

**United States Department of the Interior
Bureau of Land Management**

**Environmental Assessment WY-020-EA07-070
Case File Number: WY-020-RU07-003**

**Finding of No Significant Impact
& Decision Record**

Red Canyon Wild Mustang Tours and Red Canyon River Trips
Special Recreation Permit Renewal

*Location: 6th Principal Meridian, Townships 52-54 North, Ranges 97-100 West;
Township 56 North, Ranges 102-103 West; and Township 57 North,
Ranges 101, 102 West, Various Sections, Park County, Wyoming.*

*Applicant/Address: Red Canyon Wild Mustang Tours and Red Canyon
River Trips, 1374 Sheridan Avenue, Cody, WY 82414*

U.S. Department of the Interior
Bureau of Land Management
Cody Field Office
P.O. Box 518
Cody, WY 82901
Phone: 307-578-5900
FAX: 307-578-5939

September 4, 2007



Finding of No Significant Impact Cody Field Office

INTRODUCTION:

The Bureau of Land Management (BLM) has conducted an environmental analysis, (EA No. WY-020-EA07-070/WY-020-RU07-003), for a proposed action to renew a Special Recreation Permit for commercial wild horse tours and river trips in Park County, Wyoming. The wild horse tours would occur in the McCullough Peaks Wild Horse Herd Management Area about 15 miles east of Cody, Wyoming. The river trips would occur on the Clarks Fork of the Yellowstone River about 24 miles northwest of Cody.

Alternatives analyzed in detail:

1. The No Action Alternative (deny the permit renewal)
2. The Proposed Action (authorize the permit renewal)

The EA is available at the Cody Field Office, and is incorporated by reference for this Finding of No Significant Impact (FONSI).

PLAN CONFORMANCE AND CONSISTENCY:

The proposed action and alternative have been reviewed and found to be in conformance with one or more of the following BLM Land Use Plans and the associated decision(s):

The proposed action is in conformance with the Cody Resource Area, Record of Decision (ROD) and Resource Management Plan, dated November 8, 1990 and the amendment dated March 3, 2000. The recreation and wild horse management objectives are as follows:

“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 WHHMA 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.”

Stipulations would be attached to the Special Recreation Permit to protect various resources including wild horses, wildlife, and cultural.

FINDING OF NO SIGNIFICANT IMPACT DETERMINATION:

Based upon a review of the EA and the supporting documents, I have determined that the project is not a major federal action and will not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27 and do not exceed those effects described in the Cody RMP/FEIS. ***Therefore, an environmental impact statement is not needed.*** This finding is based on the context and intensity of the project as described.



Michael P. Stewart
Cody Field Manager



Date

DECISION:

Based upon the analysis of the potential environmental impacts described in environmental assessment WY-020-EA07-070 (EA) and supporting documents in the case file, and consideration of comments received on the EA, it is my decision to issue a Special Recreation Permit to conduct commercial wild horse viewing tours and river trips on BLM-administered public lands, as described in the proposed action alternative which includes stipulations.

Authorities: 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.

Compliance and Monitoring:

Compliance would be done on the Special Recreation Permit at several points during the year to ensure that stipulations are followed and that items such as required documents, insurance, and fees are current.

Wild Horse Tours: Monitoring would be done to obtain information on the amount of visitor use occurring in the area from both commercial operations and the general public. Traffic counters were installed in 2002. Regular field visits would be conducted by the recreation and wild horse staff. The field visits will include discussing proper viewing etiquette with the public encountered on the visits. The field visits would be scheduled to coincide with the proposed commercial tours, when feasible. The visitor use and tour routes authorized by this SRP would be subject to revision if necessary, based on the results of the monitoring efforts, the potential for revision is included in stipulation number 27:

BLM reserves 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. BLM reserves the right to make changes to the permitted use in the future. These changes may include, but are not limited to, the following: size of group, number of trips per day or per week, months or seasons of use, locations of use, and duration of use. If deemed necessary, specific areas could be closed to commercial use under this permit. The upcoming Cody Resource Management Plan Revision could contain decisions which could result in changes to Special Recreation Permits.

River Trips:

Visitor use reported by commercial permittees would be monitored to determine if it is increasing and to what levels. Field visits would be made, as required during the floating season, to check compliance with permit stipulations. Permittees would be queried periodically to obtain their feedback on resource conditions and the quality of the experience offered to their customers. Non-guided recreationists encountered during field visits would be asked about the quality of their recreational experience.

Project Design Features / Terms / Conditions / Stipulations: Stipulations will apply and can be viewed in Appendix A.

Rationale for Decision: This decision is based on the FONSI and that it is in accordance with policy for special recreation permits and wild horse management.

In addition, it conforms to the Cody Resource Management Plan (1990), and amendment (DR/FONSI, Bureau of Reclamation Withdrawn Lands Restored to BLM, in Cody Planning Area, 2000), which allow visitor services to enhance recreation opportunities and allow for public viewing of wild horses.

Stipulations will be applied to the permit which protect various resources including wild horses, cultural, and wildlife and which provide for public safety.

The BLM released the EA to the public for a 30-day review on July 6, 2007. A total of 16 comment responses were received.

The comment matrix attached is made part of this decision. See Appendix D.

Changes Made to the EA: Two changes to the EA are being made as a result of public comments. The Proposed Action is changed to read that the minimum viewing distance to be maintained is 500' throughout the McCullough Peaks Wild Horse Herd Management Area. The Proposed Action is changed to add that a distance marker will be installed by BLM to show visitors the minimum 500' viewing distance.

The stipulations to be attached to the Special Recreation Permit were changed in that the section on Wild Horse Stipulations was revised. See Appendix A for a complete set of the stipulations which will be attached to the permit.

A change in authorized tour routes is being made to the "Red Canyon Wild Mustang Tours Proposed Route Map." Two routes (about 1 ½ miles total) have been removed from the authorization to allow a larger area of land within the Red Point Viewing Area to be free of commercial tours. See Appendix B entitled "Map 2: Red Canyon Wild Mustang Tours Proposed Route Map Revised."

Changes were made to the standard Wild Horse Stipulations (see Appendix C). The minimum viewing distance was changed to 500' throughout the McCullough Peaks Wild Horse Herd Management Area.

Appeals Language: This decision is in full force and effect upon the date it is signed by the authorized officer and will remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay pursuant to 43 CFR 3150.2. Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the authorized officer at the Cody Field Office, 1002 Blackburn Avenue, P.O. Box 518, Cody, WY 82414. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

To file a petition for stay pursuant to 43 CFR Part 4.21(b), it must accompany your notice of appeal and must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted,
and
- (4) Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, CO 80215, not later than 15 days after filing the document with the authorized officer and/or IBLA.



Michael P. Stewart
Cody Field Manager



Date

Attachments (4):

- 1 – Appendix A, Revised Stipulations
- 2 – Appendix B, Red Canyon Wild Mustang Tours Proposed Route Map Revised
- 3 – Appendix C, Revised McCullough Peaks Wild Horse Stipulations
- 4 – Appendix D, Public Comments on EA

APPENDIX A – REVISED STIPULATIONS

CODY FIELD OFFICE - DAY USE ADDITIONAL STIPULATIONS (Stipulations 1-16 on permit back)

17. Permittee is responsible for knowing and complying with Off-Road Vehicle (ORV) designations and restrictions that may exist within the area of operation. Permit issuance does not waive any ORV use restrictions, whether local, State, or Federal. ORV information is 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 shall be deemed too wet to travel.
18. Nothing in this permit will be construed as a license for the permittee, employees, or clients to use areas of the public lands which are otherwise restricted or closed.
19. Issuance of a permit by BLM does not guarantee the permittee's use of specific public land areas, nor does it grant the exclusive use or control of any area by the permittee, unless expressly stated. The United States reserves the right to use any part of the area for any purpose.
20. Permittee, employees, and clients will not interfere with other valid uses occurring on the public land such as grazing, mining, and other recreational uses (including commercial and private).
21. Issuance of a permit by BLM does not guarantee legal access to public lands. Access to public land by the permittee is assured only when legal access for the general public is available. Where legal public access is not available, it is the permittee's responsibility to obtain permission from the landowner(s) to travel through or use private lands.
22. BLM reserves 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.
23. Unless use allocations are in place, the public lands will 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 implies that the first permittee into any area has been authorized an exclusive use privilege.
24. Permittee is responsible for all actions of employees and clients on both public and private lands.

25. The permittee will be responsible for the prompt repair of any damages to utilities, fences and other improvements. The permittee shall take every reasonable precaution to protect natural resource values and any improvement on both private and public lands. Gates will be left open or closed, as they were found (except highway gates which should be closed).
26. Permittee will notify BLM of any accidents occurring on the public lands which result in loss of life, loss of consciousness, disabling of individuals in excess of 24 hours, having to secure medical treatment, or property damage in excess of \$100, and will submit a detailed written report to BLM within 10 days from the date of the accident.
27. BLM reserves 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. BLM reserves the right to make changes to the permitted use in the future. These changes may include, but are not limited to, the following: size of group, number of trips per day or per week, months or seasons of use, locations of use, duration of use. If deemed necessary, specific areas could be closed to commercial use under this permit. The upcoming Cody Resource Management Plan Revision could contain decisions which could result in changes to Special Recreation Permits.
28. Permittee agrees to make all relevant books, documents, papers, and records of his/her operation available to BLM upon request (as outlined in 43 CFR 8372.5) for analysis by qualified representatives of BLM and other Federal agencies authorized to review BLM's permitting activities.
29. For administrative purposes, including compliance checks, the permittee shall allow the BLM and its cooperators, reasonable administrative access to private lands which are owned or utilized by the permittee for the permitted activity.
30. A Post Use Report will be submitted within 30 days after the end of your use season or no later than December 31 each year. End of season use fee payments and the next year's minimum advance fee must 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 will be sent. If the bill is not paid by the due date, then a late fee will be added to the permittee's bill.

- The late fee will be assessed 15 days after the due date of the bill.
- The late fee is calculated at 10 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 will 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 is turned over to the U.S. Treasury Department for collection.
- Any bill that has accrued late fees or interest is paid applying the money collected first to interest and penalties, then to principle.

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

31. 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.

32. An annual evaluation of each multi-year permit is required to measure performance and compliance with the terms of your permit. The review will address your post use report and to ensure that insurance, operations plan, etc. are updated/current.
33. Permittee shall comply with all Federal, State, and local laws, ordinances, regulations, orders, postings, or written requirements applicable to the area or operations covered by the Special Recreation Permit. The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, state, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, or spectators under the permittee's supervision.
34. A Special Recreation Permit authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including the amount of use. BLM reserves the right to make changes to the permitted use in the future. These changes may include, but are not limited to, the following: size of group, number of trips per day or per week, months or seasons of use, locations of use, duration of use. If deemed necessary, specific areas could be closed to commercial use under this permit. The authorized officer may suspend a Special Recreation Permit if necessary to protect public resources, health, safety, the environment, or for noncompliance with permit stipulations.
35. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price or compensation. The use of a permit as collateral is not recognized by the BLM.

36. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily.
However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting shall not constitute more than half the required equipment or services for any one trip and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.

37. All advertising and representations made to the public and the authorized officer must be accurate. A draft advertising brochure should be submitted to BLM for review to ensure any wild horse information is accurate before the brochure is finalized. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee 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. The permittee may not portray or represent the permit fee as a special Federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.

Permittee will distribute only BLM provided or approved wild horse educational materials to his customers.

38. The permittee must assume responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g. trail and route conditions, land slides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous wildlife, or other hazards that present risks for which the permittee assumes responsibility.

39. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's Special Recreation Permit.

40. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.

41. The permittee must present or display a copy of the Special Recreation Permit to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.

42. The authorized officer, or duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or permittee's operator, employee, or agent for up to 3 years after expiration of the permit.

43. A BLM Trip Log indicating entry onto public lands and exit off public lands, must 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.
44. 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.

Wildlife Stipulations:

1. Avoid sensitive wildlife areas and disturbance of reproductive wildlife with young during early spring/summer periods. Do not participate in any behavior which will 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.
2. Permittee will 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 will be outside of the vehicle during this time period is recommended.

Photography/Filming Stipulations

1. This permit does 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 will include a caption to identify the public land and its location.

Special Tour Route Stipulations

1. Vehicle tours are limited to the authorized tour routes shown on the “Red Canyon Wild Mustang Tours Route Map Revised” in the case file. Permittee must comply with the area Off-Road Vehicle (ORV) use restrictions and is not authorized to use any routes for commercial tours that are not specifically authorized and shown on the tour route map.
2. Hiking is allowed within $\frac{1}{4}$ to $\frac{1}{2}$ mile from the tour vehicle, provided that the minimum distances between people and wild horses are maintained, as specified in the wild horse stipulations. 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).
3. Prior to each use season, the permittee will contact the BLM Wild Horse Specialist. This will allow the BLM to provide the permittee with up-to-date information on the BLM wild horse program and inform him of 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 permittee and the visitors who participate in the guided activities. Prior to each season of use, annually, a mandatory field tour along the proposed tour route will be scheduled with the permittee, the wild horse specialist, and the recreation planner.

McCullough Peaks Wild Horse Herd Management Area (HMA)
Wild Horse Related Stipulations
&
Preservation and Protection Measures

Major concerns in managing wild horse populations are habituation of wild horses to humans and visitor and animal safety. Efforts to observe and interact with these animals contribute to long-term behavioral desensitization and a loss of qualities of “wildness.” Additionally, wild horses are unpredictable animals. Do not place yourself between members of a horse family group as you may be attacked by group members.

1. Harassment, injury, removal, or causing the death of a wild horse is punishable by fines or imprisonment (43 CFR 4770 and the Wild Horse and Burro Act).
2. Visitors to the McCullough Peaks HMA **should not approach closer than 500 feet to wild horses.**

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

See the sign post “500 feet” away

3. Approaching wild horses during foaling season-mid April to mid July-can result in foal abandonment.
4. Visitors to the HMA **should not approach closer than 500 feet to any water source** when observing the wild horses. This will allow free access to the water by the horses.
5. **Do not attempt to 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 should move away from them to maintain a minimum of 500 feet between you and the horses.**
6. Wild horses are subject to natural mortality from injury or illness *without veterinary intervention.* Nonviable horses may be euthanized to end suffering by authorized personnel only.

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

- | | | |
|---------------------------|------------------------|---------------------|
| 1) Wild Horse Specialist: | (307) 578-5925 work | (307) 899-1155 cell |
| 2) Cody Field Office: | (8:00 – 4:30 weekdays) | (307) 578-5900 |

DO NOT ATTEMPT TO ASSIST OR HANDLE SICK OR INJURED ANIMALS

7. BLM does not require a film permit for casual, non-commercial photography on public lands. However, a permit is required:

-If models or props are used that are not part of the natural resource

-If the location is not a place that the public is generally allowed

-If additional administrative costs are likely.

Commercial filming activities including production of videos, movies, television, documentaries, require a film permit.

8. BLM requires 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.

Grizzly Bear Management

Activities authorized by your permit must be conducted in a manner which will prevent or minimize the opportunity for human/bear conflicts to occur.

The following methods are currently available and required for temporary storage facilities of human food, beverages, horse feed, un-burnable solid waste, and game meat/parts while the camp is in use.

- approved bear resistant panniers
- approved bear resistant storage boxes
- approved platforms
- approved suspension poles
- enclosed vehicle

Livestock Carcasses

1. Livestock carcasses shall be disposed of by one of the following methods, as appropriate:
 - a. Carcasses must be either packed, dragged, or otherwise transported to a location a minimum of 1/2 mile from any sleeping tent or area, developed road, trail, or recreation site.
 - b. Carcass may be otherwise disposed of as directed by the authorized officer.
 - c. Death of any livestock will be reported to the nearest BLM personnel in as timely a manner as possible.

Human Food (including all beverages) and Horse/Pet Feed

1. All human food and livestock/pet feed and garbage including cooking grease will be handled, stored, and disposed of in such a manner as to make it totally unavailable to bears. During the day, food/feed not being prepared or eaten should be kept in approved bear resistant containers, enclosed vehicles, or properly hung (hung so that the lowest portion of the food/feed is suspended ten vertical feet above the highest ground object and four horizontal feet from the nearest lateral object). Suspension ropes should be tied off ten feet or higher to trees or objects.
2. Burying food, garbage, refuse, or grease is prohibited.
3. Uneaten horse feed may not be left on the ground after feeding livestock. Feed must be gathered and stored.

4. Horse feed will be made unavailable at trail heads/transfer corrals & all attractants will be removed from open vehicles at these areas.

Human Safety

1. Permittee will be aware of, and provide to their employees and clients, information on the status of grizzly bears and on appropriate personal safety measures and behavior in grizzly bear habitat. This includes information on how to avoid grizzly/human conflicts, assessment of risks/probabilities, and recommended action in surprise encounter situations. This information is available from the Cody Field Office, local Forest Service, Park Service and Wyoming Game & Fish Department offices.
2. Traveling alone in potential occupied bear habitat should be discouraged, especially at night.
3. Certain specific areas may be temporarily closed to all human use during specific periods of time by the Field Manager in response to unusual bear activity or user hazards.

Other Measures

1. This document may be amended to include other provisions when special orders are adopted or when technological advances provide better information.
2. Failure to comply with all the foregoing provisions or intentional or negligent acts that may result in injury to or death of a grizzly bear or other protected wildlife species may cause administrative and/or criminal action to be taken against the holder of this permit.
3. The Endangered Species Act (PL 93-205) states, in part, that any person knowingly violating any provision of the Act shall, upon conviction, be fined not more than \$25,000.00 or be imprisoned for not more than one year, or both.
4. All observations or encounters with wildlife species protected by the Endangered Species Act and any potential or existing human conflict situations with potentially dangerous wildlife such as bears, wolves, or mountain lions should be reported to the Authorized Officer in as timely a manner as possible.

Guidelines

1. First-aid equipment needs should be determined by the size of the group. A 24-unit first-aid kit is usually adequate for most field emergencies.
2. Guides should be trained in first-aid and Cardio-Pulmonary Resuscitation procedures and hold a valid Standard American Red Cross first-aid card or its equivalent.

Sanitation and Aesthetics

1. Operation and maintenance of all sanitation, food service, and water supplies, systems, and facilities shall comply with the standards of the local department of health and the United States Public Health Service.
2. Permittee shall dispose of refuse resulting from the permitted use, including waste material, garbage, and rubbish of all kinds in the following manner, and shall guard the purity of streams and other bodies of water:
 - (a) Tin cans, spent brass, bottles, metal, foil, and other un-burnable materials will be packed out, not buried. All refuse not burned is also to be packed out.
 - (b) Day use toilet needs will be accomplished through the use of the cat-hole technique.
 - (c) No waste or byproducts shall 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 will not be tolerated.
3. Permittee shall 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.

Uses that are authorized: The Special Recreation Permit for Red Canyon Wild Mustang Tours/Red Canyon River Trips to conduct commercial educational/interpretive tours of the McCullough Peaks Wild Horse Herd Management Area and river float trips on the Clarks Fork of the Yellowstone River on BLM-managed public lands is authorized as follows:

The proposed tours would 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 is being requested as the permittee may be asked by schools, Scouts, 4H, or groups such as Future Farmers of America (FFA) for a tour. Maximum total visitor use for a season would be 2000 visits. A visit is 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 is authorized. Participants would stay a minimum of 500' 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. No cross-country driving would be allowed. The vehicle routes would include US Highway 14-16-20, 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: Red Canyon Wild Mustang Tours Proposed Route Map Revised). The McCullough Peaks road would rarely be used. Two tours per day would be offered 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 depart and end in Cody and last about 2 to 2 ½ hours each which includes the travel time of ½ hour each way. The tours include viewing the badlands for about 15-20 minutes. High quality binoculars would be available for each guest to use.

The maximum potential visitor use from this proposal would be 2000 visits per five month season. The average number of visits per month would be 400 and per day would be 13. The proposal is for day use only on BLM-managed public land. 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. The permittee would remove any litter generated by the activity and would follow the Principles of Tread Lightly and Leave No Trace.

Prior to each use season, the permittee would be required to contact the BLM Wild Horse Specialist. This would allow the BLM to provide the permittee with up-to-date information on the BLM wild horse program and inform him of 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 permittee and the visitors who participate in the guided activities. This information would be available to the permittee for use during his commercial operation. Permittee would distribute only BLM-provided or approved educational materials to his customers. A stipulation would be applied to the permit stating that the permittee 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.

River Trips: River trips would involve commercial guided rafting activities on the Clarks Fork of the Yellowstone River. Average group size would be 7 visitors and 1 guide. Estimated visitor use would be 100 visits maximum per season from the last week of May through August, dependent on water flows. A visit is defined as one person visiting the public land for any portion of a day. 100 visits divided by 8 people = 12.5 trips per season which averages 1 trip per week. The raft would put-in at the BLM boat launch near the Clarks Fork Canyon and take out downstream at Wyoming Game and Fish Department access points. Reported use the last few years has been well below the estimated maximum.

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

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

There is a potential for river related recreation activities to spread noxious weeds and invasive fauna, such as zebra mussels, New Zealand mud snails, and the parasite (*Myxobolus cerebralis*) causing whirling disease. Weed seeds and invasive species may be spread by equipment used during river related activities such as vehicles, trailers, boats, and boots. Please learn to identify these species and ensure that your equipment is cleaned properly before you move from one body of water to another. To learn more information about invasive species in your area and how to reduce their spread, please contact the local BLM or Wyoming Game and Fish Department.

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

There is a potential for recreation activities to spread noxious weeds. Weed seeds and invasive species may be spread by equipment, vehicles, clothing, and shoes. 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. To learn more about invasive species in your area and how to reduce their spread, please contact the local BLM or Wyoming Game and Fish Department.

I have read, understand, and agree to abide by the stipulations on the back of the Special Recreation Permit and those included in this document.

Signature of Permittee

Date Signed

**APPENDIX B – MAP 2: RED CANYON WILD MUSTANG TOURS PROPOSED ROUTE
MAP REVISED**

APPENDIX C – REVISED WILD HORSE STIPULATIONS

McCullough Peaks Wild Horse Herd Management Area (HMA) Wild Horse Related Stipulations & Preservation and Protection Measures

Major concerns in managing wild horse populations are habituation of wild horses to humans and visitor and animal safety. Efforts to observe and interact with these animals contribute to long-term behavioral desensitization and a loss of qualities of “wildness.” Additionally, wild horses are unpredictable animals. Do not place yourself between members of a horse family group as you may be attacked by group members.

1. Harassment, injury, removal, or causing the death of a wild horse is punishable by fines or imprisonment (43 CFR 4770 and the Wild Horse and Burro Act).
2. Visitors to the McCullough Peaks HMA **should not approach closer than 500 feet to wild horses.**

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

See the sign post “500 feet” away

3. Approaching wild horses during foaling season-mid April to mid July-can result in foal abandonment.
4. Visitors to the HMA **should not approach closer than 500 feet to any water source** when observing the wild horses. This will allow free access to the water by the horses.
5. **Do not attempt to 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 should move away from them to maintain a minimum of 500 feet between you and the horses.**
6. Wild horses are subject to natural mortality from injury or illness *without veterinary intervention.* Nonviable horses may be euthanized to end suffering by authorized personnel only.

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

- | | | |
|---------------------------|------------------------|---------------------|
| 1) Wild Horse Specialist: | (307) 578-5925 work | (307) 899-1155 cell |
| 2) Cody Field Office: | (8:00 – 4:30 weekdays) | (307) 578-5900 |

DO NOT ATTEMPT TO ASSIST OR HANDLE SICK OR INJURED ANIMALS

7. BLM does not require a film permit for casual, non-commercial photography on public lands. However, a permit is required:

-If models or props are used that are not part of the natural resource

-If the location is not a place that the public is generally allowed

-If additional administrative costs are likely.

Commercial filming activities including production of videos, movies, television, documentaries, require a film permit.

8. BLM requires 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.

APPENDIX D – PUBLIC COMMENTS ON EA

COMMENT HEADING	COMMENT FROM PUBLIC	RESPONSE
Wild horse viewing tours	<ul style="list-style-type: none"> • Allow the tours to continue (12 commentors). • Shut down the tours (2 commentors). • Did not state a preference (2 commentors). 	Thank you for your comment.
Wild horse viewing tours	<ul style="list-style-type: none"> • Trip was interesting and informative and the rules were explained. We did not get too close. People visiting on their own may get too close. • The opportunities offered by the permittee are appropriate. The tours are well managed. The permittee is concerned about the wild horses and has tremendous knowledge and enthusiasm. The horses will benefit from the tours as support for wild horses will increase as people are educated about their plight. The tours raise awareness of BLM's efforts to protect and preserve our nation's western heritage. The tours increase the public's knowledge about the adoption program. The permittee is very aware of environmental issues and displays a passion for the wild horses. He offers a well balanced view of the horses, their problems, the longevity of their presence in this area, and their positive influence. 	Thank you for your comment.
Wild horse viewing tours	<ul style="list-style-type: none"> • The tours don't cause adverse effects. The tours follow many restrictions that average citizens aren't required to follow. The tour customers must stay 500' away while citizens get closer. The close proximity of these citizens doesn't appear to adversely effect the horses or make them less wild. 	Efforts to educate the public about proper ways to view wild horses are being increased. The public is asked to also remain 500' away when viewing wild horses. Signs have been posted in several locations in the herd management area. Kiosks at entry points contain information about viewing and management of wild horses. Additional information will be placed on BLM's web site and a public handout will be developed.

COMMENT HEADING	COMMENT FROM PUBLIC	RESPONSE
Wild horse viewing tours	<ul style="list-style-type: none"> Concern that BLM staff does not believe education of the public is as important as it is that the horses stay completely isolated without any human interaction. 	<p>In the Cody Resource Management Plan the wild horse management objective is as follows: 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. We want to allow the public to view wild horses in a responsible manner but we must also manage the horse herd to maintain their free-roaming nature. There should be no human interaction with wild horses during viewing activities.</p>
Wild horse viewing tours	<ul style="list-style-type: none"> Past customers have written letters to permittee giving positive feedback regarding the tours. Often customers say it was the highlight of their vacation. Some are return customers. Some say they'll contact their local congressman and urge him to fight to preserve the wild horse herds. If the tours will provide a measure of wild horse preservation, please encourage the permit renewal. Guided tours are preferable to a large number of individuals unfamiliar with the area wandering around. This would be a negative impact on the herds, especially during foaling. This tour is the only indication that a wild horse refuge even exists in our area. There aren't any signs visible from the highway indicating the existence of wild horses. Having guided tours encourages visitors to behave responsibly and can bring in much needed funding to help support the management of our public lands. 	<p>Thank you for your comments.</p>
Wild horse viewing tours	<ul style="list-style-type: none"> Keep tours to a bare minimum at all times, especially during peak foaling period of April 15 to July 15. 	<p>The wild horse protection stipulations require a minimum distance of 500' from wild horses. The permit stipulations limit the number of tours per day to two.</p>

COMMENT HEADING	COMMENT FROM PUBLIC	RESPONSE
Wild horse viewing tours	<ul style="list-style-type: none"> Possibly limit the tour area times and numbers of visitors in each van/bus as some horses in the more accessible areas of the range are becoming too accustomed to people (Red Point band). Limit tours to only a portion of the McCullough Range. 	<p>We already refer people to the Red Point area when they inquire about wild horse viewing. We are also limiting commercial wild horse viewing tours to this area.</p>
Wild horse viewing tours	<ul style="list-style-type: none"> Shut down the tours. It is a sham operation that predates on wild horses for profit and gives out misinformation. The information is not academically accurate. It is story telling that frays the historical facts and the ecological and biological condition of wild horses. Responsible tourism into wild horse ranges is fine but this tour is not well thought out and academically accurate information is lacking. 	<p>The permit includes the following stipulation: “Prior to each use season, the permittee will contact the BLM Wild Horse Specialist. This will allow the BLM to provide the permittee with up-to-date information on the BLM wild horse program and inform him of 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 permittee and the visitors who participate in the guided activities. Prior to each season of use, annually, a mandatory field tour along the proposed tour route will be scheduled with the permittee, the wild horse specialist, and the recreation planner.”</p> <p>A public handout will be developed which will be provided to the permittee for his guests. The handout will also be available at the Cody BLM office and other venues.</p>
Wild horse viewing tours	<ul style="list-style-type: none"> Do not reissue the permit. There is far too much disturbance of the wild horses in the McCullough Peaks Wild Horse Herd Management Area as it is. They need to remain truly wild. 	<p>The upcoming Cody RMP revision is an opportunity to participate in the planning process. Alternative management prescriptions are developed and considered for lands in the Cody Field Office area.</p>

COMMENT HEADING	COMMENT FROM PUBLIC	RESPONSE
Viewing distances	<ul style="list-style-type: none"> • The dual standard for minimum approach distances, 500' in the Red Point viewing area and 1500' elsewhere in the herd management area, is too complicated, confusing, and would raise enforcement issues. • Set a standard distance for the entire herd management area. Perhaps 900' would be appropriate. That is close enough to view horses with the naked eye without great disturbance to the animals. It's also close enough to take photos with telescopic lenses. • Distances should apply to all people, commercial tours and the public. • Different viewing distances for different areas such as the Pryor Mountain herd and the McCullough Peaks area should be standardized. The general public should know and respect an appropriate viewing distance for all mustangs as the commercial tour does. • The distance restrictions for the wild horse tours are excessive. • Don't make distances way more difficult than they are now. Restrictions on distances can become punitive to the point that trying to view the horses is not possible. • It isn't fair to allow the public to approach at any distance while the commercial tour must remain 500' or 1500' away. 	<p>After analyzing public comments and information in the Environmental Assessment, it was determined that a viewing distance of 500' within the entire herd management area would be reasonable and safe.</p> <p>Efforts to educate the public about proper ways to view wild horses will be increased. Signs have been posted in several locations in the herd management area. Kiosks at entry points contain information about viewing and management of wild horses. Additional information will be placed on BLM's web site and a public handout will be developed.</p> <p>Distances have been applicable to all people since they have been developed.</p>
Cultural resource stipulation	<ul style="list-style-type: none"> • The cultural resource stipulation offers only negative incentives to report cultural resource findings. Permittee might not want to report findings as he would have to pay for the investigation and the operation would be shut down during the investigation. Perhaps it would be better to state that the permittee wouldn't have to pay for the investigation if findings are reported in a timely manner. 	<p>This standard cultural resource stipulation is also applied to surface disturbing activities such as construction projects. In those situations, the proponent must pay for the investigation and any mitigation measures as it was their project which discovered and exposed the cultural resources. In the situation of wild horse viewing tours, cultural resources could be encountered while guests are hiking. The resources should be left in place and BLM notified. The permittee could then simply avoid the location by hiking elsewhere.</p>

COMMENT HEADING	COMMENT FROM PUBLIC	RESPONSE
Enforcement	<ul style="list-style-type: none"> • What is the protocol if horses move closer to a parked vehicle even though it met the distance requirement when first parked? 	Viewers are asked to maintain a 500' viewing distance.
Enforcement	<ul style="list-style-type: none"> • If Best Management Practices aren't used or there are blatant violations, severe penalties must be applied. • Closely monitor wild horse tours. • Monitor all permittees and the general public and enforce the rules. 	The area will be monitored to increase compliance with proper viewing behavior.
Education	<ul style="list-style-type: none"> • BLM must make a considerable effort to educate viewers as to protocol. • All signs in the herd management area should state the viewing distance. • Put up a sample distance marker near the informational signs to show the allowed viewing distance. 	<p>Efforts to educate the public about proper ways to view wild horses will be increased. Signs have been posted in several locations in the herd management area. Kiosks at entry points contain information about viewing and management of wild horses. Additional information will be placed on BLM's web site and a public handout will be developed.</p> <p>A distance marker will be installed to show visitors the minimum 500' viewing distance.</p>
Visitation	<ul style="list-style-type: none"> • The figure of 2000 maximum visitors per year is fair. Perhaps more visitors could be added in the fall when other traffic is down. • The yearly cap should be 1000 people. • The McCullough Peaks area and the wild horses have increased in popularity. • Concerned about the increasing number of viewers especially during foaling season. 	A maximum visitor use of 2000 visits per five month period was analyzed in the Environmental Assessment. The average number of visits per month would be 400 and per day would be 13. At two trips per day the average group size would be about seven. With the stipulations applied to the permit which limit hiking distance, require a minimum of 500' viewing distance from wild horses, and restrict tours to certain routes, it is believed that impacts are mitigated and that 2000 visits per season for this permit is acceptable.
Commercial endeavors	<ul style="list-style-type: none"> • Any commercial endeavors should be kept to a minimum. 	The upcoming Cody RMP revision is an opportunity to participate in the planning process. Alternative management prescriptions are developed and considered for lands in the Cody Field Office area.
Vehicle use	<ul style="list-style-type: none"> • One larger vehicle used with a group of people is better than multiple vehicles if people visited on their own. • If vehicles are kept on roads there should be no problem. 	The following types of vehicles are allowed for the tours: a truck for a small group, a van for a group size up to about 11 people, a mid-sized bus for groups up to 32, and a full-sized bus for rare (1-2 per season with prior BLM approval) trips of over 32 people.

COMMENT HEADING	COMMENT FROM PUBLIC	RESPONSE
Vehicle use	<ul style="list-style-type: none"> No problem with bus and up to 32 people as long as during foaling season the groups don't leave the bus or other vehicle areas. People should be required to remain by the bus and leave the land as undisturbed as possible. 	<p>Hiking is restricted to ¼ to ½ mile from permitted roads. The minimum viewing distance of 500' from wild horses must be maintained. One of the wild horse stipulations is "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 should move away from them to maintain a minimum of 500' between you and the horses." With these restrictions, a larger group size was felt to be reasonable.</p>
Vehicle use	<ul style="list-style-type: none"> Commercial tours should be allowed to travel on all public roads, as the public does, in the Red Point area. 	<p>Special Recreation Permits for commercial use are subject to stipulations to protect resources and to allow for public safety. The commercial tours are authorized to occur twice a day for five months. The routes designated for the tours provide a network which allows access throughout most of the Red Point viewing area, while still leaving some portions undisturbed by the repetitive presence of tour vehicles and guests.</p>
Vehicle use	<ul style="list-style-type: none"> Taking school busses into this area is illogical and may subject children to stranding and weather conditions can change and vehicles can be easily stuck in this soil. 	<p>The permittee and the adult supervisors for the children should decide whether the trip must be cancelled or cut short due to poor weather conditions.</p>
Vehicle use	<ul style="list-style-type: none"> Large vehicles may adversely affect the wild horses. 	<p>Vehicles of various sizes use the roads in the Red Point viewing area and the wild horses do not appear to be disturbed by larger-sized vehicles.</p>
Wild horse population numbers	<ul style="list-style-type: none"> Allow more wild horses than the meager 100 to survive. 	<p>Thank you for your comment. Herd size is beyond the scope of this document.</p>
Grizzly bear restrictions	<ul style="list-style-type: none"> Why are grizzly bear restrictions needed there? 	<p>The proposed Special Recreation Permit renewal includes float trips on the Clarks Fork of the Yellowstone River. Grizzly bears may occasionally pass through that area.</p>
Dogs	<ul style="list-style-type: none"> Dogs (if permitted) should be leashed when horses are in proximity, especially during foaling season. Horses are prey animals and a loose dog puts them in fight or flight mode – an additional, unnecessary stress factor. 	<p>We have had no reports of the permittee's dogs chasing wild horses during the wild horse viewing tours. The dogs stay with the tour group.</p>

COMMENT HEADING	COMMENT FROM PUBLIC	RESPONSE
Hiking	<ul style="list-style-type: none"> • Groups on foot should be limited to existing roads and group sizes should be kept below 12 at a time. • Hiking is fine if distance rule is followed. • Place restrictions, including keeping large groups from walking out to the horses during the foaling season (approximately April 15 to July 15) by reducing the number of people per tour and/or by keeping people inside the bus during these times. 	<p>Hiking is restricted to ¼ to ½ mile from permitted roads. The minimum viewing distance of 500’ from wild horses must be maintained. One of the wild horse stipulations is “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 should move away from them to maintain a minimum of 500’ between you and the horses.” With these restrictions, a larger group size was felt to be reasonable.</p>
Hiking	<ul style="list-style-type: none"> • The public land visitors will not walk far or fast enough to cause undue stress on the wild horses. It’s too much work for people who attend tours of this type. They aren’t like hard core photographers or researchers. 	<p>Thank you for your comment.</p>
Best Management Practices	<ul style="list-style-type: none"> • Protecting the wild horses and the beauty and cultural significance of the McCullough Peaks is important. BMPs should be employed during all activities there. • More restrictions keep getting placed on the permit. 	<p>Stipulations are placed on the permit to protect resources and provide for the safety of the public.</p>
Fees	<ul style="list-style-type: none"> • Groups such as school children, 4H, etc. should be charged a reduced fee just to cover expenses. 	<p>The fee charged is determined by the permittee.</p>