

## **Introduction**

The McCullough Peaks area east of Cody, Wyoming, contains a nationally recognized wild horse herd occupying an approximately 110,000 acre Herd Management Area (HMA), which offers abundant opportunities for wild horse and wildlife viewing. Contained within the area is the nearly 24,570 acre McCullough Peaks Wilderness Study Area (WSA).

The Bureau of Land Management (BLM) recognizes the unique and valuable resources contained within the McCullough Peaks landscape. Due to increasing commercial activity in the area, the BLM will prepare an Environmental Assessment (EA) analyzing alternative proposals for the management of commercial activities within the McCullough Peaks landscape.

The EA to be prepared will fulfill the requirements of the National Environmental Policy Act of 1969 (NEPA) that requires all federal agencies to assess impacts of their decision-making on the human environment.

## **Background**

The McCullough Peaks area has received considerable attention from the public and the BLM over the last decade. A Travel Management Plan, horse herd gather, and fertility control program were all analyzed and completed in 2004. In 2008, a horse herd gather was again analyzed. In 2009, oil and gas exploration was analyzed in the proposed Rocktober Drilling Project, which subsequently went undeveloped. A wild horse gather and equine field darting fertility control program were analyzed in 2008/2009 and 2011, respectively. Bait trapping in support of the equine fertility control program was analyzed in 2012 and 2013. Special Recreation Permits (SRP) for commercial activities within the McCullough Peaks for filming, photography, wild horse viewing, and big game outfitting have been issued throughout this period.

## **Need & Purpose for the Proposed Action**

Under the Federal Land Policy and Management Act of 1976 (FLPMA), the BLM manages for multiple resources in the McCullough Peaks area including recreation, oil and gas exploration, livestock grazing, cultural and paleontological resource, wildlife, and wildlife habitat including sage-grouse core habitat. The need for the Proposed Action is established through the BLM's responsibility under FLPMA to administer Special Recreation Permits for authorized activities on the landscape. Commercial filming, photography, and guided outfitting activities each require a Special Recreation Permit as established by the BLM's SRP Policy (43 CFR 2930).

The purpose of the Proposed Action is to improve the administration and management of Special Recreation Permits in the McCullough Peaks area in order to accommodate increasing public and commercial interest while addressing impacts on the environment stemming from increased public use.

## **Issue Identification**

Preliminary scoping conducted by the Cody Field Office Interdisciplinary Team identified a number of issues related to resource impacts in the McCullough Peaks area. Impacts related to increased visitor use in the area include human health and safety when interacting with the wild horse herd, user conflicts, user displacement, road deterioration, unauthorized road creation, sage-grouse disruption and habitat deterioration, and cultural and paleontological resource protection and preservation.

## **Alternatives to be Considered**

### **Alternative I (Proposed Action)**

The Proposed Action consists of the following elements: removing the day-use caps for commercial businesses seeking to conduct wildlife and/or wild horse viewing and photography in the McCullough Peaks area (Map 1); establish a new safe distance for human interactions with wild horses; provide natural and cultural interpretation related to the Wild Horse Herd Area; and implement sage-grouse seasonal restrictions for commercial activities in the McCullough Peaks area.

To avoid conflicts with sage-grouse during lekking and brood rearing seasons interpretive tours and photography workshops would not be authorized from March 1 through June 30. Visits to any one location will be one hour or less during any one 24-hour period throughout the applicable season. Any new or renewed interpretive tour or photography workshop Special Recreation Permits will fall under these sage-grouse stipulations.

The EA will also review the impacts associated with designating a BLM Backcountry Byway on approximately thirty-seven miles of BLM administered roads in the McCullough Peaks area (Map 2). The Backcountry Byway will be considered in order to partially address resource impacts and conflicts related to increasing public use of the area while at the same time promoting the unique resources of the McCullough Peaks area. The administrative designation of a BLM Backcountry Byway will promote the unique characteristics of the area but will not interfere with the ability of entities to apply for, receive, or perform activities authorized under a Special Recreation Permit. The designated commercial viewing and photography routes will not be limited to the proposed BLM Backcountry Byway; nevertheless, considerable overlap is anticipated between the proposed Byway and the proposed commercial viewing routes. A component of the National Scenic Byways program, BLM Backcountry Byways showcase unique natural and cultural landscapes found on public lands off-the-beaten path from main highways. BLM collaborates with local communities to determine routes that highlight these resources and encourage visitors to explore their public lands and neighboring communities.

### **Alternative II**

Alternative II consists of maintaining the current program for administration of Special Recreation Permits in the McCullough Peaks area. Day-use will continue to be allotted to businesses seeking to conduct wildlife and/or wild horse viewing and photography, but the current maximum allotment of visitor use-days will be increased from 2,500 to 3,000. The current 300-foot safe viewing distance for the wild horse herd will be maintained. The current sage-grouse seasonal restrictions will be maintained.

### Alternative III (No Action Alternative)

Under the No Action Alternative the current program for Special Recreation Permits in the McCullough Peaks area along with the established maximum cap of 2,500 visitor use-days for commercial wild horse and/or wildlife viewing will be maintained. The current safe distance for human interactions with wild horses will be maintained at 300-feet, and the current sage-grouse seasonal restrictions will remain in effect.

### **Relationship to Statutes, Regulations, Plans or Other Environmental Analyses**

Completion of the environmental assessment and the decision that follows will supersede the previous EA completed in April 2012, governing the management of Special Recreation Permits in the McCullough Peaks area.

In 2008, the Cody Field Office embarked on a multiyear effort to update its Resource Management Plan (RMP) that, once complete, will serve as the overarching land use planning document for the office. The 1990 RMP will remain in effect until a Record of Decision is signed for the in-progress RMP and its accompanying Environmental Impact Statement (EIS), which is anticipated mid-2015. In the event that the RMP currently in preparation is completed and a Record of Decision signed prior to completion of the proposed EA any changes necessary to bring this environmental assessment into conformance with the new RMP will be undertaken.

Wild horse management in the McCullough Peaks area is predicated on the Wild and Free-Roaming Horses and Burro Act of 1971. The Greater Sage-Grouse Habitat Management Policy on Wyoming Bureau of Land Management (BLM) Administered Public Lands Including the Federal Mineral Estate Instruction Memorandum No. WY-2012-019 is the guiding document for sage-grouse management on Wyoming BLM lands.

### **Scoping and Public Involvement**

The Cody Field Office is seeking public involvement early in the NEPA process through the solicitation of comments on the Proposed Action and the alternatives encompassed in the proposed EA. A thirty-day comment period beginning on June 15, 2015, seeks public input on the range of alternatives considered in the EA, issues to be considered in the analysis of alternatives, and impacts to natural resources potentially resulting from selection of a specific alternative.

Written comments may be emailed to [blm\\_wy\\_cody\\_comments@blm.gov](mailto:blm_wy_cody_comments@blm.gov); please include "McCullough Peaks Special Recreation EA" in the subject line. Comments may also be mailed to NEPA Coordinator, BLM-Cody Field Office, 1002 Blackburn Street, Cody, WY, 82414. Comments should be received by July 14, 2015.

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