DECISION NOTICE

AND

FINDING OF NO SIGNIFICANT IMPACT

JACKSON HOLE MOUNTAIN RESORT RECREATION ENHANCEMENTS PROJECT

USDA-Forest Service

Jackson Ranger District, Bridger-Teton National Forest,

Jackson, Wyoming

INTRODUCTION

This document details my decision regarding a proposal from Jackson Hole Mountain Resort (JHMR) to implement several recreation enhancements included in their Master Development Plan (MDP). In accordance with the National Environmental Policy Act (NEPA) and this agency's regulations on its implementation, the potential environmental impacts of this proposal were assessed and documented in an Environmental Assessment (EA) released concurrently with this decision. The EA is incorporated herein by reference.

BACKGROUND AND HISTORY

JHMR, located on the eastern flank of the Teton Range about 12 road miles northwest of Jackson, WY, operates under a special use permit (SUP) issued by the USDA-Forest Service (Forest Service) and administered by the Bridger-Teton National Forest (BTNF).

In August of 2014 the BTNF accepted a new MDP, updating the previous 2004 MDP. Acceptance of the MDP does not authorize implementation of the plan. Authorization occurs through a NEPA process for projects that are ripe for decision and capital investment within the next 3 to 5 years. In order to begin this process, JHMR submitted a proposal on October 8, 2014, to implement a selection of improvements from their accepted MDP, collectively referred to as the Recreation Enhancements Project.

DECISION

My decision is to authorize all projects under Alternative 2, the Proposed Action, as described in EA section 2.4 and shown on the attached map:

- Installation of the Sweetwater gondola using either Option 1 or Option 2 for the upper terminal site.
- Relocation of Eagle's Rest lift.
- Installation of a conveyor lift in the new Solitude beginner area.
- Remodeling and expansion of Casper restaurant.
- Construction of a storage facility in the existing outdoor storage area, east of St. Johns run.

- Addition of a Ski Patrol facility to the existing gondola storage building at the top of the Bridger gondola.
- Grading and widening of lower section of Ashley Ridge run.
- Grading of Upper Wide Open run to connect the lower run with the top terminal of the Teton lift.
- Clearing and grading of Solitude run.
- Initial glading of Washaki run, and eventual clearing and grading if needed.
- Glading and rock removal for Grizzly Glade run.
- Expansion of the snowmaking system to provide an additional 26 acres of coverage on Easy-Does-It, Wide Open, Ashley Ridge, and Solitude runs.
- Addition of five GazEx avalanche control system to cover slide paths in the Crags area.
- Addition of 5.7 miles of hiking trails and 7.9 miles of biking trails to the overall trail network.
- Installation of two Via Ferrata routes on cliffs on Rendezvous Mountain and four routes in the Casper Bowl area.
- Installation of a Zip-line between the Sweetwater gondola mid-station area and the existing Aerial Adventure Course.

As part of my decision I am going to approve either location for the Sweetwater gondola upper terminal. The EA analyzed both options and showed the benefits and costs of each. Option 1, near Casper restaurant, takes better advantage of the existing facilities and avoids dividing an intact forest stand. It could increase skier traffic in an already congested area, but I think that standard skier-traffic control practices will provide for adequate and safe circulation. Option 2, at the Crossing (also known as Croakie's Crossing, where Togwotee and Solitude traverses intersect), would alleviate the congestion around Casper restaurant but pass through a more forested alignment. In the final analysis, there are no significant environmental impacts associated with either location. The main differences are operational, and thus more a concern to the ski area than to the BTNF. Accordingly, I will allow JHMR to build the lift using either option to construct a single gondola.

The table below shows the projected disturbance associate with each project under the Selected Alternative.

As part of my decision, I am requiring all design criteria listed in EA section 2.5 to be incorporated in project design and implementation. This includes the best management practices (BMPs) for watershed protection listed in EA Appendix B. These design criteria are included as an attachment to this decision.

I am also requiring JHMR to continue working closely the BTNF permit administrator to monitor and evaluate project implementation and mitigation effectiveness. This is an ongoing aspect of the BTNF's administration of the special use permit. Beyond that, we undertake the Forest Service's National BMP Monitoring program, providing a more structured format for monitoring and reporting.

During the course of this analysis, we identified a relatively pristine alpine plant community on the eastern edge of Cody Bowl. The site contains a suite of unusual and rare alpine plants that occur elsewhere in the permit area but generally not in such an intact, undisturbed community. I have made the administrative decision to protect this community from future development-related disturbance. This protection will be documented in an amendment to JHMR's Vegetation Management Plan.

Disturbance types and acres disturbed under the Selected Alternative.					
	Disturbance Category and Acres Disturbed[1]				
Project Name	**Glading**	**Clearing**	**Grading**	**Excavation**	**Project Total**
Sweetwater Gondola (Option 1)	--	4.7	0.5	2.1	7.3
Sweetwater Gondola (Option 2)	--	5.2	--	2.2	7.4
Eagle's Rest Lift	--	1.5	1.7	1.0	4.2
Solitude Conveyor	--	--	3.5	--	3.5
Casper Restaurant	--	--	--	0.9	0.9
Storage Facility	--	--	--	0.5	0.5
Ski Patrol Station	--	--	--	0.3	0.3
Ashley Ridge Run	--	--	11.8	--	11.8
Wide Open Run	--	--	4.2	--	4.2
Washakie Run	--	--	7.8	--	7.8
Grizzly Glade Run	4.0	--	--	--	4.0
Solitude Run	--	--	8.0	--	8.0
Snowmaking System Expansion	--	--	--	4.3	4.3
GazEx System Expansion	--	--	--	0.1	0.1
Hiking/Biking Trail Network	--	--	10.7	--	10.7
Via Ferrata	--	--	0.5	--	0.5
Zip-line Reconfiguration	--	0.3	--	0.6	0.9
Total Disturbance under Option 1					69.0
Total Disturbance under Option 2					69.1

[1]Acreages include a disturbance buffer; the amount of actual ground disturbance may be less than the buffered distance. Areas of overlap, such as where the disturbance buffers for two different projects coincide, have only been counted one time. Disturbance acres have been rounded to the nearest tenth acre.

DECISION RATIONALE

My decision is based on the analysis in the EA and supporting project record, which documents a thorough review of relevant information, consideration of divergent views, and acknowledgement of any incomplete or unavailable information. The analysis identifies the techniques and methodology used, considers current and accurate science, and references cited scientific resources. The analyses include a summary of the credible evidence relevant to evaluating reasonably foreseeable impacts.

Within that framework, my decision focused on two factors: how well the alternatives (1) met the purpose and need for action and (2) addressed the main environmental issues identified through scoping, comment on the proposed action, and internal, interdisciplinary review.

Purpose and Need

As indicated in EA section 1.4, the purposes to be achieved through the proposed action are:

- To provide new and innovative forms of year-round outdoor recreation on National Forest System (NFS) lands for residents and visitors to the Jackson Hole valley.
- To utilize existing resort infrastructure as the hub for new services and recreational activities.
- To capitalize on the established relationship between the BTNF and JHMR that connects visitors with the natural environment and supports the quality of life and the economy of the local community.

The needs that must be resolved in order to achieve these purposes include:

1. Developing appropriate facilities and terrain for first-time and beginner skiers.
2. Providing more intermediate-level terrain, offsetting as feasible JHMR's skewed distribution toward advanced terrain.
3. Increasing snowmaking coverage to allow more reliable and earlier opening of the ski area and to maintain snow quality in high-use areas.
4. Making more runs groomable to improve the accessibility of terrain.
5. Increasing out-of-base lift capacity, so skiers can get on the mountain without the current, long waits in lift lines on busy days.
6. Offsetting the deficit in on-mountain food-service seating and basic skier services.
7. Meeting expressed demand for more hiking and mountain biking trails, particularly lift-served trails.
8. Providing opportunities for adventurous but less skill-demanding activities for winter and summer visitors.
9. Improving avalanche safety for visitors and ski area personnel.

The three elements of purpose weighed strongly in my decision. Ski areas provide an opportunity for the public to connect with their National Forests year round, and the Selected Alternative provides enhanced winter and summer opportunities. Concentrating recreational use such as skiing and downhill mountain biking makes them more accessible and affords the Forest the opportunity to meet public demands while avoiding unnecessary sprawl into backcountry areas that provide critical wildlife habitat and undisturbed watersheds. Wider, year-round accessibility to these enhanced opportunities contributes to the quality of life we enjoy and supports local economies.

In terms of meeting the first need, I think that relocating Eagle's Rest lift, developing the Solitude conveyor and surrounding terrain, and providing access to the area via the Sweetwater gondola mid-way station will greatly improve opportunities for first-time and beginner skiers. It will also allow JHMR to shift ski school activities for these entry-level skiers out of the congested base area.

I think that needs 2 through 4 comprise a package intended to make more of the mountain accessible to skiers who are not experts. Development of Solitude run, realignment and improvement of Ashley Ridge, grading of Upper Wide Open, and providing snowmaking cover on these runs and on Easy-Does-It, will provide increased opportunities for mid-level skiers while maintaining an ample amount of the advanced and expert terrain that JHMR is famous for. The grading also reduces the need for snowmaking and associated infrastructure.

Regarding need 5, JHMR's limited out-of-base capacity is a well-known constraint. Construction of the Sweetwater gondola, with a capacity of 2,000 skiers per hour, will significantly reduce wait times for the Tram and Bridger gondola and allow faster, more efficient distribution of skiers on the mountain.

JHMR has also faced an on-going limitation in the amount of food and other skier services available on the mountain. Expansion of Casper restaurant and, in terms of medical and emergency services, adding the new Ski Patrol facility at the top of Bridger gondola, will help alleviate this key deficit.

The Selected Alternative will increase JHMR's hiking trail system by over 40 percent and their mountain biking trail system by almost 160 percent. This will effectively address need 7 and substantially enhance summer recreational opportunities.

In terms of need 8, the zip-line realignment, in conjunction with the previously approved drop tower and ropes course, will round out a summer adventure package that is readily accessible from Teton Village. The Via Ferrata routes will allow resort visitors to experience the thrill of mountain climbing safely and without the need for specialized skills and equipment.

As to the final need listed, need 9, the addition of GazEx installations in the Crags area will provide more reliable avalanche protection to the public as well as putting JHMR's snow safety personnel at less risk since it is remotely controlled. It will also replace the use of military artillery to control the Crags area, which has its own inherent safety concerns.

Overall, I believe the Selected Alternative effectively addresses the stated purpose and need for action. It is also consistent with regional and national policies regarding ski area development.

Main Environmental Issues

The other major factor in reaching my decision was how effectively the alternatives addressed the main environmental concerns raised during scoping and internal, interdisciplinary review. For this project, scoping and comment on the proposed action occurred at the same time, as discussed in more detail below under Public Input. Comments from the public and other agencies identifying environmental issues were included in our internal review process to determine the scope of the analysis. Concerns associated with six resource areas were identified through this process and were analyzed in detail in the EA.

A number of other concerns raised during scoping and internal, interdisciplinary review were not carried into detailed analysis for various reasons. Growth-related concerns were not analyzed in depth because JHMR's 2014 MPD maintains the same capacity – 7,690 skiers at one time – that was established in the 1996 EIS and has been maintained since. Impacts on fisheries were not addressed because on-mountain streams support no fish, and sediment-control measures are in place to avoid water quality effects on Fish Creek, the receiving water. Heritage resources were not addressed because, based on our preliminary review of the situation, the Wyoming State Historic Preservation Office concurred with our determination that no historic properties were present or would be affected. Concern over increased use of Granite Canyon was not analyzed because the previously authorized Teton lift accounts for most of this potential, and this issue has been analyzed in depth before. JHMR, the Forest, and Grand Teton National Park are engaged on an ongoing basis in management of Park use by JHMR skiers. Finally, the question of whether the mountain bike trails included in the proposed action would meet the needs of the local biking community was not addressed. Jackson Ranger District's Summer Non-Motorized Trail Assessment, identifies JHMR as an area to manage for relatively high trail densities and cites considerable desire from the cross-country and downhill mountain biking communities for additional trails in the Jackson Hole area. (See EA section 1.7.2.)

I find that the EA adequately addressed all specific environmental issues relating to each of these resources. Chapter 3 of the EA documented that no significant impacts (as defined under NEPA; see Finding of No Significant Impact below) would occur on any of the resources of concern if the Selected Alternative were implemented as described in the EA.

In regard to these specific resources of concern, based on the analysis found in the EA I have concluded that, with required design criteria and BMPs in place:

- The risk of erosion and sedimentation would be low and no appreciable water quality impacts on streams in the project area will occur. This is largely due to the successful disturbed site restoration program that JHMR has developed in conjunction with the BTNF over the years. Maintaining that successful program is a condition of this authorization.
- Impacts on wetlands and stream channels will be minimized by BMPs that maintain proper functioning of wetlands and channel stability. Any unavoidable impacts on wetlands and riparian areas will be mitigated in accordance with U.S. Army Corps of Engineers permitting under Section 404 of the Clean Water Act.
- There will be no impacts on threatened or endangered plant species and only minor impacts on some Forest Service sensitive, management indicator species (MIS), or Wyoming Species of Concern or Potential Concern plant species.
- Any impacts on threatened, endangered, Forest Service sensitive, birds of conservation concern, and MIS wildlife species will be negligible and consistent with the regulatory and management direction applicable to each of those classes of wildlife. This is due in large part to the previously disturbed nature of habitat within the permit area and the high level of ongoing human activity.
- Impacts on scenic resources will be consistent with the existing viewscape and with the visual quality objectives assigned to the permit area in the Forest Plan.
- No significant skier circulation issues are anticipated due to development of the Sweetwater gondola upper terminal. Option 1 could increase crowding around Casper restaurant, but standard skier-traffic management practices will provide for skier safety. Option 2 would not adversely affect skier circulation or safety on Togwotee or Solitude traverse and would alleviate crowding adjacent to Casper restaurant.
- The safety of recreationists using the Via Ferrata and the hiking and biking trail systems will not be compromised. Standard design, maintenance, and management protocols for both the Via Ferrata and the trail systems will provide for user safety.

OTHER ALTERNATIVES CONSIDERED

As discussed in EA section 2.2, one alternative other than the Selected Alternative was analyzed in depth, the No-Action Alternative.

No-Action Alternative

Analysis of the no-action scenario provides a baseline for assessing the impacts of the Proposed Action. In this case the No-Action Alternative included previously authorized projects from the 1996 and 2000 NEPA reviews. Given the time that has passed since these projects were authorized, some additional analysis and public scoping would be required (in addition to what was provided in this EA) before these projects can be authorized and implemented (see EA section 2.2). These projects include:

- Completion of Casper Traverse.
- Placing fill in the bottom of lower Sundance Gully.
- Clearing and grading of a new ski run, Eagle's Rest Cutoff.
- Construction of Upper Apres Vous traverse.
- Completion of the halfpipe.
- Additional hiking and biking trails.

EA Chapter 3 summarizes the environmental effects of these projects from their respective initial analyses then updates the analysis as appropriate based on any changes in project plans and on current conditions.

The No-Action Alternative was not selected because it does not address the stated purpose and need for action. While it included some efforts to make terrain accessible to less advanced skiers (needs 2 – 4) and provides some additional hiking and biking trails (need 7), it did nothing to increase opportunities for first time and beginner skiers (need 1), to increase out-of-base capacity (need 5), to offset deficits in on-mountain food and other skier services (need 6), to provide less demanding winter and summer activities (need 8), or to increase avalanche safety (need 9).

PUBLIC INVOLVEMENT

In December 2014, the BTNF issued a public scoping notice summarizing JHMR's proposed Recreation Enhancements Project (the Proposed Action) and inviting comments regarding the scope of the associated NEPA review. A public scoping notice was mailed to 415 agencies, organizations, and individuals with an interest in such projects. The notice was also posted on the BTNF website at http://www.fs.usda.gov/goto/btnf/projects and made available on CD or in hard-copy form to anyone requesting it.

In addition to meeting NEPA's scoping requirements, this effort also met the agency's obligations regarding public notice and comment on a proposed action, per the Forest Service's project-level pre-decisional administrative review process (36 CFR 218, Subpart B).

The comment period formally began on January 11, 2015, when the BTNF's Legal Notice of Comment Period was published in the *Casper Star Tribune* (Newspaper of Record), and closed on February 10, 2015. Comment letters were received from one agency, one organization, and three individuals. Three additional comment letters were received after the close of the comment period, but were still fully considered in the analyses and in my decision. The scoping notice and comment letters are included in the Administrative Record, as is a *Scoping Report and Response to Comment on the Proposed Action: Jackson Hole Mountain Resort Recreation Enhancements Project*. This report identifies commenters, comments received, and the disposition of those comments. The results are summarized in EA Chapter 4.

Some of the concerns raised during scoping did not affect the scope of the analysis. They were considered in our interdisciplinary review but not carried into detailed analysis for reasons outlined above under Main Environmental Issues.

FINDING OF NO SIGNIFICANT IMPACT

As the responsible official, I am evaluating the effects of the Selected Alternative relative to the definition of significance established by the Council on Environmental Quality Regulations (40 CFR 1508.13). I have reviewed and considered the EA and documentation included in the project record, and I have determined that the Selected Alternative will not have a significant effect on the quality of the human environment. As a result, no environmental impact statement will be prepared. My rationale for this finding is as follows, organized according to the CEQ definition of significance cited above.

Context

The Selected Alternative would implement project activities that are of limited scope, affecting only the immediate area around the proposed project sites. Some effects (i.e., visual impacts and some wildlife impacts) extend beyond the JHMR permit area, but only to a distance of a few miles. Construction of the authorized infrastructure would be completed within a short timeframe, but its use would extend into the foreseeable future.

Intensity

Intensity is a measure of the severity, extent, or quantity of effects, based on information from the effects analysis of this EA and the references in the project record. The effects of this project have been appropriately and thoroughly considered in an analysis that is responsive to concerns and issues raised by the public and our interdisciplinary team. The agency has taken a hard look at the environmental effects

using relevant scientific information and knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the context of the project and intensity of effects using the 10 factors identified in 40 CFR 1508.27(b).

1. **Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.**

   Some effects associated with the Selected Alternative are adverse but not significant. My decision that these impacts are not significant is not biased or offset by the minor beneficial effects of some of the elements of the Selected Alternative.

2. **The degree to which the proposed action affects public health or safety.**

   There will be no significant effects on public health and safety as a result of this project because, as noted above, design, maintenance, and management protocols will provide for the safety of Via Ferrata and bike trail users (see EA section 3.10).

3. **Unique characteristics of the geographic area such as the proximity to historical or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.**

   Direct effects on historic or cultural resources are discussed below under point 8. No such resources have been identified in the Selected Alternative's area of potential effect. The JHMR permit area is adjacent to Grand Teton National Park, and a comment on the proposed action raised the issue of increased access to the Park. As indicated in our response to comments (see EA Chapter 4), the issue of skiers accessing Granite Canyon and other terrain in the Park is complex and has been analyzed and discussed in detail over time. JHMR and the BTNF work on an ongoing basis with the Park to develop and implement effective boundary management procedures. While the previously authorized Teton lift will likely increase use of Park terrain by JHMR skiers, the Selected Alternative will not contribute to this effect. No other impacts described in the EA have the potential to impact the Park or other unique characteristics of the geographic area.

4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.**

   There is no known scientific controversy over the impacts of this project and, based on the results of scoping and comment on the proposed action, there is little public controversy regarding it.

5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.**

   All elements of the Selected Alternative are common for ski resorts across the country, and similar actions have already been implemented at JHMR. The one exception is the Via Ferrata, and I believe the impacts described in the EA for this project are reasonable and do not constitute highly uncertain, unique, or unknown risks.

6. **The degree to which the action may establish precedent for future actions with significant effects or represents a decision in principle about a future consideration.**

   All elements of the Selected Alternative are common for ski resorts across the country, and similar actions have already been implemented at JHMR. The one

exception is the Via Ferrata, which is likely the first such system on National Forest lands. My staff have consulted appropriate winter sports specialists at both the Regional and Washington Office level, and the advice we have received is that even though not listed by name in the Ski Area Recreational Opportunity Enhancement Act of 2011, this installation falls in the category of a ropes course, which is listed. The Via Ferrata will not result in significant effects as long as reasonable measures are taken to avoid them (e.g., placing Via Ferrata routes away from sensitive wildlife or plant areas, and ensuring routes are professionally installed, maintained, and managed). Currently illegal installations are occurring on National Forest lands in other areas, and to install a system under permit would insure that the system was designed and installed professionally. My decision is specific to this particular site only and does not represent a precedent about any future consideration.

7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts**

   An analysis of cumulative effects was conducted for each resource area of concern, and no significant cumulative effects were identified, as disclosed in the EA (Chapter 3).

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.**

   As discussed in EA section 1.7.2, the Wyoming State Historic Preservation Office has concurred with our determination that no historic properties would be affected by the Selected Alternative. Their concurrence letter was issued May 18, 2015. The Selected Alternative will have no impacts on any of the other listed resources.

9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

   No federally listed plants are known to occur in the permit area, but some listed wildlife species could potentially be affected. A Biological Assessment completed for this project reached the following determinations for the Selected Alternative:

   - No effect on the threatened yellow-billed cuckoo.
   - Not likely to jeopardize the continued existence of the area's nonessential experimental population of the endangered gray wolf.
   - May affect, but is unlikely to adversely affect, either the threatened Canada lynx or the threatened grizzly bear.
   - No effect on designated Canada lynx critical habitat.

   The Biological Assessment documenting these determinations and the background for making them was submitted to the U.S. Fish and Wildlife Service (FWS), and their letter of concurrence was issued June 17, 2015.

10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.**

No such laws or requirements will be violated by the Selected Alternative (see following section). Required approvals from other local, State, and Federal regulatory agencies will be obtained prior to implementing the authorized projects.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The Selected Alternative meets requirements for all applicable laws and regulations, including the following:

Endangered Species Act: All impacts on endangered and threatened species were determined to be insignificant and discountable. A Biological Assessment documenting this determination and the background for making it was submitted to the FWS and a letter of concurrence was received on June 17, 2015 (EA section 3.6).

Clean Water Act: My decision is in compliance with the Clean Water Act, as outlined in the EA (section 3.4).

Safe Drinking Water Act: My decision will have no effect on drinking water resources.

Persons with Physical Challenges: With the required design criteria in place, including item 33 in EA section 2.5, my decision will maintain accessibility for persons with physical challenges at JHMR.

Executive Orders 11988 and 11990 – Protection of Floodplains and Wetlands: Wetlands occur in the project area and will be subject to minor, adverse effects as a result of the Selected Alternative. The EA's analysis is conservative, and I believe that JHMR's standard approach to actual construction planning and implementation will avoid many of the potential impacts. Prior to initiating any project that would unavoidably affect waters of the U.S., including wetlands and stream channels, JHMR would be required to secure permitting required under Section 404 of the Clean Water Act. That permitting would entail a plan detailing how JHMR would mitigate impacts. Options include impact avoidance, impact reduction, impact mitigation (i.e., establishment, re-establishment, enhancement, rehabilitation, or preservation of Waters of the U.S.), purchase of mitigation credits from an existing mitigation bank, or participation in an in-lieu fee program Collectively, these actions will ensure compliance with these Executive Orders (see EA section 3.4).

Executive Order 13186 – Protection of Migratory Birds: My decision will have no substantial impacts on migratory birds, as documented in the EA (section 3.6).

Executive Order 12898 – Environmental Justice: The Selected Alternative will not have a disproportionately high or adverse effect on minority or low-income populations. My decision will have no effect relevant to this Executive Order.

Prime Farmland, Rangeland, and Forest Land: The Selected Alternative does not include any use of prime farmland or rangelands, and the term "prime forest land" does not apply to National Forest System lands. Under the Selected Alternative, National Forest System lands would be managed with sensitivity to the effects on neighboring lands. My decision would have no effect on prime farmland, rangeland, or forest land.

OPPORTUNITY TO OBJECT

This draft decision is subject to the objection process pursuant to 36 CFR 218 subparts A and B. Objections will be accepted only from persons who have previously submitted specific written comments regarding the proposed project, either during scoping or during other designated opportunities for public comment (36 CFR 218.5). Issues raised in objections must be based on previously submitted, timely,

specific written comments regarding the proposed project, unless based on new information arising after designated opportunities.

Individual members of organizations must have submitted their own comments to meet the requirements of eligibility as an individual; objections received on behalf of an organization are considered as those of the organization only. If an objection is submitted on behalf of a number of individuals or organizations, each individual or organization listed must meet the eligibility requirement of having previously submitted comments on the project (36 CFR 219.7). Names and addresses of objectors will become part of the public record.

Incorporation of documents by references in an objection is permitted only as provided for by 36 CFR 218.8(b). Minimum content requirements of an objection are identified in 36 CFR 218.8(d) and include:

- Objector's name and address with a telephone number if available, with signature or other verification of authorship supplied upon request.
- Identification of the lead objector when multiple names are listed, along with verification upon request.
- Name of project, name and title of the responsible official, National Forest/Ranger District of the project.
- Sufficient narrative description of those aspects of the proposed decision objected to, specific issues related to the project, how environmental law, regulation, or policy would be violated, and suggested remedies which would resolve the objection.
- Statement demonstrating the connection between prior specific written comments on this project and the content of the objection, unless the objection issues arose after the designated opportunities for comment.

Written objections, including any attachments, must be sent via regular mail, fax, email, hand-delivery, or express delivery within 45 days following the publication date of the legal notice in the *Casper Star Tribune* to: Objection Reviewing Officer, USDA-Forest Service Intermountain Region, 324 25th Street Ogden, UT 84401 (36 CFR 218.7).

The business hours for those submitting hand-delivered objections are: 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays. Electronic objections must be submitted in one of the following formats: an email message, pdf, plan text (.txt), rich text format (.rtf), or Word (.doc or .docx) to: objection-intermtn-regional-office@fs.fed.us. Faxed objections should be sent to (801) 625-5277. Objectors are responsible for ensuring that their objection is received in a timely manner (36 CFR 218.9).

The publication date in the *Casper Star-Tribune*, which is the newspaper of record, is the exclusive means for calculating the time to file an objection to this draft decision. Persons wishing to object to this draft decision should not rely upon dates or timeframe information provide by any other source. Extensions of the objection period are not permitted (36 CFR 218.9).

When the objection filing period has ended and responses have been made to all objections by the reviewing officer, the responsible official may make a final decision on the proposed project. The reviewing officer will issue a written response to objectors within 45 days following the end of this objection-filing period (this period may be extended by the reviewing officer up to 30 days; 36 CFR 218.26).

IMPLEMENTATION

If no objection is filed, a final decision can be made on, but not before, the 5th business day following the end of the objection-filing period (36 CFR 218.12[c][2]). Implementation may begin immediately after the final decision is signed.

If an objection is filed, a 45-day objection resolution period will begin, and a final decision will be issued at the end of that period. The objection reviewing officer may authorize a 30-day extension. A decision may be signed once all concerns and recommendations of the objection reviewing officer have been addressed (36 CFR 218.12[2]). Implementation may begin immediately after the decision is signed.

CONTACT

For additional information about this decision, contact Raymond Spencer, Jackson Ranger District, PO Box 1689, Jackson, WY 83001, (307) 739-5415, or rspencer01@fs.fed.us.

8/31/15

Patricia M. O'Connor — Date

Bridger-Teton Forest Supervisor

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DESIGN CRITERIA

Implementation of the following design criteria, presented in EA section 2.5, is required as a condition of this decision.

Erosion Control

1. Disturbed site rehabilitation at JHMR is conducted in accordance with the resort's *Storm Water Pollution Prevention Plan* (SWPPP; JHMR 2011), which was prepared and is implemented as a condition of completing development projects at the resort under the Wyoming Pollutant Discharge Elimination System General Permit. The SWPPP, updated annually to address projects slated for implementation that year, includes: appropriate best management practices (BMPs) for erosion control, sediment control, and site stabilization; operational controls; and provisions for maintenance and inspection.
2. As stated in the SWPPP, JHMR will implement any additional BMPs required by the BTNF, including ski area BMPs from *National Best Management Practices for Water-Quality Management on National Forest System Lands. Volume 1: National Core BMP Technical Guide* (Forest Service 2012a). Pertinent watershed BMPs are listed in EA Appendix B.

Hiking and Biking Trail Systems

3. All applicable Forest Service standards for trail construction will be met with respect to grade, water crossings, wetland avoidance, drainage dips and grade reversals, and turn radius.
4. All trails will be designed to avoid the cutting of trees with a diameter at breast height (dbh) greater than 3 inches to reduce impacts on upland forest. Trails will be routed around large trees and, where possible, around the roots of large trees to prevent root damage.
5. A review of proposed hazard tree or down wood removal along the trails will be conducted by JHMR and the Forest Service Permit Administrator prior to implementation. Hazard trees that must be felled will remain on site for habitat purposes, where this is consistent with safety and fuel management objectives.
6. Trail corridors will be grubbed (cleared of organic materials) so the trail surface to consists solely of quality mineral soil. Grubbed organic material will be used to re-vegetate off-trail disturbed areas.
7. If any populations of special-status plant species or cultural resources are encountered during the construction process, work will be suspended in that area until the Forest Service Permit Administrator is consulted and a resolution determined.
8. Culverts a minimum of 12 inches in diameter or bridges will be used to cross channels where seasonal flow is expected. In crossing any channels where water is not expected but possible, culverts a minimum 6 inches in diameter will be used.
9. The spacing of surface water control structures along the length of the trail network will be per Forest Service Handbook guidelines at a minimum. The spacing of surface water control structures (e.g., grade reversals, drain dips, water bars) along trails within 200 feet of a channel crossing will be no less than 50 feet to minimize extension of the drainage network and to minimize sediment delivery to channels.
10. Wood features (e.g., ladder bridges, boardwalks), native soil causeways, and/or rock armoring will be incorporated into trails to avoid impacting sensitive resources such as steep slopes, tree roots, vegetation, and wet areas. Wood materials will be sourced from local suppliers and will be free of invasive species.

11. Disturbed-site rehabilitation may include topsoil replacement, planting, seeding, and fertilization where appropriate.
12. Disturbed areas will be surveyed annually to ensure success of rehabilitation efforts. If seeding or other rehabilitation efforts are not successful, the Forest Service Permit Administrator will be contacted and a site-specific, alternative, rehabilitation solution will be developed.
13. Bike trail staff will continuously monitor the trail system to ensure that rehabilitated areas are not disturbed or to remedy disturbance of rehabilitated areas.
14. Bike trail staff will continuously monitor trail system conditions to ensure that erosion or sediment mobilization away from trail corridors is not occurring and/or to implement corrective action in accordance with the project design criteria. Steep turns, with potential for damage due to hard braking, will be a particular area of focus.
15. Bike trail staff will inspect the trail system regularly to locate wet soil areas or mud puddles. If such problems persist, affected trails will be closed until conditions change, or problem areas may be crossed, if necessary, using a combination of raised mineral soil causeways, raised wooden boardwalks, and/or rock armoring. If wet conditions are widespread, the entire trail system will be closed.
16. Bike trail staff will continuously monitor the trail system to ensure that unauthorized trails or terrain features are not created by riders.
17. Downhill bike trails will be closed to hikers and other users and will be continuously monitored by bike trail staff to ensure compliance.
18. Trails will be designed to reduce potential conflicts with wildlife, (e.g., providing long sight-lines and avoiding switchbacks and other hard turns in heavy cover), and JHMR will continue to provide educational programs and materials aimed at reducing potential wildlife conflicts.

Vegetation Management

19. Soil disturbance will be minimized, and existing topsoil will be conserved for replacement.
20. Where possible, native vegetation will be retained.
21. In gladed areas, felling of trees will be accomplished with hand-held equipment. In cleared and graded areas, mechanized equipment may be used to fell and remove trees. When possible, trees will be removed over snow to designated storage areas.
22. In areas where tree selection is discretionary (e.g., hiking and biking trail construction, ski run glading, and feathering the edges of cleared runs), whitebark pine trees will not be removed.
23. Slash created by tree removal will be disposed of either through utilization, burning, chipping, mastication, lopping and scattering, or removal from the site within a specified timeframe.
24. JHMR will follow Forest Service policy (FSM 2070) and use genetically appropriate native materials for rehabilitation and restoration when possible. A qualified Forest Service botanist or ecologist will be involved in development, review, and/or approval of plant materials selected for use in site rehabilitation and restoration.
25. Any areas of native vegetation that would be disturbed and have not been previously surveyed for special-status plants will be surveyed prior to construction. Results will be reported to the Forest Service Permit Administrator, and appropriate measures to mitigate impacts will be implemented.
26. All construction equipment and vehicles used will be cleaned and certified free of noxious weeds and their seeds prior to entrance onto the BTNF. This restriction will include equipment and

vehicles intended for both on- and off-road use, whether they are owned, leased, or borrowed by either contractors or subcontractors.

27. Any fill material proposed for the project, including any imported topsoil, will be first inspected by the invasive plant specialist to determine if it is weed-free, from a certified source, and thus safe to bring onto the BTNF.

28. Any straw bales, chips, or other imported mulch used in conjunction with the Proposed Action will come from a certified weed-free source.

Wildlife Protection

29. No tree cutting will occur between May 15 and July 15 to protect nesting of neo-tropical migrant and other birds.

30. All Via Ferrata hardware will extend less than 8 inches from the rock face. On slopes exceeding 60°, horizontal rungs will be installed level and have a flat surface with positive grip that could be used as a step by bighorn sheep.

Scenic Integrity

31. Permanent buildings will be designed and built in compliance with the *Built Environment Image Guide for the National Forests and Grasslands* (Forest Service 2001, FS-710). Ensuring that architectural style, building materials, size, and color are consistent with the existing visual character and meet the adopted scenery objectives. Compliance will be confirmed through Forest Service engineering review prior to construction.

32. The edges of cleared ski runs will be feathered to appear more like natural openings in forest cover, flowing with the topography and blending with the natural vegetation.

Accessibility

33. All public buildings will be designed and constructed in accordance with the *Accessibility Guidebook for Ski Areas Operating on Public Lands – 2012 Update* (Forest Service 2012b). Compliance will be confirmed through Forest Service engineering review prior to construction.

Undiscovered Heritage Resources

34. If any previously unidentified prehistoric or historic cultural resources are identified or encountered at any time during construction, efforts shall be made to protect the resource(s) until the Forest Service Permit Administrator is notified and the Forest Service fulfills its consultation requirements, including consultation with the appropriate Tribal representatives so that Tribal concerns will not be overlooked.

35. If unmarked human remains are encountered at any time during construction, all work in the vicinity of the find shall cease, with the remains covered and protected in place, and the Forest Service Permit Administrator notified immediately to begin proper notification and consultation procedures with the Wyoming State Historic Preservation Office, Native American Tribes, and other local officials as needed (e.g., county coroner) to determine to what time period and ethnic group the skeletal material may be ascribed and the appropriate treatment.

36. If any previously unidentified Traditional Cultural Places or sacred sites are identified or encountered at any time during construction, efforts shall be made to protect the resource until the Forest Service Permit Administrator is notified and the Forest Service fulfills its consultation requirements, including consultation with the appropriate Tribal representatives so that Tribal concerns will not be overlooked.

Wetland Resources

37. Placement of lift towers in wetland areas will be avoided, and the amount of wetland area disturbed will be minimized when avoidance is not practical.
38. Trench breakers will be used when snowmaking or other utility lines cross sloped wetland areas. Trench breakers will be placed at the lower wetland boundary so that groundwater is not drained through the trench and out of the wetland.
39. Any tree removal from wetlands will be done either over the snow or after the ground has frozen to protect soil resources.