

# **Final Decision Notice & Finding of No Significant Impact**

## **Over-snow Vehicle Travel Management in the Northern Portion of the Fairfield Ranger District**

**USDA Forest Service  
Fairfield Ranger District, Sawtooth National Forest**

**Camas and Elmore Counties - Idaho**

### **Decision and Rationale**

#### **Background**

The Fairfield Ranger District of the Sawtooth National Forest offers many quality opportunities for winter recreation. Current winter activities include: snowmobiling (groomed trails & backcountry riding), alpine skiing at Soldier Mountain Ski Resort, backcountry skiing, ungroomed Nordic skiing, snowshoeing, and Outfitter & Guided snowcat and helicopter skiing. The District is a destination for backcountry snowmobiling.

Since 1974, the Fairfield Ranger District in cooperation with the Idaho Department of Fish and Game (IDFG) has managed wintertime (December 1 to April 30) motorized vehicle closures to protect wintering wildlife, primarily elk. Since 1943, winter elk feeding sites have been managed by IDFG within the closure areas. Supplemental winter feeding of elk was done because of concerns about elk overuse of winter ranges and high winter mortality of elk that did not migrate from upper elevations, where natural feed was limited (IDFG 2001). The wintertime motor vehicle closures have been managed through Sawtooth National Forest Special Closure Orders.

Monitoring of elk in the winter wildlife closure area along Little and Big Smoky Creeks suggests that elk are no longer wintering in this portion of the closure area. Elk appear to be migrating to the western portions of the closure area along the South Fork Boise River (near Featherville) and to the south of the Fairfield Ranger District (2015 IDFG aerial survey data). IDFG has not fed elk at any of the feed sites in the closure since the winter of 2008/2009, and are not planning to feed elk in this area in the future. Few elk are now observed within the Couch Summit to Fleck Summit corridor during the winter.

Management of the wintertime motor vehicle closures is complicated by the fact that there are multiple parcels of private land in the Big Smoky, Little Smoky, upper South Fork Boise River, and lower South Fork Boise River drainages. The owners of these parcels are entitled to access through federal land for the “reasonable use” of their property by federal law known as the Alaska National Interest Lands Conservation Act (ANILCA). Access through the motorized

winter wildlife closure to private property has been managed through a permit system that gives the landowners and their guests, motorized access to their properties. This access is by snowmobile or other over-snow vehicle (OSV), since these roads are not plowed. Access to the upper South Fork, Big Smoky, and Little Smoky parcels is along Forest Roads 094, 227, and 012; otherwise known as the “Couch Summit to Fleck Summit corridor.”

An unintended effect of the winter wildlife closure is that the land owners who own private parcels north of Fleck Summit (and north of the winter wildlife closure), by virtue of their access permits, have almost exclusive OSV use of the winter backcountry areas north of the closure all the way to the northern District boundary. The area north of the closure is open to OSV use, but not readily accessible to the public due to the corridor closure. The only other wintertime use of this area is permitted helicopter skiing. The Fairfield Ranger District has received numerous requests to open the Couch Summit to Fleck Summit corridor to the general public to allow OSV access to winter backcountry areas north of the closure.

The recent changes in how elk are using the area, the need to address landowner and public access issues through the closure area, and the challenges of effectively managing a permit system prompted the review of OSV travel for this area.

Planning for this decision was completed under 36 Code of Federal Regulations (CFR) part 212-Subpart C which states:

CFR 212.80 *Purpose*. “This subpart provides for a system of National Forest System roads, National Forest System trails, and areas on National Forest System lands that are designated for over-snow vehicle use. After these roads, trails, and areas are designated, over-snow vehicle use not in accordance with these designations is prohibited by 36 CFR 261.14. Over-snow vehicle use off designated roads and trails and outside designated areas is prohibited by 36 CFR 261.14.”

CFR 212.81 (a) *General*. “Over-snow vehicle use on National Forest System roads, on National Forest System trails, and in areas on National Forest System lands shall be designated by the Responsible Official on administrative units or Ranger Districts, or parts of administrative units or Ranger Districts, of the National Forest System where snowfall is adequate for that use to occur, and, if appropriate, shall be designated by class of vehicle and time of year...”

Over-snow vehicle is defined by 36 CR 212.1 as “a motor vehicle that is designed for use over snow and that runs on a track or tracks and/or a ski or skis, while in use over snow.”

Consistent with the revised Sawtooth Forest Plan, the Fairfield Ranger District initiated site-specific travel management planning (Forest Plan Objectives REOB17 and REOB18). The action was driven by five needs:

- 1) Continue to provide access for private landowners to their properties.
- 2) Address the inequity of allowing private land owners access to upper South Fork Boise River area but not the general public.

- 3) Provide opportunities for backcountry winter recreation in areas without winter wildlife conflicts. (Forest Plan REOB24)
- 4) Manage motorized travel and travel-related facilities that meets resource objectives and access needs. (Forest Plan REGO05b)
- 5) Provide winter habitat security for mountain goats and reproductive denning habitat security for wolverine in the headwaters area of the South Fork Boise River by minimizing disturbance from winter recreation activities. (Forest Plan Management Area 6 Recreation Objective 0640)

The environmental assessment (EA) documents the analysis of three action alternatives and a no-action alternative to meet these needs.

A specific requirement of the Travel Management Rule at 36 CFR 212.55(b), provides guidance to minimize effects from motor vehicle use on trails and areas. This is commonly referred to as the 'Minimization Criteria.' A summary/compliance check of 36 CFR §212.55b was completed and is included in Appendix 1 of the EA. In addition, a memo explaining the context for the Decision and how this criteria was applied to meet the objective of minimizing effects from motor vehicles on trails and areas was written and is available in the project record.

### ***Area Analyzed***

The project area that was analyzed is the northern portion of the Fairfield Ranger District, including the existing winter wildlife closure (from Couch Summit to Featherville along the South Fork of the Boise River) north to the District boundary/watershed divide.

### **Alternatives Considered**

In order to address these issues, the following four alternatives were developed and analyzed in detail (EA, Chapter Two; Project Record). A comparison of these alternatives can be found in the EA in Chapter Two.

#### **Alternative 1 – No Action Alternative**

Under the No Action alternative, the current winter travel plan would continue to guide management of the project area, including the existing winter motorized closures. Permits for landowners and their guests to go through the winter wildlife closure would continue to be issued. It is expected this alternative would maintain the current ineffectiveness of the existing closure between Couch and Fleck Summits (due to the number of landowners and guests riding through), and maintain the current inequity of allowing landowners and guests through the closure (to areas without over-snow vehicle restrictions north of Fleck Summit) but not the general public. In addition, the no action alternative would maintain the current potential for disturbance to wintering mountain goats, lynx, and wolverine denning in the headwaters of the upper South Fork Boise River and Big Smoky Creek from over-snow vehicles (associated with the landowner access permits).

### **Alternative 2 – Proposed Action**

Under this alternative, the boundaries of the current winter wildlife closure would be modified. The current closure area from Featherville to the east to Big Smoky would remain closed to over-snow vehicle use, but the current closure area from Couch Summit to Fleck Summit and within the Little Smoky Creek drainage would be opened to over-snow vehicle use. This would allow the general public, in addition to landowners, to access the upper South Fork Boise River area on over-snow vehicles. The current permit system for landowners to access their properties in the Little Smoky Creek, Big Smoky Creek, and upper South Fork Boise River areas would no longer be needed. In addition, grooming of the road from Couch Summit to Fleck Summit and up to the private land north of Fleck Summit (13.1 miles on existing roadway) would be allowed. In order to minimize disturbance to wintering mountain goats, lynx, and wolverine denning from increased over-snow vehicle use, the headwaters of the upper South Fork Boise River and Big Smoky Creek would be closed to over-snow vehicles.

### **Alternative 3 – Maximize Wildlife Security**

This alternative was developed to offer the greatest protection for wintering mountain goats, lynx, wolverine denning, and elk from over-snow vehicle disturbance. Alternative 3 would retain the existing over-snow vehicle closure from Couch Summit to Fleck Summit and up Little Smoky Creek but would additionally close the entire South Fork Boise River drainage to the north of Forest Road 227 to over-snow vehicle use. Grooming the Couch Summit to Fleck Summit trail corridor would not be allowed. This alternative would keep a permit system in place such that landowners and their guests would be able to access their property, but they would no longer be able to use over-snow vehicles for recreation on National Forest System lands north of Fleck Summit. This would address the inequity issue of over-snow vehicle access to National Forest System lands in the upper South Fork Boise River area, since neither landowners nor the public would have over-snow vehicle access to that area.

### **Alternative 4 – Maximize Over-Snow Vehicle Recreation Opportunity**

This alternative was developed to maximize over-snow vehicle recreation opportunity. Similar to Alternative 2, this alternative would modify the boundary of the current winter wildlife closure; opening the area from Couch Summit to Fleck Summit and up Little Smoky Creek to over-snow vehicle use. This alternative would also allow the road from Couch Summit to Fleck Summit (and up to the private land north of Fleck Summit) to be groomed (13.1 miles on existing roadway). Unlike Alternative 2, however, areas in the headwaters of the upper South Fork Boise River and Big Smoky Creek drainages would be remain open to over-snow vehicle use. This would increase over-snow vehicle recreation access but offer the least protection for wintering mountain goats, lynx, and wolverine denning. The current permit system for landowners to access their properties in the Little Smoky Creek, Big Smoky Creek, and upper South Fork Boise River areas would no longer be needed. This alternative would address the inequity issue of over-snow vehicle access to National Forest System lands in the upper South Fork Boise River area, since both landowners and the general public would have over-snow vehicle access to that area.

## Decision

I have reviewed the analysis presented in the EA and project record. I have considered comments and input provided by members of the public, in consultation with sovereign tribal governments, and comments from the public. I have also discussed the project's anticipated effects with the members of the ID Team, Forest Staff, and the Regional Office.

Three objections on the draft decision notice and FONSI were received. They came from the Idaho State Snowmobile Association, WildEarth Guardians, and Winter Wildlands Alliance/The Wilderness Society. The objection reviewing officer, ID Team leaders, and I met with each of these objectors in early November to better understand their objection issues.

As part of the objection process, the issues identified by the three groups were reviewed by a Standing Objection Review Team (SORT). The SORT conclusions and recommendations were shared with the Objection Reviewing Officer, Jim DeMaagd, Sawtooth National Forest Supervisor. The Objection Reviewing Officer, found that my decision rationale was clear and that objection issues were analyzed and addressed consistently with applicable laws and regulations. The Objection Reviewing Officer requested that I include a statement on how I used and considered six documents provided by WildEarth Guardians, which I have added as Table 1 below. The Objection Reviewing Officer has instructed me to proceed with issuance of a decision notice for this project.

Therefore, after further consideration of the issues and concerns surrounding this project, I have decided to implement the Proposed Action - Alternative 2. The objective of this alternative is to provide OSV access for the general public to the upper South Fork Boise River area while still protecting wintering wildlife. The main features of this decision are:

- Existing over-snow vehicle restrictions in the Couch Summit to Fleck Summit area and up Little Smoky Creek would be removed, allowing the public winter access.
- The allowance of a groomed over-snow vehicle trail on Forest Roads 094, 227 and 012 from Couch Summit to north of Fleck Summit.
- A new OSV closure in the very headwaters of the South Fork Boise River and Big Smoky Creek areas would be implemented to help protect wintering mountain goats, lynx, and wolverine denning from the increase in OSV use resulting from removing the existing restrictions from Couch to Fleck Summit.
- The portion of the existing winter wildlife closure from Big Smoky to Featherville will remain closed to over-snow vehicles for the protection of wintering elk (landowners and guests with private property in the South Fork Subdivision would still be able to access their properties from Featherville with a landowner access permit).
- The current permit system for landowners to access their properties in the Little Smoky Creek, Big Smoky Creek, and upper South Fork Boise River areas will no longer be needed.
- The Sawtooth National Forest Winter Recreation Opportunity Spectrum (ROS) map and percentages would be updated to reflect the new winter travel plan.

<b>Table 1. Over-Snow Vehicle (OSV) Travel Management in the Northern Portion of the Fairfield Ranger District - How the documents provided by WildEarth Guardians on March 8, 2017 were considered</b>	
<b>Document</b>	<b>How the document was considered</b>
Switalski 2016 Snowmobile Best Management Practices for Forest Service Travel Planning: A Comprehensive Literature Review and Recommendations for Management -- Wildlife	There was no new information presented in this paper that was not already utilized in the analysis on wolverine and lynx for this travel planning analysis (EA and BABE). In fact, the Draft Decision Notice outlined pertinent results from the Final Report of the Wolverine - Winter Recreation Project (Heinemeyer et al. 2017) which updated information presented in this 2016 literature review. Recommendations presented in this paper were already considered.
Gese et al. 2013 The Influence of Snowmobile Trails on Coyote Movements during Winter in High-Elevation Landscapes	The provided paper confirmed previous hypotheses that coyotes use snowmobile trails increasingly when snow depth increases and can therefore potentially provide intraspecific competition with lynx at higher levels than areas void of snowmobile trails. While this document was not specifically cited or used in this travel planning analysis, previous documents such as the Lynx Conservation Assessment and Strategy were utilized which also brought up this concern. The lynx analysis within the EA and BA's analyzed this concern and concluded that the proposed action would likely increase the potential for intraspecific competition (EA page 47 first paragraph) within four Lynx Analysis Units. However, due to the proposed closure in the headwaters area, the most important LAU's on the Fairfield Ranger District (most likely to actually support lynx), would be closed to all over-snow vehicle use thus eliminating the potential threat in those areas. No new information is presented in this document that was not already considered in this travel planning analysis.
Ruggiero et al. 2000 Ecology and Conservation of Lynx in the United States	This document was referenced in both the EA and BA's related to lynx analysis, and was already used prior to receiving it from the WildEarth Guardians.
The Wilderness Society 2016 Achieving Compliance with the Executive Order "Minimization Criteria" for Off-Road Vehicle Use on Federal Public Lands: Background, Case Studies, and Recommendations	This document was considered when the "Context Minimization Criteria_06262018" Memo was written. The memo explains how the minimization criteria was applied in this winter travel planning analysis.
Switalski 2016 Snowmobile Best Management Practices for Forest Service Travel Planning: A Comprehensive Literature Review and Recommendations for Management -- Water Quality, Soils, and Vegetation	This document was considered for the "Context Minimization Criteria_06262018" Memo. In the memo, details were provided on how the IDT did not find that impacts to water quality, soils, or vegetation occur (or minimally occur) in the analysis area as a result of OSV use. This document was referenced in the memo.
Switalski 2016 Snowmobile Best Management Practices for Forest Service Travel Planning: A Comprehensive Literature Review and Recommendations for Management -- Winter Recreational Use Conflict	This document was considered for the "Context Minimization Criteria_06262018" Memo. In the memo (and in the EA), details were provided on how the IDT did not find that winter recreation conflicts occur in the analysis area and that implementation of the proposed action would "minimize" conflicts between winter recreational uses, namely a reduction in area where helicopter skiing and over-snow vehicle recreation overlap.

A variety of education and communication tools will be used to implement these changes. I will continue to work with partners, law enforcement and other agencies as well as with user groups to implement and monitor these winter travel plan changes. Monitoring will be used to reassess needed management changes.

Current Sawtooth travel plan direction for summer use, the use of aircraft or the existing outfitter and guide special use permit for helicopter skiing are not changed by this Decision.

A complete and detailed description of the Decision (Alt. 2) can be found in Chapter Two of the EA. The following map shows my decision (see Figure 1).

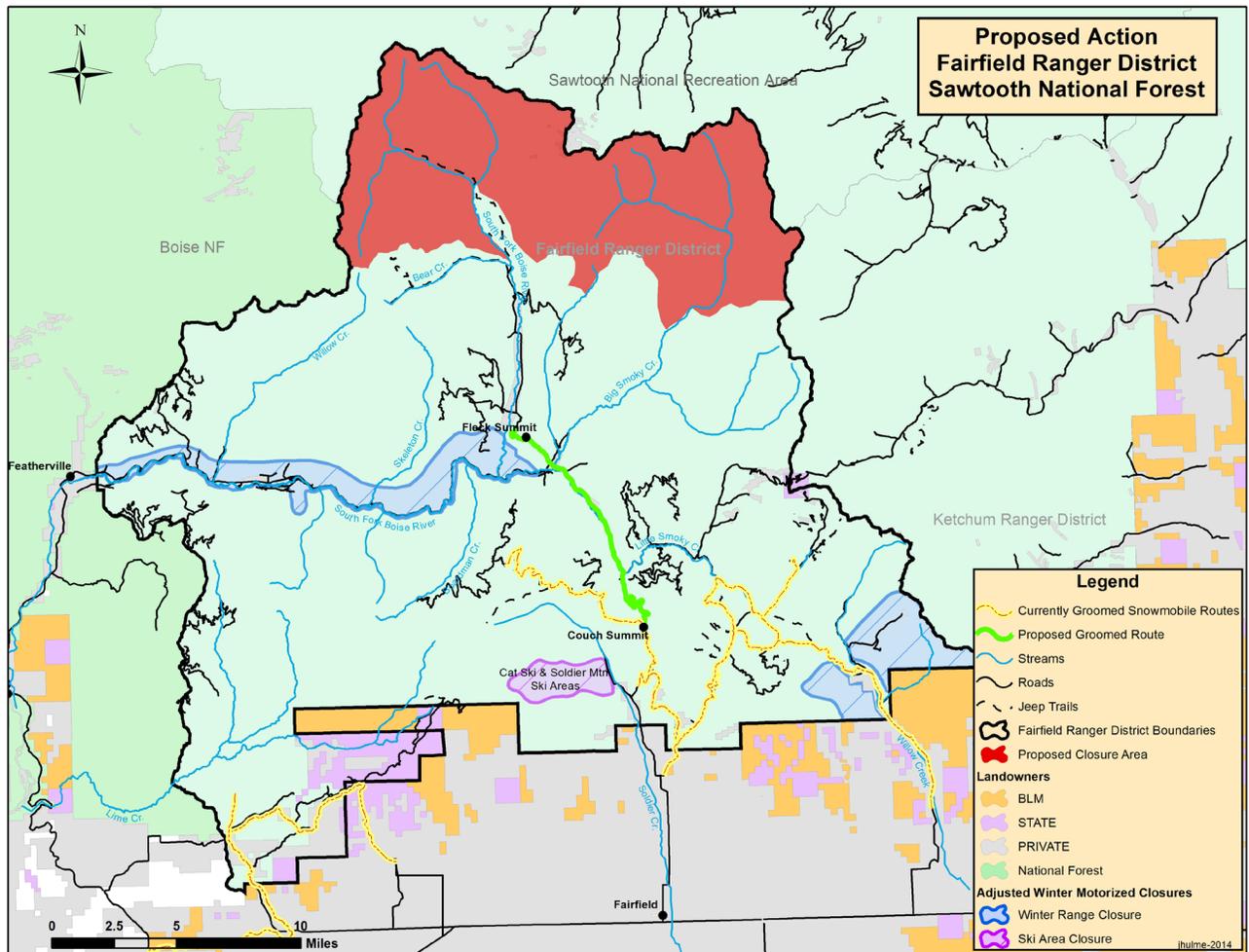


Figure 1. Proposed Action

## Public Involvement

Public involvement opportunities were extensive throughout the planning process involving numerous individuals, special interest groups, and government agencies. The proposed project was continually listed in the quarterly Sawtooth National Forest Schedule of Proposed Actions (SOPA) since April 1, 2010. The SOPA provides the public a list of proposals that are undergoing environmental analysis.

In March of 2010, the Sawtooth National Forest, Idaho Department of Parks & Recreation (IDPR), and Idaho Department of Fish and Game (IDFG) held four open houses in the cities of Gooding, Mountain Home, Fairfield and Hailey. In addition, Sawtooth National Forest employees attended a snowmobile club meeting in West Magic.

As part of the public involvement process, a scoping letter was sent to landowners within or near the project area, other governmental agencies, tribes, environmental organizations, user groups, and other concerned citizens on February 19, 2010. The Fairfield Winter Travel Plan Scoping Comment Summary (part of project record) documents the comments and concerns received from 261 letters, phone calls and emails received between February and April, 2010. Based on the initial comments and concerns, an initial Proposed Action and some preliminary alternatives were developed.

A second scoping letter was sent on December 14, 2010, to the same constituents outlining the four alternatives being considered. The Fairfield Winter Travel Plan Scoping Comment Summary (project record) documents the comments and concerns received from the 78 letters, phone calls, and emails received during December, 2010– February, 2011.

On December 23, 2013 a “Notice of Proposed Action” was published in the Twin Falls, Idaho newspaper, *The Times News*, and was also mailed to anyone who had expressed an interest in this project, which we renamed “Over-snow Vehicle Access into the upper South Fork Boise River Project”. Within the 30-day comment period, 21 responses were received. The analysis of these comments can be found in the project record. In addition, representatives from the Sawtooth National Forest met with members of the Idaho State Snowmobile Association on January 3, 2014 and with members of the IDFG on February 13, 2014 to discuss the proposed action.

Based on updated elk population information provided by IDFG on April 14, 2015 and an additional meeting with members of IDFG on June 4, 2015, the proposed action and alternatives were revised. Rather than proposing only a corridor through the winter wildlife closure from Couch Summit to Fleck Summit, the District now proposed to remove the eastern portion of the closure all together and allow the route from Couch to Fleck Summits to be groomed. The project area was extended to include the Big Smoky drainage, and the new proposed closure in headwaters was extended from only the very headwaters of the South Fork Boise River to also include the headwaters of Big Smoky Creek.

In addition, the planning for this decision was changed to be completed under 36 Code of Federal Regulations part 212-Subpart C (Use by Over-Snow Vehicles --Travel Management Rule). This rule was finalized in January 2015 and specifically addressed over-snow vehicle

travel planning. Previously, this decision would have only resulted in issuing a new special order. To share these changes, a new “Notice of Proposed Action” was published in Twin Falls, Idaho newspaper, *The Times News*, on September 8, 2015 and mailed to individuals and organizations who had previously expressed interest in the project. Within the 30-day comment period, 68 responses were received. The response to these comments can be found in the project record. In addition, representatives from the Sawtooth National Forest again met with members of the Idaho State Snowmobile Association and IDPR on September 18, 2015 to discuss the revised proposed action.

An additional 30-day comment period was provided with the publishing of the EA on February 9, 2017. Within the 30-day comment period, 33 responses were received.

## **How My Decision Responds To Public Concerns and the Need for Change**

This decision involves social as well as resource issues and compromises. The comments received during the process reflect the diverse interests of the public regarding use of the National Forest. The analysis is not a voting process, but I have sought to carefully and objectively assess public comments, the purpose and need, issues, and alternatives and their effects in reaching my decision.

I have selected Alternative 2 as it seems to best meet the Purpose and Need as described both above and in the EA, and best responds to all the issues (see EA, Chapter 2 for a Comparison of the Alternatives & Issues.)

This alternative makes an attempt to strike a balance between providing over-snow vehicle access while offering some protection for wintering wildlife.

### **Wildlife**

Wintering mountain goats will benefit from increased security during the critical winter period as a result of closing the headwaters of the South Fork Boise River and Big Smoky Creek drainages to over-snow vehicles. As shown in the EA, this area has wintering mountain goats. Idaho Fish and Game aerial surveys were most recently conducted in March 2017 in this area (after the EA was released), and confirmed that mountain goats are still using this area (and population numbers appear to have increased since the last survey in 2009). Disturbance that cause mountain goats to flee in the wintertime can have negative consequences to individuals, and repeated disturbances to small populations (such as exists on the Fairfield Ranger District) can have negative effects to the population (Varley 1998, PBC 1979, Foster and RaHS 1985). Closing those areas where mountain goats are known to winter will help prevent these disturbances and is supported by Idaho Department of Fish and Game.

My Decision will also improve security for mapped, predicted Canada lynx habitat by closing the headwaters of the South Fork Boise River and Big Smoky Creek drainages to over-snow vehicles. Although there will likely be an increase in potential disturbance from OSVs lower in the drainage (refer to the EA and the Biological Assessment), the most important lynx habitat on

the Fairfield Ranger District is in the headwaters areas that will be closed to OSVs. These areas have the most likelihood to support lynx due to their remoteness, lack of human activity, and connectivity to areas with known historic populations to the north.

Since releasing the EA, the Final Report for the Wolverine–Winter Recreation Research Project was completed (December 15, 2017). Conclusions in the EA regarding potential effects from winter recreation on wolverines, particularly denning wolverines, were validated by the conclusions of the study. While wolverines were shown to maintain multi-year home ranges within landscapes that support winter recreation, wolverines displayed negative functional responses in habitat use related to the average relative intensity of both motorized and non-motorized winter recreation. Other conclusions included:

- Female wolverines are sensitive to dispersed winter recreation, and this recreation can result in indirect habitat loss (including denning habitat)
- The amount of indirect habitat loss is related to relative intensity of winter recreation within the home range
- Both male and female wolverines responded negatively to increasing intensity of winter recreation within home ranges, and within both home range and landscape scales, wolverines avoided areas with higher intensity winter recreation
- Dispersed recreation activities elicited a stronger response than recreation along roads and groomed routes, with females showing more sensitivity to disturbance than males
- In some of the highest recreated landscapes, the researchers were unable to successfully identify wolverines
- Motorized dispersed winter recreation was the second most important predictor of female habitat selection (topographic position was the most important), and when combined with potential for motorized recreation to cover large areas, can lead to important indirect habitat loss for female wolverines
- Further research is needed to link population-level metrics to habitat and habitat conditions, but clearly at some point, displacement from high quality habitats would affect the reproductive and survival fitness of wolverines
- Climate change (loss of snow pack and reduced winter length) will likely result in winter recreation becoming more concentrated and intense in time and space and suggests even more severe indirect habitat loss for wolverines within denning habitat and during the critical denning period in the future.

The results of this study provide compelling evidence for securing areas free of disturbance within wolverine home ranges during the denning period. Both dispersed motorized and non-motorized recreation can result in indirect habitat loss for wolverines, but within the analysis area very little non-motorized recreation occurs due to remoteness. My Decision will reduce the potential for disturbance to wolverines from dispersed OSV use in 58% of the mapped denning habitat in the analysis area by closing the very headwaters of the South Fork Boise River and Big Smoky Creek watersheds to OSV travel. This area is the most important wolverine denning habitat on the Fairfield Ranger District due to its proximity to known occupied wolverine territories.

Winter security for elk and gray wolves will be maintained in the closure area from Big Smoky to Featherville, but will be reduced along Little Smoky where the existing closure will be

removed. As demonstrated in the EA and by IDFG comment letter (February 28, 2017), elk have not been wintering in the area proposed to be opened to OSV use to the degree they were in the past. Opening this area to OSV use will not negatively impact the elk population. Wolves have continued to be observed during the winter along Little Smoky Creek where the existing closure will be removed. Individual wolves may be negatively affected by opening this area to OSV use as a result of increased disturbance and the potential for hunting and trapping. This effect would not be at a level that would lead to a trend toward federal listing of the species (refer to the EA and the Biological Evaluation).

### **Over-snow Vehicle Recreation**

While the very headwaters of the South Fork Boise River and Big Smoky Creek drainages would be closed to OSV recreation, the amount of area accessible to the general public to recreate on OSVs will be increased. Currently without a landowner permit, 100% of the analysis area is not accessible to the general public. My decision will result in allowing the general public access to 62% of the analysis area. Of the 224,259 acre analysis area, a total of 138,993 acres would be open to over-snow vehicle recreation to the general public (not just permitted landowners and guests) while 85,266 acres would be closed (72,447 acre new closure and 12,819 acres of existing closure from Big Smoky to Featherville).

In addition, 13.1 miles of groomed trail on National Forest land will be permitted, resulting in a 33% increase of groomed routes available to OSV users on the Fairfield Ranger District.

Private landowners and their guests will no longer need permits to access their properties in Little Smoky, Big Smoky, and the upper South Fork Boise River area in the winter.

### **Helicopter Skiing**

Although heli-skiing was not a key issue in the environmental analysis, a separate analysis was done comparing the existing heli-ski operation with the OSV alternatives (see *Comparison of Over-snow Vehicle Travel Management Alternatives with Ongoing Heli-ski Operations*; in the project record). Although their boundaries are different, a comparison of the permitted heli-skiing area to areas that will be open to over-snow vehicle use, show both comprise approximately 62% of the analysis area. Some areas within the new OSV closure in the headwaters area will continue to be conditionally open to heli-skiing since specific mitigation measures are in place to avoid negative effects to wolverines. In addition a few areas will be open to OSV use that are closed to heli-skiing. Although these areas are mapped as wintering mountain goat habitat, they already receive considerable annual OSV use.

While consistent management of resources for different uses is desirable, it is not always possible or necessary that they be perfectly aligned. With permitted heli-skiing, it is possible to delineate very specific areas that are actually used. For public OSV use, it is important to define OSV closure boundaries with topographic or other features to make it easy for riders to know where the boundaries are. Thus it is logical that there be some discrepancies in how these different uses are managed. Within the planning area, both the heli-ski special use permit and this decision on public OSV use offer a compromise between the use by both sports and protection of wolverine denning and mountain goat wintering needs.

## **Finding of No Significant Impact**

After considering the environmental effects described in the EA and project record, I have determined that this action will not have a significant effect on the quality of the human environment (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I am basing my finding on the following:

### **1. Context and Intensity**

This action occurs on the north half of the Fairfield Ranger District, from the existing winter wildlife closure up to the District boundary. It removes the existing OSV closure from Couch Summit to Fleck Summit and up Little Smoky Creek to Red Rock and allows the general public access to open areas to the north of the winter wildlife closure. It will allow for 13.1 miles of new groomed route as part of the motorized winter trail system. Although this route was used by landowners and permitted guests, grooming was not permitted. This action also closes the very headwaters of the South Fork Boise River and Big Smoky Creek drainages (72,447 acres) to OSV use to offer protection to wintering mountain goats, denning wolverines, and mapped lynx habitat.

This action is designed to create equity between landowners and the general public for OSV access to National Forest lands in the upper South Fork Boise River area while offering protection for wintering wildlife. No significant effects on local, regional, or national resources were identified in the analysis. Effects associated with the project are discussed in Chapter Three of the EA and the project record. None of the direct, indirect, or cumulative effects were identified as being significant, and the action is compliant with the Sawtooth Forest Plan.

After careful consideration of the EA and the project record, it is my finding that the effects of this action are not significant.

### **2. Public Health and Safety**

This action will not significantly affect public health and safety. A groomed route, increased signing, continued monitoring and the availability of the Motor Vehicle Use Map will provide a quality and safe recreation experience for the public.

### **3. Unique Characteristics of the Area**

This action will not adversely affect unique characteristics such as historic or cultural resources, wetlands, or ecologically critical areas. My determination is based on the discussion of effects found in the EA, Chapter Three. There are no parklands, prime lands (forest, farm or range), historic or cultural properties, or wilderness associated with this action.

The South Fork of the Boise River (SFBR) downstream of the confluence with Big Smoky Creek within the analysis area has been determined to be eligible for designation as a Recreational River under the Wild and Scenic Rivers (WSR) Act. There is no proposed change to over-snow vehicle travel along the eligible portion of the SFBR under any of the alternatives outlined in the EA. This action will not impact the Outstanding Remarkable Values or eligibility of the SFBR for Recreational River designation; therefore, this decision is in conformance with the WSR Act and the Sawtooth National Forest Plan.

Four Idaho Roadless Areas (Smoky Mountain, Blackhorse, Lime Creek, and Elk Ridge IRA's) occur within this action area. No new roads, trails, or groomed routes will be constructed in the IRA's. Therefore, the Decision will not affect the status of the IRA's. A worksheet documenting the effects to the IRA attributes is part of the project record. No Research Natural Areas are affected by this Decision.

#### **4. Controversy**

The activities described in Alternative 2 do not involve effects on the human environment that are likely to be highly controversial (40 CFR 1508.27). I find that while there are opposing opinions regarding the proposed action and alternatives, there is no substantiated scientific controversy over the effects themselves. The opposing views related to the motorized recreation experience, and protection of wildlife and other natural resources were addressed during alternative development and are discussed in Chapter 3 of the EA. I find the effects on the human environment are not highly uncertain, are unlikely to involve unique or unknown risks and are not likely to be highly controversial and are, therefore, not significant.

#### **5. Uncertainty**

The action described in my decision will not involve effects that are highly uncertain or involve unique or unknown risks (40 CFR 1580.27). This action is similar to actions taken on many National Forests.

Pertinent scientific literature has been reviewed and incorporated into the analysis process, including the recently released Final Report for the Wolverine–Winter Recreation Research Project and results from the 2017 aerial mountain goat survey conducted by Idaho Fish and Game. The technical analyses conducted for the determination of impacts to the resources are supportable with use of accepted techniques, reliable data and professional judgment. Issues of public concern and possible environmental effects of the selected alternative have been adequately addressed in the analysis. Therefore, I conclude that there are no highly uncertain, unique or unknown risks.

#### **6. Precedent**

My decision to implement the action included in Alternative 2 does not establish a precedent for future actions with significant effects, nor does it represent a decision in principle about a future consideration. This action is consistent with Forest Service direction contained in 36 CFR Part 212. As noted above similar actions have been implemented across National Forest System Lands for the past 20 years. Any future proposals to the designated routes on the Sawtooth Forest will be evaluated through the National Environmental Policy Act process, consistent with current laws and regulations.

#### **7. Cumulative Impacts**

The decision was evaluated in the context of past, present, and reasonably foreseeable actions. The cumulative effects of this action are described in the EA – Chapter 3. This action does not individually, nor cumulatively when considering other activities within the area affected, reach a level of significance as discussed in Chapter Three of the EA. This is primarily based on the predicted effects from the modest level of overall change that would occur as a result of the area designation process.

## **8. Properties On or Eligible for the National Register of Historic Places**

I find the action will have no adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. There are no ground disturbing activities that would initiate consultation with the State Historic Preservation Office. I find the action will not cause loss or destruction of significant scientific, cultural, or historical resources.

## **9. Endangered or Threatened Species or Their Critical Habitat**

Implementation of the proposed action will not likely adversely affect the bull trout or its critical habitat. These determinations are based on the conclusions that neither individuals of the species nor critical habitat will be significantly impacted, although there may be some insignificant effects to habitat or a slight increase in potential disturbance of individuals.

Implementation of the proposed action will not likely adversely affect Canada lynx. This determination is based on the conclusion that an insignificant and discountable increase in potential wintertime disturbance, incidental trapping, and general snow compaction could occur in the Little Smoky-Soldier-Willow, Bluff-Big Peak-Skillern, Bear-Skeleton-Skunk, and the northeast corner of the Willow-Abbot-Big Water-Kelly Lynx Analysis Units (LAU), but would reduce potential disturbance effects in the most important LAUs on the District (the Ross Fork-Johnson-Emma and Upper Big Smoky-Paradise LAUs). Allowing grooming along the Couch to Fleck Summit road corridor was determined to have no additional effect to lynx since the route already receives annual snow compaction from landowners accessing their private lands. The proposed new over-snow vehicle closure in the Ross Fork-Johnson-Emma and Upper Big Smoky-Paradise LAUs will have entirely beneficial effects to lynx due to a reduction in potential wintertime disturbance, snow compaction, and incidental trapping.

Implementation of the proposed action will not likely adversely affect Ute ladies'-tresses orchid. This determination is based on the conclusion that direct and indirect effects on unoccupied potential habitat will be minimal (insignificant).

Implementation of the proposed action will not likely jeopardize the continued existence of the wolverine (as a proposed threatened species) or result in the destruction or adverse modification of proposed critical habitat. This determination is based on anticipated increases in the potential for disturbance from over-snow vehicle recreation in 42% of the potential wolverine denning habitat in the analysis area, but a reduction of potential disturbance in 58% of the potential denning habitat (deemed the most important potential denning habitat on the District) as a result of the proposed new closure. Some indirect effects may result from the proposed action including a potential increase for incidental trapping in the area open for over-snow vehicle travel as a result of increased public access.

A Biological Assessment was prepared and delivered to the U.S. Fish and Wildlife Service in 2014, and a letter of concurrence was received from US Fish and Wildlife on November 19, 2014 for this action. An amended Biological Assessment was completed for Canada lynx on the revised proposed action (adding headwaters of Big Smoky Creek to the proposed closure area in addition to headwaters of South Fork Boise River) and delivered to the U.S. Fish and Wildlife

Service in 2015. In an email dated October 28, 2015, US Fish and Wildlife concluded that reinitiation for the consultation was not necessary because changes in the proposed action would not result in effects that were different from the previous analysis and consultation.

#### **10. Legal Requirements for Environmental Protection**

The action will not violate Federal, or applicable State and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Sawtooth National Forest Land and Resource Management Plan.

### **Findings Required by Other Laws and Regulations**

**Consistency with the Final Travel Rule** - This decision complies with 36 CFR 212 Subpart C, Over-Snow Vehicle Use, published January 28, 2015. In reference to the rules' requirement to consider effects on soil, watershed, vegetation, wildlife and wildlife habitat "with the objective of minimizing" them; page 68281 of the Federal Register Rule states:

"It is the intent of EO 11644 that motor vehicle use of trails and areas on Federal lands be managed to address environmental and other impacts, but that motor vehicle use on Federal lands continue in appropriate locations. An extreme interpretation of 'minimize' would preclude any use at all, since impacts can always be reduced further by preventing them altogether. Such an interpretation would not reflect the full context of EO 11644 or other laws and policies related to multiple uses of NFS lands. Neither EO 11644, nor these other laws and policies, establish the primacy of any particular use of trails and areas over any other. The Department believes "shall consider \* \* \* with the objective of minimizing \* \* \* will assure that environmental impacts are properly taken into account, without categorically precluding motor vehicle use."

The Winter Travel analysis reflects the guidance above. Effects were minimized in the context of the Sawtooth Forest Plan and are displayed in Appendix 1 of the EA. In addition, refer to the memo explaining the context for the Decision and how the minimization criteria was applied to meet the objective of minimizing effects from motor vehicles on trails and areas (available in project record). In summary, my decision minimizes effects to resources by:

- Limiting designated OSV trails to a single trail on an existing road.
- Closing areas where disturbance effects to wildlife were deemed unacceptable (mountain goat wintering habitat and the most important wolverine denning and mapped lynx habitat).
- Maintaining the closure between Big Smoky and Featherville to protect wintering elk.

**Consistency with Forest Plan** - This decision is consistent with the Sawtooth Forest Plan goals and objectives, and standards and guidelines. This decision to designate open areas for over-snow vehicles is consistent with the intent of the Forest Plan's long- term goals and objectives listed.

**National Environmental Policy Act** - The EA and DN/FONSI document are in compliance with NEPA and the Council on Environmental Quality regulations (40 CFR 1500-1508) for implementing NEPA.

**Endangered Species Act** - This decision is consistent with the Endangered Species Act. A Biological Assessment and Biological Evaluation was prepared for listed plant, wildlife, and fish species and submitted to the U.S. Fish and Wildlife Service for review and concurrence. A letter of concurrence was received from US Fish and Wildlife on November 19, 2014.

**Treaty Rights** – This decision does not conflict nor affect Treaty Rights.

**Clean Water Act** - This decision is consistent with the Clean Water Act and amendments. No construction or ground disturbing activities within wetlands are involved and therefore no permit is required from the U.S. Army Corps of Engineers. No State permit for streambed alteration is required because no streambeds are involved in the project.

**Nonpoint Source Water Quality Program for the State of Idaho** - This decision maintains water quality within the project area and is consistent with the State of Idaho Nonpoint Source Water Quality Program.

**Executive Order 11990 of May 1977 (Wetlands)** - This order requires the Forest Service to take action to minimize destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands. The decision complies with EO 11990.

**Executive Order 11988 of May 1977 (Floodplains)** - This order requires the Forest Service to provide leadership and to take action to (1) minimize adverse impacts associated with occupancy and modification of floodplains and reduce risks of flood loss, (2) minimize impacts of floods on human safety, health, and welfare, and (3) restore and preserve the natural and beneficial values served by flood plains. The decision complies with EO 11998.

**Executive Order 13186 of January 2001 Migratory Bird Treaty Act** – This Act requires the Forest Service to provide for the protection of migratory birds. The decision complies with the Migratory Bird treaty Act.

**Environmental Justice** - This decision was assessed to determine whether it would disproportionately impact minority or low-income populations, in accordance with Executive Order 12898. No impacts to minority or low-income populations were identified during scoping or the effects assessment.

## **Implementation Date**

Implementation of this project is expected to begin immediately.

## Contact

For additional information concerning this decision contact Steve Frost or David Skinner – Winter Travel Plan Revision Team Leaders by phone at (208) 764-3202. Fairfield Ranger District Office, 102 First Avenue East, Fairfield, ID 83327.



MIKE DETTORI  
District Ranger  
Fairfield Ranger District

DEC 18, 2018  
Date

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