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## DECISION MEMO

### Homestead Snowmobiling Special Use Permit

USDA Forest Service  
Uinta National Forest  
Pleasant Grove Ranger District  
Utah and Wasatch Counties, Utah

#### BACKGROUND

Homestead Snowmobiling is an outfitter and guide company whose sole purpose is to conduct guided snowmobile tours. Homestead Snowmobiling has had a series of one-year permits to conduct guided snowmobile tours on the Pleasant Grove Ranger District. During that time, Homestead Snowmobiling has been in full compliance with the terms and conditions of the special use authorization.

Homestead Snowmobiling tours have originated from either Snowbird (Mineral Basin) or Wasatch Mountain State Park. The permit allows for up to 3,000 service days (8 hours/day). Homestead Snowmobiles has not been using the full permitted amount of use. They have been aging about 1,700 guests per year starting from Mineral Basin, of which, 1,300 tours are less than half-day trips. The average use from Wasatch Mountain State Park has been about 900 guests per year, with about 600 of those tours half-day (or less) trips.

The guided tour travel routes on the Uinta National Forest have occurred on groomed snowmobile trails or snow-play areas designated as open for over-snow vehicles in the following areas:

T3S, R3E Sections 17, 16, 22, 27, 28, 33, 32, 12, 13, 14, 24, 25, and 26  
T4S, R3E Sections 5, 8, 7, and 6  
T4S, R2E Section 1  
T5S, R3E Sections 3, 4, 33, 28, 21, 22, 23, and 24

Road Segments within these townships, ranges, and sections include:

Forest Service Road (FS) 085 from Wasatch Mountain State Park north to Snake Creek, and west on FS 085 to American Fork Canyon, and then northwest on FS 007 to Mineral Basin. Also, southwest on FS 085 to Tibble Fork Reservoir, and northwest on FS 008 to Silver Lake Flat Reservoir.

On FS 114 (Cascade Scenic Drive) from Cascade Springs to the Alpine Scenic Highway (Highway 92) and southeast to the Uinta National Forest boundary at Mount Timpanogos Campground.

In the past, the special use permits for Homestead Snowmobiling have been issued under direction at Forest Service Handbook (FSH) 1909.15, Chapter 31.1, Categories for Which a Project or Case File and Decision Memo Are Not Required, 31.1b, Categories Established by the

Chief, item 8:

- “8. Approval, modification, or continuation of minor, short-term (one-year or less) special uses of National Forest System lands. Examples include but are not limited to:
- a. Approving, on an annual basis, the intermittent use and occupancy by a State-licensed outfitter or guide.”

In September 2003, a scoping letter containing information on renewal of this special use permit was sent to interested parties. At that time, we were scoping for another one-year permit. However, our long-term plan for this special use permit was to conduct an analysis for a five-year permit, as described in the following *Quarterly Schedule of Proposed Actions*: Winter 2004, Spring 2004, Summer 2004, Fall 2004, Winter 2005, Spring 2005, Summer 2005, Autumn 2005.

On July 6, 2004, a new category of projects categorically excluded from documentation, but for which a project or case file and decision memo are required, was approved through publication in the Federal Register (pp 40591-40597). This new category, #15, states in its entirety:

*15. Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization. (p 40597)*



Renewal of Homestead Snowmobiling’s special use permit falls within this category. The proposal is to issue a new permit for a term of five years.

## **DECISION**

I have decided to issue a new special use permit to Homestead Snowmobiling for a period of five years.

Homestead Snowmobiling will be allowed to conduct guided snowmobile tours on portions of the Pleasant Grove Ranger District from the middle of November to the end of March annually. The tours will begin from the base of the Mineral Basin chairlift on Snowbird Ski Resort land and Wasatch Mountain State Park Clubhouse on the same routes as previously permitted. The terms of permit will be the same as has been issued in the previous permit, allowing for 3,000 service days per year.

The following mitigation and management requirements will apply to the permit, in addition to applicable Uinta National Forest Land and Resource Management Plan standards and guidelines and other relevant direction:

Maintenance and refueling of the snowmobiles must be done off the national forest. As snowmobiles are replaced, new machines should be replaced with modified 2-stroke engines or 4-stroke engines to lower emissions.

## PURPOSE AND NEED

The purpose and need for the proposed action is to address over-the-snow recreation opportunities for residents and visitors to the area. This special use permit will be responsive to public demand for diverse winter recreation opportunities.

## PUBLIC INVOLVEMENT

On September 23, 2003, the Pleasant Grove Ranger District sent a letter to potentially interested parties that described the proposed action to issue a one-year permit to Homestead Snowmobiles. On June 30, 2005, the Pleasant Grove Ranger District sent out a letter to about 110 interested parties describing the proposed action to issue a five-year permit. In addition, a request for comments was published in the *Provo Daily Herald* on July 4, 2005. An additional request for comments was published in the *Provo Daily Herald* on October 19, 2005.

The proposed action was also listed in the Uinta National Forest's *Schedule of Proposed Actions* in the following editions: Winter 2004, Spring 2004, Summer 2004, Fall 2004, Winter 2005, Spring 2005, Summer 2005, and Autumn 2005.

 In response to these solicitations, the Forest received six responses. Based upon public comments and interdisciplinary team review, the following issues were identified:

1. How may Threatened, Endangered, Candidate or Sensitive species or Management Indicator Species be affected?  
*See the section "Categorically Excluding this Project" for a discussion on potential effects to these species.*
2. In light of ecosystem alterations caused by the 2003 Cascade II escaped prescribed fire, will this permitted activity further impact natural resources in the area?  
*Monitoring of the Cascade II fire has shown good vegetation recovery and very little sediment movement. The snowmobiles would stay on designated routes or designated snow-play areas covered by a base of at least 12 inches of snow. No concerns regarding this activity on natural resources in the area are anticipated.*
3. How may Inventoried Roadless Areas be affected by this proposal?  
*Portions of the designated snowmobile routes or snow-play areas occur in or near the Mill Canyon Peak, Twin Peaks, and Mountain Timpanogos inventoried roadless areas; however, impacts, such as noise and exhaust from the snowmobiles, are short-term and would not affect any future considerations of these areas for Wilderness.*
4. How may Congressionally designated Wilderness and Forest Plan proposed wilderness be affected?  
*Guided snowmobile tours on designated routes or designated snow-play areas should not affect existing Wilderness or areas proposed for Wilderness. By law, motorized equipment, such as snowmobiles, are not allowed in Wilderness. The use of*

*snowmobiles within areas proposed for Wilderness would not eliminate them from future Wilderness consideration.*

5. How may flood plains, wetlands, municipal watersheds or steep slopes of highly erosive soils be affected?

*The Forest Service hydrologist has determined that this project will not adversely affect floodplains, wetlands or municipal watersheds. Although these resources are present within the project area, requiring a snow base of at least 12 inches and restricting snowmobile travel to designated Forest Service winter travel routes and snow-play areas will minimize impacts to riparian areas, stream banks, water quality, and the surrounding watersheds.*

6. Will snowmobile travel off designated roads and trails be allowed under this permit?

*Snowmobiles are allowed off designated routes in areas designated as snow-play areas covered by a base of at least 12 inches of snow.*

7. Has the Forest Service monitored the applicant for compliance with the special use permit in the past?

*The Forest Service has monitored this applicant and conducted annual inspections during the years they have held a year-to-year permit. The applicant has been in full compliance with the terms and conditions of the special use authorization.*

8. Concerns with the Clean Water Act, Clean Air Act, and compliance with the Forest Plan should be analyzed and disclosed.

*Compliance with these acts and the Forest Plan are discussed in the section below "Findings Required by Other Laws."*

9. A reasonable limit to the number of individuals allowed on tours should be specified in the permit.

*The permit specifies the number of tours and number of guests per tour allowed under the permit. The permit allows for up to 3,000 service days (8 hours/day). Homestead Snowmobiles has not been using the full permitted amount of use.*

## **CATEGORICALLY EXCLUDING THIS PROJECT**

This action is categorically excluded from documentation in an environmental impact statement or an environmental assessment because the project is listed as one of the excluded categories in FSH 1909.15.

The Forest Service Handbook states that "a proposed action may be categorically excluded from documentation . . . only if the proposed action . . . is within a category listed in section 31.1 b or 31.2; and there are no extraordinary circumstances related to the proposed action" (FSH 1909.15, 30.3 (I)). This project falls within the categories of action described at FSH 1909.15, 31.2 (15), "Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization . . . "

There will be no changes to the authorized facilities or increases in the scope or intensity of the authorized activities from previous operations, and Homestead Snowmobiling has been in full compliance with the terms and conditions of the special use authorization.

FSH 1909.15, Section 30.3 (WO Interim 1909.15-2002-2) lists the following extraordinary circumstances:

**Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

The potential effects of the proposed action on species or critical habitat listed under the Endangered Species Act were reviewed and documented by a botanist, fisheries biologist, and wildlife biologist. It was determined that the proposed action would have “*No Effect*” on the following species listed under the Endangered Species Act or their critical habitat: Utah valvata snail (Endangered), June sucker (Endangered), bald eagle (Threatened), Western yellow-billed cuckoo (Candidate), Canada lynx (Threatened), Desert milkvetch (Threatened), clay phacelia (Endangered), Ute ladies’-tresses orchid (Threatened) and slender moonwort (Candidate).

The potential effects of the proposed action on species or habitat listed on the US Forest Service Intermountain Region sensitive species list were also reviewed and documented. “*No impacts*” are expected to the following sensitive species (some species are also Management Indicator Species [MIS] for the Uinta National Forest): Garrett bladderpod, Rockcress draba, Wasatch jamesia, Barneby woody aster, slender moonwort (also Candidate), dainty moonwort, Columbia spotted frog, peregrine falcon, greater sage-grouse, flammulated owl, spotted bat, Townsend’s big-eared bat, fisher, Bonneville cutthroat trout (MIS) or Colorado River cutthroat trout (MIS). The proposed action “*May Impact Individuals or Habitat, but Will Not Likely Contribute to a Trend Towards Federal Listing or Loss of Viability to the Population or Species*” for the following Management Indicator Species: northern goshawk and American three-toed woodpecker. The proposed action will not impact American beaver, also a Management Indicator Species.

**Floodplains, wetlands, or municipal watersheds.** The Forest Service hydrologist has determined that the proposed action will not adversely affect floodplains, wetlands or municipal watersheds. Although these resources are present within the project area, requiring a snow base of at least 12 inches and restricting snowmobile travel to designated Forest Service winter travel routes and snow-play areas will minimize impacts to riparian areas, stream banks, water quality, and the surrounding watersheds.

**Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas.** The project area is not located in, nor would the project have any negative direct, indirect, or cumulative impacts on, any congressionally designated areas.

**Inventoried roadless areas.** Portions of the designated snowmobile routes or snow-play areas occur in or near the Mill Canyon Peak, Twin Peaks, and Mountain Timpanogos inventoried roadless areas; however, impacts, such as noise and exhaust from the snowmobiles, are short-term and would not affect any future considerations of these areas for Wilderness.

**Research Natural Areas.** The project area is not located in, nor would it have any effects on, the



sole Research Natural Area located on the Forest on the Heber Ranger District.

**American Indian and Alaska Native religious or cultural sites.** The Forest Service archaeologist determined that reissuing a permit to Homestead Snowmobiling for continued operation of tours would not have the potential to affect any American Indian or Alaska Native religious or cultural sites located in the project area; therefore, there would be no impacts as a result of this project.

**Archeological sites or historic properties or areas.** The Forest Service archaeologist determined reissuing a permit to Homestead Snowmobiling for continued operation of tours would not have the potential to affect known archeological sites or historic properties or areas located in the project area; therefore, there would be no impacts as a result of this project.

## **FINDINGS REQUIRED BY OTHER LAWS**

This decision is consistent with the Uinta National Forest's 2003 Forest Plan as required by the National Forest Management Act. The areas containing the routes that will be available per the permit are located within management prescriptions 4.4 Dispersed Recreation, and 3.1 Aquatic, Terrestrial, and Hydrologic Resources management areas.

While there are floodplains, wetlands, or municipal watersheds within the project area, the Forest Service hydrologist has determined that the proposed action will not adversely affect floodplains, wetlands or municipal watersheds. Although these resources are present within the project area, requiring a snow base of at least 12 inches and restricting snowmobile travel to designated Forest Service winter travel routes and snow-play areas will minimize impacts to riparian areas, stream banks, water quality, and the surrounding watersheds. The decision is consistent with the Clean Water Act.

A Biological Assessment for the project determined that the proposed action would have “*No Effect*” on species listed or candidate species under the Endangered Species Act or their critical habitat. A Biological Evaluation was completed for Forest Service Sensitive Species. “*No impacts*” are expected to sensitive species, except northern goshawk and American three-toed woodpecker. The proposed action “*May Impact Individuals or Habitat, but Will Not Likely Contribute to a Trend Towards Federal Listing or Loss of Viability to the Population or Species*” for northern goshawk and American three-toed woodpecker. This decision is consistent with the Endangered Species Act.

No adverse impacts on birds are anticipated. This decision is consistent with the Migratory Bird Treaty Act. The activity will be taking place outside of critical breeding seasons for migratory birds.

No cultural resources will be affected by the project. The decision is consistent with the National Historic Preservation Act, the American Indian Religious Freedom Act, and the Native American Graves Protection and Repatriation Act.

In accordance with Executive Order 12898, this action will not result in any disproportionate impact to minority or low-income populations.

Implementation of this proposal is consistent with other Federal, State, and local laws for the protection of the environment.

**IMPLEMENTATION DATE**

This decision may be implemented immediately.

**ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

Pursuant to 36 CFR 2155.12(f) and *Earth Island Institute v. Ruthenbeck*, No. CIV F-03-386 JKS (E.D. Cal., October 19, 2005), this decision is not subject to appeal.

**CONTACT PERSON**

For further information about this decision or project, please contact Larry R. Velarde, Recreation Staff Officer, Pleasant Grove Ranger District, at 390 North 100 East, Pleasant Grove, Utah, 84062, or by phone at (801) 785-3563.

*/s/ Pamela J. Gardner*

November 18, 2005

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Pamela J. Gardner  
District Ranger  
Pleasant Grove Ranger District

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Date

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