

## **DECISION MEMO**

### **for Ski Utah Interconnect Adventure Tour**

#### **Salt Lake County Uinta-Wasatch-Cache National Forest Salt Lake Ranger District**

### **Background**

Ski Utah Interconnect Adventure Tour (Ski Utah) provides a unique guided backcountry skiing/snowboarding experience between several of the winter resorts on the Uinta-Wasatch-Cache National Forest and the Park City Ski Resort. This guided service is provided seven days a week, conditions permitting. Four days of the week, Sunday, Monday, Wednesday, and Friday, the tour originates from Park City Mountain Resort and ends at Snowbird. The other three days of the week, Tuesday, Thursday, and Saturday, the tour originates from and concludes at Snowbird. The tour operates under appropriate safety protocols and satisfies United States Forest Service (USFS) requirements via an operating plan submitted for approval each season. The tour utilizes existing ski lifts, trails, and base area facilities at each of the resorts covered within their individual permit areas and does not construct or maintain any physical facilities, either at the resorts or in the backcountry. The permit area encompasses 850 total acres, 40% of which is National Forest System land.

Ski Utah has been safely operating for 23 seasons on the Wasatch-Cache National Forest under an outfitter-guide special use permit. The season typically begins in mid December and ends by mid April, when most resorts have ceased operations. Ski Utah's permit allows a maximum of 12 clients per day, plus 1-2 guides. Over the last five years, the tour has averaged 60 operating days, with an average of 527 clients per season, about nine clients per tour.

### **Decision**

My staff and I have evaluated this proposal both independently and for cumulative effects. In addition, this analysis considered whether a decision on these projects proposed for categorical exclusion would preclude or predispose decisions for other projects in Little/Big Cottonwood Canyons anticipated in the reasonably foreseeable future. This includes projects proposed in the ski resorts Master Development Plan updates. Upon reviewing the analysis, I have determined that all practicable means to avoid or minimize environmental impacts have been incorporated into this decision.

I have decided to reissue a new 10-year outfitter and guide special use permit to Ski Utah. We are increasing the term of their permit from 5 to 10 years based on national direction and policy that authorizes 10-year permits for outfitters and guides whose permits have been managed to standard. Ski Utah has been successful in providing guided recreation opportunities on the Salt Lake Ranger District for over a decade. Group size limits will remain a maximum of 12 clients and 2-3 guides. The backcountry area, operating schedules, and allocated skier days (570) will remain the same.

My decision includes the following mitigation measures

1. An updated Operations and Safety Plan will be developed for the new permit. The plan will be reviewed and updated annually by the USFS and Permittee as needed.
2. Bi-annual meetings will be held with the USFS prior to and at the end of each operating season to discuss possible changes or updates to the Safety and Operating Plan and to conduct an end of season evaluation.
3. Service/user days and/or group size may be modified if conflicts occur with other users.
4. Guides and clients are expected to be courteous toward other backcountry users. The backcountry is heavily used at times and conflicts may surface. Safe skier etiquette is expected from all backcountry users. If conflicts surface, these will be documented and reported to the USFS as soon as possible.
5. Incidents or accidents will be reported to the Forest Service in accordance with the operating plan.
6. Permit holders will provide the USFS with a yearly report of skiers per day, including number of guides per group and starting and ending points of each tour.
7. Permit holder is reminded that there are numerous recorded and unrecorded historic mining sites located within the permitted areas. Collecting or damaging artifacts or sites is illegal on National Forest Lands. If permit holders should discover any artifacts or other cultural material in the course of their activities, notify the Forest Heritage Program manager for investigation.
8. Ski Utah will continue to communicate and coordinate with the Snow Safety Departments at all visited ski areas regarding avalanche conditions and also continue to communicate with the US Forest Service Utah Avalanche Center. This communication will enable Ski Utah personnel to make informed decisions to minimize inherent risks of backcountry skiing.
9. Guides will not use explosives in the backcountry.

### **Reason for Categorically Excluding the Proposed Actions**

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or listed in 36 CFR 220.6 (d) or (e), and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

The federal regulations at 36 CFR 220.6 (b) list the following resource conditions that should be considered in determining whether extraordinary circumstances related to a proposed action warrant further analysis and documentation in an EA or EIS:

- a) **Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.** A biological assessment (BA) was prepared for this project. The determination reached was that no federally listed or candidate plant or animal species will be affected. A biological evaluation (BE) was also prepared, concluding that the project would not impact any Forest Service sensitive plant or animal species.
- b) **Flood plains, wetlands or municipal watersheds.** The proposed guided recreational activities will occur within a municipal watershed. However, these uses should have no adverse effects on any water source or wetland.
- c) **Congressionally designated areas, such as Wilderness, Wilderness study areas or National Recreation Areas.** Ski Utah does not operate in any of the above areas.

- d) **Inventoried roadless areas.** The use of motorized equipment is not authorized under this permit and these activities will not affect the roadless character of any area.
- e) **Research Natural Areas.** The project area does not include any Research Natural Areas, so such areas do not constitute an extraordinary circumstance for this proposed action.
- f) **American Indians and Alaska Native religious or cultural sites.** The Forest Heritage Program Manager was consulted and felt that there would be no effect on cultural resources and
- g) **Archaeological sites, or historic properties or areas.** The Forest Heritage Program Manager was consulted and identified no historical sites, properties or areas.

Based upon the findings described herein, I have determined that my decision is consistent with the types of actions described in 36 CFR 220.6 (e) (15): (Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the applicant or holder is in full compliance with the terms and conditions of the special use authorization.)

As such, this decision has been categorically excluded from documentation in an Environmental Assessment or Environmental Impact Statement. Based on experience with management activities similar to this, and upon the environmental analysis conducted for this project, the effects of implementing this action will be of limited context and intensity.

### **Scoping and Public Involvement**

A scoping notice detailing Ski Utah's requests for renewed/reissued 10- year Special Use Permits (SUP) was distributed to the Salt Lake Ranger District's mailing list on May 9, 2008. A number of individuals, organizations, government agencies and businesses received copies by direct mailings or email. Also, the notice and permit area maps were posted on the USFS website: <http://www.fs.fed.us/wcnf/projects/index.html> and were included in the Summer 2008 Schedule of Proposed Actions. There were no responses to the scoping notice.

### **Finding Required By Other Laws**

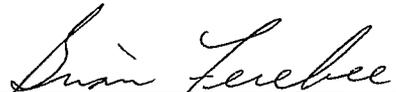
I have reviewed the Wasatch-Cache Forest Land and Resource Management Plan (Forest Plan). This activity fully complies with the goals of the Forest Plan, the "Management Area Direction" and the "Forest-Wide Standards and Guidelines" (See Chapter IV of the Forest Plan).

### **Implementation Dates**

Pursuant to 36 CFR 215.12(f), this decision is not subject to appeal. The proposal is not one of the activities subject to appeal under the 215 rules as clarified on October 19, 2005 by the Federal District Court for the Eastern District of California in Earth Island Institute v. Ruthenbeck. This decision is not an authorization to proceed. Once all conditions and mitigation measures have been met, a 10-year special use permit and map signed and dated by both the Permittee and the District Ranger will be issued.

**Contact Person**

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Date 8/31/08

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