



DECISION NOTICE
BRUNDAGE MOUNTAIN RESORT
CAT-SKI OUTFITTER AND GUIDE PERMIT REISSUANCE
U.S. FOREST SERVICE
NEW MEADOWS AND MCCALL RANGER DISTRICTS
PAYETTE NATIONAL FOREST
ADAMS, IDAHO AND VALLEY COUNTIES, IDAHO

DECISION

I have decided to reissue the Brundage Mountain Resort (BMR) cat-ski permit for a 10-year term, subject to the project design features and mitigation measures identified in Appendix A of this Decision Notice. The special use permit (SUP) includes an authorization for installation of two seasonal yurts, modification of existing snowcat routes to include 66.03 miles of authorized routes of which a maximum of 65 miles may be installed each operating season, allocation of 860 service days, and a Special Order that would close snowcat routes within the permit boundaries to other motorized users during the operational season (see Figure 1).

The analysis area for the BMR cat-ski permit reissuance is located on the New Meadows and McCall Ranger Districts of the Payette National Forest (Forest), approximately 19 miles northwest of McCall, Idaho. The project area is approximately 17,912 acres and includes the area surrounding Goose Lake Reservoir, Granite Mountain, and Slab Butte.

The project was analyzed in an Environmental Assessment (EA) document that includes a Finding of No Significant Impact, which is incorporated here by reference (see *Brundage Mountain Resort Cat-Ski Outfitter and Guide Permit Reissuance Environmental Assessment, May 2016*) and is summarized as needed within this Decision Notice.

PURPOSE AND NEED

The purpose of the project is to reauthorize the BMR SUP for outfitting and guiding with permitted activities that include guided backcountry skiing via snowcat on approved routes. This action is necessary in order to respond to a proposal brought forward by BMR to retain the permitted cat-ski terrain authorized to them in 1994¹ and through subsequent Decisions, as well as examine requests for adding and modifying over-snow snowcat routes, abandoning over-snow snowcat routes, and using assigned sites for the purpose of placing temporary, seasonal structures in the form of yurts. The requested changes would allow BMR operational flexibility when dealing with adverse conditions related to inadequate or adverse snow packs for over-snow

¹ USDA Forest Service. 1994. Decision notice and finding of no significant impact. Snowcat skiing proposal. McCall, ID: U.S. Department of Agriculture, Forest Service, Payette National Forest, McCall and New Meadows Ranger Districts.

snowcat route construction. BMR has also identified safety concerns regarding snowmobile use on their snowcat routes that they would like addressed in this permit reissuance.

The cat-ski program allows guided recreationists a unique opportunity to ski in a natural environment difficult to replicate in the highly manipulated settings of ski resorts. The area currently permitted to BMR provides an area for backcountry skiers who wish to experience light powder, challenging natural topographic features, and varied vegetation of the Forest. This project serves to advance Forest Goal REGO06 to *“Provide an array of winter recreation experiences, while mitigating conflicts between motorized and non-motorized use and wintering wildlife.”*

A Commercial Needs Assessment (available in the project record) completed in 2012 for the Forest affirmed a need exists for this type of service. Providing commercially guided cat-ski trips can ensure a quality experience for those unfamiliar with National Forest System lands or those who may lack the necessary skill or equipment to experience a winter backcountry setting. Continuing to use commercial guides also provides an opportunity for professionals to educate recreationists and others about the area and snow safety during guided trips.

PUBLIC INVOLVEMENT

Public scoping was conducted February 12 through March 16, 2015, and 12 comment letters were received. The EA for review and comment was available for comment December 17, 2015, through January 15, 2016. One written comment in support of the project was received during the comment period. The project was open for objections May 12 to June 27, 2016. One comment was received regarding safety concerns related to snow conditions at the intersection of groomed snowmobile routes and snowcat routes, which was addressed with a new mitigation measure in Appendix A. The commenter did not wish to pursue the objection process and was satisfied with this minor edit, thus the objection period ended and this decision notice was prepared for signature.

The project was also discussed on several occasions with the Winter Recreation Forum, a McCall based group that includes representatives of motorized and non-motorized winter recreation interests that collaborates across jurisdictional boundaries to provide a range of quality winter recreation opportunities in Valley and Adams Counties. The April 15, 2015, meeting notes are included in the project record.

Tribal consultations follow the protocols established with each tribe. Project briefing documents were presented to the Nez Perce Tribe for the March 4, 2015, staff-to-staff meeting, and a formal letter to the Chairman of the Nez Perce Tribe was sent on April 21, 2015. A formal letter to the Chairman of the Shoshone Bannock Tribe of Fort Hall was sent on April 21, 2015. Project briefing documents were presented to the Shoshone Paiute Tribe at the March 12, 2015, and January 14, 2016, Wings and Roots consultation. Copies of the EA for review and comment were provided to all three Tribes and no additional comments were received. During the objection period, copies of the revised EA and draft Decision Notice were again provided to all three Tribes and no objections were received.

SUMMARY OF ALTERNATIVES CONSIDERED

A No Action Alternative was considered. Under the No Action Alternative, BMR's cat-ski permit would not be reauthorized and would expire at the end of its current term of April 2016. The Forest Service would not offer service days to BMR to provide guided services to customers/clients. Snowcat routes in the project boundary would cease to be installed or maintained during the winter months. No assigned sites would be permitted and temporary seasonal shelters would not be erected.

In the Selected Alternative, the Forest Service will authorize BMR a SUP for a term of 10 years. No changes are made to existing permit boundary or the existing over-snow travel management plan for the Forest. The action taken is specific to the outfitted and guided opportunity for the specific project area, which includes assigned site use, minor modifications of cat-ski routes, allocation of service days, flexibility in changing and modifying over-snow snowcat routes, and resolution of safety concerns.

Operations are authorized to continue within the currently permitted terrain and boundaries, with the following revisions:

- Authorization of a seasonal yurt at an assigned site near Slab Butte—This yurt will be placed on a portable platform, which would be pulled into place over the snow at the beginning of each cat-ski season and removed after each season of use (Location: Township 20 North, Range 3 East, Section 7).
- Authorization of a seasonal yurt at an assigned site near Granite Mountain (Location: Township 20, Range 3 East, Section 10)
- Addition, modification, or removal of routes—A total of 1.79 miles will be added or modified and 0.76 miles will be abandoned for a net gain of 1.03 miles of groomed snowcat routes as follows:
 - ◆ Addition of a new route at the north end of Goose Lake Reservoir for approximately 0.22 miles (Location: Township 20 North, Range 2 East, Sections 11 and 12)
 - ◆ Abandonment of approximately 0.36 miles of cat-ski routes along the southern end of Goose Lake, near the Goose Lake Campground (Location: Township 20 North, Range 3 East, Sections 11 and 12)
 - ◆ Extension the of existing route along the West side of Goose Lake Reservoir for an addition of approximately 0.74 miles (Location: Township 20, Range 2 East, Sections 14 and 23)
 - ◆ Addition/modification located near Twin Lakes—a new route will connect the Twin Lakes Route with an adjacent Southern Route, with an approximate distance of 0.14 miles. The eastern portion of the southern route will be abandoned for a total mileage of approximately 0.40 (Location: Township 20 North, Range 2 East, Section 2).
 - ◆ Addition of a new route in the northwest portion of the permit boundaries, near Granite Mountain, with an approximate length of 0.69 miles (Location: Township 20 North, Range 2 East, Section 10)

- Allocation of 860 service days to BMR per operating season—Service day allocation is based on the highest amount of use by a permitted operator in the previous 5 years of the authorization, with an additional 25% for operators with less than 1,000 service days allocated each operating season (FSM2709.14.53.ln). The highest use BMR has reported in the previous 5 years of operation is 688. Therefore, 860 service days are allocated under this permit reissuance.
- Examination of flexibility in changing and modifying over-snow snowcat routes from year-to-year based on current snow and climate conditions, as long as no net increase in authorized miles occurs and mitigation measures outlined in previous Decisions are met. BMR is permitted 66.03 miles of recognized snow routes within their permitted boundaries. However, BMR is only authorized to install 65 miles of over-snow routes each operating season.
- Response to safety to concerns brought forward during scoping and public review regarding the use of snowcat routes by motorized recreationists. Until such time that winter travel management plans for the Forest are amended or revised, a Special Order will be established that will close snowcat routes within the permit boundaries to motorized users. Motorized recreationists will still be able to cross over the permitted snowcat routes within open travel management areas; however, they will not be authorized to travel on the snowcat routes as a direct line of travel. The implementation of such a closure will be an administrative action taken by the appropriate Authorized Officer. The exemption to the use of snowcat routes will be the route known as “The Boulevard”, which would remain open to motorized users.

The snowcat operations are subject to the design features and mitigation measures identified in Appendix A.

SUMMARY OF ENVIRONMENTAL CONSEQUENCES

Comprehensive specialist reports were prepared to analyze potentially impacted resources in detail, including geospatial and numerical data, high quality science and relationship to the Forest Land and Resource Management Plan, laws and policies, and regulations. The Environmental Consequences section of the EA discloses direct, indirect, and cumulative impacts. A brief summary of those conclusions is presented in Table 1.

Table 1. Summary of impacts by alternative

Topic	Selected Action	No Action
Recreation	<ul style="list-style-type: none"> • Maintain recreational opportunity for snowcat accessed and guided backcountry skiing • Loss of opportunity for snowmobiles to travel on snowcat routes, thus reducing the access of less experienced snowmobile operators to the Slab Butte area • No change to backcountry snowmobile opportunities outside of the snowcat routes. Permitted routes will continue to be posted as “No Snowmobiles”. • Improved safety of both snowmobilers and snowcat operations by restricting snowmobiles from traveling on snowcat routes • No change to the Recreational Opportunity Spectrum • No impact to visual quality objectives • No impact on inventoried roadless areas 	<ul style="list-style-type: none"> • Lost recreational opportunities for snowcat accessed and guided backcountry skiing • Increased risk of collision between motorized and non-motorized users • Lost revenue to the BMR and the local economy • No change to the Recreational Opportunity Spectrum • No impact to visual quality objectives • No impact on inventoried roadless areas
Water Resources	<ul style="list-style-type: none"> • Small risk of fuel contamination in tributaries from snowcat operations, mitigation measures included to reduce impacts 	No new impacts
Fisheries	<ul style="list-style-type: none"> • Not Likely to Adversely Affect” determination for effects to Endangered Species Act-listed fishes and their respective critical habitat • Low risk of fuel contamination in tributaries from snowcat operations • Not expected to degrade Riparian Conservation Areas • Negligible impacts to streambank stability near snowcat routes, mitigation measures included to reduce impacts. 	No new impacts
Wildlife	<ul style="list-style-type: none"> • American three-toed woodpecker, boreal owl, fisher, and pileated woodpecker – May occur in the project area during operations. May impact individuals, but not likely to cause a trend towards federal listing or loss of viability. • Wolverine² – Potential for disturbance or displacement of animals but is not likely to jeopardize the continued existence of the species or result in destruction or adverse modification of proposed critical habitat. • Lynx – Project area is mostly outside of quality lynx habitat. May affect, but is not likely to adversely affect. • Black bear – none or minimal effects to denning bears and overall bear survival 	No new impacts, general disturbance from snowmobile use would continue to potentially impact some individual animals.
Rare Plants	<ul style="list-style-type: none"> • Whitebark Pine - May impact individual plants but would not trend the species toward federal listing. Mitigation measures included to reduce impacts. • Tobias’ saxifrage – No Impact 	No new impacts
Heritage Resources	<ul style="list-style-type: none"> • 4 sites eligible for the National Register of Historic Places • no added concerns for historical structures • no effect on ancestral American Indian sites due to snow cover 	No new impacts

² This reflects the current legal status of the species as proposed for federal listing rather than as a Forest Service Sensitive Species as it was analyzed in the Environmental Assessment.

RATIONALE FOR THE DECISION

In making my decision on this project, I evaluated the purpose and need for the project, the effects disclosed in the EA, and comments received in staff-to staff and government-to-government consultation, as well as agency and public comments submitted during scoping and the 30 day notice and comment period (36 CFR 215). The following discussion summarizes the rationale for my decision.

I have decided to reauthorize the Brundage Mountain Resort Cat-Ski Permit to continue to offer the unique recreational experience that it provides that is not otherwise available in this forest or the surrounding area. In consideration of the concerns expressed during this planning process, operations will continue within the currently permitted terrain and boundaries but I have included some revisions to address operational needs, safety issues, and protection of forest resources. Operational needs identified by BMR are addressed in the authorization of two seasonal yurt locations on assigned sites, one near Slab Butte and one near Granite Mountain, as well as an allocation of 860 service days. A total of 66.03 miles of snowcat route are authorized within their permit area, but BMR is only authorized to install 65 miles of routes each operating season. This allows for the snowcat routes to vary slightly year-to-year based on current snow and climate conditions, but does not allow for a net increase in authorized miles and thus remains consistent with previous Decisions for the protection of forest resources. Finally, a Special Order will be established to close snowcat routes (with the exception of the route known as “The Boulevard”) within the permit boundaries to motorized users in order to address safety concerns that arise when snowmobiles and snowcats share the same route.

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

The National Forest Management Act requires that projects and activities be consistent with the governing Forest Plan (16 USC 1604 (i)). The interdisciplinary team initially evaluated existing resource conditions within the project area for recreation, water resources, fisheries, wildlife, rare plants, and cultural resources in relation to the desired conditions for these resources established in the Forest Plan. The Purpose and Need and resulting Proposed Action were developed in response to this evaluation. Based on the evidence in the project record, I have determined that the actions to be implemented under my decision are consistent with the goals, objectives, standards, and guidelines in the 2003 Payette National Forest Land and Resource Management Plan.

The Endangered Species Act creates an affirmative obligation “...that all Federal departments and agencies shall seek to conserve endangered and threatened (and proposed) species” of fish, wildlife, and plants.” The U.S. Fish and Wildlife Service (USFWS) provides the Forest with a list of threatened, endangered, proposed, and candidate species to consider in project planning³. A biological assessment was completed to evaluate the impacts of the selected alternative on lynx, a listed threatened species. It was determined that the snow compaction on the snowcat routes may effect but is not likely to adversely effect the species. A letter of concurrence from the USFWS was received on March 3, 2016 (letter dated March 1, 2016), concurred with this

³ <http://www.fws.gov/endangered>

determination. On April 4, 2016 the US District Court- District of Montana vacated the USFWS's withdrawal of its proposed rule to list the distinct population segment of the North American wolverine occurring in the contiguous United States as a threatened species under the Endangered Species Act (case 9:14-cv-00246-DLC, document 108). Pending a final decision on the status of the species by the USFWS the Forest Service is directed to analyze the species as "proposed threatened". Based on the findings in our biological evaluation we have concluded that the project is not likely to jeopardize the continued existence of the species and therefore no additional consultation with USFWS is needed.

The National Historic Preservation Act (NHPA) requires federal agencies to consider the effects of their activities and programs on historic properties. Federal activities and programs are defined as "undertakings" by the 36 CFR 800 regulations implementing NHPA, Section 106. Historic properties are significant cultural resources that are included in or eligible for inclusion in the National Register of Historic Places. The Forest Archeologist determined that activities implemented under the selected alternative will have no effect on archaeological sites or historic properties. The Forest Archaeologist has received a concurrence of No Effect determination from the State Historic Preservation Office, dated April 3, 2015, PY2015-2799.

Executive Order 13175 (65 FR 67249-67252, 2000) requires regular and meaningful consultation between federal and tribal government officials on federal policies that have tribal implications. Consultation is not a single event; it is a process that leads to a decision. Consultation can be either a formal process of negotiation, cooperation, and policy-level decision making between tribal governments and the federal government, or a more informal process involving staff-to-staff discussions. Consultations were completed with the Nez Perce Tribe, Shoshone- Paiute Tribes of Duck Valley, and the Shoshone-Bannock Tribes of Fort Hall. These consultations did not result in the identification of any potential impacts to treaty rights, treaty resources, or other unextinguished tribal rights or interests.

IMPLEMENTATION DATE

The permit reissuance may begin immediately following the conclusion of the objection period, and subsequent resolution of objections if any, and signing of this Decision Notice pursuant to 36 CFR 218.12. If no objections are filed during the objection period, this Decision Notice may be signed five business days following the end of the objection filing period and the permit may be issued immediately following.

CONTACT

For additional information concerning this decision, contact: Lisa J. Klinger, McCall District Ranger, 102 West Lake St., McCall, ID 8368. Contact phone number: 208-634-0400.


Lisa J. Klinger

McCall District Ranger



Date



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APPENDIX A: PROJECT DESIGN FEATURES AND MITIGATION MEASURES

The following design features are applied to the selected alternative. All project design features will be addressed through stipulations outlined in the permit and in the Five-Year Operating Plan and may be refined in the operating and maintenance plan that is updated annually.

- The permittee will avoid removing white bark pine whenever possible. Using white bark pine for firewood is prohibited by the Forest. Removing any vegetation is not authorized without the consent of the Authorized Officer.
- The Forest Service reserves the right to send personnel to work with BMR and ride with the cat-ski operator if resource concerns are present, whether concerns are physical, biological, or social in nature.
- In order to ensure no net increase in over-snow mileage each year, BMR will use Global Positioning System (GPS) tracking to record the miles of routes installed. Data will be provided to the Forest Service annually.
- Where the snowcat routes intersect groomed snowmobile routes (approximately four locations along the “X” to “Y” junctions and one location along the “Y” to “B” junction of the groomed snowmobile route), snowcat operations will make an effort to avoid raveling the groomed snowmobile route or creating obstacles that could impact the safety of snowmobile operators traveling the groomed route. Details of actions needed will be addressed in the annual operating and maintenance plan.

The permittee will continue to incorporate design features from previous Decisions regarding use of only snowcat routes, fuel spill containment measures, construction of snowcat routes and snow bridges (related to snow depth) and reporting of any observations of threatened or endangered species. This includes the 2006 Brundage Snowcat Backcountry Skiing Outfitter and Guide Permit Re-Issuance Decision Memo, as well as the 2012 Brundage Mountain Cat-Ski Outfitter and Guide Permit Boundary Expansion.