

**Decision Notice No. 1 and Finding of No Significant Impact
for Six Outfitter and Guide Permits**

USDA Forest Service
Cle Elum Ranger District
Okanogan - Wenatchee National Forest
Kittitas County, WA

BACKGROUND

The Outfitter and Guides Environmental Assessment (EA), hereby incorporated by reference, was prepared in compliance with the National Environmental Policy Act (NEPA) and other relevant federal and state laws and regulations. This purpose of the project was to respond to seven different applications for priority use outfitter-guide (OFG) permits on the Cle Elum Ranger District. These OFG operations would entail guided trips and/or equipment delivery for unguided trips, in winter and summer, for both motorized and nonmotorized recreational activities. Permit areas vary and overlap to varying degrees, but collectively they encompass most of the Cle Elum Ranger District, except Congressionally Reserved areas (designated wilderness). Permit areas encompass portions of Townships 23, 22, 21, 20 and 19 N., and Ranges 11, 12, 13, 14, 15, 16, 17, and 18 E., *W.M.*

The EA evaluated one action alternative – to issue 1 to 10-year priority use outfitter -guide permits to each applicant, adding required mitigations where needed to ensure consistency with Forest Plan standards and guidelines, and federal laws, regulations, and policies.

DECISION AND RATIONALE

Decision

I have decided to implement Alternative 2 (the Proposed Action) in part, by issuing 1 to 10-year priority use OFG permits (length of term at the discretion of the Forest Service) to six of the seven applicants, incorporating required mitigations as listed in the EA on pages 7 -12. A decision for the seventh applicant (Red's Fly Shop) will be made at a later date, after completion of formal consultation with the U.S. Fish and Wildlife Service for its potential impacts to bull trout, a federally listed species. Consultation has been completed for the six applicants covered in this Decision. They are:

Adventure Powersports proposed delivery personal watercraft (jet skis) to Kachess Lake Campground boat launch, Speelyi Beach, and Wish Poosh boat launch. Deliveries would occur at prearranged meeting locations and times. It also proposed to deliver snowmobiles to the Salmon la Sac Sno-Park and designated parking areas along Hwy 903, the Salmon la Sac Road. It would conduct guided snowmobile trips on existing groomed snowmobile trails in the Cle Elum Valley, on Table Mountain and in the Upper Taneum Creek valley. 30 service days were requested for guided activities, 25 days for delivery of snowmobiles and 45 day for delivery of personal watercraft.

BC Adventure Guides requested 150 service days to conduct avalanche education courses, guided snowshoe and ski touring and winter travel instruction at Mt. Margaret, Red Mountain, an area east of Cold Creek (near Mt. Catherine), and Silver Creek. They are also requested 40 service days to lead guided ski touring trips at Esmerelda Peaks.

Boulder Creek Enterprises requested 1) 600 service days for delivery of snowmobiles to all Sno-Parks and designated parking areas along Hwy 903 (the Salmon la Sac Road) and for guided snowmobile trips on all the groomed snowmobile routes in the Cle Elum Valley; 2) 200 service days for delivery of motor scooters for use on FS system roads in the Cle Elum Valley; 3) 350 service days for personal watercraft (jet ski) delivery to Wish Poosh boat launch, Speelyi Beach, and the Morgan Creek and Dry Creek staging areas; 4) 125 service days for delivery of canoes to Wish Poosh boat launch, Speelyi Beach, Morgan Creek, Dry Creek and Cooper Lake; 5) 50 service days for delivery of mountain bikes to FS

system roads and trail that are open for mountain bike use; and 6) and 150 service days for boat and party boat delivery to Wish Poosh boat launch, Speelyi Beach, Morgan Creek and Dry Creek.

Cascade Powder Cats requested 50 service days to conduct avalanche education courses, guided snowshoe and ski touring and winter travel instruction at Mt. Margaret, Red Mountain, an area east of Cold Creek, Silver Creek, and Esmerelda Peaks.

Adventpreneur requested 20 service days for guided mountain bike and white water kayak trips near Lake Kachess, Cooper Lake and the Upper Cle Elum River.

Sahaptin Outfitters requested 122 service days for winter activities that include guided day snowshoe and cross-country ski trips; also 184 service days for summer activities that include guided hiking, backpacking and mountain biking trips.

For additional information about each operation, see descriptions and maps of permit areas in EA Appendix A.

Rationale

Outfitter and Guide permits are administered under Special Use regulations. Reasonable mitigation as described on EA pages 7 to 12 would be incorporated into each OFG permit, to ensure consistency with Forest Plan standards and guidelines. Mitigations include restrictions on activities that would result in new ground disturbance, prohibiting removal of vegetation and logs within Riparian Reserves and the wetted perimeter of streams, requirements for disposal of human waste while camping, and for bear-proof storage of food, garbage and other bear attractants, while camping. Outfitter –guides will implement Leave No Trace practices, and annually report conditions at campsites and trails that they use, to the Forest Service. See the EA for the complete list of required mitigations.

I have chosen to implement Alternative 2 because this alternative best meets the stated purpose and need for a response to these applicants, and is consistent with the Forest Plan Management objectives for management of dispersed recreation. The Plan (page IV-31) states that *“Many dispersed recreation activities will be supported or made possible by cooperators or the private sector, such as recreation organizations, clubs, and commercial outfitter-guides. In activities such as river rafting, fishing, backpacking, hunting, climbing, and ski touring, experienced guides or outfitters will continue to provide these opportunities for the public.”* (EA page 2). The Project would also help fulfill a stated goal in the Forest Plan to *“respond to new opportunities to develop partnerships and joint ventures with other agencies and the private sector to magnify our abilities to meet expanding public demand for outdoor recreation* (Plan page IV-2).

OTHER ALTERNATIVES FULLY ANALYZED

All of the issues raised during internal and external scoping for this project were addressed by minor changes in design of the proposed action; therefore, consistent with the Forest Service NEPA regulations at 36 CFR 200.7(b)(2)(i), no alternatives to the proposed action were formulated. Adjustments to the proposed action are described in the issues section.

Alternative 1 (No Action) was evaluated to provide a baseline for assessing effects of the Proposed Action. This alternative was not selected because the potential negative effects from the various OFG operations could be reasonably mitigated.

PUBLIC INVOLVEMENT AND CONSULTATION

Consultation and Coordination

Government-to-government consultation was conducted with the Yakama Nation and the Confederated Tribes of the Colville Reservation. A letter describing the Proposed Action was sent to both tribal governments on July 19, 2012. Neither Tribe raised any concerns about proposed OFG operations.

With the completion of the cultural resources inventory under the terms of the 1997 Programmatic Agreement (PA) with the Washington State Historic Preservation Office (SHPO), all relevant state laws and regulations have been met (EA page 67).

The Forest Service prepared a Biological Assessment (BA) assessing effects of the Project on federally listed wildlife and fish, and critical habitats for the northern spotted owl and bull trout (OFG activities would not affect any federally listed plants). During the Level I review process, the Forest Service and U.S. Fish and Wildlife Service agreed that the determination of effects for six proposed Outfitter and Guide operations (all but Red's Fly Shop) was "may affect but not likely adversely affect" for northern spotted owl, marbled murrelet, grizzly bear, gray wolf, Canada lynx, and critical habitats for spotted owl and bull trout. The determination for wolverine (a federally proposed species) was "not likely to jeopardize the continued existence". The Forest Service prepared a separate BA for these six applicants, and entered into informal consultation with the U.S. Fish and Wildlife Service (FWS). FWS issued a Letter of Concurrence for these six OFG operations on September 11, 2013

A separate BA is being prepared for Red's Fly Shop Outfitter and Guide permit, requiring formal consultation with FWS. I am postponing the decision for that Project until formal consultation has been completed.

Scoping and Public Involvement

The Project has been listed in the Okanogan-Wenatchee National Forest Schedule of Proposed Actions (SOPA), since January of 2012. Scoping postcards were mailed on July 24, 2012 to the Cle Elum Ranger District mailing list (approximately 500 individuals, organizations, and agencies). One individual (a local cabin owner) and one organization (The Wilderness Society or TWS) responded to this scoping effort, as follows: The cabin owner expressed a concern about the effects that OFG activities would have on maintenance of a Forest Service Road 4818, asking that OFGs share in the cost of maintaining that road. He also expressed concerns about noise from increased snowmobile use of that road, and snowmobiles racing on the road. The first issue was deemed non-significant by the IDT because Rd 4818 is a level 2 road that a group of private inholders have elected to maintain to a higher standard than required—at their own expense. Because neither these homeowners nor the public are charged a road use fee by the Forest Service, the issue is outside the scope of this Project. The second issue was also deemed non-significant, because winter use of this road is already permitted under the District Road Management Plan, and because there is a winter speed limit that applies to all users of this road, including outfitter-guides and their clients.

TWS expressed support for the project, and recommended that the EA address how the needs of diverse populations (including youth, minorities, and the socioeconomically disadvantaged) would be accommodated by these proposed outfitter-guide operations. They also advocated for a thorough and robust analysis of project effects, "to avoid legal challenges that would threaten the public's ability to enjoy our public lands through reasonable and responsible recreational activities." No specific issue was raised. Effects of the project on diverse populations were addressed in the context of Environmental Justice, as required under Executive Order 12898 (EA page 68)

In summary, no unresolved conflicts requiring formulation of an alternative to the Proposed Action arose from scoping.

ISSUES

All issues raised internally by the IDT would be addressed by adding required mitigations to each permit.

RESPONSE TO COMMENTS

The EA was released for a 30-day public comment period, with publication of a Legal Notice in the Ellensburg Daily Record on August 24, 2013. No written comments were filed during the 30-day comment period.

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

I have determined through the *Outfitter and Guides Environmental Assessment* that this is not a major federal action that individually or cumulatively will significantly affect the quality of the human environment, therefore, an Environmental Impact Statement is not needed. This determination is based on analysis of the context and intensity of the environmental effects, including the following factors:

1. Significant effects may exist even if the Federal agency believes on balance the effect will be beneficial.

Both beneficial and adverse effects have been taken into consideration when making this determination of significance, and no beneficial effects have been used to offset significant adverse effects. No significant adverse effects were found (EA Chapter 3).

2. The degree to which the proposed action affects public health and safety:

No health and safety hazards to Outfitters, Guides, their clientele or the general public will result from OFG operations (EA page 68). Required health and safety measures include limiting the quantity of fuel that can be stored on site (EA page 39), requirements for disposal of human waste (EA page 5), grizzly bear sanitation measures (EA page 41), and required compliance with State and Federal fire regulations (EA page 50).

3. The unique characteristics of the geographic area:

No prime farm lands, range lands, or park lands are found within the project area (EA page 67). None of the OFG operations would result in new ground disturbance or new effects to any habitat for wildlife or fish (EA Chapter 3). OFG activities would not result in effects to critical habitat for bull trout or Essential Fish Habitats (EA page 57). Effects on designated critical habitat for the northern spotted owl will be discountable, due to required mitigations (EA page 43 and BA). They will not remove any riparian vegetation, and will not affect the floodplain of any stream or river; therefore the project will not affect the eligibility of any stream for inclusion in the Wild and Scenic River System (EA page 68). The project will not affect cultural resources or historic properties (EA page 67-68). Activities will take place within Inventoried Roadless Area and/or Potential Wilderness Areas, but they will not entail any road construction or tree removal, and will not affect the roadless character of these areas, or their eligibility for consideration as wilderness. (EA page 68).

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

No scientifically-backed information has been presented that would indicate controversy over effects disclosed in this EA.

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

There are no highly uncertain, unique, or unknown risks identified for the proposed Outfitter and Guide operations (EA Chapter III). The identified risks to resources are not unique or unprecedented, and planned mitigation measures in response to these risks have been widely implemented across the Forest, and are known to be effective.

6. The degree to which the action may establish a precedent for future actions with significant effects:

None of the proposed Outfitter and Guide activities are new or precedent setting. Similar activities have been taking place in this area for decades (EA page 1). The majority of activities (with the exception of winter cross-country non-motorized travel) are confined to *existing* groomed routes, summer roads and trails, dispersed campsites, boat launches and shoreline staging areas for boat launch—facilities and

places that are already incurring these uses and that are designed to accommodate these activities. Winter cross-country travel is not designated, but would vary in space and time, and would not result in significant or lasting effects to any resource.

7. Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts:

Cumulative effects were considered, and none were found to be significant (EA Chapter III, all affected resource areas).

8. The degree to which the action may affect scientific, cultural, or historical resources.

There are no scientific resources in proposed permit areas. No scientific or historic sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places will be affected. The project will not affect cultural or historical resources (EA page 65-67). Should any undiscovered sites be located during project activities, work will stop until the Forest Archaeologist could review the site. The Confederated Tribes of the Colville Indian Reservation and the Yakama Nation were consulted on this project. Neither tribe voiced concerns about the project (EA page 6).

9. The degree to which the action may adversely affect endangered or threatened species or their critical habitats:

Effects on endangered or threatened species and their habitats are described in a separate Biological Assessments (Project Analysis File), and summarized in Chapter 3 the EA.

The project will not affect federally listed plants (EA page 27), or critical habitat for fish, or Essential Fish Habitat (EA page 57). It may affect but will not likely adversely affect northern spotted owl, marbled murrelet, grizzly bear, gray wolf, Canada lynx, and designated critical habitat for spotted owl (USDI 2012) (EA pages 51-52 and BA). The US Fish and Wildlife Service (FWS) concurred with these findings in a Letter of Concurrence dated September 11, 2013 (Analysis File)

10. Whether the action threatens a violation of environmental laws or requirements imposed for the protection of the environment.

Compliance with environmental laws or requirements is addressed in the following section. This project will not violate any environmental laws or regulations (EA pages 67-69).

FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This project is consistent with the Forest Plan management objectives for dispersed recreation, because it responds to a stated management objective to provide a well-balanced array of recreation opportunities across the breadth of the Recreation Opportunity Spectrum (ROS), in accordance with resource capability, public demand, and expectations for outdoor recreation, and also because outfitter-guides are expected to play a role in supporting or making outdoor recreation opportunities possible (EA page 2, LRMP page IV-2). Each priority use permit will include mitigations required to ensure consistency with amended Forest Plan Standards and Guidelines; as required by the *National Forest Management Act* (EA page 14).

The various Project Areas collectively encompass all of the land management allocations that occur on this District, *with the exception of designated wilderness*. Required mitigations minimize potential effects to dense late successional habitat in LSR or AMA, and will also reduce the likelihood of adverse effects stemming from disturbance, to nesting spotted owls, known nests of any other raptor, or dens, on spotted owls due to disturbance, as recommended in the Forest-wide LSR Assessment (US Forest Service 1997). Therefore the project is neutral to the creation and maintenance of late successional habitat in LSR, and will be beneficial over the long-term (EA page 51). These same measures also ensure consistency with the Forest Plan, as amended by the *Record of Decision [ROD] for amendments to Forest Service and Bureau of Land Management planning documents within the range of the northern spotted owl and the standards and guidelines for management of habitat for late-successional and old-*

growth forest related species within the range of the northern spotted owl (Northwest Forest Plan) (USDI AND USDA 1994).

Required mitigations (including requirements to wash all plant materials from boats, vehicle tires, and bike tires before entering National Forest System lands), will help prevent new establishment and spread of invasive aquatic species, and to limit , ensuring consistency with **Executive Order 13112 (Invasive Species, the Federal Noxious Weed Control Act of 1974 (as amended), and the Record of decision for the final environmental impact statement for the Pacific Northwest Region invasive plant program preventing and managing invasive plants** (USDA 2005) (EA pages 10 and 29).

Required mitigation for soils (including a measure to prohibit snowmobile warm-up in meadows adjacent to Sno-Parks, and to confine guided snowmobile trips to existing groomed routes) will prevent any increase in detrimental soil disturbance due to outfitter-guide activities (EA page 19).

Based on required BMPs for protection of water quality (EA pages 21, 23-25), the project will not prevent attainment of ACS objectives (EA page 57).

This EA was prepared in conformance with the **National Environmental Policy Act** (EA page 1).

Proposed activities are consistent with the **Clean Water Act**, because it will not affect any riparian vegetation, will not reduce shade over water, and will not affect streams that are considered impaired for water temperature (EA page 26). Best management practices will be implemented to reduce risk of erosion and surface runoff (EA pages 25-26).

Some OFG activities will take place in floodplains but there would be no removal of vegetation or disturbance to embedded down logs that provide stability to stream and river banks, consistent with **Executive Order 12148 for the Protection of floodplains** and **Executive Order 11990 for the Protection of Wetlands** (EA page 23 and 67).

The project will not affect any federally listed or proposed, sensitive, strategic, or rare and uncommon vascular plants, lichens, bryophytes, or fungi (EA page 27, and Plant BE). The Project would not result in new ground or habitat disturbance, therefore surveys were not required. Known sites and newly detected sites would be protected with activity buffers. There would be no effects to habitats for Survey and Manage mollusks and amphibians and proposed OFG activities will not affect survey and manage species (EA page 31).

The project may affect, but is not likely to adversely affect federally listed species (northern spotted owl, marbled murrelet, grizzly bear, gray wolf, and Canada lynx) and designated critical habitats for spotted owl and bull trout (EA pages). As required by the **Endangered Species Act**, the Forest Service completed informal Section 7 consultation with the US Fish and Wildlife Service (FWS), and FWS concurred with these determinations of effect (Letter of Concurrence, project analysis file). The project will not result in net loss of core area for grizzly bears in the North Cascades Grizzly Bear Recovery Zone, and incorporates sanitation measures for grizzly bears as a required mitigation for guided camping activities. It is therefore consistent with the **Grizzly Bear Recovery Plan Supplement: North Cascades Ecosystem Recovery Chapter** (USDI 1997) (EA page 37, 44). It will not result in stand level habitat effects on spotted owls, and is consistent recovery planning efforts for spotted owls as provided for in the **Northwest Forest Plan** and the **Final Revised Recovery Plan for the Northern Spotted Owl** (EA page 43 and BA). The project will not result in net loss of security habitat for gray wolves or wolverine, which is proposed for federal listing under ESA (EA page 43).

Guided camping trips at existing dispersed campsites will contribute to ongoing depletion of firewood in localized areas, but would not result in a stand level effect to any habitat. It would degrade—but not remove—approximately 55 acres of dense late successional forest habitat potentially used by primary cavity excavators (management indicator species for snags and logs), spotted owls, American marten, and three-toed woodpecker (MIS for dense late successional forest), pileated woodpecker (MIS for dense late

successional forest with large snags), and mule deer and elk (MIS for early successional forest and edge conditions) (EA pages 36-37, 43). In the absence of any stand-level effects, effects on all MIS will be minimal, and primarily related to disturbance (EA page 41-44). The project will meet all Forest Plan standards and guidelines pertaining to wildlife MIS.

Proposed outfitter-guide activities would not result in stand-level effects to forest vegetation, and therefore would not impact migratory landbirds. They are consistent with the *Migratory Bird Treaty Act and Executive Order 13186 for the Protection of Migratory Landbirds* (EA page 43).

None of these projects would affect federally listed or sensitive fish, critical habitat for fish, or Essential Fish Habitat (EA page 42).

This project complies with the *National Historic Preservation Act* (NHPA) as amended, and will not adversely affect heritage resources (EA page 67). Consultation with affected Indian Tribes has been completed in compliance with Section 106 of the NHPA.

Some permit areas encompass Inventoried Roadless Areas, and/or Potential Wilderness Areas. They do not encompass other large contiguous blocks of unroaded forest. Proposed outfitter and guide operation will not entail cutting trees or building roads in these areas, and will affect their roadless character, or eligibility for consideration as wilderness. Therefore proposed OFG activities are consistent with the Inventoried Roadless Conservation Rule (USDA 2000) (EA page 68).

ADMINISTRATIVE APPEAL RIGHTS

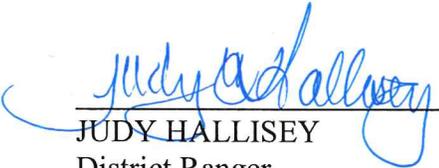
Because no written comments were filed in response to this EA, there are no administrative appeal rights under 36 CFR 215. This decision is not subject to appeal

IMPLEMENTATION

This project may be implemented immediately following this decision.

CONTACT PERSON

For further information regarding the project, contact Special Uses Coordinator Kim Larned, 803 West 2nd Street, Cle Elum, WA 98922, (509) 852-1062, or klarned@fs.fed.us.



JUDY HALLISEY

District Ranger
Cle Elum Ranger District
Okanogan-Wenatchee National Forest

26 Sept 2013

DATE