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

NEPA	PUBLIC COMMENT	BLM RESOLUTION/RESPONSE
	Some comments expressed a concern that the EA failed to consider a reasonable range of alternatives, the following suggestions were offered: 1. An alternative that would consider applying sage grouse lek buffers. 2. An alternative that would implement temporary seasonal closures and other temporary mitigation efforts as an alternative to road closures. 3. Some comments recommended an alternative that would provide a balance between primitive, non-motorized recreation opportunities and ORV use, instead of allowing off-road vehicles everywhere; other comments suggested an alternative that would allow motorized vehicles on all existing roads, expressing opposition to road closures. 4. An alternative that would consider non-motorized access, trails and trailheads (foot, horseback and mountain bike). Comments suggested that all routes recommended as "ATV and non-motorized use only" should be restricted to non-motorized use only.	We feel that a reasonable range of alternatives was considered in the EA based on the scope of the existing decision to be implemented (limiting travel to designated roads and trails). Following is a response to the suggested alternatives: 1. Although sage grouse leks are present in the planning area, an alternative considering application of sage grouse lek buffers to the route designations was not considered. Sage grouse lek buffers are applied to any new surface disturbing activities in accordance with the management actions in the Cody RMP/ROD (p.40). Implementing the decision to limit motorized vehicle use to designated routes will result in the continued use of routes that are currently in existence, and closure of other routes. The proposed action does not authorize any new surface disturbing activities. The selected alternative would not affect sage grouse. See EA pages 8, 15. 2. Nothing in the EA or Plan precludes the use of seasonal closures. If additional resource protection is necessary in the future, seasonal closures would be considered. See EA pages 15, 18. 3. Limiting motorized vehicles to a network of designated routes allows for motorized vehicle use in the area, while protecting resources. The proposed action provides a balance between motorized and non-motorized uses by maintaining a variety of recreation opportunities in the planning area such as non-motorized opportunities throughout the planning area, vehicle touring on well defined roads, and use of challenging ATV routes. Alternatives to close all of the routes in the planning area, or to designate an ORV play area were considered but eliminated from detailed analysis since they would not meet the identified access and resource needs and would not be in compliance with the Cody RMP decision. 4. There are many opportunities for non-motorized access in the planning area. The Plan identifies a need to consider development of trails and trailheads in the "Project ideas for future consideration" page 15.
	The BLM must perform an analysis of the impacts, including cumulative impacts, of off-road vehicle use in the McCullough Peaks area on wildlife, landscapes, and other forms of recreation, including projected impacts from illegal, off-trail use. The EA failed to take a hard look at the following resources: • WSA and wilderness resources • Visual Resources • Impacts to sensitive plant and animal species • Opportunities for non-motorized recreation • Cultural resources • Soils • Riparian areas • ORV criteria in 43 CFR 8342.1(a-d)	The purpose and need for this EA is to implement a decision that was made in the Cody RMP/ROD. This EA is tiered to and incorporates by reference analysis in the Cody RMP EIS and the Grass Creek/Cody Wilderness EIS. For this reason, we feel that the analysis in the EA is adequate to address the resources in the planning area and implement the proposed action. Page citations of the analysis included in the EA are provided below : • WSA and wilderness resources, analysis added p. 9, 17 • Visual Resources p. 7, 13 • There are no known sensitive plant species in the planning area. Discussion of sensitive animal species, including threatened and endangered species is on p. 8, 15 • Opportunities for non-motorized recreation p. 11 • Cultural resources p. 8, 16 • Soils, analysis added p. 7, 13 • Riparian areas p. 7, 13 • ORV criteria p. 2, 3

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

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

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

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

	Motorized vehicle access is important for the elderly and for people with disabilities to recreate on public lands. Vehicle access is important for recreation such as rock hounding, hunting, photography, wildlife viewing, wild horse viewing, and ORV driving.	The proposed network of designated routes provides vehicle access to a majority of the planning area. We feel that the proposed action provides a balance between motorized and non-motorized recreation opportunities.
	Many comments expressed general support for ORVs: • ORV use is growing and should have a place in multiple use. • Closing roads will shift use to other areas.	We recognize ORVs as a valid use of public lands and that ORV use is increasing; we feel that the alternatives analyzed provide adequate vehicle routes in the planning area to accommodate these uses within the ORV designation category of "limited to designated roads and trails." We recognize the potential for road closures to shift vehicle use to other areas. The Plan identifies the RMP revision effort that is scheduled to begin in 2006 as the appropriate planning opportunity to consider the need for ORV open areas within the Cody Field Office area, page 15.
	Commentors disagree about the amount of resource damage that is caused by ORVs in the planning area. Some indicate that they are upset to see effects of motorized vehicles on fragile resources (cross-country travel, erosion, litter, noise, and the recreation experience). These commentors feel that motorized vehicle use should be limited to designated routes and use limits should be considered. Others indicate that they have not seen evidence of damage by motorized vehicles, noting that the area has naturally erosive geology.	It is well documented that inappropriate ORV use may cause resource damage. The Cody RMP ORV decision limited travel in this area to protect resources including soils and visual resources. The proposed alternative would implement the RMP decision in accordance with criteria in 43 CFR 8340 – Off Road Vehicles, and the criteria identified in the Plan page 6.
	Designations will fail without adequate enforcement and funding, fines should be higher. The focus should be on public education, mitigation and enforcement. The BLM must not rely on voluntary compliance with road designations.	Enforcement is addressed in the Plan on page 12. The BLM Cody Field Office Law Enforcement Officer would enforce the route designations as specified in the plan; BLM does not rely on voluntary compliance. Fines are set based on national policy; discussion of higher fines is beyond the scope of this analysis.
	Provide trailheads for motorized trails. Consider dual use roads, open play areas, maintain motorized single track (ATV's should not be on single track), loop trail systems, standard maps and signing, maintenance techniques to prevent closures due to erosion, etc.	Development of any of the recommended facilities could be considered within the planning area on a case-by-case basis as funding allows, See Plan page 15. The Plan identifies the RMP revision effort that is scheduled to begin in 2006 as the appropriate planning opportunity to consider the need for ORV open areas within the Cody Field Office area, page 15.
	The plan should maintain adequate motorized access to the Shoshone River, opportunity to work with Wyoming Game and Fish Department.	See projects for future consideration Plan page 15.
RANGE	**PUBLIC COMMENT**	**BLM RESOLUTION/RESPONSE**
	The ORV designations must not impact livestock grazing	The grazing permittees with allotments in the planning area were contacted during the public involvement portions of this planning process. Access for administration of grazing permits and maintenance of range improvements was considered during development of the designations. Additional access needs would be addressed as specified in the Implementation section of the Plan page 13.

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

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