAGEMENT AREAS.....	9
<i>Wilderness Study Area</i>	9
<i>Wild Horse Herd Management Area</i>	10
RECREATION	10
OTHER USES.....	11
ENVIRONMENTAL IMPACTS.....	12
ALTERNATIVE I - PROPOSED ACTION (ENVIRONMENTAL IMPACTS)	12
<i>General</i>	12
<i>Soils, Vegetation, Water, Visual Resources</i>	13
Air quality	14
Invasive Species	14
<i>Wildlife</i>	15
T&E Species.....	15
<i>Cultural Resources</i>	15
<i>Special Management Areas</i>	17
Wilderness Study Area	17
Wild Horse Herd Management Area	17
<i>Recreation</i>	18
<i>Other Uses</i>	18
<i>Cumulative Impacts</i>	18
ALTERNATIVE II – NO ACTION (ENVIRONMENTAL IMPACTS).....	19
ALTERNATIVE III – DESIGNATE ALL EXISTING ROUTES (ENVIRONMENTAL IMPACTS).....	19
CONFORMANCE WITH EXISTING LAND USE PLANS.....	19
DISTRIBUTION	20
OTHER PERSONS AND AGENCIES CONSULTED:.....	20
APPENDIX 1: MCCULLOUGH PEAKS TRAVEL MANAGEMENT PUBLIC COMMENT SUMMARY AND RESPONSE.....	21

**CODY FIELD OFFICE
ENVIRONMENTAL ASSESSMENT**

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Special Rec. Permit No: N/A		EA Number: WY-020-E03-118
Proposed Action Title/Type: McCullough Peaks Travel Management Plan Environmental Assessment		
Applicant (if any): BLM		
T. 52-54 N.	R. 98-101 W.	SEC(S): inclusive
Author: Sironen		Date: 9/19/2003

Need for Proposed Action

The proposed action would approve the McCullough Peaks Travel Management Plan to implement the Off-Road Vehicle (ORV) decisions that were made in the Cody Resource Management Plan (RMP), 1990 that designated motorized vehicle use in the McCullough Peaks area as “limited to designated roads and trails.” The McCullough Peaks Travel Management Plan would define an appropriate network of vehicle routes for use within the planning area. The proposed action would also fulfill a commitment the BLM Cody Field Office has to implement the travel management decisions as a result of the McCullough Peaks/Carter Mountain land exchange that was completed in 1994. This land exchange facilitated construction of a portion of the McCullough Peaks Road (BLM Road # 1212) that provides access to BLM administered public land in the area. During the land exchange process, BLM committed to implement the ORV designations as a means to assist in reducing trespass on private land.

The decision to allow use of motorized vehicles on designated roads and trails in the McCullough Peaks area was analyzed in the Cody RMP Environmental Impact Statement (EIS) and documented in the Cody RMP Record of Decision (ROD). The decision to allow use of motorized vehicles on designated vehicle ways within the WSA was analyzed in the Grass Creek/Cody Wilderness EIS and documented in the Wyoming Statewide Wilderness Study Report. The need for the proposed action is to determine which roads and trails to designate for vehicle use, and how they will be identified on-the-ground.

Management of ORVs on BLM administered public land is necessary to address public and administrative access needs, protect resources, promote public safety, and minimize conflicts among the various uses of public lands.

Relationship to Statutes, Regulations, Policies, Plans or Other Environmental Analyses

The principal Bureau permitting regulations for ORVs are found in 43 CFR 8340 and Executive Order 11644 (as amended by Executive Order 11989) issued in 1972. The principal statute law governing public land management is the Federal Land Policy Management Act (FLPMA) of 1976.

Management of the McCullough Peaks Wilderness Study Area (WSA) is subject to BLM Handbook H-8550-1, Interim Management Policy and Guidelines for Lands under Wilderness Review (IMP).

The McCullough Peaks Herd Area Management Plan (1985), and the evaluation and update of the McCullough Peaks HAMP/Capture Plan (1991) guide management of the Herd Management Area (HMA). (WY014-EA0-058).

The following national strategies were prepared to provide guidance in the travel management planning process:

National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands. U.S. Department of the Interior. Bureau of Land Management. January 2001.

National Mountain Bicycling Strategic Action Plan. U.S. Department of the Interior. Bureau of Land Management. November 2002.

Additional guidance for management of motorized vehicles on BLM-managed public lands in Wyoming is available in the following documents:

Wyoming BLM's ORV Policy Statement of February 1984, to be replaced with the Wyoming Off-Highway Vehicle (OHV) Strategy upon completion.

The following environmental assessments were completed, with public participation, in association with the Carter Mountain/McCullough Peaks land exchange and the McCullough Peaks Road:

WY014-EA2-044 Carter Mountain / McCullough Peaks Land Exchange
(WYW12310702) 3/28/1994

WY014-EA5-056 McCullough Peaks Road Easements and Route Analysis 5/31/1995

WY017058 McCullough Peaks Road Re-construction and Maintenance EA 1997

WY020-E01-146 Maintenance and minor reconstruction of McCullough Peaks Road

(Road No. 1218) 8/31/2001

This environmental assessment is tiered to, and incorporates the following documents by reference: The Cody Resource Management Plan (RMP) and Environmental Impact Statement (EIS), 1990. The RMP specifies general management direction for the Cody Field Office, including management of ORVs. The EIS contains background information on the existing environment and resources found in the area and environmental consequences of various management actions. The Grass Creek / Cody Wilderness EIS, 1990. This EIS analyzed designation of the McCullough Peaks WSA and contains information on the existing environment and vehicle use in the WSA. These documents are available for review in the BLM Cody Field Office.

OVERVIEW OF THE PLANNING PROCESS

Inventory

An inventory of the roads and trails in the planning area was completed using GPS/GIS technology, aerial photos, and historic information. Map 2: The McCullough Peaks ORV Management Plan Area Draft Road Use Recommendations represents all routes known to exist as of August 2003. Some routes in remote areas may exist that are not represented. The public open house meeting and scoping period provided the opportunity to identify routes the public is currently using that may have been overlooked during the inventory process. The review and comment period for the draft plan provided an additional opportunity for route identification. Upon completion of the travel management plan, a decision record would approve the official McCullough Peaks Travel Management Map showing the designated network of routes. Any modifications or additions would be addressed through the appropriate level of NEPA analysis as specified in the implementation section of the plan.

Criteria and Route Assessment

The criteria for consideration of route designations and route closures were developed by the BLM Cody Field Office and used by an interdisciplinary team to assess the route inventory map and make initial road use recommendations. The criteria are listed in the travel management plan (p. 6).

Public Involvement

The ORV designation decision that limited motorized travel in the McCullough Peaks to designated roads and trails was made with public participation during the Cody RMP planning process. The “Notice of Approved Off-Road Vehicle Management Decision, Cody Resource Area, Wyoming” was published in the Federal Register in August 1990.

Public involvement was requested for the McCullough Peaks Travel Management planning process to identify the specific routes to be designated for use and the actions necessary to implement the designation on-the-ground. A briefing was provided for the Park County Commissioners on August 5, 2003. A scoping notice was mailed on August 8, 2003 to a mailing

list of 294 interested parties for a 30-day review and comment period.

News releases were published in local newspapers, and posted on the BLM Cody Field Office website, announcing the planning process and the open house meeting.

The open house meeting was held on the evening of August 26, 2003. The meeting was attended by approximately 50 people. BLM staff members were available for additional open house meeting time on August 27-29, 2003 during regular business hours. A total of 28 comments (written and verbal) were received during the scoping period. Overall, the comments were supportive of the travel management plan and provided suggestions for on-the-ground implementation; others expressed opposition to any ORV designations or limitations to travel by motorized vehicles. The comments were considered during development of the alternatives for this environmental assessment (EA) and specific suggestions were incorporated into the action items within the travel management plan where appropriate.

A 30-day review and comment period followed completion of the draft plan and this environmental assessment. A total of 72 comments (written and verbal) were received during the comment period. The comments were considered and specific suggestions were incorporated into the environmental assessment (EA) and the travel management plan where appropriate. A summary and response to the public comments with page references to the EA and travel management plan was prepared. This table is included as Appendix 1: McCullough Peaks Travel Management Public Comment Summary and Response.

PROPOSED ACTION AND ALTERNATIVES

Alternative I – Proposed Action – Approve the McCullough Peaks Travel Management Plan

Alternative I, the proposed action would approve the McCullough Peaks Travel Management Plan and associated implementation actions. This plan will be referred to as the “travel management plan” in this document. The ORV designation, “limited to designated roads and trails” would be implemented according to Map 2: McCullough Peaks ORV Management Plan Area Draft Road Use Recommendations, showing the road use recommendations in the following categories, “Open”, “ATV and Non-motorized Use Only”, “Administrative Use Only”, or “Closed”.

The objectives that would be met by implementing the proposed action include:

- Stopping the proliferation of unauthorized roads and trails
- Closing certain roads that are unnecessary and are causing resource degradation
- Limiting motor vehicle use to specified routes within the WSA that were in existence when the area became a WSA
- Ensuring that the wilderness character of the WSA is maintained
- Having a clearly defined road network that is understandable to the public, provides needed access, does not cause resource degradation, and is enforceable.

The route designations would apply only to BLM administered public land and would be clearly identified by maps, information signs, and route markers as specified in the travel management plan. The management actions are described in detail in the travel management plan.

The travel management plan identifies specific action items to implement the designations and achieve the following goals and objectives:

- Maps: Produce an official travel management map to document route designations.
- Signs and Markers: Identify the designated routes on-the-ground in a clear and consistent manner to facilitate compliance and enforcement of the route designations.
- Education and Information: Provide clear and consistent information related to the route designations and the implementation process that will help ensure public understanding and compliance with the designations.
- Barriers: Use physical barriers if necessary to discourage use and allow rehabilitation of closed routes.
- Rehabilitation: Apply rehabilitation techniques to closed routes where necessary to speed the healing process, discourage use of closed routes, and minimize the impact on visual resources.
- Monitoring: Identify specific actions, including timeframes, methods, and anticipated resource needs for environmental monitoring.
- Enforcement: Identify specific actions, including timeframes, methods, and anticipated resource needs for compliance and enforcement related to the route designations.
- Maintenance: Document maintenance standards and needs.
- Implementation: Implement the action items specified in this plan in a consistent and timely manner.
- Specific Projects: Throughout this planning process, potential travel and access related projects were identified. The objective of this section of the plan is to document the projects to be implemented with this plan and the ideas for future consideration through the appropriate planning processes.

The travel management plan would initially be implemented in the summer of 2004, with additional signing and rehabilitation completed in subsequent years, as funding allows. Monitoring and enforcement of the route designations would be ongoing, as specified in the plan.

Alternative II – No Action

Alternative II, the no action alternative would be a continuation of existing conditions. Travel would be allowed on existing roads and trails with no specific route designations, travel management plan, or rehabilitation efforts. An appropriate network of vehicle routes would not be analyzed or designated, leaving the area susceptible to route proliferation due to cross-country travel. Visitor use levels and resource concerns would continue to increase, as is the current trend. ORV management necessary to address public and administrative access needs, protect resources, promote public safety and minimize conflicts among various uses of public lands would not be implemented. The ORV designations in the Cody RMP of “limited to designated

roads and trails” would not be implemented.

Alternative III – Designate All Existing Routes

Alternative III would designate all existing routes as “Open” for travel by motorized vehicles. This alternative would approve the McCullough Peaks Travel Management plan and associated implementation actions with modifications to the route designation categories and action items. Under this alternative, no routes would be designated in the “ATV and Non-motorized Use Only”, “Administrative Use Only”, or “Closed” categories. No action items would be necessary in the “barrier” and “rehabilitation” categories, since no routes would be closed under this alternative. Although a designated network of routes would be established, concerns such as reducing trespass on private land, protection of resource values and visitor safety would not be addressed to the extent they would be in Alternative I, the Proposed Action.

Alternatives Considered but Eliminated from Detailed Analysis

An alternative would be to close all routes in the travel management planning area to motorized vehicle use, or to close all routes except for the mainline BLM system roads. This alternative would maximize stability of the soils and vegetation in the area and would minimize disturbance to wildlife and wild horses. However, this alternative would not meet the variety of access needs that have been identified, and would not be consistent with the ORV management objective in the Cody RMP “to maintain or enhance opportunities for ORV use while protecting or avoiding adverse effects of vehicular travel on other resource values”. This alternative would not fulfill the purpose and need for the travel management plan, therefore no further analysis of this alternative is necessary.

An alternative would be to designate a portion of the travel management planning area as open to cross-country travel for an ORV play area. This alternative would not be consistent with the designation of “limited to designated roads and trails.” The decision to limit travel in the McCullough Peaks was made with public participation during the Cody RMP planning process. The ORV designations can only be changed through the land use planning process during an RMP amendment or revision. The purpose of this travel management plan is to implement the existing decision. This alternative would be beyond the scope of this implementation process, therefore no further analysis of this alternative is necessary.

AFFECTED ENVIRONMENT

General Area Description

The McCullough Peaks area is located northeast of Cody and southwest of Powell, Wyoming. The 119,839 acre planning area is bordered on the north by Park County Lanes 13 and 14, on the south by U.S. Highway 14-16-20, on the east by BLM Road # 1213, Whistle Creek Road, and on the west by the Shoshone River and Park County Road 3EX, Sage Creek Road. Map 1: McCullough Peaks Travel Management Plan Area in the travel management plan shows the location of the planning area in relationship to the BLM Cody Field Office area. Figure 1 below lists the miles of road by road type based on the planning area inventory.

Figure 1

McCullough Peaks Travel Management Planning Area – Route Inventory Statistics	
Road Type	Miles
2-track trail	135
ATV trail	28
Graded Dirt Road	113
Gravel Road	29
Highway	15
Naturally Re-vegetating	20
Total:	340

Note: approximate mileage calculated from ArcMap data

Soils, Vegetation, Water, Visual Resources

The Cody RMP ORV decision “vehicle use limited to designated roads and trails” applies to areas with fragile soils or with Class I or II Visual Resource Management (VRM) ratings (RMP/ROD p. 22). Soils in the Cody Field Office area are discussed in detail in the Cody RMP Draft EIS. Fragile soils are characterized by, “their shallowness, steep slopes, high erodibility, susceptibility to compaction and crusting, and low reclamation potential” (p. 178).

The terrain in McCullough Peaks is highly variable, ranging from flat to gently rolling foothills carved by drainages near Highway 14-16-20 to desert mountains featuring steep slopes, cliffs, and canyons. The climate is typical of a cold desert. The average annual precipitation ranges from 5 to 9 inches. Vegetation is predominately sagebrush and grasses with saline upland range sites. The primary vegetation includes big sagebrush, Gardner’s saltbush, greasewood, bluebunch wheatgrass, western wheatgrass, needle-and-thread grass, Indian ricegrass, blue grama, and Sandberg bluegrass.

Noxious weed species including, Canada thistle, black henbane, musk thistle, spotted knapweed, cheatgrass, halogeton, and whitetop have been identified along McCullough Peaks Road, Whistle Creek Road, and along adjacent routes. Salt cedar is present on many of the reservoirs and drainages in the planning area. Russian knapweed is present along Deer Creek. Weed treatments are currently coordinated between Park County Weed and Pest and BLM as staff and funding allow.

The Shoshone River makes up approximately seven miles of the western boundary of the planning area. Vegetation near the river consists of a few mature trees, willows and understory grasses and forbs. The terrain near the river is rugged and few vehicle routes have been identified that provide access to the eastern bank of the river.

The Deer Creek drainage is located in the northwest portion of the planning area. Deer Creek has an intermittent flow regime, however, subsurface water is not very deep. Deer Creek shows

considerable evidence of disturbance and is often eroded down several feet below its original base level. Cottonwoods and willow are somewhat common and, if given an opportunity, may help stabilize the channel. There is evidence of ORVs driving in the channel in an effort to find alternate routes around steeply eroded banks. The channel also appears to be used as an ORV play area.

The Whistle Creek drainage is located in the eastern portion of the planning area. Whistle Creek is an ephemeral stream with scattered cottonwood and willow trees. There are numerous reservoirs and a few natural springs scattered throughout the planning area.

Visual resources are discussed in detail in the Cody RMP Draft EIS on page 197. The McCullough Peaks planning area falls within the Class II Visual Resource Management (VRM) rating. VRM management classes determine the amount of modification allowed to the basic elements of the landscape. Class II is described as: “Changes in any of the basic elements caused by management activity should not be evident in the characteristic landscape. Contrasts are seen but must not attract attention” (RMP/ROD Appendix H. p. 99).

Wildlife

The McCullough Peaks area provides yearlong habitat for antelope, mule deer, sage grouse, Hungarian partridge, chukar, and various raptors, furbearers, songbirds, and small mammals indigenous to the area. Mule deer crucial winter range is located in the western portion of the planning area along the Shoshone River. Other game species that have been seen in the area are elk, whitetail deer, mountain lion, and black bear. Sage grouse (a species on the BLM list of sensitive species) inhabit the area. Black tailed prairie dogs (a candidate species under the Endangered Species Act) have been documented within the planning area. Mountain plovers (a species on the BLM list of sensitive species) are likely to inhabit the area. Bald eagles (a threatened species under the Endangered Species Act) inhabit the river corridor from fall through early summer. The Shoshone River is habitat for Yellowstone cutthroat, rainbow, and brown trout.

Cultural Resources

A variety of inventories to determine the presence or absence of cultural resource have been conducted in the planning area over the last 20 years. Mostly these inventories have been in response to energy, highway, range, wild horse, and realty related activities requiring compliance with Section 106 of the National Historic Preservation Act. Inventories have identified over 100 known sites of both prehistoric and Historic ages. Approximately 40 percent of the known sites have been determined eligible for the National Register of Historic Places and approximately 40 per cent of the known sites have been determined not eligible for the National Register. The remaining sites have their eligibility for the National Register listed as unknown.

The known sites occur throughout the planning area. Known site types provide a cross section of Wyoming and Big Horn Basin Archaeology and range in age from 11,000 years ago to relatively recent Historic time. Known prehistoric site types include camp/habitation sites, lithic scatters, cairns, sites with ceramics, rock alignments, isolated hearths, trails, stone circles, quarries,

graves, and rock art. There are likely additional types which have not yet been identified and there are many more known sites that have not yet been recorded or evaluated. Known Historic period site types include a railroad, a dam, ditches and canals, trails and roads, stage and wagon routes, bridges, homesteads, corrals and livestock facilities, barns, oil and gas facilities, trash dumps, graves/cemetery, historic inscriptions, and horse capture facilities. It is also likely that other Historic period site types exist but have not yet been identified and there are many more known sites that have not yet been recorded or evaluated.

However, the true extent and nature of the site inventory in actual numbers is not known since the area has not been completely or systematically inventoried. Encompassing statements concerning site distributions, overall contents, relative importance, and so on cannot be made at this time since the known site array is an artifact of the application for use of the Public Lands driven process. No systematic non-project related inventory has been accomplished and none is foreseen for the future. Consequently inventories will continue to be in response to land use applications.

Illegal collection of artifacts (both prehistoric and Historic), defacement of rock art and Historic inscriptions, illegal digging in prehistoric and Historic sites (aka Pot Hunting), rock collecting, recreational activities (both controlled and uncontrolled), livestock operations, construction, and other legal and illegal activities have contributed to the degradation of the resource on the Public Lands. This trend is not diminishing but increasing in amount and severity.

Special Management Areas

Wilderness Study Area

The McCullough Peaks WSA was established in 1980 and includes 24,570 acres of BLM-managed public land located in the northwest portion of the travel management planning area. The WSA was studied under section 603 of the Federal Lands Policy and Management Act of 1976 (FLPMA) and was determined to possess wilderness characteristics of naturalness, solitude, and primitive and unconfined recreation and other special values as set forth in Section 2(c) of the Wilderness Act of 1964. The area was included in the Grass Creek/Cody Wilderness Environmental Impact Statement (EIS), August 1990. The Wyoming Statewide Wilderness Study Report, Wilderness Study Area Specific Recommendations, a report completed in September 1991 recommended 8,020 of these acres for designation as Wilderness. The Interim Management Policy (IMP) for Lands under Wilderness Review (BLM Handbook H-8550-1) guides management of the WSA pending a decision by Congress to designate these lands as Wilderness or release them for other purposes. In accordance with the IMP, these lands are managed in a manner so as not to impair their suitability for preservation as wilderness. Based on the IMP, motorized and mechanized travel on vehicle ways that existed at the time of the WSA inventory may be allowed as long as use of the routes does not impair wilderness suitability (See Map 5).

The decision to allow motorized vehicle use of existing ways in the WSA was analyzed in the Grass Creek / Cody Wilderness EIS (p. 58) and documented in the Wyoming Statewide Wilderness Study Report (p. 51).

“Recreational ORV use would be allowed on approximately 20 miles of designated vehicle routes in the WSA.”

This is a unique area of rugged badlands with elevations ranging from 4,000 to 6,400 feet. The area offers opportunities for primitive, non-motorized recreation and outstanding opportunities for solitude. Prior to this implementation process, travel in the WSA was allowed on all existing vehicle ways. There is one identified cherry-stem road along Deer Creek, meaning that the WSA boundary excludes the road itself for approximately 1 ¾ miles from the BLM boundary (T. 54 N., R. 100 W., Sec. 7) to a reservoir (T. 54 N., R. 100 W., Sec. 24). Monitoring has shown the beginnings of illegal ORV use in the area such as ATV hill climbing and vehicle travel in drainages. Designation of travel routes is necessary to ensure that this off-route travel does not continue to increase, leading to the establishment of new routes, or impairing the suitability of the area for designation as wilderness.

Wild Horse Herd Management Area

The Wild Horse Herd Management Area (HMA) includes 109,814 acres of land in the McCullough Peaks area, a portion of the herd area is included in the travel management planning area. Management of the HMA is guided by the Wild and Free-Roaming Horse and Burro Act of 1971, as amended, and the McCullough Peaks Wild Horse Herd Area Management Plan (1985).

The wild horse management objective in the Cody RMP (page 38) is to:

“maintain the free-roaming nature of wild horses in a thriving ecological balance and to provide opportunity for the public to view wild horses.”

Recreation

The location of the McCullough Peaks area, in close proximity to the communities of Cody and Powell, makes it ideal for a wide variety of recreational activities. Popular activities include hiking, mountain biking, horseback riding, ATV driving, hunting, fishing, rock hounding, photography and study of the area archeology and history. The public and commercial outfitters use the area for big game, small game and bird hunting. In addition to the general public, there are Special Recreation Permits that authorize commercial guided recreational activities in the McCullough Peaks area.

Use of motorized vehicles in the area has occurred since the 1940s, mainly associated with livestock grazing and hunting. With the advent of four-wheel drive vehicles, more use has been made of the area for recreational driving and sightseeing. ATVs were first used in the area in the late 1970s and early 1980s and are becoming more popular for off-highway driving. In the 1990s hill climbing and recreational off-road driving began to create new routes. Advancements in vehicle technology have allowed increasing motorized access to previously inaccessible areas. ORV recreation is becoming more popular and this trend is expected to continue as the

population and tourism within the Cody Field Office area continue to increase. There may be an increased interest in ORV recreation due to the new Wyoming State ORV sticker program, and the associated maps and public outreach efforts.

The McCullough Peaks area is becoming popular for wild horse viewing activities by the general public and through commercial tour operations. There are five existing Special Recreation Permits (SRPs) that authorize commercial guided, educational activities in the McCullough Peaks area; Grubsteak Expeditions, Teton Science School/Wildlife Expeditions, Wyoming Nature Tours, Red Canyon River Trips/Wild Mustang Tours, and Wild Heart Photos and Gift Gallery. Additional applications for similar commercial activities are expected in the future.

Recreation opportunities in the Cody Field Office area were identified during the Cody RMP planning process using the Recreation Opportunity Spectrum (ROS). The northwest portion of the planning area, primarily within the WSA, is within the semi-primitive non-motorized category. The Cody RMP Draft EIS describes, “These opportunities offer solitude in natural environments and activities such as camping, hiking, sightseeing, spelunking, nature study, hunting and fishing” (p. 177). The remainder of the McCullough Peaks travel management planning area is within the semi-primitive motorized category. The Cody RMP Draft EIS describes, “This term explicitly includes an opportunity to use motorized equipment in a natural environment” (p. 177). Map 42 RMP Draft EIS. The ROS categories in addition to the route designation criteria would be used to guide considerations regarding route designations.

Other Uses

The area roads are used by ranchers, grazing permittees, public recreationists, Park County, BLM, utility companies, private landowners, and companies with communication towers, pipelines, powerlines, and associated rights-of way in the area. There are 9,224 acres of private land within the planning area. The landowners need vehicle access to their private property. Traffic counters have been located near primary access points to the planning area since March 2002.

ENVIRONMENTAL IMPACTS

The following are mandatory elements and/or environmental resources that are required for consideration in all NEPA analyses. All of these elements were reviewed against the three alternatives and any element that was affected from consideration of the travel management plan and ORV route designations is discussed and analyzed in narrative.

Mandatory Elements			
ELEMENT	Alt. I-Proposed Action	Alt. II – No Action	Alt. III – Existing Routes
Air Quality	See text	See text	See text
Areas of Critical Environmental Concern	No affect (n/a)	n/a	n/a
Cultural Resources	See text	See text	See text
Farm Lands (prime or unique)	n/a	n/a	n/a
Flood Plains	See text	See text	See text
Native American Religious Concerns	n/a	n/a	n/a
Wastes, Hazardous or Solid	n/a	n/a	n/a
Water Quality, Drinking or Ground	See text	See text	See text
Wetlands/Riparian Zones	See text	See text	See text
Wild and Scenic Rivers	n/a	n/a	n/a
Wilderness	See text	See text	See text
Environmental Justice	n/a	n/a	n/a
Invasive, Non-Native Species	See text	See text	See text
Threatened or Endangered Species	See text	See text	See text

The following impact analysis consists of those impacts that were considered to be substantial enough to warrant narrative as determined by the preparers and reviewers. The threshold of impacts is directed at “real environmental issues” that affect the “quality of the human environment” as stated in the policy of CEQ regulations 40 CFR 1500.2.

Alternative I - Proposed Action (environmental impacts)

General

The proposed action would implement the travel management plan and designate routes as shown on Map 2: McCullough Peaks ORV Management Plan Area Draft Road Use Recommendations. Figure 2 below lists the miles of road in each designation category for Alternative I.

Figure 2

McCullough Peaks Travel Management Planning Area – Proposed Action Route Statistics	
Road Type	Miles
Open	239
ATV and Non-Motorized Use Only	28
Administrative Use Only	13
Closed	60
Total:	340

Note: approximate mileage calculated from ArcMap data

Soils, Vegetation, Water, Visual Resources

Factors such as steep slopes, amount of vegetation, amount of water runoff, and wind affect the amount and rate of natural erosion of soils that are susceptible to damage. Erosion is accelerated by surface disturbances, such as travel by ORVs. The presence of roads leaves more soil exposed to wind and water erosion. Graded road surfaces form an impermeable layer, increasing the amount of overland water flow near the road. If not properly constructed and maintained, this can cause problems with erosion, especially if water flow is concentrated into channels which are not accustomed to such flow. Two-track roads also have the potential for increased soil loss. The soil in the ruts can become compacted concentrating flow down an artificial channel. When ruts become too deep to drive in, vehicles bypass the area causing route braiding or multiple routes. Trails and two-track routes intercept and concentrate overland flow which increases the erosive power of water. Erosion of the route occurs as a result of the increased volume of water running down them.

Implementing the travel management plan would decrease the total amount of erosion associated with roads in the planning area. Soil stability would improve on the closed routes that are allowed to revegetate, leaving less soil exposed to wind and water erosion.

Motorized vehicle travel on established routes would have little impact on vegetation. Cross-country vehicle travel has the potential to crush or uproot vegetation and leaves visible tracks that others often follow. Implementing the travel management plan would allow the area to produce slightly more vegetation on the closed routes, enhancing the forage for livestock and wildlife. Eliminating or greatly reducing the occurrence of cross-country vehicle travel would reduce the impacts to existing vegetation.

Improving a vehicle turn around point along the Whistle Creek Road BLM Road # 1213 as specified in the Specific Projects section of the travel management plan would result in removal of vegetation from the site, an area approximately 55 feet by 120 feet. This location is currently used by vehicles as a parking and turn around point, and would continue to be used, resulting in a loss of this vegetation over time.

Increased runoff and sediment would impact the river and streams in the area. If runoff increases, due to increased road density, loss of vegetation, and increased erosion, there is less water stored in the soil for later release. This impacts riparian areas and streams by starving them for water. There are four known access points to the east bank of the Shoshone River, rugged terrain prevents pioneering of additional routes near the river. Multiple road crossings of Deer Creek and Whistle Creek would continue to occur. Spot maintenance of the crossings may be needed to reduce impacts of vehicle travel and to discourage travel down the drainage that potentially impacts the sparse riparian vegetation. The maintenance would be conducted as specified in the monitoring and maintenance sections of the travel management plan.

Implementing the ORV route designations would define an appropriate network of routes and would reduce the occurrence of unauthorized cross-country travel or travel on routes not suitable for the vehicle type. Some of the existing roads that do not receive regular use are naturally re-vegetating, increasing soil stability on these sites. A portion of the routes proposed for closure would be rehabilitated as described in the travel management plan. Rehabilitation efforts such as ripping the route surface with a small dozer to create a rough surface and applying seed would result in short term surface disturbance and impacts to visual resources. Since the rehabilitation efforts would take place within the existing route surface, visual impacts are not expected to be greater than those in the existing environment. Re-seeding and subsequent revegetation would increase the site stability, reduce the potential for establishment of invasive species, and reduce impacts to visual resources. Rehabilitation efforts within the WSA would be subject to the IMP as specified in the travel management plan. *“Reclamation activities designed to minimize impacts to wilderness values created by IMP violations and emergencies”* are listed as permitted exceptions to the nonimpairment criteria (H-8550-1 CHI.B.2). The route closures and rehabilitation efforts in the proposed action would have an overall beneficial affect on soils, vegetation, water and visual resources. The proposed rehabilitation implementation phases are shown in Figure 3 below and in Map 4: Proposed Rehabilitation Implementation.

Figure 3

Proposed Rehabilitation Implementation			
Phase	Location	Approximate Miles	Approximate Acres
1	Adjacent to private land	3.7	4.5
2	Within WSA	3.4	4
3	All other closed routes	52.9	64.1

Air quality

Motorized vehicles create exhaust and dust when traveling on dirt roads. This may lead to short term impacts to the air quality in the immediate location of the vehicle. Areas with no vegetation such as roads and two-tracks are susceptible to wind erosion and are sources of dust. This would not impact overall air quality of the region.

Invasive Species

Vehicles, people, and animals spread noxious and other troublesome weed seeds. Weed seeds

are often carried in vehicle radiators, undercarriages, or tire treads or are attached to clothing, shoes, or animal fur. The seeds may fall off and become established in areas where weeds were not previously located. Areas where soil and vegetation have been disturbed due to cross-country travel or other disturbance are especially susceptible to establishment of invasive, non-native species. Weeds have spread from McCullough Peaks road to Whistle Creek road and to adjacent routes.

Designation of some routes and closure of others would help prevent further spread of weeds by vehicles. Reduction of cross-country travel and duplicate routes would reduce the risk of spreading weeds to previously undisturbed areas. Proper treatment of weeds in the area would need to be addressed with maintenance considerations for the roads. Weed treatment and control would be developed in conjunction with road closures and rehabilitation efforts. The treatment and control methods would reduce the potential for weeds to become established during rehabilitation efforts. Educational efforts would be pursued to ensure that public land users are aware of techniques to prevent the spread of invasive, non-native species. Weed treatments would continue to be coordinated between Park County Weed and Pest and BLM as staff and funding allow.

Visual resources would be positively impacted through reclamation efforts that would obliterate closed routes, and reduce route proliferation, returning the area to a more natural appearance. Visual resources would be negatively impacted by an increased number of signs and route markers, and man-made barriers in the area. This would be mitigated through consideration of sign and marker design, color and placement.

Wildlife

Limiting vehicles to a designated network of routes would reduce disturbance to wildlife by motorized vehicles. Rehabilitation of closed routes would reduce habitat fragmentation in the area. Revegetation of closed routes and minimization of cross-country vehicle travel would reduce the potential impacts of vehicle travel and invasive species on sagebrush habitat and sagebrush obligate wildlife species. Implementing the travel management plan would improve the overall quality of wildlife habitat in the area. The May 1 – June 15 time period is an important reproductive period for wildlife species. Vehicle travel on roads during this time period has the potential to disturb young or nesting wildlife. Seasonal restrictions may be necessary and the need for them would be determined on a case-by-case basis.

T&E Species

Designating some routes and closing others would not affect listed or candidate species under the Endangered Species Act or species on the BLM sensitive species list. Rehabilitation of closed routes and minimization of cross-country vehicle travel would prevent unnecessary disturbance to wildlife habitat in the area.

Cultural Resources

Tribal representatives on the Northern Wyoming Native American Consultation mailing list have

been notified of the travel management planning process and have been invited to identify any concerns about sites significant to the history, culture, or religion of Native Americans within the project area pursuant to the National Historic Preservation Act of 1966 as amended (P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470) or any sacred sites pursuant to Executive Order 13007 signed May 24, 1996.

The Cheyenne River Sioux Tribe Preservation Program of Eagle Butte, South Dakota and the Shoshone-Bannock Tribes Cultural Resources Heritage Tribal Office of Fort Hall, Idaho have requested additional information. They have been invited to identify specific cultural resource, religious or other cultural concerns that may need to be addressed in this analysis. The Draft McCullough Peaks Travel Management Plan and this Environmental Assessment were provided to those who requested additional information and to the State Historic Preservation Office. Any information provided in response will be taken into consideration during development of the Final Plan and Decision Record.

Designation of routes is not expected to impact cultural resources. Rehabilitation of closed routes has the potential to impact cultural resources. Rehabilitation work would generally be done within the existing road surface disturbance, route rehabilitation and other proposed projects would be reviewed in individual Cultural Resources Inventory and Evaluation Forms (CRIEF), and would be subject to the following stipulations for the protection of cultural resources:

Cultural Resources, Standard Stipulations. The operator/holder/BLM is responsible for informing all persons associated with this project that they may be subject to prosecution for knowingly damaging, altering, excavating or removing any archaeological, historical, or vertebrate fossil objects or site. If archaeological, historical, Native American, or vertebrate fossil materials are discovered, the operator/holder/BLM is to suspend all operations that further disturb such materials and immediately contact the Authorized Officer. Operations are not to resume until written authorization to proceed is issued by the Authorized Officer (AO).

The authorized officer will evaluate, or will have evaluated, such discoveries not later than five working days after being notified, and will determine what action shall be taken with respect to such discoveries. The decision as to the appropriate measures to mitigate adverse effects to significant cultural or Paleontological resources will be made by the authorized officer after consulting with the operator/holder/BLM.

The operator/holder/BLM is responsible for the cost of any investigations necessary for the evaluation, and any mitigative measures required by the Authorized Officer. The AO will provide technical and procedural guidelines for the conduct of evaluation and mitigation. Upon verification from the AO that the required evaluation and/or mitigation has been completed, the operator/holder/BLM will be allowed to resume operations.

Native American Resources. The area under consideration may contain areas or locations of religious or cultural concern to Native Americans, but these areas

have not yet been identified. If such areas are subsequently identified or become known through the Native American notification or consultation process they would be considered during the implementation phase. The BLM would take no action that would adversely affect these areas or locations without consultation with the appropriate Native Americans.

Human Remains. If human remains are discovered or suspected the operator shall suspend operations immediately, physically guard the area, and notify BLM immediately.

Special Management Areas

Wilderness Study Area

The IMP specifically mentions cross-country vehicle travel as a surface disturbing activity that would not be allowed under the non-impairment criteria, “Cross-country vehicle use off boundary roads and existing ways is surface disturbing because the tracks created by the vehicle leave depressions or ruts, compact the soils, and trample or compress vegetation” (H-8550-1 CH I.B.3).

Designation of vehicle ways within the WSA would help ensure that cross-country travel does not increase or lead to the establishment of new routes. A comparison of the WSA route inventory map with the GIS route inventory that was completed during the summers of 2002 and 2003 was conducted (See Map 6). This comparison indicates that some of the vehicle ways that were in existence at the time the WSA was designated have naturally re-vegetated to the point that they are unable to be located on-the-ground, while other new routes have been pioneered. The proposed action would close the unauthorized routes within the WSA to maintain compliance with the nonimpairment criteria of the IMP. Implementation of the travel management plan would enhance the natural character of the WSA by eliminating these unauthorized routes. The visual character of the area would also be enhanced by removing evidence of these man-made intrusions.

Upon designation of the area as Wilderness, by congress, all routes within the Wilderness area would be closed and motorized and mechanized use would be prohibited in accordance with the Wilderness Act of 1964. If congress releases these lands for other purposes, the travel management plan would remain in effect as implemented.

The closed routes within the WSA would be identified as priorities for reclamation efforts. “The BLM’s goal is to immediately reclaim the impacts caused by any unauthorized action to a level as close as possible to the original condition, or at least to a condition that is substantially unnoticeable” (H-8550-1 CH II. F). Reclamation techniques within the WSA would be subject to the IMP, as specified in the travel management plan.

Wild Horse Herd Management Area

Designation of a network of routes would reduce disturbance to wild horses by motorized vehicles and would be consistent with the management objectives for the herd area. The proposed network of designated routes within the HMA would continue to provide access for wild horse viewing opportunities for the general public and commercial tour operators. Future

seasonal restrictions within the HMA may be necessary due to increased visitation and activity during the peak foaling period (March 1-July 15). This would be determined on a case-by-case basis.

Recreation

Consideration of the identified Recreation Opportunity Spectrum (ROS) categories would help ensure that an appropriate range of recreation opportunities are available within the planning area. Designations would be more limited within the WSA and semi-primitive non-motorized areas.

Route proliferation would be stopped through enforcement of the route designations and public education. Closure of routes would reduce the opportunities for ORV recreation in some areas, however a portion of the routes proposed for closure, especially within the WSA, were created by unauthorized cross-country travel and would likely be closed, regardless of implementation of the travel management plan.

Improving a vehicle turn around point on the Whistle Creek Road would enhance visitor safety and wild horse viewing opportunities. Installation of an interpretive sign in this location in the future would provide an opportunity for the public to learn about BLM and management of wild horses.

Other Uses

There are 16 livestock grazing allotments within the geographic area covered by this plan. The permittees have been contacted regarding implementation of the travel management plan. Implementation of the ORV designation is not expected to impact livestock grazing operations. Forage would be increased on rehabilitated routes, and less disturbance of livestock would result from vehicle travel. Public information and education may need to include such items as: not trespassing on private lands; protecting natural resource values and any improvements on both private and public lands; responsibility for the prompt repair of any damages to utilities, fences, and other improvements; no harassment of livestock or destruction of private and public improvements; and gates left open or closed, as they were found.

Designation of routes would help to reduce trespass on private land in the area. The maps, signs and markers, education and information associated with implementation of the plan would provide a means to educate the public about the location and access status of private lands.

Routes that provide access to private lands and rights-of-way (R/W) would remain available for use in the "Open" or "Administrative Use Only" categories and are not expected to affect the private landowners or R/W holders.

Cumulative Impacts

Designation of an appropriate network of routes and closure and rehabilitation of others is expected to address public and administrative access needs, protect resources, promote public safety, and minimize conflicts among the various uses of public lands. Implementing the travel management plan would end the slow process of resource degradation, which if not attended to,

would produce long term adverse impacts. The overall effect of implementing the travel management plan would be higher quality wildlife habitat, higher quality visual resources, and high quality ORV opportunities. Motorized ORV recreation and other forms of outdoor recreation are expected to continue to increase as the general population increases, possibly leading to increased conflicts in popular recreation areas. As the ORV designation decisions in the Cody RMP are implemented, there would be an increase in limitations on ORVs and increased enforcement of the designations. Cumulatively, this would lead to an increased management presence throughout the Cody Field Office area in the form of signs and markers, personnel conducting monitoring, and law enforcement.

Alternative II – No Action (environmental impacts)

Alternative II would be a continuation of existing conditions. The ORV designation decision would not be implemented. An appropriate network of vehicle routes would not be defined, leaving the area susceptible to route proliferation due to unauthorized cross-country travel. Unauthorized routes and activities such as hill-climbing impact soils, vegetation, visual resources, wildlife, wild horses, and cultural resources through erosion and resource damage. Selection of the No Action alternative would allow the present runoff and erosion to continue and would likely increase as road density increases. This increased runoff and sediment from erosion degrades downstream water quality, riparian areas, flood plains, and fish and wildlife habitat. Areas downstream would be affected from lower water quality, increased sediment, erosion, and decreased fish and other wildlife. Noxious weed spread would likely increase as vehicle use increases and seed sources expand. Issues related to resource protection, public safety, and conflicts between various uses of public lands would not be addressed.

Alternative III – Designate All Existing Routes (environmental impacts)

The environmental impacts of designating all existing routes would have similar impacts to alternative I – Proposed Action, with the exception of actions related to barriers and rehabilitation, since no routes would be closed under this alternative. Selection of this alternative would allow the present resource impacts including runoff and erosion to continue, impacting downstream water quality, riparian areas and flood plains. Areas downstream would be affected from lower water quality, increased sediment and erosion. Invasive species are likely to spread to new locations and the rate of spread is likely to increase as vehicle use increases. Concerns related to resource protection, public safety, and conflicts between various users of public lands would not be addressed to the extent that they are by Alternative I.

CONFORMANCE WITH EXISTING LAND USE PLANS

The Cody Resource Management Plan (RMP) was originally approved on November 8, 1990, and was amended on March 3, 2000. This travel management plan implements the ORV designations for the McCullough Peaks area that were identified in the Cody RMP. The specific route designations are analyzed in this EA. The Cody RMP includes the following ORV management objective:

“to maintain or enhance opportunities for ORV use while protecting or avoiding adverse effects of vehicular travel on other resource values.”

This travel management plan is also consistent with the following RMP management objectives:

Visual Resource Management: *“to maintain or improve scenic values and visual quality throughout the planning area.”*

Watershed Management: *“to stabilize and conserve soils, increase vegetative production, and to maintain or improve water quality.”*

Wild Horse Management: *“to maintain a viable herd that will maintain the free-roaming nature of wild horses in a thriving ecological balance and to provide opportunity for the public to view wild horses.”*

Wildlife and Fish Habitat Management: *“to maintain and enhance fish and wildlife resources so that the forage production and quality of rangelands and fish and wildlife habitat will be maintained or improved.”*

Based on the above and the analysis contained in this EA, the McCullough Peaks Travel Management Plan, Alternative I – Proposed Action, and Alternative III – Designate all Existing Routes would be in conformance with the Cody RMP objectives for ORV management. Alternative II – No Action would not be in conformance with the Cody RMP objectives for ORV management.

Distribution

This Environmental Assessment has been distributed to the public for review and comment. A news release was issued in the local media informing the public that the EA had been prepared and is available to the public. Copies of the EA are available at the Cody Field Office and on the website www.wy.blm.gov/cyfo.

Other Persons and Agencies Consulted:

Wyoming Game and Fish Department
Bureau of Reclamation
McCullough Peaks Travel Management Mailing List
Wilderness Study Area Interest Mailing List
Wild Horse Interest Mailing List
State Historic Preservation Office
Native American - Northern Wyoming Mailing List
George Brown of Hunt Oil, Adjacent Landowner
Park County Commissioners

Appendix 1: McCullough Peaks Travel Management Public Comment Summary and Response.

Appendix 1 McCullough Peaks Travel Management – Public Comment Summary and Response

NEPA	PUBLIC COMMENT	BLM RESOLUTION/RESPONSE
	<p>Some comments expressed a concern that the EA failed to consider a reasonable range of alternatives, the following suggestions were offered:</p> <ol style="list-style-type: none"> 1. An alternative that would consider applying sage grouse lek buffers. 2. An alternative that would implement temporary seasonal closures and other temporary mitigation efforts as an alternative to road closures. 3. Some comments recommended an alternative that would provide a balance between primitive, non-motorized recreation opportunities and ORV use, instead of allowing off-road vehicles everywhere; other comments suggested an alternative that would allow motorized vehicles on all existing roads, expressing opposition to road closures. 4. An alternative that would consider non-motorized access, trails and trailheads (foot, horseback and mountain bike). Comments suggested that all routes recommended as “ATV and non-motorized use only” should be restricted to non-motorized use only. 	<p>We feel that a reasonable range of alternatives was considered in the EA based on the scope of the existing decision to be implemented (limiting travel to designated roads and trails). Following is a response to the suggested alternatives:</p> <ol style="list-style-type: none"> 1. Although sage grouse leks are present in the planning area, an alternative considering application of sage grouse lek buffers to the route designations was not considered. Sage grouse lek buffers are applied to any new surface disturbing activities in accordance with the management actions in the Cody RMP/ROD (p.40). Implementing the decision to limit motorized vehicle use to designated routes will result in the continued use of routes that are currently in existence, and closure of other routes. The proposed action does not authorize any new surface disturbing activities. The selected alternative would not affect sage grouse. See EA pages 8, 15. 2. Nothing in the EA or Plan precludes the use of seasonal closures. If additional resource protection is necessary in the future, seasonal closures would be considered. See EA pages 15, 18. 3. Limiting motorized vehicles to a network of designated routes allows for motorized vehicle use in the area, while protecting resources. The proposed action provides a balance between motorized and non-motorized uses by maintaining a variety of recreation opportunities in the planning area such as non-motorized opportunities throughout the planning area, vehicle touring on well defined roads, and use of challenging ATV routes. Alternatives to close all of the routes in the planning area, or to designate an ORV play area were considered but eliminated from detailed analysis since they would not meet the identified access and resource needs and would not be in compliance with the Cody RMP decision. 4. There are many opportunities for non-motorized access in the planning area. The Plan identifies a need to consider development of trails and trailheads in the “Project ideas for future consideration” page 15.
	<p>The BLM must perform an analysis of the impacts, including cumulative impacts, of off-road vehicle use in the McCullough Peaks area on wildlife, landscapes, and other forms of recreation, including projected impacts from illegal, off-trail use.</p> <p>The EA failed to take a hard look at the following resources:</p> <ul style="list-style-type: none"> • WSA and wilderness resources • Visual Resources • Impacts to sensitive plant and animal species • Opportunities for non-motorized recreation • Cultural resources • Soils • Riparian areas • ORV criteria in 43 CFR 8342.1(a-d) 	<p>The purpose and need for this EA is to implement a decision that was made in the Cody RMP/ROD. This EA is tiered to and incorporates by reference analysis in the Cody RMP EIS and the Grass Creek/Cody Wilderness EIS. For this reason, we feel that the analysis in the EA is adequate to address the resources in the planning area and implement the proposed action. Page citations of the analysis included in the EA are provided below :</p> <ul style="list-style-type: none"> • WSA and wilderness resources, analysis added p. 9, 17 • Visual Resources p. 7, 13 • There are no known sensitive plant species in the planning area. Discussion of sensitive animal species, including threatened and endangered species is on p. 8, 15 • Opportunities for non-motorized recreation p. 11 • Cultural resources p. 8, 16 • Soils, analysis added p. 7, 13 • Riparian areas p. 7, 13 • ORV criteria p. 2, 3

Appendix 1 McCullough Peaks Travel Management – Public Comment Summary and Response

	<p>The Park County Commissioners were not listed as an agency consulted and the scoping meeting held with the Commissioners was not mentioned in the EA.</p> <p>The EA should refer to the “county” rather than to “employees of the county”.</p>	<p>The suggested changes were made in the EA under the headings: “Public Involvement” page 3, “Other Uses” page 11, 18 and “Other Persons & Agencies Consulted” page 20 and in the Plan under the heading: “Other Uses” page 5.</p>
	<p>The EA should repeat the decisions that were made in the Cody RMP to give the reader a way to compare the proposed action, as well as the other alternatives discussed in the EA.</p>	<p>Cody RMP ORV decisions are included with an explanation in the Plan under the heading “Background Information” page 1, 2.</p>
WSA	PUBLIC COMMENT	BLM RESOLUTION/RESPONSE
	<p>The proposed action violates the BLM’s interim management policy (IMP) for WSA’s.</p>	<p>The IMP (Chapter III.H.11) states “Except for emergency situations as defined in Chapter I.B.12, vehicle designations in WSAs are to be handled through the land-use planning process. Until WSAs are designated as wilderness or released from study status, vehicle use within each WSA is governed by the terms and conditions as identified in Chapter I.B.11 and any land-use planning decisions.”</p> <p>The land-use planning decision made in the Cody RMP indicates that ORV use in the McCullough Peaks area would be “limited to designated roads and trails.”</p> <p>All routes (vehicle ways) in the WSA that are recommended for designation were in existence when the WSA was inventoried (see additional Maps 5, 6). The proposed action does not authorize any new vehicle routes within the WSA.</p> <p>The route designations are also consistent with the Grass Creek/Cody Wilderness EIS that states, “Recreational ORV use would be allowed on approximately 20 miles of designated vehicle routes in the WSA” page 58.</p> <p>For these reasons, identifying an appropriate network of designated routes within the WSA is consistent with the IMP.</p>
	<p>The WSA is deserving of Wilderness designation. The travel management plan should not implement actions that would impair the suitability of the area for designation as Wilderness.</p> <p>Some comments expressed opposition to vehicle use in the WSA.</p>	<p>All management actions proposed within the WSA are intended to bring the area into full compliance with the IMP. The vehicle ways proposed for designation within the WSA were in existence at the time the wilderness inventory was conducted in the area (see additional Maps 5, 6). Designation of the routes in the WSA simply indicates which routes are available for motorized vehicle use. Designation does not convey any permanent status on the routes or authorize any route upgrades. Vehicle use in the WSA is consistent with the IMP, decisions in the RMP and the Wilderness EIS and would not impair the suitability of the area for designation as Wilderness.</p> <p>See clarification in EA page 9, 17.</p>
	<p>Some comments encourage keeping trails in proposed non-motorized/wilderness/roadless areas open. They do not feel that motorized use detracts from the wild characteristics. They do not wish to see de facto wilderness.</p>	<p>The McCullough Peaks WSA falls within an area “limited to designated roads and trails” Some of the vehicle ways that were in existence when the WSA was designated are proposed to remain available for vehicle use as a part of a network of designated routes.</p> <p>The BLM IMP requires BLM to manage the WSAs so as not to impair wilderness suitability until congress designates the area as wilderness or releases it from further study. See EA page 9, 17.</p>

Appendix 1 McCullough Peaks Travel Management – Public Comment Summary and Response

	<p>An inventory of wilderness quality lands must be completed as part of the analysis, BLM must respond to significant new information about wilderness qualities, and analyze impacts to wilderness resources within and adjacent to the existing WSA.</p> <p>The "Citizens' Wilderness Proposal for Wyoming BLM Lands" was submitted to BLM in 1994 and 2004.</p>	<p>Conducting an inventory of wilderness quality lands is beyond the scope of this EA. The Cody RMP revision that is scheduled to begin in 2006 is the appropriate planning opportunity to address these lands.</p>
WILDLIFE	PUBLIC COMMENT	BLM RESOLUTION/RESPONSE
	<p>The EA fails to document consultation with United States Fish and Wildlife Service (USFWS) under section 7 of the Endangered Species Act (ESA). EA should include a Biological Opinion from USFWS and include discussion of the BLM sensitive species.</p>	<p>The EA discusses the Threatened and Endangered species and the BLM sensitive species that are known to inhabit the planning area. The planning area receives little use by these species. Designation of routes and closure of others will not affect or will be beneficial to the wildlife in the planning area. Consultation with USFWS is not required for this planning effort. See EA pages 8, 15.</p>
CULTURAL	PUBLIC COMMENT	BLM RESOLUTION/RESPONSE
	<p>The BLM needs to perform an on-the-ground inventory of archaeological sites eligible for the National Register of Historic Places along routes where off-road vehicle use will occur. The EA does not show compliance with sections 106 and 110 of the National Historic Preservation Act (NHPA).</p>	<p>Proposed decisions that will not change or will reduce the existing footprint of ORV use are assumed to have limited potential to adversely affect cultural resources. The proposed action will result in continued use of existing routes, and will reduce the total number of routes through route closures. Designating routes provides a means to reduce ORV impacts on public lands, including impacts to cultural resources. An on-the-ground inventory would be required for any new surface disturbing activities, including reclamation efforts.</p> <p>Compliance with the National Historic Preservation Act (NHPA) was met in this planning effort by following the "Programmatic Agreement among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers regarding the manner in which BLM will meet its responsibilities under the National Historic Preservation Act: State Protocol Agreement for Wyoming" signed in 1998.</p> <p>Consultation with the State Historic Preservation Office (SHPO) and the Northern Wyoming Native American mailing list was conducted during the public involvement phases of this planning process. See EA page 16.</p>
RECREATION	PUBLIC COMMENT	BLM RESOLUTION/RESPONSE
	<p>Several existing routes were identified that were missing from the GPS inventory.</p>	<p>The route located in T. 53 N., R. 100 W. Sec. 4-9 and 16-18 was GPS'd by volunteers and was added to the inventory map with the recommendation "ATV and non-motorized use only". The route located in T. 53 N., R. 100 W. Sec. 31 NE1/4 was GPS'd and added to the inventory map with the recommendation "Open".</p>
	<p>All vehicle routes not in existence when the Federal Register notice was published on August 29, 1990 must automatically be closed (inside the WSA or elsewhere in the planning area) in accordance with the Cody RMP ORV decisions.</p> <p>Definition of "route" must be clarified based on the definition of "roads" derived from the legislative history of FLPMA.</p>	<p>All routes within the WSA that were not in existence when the WSA was inventoried are proposed for closure. See additional Map 5: WSA Inventory and Map 6: Comparison of WSA Inventory with 2003 GIS Inventory. Route designations elsewhere in the planning area are based on the comprehensive (GPS/GIS) route inventory that was completed in August 2003. Route recommendations were made based on the best available information, the criteria in the travel management plan, and public involvement.</p> <p>Route definitions were added to the Plan, page 3.</p>

Appendix 1 McCullough Peaks Travel Management – Public Comment Summary and Response

	Motorized vehicle access is important for the elderly and for people with disabilities to recreate on public lands. Vehicle access is important for recreation such as rock hounding, hunting, photography, wildlife viewing, wild horse viewing, and ORV driving.	The proposed network of designated routes provides vehicle access to a majority of the planning area. We feel that the proposed action provides a balance between motorized and non-motorized recreation opportunities.
	Many comments expressed general support for ORVs: <ul style="list-style-type: none"> • ORV use is growing and should have a place in multiple use. • Closing roads will shift use to other areas. 	We recognize ORVs as a valid use of public lands and that ORV use is increasing; we feel that the alternatives analyzed provide adequate vehicle routes in the planning area to accommodate these uses within the ORV designation category of “limited to designated roads and trails.” We recognize the potential for road closures to shift vehicle use to other areas. The Plan identifies the RMP revision effort that is scheduled to begin in 2006 as the appropriate planning opportunity to consider the need for ORV open areas within the Cody Field Office area, page 15.
	Commentors disagree about the amount of resource damage that is caused by ORVs in the planning area. Some indicate that they are upset to see effects of motorized vehicles on fragile resources (cross-country travel, erosion, litter, noise, and the recreation experience). These commentors feel that motorized vehicle use should be limited to designated routes and use limits should be considered. Others indicate that they have not seen evidence of damage by motorized vehicles, noting that the area has naturally erosive geology.	It is well documented that inappropriate ORV use may cause resource damage. The Cody RMP ORV decision limited travel in this area to protect resources including soils and visual resources. The proposed alternative would implement the RMP decision in accordance with criteria in 43 CFR 8340 – Off Road Vehicles, and the criteria identified in the Plan page 6.
	Designations will fail without adequate enforcement and funding, fines should be higher. The focus should be on public education, mitigation and enforcement. The BLM must not rely on voluntary compliance with road designations.	Enforcement is addressed in the Plan on page 12. The BLM Cody Field Office Law Enforcement Officer would enforce the route designations as specified in the plan; BLM does not rely on voluntary compliance. Fines are set based on national policy; discussion of higher fines is beyond the scope of this analysis.
	Provide trailheads for motorized trails. Consider dual use roads, open play areas, maintain motorized single track (ATV’s should not be on single track), loop trail systems, standard maps and signing, maintenance techniques to prevent closures due to erosion, etc.	Development of any of the recommended facilities could be considered within the planning area on a case-by-case basis as funding allows, See Plan page 15. The Plan identifies the RMP revision effort that is scheduled to begin in 2006 as the appropriate planning opportunity to consider the need for ORV open areas within the Cody Field Office area, page 15.
	The plan should maintain adequate motorized access to the Shoshone River, opportunity to work with Wyoming Game and Fish Department.	See projects for future consideration Plan page 15.
RANGE	PUBLIC COMMENT	BLM RESOLUTION/RESPONSE
	The ORV designations must not impact livestock grazing	The grazing permittees with allotments in the planning area were contacted during the public involvement portions of this planning process. Access for administration of grazing permits and maintenance of range improvements was considered during development of the designations. Additional access needs would be addressed as specified in the Implementation section of the Plan page 13.

Appendix 1 McCullough Peaks Travel Management – Public Comment Summary and Response

	Wild horses are doing as much damage by overgrazing and overpopulation as any other use in the area. There should be limits on grazing.	Management decisions related to the Wild Horse and Range programs are beyond the scope of this analysis. There are two upcoming opportunities to comment on these programs. The McCullough Peaks Wild Horse Herd Management Area Gather Plan and EA (with alternatives for meeting herd management goals by capture, removal, and fertility control) is now available for comment. The revision of the Cody RMP is scheduled to begin in 2006. These planning efforts will provide additional opportunities for public involvement related to management of public lands in the BLM Cody Field Office area.
VOLUNTEERS	PUBLIC COMMENT	BLM RESOLUTION/RESPONSE
	Encourage use of volunteers for patrol and maintenance. Encourage agencies to seek input from the ORV community on ORV decisions.	The BLM Cody Field Office welcomes public involvement in all aspects of land management and planning. The public involvement process for this planning process is described in detail in the EA on page 3. The plan encourages the use of volunteers during implementation on Page 15.
ACCESS	PUBLIC COMMENT	BLM RESOLUTION/RESPONSE
	Administrative use only routes should be properly monitored and enforced (damage by administrative use or public use is still damage). There is a negative public perception regarding routes for administrative use only.	We recognize that there are potential negative public perceptions related to administrative vehicle use. Exceptions may be allowed for certain permitted uses and administrative uses. Such use will be at the discretion of the authorized officer and determined on a case-by-case basis. These exceptions would be subject to the ORV regulations contained in 43 CFR 8340 and would be handled as specified in the Implementation section of the Plan, page 13.
	The plan should consider access to private land, and existing land use authorizations now and in the future. The plan should avoid increasing ORV pressure on adjacent private land.	Access to private land and existing rights with access needs were considered during development of the route designations (see Plan criteria 1 page 6). Future access needs would be considered as specified in the "Implementation" section of the Plan page 13.
	Agencies are encouraged to ensure access is not blocked by private landowners, private landowners should not have special access privileges, and legal rights-of-way should be pursued.	Generally, there is adequate legal public access to the public lands in the McCullough Peaks. The Plan indicates that public access easements would be pursued as appropriate, under the heading "Project Ideas for Future Consideration" page 15. However, where legal public access is not available, it is the public's responsibility to obtain permission from the landowner(s) to travel through or use private lands. The landowner is not obligated to grant such permission.