

Record of Decision

Long Term Special Use Authorization for Wyoming Game and Fish Commission to Use National Forest System Land for their Winter Elk Management Activities

USDA Forest Service Bridger-Teton National Forest Jackson and Pinedale Ranger Districts Teton and Sublette Counties, Wyoming

- **Alkali Creek:** Section 23, T42N, R113W, 6th PM.
- **Dog Creek:** SE of SE 1/4 of Section 31, and SW of SW 1/4 of Section 32, T39N, R116W 6th PM; NW of NW 1/4 of Section 5 and NE 1/4 of Section 6, T38N, R116W 6th PM.
- **Fall Creek:** located in NW 1/4 of Section 6, T33N, R107W and SW of SW 1/4 of Section 31, T34N, R107W, 6th PM.
- **Fish Creek:** SW of SE of Section 1, S 1/2 of SW 1/4 of Section 1, and E 1/2 of Section 12, T41N, R112W, 6th PM; W 1/2 of NW 1/4 of Section 7, T41N, R111W, 6th PM.
- **Muddy Creek:** NW 1/4 of Section 27, T31N, R105W, 6th PM.
- **Patrol Cabin:** W 1/2 of Section 28, SE 1/4 of Section 29, and NW 1/4 of Section 33, T42N, R112W, 6th PM
- **Upper Green River:** E 1/2 of NE 1/4 of Section 9, and W 1/2 of Section 10, T39N, R109W, 6th PM.

Decision and Reasons for the Decision

Background

Supplemental feeding of elk (*Cervus elaphus*) has been conducted in northwestern Wyoming since the early 1900's. The initiation of providing supplemental feed to elk was in response to large-scale winter die-offs, which were due in part to the loss of migration routes to suitable winter range and the direct loss of winter range due to rural development and fencing (Taylor 2001). Emergency feeding was documented as early as 1907 when a Pinedale game warden provided feed for 200 snowbound elk on Willow Creek; the Supervisor of the Teton National Forest secured funds to purchase the hay (Sheldon, 1927; Brown, 1947). A 1939 Wyoming statute designates the WGFC liable for damages caused by big game animals. Many feedgrounds were established in the 1940's and 1950's to prevent elk from entering private lands and damaging stored crops.

The WGFC's supplemental elk feeding activities occur during the winter months at 21 feedgrounds and one staging area. Figure 1 displays a map of the 21 WGFC managed feedgrounds, the staging area (North Piney) and the National Elk Refuge. Eight of the 21 feedgrounds are on NFS lands: Alkali, Dell Creek, Dog Creek, Fall Creek, Fish Creek, Forest Park, Muddy Creek, and Upper Green River.

Although feedgrounds were initiated to maintain elk populations, they have become an effective tool in reducing damage to haystack yards and winter pastures on private lands, and in reducing potential for transmission of brucellosis to livestock (WGFD 2007). Elk feeding locations have been strategically placed with the National forest and near the National Forest boundary to effectively gather elk as they transition from summer ranges down to lower elevations, mostly preventing elk migrating through private lands en route to lower elevations. Forest Service regulations require authorization for use and occupancy of NFS lands.

The Final Environmental Impact Statement *Long Term Special Use Authorization for WGFC to Use NFS Lands for their Winter Elk Management Activities (July 2008)* (FEIS) displays the analysis of the proposal to continue to authorize the Wyoming Game and Fish Commission (WGFC) to use six sites on National Forest System (NFS) land for their winter elk management activities and to begin authorizing use of NFS land adjacent to the existing feedground on State land at Patrol Cabin. The six existing sites are Alkali Creek, Dog Creek, Fall Creek, Fish Creek, Muddy Creek, and Upper Green River. This action is needed because the six existing authorizations have expired or will expire within the next several years and because expansion from State managed lands onto NFS land is desired at Patrol Cabin. The two existing sites that are not studied in this analysis (Dell Creek and Forest Park) have existing authorizations that expire in 2016.

Alkali Creek, Fish Creek, and Patrol Cabin feedgrounds are located within the Gros Ventre drainage northeast of the city of Jackson within the Jackson Elk Herd Unit. Daily feeding at the three feedgrounds started in the mid 1960's (WGFD 2007). Facilities and feeding areas at Alkali and Fish Creek are located on NFS lands. Patrol Cabin Feedground is operated on state-owned lands. Historically these feedgrounds were operated relatively independently of each other with little interchange of elk among the three feedgrounds. Feeding at Alkali Creek, Fish Creek, and Patrol Cabin prior to 1998 saw an average of 497, 764, and 490 elk at each feedground respectively. The average length of feeding was 98 days at Alkali and Fish Creek and 89 days at Patrol Cabin. Since that time, wolf activity has influenced elk distribution in the Gros Ventre, resulting in elk aggregating into one large group of up to 2,845 animals. These elk now typically congregate on one feedground, and move to another feedground in the drainage in response to wolf pressure. The Proposed Action includes an increase in authorized area on NFS lands at Fish Creek and Patrol Cabin (Coal Mine Draw and Yellow Jacket Flats additions) to accommodate the larger number of animals and decrease the density of animals on the feeding area.

Dog Creek (Prichard) Feedground is located south of Jackson in the Fall Creek Elk Herd Unit. The Dog Creek Feedground was established in 1951 on NFS lands. A 32-year average of 809 elk has been fed 425 tons of hay for 120 days at this site each winter. Dog Creek Feedground is located north of Highway 26, and the facilities are located within a Forest Service administrative area used for housing, the Cottonwood Work Station. There are two feeding areas at this feedground; one located on NFS lands around the administrative area, and the other is a pasture located on private land. The WGFC continues to work towards obtaining a long-term agreement with the private landowner, but has only been able to secure yearly leases to date. There have been years when the agreement with the private landowner was not secured and all winter elk management activities were conducted on NFS lands alone. Because of the inability to secure a long-term agreement with the landowner, the WGFC seeks to maintain the authorization to conduct winter elk management activities on NFS lands.

WYOMING FEEDGROUND LOCATIONS

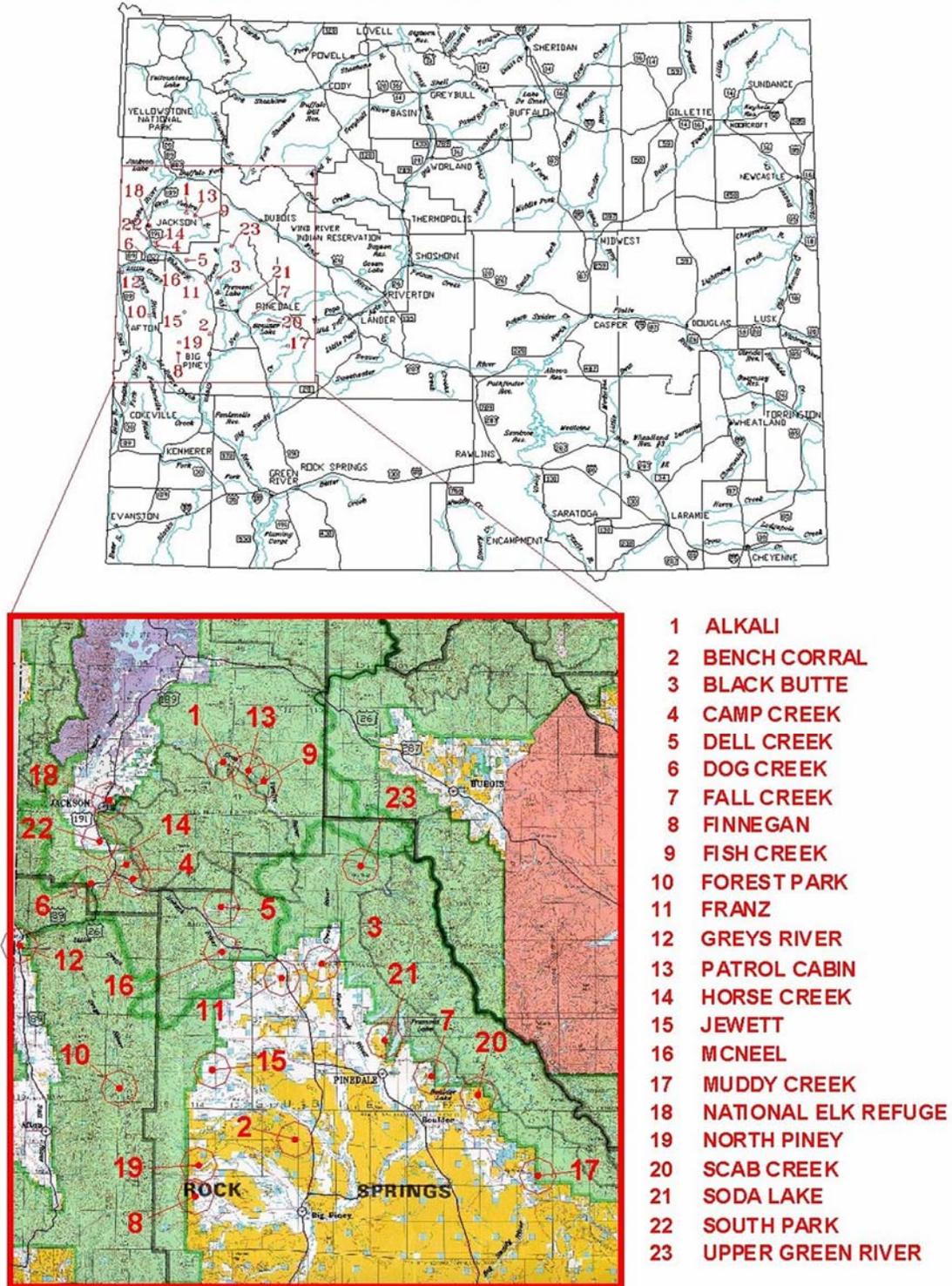


Figure 1. Elk Feedground Locations

Upper Green River Feedground is located northeast of Bondurant in the Upper Green River Elk Herd Unit. This feedground is managed to prevent starvation of elk in the Upper Green River drainage, and supplemental feeding has occurred here for approximately 75 years (WGFD 2006). A 32-year average of 508 elk has been fed 245 tons of hay for 118 days at this site each winter. All facilities and feeding areas are located on NFS lands, including a small cabin in which the feeder typically resides during winter. This feedground became supervised by the WGFD in the winter of 1961-62.

Muddy Creek and Fall Creek feedgrounds are located near Pinedale within the Pinedale Elk Herd Unit and both were initiated around 1951. The feeding area at the Fall Creek Feedground encompasses Bureau of Land Management (BLM), NFS, and State managed lands. No facilities are located on NFS lands. A 32-year average of 632 elk has been fed 312 tons of hay for 131 days at Fall Creek Feedground each winter.

At Muddy Creek Feedground, the feeding area and facilities are located on NFS lands. A 32-year average of 575 elk has been fed 323 tons of hay for 145 days each winter. During winter 2005-2006, a 5-year experimental pilot project was initiated at this site to measure the potential for reducing brucellosis exposure rates in elk. Trapped elk are tested for brucellosis and infected elk are removed. A large, portable elk trap was erected on NFS lands for this project and approximately 150 yards of Forest Service Road #869 is plowed to allow trucks and trailers into the feedground during winter months. Additionally, approximately 1/2 mile of elk fence was erected on NFS lands across Muddy Creek Canyon to prevent elk from moving onto private lands.

Decision

I have decided to authorize use of NFS land for WGFC elk management activities at the following locations:

Dog Creek
Fall Creek
Fish Creek
Muddy Creek
Upper Green River

I have decided to not authorize new use of NFS land for WGFC elk management activities at the Yellowjacket Flat addition to the State-owned Patrol Cabin Feedground. I am not making a decision at this time concerning continued use at the Alkali Creek Feedground nor new use at the Coal Mine Draw addition to the Patrol Cabin Feedground..

My decision is supported by the analysis documented in the *Final Environmental Impact Statement for Long Term Authorization for Wyoming Game and Fish Commission to Use National Forest System Land for their Winter Elk Management Activities* (FEIS). My decision is a modification of Alternative 3 described in that document. The acres and facilities that I have decided to authorize are displayed in comparison to the FEIS alternatives in Table 1 in this Record of Decision.

My decision means that a 20 year special use authorization will be issued to WGFC for use of NFS land at the approved locations to implement my decision. Authorization will not be granted

for use of NFS lands at Yellowjacket Flat. The existing authorization for use at Alkali Feedground allows for continued use by WGFC until its expiration on 12/31/2011. I expect to supplement the project record and make a decision concerning Alkali Creek Feedground before the existing authorization expires. I expect to make a decision concerning the Coal Mine Draw addition to the State-owned Patrol Cabin feedground at the same time as my Alkali Creek feedground decision.

At Dog Creek, Fall Creek, and Upper Green River Feedgrounds, the area that will be authorized is the same area that has been used in the recent past. At Fish Creek Feedground, I have decided to modify the eastern boundary so that it follows the western bank of the Gros Ventre River, as shown in Figure 2. At Muddy Creek Feedground I decided to authorize one more acre than has been used in the past to accommodate construction of a horse corral. The area that will be authorized for Dog Creek, Fall Creek, Muddy Creek, and Upper Green River Feedgrounds is displayed on pages 18 - 21 in the FEIS as Alternative 3. The area that will be authorized for Fish Creek Feedground is displayed in Figure 2.

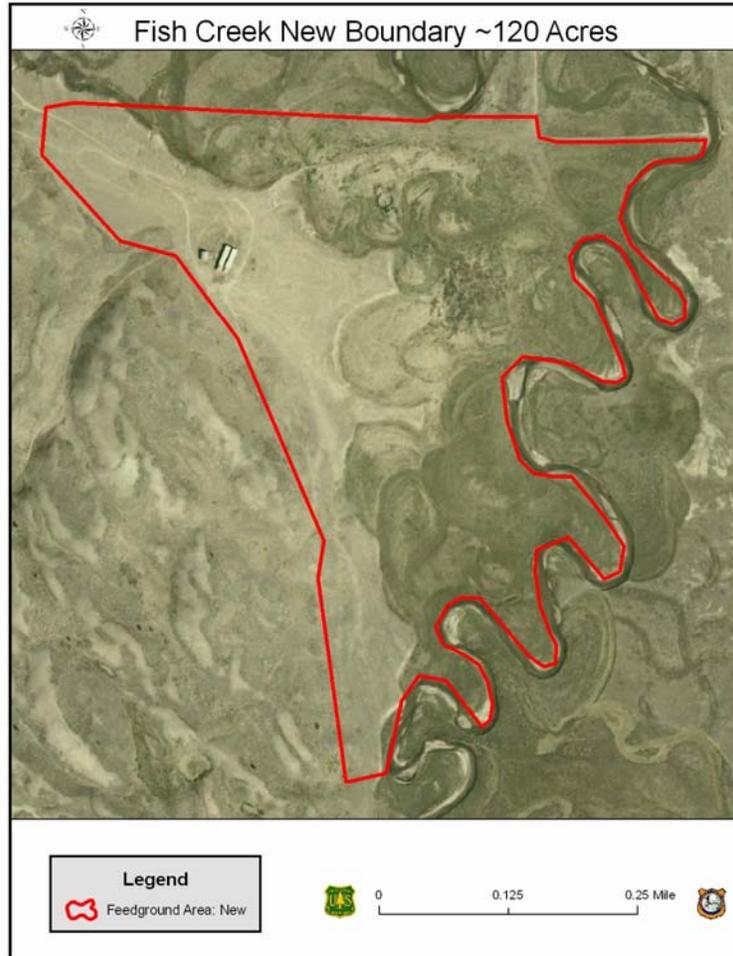


Figure 2. Fish Creek Feedground Boundary

Actions and mitigation measures included in my decision are:

1. All feedgrounds are within designated winter range; therefore public access is already restricted from December 1st through 8:00 a.m., May 1st of each year as displayed on the

winter travel maps. Motorized recreation use restrictions would be maintained on designated routes adjacent to and within permit areas.

2. WGFC employees and contractors may be permitted to have vehicular access behind locked gates on closed roads during the early and late season of the winter travel period when the roads are free of snow.
3. WGFC may be permitted to plow snow on roads to access feedgrounds used for testing and removal activities.
4. WGFC will use weed free hay to minimize the potential introduction of noxious weeds. The operation will comply with county ordinance where applicable.
5. WGFC will be responsible for monitoring and treating of noxious and invasive weeds within the permit area. In areas adjacent to the permitted area, the Forest Service will treat cheat grass invasions with herbicide and reseed areas with native grass adjacent to feedgrounds where cheat grass is prevalent. Monitoring will occur annually.
6. Forest Service monitoring of soil disturbance class, percent detrimental soil disturbance, and stream bank stability at each feedground will occur every 5 years.
7. WGFC will avoid using wetland areas when ever possible when the ground is not frozen. The use of the word “avoid” is deliberate. The Forest Service recognizes that there may be times when it is necessary to use these areas when they are not frozen. The primary goal is that the soil and vegetation in these areas not be damaged and that wildlife that depend on wetlands and streams not be harmed by winter elk management activities. The Forest Service and WGFD share this goal. The Forest Service expects the WGFC to exercise their best judgment when working around these sensitive habitats.
8. WGFC will avoid feeding in areas within 200 feet of perennial stream banks when ever possible, and especially in the early and late season of feeding when the ground is not frozen. Feeding operations will be conducted over frozen ground as much as possible to reduce the potential for soil compaction from tractors and hooved animals. See comment regarding “avoid” in #7 above.
9. The Forest Service and WGFC will reduce stream bank damage by identifying specific locations for stream crossings by tractors and horses with feeding equipment.

Reasons for my Decision

I considered WGFC’s proposal, the information presented in the FEIS, the documents incorporated by reference in the FEIS, the specialist’s reports, the public comment, and the agency response to public comment when making my decision. My decision meets the purpose and need by responding to the WGFC request to continue to use facilities on NFS lands to conduct their winter elk management activities. Under 36 CFR 251.50, an authorization is required for all uses of NFS lands.

This action is needed because the long term authorizations for four feedgrounds (Dog Creek, Fall Creek, Fish Creek, and Muddy Creek) have expired and I have been issuing annual authorizations for the past two years. The existing authorization for the Upper Green River Feedground has no expiration date, therefore it must be amended or reissued. The five feedgrounds included in my decision have existed for many years and the resource impacts are well established.

WGFC proposed an increase in authorized area at Patrol Cabin and Fish Creek Feedgrounds because wolf pressure has affected elk behavior at these feedgrounds and can cause the elk from the three Gros Ventre feedgrounds to congregate at one site. Higher density of elk can lead to

higher disease prevalence. I have reviewed the WGFC Brucellosis Management Action Plans and Chronic Wasting Disease Management Plan (FEIS, Appendix 2 and 3), and I support the actions described in those documents that are intended to reduce the potential for disease transmission. However, I decided not to authorize a larger area at this time because of the additional environmental effects to vegetation and wildlife habitat that would result from this proposed intensive use of NFS land. I decided not to authorize use at the Yellowjacket Flat addition to the State-owned Patrol Cabin Feedground because of the expected new impacts to soils and vegetation at that site and within the Gros Ventre Wilderness near the feedground. I did not make a decision concerning the Coal Mine Draw addition to the State-owned Patrol Cabin Feedground because I want to tie that decision to my future decision about the Alkali Feedground. I decided not to authorize a larger area at Fish Creek Feedground because of the potential effects to riparian soils, vegetation, and wildlife habitat.

WGFC proposed an increase in authorized area at Muddy Creek Feedground to construct a horse corral so that they can convert from tractor use to horse use for hauling feed. I decided to allow this increase in authorized area because it is a small amount of land and I want to support WGFC's desired method of feed transportation.

I reviewed the potential for soil compaction and erosion and find this disturbance is currently within Regional handbook guidelines (FSH 2509.18 – R4 Supplement 2003) (page 26, FEIS). I do not expect that continuation of feedground use at existing sites or expansion of feedground activities Muddy Creek will result in levels of disturbance above the handbook guidelines. I expect that the implementation of the mitigation measures 6, 7, 8, and 9 will further protect soils and the monitoring described will ensure that feedgrounds are adaptively managed. In contrast, I am concerned about the potential soil impacts at Yellow Jacket Flat, which contributed to my decision to not permit expansion of the State-owned Patrol Cabin Feedground into this area (page 33, FEIS).

I considered the current and expected future effects on vegetation, including the effects within Wilderness and Wilderness Study Areas located within one mile from the proposed authorized areas. In the case of Dog Creek Feedground, I decided that the benefits of allowing the State to use NFS lands to feed elk outweigh these vegetation effects. The feedground existed prior to the designation of the Palisades WSA, and continued use is not expected to create new impacts.

In contrast, the Yellowjacket Flat expansion for the State-owned Patrol Cabin Feedground would result in new impacts to the Gros Ventre Wilderness. Although I am not required to eliminate uses outside the Wilderness that affect primitive character inside the Wilderness, in this case I decided to do that. In addition to the vegetation species richness and diversity effects, authorized use has potential for introduction of noxious weeds into the adjacent wilderness despite the protection provided by mitigation measures #4 and #5. Wilderness character would also be affected by an unnatural concentration of elk and the visual impact of the vegetation damage – primarily the scarring of aspen tree bark and inhibition of aspen regeneration.

I need more information before I make a decision concerning Alkali Creek Feedground. Specifically, the Gros Ventre Wilderness boundary is immediately adjacent to the Feedground, but it has not been officially located by cadastral survey. I have directed the Jackson District Ranger to order a wilderness boundary survey and to cooperate with Wyoming Game and Fish Commission to perform a more detailed survey of vegetation effects inside the Wilderness

adjacent to the existing feedground. When the survey is accomplished and the vegetation information is considered and added to the project record, I will issue a decision concerning this feedground. I expect this to occur before the existing authorization expires on 12/31/2011.

I considered the effects to stream bank stability, stream channel function, surface water quality, and fish habitat from sediment and increased temperatures described in the FEIS on pages 45 through 69. With implementation of mitigation measures 6, 7, 8, and 9, I expect only minor impacts to these resources.

I considered the potential effects to all wildlife, as described in the FEIS on pages 69 through 89. I recognize that authorization of feedgrounds results in damage to some sagebrush and riparian habitats. This damage is most apparent on the immediate environs of the feedground, but is apparent in habitat up to one mile in circumference from the feedground in decreasing intensity with increasing distance. Wildlife that depend upon this habitat may be displaced from these areas. My decision to not allow expansion onto the Yellow Jacket Flats area was partially based on this impact.

I also recognize that the WGFC action of feeding elk results in the artificial concentration of elk during winter and early spring that increases risk of disease transmission (page 7, FEIS). The Forest Service is working in cooperation with WGFC and other federal agencies to support their brucellosis and other disease management efforts. It is the responsibility of the WGFC to manage wildlife populations, including studying and managing the potential for disease transmission and determining acceptable levels of disease prevalence and risk. I have reviewed the WGFC Brucellosis Management Action Plans and Chronic Wasting Disease Management Plan (FEIS, Appendix 2 and 3), in order to evaluate and disclose the potential effects of feedgrounds on disease transmission and prevalence. Feedgrounds on NFS lands reduce damage to haystack yards and winter pastures on private lands, maintain elk population numbers, and reduce commingling of elk and cattle for concerns of elk-to-cattle brucellosis transmission. Feedgrounds have been strategically placed near NFS land boundaries to effectively gather elk as they transition from summer ranges down to lower elevations. Use of NFS land allows for lower numbers of elk at some feedgrounds, a somewhat lower concentration of elk at some feedgrounds, and more effective management of elk movements to prevent commingling with livestock and damage to agricultural lands.

The decision whether or not to feed elk in the winter is a Wyoming Game and Fish Commission decision. I have the discretion to authorize or not authorize the use of NFS lands for this purpose. One of the Forest Plan goals is to help communities continue or gain greater prosperity by helping to re-establish historic elk migration routes to provide increased viewing and hunting opportunities for outfitters and clients (page 112, LRMP). I remain committed to this goal in the long term. Reestablishing historical elk migration routes will take the combined effort and cooperation of many state and local agencies as well as private organizations and citizens and in some cases may not be possible with the development pressure that has occurred since our Forest Plan was signed. I decided that continuing to authorize use of NFS land for feedgrounds while encouraging and supporting WGFC in exploration of alternative ways to manage elk populations in northwest Wyoming is the prudent course of action. Any alternatives to winter feeding such as development or improvement of winter range would take many years to accomplish, and would not eliminate the need for supplemental elk feeding in the short-term. This decision does

not foreclose the options for seeking long-term alternatives to winter feeding, and those efforts will continue.

Compliance with Applicable Laws

My decision is in compliance with the National Environmental Policy Act (PL 91-190). I considered all public comments on the DEIS regarding the analysis of potential environmental effects. I reviewed the scoping notice published in the Federal Register, the project record, the purpose and need for action, the list of issues, the range of alternatives, the quality of scientific analysis, and the projections made in the No Action Alternative. I find that the project analysis was performed according to NEPA and Forest Service handbook direction in FSH 1909.15.

My decision is in compliance with the Administrative Procedures Act (PL 89-554). I considered all public comments on the DEIS regarding the rationale for the decision, alternatives considered, and compliance with applicable laws. I reviewed the project record, including consideration of best available science, and determined that my decision is neither arbitrary nor capricious.

My decision is in compliance with the National Forest Management Act (PL 94-588). I considered the public comment that the DEIS violates NFMA because the effects of Alternative 2 and 3 on wildlife and vegetation are not in compliance with Forest Plan direction for DFC 6 (wilderness) and DFC 12 (Backcountry Big-Game Hunting, Dispersed Recreation, and Wildlife Security Areas). The area that will be authorized as the result of my decision is not located in wilderness; therefore Forest Plan direction for DFC 6 is not relevant. FSH 2320.3(5) states that buffer strips of undeveloped wildland should not be maintained outside of wilderness to provide an informal extension of wilderness. The description of the expected experience in DFC 6 and 12 is that “you will find big game habitat in less-than-best condition in some areas.....” (Page 242, LRMP). The management emphasis for DFC 12 is on providing such important habitat for big-game as feedgrounds (page 242, LRMP). The wildlife and fish prescription in DFC 12 states that habitat will be managed to help meet the game population objectives identified by WGFD and agreed to by the FS (page 243, LRMP). I find that my decision is in compliance with the Forest Plan and NFMA.

My decision is in compliance with the National Historic Preservation Act (PL 89-665). A cultural resource survey for each feedground has been performed and the report has been reviewed by the Wyoming State Historic Preservation Office. A determination of “no historic properties affected” has been made and no further survey or mitigation is required.

My decision is in compliance with the Endangered Species Act (PL 93-205). A Biological Evaluation was performed and is part of the wildlife specialist report. A Biological Assessment was prepared and signed and is available for review in the project record. A finding of “no effect” was made for Canada lynx.

My decision is in compliance with the National Wilderness System Preservation Act (PL 88-577). The area to be authorized is not within a designated wilderness. The Wilderness Act does not affect the jurisdiction or responsibilities of States with respect to wildlife and fish in the National Forests (Section 4(d) (7), Wilderness Act). FSH 2320.3(5) states that buffer strips of undeveloped wildland should not be maintained outside of wilderness to provide an informal extension of wilderness.

My decision is in compliance with the Wild and Scenic Rivers Act (PL 90-542). The WSR Act does not affect the jurisdiction or responsibilities of the States with respect to fish and wildlife (Section 13, WSR Act). The specialist report in the project record documents that the alternatives considered would not affect the eligibility determination for potential Wild and Scenic Rivers.

Alternatives Considered

Three alternatives, including the proposed action, were developed to address the Wyoming Game and Fish Commission's request for authorization to continue elk winter management activities that take place on National Forest System lands, which are discussed below. Alternative 1 was the environmentally preferred alternative.

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- **Alternative 1 – No Action - No Special Use Authorization:** This alternative would not permit the WGFC to conduct winter elk management activities on National Forest System lands and projects that elk winter management activities would be performed on other federal, state, or private lands.
- **Alternative 2 - No Change from Current Permitted Area:** This alternative would provide for reissuance of authorization for continuation of use of National Forest System lands for WGFC winter elk management activities under the same terms at the six locations where use occurred in the recent past: Alkali Creek, Dog Creek, Fall Creek, Fish Creek, Muddy Creek, and Upper Green River. A permit would not be issued for use of the Patrol Cabin area. This alternative would allow WGFC employees and contractors to plow snow and have vehicular access behind locked gates on roads to access feedgrounds. This alternative includes mitigation measures concerning noxious and invasive weeds prevention, monitoring, and treatment and soil disturbance and stream bank stability monitoring.
- **Alternative 3 - Proposed Action:** Under the Proposed Action Alternative, the Forest Service would authorize the long term special use of National Forest System lands for the WGFC's winter elk management activities at seven locations on the forest. The specific areas included in this action are: Alkali Creek, Dog Creek, Fall Creek, Fish Creek, Muddy Creek, Patrol Cabin, and Upper Green River. This alternative also allows expansion of the winter elk activities at Fish Creek and Muddy Creek. In addition to the snowplowing and vehicle access and mitigation measures described for Alternative 2, this alternative includes mitigation measures designed to protect wetlands, soils, and stream banks.

Table 1 displays a comparison of the three alternatives and the selected action. A more detailed comparison of these alternatives and summary of their effects can be found in the FEIS on pages 13 – 24.

Table 1. Alternative Comparison

| Acres | | | | |
|-------------------|------------------------------------|---|--|--|
| | Alt 1: No Authorization | Alt 2: No Change from Current Permitted Area | Alt 3: Proposed Action | Selected Action |
| Alkali Creek | 0 | 105 | 105 | No Decision |
| Dog Creek | 0 | 80 | 80 | 80 |
| Fall Creek | 0 | 54 | 54 | 54 |
| Fish Creek | 0 | 121 | 168 | 120 |
| Muddy Creek | 0 | 19 | 20 | 20 |
| Patrol Cabin | 0 | 0 | 88 | No Decision CMD 0 - YJF |
| Upper Green | 0 | 58 | 58 | 58 |
| Total | 0 acres | 437 acres | 573 acres | 332 acres |
| Facilities | | | | |
| | Alt 1: No Authorization | Alt 2: No Change from Current Permitted Area | Alt 3: Proposed Action | Selected Action |
| Alkali Creek | None Authorized | 1 haystack yard with 2 hay sheds, corrals, tack shed, elk trap, and water development | 1 haystack yard with 2 hay sheds, corrals, tack shed, elk trap, and water development | None Authorized |
| Dog Creek | None Authorized | 1 haystack yard with 2 hay sheds, corral and tack shed | 1 haystack yard with 2 hay sheds, corral and tack shed | 1 haystack yard with 2 hay sheds, corral and tack shed |
| Fall Creek | None Authorized | None Authorized | None Authorized | None Authorized |
| Fish Creek | None Authorized | 1 haystack yard with 2 hay sheds, metal Quonset, horse corral, tack shed, and elk trap, | 1 haystack yard with 2 hay sheds, metal Quonset, horse corral, tack shed, elk trap, and water facilities | 1 haystack yard with 2 hay sheds, metal Quonset, horse corral, tack shed, elk trap, and water facilities |
| Muddy Creek | None Authorized | 1 haystack yard with 2 hay sheds, a permanent elk trap, a portable elk trap, and 0.5 miles of elk proof fence | 1 haystack yard with 2 hay sheds, a permanent elk trap, a portable elk trap, 0.5 miles of elk proof fence, horse corral and water facilities | 1 haystack yard with 2 hay sheds, a permanent elk trap, a portable elk trap, 0.5 miles of elk proof fence, horse corral and water facilities |
| Patrol Cabin | None Authorized | None Authorized | 1 haystack yard with 2 hay sheds, horse corrals and water facilities | None Authorized |
| Upper Green | None Authorized | 3 haystack yards with 3 hay sheds, granary, tack shed, horse corral, elk trap, cabin & horse pasture | 3 haystack yards with 3 hay sheds, granary, tack shed, horse corral, elk trap, cabin & horse pasture | 3 haystack yards with 3 hay sheds, granary, tack shed, horse corral, elk trap, cabin & horse pasture |

Public Involvement

As described in the background, the need for this action arose when the existing permits neared their termination dates and when the WGFC proposed to expand the Patrol Cabin Feedground onto NFS lands in 2007. The Notice of Intent (NOI) to prepare an Environmental Impact Statement was published in the Federal Register on July 23, 2007. The NOI asked for public comment on the proposal from July 23, 2007 to September 17, 2007. In addition, as part of the public involvement process, the agency mailed a scoping letter describing the proposed actions and requesting comments to approximately 75 people and organizations on July 18, 2007. A news release was published in the Jackson Hole News & Guide on August 8, 2007, describing the proposed use and inviting public comment. Public meetings were held in Jackson, Wyoming on August 28, 2007 and Pinedale, Wyoming on September 4, 2007. The scoping letter, mailing list, comments received, and summary of comments are in the project file. A Draft EIS (DEIS) was prepared and distributed to the public. A Notice of Availability (NOA) for the DEIS was published in the Federal Register on March 21, 2008, and a legal notice of this availability was published in the Casper Star Tribune March 26, 2008. The DEIS was posted and was downloadable on the BTNF website, and hard copies were distributed upon request. Letters were sent to interested parties notifying them that the DEIS was available for review. The NOA informed the public that the review and comment period extended from 3/21/08 to 5/5/08. Public comment and the agency response to comment are documented in the project record.

Using comments from the public and other agencies, the interdisciplinary team identified the following significant issues regarding the effects of the proposed action that would drive the formulation of reasonable alternatives to the proposed action:

Issue #1. High concentrations of elk on the feedgrounds during certain soil conditions could cause soil compaction and/or increased erosion.

Issue #2. Use of the feedgrounds concentrates the elk, which could result in impacts to vegetation from browsing and trampling causing changes in vegetation type and condition, especially in sagebrush, aspen, and willow stands associated with riparian/wetlands. These vegetation impacts could affect wilderness qualities when feedgrounds are located near Wilderness and Wilderness Study Areas.

Issue #3. Use of the feedgrounds concentrates the elk, which could reduce stream bank stability and result in impacts to stream channel function. Surface water quality and fish habitat may also be affected by bank instability via sediment delivery and increased water temperatures.

Issue #4. Use of the feedgrounds could impact elk, wolves, scavengers, and wildlife species that utilize sagebrush and riparian habitat.

Other issues identified by the public and interdisciplinary team can be found in the FEIS on pages 9 through 11. The potential environmental effects associated with these issues were thoroughly analyzed and considered as discussed in the FEIS.

Findings Required by Other Laws and Regulations

My decision is consistent with the forest plan's long term goals and objectives listed on pages 112 to 121, LRMP. In particular, the pertinent Goals and Objectives include:

Goal 1.1 – Communities continue or gain greater prosperity

- Objective 1.1(g) – Help re-establish historic elk migration routes to provide increased viewing and hunting opportunities for outfitters and clients.
- Goal 1.3 – Water quantity and quality are retained or improved for local users.
- Objective 1.3(a) – Protect municipal, agricultural, and other potable water supplies and ensure that management activities do not cause deterioration in water flow timing, quality, or quantity.
- Objective 1.3(b) – Meet or exceed State water quality standards and National Forest Service water quality goals.
- Goal 2.1 – Adequate habitat for wildlife, fish, and edible vegetation to help meet human food needs is preserved.
- Objective 2.1(a) – Provide suitable and adequate habitat to support the game and fish populations established by the Wyoming Game and Fish Department, as agreed to by the Forest Service.
- Goal 2.3 – High quality dispersed recreation opportunities exist to serve Bridger-Teton National forest visitors
- Objective 2.3(a) – Retain, improve, and add dispersed recreation opportunities.
- Goal 3.2 – Recovery is achieved for the endangered species on the BTNF.
- Objective 3.2(a) – Cooperate with the WGFD and the USFWS to establish gray wolf in the Greater Yellowstone Area.
- Goal 3.3 – Sensitive Species are prevented from becoming a federally listed Threatened species in Wyoming.
- Objective 3.3(a) - Protect National Forest Service Intermountain Region Sensitive plant and animal species and provide suitable and adequate amounts of habitat to ensure that activities do not cause: (1) long-term or further decline in population numbers or habitats supporting these populations; and, (2) trends toward federal listing.
- Goal 4.6 – The wilderness character of congressionally designated Wildernesses is retained or regained.
- Objective 4.6(a) – Retain and, where necessary, restore high-quality wilderness environments.
- Goal 4.8 – Livestock operations are not disrupted needlessly.
- Objective 4.8(b) – Help control the spread of noxious weeds.
- Goal 4.9 – Cultural resource values are preserved.
- Objective 4.9(a) – Find and protect cultural resources so that their scientific, historic, and social values are retained.

The project was designed in conformance with forest plan standards and incorporates appropriate Forest Plan guidelines, including:

- **Forest-wide Fisheries and Wildlife Prescription** – The BTNF provides habitat adequate to meet the needs of dependent fish and wildlife populations, including those of Threatened, Endangered, and Sensitive species. (t)he Bridger-Teton participates in implementation of the gray wolf recovery plan..... (Page 123, LRMP).
- **Forest-wide Big Game Winter Range Standard** – human activity and disturbance in crucial big-game winter range will be restricted from November 15 to April 30 if big game are present in the area (page 124, LRMP).
- **Forest-wide Sensitive Species Management Standard** - ...Crucial habitats of priority I, II, and III species as listed by WGFC and the Intermountain Region Sensitive Species list will be protected and maintained....(page 126, LRMP).

- **Forest-wide Fish Habitat Management Guideline** – For fish habitat providing a fishery at or near its potential, fish populations should be maintained at existing levels. For habitat below its potential, habitat should be improved and maintained to at least 90 percent of its natural potential.... (Page 126, LRMP).
- **Forest-wide Stream bank Stability Guideline** – At least 90 percent of the natural bank stability of streams that support a fishery, particularly Threatened, Endangered and Sensitive species, and all trout species, should be maintained. Stream bank vegetation should be maintained to 80 percent of its potential natural condition or an HCI rating of 85 or greater. Stream bank stability vegetation and fish numbers and biomass should be managed by stream type (page 126, LRMP).
- **Forest-wide Stream bank Vegetation Standard** – Grass and shrub vegetation will be maintained within about 25 feet plus 2 to 4 feet for each 1 percent side slope adjacent to live streams (page 133, LRMP)
- **Forest-wide Water Quality Standard** – Forest Service or permitted activity or project will, at a minimum, adhere to state rules and regulations concerning surface and ground water quality. (page 136, LRMP)
- **Forest-wide Cultural Resources Coordination Standard** – Cultural resource surveys and reports will be provided for review by the Wyoming State Historic Preservation Office. (Page 142, LRMP).
- **DFC 3 Wild and Scenic Rivers Prescription** – River segments that have been found eligible for inclusion in the wild and Scenic River system are managed to protect or enhance their wild, scenic, and recreational values. (Page 174, LRMP).
- **DFC 3 and DFC 12 Fisheries and Wildlife Prescription** – Habitat is managed to help meet fish and game populations, harvest levels, success, and recreation-day objectives and to fully achieve fish and game population, harvest levels, success and recreation day objectives identified by the WGFD and agreed to by the Forest Service. (page 175, LRMP)
- **DFC 3 Diversity of Wildlife Habitat Guideline** – diverse wildlife habitat types should be maintained within each watershed. Sufficient habitat should be provided to maintain WGFD population objectives and distribution of native wildlife including non-game, small game, big-game, fish, threatened, endangered, and sensitive species (page 175, LRMP).
- **MA 46, 48, and 72 River Qualities Standard** – Along the Gros Ventre River, the Snake River, and the Upper Green river, the DFC 3 area will be managed to protect values that make it eligible for designation as a Scenic or Recreation river (page 273 and 287, LRMP).
- **MA 46 Visual Quality Standard** – the DFC 3 area along the Gros Ventre River will be managed under a Visual Quality Objective of Retention in all foreground areas relative to the river and the road (page 273, LRMP).

Implementation

Implementation Date

If no appeals are filed within the 45-day time period, implementation of the decision may occur on, but not before, 5 business days from the close of the appeal filing period. When appeals are filed, implementation may occur on, but not before, the 15th business day following the date of the last appeal disposition.

