

Programmatic Environmental Assessment

McCullough Peaks Interpretive Tours and Photography Workshops

WY-020-EA12-75

April 2012

BLM

Cody Field Office, Wind River/Bighorn Basin District, Wyoming



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DOI-BLM-WY020-EA12-75

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1.0 BACKGROUND INFORMATION

1.1 Introduction

This environmental assessment (EA) is entitled “McCullough Peaks Interpretive Tours and Photography Workshops.” The EA number is “WY-020-EA12-75.” This programmatic EA is needed to assist in analyzing requests for Special Recreation Permits in the project area for conducting interpretive tours and photography workshops. The project area has been used for many years for interpretive tours, mainly to view wild horses, and for photography workshops, mainly to photograph wild horses. The project area includes lands within the McCullough Peaks Wild Horse Herd Management Area (HMA) and includes lands within a sage grouse core management area. Recent guidance related to management of sage grouse habitat requires a closer look when authorizing activities within these areas. This EA is prepared by the Bureau of Land Management (BLM), Cody Field Office, located in Cody, Wyoming.

1.2 Location

The Cody Field Office area is located in northwestern Wyoming and contains the McCullough Peaks Wild Horse HMA, which is located between 15 to 27 miles east of Cody (see Map 1). Topography is highly variable, ranging from mostly flat to slightly rolling foothills carved by drainages, colorful badlands, and desert mountains featuring steep slopes, cliffs, and canyons. The project area is bounded on the east by State Highway 32; on the south by State Highway 14-16-20; on the west and northwest by the McCullough Peaks Road; and on the north by a fence line and the Whistle Creek Road.

1.3 Purpose and Need for the Proposal

The purpose of the proposed action is to provide quality recreational opportunities for the public to participate in interpretive tours and photography workshops while protecting other resource values in the area.

The need for the proposed action is to consider requests for renewal of existing Special Recreation Permits and issuance of new Special Recreation Permits for day use interpretive tours and photography workshops in the project area.

1.4 Decision to be Made

The BLM will decide whether or not to issue Special Recreation Permits, and if so, under what terms, conditions, and stipulations.

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

The following statutes, regulations, and policies apply to the lands where the use is proposed:

The principal Bureau permitting regulations for Special Recreation Permits (SRPs) are found in: 43 Code of Federal Regulations (CFR) 2932.

The principal statute law governing public land management is the Federal Land Policy and Management Act of 1976.

Wild Horse and Burro management is governed by Public Law 92-125, the Wild Free-Roaming Horse and Burro Act of 1971, as amended; and Public Law 95-514, the Public Rangelands Improvement Act of 1978. Public Law 92-125, as amended, requires the protection, management, and control of wild horses on public lands. The horses are also managed under 43 CFR 4700.

Sage Grouse habitat is managed under BLM Manual 6840 – Special Status Species. Management of Sage Grouse habitat is also governed by policy contained in the following Instruction Memorandum (IM): BLM, Wyoming State Office, IM No. WY-2012-019 dated February 10, 2012 entitled “Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public lands Including the Federal Mineral Estate.”

The following plans and environmental documents apply to the lands where the use is proposed:

Management for Bureau of Reclamation Withdrawn Lands Restored to Bureau of Land Management Jurisdiction in the Cody Field Office Planning Area, Cody RMP amendment, 2000

McCullough Peaks Wild Horse Herd Management Plan, 1985

McCullough Peaks Travel Management Plan and Environmental Assessment, 11/29/2004

The proposed action is in conformance with the Cody Resource Management Plan, Final EIS and Record of Decision (ROD) (1990) and the resource objectives which state the following for recreation, wild horse, and wildlife management:

“The recreation management objective is to enhance opportunities for primitive recreation, while increasing visitor services in some areas (to meet the needs for more developed forms of recreation).”

“The wild horse management objective in the McCullough Peaks Wild Horse HMA is 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.”

“The wildlife and fish habitat management objective is 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 enhanced.”

1.6 Scoping

Topics identified through informal scoping by a BLM Interdisciplinary Team included: invasive, non-native species (weeds); Wilderness Study Area (WSA); Lands with Wilderness Characteristics (LWCs); wild horses; livestock grazing; wildlife; Threatened and/or Endangered (T&E) wildlife species; Sensitive wildlife species; recreation; and cultural resources and Native

American concerns. In particular, this programmatic EA addresses sage grouse habitat management; wild horse management including viewing opportunities; and issuance of Special Recreation Permits for day use interpretive tours and photography workshops. There is a need to consider the new, current requirements for management of sage grouse habitat including sage grouse core management areas.

2.0 PROPOSED ACTION AND ALTERNATIVES

This EA focuses on three alternatives: Alternative I – Proposed Action, Alternative II – Continuation of Present Management, and Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops). The No Action alternative is considered and analyzed to provide a baseline for comparison of the impacts of Alternatives I and II.

2.1 Alternative I - Proposed Action

The Proposed Action would allow issuance of Special Recreation Permits to conduct day-use commercial, interpretive/educational tours and photography workshops in the McCullough Peaks area on BLM- managed public lands. Usually the tours and workshops would focus on viewing and photographing wild horses within the McCullough Peaks Wild Horse HMA. They could also include viewing and photographing other natural resources in the area. Special Recreation Permits have a set of stipulations which would be attached to each permit (See Appendix A).

Wild Horse Tours:

Tours would typically use the following types of vehicles depending upon the size of the group. A truck for a small group; a van for a group up to about 11 people; a mid-sized bus for a group size over 11 and up to 32; and a full-sized bus for rare (1-2 per season with prior BLM approval) trips of over 32 people. The authority to provide a tour for a large-sized group would be included because there are occasional requests by schools, Scouts, 4H, Future Farmers of America (FFA), as well as professional groups and organized tour groups.

Maximum total commercial visitor use for a season would be about 2500 visits. This figure would allow for current actual use, authorized use which has not occurred to date, and requested use for new permits. A visit would be defined as one person visiting the public land for any part of a day. After 2500 visits have been authorized, new applications for additional Special Recreation Permits would be considered but would require additional analysis. Also, if the activity would be located within the sage grouse core management area, the use season would need to be restricted to between July 1 and February 28 due to reaching what is considered a disruptive level of activity, according to Instruction Memorandum Number WY-2012-019. Note: If subsequent sage grouse related directives are issued they would also need to be considered.

Hiking for a distance of about ¼ to ½ mile from the tour vehicle with any size of group would be allowed. Participants would stay a minimum of 300 feet away from the wild horses in the herd area.

Vehicles would be allowed on specific routes only (see Map 1). No cross-country driving would be allowed. The vehicle routes would include the McCullough Peaks road (BLM road #1212),

the Whistle Creek road (BLM road #1213), and routes within the southern and eastern portions of the HMA. Under the Proposed Action, the area in which the tours would occur would be enlarged and additional routes would be included to spread out the use and improve the opportunity to view wild horses as they move around within the HMA.

The principal use season would be from May 15 through October 31. Applications for Special Recreation Permits would be considered for other times of the year but the activity would have to be able to conform to requirements of other site specific resource needs, as well as, the BLM, Wyoming State Office, IM No. WY-2012-019 dated February 10, 2012 and entitled "Greater Sage-Grouse Habitat Management Policy on Wyoming BLM-Administered Public Lands Including the Federal Mineral Estate." One of the provisions in the memorandum is repeated here, "For actions other than those taken for human health and safety, regulatory compliance or emergency, BLM Field Offices must determine if any activity proposed in sage-grouse nesting, brood-rearing or Winter Concentration Area habitat is "disruptive" by determining if the activity would require people and/or the structure or activity to be present in these habitats for a duration of more than 1 hour during any one 24 hour period during the applicable season in a site-specific area." Note: If subsequent sage grouse related directives are issued they would also need to be considered.

To avoid conflicts with sage grouse using leks, interpretive tours would not be allowed within the sage grouse core management area from March 1 through May 14. Wild horse viewing tours would be scheduled so that commercial visitors would arrive in the field no earlier than 9:00 am from May 15 through June 30 to avoid conflicts with any late season use of leks by sage grouse. If needed, an attempt would be made to stagger the wild horse viewing tours offered by different permittees so that the tours would not occur in the same location at the same time. The visit to any one location should be one hour or less during any one 24 hour period during the applicable season in a site-specific area.

Typical tours would depart and end in Cody and would last 2 to 2 1/2 hours with 1/2 hour of travel time each way.

The maximum potential commercial visitor use from this proposal would be about 2500 visits per five and one-half month season. The average number of visits per month would be 455 and per day would be 15. The proposal would be for day use only on BLM-managed public land. Standard stipulations for Special Recreation Permits would be applied to the permits including those related to wild horses, travel, and the protection of cultural resources (see Appendix A). The permittees would remove any litter generated by the activity and would follow the Principles of Tread Lightly and Leave No Trace.

The wild horse related stipulations under Alternative I would be as follows:

McCullough Peaks Wild Horse Herd Management Area (HMA)
Wild Horse-Related Stipulations

For your safety, and the safety of the horses, please obey the following stipulations and do not approach, touch, or feed the McCullough Peaks wild horses.

1. Harassment, injury, removal, or causing the death of a wild horse would be punishable by fines or imprisonment (43 CFR 4770 and the Wild Horse and Burro Act).

2. All SRP permit holders, employees, clients and affiliates visiting the McCullough Peaks HMA would not approach closer than 300 feet to any wild horses.

(300 feet is 1 football field in length)
(100 yards or 91.44 meters)

See the fiberglass marker “300 feet” away from the “Keep the Mustang Wild” sign.

3. Approaching mustangs during foaling season, February through July, could result in foal abandonment.

4. All SRP permit holders, employees, clients and affiliates visiting the HMA would remain 300 feet from any water source when observing the wild horses. This would allow free access to the water by the horses.

5. Do not attempt to approach, feed, or touch these animals. Do not engage in activity that interrupts wild horses’ current behavior. If your presence causes horses to move away from you, do not pursue them. Conversely, if your presence causes horses to move toward you, you would move away from them, when safe to do so, to maintain the proper distance between you and the horses.

6. Do not allow dogs to chase the wild horses.

7. Wild horses are subject to natural mortality from injury or illness without medical intervention. Non-viable horses may be euthanized to end suffering by authorized personnel only.

Report sick or injured animals, or violations, to the Bureau of Land Management:

A) Wild Horse Specialist	(307) 578-5925 Work	(307) 899-1155 Cell
B) Cody Law Enforcement Ranger	(307) 578-5931 Work	(307) 899-6561 Cell
C) Cody Field Office	(307) 578-5900	7:45 a.m. – 4:30 p.m. M-F

DO NOT ATTEMPT TO ASSIST OR HANDLE SICK OR INJURED ANIMALS.

8. The BLM does not require a film permit for casual, non-commercial photography on public lands. However, if models or props are used that are not part of the natural resource, or if the location is not a place that the public is generally allowed or additional administrative costs are likely, a permit would be required. Any commercial filming activities, including production of videos, movies, television, or documentaries, would require a film permit. Contact the local BLM office at: (307) 578-5900 for more information.

9. The BLM would require a Special Recreation Permit (SRP) for recreation-related commercial use, competitive use, vending, special area use, and organized group activity or event use. Contact the local BLM office at (307) 578-5900 for more information.

Additional Stipulations:

1. Vehicle tours and photography workshop vehicles would be limited to the authorized routes shown on a map that would be attached to the Special Recreation Permit. Permittee must comply with the Off Highway Vehicle use restrictions in the area.
2. Hiking would be allowed within ¼ to ½ mile from the vehicle, provided that the minimum distance between people and wild horses is maintained, as specified in the wild horse stipulations.
3. Prior to each use season, the permittees would be required to contact the BLM Wild Horse Specialist. This would allow the BLM to provide the permittees with up-to-date information on the BLM wild horse program including any changes in the management situation or upcoming events. This would help ensure that accurate information regarding the BLM and the management of the wild horses is available to the permittees and the visitors who participate in the guided activities. This information would be available to the permittees for use during the commercial operation. Permittees would distribute only BLM-provided or approved educational materials to his customers. A stipulation would be applied to the permit stating that the permittees shall not use advertising that attempts to portray or represent his/her activities as being conducted by the BLM or present the BLM in a negative or misleading tone. Prior to each season of use, annually, a mandatory field tour along the proposed tour route would be scheduled with the permittee, the wild horse specialist, and the recreation planner.
4. Wildlife Stipulation. Avoid sensitive wildlife areas and disturbance of reproductive wildlife with young during early spring/summer periods. Do not participate in any behavior which would alter the natural tendencies of the wildlife. For example, your actions should not, in any way, disrupt their current activity or entice investigatory activity by any wildlife. If your presence causes wildlife to move away from you, do not pursue them.
5. Sage Grouse Stipulation for Wild Horse Tours within the Sage Grouse Core Area: The Special Recreation Permittee, including any employees and guests, would arrive no earlier than 9:00 am, on site, from May 15 through June 30. Visits to any one location would be one hour or less during any 24 hour period from May 15 through June 30 in a site-specific area.
6. Sage Grouse Stipulation for Photography Workshops outside the Sage Grouse Core Area: Permittees would not conduct a photography workshop within a two mile buffer of active sage grouse leks from March 1 through June 30.

Photography Workshops:

Special Recreation Permits for day use, commercial photography workshops would be considered. Typically these workshops would last from one to three days long and have a group size of from four to eight people. Requests for photography workshops vary from year to year from none to one or two. Vehicles used would typically include one to four high-clearance vehicles or the permittee may provide transportation using a van. The hours in the field would typically include three to four hours at sunrise and the same at sunset. The mid-day hours would typically be spent in town attending a class on photography techniques. Requests for photography workshops would have to be able to conform to requirements of other site specific resource needs, as well as, the BLM, Wyoming State Office, IM No. WY-2012-019 dated

February 10, 2012 and entitled “Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands Including the Federal Mineral Estate.” One of the provisions in the memorandum is repeated here “For actions other than those taken for human health and safety, regulatory compliance or emergency, BLM Field Offices must determine if any activity proposed in sage-grouse nesting, brood-rearing or Winter Concentration Area habitat is “disruptive” by determining if the activity would require people and/or the structure or activity to be present in these habitats for a duration of more than 1 hour during any one 24 hour period during the applicable season in a site-specific area.” Note: If subsequent sage grouse related directives are issued they would also need to be considered.

The photography workshops would usually include staying in one location for more than an hour so, within the sage grouse core management area, they would be authorized to occur beginning in July rather than May 15 (when the wild horse viewing tours would begin). The estimated visitor use for photography workshops would be 200 visits from July 1 through February 28 within the sage grouse core management area and 50 visits outside the core management area.

Within the sage grouse core management area, photography workshops would not be authorized from March 1 through June 30 as they meet the definition of a disruptive activity according to Instruction Memorandum Number WY-2012-019.

From March 1 through June 30, outside of the sage grouse core management area, no photography workshops would be authorized within a two mile buffer of any active leks.

The stipulations listed above, for the Wild Horse Tours, would also apply to the Photography Workshops.

2.2 Alternative II – Continuation of Present Management

Alternative II would allow issuance of Special Recreation Permits to conduct day use, commercial, interpretive/educational tours and photography workshops in the McCullough Peaks area on BLM- managed public lands. Usually the tours and workshops would focus on viewing and photographing wild horses within the McCullough Peaks Wild Horse HMA. They would also include viewing and photographing other natural resources in the area. Special Recreation Permits have a set of stipulations which would be attached to each permit (See Appendix A).

Wild Horse Tours:

Tours would typically use the following types of vehicles depending upon the size of the group. A truck for a small group; a van for a group up to about 11 people; a mid-sized bus for a group size over 11 and up to 32; and a full-sized bus for rare (1-2 per season with prior BLM approval) trips of over 32 people. The authority to provide a tour for a large-sized group would be included because there are occasional requests by schools, Scouts, 4H, Future Farmers of America (FFA), as well as professional groups and organized tour groups.

Maximum total visitor use for a season would be about 2000 visits. This figure would allow for current actual use and authorized use which has not occurred to date. A visit would be defined as one person visiting the public land for any part of a day.

Hiking for a distance of about ¼ to ½ mile from the tour vehicle with any size of group would be allowed. Participants would stay a minimum of 500 feet away from the wild horses in the herd area. When using the Whistle Creek Road, outside of the Red Point Viewing Area, to the Gilmore Hill Overlook in T. 53 N., R. 98 W., Section 27 SE1/4, viewing would be done from the side of the road, (no hiking would be allowed).

Vehicles would be allowed on specific, existing roads only and no cross-country driving would be allowed. The vehicle routes would include the McCullough Peaks road (BLM road #1212), a portion of the Whistle Creek road (BLM road #1213), and several roads within the Red Point Viewing Area (see Map 2). The McCullough Peaks road would rarely be used. The main commercial operator would offer two tours per day from May 15 through September 15, one at 8:30 AM and one at 5:00 or 5:30 PM. From September 16 through October 15, tours would be offered at 11:00 AM and at 4:00 PM. One tour per week would be offered at noon for customers of a local guest lodge but this tour would be substituted for either the morning or evening tour on that day to remain within the limit of two tours per day. The tours would depart and end in Cody and would last about 2 to 2 ½ hours each which includes the travel time of ½ hour each way. The tours would include viewing the badlands for about 15-20 minutes. High quality binoculars would be available for each guest to use. Other commercial operators would offer tours about 2 or 3 times per week and they would be of a similar nature to that described above.

The maximum potential visitor use from this proposal would be about 2000 visits per five month season (mid-May through mid-October). The average number of visits per month would be 400 and per day would be 13. The proposal would be for day use only on BLM-managed public land. Standard stipulations for Special Recreation Permits would be applied to the permits including those related to wild horses, travel, and the protection of cultural resources (see Appendix A). The permittees would remove any litter generated by the activity and would follow the Principles of Tread Lightly and Leave No Trace.

The wild horse related stipulations under Alternative II would be as follows:

McCullough Peaks Wild Horse Herd Management Area (HMA)
Wild Horse-Related Stipulations

For your safety, and the safety of the horses, please obey the following stipulations and do not approach, touch, or feed the McCullough Peaks wild horses.

1. Harassment, injury, removal, or causing the death of a wild horse would be punishable by fines or imprisonment (43 CFR 4770 and the Wild Horse and Burro Act).
2. All SRP permit holders, employees, clients and affiliates visiting the McCullough Peaks HMA would not approach closer than 500 feet to any wild horses.

(500 feet is almost 2 football fields in length)
(167 yards or 152.4 meters)

See the fiberglass marker “500 feet” away from the “Keep the Mustang Wild” sign.

3. Approaching mustangs during foaling season, February through July, could result in foal abandonment.

4. All SRP permit holders, employees, clients and affiliates visiting the HMA would remain 500 feet from any water source when observing the wild horses. This would allow free access to the water by the horses.

5. Do not attempt to approach, feed, or touch these animals. Do not engage in activity that interrupts wild horses' current behavior. If your presence causes horses to move away from you, do not pursue them. Conversely, if your presence causes horses to move toward you, you would move away from them, when safe to do so, to maintain the proper distance between you and the horses.

6. Wild horses are subject to natural mortality from injury or illness without medical intervention. Non-viable horses could be euthanized to end suffering by authorized personnel only.

Report sick or injured animals, or violations, to the Bureau of Land Management:

- | | | |
|--------------------------------|---------------------|---------------------------|
| A) Wild Horse Specialist | (307) 578-5925 Work | (307) 899-1155 Cell |
| B) Cody Law Enforcement Ranger | (307) 578-5931 Work | (307) 899-6561 Cell |
| C) Cody Field Office | (307) 578-5900 | 7:45 a.m. – 4:30 p.m. M-F |

DO NOT ATTEMPT TO ASSIST OR HANDLE SICK OR INJURED ANIMALS.

7. The BLM does not require a film permit for casual, non-commercial photography on public lands. However, if models or props are used that are not part of the natural resource, or if the location is not a place that the public is generally allowed or additional administrative costs are likely, a permit would be required. Any commercial filming activities, including production of videos, movies, television, or documentaries, would require a film permit. Contact the local BLM office at: (307) 578-5900 for more information.

8. The BLM would require a Special Recreation Permit (SRP) for recreation-related commercial use, competitive use, vending, special area use, and organized group activity or event use. Contact the local BLM office at (307) 578-5900 for more information.

Additional Stipulations:

1. Vehicle tours and photography workshop vehicles would be limited to the authorized routes shown on a map that would be attached to the Special Recreation Permit. Permittee must comply with the Off Highway Vehicle use restrictions in the area.

2. Hiking would be allowed within ¼ to ½ mile from the vehicle, provided that the minimum distance between people and wild horses is maintained, as specified in the wild horse stipulations.

3. Prior to each use season, the permittees would be required to contact the BLM Wild Horse Specialist. This would allow the BLM to provide the permittees with up-to-date information on the BLM wild horse program including any changes in the management situation or upcoming events. This would help ensure that accurate information regarding the BLM and the management of the wild horses is available to the permittees and the visitors who participate in the guided activities. This information would be available to the permittees for use during the

commercial operation. Permittees would distribute only BLM-provided or approved educational materials to his customers. A stipulation would be applied to the permit stating that the permittees shall not use advertising that attempts to portray or represent his/her activities as being conducted by the BLM or present the BLM in a negative or misleading tone. Prior to each season of use, annually, a mandatory field tour along the proposed tour route would be scheduled with the permittee, the wild horse specialist, and the recreation planner.

4. Wildlife Stipulation. Avoid sensitive wildlife areas and disturbance of reproductive wildlife with young during early spring/summer periods. Do not participate in any behavior which would alter the natural tendencies of the wildlife. For example, your actions should not, in any way, disrupt their current activity or entice investigatory activity by any wildlife. If your presence causes wildlife to move away from you, do not pursue them.

Photography Workshops:

Special Recreation Permits for day use, commercial photography workshops would be considered. Typically these workshops would last from one to three days long and have a group size of from four to eight people. Requests for photography workshops vary from year to year from none to one or two. Vehicles used would typically include one to four high-clearance vehicles or the permittee may provide transportation using a van. The hours in the field typically include three to four hours at sunrise and the same at sunset. The mid-day hours would be typically spent in town attending a class on photography techniques. The stipulations listed above, for the Wild Horse Tours, would also apply to the Photography Workshops.

2.3 Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

Special Recreation Permits for authorizing day use interpretive tours and photography workshops in the McCullough Peaks area would not be authorized. Commercial tours for viewing wild horses, sightseeing, and nature study would not be conducted. Photography workshops for photographing wild horses, scenery, and natural resources would not be authorized.

2.4 Alternatives Considered but Eliminated from Further Analysis

An alternative which would have eliminated any minimum distance the participants in interpretive tours and photography workshops would need to maintain between themselves and wild horses was not analyzed. A minimum distance is needed to help protect participants and wild horses from injury or possible death should altercations arise between the wild horses and the participants.

3.0 AFFECTED ENVIRONMENT

The main project area is located about 15 miles east of Cody, Wyoming along US Highway 14-16-20. The terrain is flat to gently rolling for about three to four miles north of the highway. It becomes steep and mountainous badland country further to the north. The vegetation is predominately sagebrush and grasses and area roads are used by ranchers and private landowners; recreationists; utility companies; mineral companies; federal, state, and local agencies; and Special Recreation Permit holders. Highway traffic includes local traffic travelling

between communities as well as tourists on their way to or from Yellowstone National Park. Topics identified by a BLM Interdisciplinary Team included: invasive, non-native species (weeds); Wilderness Study Area (WSA); Lands with Wilderness Characteristics (LWCs); wild horses; livestock grazing; wildlife; Threatened and/or Endangered (T&E) wildlife species; Sensitive wildlife species; recreation; and cultural resources and Native American concerns. In particular, this programmatic EA addresses sage grouse habitat management; wild horse management including viewing opportunities; and issuance of Special Recreation Permits for day use interpretive tours and photography workshops. There is a need to consider the new, current requirements for management of sage grouse habitat including sage grouse core management areas.

3.1 Invasive, Non-Native Species (Weeds)

Two species of noxious weeds, Canada thistle and Black henbane, have been identified along the McCullough Peaks road for several years. There has been some evidence that the weeds have been spread from the McCullough Peaks road to the Whistle Creek road.

3.2 Wilderness Study Area

A portion of the McCullough Peaks road forms the southern boundary of the McCullough Peaks Wilderness Study Area (WSA). The WSA is managed under the Interim Management Policy for Wilderness Study Areas which states that WSAs "must be managed so as not to impair their suitability for preservation as wilderness." The WSA is basically natural and has outstanding opportunities for solitude and primitive and unconfined recreation. It became a WSA in 1980.

3.3 Lands with Wilderness Characteristics (LWC)

BLM-managed public lands within the Cody Field Office area were inventoried to determine if they possess wilderness characteristics. The Rough Gulch LWC and the Whistle Creek LWC were identified in the general McCullough Peaks area. Both of these LWCs lie adjacent to, but outside of, the project area. A portion of the McCullough Peaks Road forms a portion of the boundary for the Rough Gulch LWC, and a portion of the Whistle Creek Road forms a portion of the boundary for the Whistle Creek LWC (see Map 1). Both of these LWCs were found to be basically natural and to have outstanding opportunities for solitude and primitive and unconfined recreation. Management of these LWCs will be determined in the Big Horn Basin Resource Management Plan Revision which is in progress.

3.4 Wild Horses

The project area includes lands within the McCullough Peaks Wild Horse Herd Management Area (HMA). The HMA boundary is located between 15 to 27 miles east of Cody, Wyoming and encompasses a mixture of approximately 109,800 acres of public, private, and state land. The topography is highly variable, ranging from mostly flat to slightly rolling foothills carved by drainages, colorful badlands, and desert mountains featuring steep slopes, cliffs, and canyons. The HMA is bordered on the south by State Highway 14-16-20, on the east by State Highway 32, on the north by Bureau of Reclamation lands, and on the west partially by grazing allotment boundary fences and natural terrain features (division between the Deer Creek and Whistle Creek drainages).

The Cody RMP contains a wild horse objective which strives 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. An additional RMP objective is to manage the McCullough Peaks HMA for an initial appropriate management level of 70 to 140 wild horses, not counting foals, in an attempt to maintain a population of 100 adult wild horses adjusted as necessary based upon monitoring.

Over the past ten years, viewing wild horses in the McCullough Peaks HMA has been increasing. The McCullough Peaks general area has many multiple uses occurring on the land including, but not limited to, recreational activities, livestock grazing, communication sites, pipelines, oil and gas wells, seismic projects, gravel pits, and various wild horse related (viewing, research and management) activities. Research of horse behavior has been studied intensively during 2003 through 2006. The behavior of the horses has changed in relation to their acceptance and tolerance to humans and they appear to be more docile around humans than they once were, due to the number of visitors to the wild horse HMA. In order to provide for the safety of the public, as well as the safety of the wild horses, a viewing distance of 500 feet has been established and posted. This 500 foot distance applies to the entire HMA. However, usually, this distance has not been followed and observations have shown that the wild horses appear to tolerate much closer viewing than the 500 foot distance.

The BLM has observed and documented the loss and/or abandonment of several young foals in recent years. To address concerns that the increased public pressures may have contributed to this, signs have been posted within the HMA and information included in the wild horse stipulations page of the SRPs, cautioning people about the foaling season. The wild horse stipulations have also been posted on several kiosks in or near the HMA.

3.5 Livestock Grazing

There are twelve grazing allotments throughout the project area. Livestock grazing occurs at different times of the year depending upon the appropriate scheduled rotation for each specific allotment.

3.6 Wildlife

The project area has a broad diversity of habitat types but is predominantly shrub/grassland. Riparian vegetation occurs around livestock water reservoirs, a few springs, and along Dry Creek, Coon Creek, and Whistle Creek drainages. The project area's diverse topography and vegetation support a wide variety of wildlife species and provides important habitat for several big game species.

Portions of the area provide year-long habitat for mule deer (*Odocoileus hemionus*); and for pronghorn antelope (*Antilocapra americana*). The area also supports several other game species in low densities including mountain lion, badger, fox, and several predatory species that are also hunted such as coyotes, raccoons, and bobcat.

The area also supports some small game and game bird species such as; cottontail rabbits (*Sylvilagus nuttallii*); chukar partridge (*Alectoris chukar*), mourning doves (*Zenaida macroura*), ring-necked pheasant (*Phasianus colchicus*) and various species of waterfowl.

Raptors such as golden eagles (*Aquila chrysaetos*), red-tailed hawks (*Buteo jamaicensis*), kestrels (*Falco sparverius*), sharp-shinned hawks (*Accipiter striatus*), short-eared owls (*Asio flammeus*) and great-horned owls (*Bubo virginianus*) use the trees and/or rock outcrops in the area for nesting, roosting, and hunting perches.

The area also provides habitat for small mammals and rodents such as white-tailed jack rabbits (*Lepus townsendii*), ground squirrels, chipmunks, and mice, and various song birds including neo-tropical migrants.

Several species of snakes, lizards, frogs, salamanders, and toads may also be present in favorable habitat niches but most would be found in site specific habitats (riparian or aquatic) around reservoirs and intermittent drainages.

3.7 Threatened and/or Endangered (T&E) Wildlife Species

There are no listed species which could occur in the proposed affected area. Species identified by the United States Fish and Wildlife Service (USFWS) for consideration within the Cody Field Office include: grizzly bear, grey wolf, black-footed ferret, Ute-ladies' tresses, and lynx.

3.8 Sensitive Wildlife Species Known to be Present in the Management Area

Sage grouse (*Centrocercus urophasianus*): A portion of the project area is a sage grouse core area. Sage grouse are a Candidate Species as well as a Sensitive Species. This core area is mainly in the southern portion of the project area (see Map 1). At least five primary sage grouse leks and secondary satellite leks, have been identified within the core area. Sage grouse use suitable areas within the core area for breeding, nesting, brood rearing, and wintering habitat. The core area contains the highest lek attendance and leks in the area.

Mountain plovers (*Charadrius montanus*), a once Proposed Species and now a Sensitive Species, also may use suitable habitat in the area for breeding, nesting, and brood rearing. These areas are mostly associated with the lower and flatter terrain, especially those areas that have short-grass vegetation types intermingled with shrub-steppe vegetation types.

Other Sensitive Species that could potentially use habitat within this area include long-eared myotis (*Myotis evotis*), Townsend's big-eared bat (*Corynorhinus townsendii*), peregrine falcons (*Falco peregrinus*), burrowing owls (*Athene cunicularia*), sage thrashers (*Oreoscoptes montanus*), loggerhead shrikes (*Lanius ludovicianus*), Brewer's sparrows (*Spizella breweri*), sage sparrows (*Amphispiza belli*), Baird's sparrows (*Ammodramus bairdii*), long-billed curlew (*Numenius americanus*), and persistent sepal yellowcress (*Rorippa pulvinata*).

3.9 Recreation

Recreation use is moderate in the general area. Recreational activities include driving for pleasure, hiking, wildlife and wild horse viewing, mountain biking, horseback riding, ATV and motorcycle driving, rock hounding, photography, sightseeing, and study of the area's history. Some antelope, deer, and upland game bird hunting also occurs in the area.

Special Recreation Permits:

These permits are usually issued for a five year period and can be renewed for subsequent periods indefinitely. There are several Special Recreation Permits which include authorization for interpretive tours to view wild horses. However, only two or three permittees actually conduct tours. The remaining permittees have not been conducting tours but may choose to do so in the future. In addition, there are several requests for permits to conduct interpretive tours. The current tours focus on educating the public about wild horses in their natural environment, how BLM manages the land and the horses, and the Adopt-a-Horse Program. The tours provide a guide service to visitors who would like to participate in this type of activity and learn more about the region, local resource management issues, and the management of wild horses. Since Cody, Wyoming, is located 50 miles east of Yellowstone National Park, the city receives high visitation during the summer months and interpretive tours provide a service to these visitors.

Inquiries regarding permits for photography workshops vary from none to one or two per year. Currently, there is a request to conduct up to eight photography workshops per year in the project area.

There are numerous Special Recreation Permits authorized for hunting activities (primarily deer and antelope) in the general McCullough Peaks area. The hunt areas authorized are very large and include portions of the McCullough Peaks area.

3.10 Cultural Resources and Native American Concerns

A literature review reveals that over two dozen cultural resource inventories have been conducted within or proximate to the McCullough Peaks project area. Inventories have been conducted in response to oil and gas development, range improvements, vibroseismic activities, access roads, habitat improvements, and communication sites. The previous investigations indicate a variety of prehistoric, and historic sites are present. Known historic properties include portions of the Bridger Trail, the Wiley Canal, and several prehistoric open camp sites with buried deposits likely to yield important information. Pursuant to the State Protocol between the BLM Wyoming State Director and the Wyoming State Historic Preservation Officer issuance of special recreation permits along existing roads or trails where no surface disturbance is authorized in most circumstances, can be exempt from case-by-case review.

The area under consideration contains no known or identified areas or locations of religious or cultural concern to Native Americans. No traditional gathering areas have been reported near the current proposal.

4.0 ENVIRONMENTAL CONSEQUENCES

4.1 Invasive, Non-Native Species (Weeds)

Alternative I – Proposed Action

There would be a potential for vehicles and hikers to spread noxious weed seeds. Weeds have been spread from the McCullough Peaks road to the Whistle Creek road over the last few years from vehicle traffic in the area and this would be expected to continue. The tour routes would need to be monitored to identify any noxious weed species that may be present and to ensure

proper treatment to prevent the spread of noxious weeds. Educational efforts would be pursued to ensure that recreationists are aware of techniques to prevent the spread of invasive, non-native species. These efforts would include posting information on the entry kiosks and providing information to the tour operators to inform their guests.

Alternative II – Continuation of Present Management

There would be a potential for vehicles and hikers to spread noxious weed seeds. This would occur in a smaller area and on less vehicle routes than under Alternative I.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

If the permits were not issued, vehicle use and hiking associated with the permits would not occur and there would be less opportunity for noxious weeds to spread. General traffic and hiking in the area would continue to potentially spread noxious weed seeds at the current rate of dispersal.

4.2 Wilderness Study Area

Alternative I – Proposed Action

The wilderness values in the McCullough Peaks Wilderness Study Area would not be impaired by either the interpretive tours or photography workshops. Observations would be done from the McCullough Peaks road which is a boundary road of the WSA. Tour participants would be able to view the beautiful badland scenery and take photographs from this high vantage point.

Alternative II – Continuation of Present Management

The wilderness values in the McCullough Peaks Wilderness Study Area would not be impaired by either the interpretive tours or photography workshops. Observations would be done from the McCullough Peaks road which is a boundary road of the WSA. Tour participants would be able to view the beautiful badland scenery and take photographs from this high vantage point.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

There would be no effect on the WSA under this alternative as there would be no tour participants.

4.3 Lands with Wilderness Characteristics

Alternative I – Proposed Action

The wilderness characteristics of naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive recreation in the Rough Gulch LWC would not be impaired by either the interpretive tours or photography workshops. Observations would be done from the McCullough Peaks road which forms a small portion of the boundary of the LWC. Tour participants would be able to view the beautiful badland scenery and take photographs from

this high vantage point. The wilderness characteristics in the Whistle Creek LWC would also not be impaired by the proposed activities. The Whistle Creek Road forms most of the eastern boundary of this LWC. Hiking short distances into the LWC from the Whistle Creek Road to view wild horses and take photographs is a form of primitive recreation. Outstanding opportunities for solitude exist in those portions of the LWC which are away from the boundary road but not in the vicinity of the boundary road.

Alternative II – Continuation of Present Management

The wilderness characteristics of naturalness, outstanding opportunities for solitude, and outstanding opportunities for primitive recreation in the Rough Gulch LWC would not be impaired by either the interpretive tours or photography workshops. Observations would be done from the McCullough Peaks road which forms a small portion of the boundary of the LWC. Tour participants would be able to view the beautiful badland scenery and take photographs from this high vantage point. The wilderness characteristics in the Whistle Creek LWC would also not be impaired by the proposed activities. Under Alternative II, only a one-mile portion of the Whistle Creek Road would be an authorized route. This forms only one mile of the eastern boundary of the Whistle Creek LWC. Hiking short distances into the LWC from the Whistle Creek Road to view wild horses and take photographs is a form of primitive recreation. Outstanding opportunities for solitude exist in those portions of the LWC which are away from the boundary road but not in the vicinity of the boundary road.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

There would be no effect on the LWCs under this alternative as there would be no tour participants.

4.4 Wild Horses

Alternative I – Proposed Action

Wild horses are unpredictable large animals, making it dangerous for anyone, especially children to get too close. Any horse may chase, knock down, step on, kick, strike or bite another horse or even humans and dogs. Wild horses sometimes perceive the presence of a human as a challenge or a threat to food, water, foals or other band members.

In other areas where wild horses receive high visitor use it has been noted that both petting and feeding causes harmful behavior changes in horses. Horses become unafraid of humans – this is not the same as “tame”. Horses begin approaching cars and visitors, becoming more aggressive over time. Horses are attracted to roads, increasing the risk of being injured or killed by a vehicle. In searching or begging for food, horses have been known to grab objects from visitors, and bite at clothing and hands. The horses can also push visitors away from vehicles and destroy property.

It can be expected overtime that the McCullough Peaks wild horses would show similar aggressive behavior, if stipulations to prevent harassment, feeding, and petting were not applied to the Special Recreation Permits.

There is a concern that visitors could be injured by wild horses if they put themselves in a compromising situation. Wild horse related stipulations would be included to minimize disturbance to wild horses and provide safety for both humans and horses. The stipulations would include keeping a minimum distance from horses to help eliminate the potential for physical contact and injury.

General Disruptive Impacts to Wild Horses from Viewing Activities:

Unusual disturbance or increases in number of disturbances to wild horses during the reproductive period can cause disruption and interference with natural reproductive cycles and may result in reduced reproductive success and/or survival. Human activities can cause such disturbances. Large numbers of vehicles and people moving around in reproductive habitats can cause additional disturbance and stress to wild horses if these activities take place too close to the animals. Each individual species has a “personal space” distance that dictates when they will react to human activities in a negative manner and may be displaced from preferred habitat and experience physiological stress. For larger species that depend on visual and auditory senses to avoid dangers, this distance can be one to two miles.

If wild horse viewing is conducted in a manner that is considerate of and respectful to disturbance distances, then such activities can be conducted with minimal disturbance and impact to them. Recreational activities with smaller and less conspicuous vehicles and group sizes can more readily be conducted in a non-impacting way around wild horses. Larger vehicles, more vehicles and more trips with larger numbers of people can create more problems in limiting disturbance and impacts to the animals. However, following good common sense behavior etiquette and SRP stipulations designed to minimize wild horse disturbance impacts should allow wild horse viewing with even larger groups to be conducted with minimal affects to the animals

Impacts to wild horses would be reduced and minimized under Alternative I - Proposed Action because the amount of viewing area has increased greatly, in an attempt to spread out the number of visitors throughout much of the HMA. Enlarging the SRP “viewing area” also provides for the wild horses natural movement throughout a larger portion of the HMA without depriving permit holders and visitors of a chance to see a wild horse.

The decrease in distance to 300 feet/100 yards would not be expected to have any increased impact to the wild horses due to their more docile nature at this present time, given that all attached stipulations are followed as prescribed.

Alternative II – Continuation of Present Management

Impacts to wild horses would be the same as under Alternative I - the proposed action. However, it would be expected that more encounters between humans and wild horses may result due to the increased number of visitors located within a smaller area.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

Impacts to wild horses would be expected to be minimized under this alternative. However, the opportunity to “guide” visitors in the proper behavior and etiquette while observing wild horses would be lost. In this case, impacts to wild horses may increase due to unregulated horse and human interaction. This may result in foal mortalities, horse euthanasia due to aggressive behavior towards humans, and human injuries or deaths.

4.5 Livestock Grazing

Alternative I – Proposed Action

Livestock grazing occurs throughout the project area in twelve grazing allotments. Guided educational interpretive tours and photography workshops would not be expected to have a negative impact on livestock grazing operations, when conducted in compliance with the following related stipulations.

Stipulations:

1. The permittee would be responsible for the prompt repair of any damages to utilities, fences and other improvements. The permittee should take every reasonable precaution to protect natural resource values and any improvement on both private and public lands. Gates would be left open or closed, as they were found (except highway gates which should be closed).
2. Issuance of a permit by BLM would not guarantee legal access to public lands. Access to public land by the permittee would be assured only when legal access for the general public is available. Where legal public access is not available, it would be the permittee's responsibility to obtain permission from the landowner(s) to travel through or use private lands.

General Terms:

The Special Recreation Permit form contains “General Terms” of which one is shown here.

1. Unless expressly stated, the permit would not create an exclusive right of use of an area by the permittee. The permittee should not interfere with other valid uses of the federal land by other users. The United States would reserve the right to use any part of the area for any purposes.

Alternative II – Continuation of Present Management

Guided educational interpretive tours and photography workshops would not be expected to have a negative impact on livestock grazing operations, when conducted in compliance with the stipulations listed under Alternative I, above. This alternative would involve two grazing allotments.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

Since SRPs would not be issued for these activities, there would be less chance for gates to be left open and the vehicles and visitors associated with these activities would not be present in the area.

4.6 Wildlife

Alternative I – Proposed Action

The primary season of use would not be during the winter range period for pronghorn so impacts on winter range would be alleviated.

General Disruptive Impacts to Wildlife:

The proposed action would cause unusual disturbance or increases in number of disturbances to wildlife beginning May 15th and ending October 31. These disturbances may result in reduced reproductive success and/or survival when animals are raising young; however, the March through early May period would not be impacted, which is the most sensitive time of year for wildlife. It would be sensitive because animals have just made it through the winter and are now trying to reproduce, which takes much energy that is not in high supply. The proposed numbers of vehicles and people moving around in reproductive habitats would cause additional disturbance and stress to wildlife if these activities were to take place too close to the animals. They may be displaced from preferred habitat and experience physiological stress. For small species that use protective cover disturbance distances may be very small – only a few feet. Examples would include: horned larks, vesper sparrows, prairie rattlesnakes, mice, and rabbits. For larger species that depend on visual and auditory senses to avoid dangers this distance would be much larger and could be 1-2 miles. Examples would include wildlife like golden eagles, antelope, and mule deer.

Alternative II – Continuation of Present Management

Same as Alternative I, except the area of use is smaller and therefore the visitation would be more concentrated and there could be more of an effect on wildlife.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

There would be no impacts to wildlife as the tours and photography workshops would not be authorized.

4.7 Threatened and/or Endangered (T&E) Wildlife Species

Alternative I – Proposed Action

Species listed under the Endangered Species Act (ESA):

All of these species do not have habitat in the project area and the proposed action would have no effect on these species. Black-footed ferret would be the only species that may be present in the area; however, they require at least 200 acres of white-tailed prairie dog towns to be present. The area does not have 200 acres of prairie dog towns. The proposed action would also have no effect on black-footed ferret even if it were present, since vehicle tours on existing routes and their disruption would not affect prairie dogs.

Alternative II – Continuation of Present Management

T&E Species:

There would be no effect on ESA listed species due to the lack of habitat and presence of these species in the affected environment.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

There would be no effect on ESA listed species due to the lack of habitat and presence of these species in the affected environment and due to the fact that no permits would be issued.

4.8 Sensitive Species Known to be Present in the Management Area

Alternative I – Proposed Action

Sage Grouse:

Sage grouse would be impacted less than under Alternative II because the area being disrupted would be three or four times greater while increasing visitor use by 500 days. Special seasonal stipulations and authorization dates would ensure visits would be outside the main lekking period. No longer would the visits be concentrated around the most active leks. They would now be distributed over a larger area reducing the actual impact in any one area. The level of authorized use would not be considered disruptive according to sage grouse IM WY-2012-019. Further analysis of any additional applications would ensure disruptive concerns are addressed at that time.

Sensitive Species:

Bird species may be disrupted during nesting season. It would not be anticipated that the disturbance would cause nest abandonment. The disruption may reduce the suitability for nesting in the area reducing the potential production for the site. However, the anticipated use would be distributed throughout a larger area and may decrease the intensity of disturbance. The proposed action would alleviate the concentrated disruption observed in Alternative II.

Alternative II – Continuation of Present Management

Sage grouse:

There would be a continuation of heavy visitor use days in the same previously authorized area. This would cause continuation of current disruption levels to breeding, nesting and lekking activities. It would become problematic and more disruptive to sage grouse in the area. The previously authorized area would be almost entirely in a core area. This level of use concentrated in the core area likely exceeds at times the disruption criteria in IM WY-2012-019.

Sensitive Species:

There would be a continuation of disruptive activity around nesting sensitive bird species, and mammal species. Nesting and parturition would be disturbed by multiple trips a day from commercial activity. It would be anticipated that four trips a day could on average be conducted and in a relatively small area. This could be disruptive when multiple permittees would be out during a day. Over the long-term, this disruption would reduce the productivity for these sensitive animal species, hampering their recovery.

Special stipulations attached to this SRP permit should minimize the potential affects to sensitive wildlife species and Wyoming Game and Fish Department regulations limit disturbance or harassment of wildlife.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

Since SRPs would not be issued, the vehicle traffic and hiking associated with these activities would not occur and there would be no effect on wildlife species.

4.9 Recreation

Alternative I – Proposed Action

Vehicles would be allowed on specific routes only (see Map 1) and no cross-country driving would be allowed. The vehicle routes would include the McCullough Peaks road (BLM road #1212), the Whistle Creek road (BLM road #1213), and routes within the southern and eastern portions of the HMA. Under the Proposed Action, the area in which the tours would occur would be enlarged and additional routes would be included to spread out the use and improve the opportunity to view wild horses as they move around within the HMA. This would increase the quality of the visitor's experience.

Hiking would be done cross-country and/or on existing roads and trails. Participants would stay a minimum of 300 feet away from the wild horses in the herd area which would allow for better viewing opportunities than under Alternative II which requires a distance of 500 feet.

By participating in these activities, the clients would gain knowledge of the region and the environment and have a greater understanding of, and appreciation for, wild horses. Standard stipulations for Special Recreation Permits would be applied to the permit including those related to wild horses, travel, and the protection of cultural resources (see Appendix A).

Companies, or individuals, who provide commercial interpretive tours and photography workshops support the economy and provide services which could result in visitors staying longer on their vacation. Longer stays would benefit many other companies in the area such as those providing lodging, food, fuel, and shopping opportunities. Alternative I would authorize more visits for interpretive tours than under Alternative II.

Alternative II – Continuation of Present Management

All vehicle activity in the McCullough Peaks HMA would be on specific, existing roads (see Map 2). The two main requested routes on BLM land would be a portion of BLM road #1213, the Whistle Creek road, and BLM road #1212, the McCullough Peaks road and both are included in the BLM transportation system. Several other roads in the Red Point Viewing Area would also be used. The size of the authorized area would be smaller and there would be fewer authorized routes under Alternative II making it harder to view the wild horses if they have moved out of the area.

Hiking would be done cross-country and/or on existing roads and trails. Participants would stay a minimum of 500 feet away from the wild horses in the herd area. This distance requirement would make viewing the horses more difficult than under Alternative I which has a 300 foot distance.

By participating in these activities, the clients would gain knowledge of the region and the environment and have a greater understanding of, and appreciation for, wild horses. Standard stipulations for Special Recreation Permits would be applied to the permit including those related to wild horses, travel, and the protection of cultural resources (see Appendix A).

Companies, or individuals, who provide commercial interpretive tours and photography workshops support the economy and provide services which could result in visitors staying longer on their vacation. Longer stays would benefit many other companies in the area such as those providing lodging, food, fuel, and shopping opportunities. Alternative II authorizes less visits for interpretive tours than Alternative I.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

Visitors, including those traveling to or from Yellowstone National Park, would not be able to participate in guided interpretive tours or photography workshops. An opportunity to educate the public about wild horses in their natural environment, how BLM manages the land and the horses, and the Adopt-a-Horse Program would be foregone. Visitors have enjoyed the interpretive tours and feel that the tours added to the quality of their vacation experience. The tours would also build support for the BLM's Wild Horse program. These benefits would be lost if permits were not issued for these activities. The economic benefits from commercial tours and workshops would be foregone.

4.10 Cultural Resources and Native American Concerns

Alternative I – Proposed Action

Current impacts to cultural resources in the project area include unauthorized collection of surficial materials, and looting of buried sites. Increased human presence in the area for interpretive tours and photography workshops could exacerbate the unauthorized collection of surficial materials, and looting of buried sites, but would be mitigated by below enumerated cultural resources and Native American concern stipulations.

If any areas or locations of traditional gathering areas, or religious or of cultural concern to Native Americans 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.

Cultural Resources would be protected by the following stipulations:

Cultural Resources, Standard Stipulation.

The holder of this authorization shall immediately bring any objects or resources of cultural value discovered as a result of operations under this authorization to the attention of the authorized officer. The holder shall suspend all activities in the vicinity of such a discovery until notified to proceed by the authorized officer.

Cultural Resources, Standard Stipulations.

The holder 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 holder 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 holder.

The holder 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 holder will be allowed to resume operations.

Human Remains.

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

Archaeological Resources Protection Act Stipulation.

No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands.

Alternative II – Continuation of Present Management

Continuation of present management could result in similar levels of unauthorized collection of surficial materials, and looting of buried sites, but would be mitigated by below enumerated cultural resources and Native American concern stipulations.

If any areas or locations of traditional gathering areas, or religious or of cultural concern to Native Americans 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.

Cultural Resources would be protected by the following stipulations:

Cultural Resources, Standard Stipulation.

The holder of this authorization shall immediately bring any objects or resources of cultural value discovered as a result of operations under this authorization to the attention of the authorized officer. The holder shall suspend all activities in the vicinity of such a discovery until notified to proceed by the authorized officer.

Cultural Resources, Standard Stipulations.

The holder 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 holder 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 holder.

The holder 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 holder will be allowed to resume operations.

Human Remains.

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

Archaeological Resources Protection Act Stipulation.

No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands.

Alternative III – No Action (Do Not Authorize Special Recreation Permits for Interpretive Tours and Photography Workshops)

No additional impacts to cultural resources beyond the existing situation would result as no special recreation permits would be issued.

The BLM would take no action that would adversely affect areas or locations of tribal concern without consultation with the appropriate Native Americans.

5.0 CUMULATIVE IMPACTS

Cumulative Impacts:

Alternative I – Proposed Action would increase the number of authorized commercial recreational visitors participating in interpretive tours (under Special Recreation Permits) from 2000 to 2500. The authorized geographic area and available vehicle routes would be greatly enlarged from the current situation thereby spreading out the use. Stipulations are applied to the permits to protect wild horses, sage grouse, and other resource values. Actions under Alternative I would have a very low incremental effect on wild horses and sage grouse from the current situation as the area receives a lot of activity for many uses as described below. Timing and distance restrictions placed on activities help to protect wild horses and sage grouse from disturbance. Alternative II – Continuation of Present Management would not include an increase in authorized commercial recreational visitors for interpretive tours. Authorized use would remain at 2000 visits. The authorized area and available vehicle routes would remain concentrated in a much smaller area. Even with the stipulations applied to the permit, the concentrated use could potentially effect sage grouse and wild horses within that area in combination with other uses that occur in the area as described below.

Past Actions:

The general area contains livestock grazing authorizations and facilities; utility lines; pipelines; gravel pits; communication sites; oil and gas wells (both active and plugged and abandoned); oil and gas leases; commercial, competitive events, and organized group recreational use authorized

under Special Recreation Permits; and roads and two-track vehicle routes. Seismic exploration projects have been conducted in the past. Research projects related to geology and paleontology have occurred in the area. The area has been used for a variety of recreational activities by the public for which no Special Recreation Permit is required.

Present Actions:

Several Special Recreation Permits are either up for renewal or are new requests. Several livestock reservoirs may be maintained each year for the next few years as funding and workload allow. Additional water development for wild horse use may be installed over the next few years. The general area is used for many different types of recreational activities including: mountain biking, hiking, sightseeing, horseback riding, hunting, wild horse and wildlife viewing, vehicle use (ATVs, motorcycles, pickups, etc.), and various other activities. The facilities and uses mentioned under “Past Actions,” above would continue to be present including oil and gas leases and interest in oil and gas development.

Reasonably Foreseeable Future Actions:

Additional requests for Special Recreation Permits are expected. These are expected to include commercial recreational activity, competitive events, and organized group activities. A local organization is planning a wild horse visitor center on private land near the project area. Future energy related activities and facilities are expected such as oil and gas leasing, seismic exploration, and oil and gas development. Future research projects on topics such as geology and paleontology are expected. The activities and facilities listed under “Present Actions” and “Past Actions” would also be expected to continue in the future.

6.0 MITIGATION AND SUGGESTED MONITORING

Mitigation could include modifying the stipulations on existing Special Recreation Permits if needed to protect resource values and to respond to changing conditions. This could include items such as: modifying the authorized area of use and routes available for use, the authorized group size, types and sizes of vehicles, season of use, time of day, amount of visitor use allowed in the area, number of trips per day, and other similar factors.

Monitoring efforts would include monitoring sage grouse leks to note changes in which leks are active over time and to note changes in bird numbers; tracking visitor use submitted on annual Post Use Reports by Special Recreation Permittees to see whether the estimated thresholds are reached; and monitoring wild horses to see what areas of the HMA they are using, horse health and behavior, and changes in the population number.

7.0 CONSULTATION AND COORDINATION

In April, 2012, this environmental assessment was posted on the web at www.blm.gov/wy/st/en/info/NEPA/documents/cyfo/srp for public review and comment. A letter was sent to interested persons and organizations including: grazing permittees; nearby landowners; Special Recreation Permittees; individuals and organizations on the wild horse mailing list, and Wyoming Game and Fish Department informing them that the document was available on the web site for review and comment.

BLM Staff Review

Destin Harrell, Wildlife Biologist

Kierson Crume, Archaeologist

Tricia Hatle, Rangeland Management Specialist/Wild Horses

Criss Whalley, Rangeland Management Specialist

Jerry Jech, Natural Resource Specialist

Shirley Bye-Jech, Outdoor Recreation Planner

Ann Perkins, NEPA Coordinator

APPENDIX A

CODY FIELD OFFICE ADDITIONAL STIPULATIONS

1. Permittee would be responsible for knowing and complying with Off-Road Vehicle (ORV) designations and restrictions that may exist within the area of operation. Permit issuance would not waive any ORV use restrictions, whether local, State, or Federal. ORV information would be available at the local Field Offices.

Travel on wet or muddy roads should be avoided to prevent rutting and soil erosion. If the vehicle creates ruts in excess of 4 inches deep, the road conditions would be deemed too wet to travel.
2. Nothing in this permit would be construed as a license for the permittee, employees, or clients to use areas of the public lands which are otherwise restricted or closed.
3. Issuance of a permit by BLM would not guarantee legal access to public lands. Access to public land by the permittee would be assured only when legal access for the general public is available. Where legal public access is not available, it would be the permittee's responsibility to obtain permission from the landowner(s) to travel through or use private lands.
4. BLM would reserve the right to close various sites and/or areas of the public land to prevent resource damage and use conflicts, and to promote visitor safety.
5. Unless use allocations are in place, the public lands would generally remain available on a first-come first-served basis to as many other commercial and private users as desire to use them, except as otherwise provided for in these stipulations. Nothing herein would imply that the first permittee into any area has been authorized an exclusive use privilege.
6. The permittee would be responsible for the prompt repair of any damages to utilities, fences and other improvements. The permittee would take every reasonable precaution to protect natural resource values and any improvement on both private and public lands. Gates would be left open or closed, as they were found (except highway gates which should be closed).
7. BLM would reserve the right to alter the terms, conditions, or stipulations of a permit at any time for reasons such as significant policy, administrative procedure, or stipulation change.
8. For administrative purposes, including compliance checks, the permittee would allow the BLM and its cooperators, reasonable administrative access to private lands which are owned or utilized by the permittee for the permitted activity.

9. A Post Use Report would be submitted within 30 days after the end of your use season or no later than December 31 each year, unless a different date is approved by the Authorized Officer. End of season use fee payments and the next year's minimum advance fee should be received by BLM when the Post Use Report is submitted.

Late Fees: If the end of season use fee and the minimum advance fee are not received with the Post Use Report by December 31, a bill for collection would be sent. If the bill is not paid by the due date, then a late fee would be added to the permittee's bill.

- The late fee would be assessed 15 days after the due date of the bill.
- The late fee would be calculated at 10 percent 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 would be issued with additional interest (at the current Federal Reserve rate), administrative fees (\$15 per letter) and an administrative penalty of 6 percent of the principle amount due.
- After 180 days, if the bill has not been paid, then it would be turned over to the U.S. Treasury Department for collection.
- Any bill that has accrued late fees or interest would be paid applying the money collected first to interest and penalties, then to principle.

Failure to pay your fees on time could result in your permit being suspended, not renewed, or terminated.

10. BLM reserves the right to put a permittee on probation, suspend, or revoke a permit for reasons such as, but not limited to, noncompliance with stipulations, failure to provide services specified in the operation plan, or untimely permit reporting or use fee payments.

Failure to meet the terms, conditions, or stipulations of the permit may result in probation or suspension of the permittee or cancellation of the permit. It may also result in BLM's refusal to issue a permit and/or Annual Operating Authorization for subsequent years.

11. An annual evaluation of each multi-year permit would be required to measure performance and compliance with the terms of your permit. The review would address your post use report and to ensure that your insurance, operations plan, etc. are updated/current.
12. A BLM Trip Log indicating entry onto public lands and exit off public lands, should be completed, signed, and submitted to the BLM to support permittee requests for a deduction for nonpublic land use that differs from the actual percent of BLM administered public land ownership status within the authorized use area. If the permittee would like to request off-site lodging deductions, copies of the lodging receipts should be provided to the authorized officer at the time the BLM Post Use Report is submitted.
13. Permittee would be responsible for their bookkeeping records and provide a copy of accounts payable and receivable upon request by the Authorized Officer as long as the permit remains in effect. If accurate accounting records are found to be unacceptable, the Authorized Officer could revoke or suspend the permit at any time.

14. Cultural Resources, Standard Stipulation The holder of this authorization shall immediately bring any objects or resources of cultural value discovered as a result of operations under this authorization to the attention of the authorized officer. The holder shall suspend all activities in the vicinity of such a discovery until notified to proceed by the authorized officer.

Cultural Resources, Standard Stipulations. The holder 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 holder 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 holder.

The holder 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 holder will be allowed to resume operations.

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

Archaeological Resources Protection Act Stipulation. No person may excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any archaeological resource located on public lands or Indian lands.

15. Safety. Permittee would take appropriate safety precautions and be aware of the presence of other recreational users when conducting tours during the fall hunting seasons. Providing fluorescent orange vests to any customer who would be outside of the vehicle during this time period would be recommended.
16. Photography/Filming Stipulation. This permit would not authorize commercial filming or commercial photography of public land users, such as those engaged in recreational activities, with the express purpose of selling the pictures to those same users. Any published photography of public land that results from the permitted activity would include a caption to identify the public land and its location.

17. The permittee, employees and clients would comply with Wyoming State laws, regulations, etc. pertaining to aquatic invasive species (AIS) such as zebra and quagga mussels, New Zealand Mud Snails, the whirling disease parasite (*Myxobolus cerebralis*), and didymo (rock snot). The current AIS laws, regulations, etc. would be available from Wyoming Game and Fish Department offices, website, or Wyoming Game and Fish license vendors. People operating under this permit would be required to follow all required AIS management guidelines/rules and would be encouraged to take steps above and beyond those required to try and prevent the spread of these species in Wyoming waters.

Wild Horse Tours and Photography Workshops Additional Stipulations

1. Vehicle tours and photography workshop vehicles would be limited to the authorized routes shown on a map that would be attached to the Special Recreation Permit. Permittee must comply with the Off Highway Vehicle use restrictions in the area.
2. Hiking would be allowed within ¼ to ½ mile from the vehicle, provided that the minimum distance between people and wild horses is maintained, as specified in the wild horse stipulations.
3. Prior to each use season, the permittees would be required to contact the BLM Wild Horse Specialist. This would allow the BLM to provide the permittees with up-to-date information on the BLM wild horse program including any changes in the management situation or upcoming events. This would help ensure that accurate information regarding the BLM and the management of the wild horses is available to the permittees and the visitors who participate in the guided activities. This information would be available to the permittees for use during the commercial operation. Permittees would distribute only BLM-provided or approved educational materials to his customers. A stipulation would be applied to the permit stating that the permittees shall not use advertising that attempts to portray or represent his/her activities as being conducted by the BLM or present the BLM in a negative or misleading tone. Prior to each season of use, annually, a mandatory field tour along the proposed tour route would be scheduled with the permittee, the wild horse specialist, and the recreation planner.
4. Wildlife Stipulation. Avoid sensitive wildlife areas and disturbance of reproductive wildlife with young during early spring/summer periods. Do not participate in any behavior which would alter the natural tendencies of the wildlife. For example, your actions should not, in any way, disrupt their current activity or entice investigatory activity by any wildlife. If your presence causes wildlife to move away from you, do not pursue them.
5. Sage Grouse Stipulation for Wild Horse Tours within the Sage Grouse Core Area: The Special Recreation Permittee, including any employees and guests, would arrive no earlier than 9:00 am, on site, from May 15 through June 30. Visits to any one location would be one hour or less during any 24 hour period from May 15 through June 30 in a site-specific area.

6. Sage Grouse Stipulation for Photography Workshops outside the Sage Grouse Core Area: Permittees would not conduct a photography workshop within a two mile buffer of active sage grouse leks from March 1 through June 30.

PLEASE NOTE: The wild horse related stipulations under Alternative I are shown here. The wild horse related stipulations under Alternative II are identical to these with two exceptions. 1. The minimum distance for persons to maintain between themselves and the wild horses is 500 feet. 2. There is no stipulation regarding keeping dogs from chasing the wild horses.

McCullough Peaks Wild Horse Herd Management Area (HMA)
Wild Horse-Related Stipulations

For your safety, and the safety of the horses, please obey the following stipulations and do not approach, touch, or feed the McCullough Peaks wild horses.

1. Harassment, injury, removal, or causing the death of a wild horse would be punishable by fines or imprisonment (43 CFR 4770 and the Wild Horse and Burro Act).
2. All SRP permit holders, employees, clients and affiliates visiting the McCullough Peaks HMA would not approach closer than 300 feet to any wild horses.

(300 feet is 1 football field in length)
(100 yards or 91.44 meters)

See the fiberglass marker “300 feet” away from the “Keep the Mustang Wild” sign.

3. Approaching mustangs during foaling season, February through July, could result in foal abandonment.
4. All SRP permit holders, employees, clients and affiliates visiting the HMA would remain 300 feet from any water source when observing the wild horses. This would allow free access to the water by the horses.
5. Do not attempt to approach, feed, or touch these animals. Do not engage in activity that interrupts wild horses’ current behavior. If your presence causes horses to move away from you, do not pursue them. Conversely, if your presence causes horses to move toward you, you would move away from them, when safe to do so, to maintain the proper distance between you and the horses.
6. Do not allow dogs to chase the wild horses.
7. Wild horses are subject to natural mortality from injury or illness without medical intervention. Non-viable horses may be euthanized to end suffering by authorized personnel only.

Report sick or injured animals, or violations, to the Bureau of Land Management:

- | | | | |
|----|-----------------------------|---------------------|---------------------------|
| A) | Wild Horse Specialist | (307) 578-5925 Work | (307) 899-1155 Cell |
| B) | Cody Law Enforcement Ranger | (307) 578-5931 Work | (307) 899-6561 Cell |
| C) | Cody Field Office | (307) 578-5900 | 7:45 a.m. – 4:30 p.m. M-F |

DO NOT ATTEMPT TO ASSIST OR HANDLE SICK OR INJURED ANIMALS.

8. The BLM does not require a film permit for casual, non-commercial photography on public lands. However, if models or props are used that are not part of the natural resource, or if the location is not a place that the public is generally allowed or additional administrative costs are likely, a permit would be required. Any commercial filming activities, including production of videos, movies, television, or documentaries, would require a film permit. Contact the local BLM office at: (307) 578-5900 for more information.

9. The BLM would require a Special Recreation Permit (SRP) for recreation-related commercial use, competitive use, vending, special area use, and organized group activity or event use. Contact the local BLM office at (307) 578-5900 for more information.

Sanitation and Aesthetics

1. Operation and maintenance of all sanitation, food service, and water supplies, systems, and facilities should comply with the standards of the local department of health and the United States Public Health Service.
2. Permittee should dispose of refuse resulting from the permitted use, including waste material, garbage, and rubbish of all kinds in the following manner, and should guard the purity of streams and other bodies of water:
 - (a) Tin cans, spent brass, bottles, metal, foil, and other un-burnable materials would be packed out, not buried. All refuse not burned would also to be packed out.
 - (b) Day use toilet needs would be accomplished through the use of the cat-hole technique. Cat-holes would be placed well above the water line.
 - (c) No waste or byproducts would be discharged if they contain any substances in concentrations that would result in substantial harm to fish and wildlife or to human water supplies, including streams, reservoirs, and lakes.
 - (d) Help us clean up public lands by packing out all trash. Picking up trash left by less thoughtful visitors helps maintain the scenic beauty of your public lands. Littering would not be tolerated.
3. Permittee should protect the scenic aesthetic values of the area under permit and the adjacent lands, insofar as practical, while exercising privileges granted during setup, operation, and maintenance of the permitted operation.

Guidelines for Use of Public Lands

The BLM recognizes and endorses the use of the principles of Leave No Trace and Tread Lightly as appropriate wild land ethical behavior for the recreating public. The principles of these two programs are listed below.

LEAVE NO TRACE

Plan Ahead and Prepare

Know the area and what to expect, travel in small groups, and select appropriate equipment.

Camp and Travel on Durable Surfaces

Concentrate use in popular areas, spread use in remote areas, avoid places where impact is just beginning.

Dispose of Waste Properly

Reduce litter at the source by repackaging food, pack it in, pack it out, dispose of trash and garbage properly. Practice good sanitation - dispose of human waste responsibly, minimize soap and food scraps in waste water, avoid contaminating water sources when washing, dispose of fishing and hunting waste appropriately.

Leave What You Find

Minimize site alterations, avoid damaging trees and plants, leave natural objects and cultural artifacts for others to discover and enjoy.

Minimize Use and Impact From Fires

Be aware of regulations and weather conditions. Stoves are often the best option. If you must build a fire, use existing fire rings. Collect only dead and downed wood or bring your own.

Respect Wildlife

Avoid disturbing wildlife, enjoy wildlife at a distance, store food properly.

Be Considerate of Other Visitors

Reduce your impact on other visitors, respect the privacy of others, keep noise to a minimum.

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.

These principles of Leave No Trace and Tread Lightly! programs would be recommended as a guide to minimizing signs of visitation to the expansive and varied BLM-administered public lands. These principles would be intended to support and complement BLM regulations. Additional information on the Leave No Trace and Tread Lightly! programs would be available at the Cody Field Office.

Guidelines for preventing the spread of Invasive Non-Native Species (Aquatic and Terrestrial)

There is high potential for river related recreation activities to spread aquatic invasive species as well as noxious weeds. Aquatic species like quagga mussels, zebra mussels, and New Zealand mudsnails are easily spread by attaching to any type of water craft (boats, rafts, kayaks, float tubes, fishing waders, and many others). After a recreationist moves to another drainage or water body the attached invader will effectively be transferred to the new water systems. Noxious weeds can effectively be transferred in the same way by attaching seeds to clothing, boots, waders, or mud under trailers, trucks and other equipment. The spread of both noxious and aquatic invasive species can be virtually eliminated by taking simple steps: Drain all water before leaving the area, including wells, ballast and engine cooling water. Remove all plants, animals and mud from vehicles, equipment and boats. Thoroughly wash everything, including all crevices and other hidden areas. Allow time for your boat and gear to completely dry before launching or recreating in other waters. To help reduce the spread of noxious weeds, please learn to identify these species, ensure that you avoid these weed patches, and make sure that your equipment and yourself are cleaned properly before you move from one area to another. For questions on any aquatic invasive species contact the Wyoming Game and Fish Department (including new findings) and for questions on noxious weeds contact the County Weed and Pest.