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Subject: 215 - ARO Letter - Bridger Bowl Master Development Plan Approval ROD - Gallatin NF - Appeal #05-01-00-0020 - Sara Goulden

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Sara Goulden protesting the Bridger Bowl Master Development Plan Approval Record of Decision on the Gallatin National Forest.

The Forest Supervisor's decision adopts Alternative 2, which includes the following key elements:

- ◆ Approving the 2002 Bridger Bowl Master Development Plan as proposed by Bridger Bowl, Inc.
- ◆ Approving lifts, trails, service roads, and utilities that will increase the Comfortable Carrying Capacity (CCC) of the ski area to 6,000 skiers.
- ◆ The Bridger Bowl Special Use Permit (SUP) boundary will be expanded to the north by 274 acres to include the Bradley Meadows area above the south fork of Brackett Creek.
- ◆ The SUP boundary will also be expanded to the south into the Slushman drainage area for an additional increase of 337 acres.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellant's objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues that were raised in the appeal and believe they are adequately addressed below.

The appellant alleges violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Endangered Species Act (ESA), and the Administrative Procedures Act (APA). The appellant requests a reversal of the ROD. An informal meeting was held but no resolution of the issues was reached.

ISSUE REVIEW

Issue 1. Alternative 2 fails to address adequately the expansion of Bridger Bowl in the context of the entire Bridger Range and the potential for conflict among users who seek recreation on undeveloped public lands.

Response: As stated in the ROD, "the Gallatin National Forest is committed to providing a spectrum of recreational opportunities to a range of diverse forest users" (p. 4). The Forest Supervisor acknowledges that many people expressed general concern over the expansion and its implications for watershed, wildlife habitat, recreation, and scenic values. Maintenance of backcountry recreational opportunities is a key issue to many people in the community (Id.). As



stated in the ROD and supported by discussion provided in the EIS and Project File (FEIS, pp. 9 to 13; PF, Vol. 1, Docs. 18, 24, 25, 27, 37 to 128, 129 to 162, and 189 to 198; Vol. 2., Docs. 1 to 5, and 206 to 211; Vol. 3, Docs 1, 3, 4, and 183 to 186), extensive public participation in the NEPA process identified a wide range of issues and concerns (such as backcountry skiers), which were adequately addressed in the FEIS. Recreation user conflicts were a significant issue addressed in the NEPA analysis, and a factor considered by the Forest Supervisor in making her decision that Alternative 2 “best meets the objectives to provide for the anticipated increase in demand while maintaining uncrowded skier experiences” (ROD, p. 12). Specific to this concern, the Forest Supervisor states in the ROD,

The primary focus of the Bridger Bowl Master Development Plan is to improve the overall recreation experience for current users and to maintain high quality conditions for anticipated future users. My decision will provide increased access to the ridge, expand ski terrain to the north and south of the existing ski area, and authorize the construction of new lifts and trails. Expansion will provide new and varied terrain for intermediate- and advanced-level skiers, and will maintain the quality of winter recreation experience in light of anticipated growth.

I believe that by allowing Bridger Bowl to improve their infrastructure as described in this decision, they will be able to provide quality recreation opportunities to a wide segment of the population and be in a position to meet or attain their operational and economic needs and goals.

The FEIS, Chapter 3, describes the existing environment related to recreation, specifically dispersed winter recreation and backcountry skiing (pp. 3-69 to 3-71). The EIS acknowledges that backcountry skiers would be displaced from both the Slushman drainage and Bradley Meadows, depending on the alternative. Mitigation under Alternative 2 includes lands currently open to motorized use north of the SUP (Bradley Meadows area) boundary to the middle fork of Brackett Creek to be restricted to motorized use except for seasonal use of the south fork Brackett Creek Road (FEIS, Mitigation W-4; pp. 2-28, 4-69, and 5-42 to 5-47). Under Alternative 3, Bradley Meadows would be included in the SUP boundary and some backcountry skiers would be displaced (FEIS, p. 4-72). Mitigation for this proposal includes lands currently open to motorized use north of the SUP boundary to the middle fork of Brackett Creek to be restricted to motorized use except for seasonal use of the south fork Brackett Creek Road (Id.). Dispersed backcountry skiers under Alternative 4 would continue to use the Bradley Meadows area, but would be displaced from the Slushman drainage within the expanded boundary to the south (FEIS, p. 4-75). The Forest adequately responded to many comments related to backcountry skiing in the FEIS (Chapter 5, pp. 5-42 to 5-47). I found fair and honest discussions throughout the EIS and Project File regarding the effects to backcountry skiers. The Forest adequately analyzed the effects of the preferred alternative to backcountry skiers.

Issue 2. Alternative 2 fails to address adequately the expansion of Bridger Bowl in the context of the entire Bridger Range and the potential adverse impact on wildlife.

Response: Cumulative effects to wolverine under Alternative 2 are discussed in the FEIS (p. 4-116). The biologist discusses the impacts of Alternative 2 on wolverine habitat, explaining that

denning habitat would be affected in both expansion areas, and that a large block of security habitat would be permanently altered with this proposal (FEIS, p. 4-117). The Forest Supervisor acknowledges impacts to wolverine, “expansion into this area will have some negative effects to lynx and wolverine habitat...” and “in addition, approximately 276 acres of suitable undisturbed denning habitat for wolverine will remain within the Analysis Area” (ROD, p. 13). Thus, taking into account direct, indirect, and cumulative effects, and the fact that the wolverine of the Bridger Range are part of a larger population considered healthy and viable by the MDFWP personnel (FEIS, pp. 5-70 to 5-71), the biologist determined that Alternative 2 “*may impact individuals or habitat, but would not lead to a trend toward federal listing*” of the wolverine (FEIS, p. 4-117; PF, Vol. 4, Doc. 89, pp. 37 to 39). Mitigation measures adopted by the Forest Supervisor (ROD, pp. 8 to 10, mitigation #'s W-2 to W-4; FEIS, p. 5-87) will compensate for the loss of existing security/denning habitat that would occur with ski area expansion (PF, Vol. 4, Doc. 62). With regard to the wolverine, the Forest is in compliance with NEPA’s requirement to consider cumulative impacts.

Impacts to goshawk and marten are discussed in the FEIS (Chapters 3 and 4, pp. 3-29 to 3-32, 3-42, 3-44, 4-29 to 4-31, and 4-37 to 4-49 for the various alternatives considered). Cumulative effects to goshawk and marten are discussed in the FEIS (pp. 4-118 and 4-120). Goshawk surveys were completed in 1996 and 2000 – no goshawks were detected (FEIS, p. 4-37; PF, Vol. 4, Doc. 73). Existing plant communities within the Bridger Bowl analysis area are presented in the FEIS (pp. 3-17 to 3-20). A thorough discussion of fragmentation and old growth is also presented in the FEIS that explains the rationale for the analysis area, models used for quantifying landscape structure, and how this project fits into the big picture (pp. 3-23 to 3-24). Cumulative effects to old growth from proposed activities under Alternative 2 are discussed in the FEIS, page 4-109.

To respond to public comments to the DEIS related to wildlife, the Forest committed to additional analysis and fieldwork, such as goshawk surveys of 2000 and increased analysis on biodiversity, fragmentation and old growth habitat in relation to wildlife (FEIS, p. 1-3; PF, Vol. 2, Doc. 216).

Issue 3. Alternative 2 fails to address adequately the impact of drought condition on the feasibility of the proposed expansion of Bridger Bowl. Increased snowmaking is going to be harder to justify when water truly becomes a scarce resource and conservation is mandated.

Response: The Forest, in their Response to Comments, adequately addressed concerns regarding snowmaking, in that there is no increase in snowmaking in the proposed plan (FEIS, p. 5-9). The FEIS acknowledges that there are many factors beyond our control that could affect annual skier visitation, the most notable being weather and snowfall patterns. Table 3.10-3 (FEIS, p. 3-66) displays skier visit trends, showing how visits have varied over several consecutive seasons due to snow and weather conditions. Regardless, average Bridger Bowl skier visits reflect an approximately 23 percent increase over the 10-year period displayed (Id.).

Issue 4. Alternative 2 fails to address adequately appearance of conflict of interest by the GNF.

Response: A special use permit allowing the operation of the Bridger Bowl Ski Area on the Gallatin National Forest was authorized in 1954 (FEIS p. 1-1). The permitted area of Bridger Bowl lies within Forest Plan Management Area (MA) 2, which is allocated to developed skiing, including the potential for further development. The FEIS states that these areas consist of those portions of Bridger Bowl and Big Sky ski areas under the special use permit. They include ski runs, lift facilities, and lodges. These areas have potential for development or expansion of facilities to meet increasing demand for downhill skiing (FEIS, p. C- 2). The FEIS also states, “that the proposed amendments would increase the amount of area allocated for developed recreation (MA 2)” (p. C-6). This is consistent with Forest-wide Standard 2 giving priority to expansion at Bridger Bowl and other existing ski areas before allocating new areas for downhill skiing. The amendments proposed would not result in a significant change to the Gallatin National Forest Plan. The FEIS, Need 2, states that the Slushman drainage has already been allocated for winter sports (ski area) by the Forest Plan (p. 1-7). The Bridger Bowl Master Development Plan (MDP) of 2002 (PF, Bound References Doc. #4) serves as the needs assessment and development plan, discussing ski industry trends, Montana skiing trends, and skier demand at Bridger Bowl (pp. 5-8).

The Bridger Bowl MDP of February 2002 (PF, Bound References, Doc #4), identifies expansion into the Bradley Meadows and Slushman areas as consistent with Bridger Bowl’s goals and objectives (p. 25). This serves as a starting point for determining the suitability and feasibility of expanding into those areas as part of the EIS. The Slushman area is already allocated in the Forest Plan to Management Area (MA) 2, which is allocated to developed skiing, including the potential for future development. The EIS for the Forest Plan presented the environmental consideration of including the area in the SUP. Bradley Meadows is a combination of no allocation and a different allocation, but as an extension of the existing MA associated with the SUP.

The Forest developed its purpose and need statements using the Mission Statement contained in the MDP, which was accepted by the Forest Service (EIS, p.1-1). This is consistent with the R1 Manual Supplement (FSM 2343.1, R1 Supplement 2300-94-2 - Winter Recreation Uses) for both the current permitted area and potential expansion areas.

The Forest is following law, regulation and policy regarding authorizing Special Use Permits to a ski area and considering its expansion. They started with an existing area occupying land allocated in the Forest Plan to Winter Sports Development. The MDP accepted by the Forest included the potential expansion into Slushman and Bradley Meadow areas, which was then subsequently analyzed in the EIS. This is consistent with the FSM, R1 Manual Supplement 2300-94-2.

Issue 5. Alternative 2 fails to address adequately the need for broad public comment on the proposed changes in GNF management area designation.

Response: Your concern regarding failure to address adequately the need for broad public comment on proposed changes in MA designation was also addressed in the Response to Comments:

The four proposed amendments would be project-specific; they would not affect the overall goals and objectives of the existing Forest Plan. They would be implemented in order to maintain consistency with Forest Plan direction for the proposed changes to management areas (FEIS Chapter 2, Section 2.4.2). Public participation and the opportunity to comment on the amendments has been a part of this analysis (FEIS, p. 5 to 20).

Regulations at 36 CFR 219.10(f) directs the Forest Service to consider whether a proposed amendment to a Forest Plan would be considered a significant change. The process to consider Forest Plan amendments, review them for significance, document the results, and reach a decision is contained in FSM 1922 and FSH 1909.12, Chapter 5. The Forest followed this process, as evidenced in Appendix C of the FEIS, and concluded that the analysis documents the significance of the four proposed Forest Plan amendments, based on considerations of timing; location and size; goals, objectives, and outputs; management prescriptions; and other provisions of the NFMA [36 CFR 219.109(e)(f)]. These four amendments will not result in a significant change to the Gallatin Forest Plan, as defined by 36 CFR 219.10(f) (FEIS, Appendix C, p. 7).

The Forest Supervisor, after careful consideration of the analysis contained in the EIS; applicable laws, regulations, and policies; and public concerns and views of the ID Team and other Forest Service staff, decided to authorize Bridger Bowl, Inc. to implement Alternative 2, as identified in the FEIS (ROD, p. 1). A synopsis of public involvement and scoping since 1986 with regard to this project is presented in the ROD (p. 21). Various letters and correspondence regarding proposed actions and proposed amendments have gone out to the public over the years, including a Notice of Intent in the Federal Register, public involvement letters, news releases, schedule of proposed actions, scoping letters, and open houses (FEIS, pp. 9 to 13; PF, Vol. 1, Docs. 18, 24, 25, 27, 37 to 128, 129 to 162, and 189 to 198; Vol. 2., Docs. 1 to 5 and 206 to 211; Vol. 3, Docs 1, 3, 4, and 183 to 186).

Issue 6. The following potential impacts of Alternative 2 are of concern: security habitat for wolverine, fragmentation of a portion of the largest remaining block of mature and old growth forest in the Southeast Bridgers, reduction of suitable lynx habitat available with the study area, road densities with regard to elk disturbance and displacement, loss of cover habitat for large ungulates, reduction of HEI in compartment 504, and increased sediment over existing conditions.

Response: See responses above regarding wolverine, goshawk, pine marten and old growth/fragmentation concerns.

With regard to the lynx, the biologist determined, based on several factors, that the proposed federal action is likely to adversely affect lynx habitat. The biologist provided recommendation for removing, avoiding or compensating for adverse effects, such as MA designation and access management. Under this decision, Amendment 23 will designate 428 acres of previously undesignated land to MA 12, which has relatively undisturbed, intact, mature forest, similar to the area being converted from MA 12 to MA 2. This will result in no net loss of MA 12 land in the project area, and would preclude timber harvest and other management actions in this one-

half section that could further contribute to forest fragmentation in the area (ROD, p. 2; FEIS, Appendix E, pp. 25 to 27). The Forest Supervisor adopted mitigations: W-3 (Due to the change in MA designation in the Bradley Meadows area from MA 12 to MA 2, the remaining portion of Section 13 will be designated MA 12 to maintain habitat integrity) and W-4 (Motorized use on the relocated south fork Brackett Creek Road #631 will be limited to seasonal/no winter use to provide for wildlife security. An area closure from middle fork Brackett Creek south through the analysis area will restrict motorized use year long for ski area management), as recommended by the biologist to help avoid, reduce, or offset adverse environmental impacts (ROD, pp. 8 to 10). Based on the biologist's determination of effects, formal consultation with the USFWS was initiated. The USFWS, after review of current status of lynx, the environmental baseline for the action area, the effects of the action, and the cumulative effects provided an opinion that the ski area expansion, as proposed, is not likely to jeopardize the continued existence of the Canada lynx (PF, Vol. 4, Doc. 75, pp. 25 to 26).

The Forest acknowledges that HEI for elk would decrease from 0.54 to 0.52 in compartment 504, and remain the same for compartment 515, under Alternative 2. As discussed above for lynx, the designation of the remaining portion of Section 13 to MA 12 would aid in the creation of a more contiguous landscape in which elk and other large ungulates could migrate, forage, and find security. This concern was also addressed in the Response to Comments:

The commentator is correct that the HEI in Compartment 504 will decrease from 0.54 to 0.52, whereas the HEI in Compartment 515 will not change (FEIS Chapter 4, Table 4.5-2, p. 42). The FEIS has been modified to make this correction. Reference to the reduction in the HEI has been added to the Cumulative Effects section in Chapter 4. The HEI calculations include cumulative impacts since they are based on timber compartments, which extend beyond the proposed ski area boundaries, and are at least the size of elk summer range areas (FEIS, Chapter 4, p. 42). Impacts to elk are addressed in the FEIS in Chapter 4, pages 42-44. The Forest Plan Standard relating to elk habitat, specifies for timber sales, that an elk Habitat Effectiveness Index (HEI) of 70 percent be maintained during the general hunting season (Forest Plan, p. II-18). The HEI is primarily influenced by open-road density. The current open-road density within the affected area is below the 70 percent standard, and there is no Forest Service management action that can be undertaken to fully meet it, while still allowing for effective ski area operations. Amendment of this standard could be avoided only by disallowing the use of timber harvest to clear trails and lift corridors, and by disapproving access roads for the service and maintenance of ski area facilities. The NFMA provides for amendment of Forest Plans following appropriate public notification and satisfactory completion of NEPA procedures [36 CFR 219.10(f)]. The Forest Plan Amendment for HEI is found in the FEIS, Appendix C, page 3 (ROD, p. A-4; FEIS, p. 5-75).

Based upon discussion provided in the FEIS, existing condition and environmental consequences related to water quality, it was determined that Alternative 2 would not exceed the 100 percent above natural rates guidelines of the Gallatin Forest Plan (FEIS, pp. 4-17 to 4-18, 102 to 108, and 123 to 127). Based on these discussions, the Forest Supervisor concluded that the low level of sediment increase to the south fork of Brackett Creek would result in extremely limited, if any, negative effect on Yellowstone cutthroat trout habitat within the Brackett Creek watershed,

and that construction activities that will occur under her decision have been designed to provide for aquatic resource protection (ROD, p. 14). Mitigation measures adopted under the ROD will minimize or avoid impacts to riparian areas and streambanks (ROD, p. 9; FEIS, pp. 2-27 to 2-28).

RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellant. I recommend the Forest Supervisor's decision be affirmed and the appellant's requested relief be denied.

/s/ Gary L. Benes
GARY L. BENES
Appeal Reviewing Officer