



**DECISION NOTICE / FINDING OF NO SIGNIFICANT IMPACT
BRUNDAGE MOUNTAIN CAT-SKI OUTFITTER AND GUIDE
PERMIT BOUNDARY EXPANSION
U.S. FOREST SERVICE
PAYETTE NATIONAL FOREST
NEW MEADOWS RANGER DISTRICT
ADAMS COUNTY, IDAHO**

DECISION

Based upon my review of the Brundage Mountain Resort (BMR) Cat-Ski Outfitter and Guide Permit Boundary Environmental Assessment (EA), I have decided to implement Alternative 2 (Proposed Action), hereafter called the Selected Alternative, which amends BMR's existing permit by adding 227 acres to the permitted Cat-Ski area and reducing the authorized grooming for Sno-Cat routes by 0.6 miles.

THE SELECTED ALTERNATIVE

The purpose of the proposed action is to expand the skiable terrain offered to skiers using the Cat-Ski program and provide them with an opportunity to ski ungroomed terrain in areas well removed from the developed ski area.

I have decided to approve changes, and amend the existing permit for the BMR Cat-Ski program as follows:

- Adjust the permitted boundary by adding 700 acres in the Six Mile Creek area, and removing 473 acres in the upper northeast corner of the permitted area for a net gain of 227 acres. This change in the permitted boundary will provide the Cat-Ski program with north facing terrain that historically has not competed with snowmobile use.
- Add 2.6 miles of Sno-Cat routes to access the new terrain in the Six Mile area and remove 3.2 miles of Sno-Cat routes elsewhere within the permitted boundary for a net decrease of 0.6 miles. One new route will access the Six Mile Ridge Area to drop off clients who would ski the north facing slopes down to Six Mile Creek. The second new over-snow Sno-cat route will be built adjacent to Six Mile Creek to enable the pick-up of clients coming off of Six Mile Ridge and to pick up clients coming off of the Blue Moon Bowl area (already a part of the existing SUP). The Sno-cat access route to Six Mile Ridge was moved and adjusted to the west to remove any use of the groomed snowmobile route that connects Wallace parking lot with the Goose Lake area. The Sno-cat route to access the top of Six Mile Ridge will be constructed out in the open and be visible from a distance to avoid any safety concerns regarding visibility of the Sno-cat to

snowmobilers and vice versus. BMR will abandon 3.2 miles of over-snow Sno-cat route within their existing boundaries to make up for the 2.6 miles of new route. This will result in a net reduction of 0.6 miles of Sno-cat route authorized under their SUP.

DESIGN FEATURES ASSOCIATED WITH THE SELECTED ALTERNATIVE

In response to public comments on the proposal, mitigation measures were developed to ease some of the potential impacts the Proposed Action may cause.

In addition to Forest Plan standards and guidelines designed to mitigate impacts, the following measures will be used. These design features have been incorporated by the Forest Service to reduce or prevent undesirable effects resulting from proposed management activities.

Mitigation measures that will be applied to the Selected Alternative include:

- The requirements for building new Cat-Ski routes will be managed the same as the existing Sno-cat routes specified in the BMR Cat-Ski Outfitter and Guide Special Use Permit's annual operating plan.
- Trees or snags that are felled within Six Mile Creek corridor must be left on the ground, unless they cross the existing Six Mile Creek Trail #172, where they would be cleared off the trail. Any trees cut to accommodate the new cat-routes along Trail 172 will be flush cut if cut prior to the winter season, or if cut in the winter, the summer following the first winter season of approval. Any flagging tied to mark the route along Six Mile Creek will be removed. Any bamboo used to mark any of the Sno-cat routes will be picked up at the end of the snow season.
- The Sno-cat will only cross Six Mile Creek at two approved crossings.
- Avoid removal of white bark pine whenever possible.

In addition to the above design features the Outfitter and Guide Permit issued to BMR for Cat-Skiing will continue to be inspected annually as it is currently, and the proposed new Six Mile Ridge area expansion would be reviewed as a part of the Forest Service inspections conducted on this Special Use Permit.

RATIONALE FOR MY DECISION

The criteria I used for making my decision on this project were based on how well the management actions analyzed in the EA met the purpose and need and objectives of the project, and addressed the comments raised during the scoping and comment period. I considered the 2010 Forest Plan and evaluated the effects disclosed in the EA. The EA evaluated the environmental effects of the proposed action and the no action alternative (EA. Pp. 11-40).

There were no major issues associated with the proposal identified during internal and external scoping. Prior to issuing the EA the Forest made minor adjustments to the permitted boundary and location of Sno-Cat routes in the proposal to respond to concerns raised by the public during the scoping period. I based my decision to implement the Selected Alternative on the following considerations:

Meeting the Purpose and Need and Project Objectives

The purpose of the proposed action is to authorize the expansion of the skiable terrain offered to skiers using the Cat-Ski program and provide them an opportunity to ski ungroomed terrain in areas well removed from the developed ski area. The action is needed to respond to a proposal from BMR to provide skiers using the Cat-Ski program north facing terrain that historically has not competed with snowmobile use.

Provide ungroomed terrain in areas well removed from the developed ski area:

Alternative 1 – No Action: Most of the permitted area is nearby the developed ski area.

Alternative 2 – Selected Alternative: This alternative provides 700 acres in the Six Mile Creek area, well removed from the developed ski area.

Provide skiers using the Cat-Ski program north facing terrain that historically has not competed with snowmobile use:

Alternative 1 – No Action: The Cat-Ski program would continue to face limited availability of terrain free from snowmobile use.

Alternative 2 – Selected Alternative: The Cat-Ski program will have one area in the Six Mile Creek drainage that is little used by snowmobiles.

Requirements for building new Cat-Ski routes will be managed as specified in the BMR Cat-Ski Outfitter and Guide Special Use Permit's annual operating plan.

No difference between the alternatives.

Trees or snags felled within the Six Mile corridor will be flush cut, must be left on the ground, pulled off trail #172. Flagging or bamboo used to mark the trail will be removed at the end of the snow season. The Sno-Cat will only cross Six Mile Creek at two approved crossings. Avoid removal of white bark pine whenever possible.

Alternative 1 – No Action: The Six Mile corridor trail will not be authorized.

Alternative 2 – Selected Alternative: The above mitigation measures will apply.

Provide a variety of winter recreation experiences, while addressing and mitigating conflicts between user groups, and between resource management direction. (LRMP REGO03, REOB06, REOB25, REGU27, REGU28; EA pp. 3-4)

Alternative 1 – No Action: The Cat-Ski program would continue to experience difficulty due to overlap of use areas between snowmobilers and skiers.

Alternative 2 – Selected Alternative: The Cat-Ski program will have 700 acres of terrain which is seldom used by snowmobilers.

Allow no net increase in groomed or designed over-the snow routes or play areas to protect lynx habitat. (LRMP TEST34; EA p. 4)

Alternative 1 – No Action: There would be no change in authorized groomed routes or play areas.

Alternative 2 – Selected Alternative: There would be a net 0.6 mile decrease in authorized

groomed routes and no increase in play areas.

Trees or snags that are felled within RCAs must be left unless determined not to be necessary for achieving soil, water, riparian and aquatic desired conditions. (SWST10; EA p. 4)

No difference between alternatives due to permit requirements.

PUBLIC INVOLVEMENT

The proposal was listed in the Schedule of Proposed Actions beginning in November 2011, and was posted to the Payette web page. On January 12, 2012 the Payette National Forest sent out a Project Proposed Action to over 160 individuals, organizations, tribes, local governments and state agencies. A legal notice requesting comments appeared in the Idaho Statesman, Boise, Idaho and in the Star News, McCall Idaho on January 12, 2012 requesting comments. The project information was shared with the Shoshone-Pauite Tribes of Duck Valley, the Nez Perce Tribes, and the Shoshone Bannock Tribes.

As a result of scoping the Forest received 17 comments from 17 individuals or organizations. The Proposed Action was modified to take into account several of the comments received. The EA lists agencies and people consulted on page 41.

The Forest received two comments during the legal comment period conducted from May 18 through June 18, 2012. One comment was received during tribal consultation with the Shoshone Pauite Tribe.

The letter from Idaho Department of Parks and Recreation stated that the revised proposed action, the located the cat-ski operation off of the sixmile snowmobile trail, eliminated their concerns about snowmobile trail opportunities and safety. They now concurred with the analysis.

The second letter was from Dan Krahn. He mentioned his concern about several items. He asked that we make sure to identify the Six Mile Ridgeline as an area open to both snowmobile use and use by BMR. That clarification was made to the EA on Page 2 – Proposed Action. He also asked that I better describe the use of the relinquished 473 acres by BMR in the northeast corner of their permitted area. That description has been added to the EA. Krahn also thought we should remove any discussion that connected the potential continuation of the one-year special order closure in the Granite area to this separate decision. The discussion on the potential re-issuance of a special order to close the Granite area to snowmobiling in 2012-2013 season has been removed from the EA.

The Shoshone Pauite Tribe expressed concern that cat-skiing use should not be allowed to increase. Allowing more use shows no consideration for the future health of wildlife habitat. Allowing more use causes the animals to suffer because they are losing habitat. There is also a concern for the wellbeing of black bears while they are in hibernation as the Shoshone Pauite Tribe believes the vibration from the sno-cats/snowmobiles negatively impacts the bears under the snow. Bears are spiritually important to the Shoshone Pauite Tribe. The EA, pages 26-40, contains the analysis of effects on wildlife species of concern including threatened, endangered,

proposed, candidate (TEPC) and sensitive wildlife species, management indicator species, and other species identified at the project level. The complete analysis of effects is provided in the Wildlife Specialist Report in the project files.

FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

CONTEXT

Most effects from the Selected Alternative would occur within the Cat-Ski SUP permitted boundary. The activities permitted under the Selected Alternative occur within a small portion of the Patrick Butte IRA. Effects to watershed condition and fisheries were evaluated at the 7th level Hydrologic Unit (HU), Six Mile Creek, the 6th level HUs, Sixmile Creek-Little Salmon River and Upper Goose Creek, and at the 5th level HU, Middle Little Salmon River. The analysis area for wildlife species was the BMR permitted Cat-Ski area. Effects to lynx were evaluated based on the Lynx Analysis Units (LAUs) that encompass this area. (See Chapter 3 of the EA for more detailed discussion of the affected environment.)

INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts 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.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. The analysis documented in the EA did not indicate that the Selected Alternative will have a significant effect, either beneficial or adverse, on the environment. (EA, Chapter 2, p. 10; EA Chapter 3, Effects Analysis)
2. **The degree to which the proposed action affects public health or safety.** There will be no significant effects on public health and safety because the action has been designed to prevent unsafe contact between snowmobile users and Cat-Ski clients. The boundary expansion request was made smaller and adjusted to the west to remove any use by BMR of the groomed snowmobile route that connects Wallace parking lot with the Goose Lake area. The proposed over-snow Sno-cat route to access the top of Six Mile Ridge will be constructed in open terrain with few trees to block the visibility of the Sno-cat to snowmobilers. This was done to avert any safety concerns regarding visibility for snowmobilers with the Sno-cat. (See EA page 2)

3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area. Because the Selected Alternative occurs entirely during the winter season over-snow, wetlands, and other hydrologic features are protected. There are no park lands or prime farmlands in the analysis area. (See EA Chapter 3)
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of the proposed action. See EA Chapter 3 pp. 11-37)
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk. The Selected Alternative implements actions similar in effects to actions covered under the current permit. (See EA page 8, Proposed Action)
6. **The degree to which the action may establish a precedent for future actions with significant effects, or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because the opportunity for other similar actions on a larger scale does not exist on the Forest, and this BMR SUP is in effect through 2016. (See EA page 15)
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant. The effects of the action are limited to the permitted area for both the Sno-Cat Special Use Permit and the ski area permit for BMR. (See EA page 15) BMR has completed a Master Development Plan and an environmental analysis was completed for the plan (1999 Revised Master Development Plan: Phase 1 EA & DNFONSI USDA 2002, 2003; 2002 EA p. 126; 2003 DNFONSI p. 14-16) Cumulative effects of the planned development, including the Cat-Ski program, were determined to be non-significant.
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because no effects to historic or prehistoric resources would occur as the result of the proposed action. Cultural resource surveys have been completed for the project area. All cultural resources would be avoided during project implementation, and any new sites identified would be protected. (See EA page 4) The Idaho SHPO has been consulted concerning proposed activities in the project area. The Payette National Forest has reached concurrence with SHPO, indicating a “No Effect” determination on cultural resources for this project. (See EA page 7)
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. The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973.

Botany: No TE plant species occur within the project area. No effect should occur to any threatened or endangered plant species. The project may impact some individual plants of white bark pine, (*Pinus albicaulis*), a candidate and sensitive species, but will not trend the species toward Federal listing. No impact should occur to any other sensitive plants. (See EA p. 16)

Fisheries: Chinook salmon, steelhead, bull trout and westslope cutthroat trout (designated sensitive by the Regional Forester) are not present in the expansion area. Listed species, (including bull trout, the Payette National Forest fish MIS) and designated critical habitat are however, present downstream of the project area. Fuel contamination was analyzed for Sno-cat Skiing in the current permitted area in Olson and Burns (2007) and it was determined that it posed a negligible risk to Listed and Sensitive species due to the location of the proposed actions to those species and their respective critical habitat (Olson and Burns 2007). The currently permitted Brundage Snow Cat Skiing is included in the Biological Assessment for Ongoing Actions, Little Salmon River Volume 21 (Olson and Burns 2007). (See EA p. 23)

Canada Lynx: The proposed change in the BMR Cat-ski permit boundary: “*may affect but is not likely to adversely affect*” the Canada lynx. There would be a net reduction of 0.6 miles of ‘groomed... over-the-snow routes by lynx habitat’ and no change in ‘designated... play areas’ No measurable changes in disturbance levels or habitat connectively are expected because this action would not measurably change the current level of allowed over-snow activities.(EA p. 35)

Wolverine: The proposed action is expected to have negligible, if any, impact on wolverines. The action alternative “*May Impact Individuals or Habitat but will not likely contribute to a Trend toward Federal Listing or Cause a Loss of Viability to the Population or Species*”. (EA p. 36)

- 10. Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA pages 4-7). The action is consistent with the Payette National Forest Land and Resource Management Plan (USDA 2003, amended 2010).

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with the Payette National Forest Land Management Plan. The project was designed in conformance with land management plan direction relevant to the proposed activities. (EA pp. 3-4)

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

ADMINISTRATIVE REVIEW (APPEAL) OPPORTUNITIES

This decision is subject to appeal pursuant to Forest Service regulations at 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Only individuals or organizations who submitted comments or otherwise expressed interest in the project during the comment period may appeal. Appeals must be postmarked or received by the Appeal Deciding Officer within 45 days of the publication of this legal notice in *The Star News*, McCall Idaho. This date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on.

The Appeal Deciding Officer is the Payette Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf) or Word (doc) and must include the project name in the subject line. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

IMPLEMENTATION DATE

Pursuant to 36 CFR 215.9 if no appeals are filed within the 45-day time period, implementation of the decision may begin on, but not before, the 5th business day following the close of the appeal-filing period (36 CFR 215.15).

Except for emergency situations (36 CFR 215.10(c)), when an appeal is filed, implementation may occur on, but not before, the 15th business day following the date of appeal disposition (36 CFR 215.2). In the event of multiple appeals of the same decision, the implementation date is controlled by the date of the least appeal disposition.

CONTACT

For additional information concerning this decision, contact: Jane Cropp, Recreation Program Manager, 800 West Lakeside Avenue, McCall ID 83638, (208) 634-0757; email jcropp@fs.fed.us.



Lisa J. Klinger
District Ranger
McCall Ranger District, Payette National Forest



Date



The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

