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Department of
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Forest
Service

Record of Decision

Snow King Mountain Resort On-Mountain Improvements Project

Jackson Ranger District, Bridger-Teton National Forest, Teton County, Wyoming

Legal: T41N, R116W, Sections 33 and 34, and T40N R116W, Sections 3 and 4; Sixth Principal Meridian

March 2021

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INTRODUCTION

This Record of Decision (ROD) documents my decision and rationale for the selection of Alternative 4, identified as the preferred alternative in the October 2020 *Snow King Mountain Resort On-Mountain Improvements Project Final Environmental Impact Statement* (Final EIS), with some modifications. This decision authorizes the implementation of improvements included in Snow King Mountain Resort's (Snow King's) current master development plan (MDP). The MDP documents analysis of current conditions at the ski area and, based on that analysis, outlines anticipated development and management of the resort over the next 10 years.

The elements of the MDP are intended to enhance the year-round recreational opportunities available at the resort and on the Bridger-Teton National Forest (Bridger-Teton). They are the result of a collaborative, multi-year process involving input from Snow King, the Bridger-Teton, the Town of Jackson, Teton County, the Snow King Mountain Stakeholder Group, and members of the public.

Snow King has operated for over 80 years, most of those under a special use permit issued by the Forest Service and administered by the Bridger-Teton. The operational ski area is approximately two-thirds on National Forest System land and one-third on Town of Jackson land or private property.

PROJECT BACKGROUND

Under the terms of the *National Forest Ski Area Permit Act of 1986*, development and operation of ski areas on National Forest System lands is guided by MDPs, which describe existing conditions; identify physical, environmental, and socio-economic opportunities and constraints; establish the permittee's conceptual vision for the ski area; and outline near-to-long-term plans for achieving that vision. As a condition of permit issuance, the Forest Service must review and accept, modify, or reject a ski area's MDP. MDPs are intended to be dynamic documents, amended or revised periodically to reflect changes in operational opportunities and constraints, recreation-market demands, and agency management requirements.

One component of an MDP is planned development of the ski area's physical infrastructure. When a ski area permittee decides to move ahead with development that involves National Forest System land, the permittee submits a proposal to the Forest Service describing those MDP elements and requesting authorization to implement them. The Forest Service then evaluates the proposal, on the basis of established screening criteria. If a proposal is accepted, we initiate our decision-making process, including seeking public comments on the proposal and analyzing and disclosing the environmental impacts of the

proposed action and alternatives, in accordance with the *National Environmental Policy Act of 1969* (NEPA).

We accepted the *Snow King Mountain 2017 Master Development Plan* December 26, 2017, and a subsequent amendment on March 9, 2018. On June 5, 2018, we received Snow King's request to implement specific on-mountain improvements. Our review of their request indicated that two of those improvements, the yurt camp and some minor ski run adjustments, were not included in Snow King's 2017 MDP. On June 15, 2018, we accepted those two improvements as amendments to the MDP.

Since the proposed improvements involved National Forest System land and require Forest Service approval prior to implementation, we initiated the review process required by the National Environmental Policy Act of 1969 (NEPA). NEPA review formally began with publication of the Notice of Intent to Prepare an EIS in the Federal Register on August 3, 2018.

Teton County and the Town of Jackson are cooperating agencies in this EIS process (40 CFR 1501.6).

DECISION AND RATIONALE

I have reviewed the Final EIS and the information contained in the project record. I have also reviewed and considered the public comments and objections submitted on this project. I have determined that this documentation provides adequate information to make a reasoned choice among alternatives. It is my decision to authorize a modified Alternative 4, including associated design criteria (hereafter referred to as the selected alternative). This decision will allow Snow King to move ahead with certain elements of the selected alternative immediately, while implementation of other elements may be contingent upon additional requirements as described below. All elements are described in detail in Final EIS sections 2.2 and 2.6, and their locations are shown on maps in Attachment A.

SPECIFICS OF THE DECISION

Phase 1 – Elements that May Be Implemented Immediately

The elements of the selected alternative that may be implemented immediately are listed below.

Permit Boundary Adjustment

- A 67-acre permit boundary adjustment on the front side, east of the existing permit area, to accommodate part of a summit access road/novice skiway, intermediate-level terrain lower on the slope (including groomed runs and tree and glade skiing), and a novice route down from Rafferty lift (via the access road/novice skiway).
- An 88-acre permit boundary adjustment on the front side west of the existing permit area to accommodate a summit teaching center, an additional segment of the summit access road/novice skiway, and expert-level tree and glade skiing.
- The southern border of the western boundary adjustment area will be shifted to the actual ridgeline to provide a buffer between summit development and use and the winter habitat lower on the slope.

Terrain Development

- A new ski school/teaching center with beginner and novice terrain on the ridgeline west of the Snow King summit.
- New ski runs on the front side and the top of the mountain, and adjustments to some existing runs totaling 120.9 acres of new terrain. This includes runs 3, 6, 9, 13–25, Lift B, C and D terrain, and modifications of Moose, Belly Roll, Upper Exhibition, and Bearcat/Bearcat Glades.

- One area of gladed ski terrain in the western boundary adjustment area, near the summit, associated with the new ski school/teaching center. Total area in Phase 1 is 3.6 acres.

Summit Access Road/Novice Skiway

- A new roughly 2-mile, front-side, access road to the top of the summit gondola that will also serve as a novice skiway.

Lifts

- A new gondola replacing the aging Summit lift.
- A new back-side chairlift.
- Two teaching center conveyor lifts.
- A new surface tow or conveyor lift on the back side bringing skiers to the teaching center.
- Cougar lift bottom terminal will be shifted about 250 feet up the current alignment.

Facilities

- First phase of the Summit restaurant/guest services building to support skiing and ski patrol facility, including utilities, up to 10,000 square-feet. Construction will require removal of the existing Panorama House and the unloading dock of the original Summit lift.
- Development of the historic Civilian Conservation Corps cabin near the summit as an interpretive center showcasing Snow King's history.
- A 500-square-foot observatory near the summit.
- A temporary ski patrol building at the top of Cougar.

Night Skiing

- 27.3 acres of expanded lighting for night skiing.

Snowmaking Coverage

- 147.2 acres of added snowmaking (with few exceptions, all existing and authorized new terrain).

Summer Activities

- Zip line Option 1 - a straight line, 3,200-foot, single span, with a single cable, from the summit to the mid-station.
- About 5.6 miles of front-side mountain bike trails.
- Hiking trails between the summit and the west base, west of Exhibition run, including an improved 0.6-mile Stairway Trail and a new 1.2-mile trail in the Bearcat Glades area.
- Forest stand thinning on 77.7 acres mostly within the current permit boundary to improve forest health and reduce fuel loads at the wildland/urban interface.
- Obliteration of user-created trails and 1.5 miles of existing service roads made unnecessary by the proposed summit access road/novice skiway.

These elements are described in detail in Final EIS sections 2.2 through 2.6.

Phase 2 – Elements that May Be Contingent on Additional Requirements

After Snow King completes Phase 1 development, the Bridger-Teton will assess that development taking into account the effectiveness of design criteria in reducing impacts on scenic quality, noise, and other environmental and social resources. We will document the results of this assessment and consider them in determining if any additional requirements are necessary before authorizing implementation of Phase 2 development in a Snow King operating plan.

We do not anticipate additional NEPA analysis, but cooperating agencies will be involved our Phase 1 review and we may invite some level of public participation. We recognize that the ski industry is dynamic and that some Phase 1 elements may not be complete before implementation of Phase 2 is authorized. The elements of Phase 2 include:

Terrain Development

- New ski runs on the front side of the mountain, including runs 1, 2, 4, 5, and 7. Terrain area for Phase 2 is 12.7 acres.
- Gladed ski terrain on the back side totaling 17.8 acres.

Facilities

- Second phase of the Summit restaurant/guest services building, up to an additional 15,000 square-feet. This could include an area for outdoor education or other activities.

Summer Activities

- A 110-acre back-side mountain bike zone with a skills park and trails of various difficulty levels. Detailed plans for this zone will be developed and submitted for engineering review prior to construction authorization.
- Forest stand thinning to improve forest health and reduce fuel loads at the wildland/urban interface in the eastern and western boundary adjustment areas, totaling 65.2 acres.

Elements of Alternative 4 Not Authorized by the Decision

The following elements are not authorized in order to minimize impacts on the back side of Snow King Mountain Resort and to ensure the decision is consistent with Forest Service policy:

- A year-round yurt camp at the southern point of the permit area, with nine yurts 20-30 feet in diameter and a 1-mile ADA-compliant access trail from the summit.
- A small, open-air wedding venue west of the summit building.
- Zip line Option 2 - three separate segments with a combined length of about 5,200 feet. Two intermediate terminals will connect the first segment to the second and the second to the third.
- eBike use on Snow King trails.

Resource Protection Measures

My decision requires implementation of the design criteria relevant to the selected alternative described in the resource-specific sections of the Final EIS with some modifications. These design criteria have been compiled in Appendix B of this document for clarity and are required as part of my decision.

REASON FOR THE DECISION

My decision to authorize the selected alternative was made by considering how well it meets the purpose and need for action, how it responds to key issues, and how it addresses public comments on the Draft EIS as well as comments heard during the objection resolution meetings. My review included all pertinent content in the project record, including relevant scientific information, and I considered responsible opposing views. My rationale for the decision is discussed in detail under the following headings.

Before making a final decision, I reviewed the EIS and fully considered public comments and project record. I participated in objection resolution meetings. I recognize this decision is complicated due to the wide range of views in the community of Jackson regarding the proposed activities. There is support for the entire proposal from some, support for certain aspects and not others from some, and opposition to the entire proposal from some. Determining a course of action that meets the desires of the public and Snow King while complying with Forest Service management direction was not easy, particularly because the ski area is directly adjacent to and an integral part of the town of Jackson.

That being said, ski area operations are changing nation-wide as resorts grapple with climate change impacts and changes in the public's recreational use and desires. Serving a more diverse public that desires a wide range of winter and summer recreational opportunities at ski areas is becoming more and more important for the viability of the ski industry. The actions that are authorized in this decision will result in changes to Snow King, and I acknowledge that to some these changes represent a significant shift from a Town Hill experience. I would agree that these changes will add to the continuum of change Snow King has experienced in the past decade and will change the face of the mountain to some degree. Whether this change is positive or negative depends on individuals' values and their view of what a ski area should be, what is acceptable recreation on Forest Service lands and in Jackson, and what is appropriate given that the ski area is the backdrop to the community. Understanding this, I considered several themes as I crafted this final decision.

- There are many ideas and desires for what Snow King should be, how it should operate and what types of activities should or should not be authorized. Fundamentally, I relied on agency expertise, expertise within the ski industry, and business desires of Snow King as a Forest Service permittee to inform me as to what is feasible, safe, and will provide quality visitor experience.
- While I recognize there is disagreement regarding the degree of environmental impacts, the EIS clearly indicates that the scale of environmental impacts will be within what would be expected in a highly developed winter and summer recreation area and are well within Forest Plan standards for this land use designation. That is not to say there are no effects, but that those effects are within the range of expected conditions for an existing ski area that serves both winter and summer use.
- I heard a lack of confidence and a degree of uncertainty during objection resolution meetings that the proposed activities will be within this range of expected impacts. Furthermore, I heard concern that the proposed development will be of a scale that will significantly change the character of the ski area. Recognizing this, I believe a course of action that is phased will meet the desire to allow some elements in the short term and will require a reassessment before moving forward with additional elements.

Phase 1 is purposefully designed to allow Snow King to expand and effectively utilize their lower-ability-level skier terrain, which is the central element of the stated purpose and need for action. Secondly, Phase 1 will provide the basic infrastructure necessary to support expanded winter recreation activities, and it will allow some level of summer infrastructure improvements on the front side, which is already a highly developed part of the ski area.

Phasing will reduce immediate impacts on the east and west boundary adjustment areas, which will allow the Forest Service to assess overall assumptions of impacts disclosed in the EIS to scenic

quality, historic features, wildlife, and public use resulting from Phase 1 before moving to Phase 2. In addition, it will allow the Forest Service and Snow King to address mountain-bike management issues within the ski area boundary and potential impacts to the Cache/Game trail system before expanding mountain biking on the back side. It will also allow a smaller development at the summit during Phase 1, which will demonstrate the ability for a summit building to meet visual and other objectives before authorizing, via an operation plan, the full proposed development.

RESPONSE OF THE SELECTED ALTERNATIVE TO THE PURPOSE AND NEED

Section 1.4 of the Final EIS explains the integration of Forest Service, Bridger-Teton, and Snow King management priorities in formulating our purpose and need for action. Agency-wide, the Forest Service strives to provide a range of high-quality outdoor recreational opportunities on National Forest System lands as part of our multiple-use mandate, which is established in our founding legislation, the National Forest Management Act of 1976 (NFMA). Specific to summer recreation, the Ski Area Recreational Opportunity Enhancement Act of 2011 provides direction on the types of activities the Forest Service should consider authorizing to round out the range of opportunities provided at permitted mountain resorts. The selected alternative addresses these agency-wide management priorities.

At the Bridger-Teton level, our Forest Plan directs us to contribute to community prosperity and provide high-quality developed recreation facilities, including ski areas and other developed sites, designed for people of all ages and abilities. The selected alternative helps implement these aspects of our Forest Plan.

These higher-level management priorities provide the basis for agency action, but our permitted ski areas are where purpose and need come directly to bear, and concrete action takes place. As explained in EIS section 1.4, the site-specific purpose and need for action stem from two factors: Snow King's lack of sufficient terrain for lower-ability-level skiers, and increasing public demand for diverse summer recreation opportunities. The first of these factors, Snow King's ski terrain imbalance, dictates the main elements necessary to meet our stated purpose and need, as follows:

- The ski area needs high-quality beginner and intermediate terrain to meet the needs of the current skier market.
- The only suitable location for developing sufficient terrain of this type is the summit and the adjoining back side of Snow King Mountain.
- Providing access to this terrain requires a lift that is easy to use and downloadable to get beginner skiers safely to and from the summit.
- An "easy way down" from the summit for beginner skiers in the event of a lift failure is also a necessity.
- Given the distance between this new terrain and existing base-area skier services, new service facilities are needed on the summit.
- Construction, operation, and maintenance of these facilities requires a functional and safe access road. The access road and novice skiway have similar design requirements (e.g., slope and width) and are logically collocated to minimize resource impacts.
- The ski area and the Forest Service have comprehensively identified and assessed options for the necessary summit access road/novice skiway, and the proposed alignment is the only viable option.

While many in the community expressed support for the "Brigg's Road Alignment," crossing the north face of Snow King at a lower elevation, with no switchbacks until near the summit on the western end, this alignment does not meet the basic requirement for a safe route down should the

gondola fail, stranding lower-ability-level skiers on the summit. Furthermore, our preliminary investigation showed that constructing the switchbacks at the west end would be extremely difficult and require a series of retaining walls up to 40 feet high, visible from many valley locations. Engineering review concluded the Brigg's alignment was not feasible.

- The single viable alignment requires adjustment of the ski area's east and west permit boundaries.

This tight, integrated relationship among project elements limits deviation from the proposed action in terms of its major elements, but I believe the modifications reflected in the selected alternative maintain this structure and effectively address the terrain-mix aspect of purpose and need. As a result, the Forest Service, the Bridger-Teton, and Snow King will be better able to meet our management priorities regarding winter recreation.

In regard to the second factor driving purpose and need, summer recreational opportunities, mountain resorts nationwide are developing summer recreation options in response to visitor expectations, climate change, and generation of sufficient operating income, and Snow King is no exception.

Over 1.5 million people visit Jackson each summer. Many of those visitors seek opportunities to enjoy the panoramic views surrounding our town and to experience recreational activities that connect them with this spectacular setting. Similar desires are what attracted many Jackson residents to the area. As a result, dispersed recreational use is growing dramatically. The associated effects on the Bridger-Teton's natural resources increase our management load proportionally.

The selected alternative will allow the Forest Service, Bridger-Teton, and Snow King to meet the demand of both visitors and local residents for these experiences. The Summit gondola and building will provide access and services that allow the public to experience the views from Snow King, including those with limited mobility. The mountain-biking infrastructure and zip line authorized under the selected alternative will complement Snow King's current summer activities and provide new opportunities for Forest visitors to experience their public lands. Option 1 was selected because it would result in less soil disturbance, tree removal, and visual impact. Ebike use is not authorized as Forest Service policy on this activity has not been finalized.

In conclusion, this decision to move forward with some elements of Snow King improvements immediately while pausing others until the assessment of Phase 1 is complete is a direct result of the desires of some within the community of Jackson to minimize expansion of the footprint of development until necessary and to ensure that resource effects are consistent with those identified in the EIS. Phase 1 allows Snow King to meet its primary goals of developing opportunities for lower-ability-level skiers, increasing winter ski opportunities in the face of climate change, and increasing some level of summer recreation focused in the footprint that is already developed. Phasing development will allow the Forest Service, with the public, to assess assumptions and effectiveness of design criteria outlined in the EIS and my decision before expanding into other areas.

RESPONSE OF THE SELECTED ALTERNATIVE TO THE KEY ISSUES

Over the course of the EIS process, several key issues emerged that were of greatest concern from the perspectives of the Forest Service and the public. Three of these issues were inherent in the nature of the project and could not be realistically addressed by any alternative that met the purpose and need for action, as discussed above. These issues were related to the summit access road/novice skiway, the associated east and west boundary adjustments, and the impacts of the back-side development on wintering elk.

Summit Access Road/Novice Skiway

The route of the summit access road/novice skiway was the subject of extensive public comment and internal discussion. The primary issues included potential impacts on soil and watershed functioning, wildlife, scenic resources, and skier safety and recreational experience on front-side runs.

As part of our NEPA process, the Forest Service analyzed all suggested alternatives to the road/skiway alignment proposed by Snow King, including improvement of the existing summit road, use of the Leeks Canyon road, construction of the alternative alignment known as the “Briggs Road,” and several alternative alignments within the current ski area boundary. Section 2.7.2 of the EIS explains in detail why these alternatives either did not meet purpose and need for summit access or an easy way down for skiers or were not feasible.

Ultimately, my decision to authorize the road alignment proposed by Snow King is based on two factors. First, the EIS identifies no substantial environmental impacts associated with this alignment. Second, I have come to the conclusion that there is no viable alternative alignment. As indicated above under Response of the Selected Alternative to the Purpose and Need, the “Brigg’s Road Alignment,” while supported by a number of public commenters, was subjected to review by outside and agency engineers and determined to be infeasible. It would be too steep to provide safe egress from the summit if the gondola were out of service, which is a key function of the road/skiway. Beyond that, the level of ground disturbance and visual impact resulting from the two tight switchbacks at its western end were clearly unacceptable.

In light of these factors, I find that the selected alternative responds to this key issue in the best way possible.

Eastern and Western Boundary Adjustments

Concerns associated with the east and west ski area boundary adjustments were similar to those expressed regarding the access road/novice skiway, since the road/skiway necessitates the boundary adjustments. The interconnected nature of many elements of the selected alternative (touched on under the previous heading and described in detail in section 2.7.1 of the EIS) makes the boundary adjustments essential to the overall project. In brief, without the boundary adjustments there can be no access road/novice skiway. Without a road/skiway there can be no summit teaching center, back-side intermediate ski terrain, or skier service facilities, and without these elements, Snow King cannot function effectively as a partner with the Forest Service in meeting our recreational goals. As a result, I find that no alternative to these boundary adjustments is viable and that the selected alternative responds to this key issue in the best way possible.

I recognize the importance some local residents attach to minimizing Snow King’s footprint, in light of the potential impacts associated with expansion. This was a key consideration in my decision to phase development, with any nonessential development in the two boundary adjustment areas delayed to Phase 2. At that time, we will have clear evidence to determine if additional development can occur within the bounds of the impact analysis documented in the EIS.

It is also important to keep in mind that, like the current permit area, both boundary adjustment areas are classified in Forest Plan Management Area 41, Jackson Hole South, classified as Desired Future Condition 9B, Special Use Recreation Areas. The management emphasis for 9B areas is:

“...summer home groups, concession operations, ski areas, lodges, and group camps, and other privately operated sites on National Forest System lands and retention of selected sites for future opportunities.”

The proposed use is consistent with this management direction.

Wintering Elk

During scoping, the Wyoming Department of Fish and Game and many other commenters raised concerns over potential impacts on winter elk use in the southern portion of the Snow King permit boundary due to proposed recreational development and use. We determined that some of these concerns stemmed from an inaccurate understanding of where the permit boundary was relative to where elk winter use occurred. We rectified this during an August 2019 site visit with biologists from the Wyoming Department of Fish and Game. Based on the site visit, we agreed that elk winter use occurs primarily outside the project boundary on a slope to the west that is shielded from view of the project area by intervening topography. With this realization, elk concern shifted to potential impacts of skiers entering this elk wintering habitat more often than they currently do, due to ease of egress provided by Lift A. The analysis in the EIS indicates that this is a possibility, and the selected alternative calls for shifting the new permit boundary up to the ridgeline and installation of rope lines and signage to minimize impacts.

My decision to phase implementation of the selected alternative also bears on this issue. I am not authorizing the back-side glading and development of the mountain bike park until Phase 2, allowing time to observe the effects of increased back-side activity on wintering elk.

When discussing impacts of the project on big-game wildlife, it must be noted that the existing ski area permit boundary, east and west boundary adjustments, and much of the slope where winter elk habitat is currently occurring are all within Desired Future Condition 9B, Special Use Recreation Areas, described above. Regarding wildlife management in 9B areas, the Forest Plan states that:

“Habitat management is not intended to meet State wildlife population, recreation-day, or harvest objectives.”

The analysis of this issue in the EIS concludes that impacts on individual elk could occur but impacts of this project are unlikely to be measurable at the population level (see Final EIS section 3.6.3.4.3). This level of impact falls well within Forest Plan guidance for 9B areas.

With regard to impacts of the selected alternative on wintering elk, I find that the impacts are within the sideboards of guidance provided by the Forest Plan and the impacts that will occur are not substantial. I find that these impacts are warranted in order to achieve the purpose and need for the project and that the selected alternative responds adequately to this key issue.

In contrast to these issues, three other key issues emerged during the EIS process that could be effectively addressed through alternative development, culminating in the selected alternative. These included potential impacts on the existing Cache Creek/Game Creek trail system, impacts on Snow King’s historic landscape, and impacts related to the removal of the Cougar lift.

Cache Creek/Game Creek Trail System

The issues surrounding lift-served mountain biking at Snow King and the potential for impacts on the existing Cache Creek/Game Creek trail system are complicated. It is important to me that the existing trail system continues to provide the high-quality recreation experience enjoyed by so many Jackson residents and visitors after the introduction of lift-served mountain biking at Snow King. I also believe that all National Forest System resources, including the existing and proposed trail systems, should be available to the public.

Through this EIS process, we considered many different options for managing potential impacts on the Cache Creek/Game Creek trail system in an attempt to create an up-front solution that will avoid or minimize adverse effects. As documented in the Draft EIS, these included closing existing trails to lift-served riders through various means, alternative trail system designs, and changing the authorized uses of existing trails. However, the inherent uncertainty and assumptions regarding how riders will use the

combined Snow King trails and the existing trail network did not make me confident that any of the solutions we considered in the Draft EIS were sufficient.

My decision to phase implementation, with development of the back-side mountain bike park in Phase 2, will increase our opportunity to assess the effects of lift-served mountain biking from the summit by observing the effects of the front-side trail system.

I recognize that use of the existing trail system will increase, but that is inevitable with our ever-growing community of locals and visitors. Relative to other high-use parts of the National Forest System, the use of our existing trail system is quite low, but the expectation that trail users can continue to find solitude virtually right outside their back doors is not realistic. However, the phased approach I am authorizing in the selected alternative provides the best tools for keeping impacts on the existing trail system and its users within acceptable levels for a trail system that adjoins a growing, recreation-oriented community.

I also recognize that authorizing lift-served mountain bike access to the summit is not consistent with our 2015 decision regarding the Cache Creek/Game Creek trail system which precluded such access. However, the mitigation measure precluding lift-served bike access to the summit was not based on actual analysis of the effects of lift-served mountain bike access to the summit, nor were subsequent documents maintaining that stipulation. We were erring of the side of caution until sufficient analysis could be completed. The Final EIS provides that analysis, and my decision supersedes the 2015 decision in regard specifically to lift access to the summit for mountain bikes.

Historic Landscape

It is well known that Snow King was one of the first ski resorts in the country and has been a vital part of the community here in Jackson since its inception. This historical importance is underscored by the fact that the ski area's historic landscape has been found eligible for listing on the National Register of Historic Places as a Historic District. A vital part of the historic nature of Snow King is that it continues to operate as a ski area today, much as it did in decades past.

That history is important to the Bridger-Teton, as is compliance with applicable laws and regulations pertaining to the preservation of our cultural heritage. As described below under the heading Consultation with Government Agencies and Tribes, the Forest undertook consultation with Wyoming's State Historical Preservation Office and several participants in accordance with Section 106 of the National Historic Preservation Act. The result was a Memorandum of Agreement laying out stipulations to protect the historic district. These stipulations are required as a condition of this authorization (Appendix B). The Memorandum of Agreement has been posted to the project website and is included in the project record.

The selected alternative eliminates most ski runs within or adjacent to the historic district, leaving only those necessary to balance the capacity of the new Summit gondola and Lift A. The main new front-side runs are shifted to the east and west. I find that this configuration of runs most appropriately balances the historical integrity of Snow King with its functionality as an operating ski area.

Cougar Lift Removal

In the Draft EIS, Alternative 4 included the removal of the Cougar lift. Following comment on the Draft EIS, it became apparent that removal of Cougar would adversely affect Snow King's well established and popular race-training program. The proposed remedy of having racers ride the Summit gondola did not turn out to be a viable option. As a result, Alternative 4 was revised to retain Cougar lift with the bottom terminal shifted slightly upslope so as not to conflict with the bottom terminal of the Summit gondola. This will allow those in race training programs to continue to ski laps on the race training course without having to remove their skis and make their way to the course from the summit. I find that the solution presented by the selected alternative is the best response to this key issue.

Overall, while the integrated nature of this project left us limited leeway in terms of some project elements, the selected alternative effectively addresses most key issues and avoids any substantial impacts on the associated resources.

CONSIDERATION OF PUBLIC COMMENT AND OTHER RESOURCE CONCERNS

In making this decision I considered all comments received during the scoping comment period initiated August 3, 2018 (see Final EIS section 4.1), the extended comment period following release of the Draft EIS on January 31, 2020 (see Final EIS section 4.2), and the objection and objection resolution periods. The Scoping Report and Response to Comments document, and objection response letter (dated March 18, 2021), respectively, outline the comment and pre-decisional review process, provide our responses to comments, note all revisions to the EIS made in response to those comments, and clarify points made in the EIS as appropriate. These documents are included in the project record. In addition to the key issues discussed above, the following resource concerns prompted a number of comments.

Concerns over impacts on a variety of wildlife species were brought up in public comments and addressed in the EIS. Among them were forest raptors, including goshawks and various owl species. It has long been known that a pair of northern goshawks nest in a heavily used part of the forest east of the existing Snow King permit area. We considered the impacts of the project on this pair carefully. Initially, the Draft EIS used an approach based on standard assumed sizes of goshawk use areas. However, during comment on the Draft EIS, we became aware of data on actual use locations for the male of the pair. This enabled a more tailored analysis, which showed much larger than expected core nesting and post-fledging use areas. Collectively, these use areas overlap most of Snow King Mountain as well as a substantial portion of the town.

The Final EIS determined that only a small fraction of these key use areas will be affected by the selected alternative (see Final EIS section 3.6.3.4.2). The historic nesting success of this pair in an area of high human activity, indicates that these birds have ample habitat and are habituated to disturbance of the type proposed. Delaying most development in the eastern boundary adjustment area until Phase 2 will allow us to observe the effects of additional activity in that area to validate the EIS findings.

Based on comments on the Draft EIS, winter wildlife concerns extended to include great gray owls. As discussed in the Final EIS, these owls utilize the southern portion of the permit area as winter foraging habitat. Nighttime use of this area associated with grooming, snowmaking, and the yurt camp could affect this use; however, as described in the Final EIS (see section 3.6.3.4.3) these impacts will not be substantial. Elimination of the yurt camp will remove the potential for overnight activity beyond ski area operations.

A number of commenters felt that the Draft EIS's analysis of wildlife impacts due to recreational use of the proposed infrastructure was lacking. A new section was added to the Final EIS to specifically address this concern (see Final EIS section 3.6.3.4.4). That section discloses all effects associated with this category of impact and finds that species will either habituate to the new levels of noise and human presence or shift their use patterns. I find that the level of wildlife impacts described in the Final EIS are acceptable in order to meet the goals of Snow King and the Bridger-Teton in this recreation-focused 9B management area. Delaying full implementation of development in the boundary adjustment areas and on the back side will provide time to observe the effects of additional recreational use.

Noise impacts on people recreating at or near the ski area and on people who live in the area were also a concern. While the noise associated with the construction of the elements of the selected alternative will be temporary and unavoidable, the selected alternative moves the bottom terminal of the zip line—the most often cited source of unwanted noise—from near the base of the Summit gondola to near the Rafferty mid-station. This change will shift any mechanical or vocal noises associated with the zip line to an area where there is already noise from summer activities, leaving the soundscape around Phil Baux Park much as it currently is. Snowmaking noise will not notably increase, since most new snowmaking will be higher on

the slope than the existing snowmaking infrastructure. Avalanche control noise will increase in terms of the number of explosions per day, but no increase in the number of days requiring explosive avalanche control is anticipated. (See section 3.9.3.4 of the Final EIS.)

A large number of public comments addressed the visual impact of the project. There is no doubt that elements of the selected alternative will be visible from a variety of locations, especially prior to revegetation. However, the analysis in the Final EIS discloses those impacts and finds that they are in compliance with Forest Service scenery management direction (see section 3.12). Based on this analysis, I think that anyone viewing Snow King currently discerns the features of a developed ski area, and the selected alternative will not change that perception. The particular elements that viewers can see will change, but they will still be features that define a developed ski area and are in keeping with the historic landscape of the ski area, as mitigated by stipulations committed to in the Memorandum of Agreement (Appendix B). As noted in section 3.12.5, we will consider Teton County and Town of Jackson development regulations regarding dark sky maintenance and ridgeline construction, as appropriate. Phased development of the summit building will allow us to objectively assess the effectiveness of design criteria to minimize these impacts. Overall, I find that the changes to the scenic character of the landscape at Snow King that will occur under the selected alternative are in harmony with the current surrounding natural environment and are acceptable in this context.

Public concern also remained regarding the safety of the summit access road/novice skiway. However, the project will comply with all federal, state, and local codes and with appropriate construction design criteria in Appendix B.

Concern was also raised about the wisdom of authorizing expanded snowmaking, an activity requiring freezing temperatures, when warming global temperatures are anticipated. As discussed in EIS section 3.2.2 and the studies cited in that section, additional snowmaking is a sound adaptive strategy for ski areas in the face of climate change and reduced natural snowfall.

Finally, some concern was raised regarding potential impacts on backcountry skiing in Leeks Canyon. However, there is little actual backcountry use on the back side of Snow King due to poor snow conditions, absent grooming and snowmaking, the low difficulty level of the terrain, difficult egress due to private property at the bottom of Leeks Canyon, and better options readily available in the area. Accordingly, this issue was not analyzed in the EIS or formative in my decision.

Based on these considerations, the selected alternative, as described and analyzed in the Final EIS, responds adequately to public comments, including these resource concerns.

OTHER ALTERNATIVES ANALYZED

In addition to the selected alternative, three additional alternatives were analyzed in detail. They include the required no-action alternative (Alternative 1), the proposed action (Alternative 2), and an action alternative (Alternative 3) with more emphasis on recreational opportunities. My rationale for not authorizing these alternatives that were analyzed in detail in the EIS are provided below.

It is important to note that over two dozen additional alternatives were considered in the EIS process but were eliminated from detailed analysis (EIS section 2.7). Most of these alternatives were eliminated because they did not meet the purpose and need for action or were not feasible (36 CFR 220.5[e] and Council on Environmental Quality, Forty Most Asked Question Concerning CEQ's National Environmental Policy Act Regulations, 2a [A]). Many of these involved the removal or modification of elements that are integral to the overall project as described above under the heading Response of the Selected Alternative to the Purpose and Need (see also EIS section 2.7.1).

ALTERNATIVE 1 – NO-ACTION

The No-action Alternative was included to provide a baseline for comparison of the effects of the proposed action and other alternatives (40 CFR 1502.14 [d]). Under the No-action Alternative, no further infrastructural development would take place at Snow King. Winter and summer recreational facilities and opportunities would remain as they are today.

By not providing more terrain for lower-ability-level skiers at Snow King, the no-action alternative would result in continued inability to accommodate the needs of the skiing public as a whole. Not providing diverse, year-round recreational options would further widen the gap between what Snow King offers and what is desired by the public recreating on National Forest System lands. Both of these outcomes would be inconsistent with Forest Service goals for recreation. In short, the no-action alternative would not meet the purpose and need for action. In that the EIS did not identify any substantial, adverse, environmental effects, there was therefore no reason for me to select the no-action alternative.

ALTERNATIVE 2 – PROPOSED ACTION

As described in EIS sections 1.1, 1.3, and 2.2, the proposed action reflects Snow King's view of what is needed to develop and maintain the ski area as a provider of mountain-based recreation. However, our internal review of the proposal, coupled with input from our cooperating agencies, identified the following environmental concerns:

- The recreational effects of locating the bottom terminals of the proposed gondola and zip line in Phil Baux Park.
- The effects of lift-served mountain bike access to the summit of Snow King Mountain on the recreational experience of hikers and bikers using the existing Cache Creek/Game Creek trail system.
- The effects of proposed improvements on the eligibility of Snow King's historic landscape for listing on the National Register of Historic Places.
- The Bridger-Teton's concerns regarding fire protection within with fuel management and fire protection at the wildland/urban interface.
- The impact on skier safety of an additional road—the proposed summit access road/novice skiway—crossing the front-side ski runs.
- The impact on big game winter habitat on the back side of Snow King Mountain.
- The visual effect of additional infrastructure on the already highly developed front side of Snow King Mountain.
- The quality and sustainability of proposed Bearcat Glades hiking trail in terms of alignment, maintenance, and erosion control.
- The noise the proposed zip line might generate at the base area.

These concerns drove development of alternatives to the proposed action, and based on its potential for greater environmental impacts, I did not select the proposed action.

ALTERNATIVE 3

As described in EIS section 2.2, Alternative 3 was developed to balance improved recreational opportunities and resource protection. It addresses the concerns associated with the proposed action listed above by modifying project elements associated with boundary adjustments, lifts, facilities, and summer

activities. However, we recognized that some of those concerns were not completely alleviated by this alternative, particularly in terms of Snow King's historic landscape and the existing Cache Creek/Game Creek trail system and its users. We also considered the impact and sustainability of biking trails proposed under this alternative on the front side in terms of location, maintenance, and erosion control.

These remaining concerns drove development of Alternative 4. Several other factors emerged after publication of the Draft EIS, including the results of consultation on the historic landscape regarding the effect of new ski runs; ongoing concern regarding management of lift-served mountain biking; new data on goshawk habitat use; concerns regarding Cougar lift removal; and public interest in eBiking opportunities. Alternative 3 did not address these concerns. Based on these considerations, I did not select Alternative 3.

THE ENVIRONMENTALLY PREFERABLE ALTERNATIVE

Under NEPA, a federal agency preparing an EIS is required to identify the environmentally preferable alternative (40 CFR 1505.2[b]). This is interpreted to mean the alternative that would cause the least damage to the biological and physical components of the environment, and which best protects, preserves, and enhances, historic, cultural, and natural resources (Council on Environmental Quality, Forty Most Asked Question Concerning CEQ's National Environmental Policy Act Regulations, 6a).

Factors considered in identifying this alternative include: (1) fulfilling the responsibility of this generation as trustee of the environment for future generations, (2) providing for a productive and aesthetically pleasing environment, (3) attaining the widest range of beneficial uses of the environment without degradation, (4) preserving important natural components of the environment, including biodiversity, (5) balancing population needs and resource use, and (6) enhancing the quality of renewable resources. An agency may discuss preferences among alternatives based on relevant factors, including economic and technical considerations and statutory missions (40 CFR 1505.2[b]).

As discussed above, the selected alternative was developed to address the key issues identified through scoping of the proposed action, analysis completed for the Draft EIS, and comment on the Draft EIS. The final issues addressed in modifications of Alternative 4 in the Final EIS were impacts on the existing Cache Creek/Game Creek trail system, the historic district at Snow King, and on Snow King's race training program if Cougar lift were removed. With these modifications in place, the analysis documented in the Final EIS shows that the selected alternative will provide better protection for these resources than other alternatives.

The EIS also identifies some potential adverse effects on other resources shared by the proposed action, Alternative 3, and the selected alternative. The analysis demonstrates that the design criteria required by this decision (see Appendix B) will avoid or sufficiently reduce most of these potential adverse effects. Phasing implementation will provide the opportunity to verify the efficacy of these design criteria.

Based on these considerations, the selected alternative is most consistent with the six points presented above, making it the environmentally preferable alternative.

PUBLIC INVOLVEMENT

Preparation of this EIS followed applicable procedures from our NEPA regulations and procedures (36 CFR 220 and Forest Service Handbook 1909.15) for public involvement. Final EIS Chapter 4 describes the specific opportunities for public involvement included in this EIS process, including public scoping, notice and comment on the Draft EIS, and distribution of the Final EIS. During scoping, comment letters were received from 10 agencies, 11 organizations, and 419 individuals. Comments on the Draft EIS were received from 9 agencies, 33 organizations, and 388 individuals. A scoping report and a response to comments on the Draft EIS were prepared and included in the project record. Forty-seven eligible

objections were received by the end of the objection period on November 23, 2020. The objection resolution period was extended to 75 days, concluding with the March 18, 2021, response letter from the Objection Reviewing Official, which upheld my decision. The letter provided me with instructions regarding our response to several objection points, which I addressed prior to finalizing this decision.

I have reviewed these public involvement processes and find them to be consistent with the cited regulations and procedures, and I have considered the results in formulating my decision.

CONSULTATION WITH GOVERNMENT AGENCIES AND TRIBES

Consultation with other government agencies and Tribes included the public involvement processes described above as well as consultation required by other regulations. Pursuant to 40 CFR 1506.9, the Draft EIS was filed with the Environmental Protection Agency for review. They provided the following summary comment in their March 17, 2020, letter:

Upon review of the Draft EIS, we found that there would be no project impacts to wetlands or other waters of the U.S. The document also determines that the project's surface runoff will not affect water quality in Cache Creek or Flat Creek due to the proximity to the project area and best management practices. The Final EIS may benefit from clarifications regarding air quality, including available air quality data that could further support the effects analysis. We have provided additional information and recommendations in the enclosed EPA's Detailed Comments to address this resource area.

The detailed comments were considered and responded to in our document responding to comments on the Draft EIS. (See further discussion below under Legal Requirements and Policy, The Clean Air Act.)

Final EIS Chapter 4 (section 4.3) also describes consultation we have undertaken in compliance with Section 7 of the *Endangered Species Act*, Section 106 of the National Historic Preservation Act, and the provisions for government-to-government Tribal consultation under the *Federal Land Policy and Management Act* and Executive Order 13175.

We have completed consultation on Canada lynx and grizzly bear impacts with the Fish and Wildlife Service. A Biological Assessment was prepared and submitted to the Fish and Wildlife Service on November 18, 2020. On December 17, 2020, we received a concurrence letter documenting the agreement of the Fish and Wildlife Service with the determinations made in our Biological Assessment. Both the Biological Assessment and the concurrence letter (Document Nos. 247 and 246) are in the project record. This Final ROD reflects the results of our consultation with the Fish and Wildlife Service.

The Bridger-Teton consulted with the following tribes in September 2019, in accordance with Executive Order 13175: Crow, Eastern Shoshone, Gros Ventre and Assiniboine, Northern Arapaho, and Shoshone-Bannock. No tribal concerns were identified.

Finally, as discussed in section 3.7.2.1, part of Snow King was previously identified as eligible for listing on the National Register of Historic Places as an historic landscape, and our analysis indicated that this project will adversely affect that landscape (section 3.7.3.1). The Wyoming SHPO reviewed the analysis, concurred with the adverse effect finding, and agreed to initiate consultation under Section 106 of the *National Historic Preservation Act* to develop a memorandum of agreement (MOA) stipulating how the adverse effects will be mitigated. The Advisory Council on Historic Preservation opted to participate, and the Teton County Historic Preservation Board, the Jackson Hole Historical Society and Museum, and Snow King were invited to participate as consulting parties.

The consulting group met three times during winter and spring of 2020 to develop the MOA. It includes stipulations in four broad categories to mitigate adverse effects. These stipulations are included in the

design criteria that are required as conditions of my decision (Appendix B). The MOA is posted on our project website.

LEGAL REQUIREMENTS AND POLICY

In reviewing the Final EIS and actions associated with the selected alternative, I have concluded that my decision is consistent with the following laws and requirements.

THE NATIONAL ENVIRONMENTAL POLICY ACT

NEPA establishes the format and content requirements of environmental analysis and documentation as well as requirements for public involvement and disclosure. This EIS was prepared according to the requirements of NEPA as well as the Council on Environmental Quality regulations and Forest Service regulations regarding its implementation, and therefore complies with NEPA.

THE NATIONAL FOREST MANAGEMENT ACT AND THE FOREST LAND AND RESOURCE MANAGEMENT PLAN

The *National Forest Management Act* (NFMA) of 1976, an amendment of the *Forest and Rangeland Renewable Resources Planning Act of 1974*, establishes standards for how the Forest Service manages the national forests, requires the development of land management plans for national forests and grasslands (Forest Plans), and directs the Forest Service to develop regular reports on the status and trends of the nation's renewable resources on all forests and rangelands.

In terms of Forest Plan compliance, EIS section 1.6 discusses the relationship between the proposed action (and the selected alternative by association) with the Bridger-Teton Forest Plan, particularly how it supports the direction provided for lands under management classification 9B, Special Use Recreation Areas. Beyond that, the EIS identifies no inconsistencies with Forest Plan standards and guidelines.

After reviewing this information, I find this decision to be consistent with all applicable direction in NFMA and the Forest Plan.

THE SKI AREA RECREATIONAL OPPORTUNITY ENHANCEMENT ACT

A number of comments on the Draft EIS questioned whether elements of the proposed action complied with Forest Service direction on development of summer or year-round recreation opportunities at permitted ski areas, particularly the direction documented in the *Ski Area Recreational Opportunities Enhancement Act* (SAROE) and subsequently incorporated into our Forest Service Manual.

On April 17, 2014, the Forest Service published a Notice of Final Directives for Additional Seasonal and Year-Round Recreation Activities at Ski Areas. The final directives established criteria to help determine whether proposals for these activities are consistent with SAROE. Forest Service Manual (FSM) 2340 – Privately Provided Recreation Opportunities – includes our final policy on additional season and year-round recreation activities at ski areas.

FSM 2343.14(1) includes criteria for evaluating additional seasonal and year-round recreation activities and associated facilities that may be authorized at ski areas. These activities and associated facilities must:

- a. Not change the primary purpose of the ski area to other than snow sports;
- b. Encourage outdoor recreation and enjoyment of nature and provide natural resource-based recreation opportunities;
- c. To the extent practicable, be located within the portions of the ski area that are developed or that will be developed pursuant to the master development plan;

- d. Not exceed the level of development for snow sports and be consistent with the zoning established in the applicable master development plan;
- e. To the extent practicable, harmonize with the natural environment of the site where they would be located by: (1) Being visually consistent with or subordinate to the ski area's existing facilities, vegetation and landscape and (2) Not requiring significant modifications to topography to facilitate construction or operations;
- f. Not compromise snow sports operations or functions; and
- g. Increase utilization of snow sports facilities and not require extensive new support facilities, such as parking lots, restaurants, and lifts.

FSM 2343.14(2) identifies seasonal or year-round recreation activities and associated facilities that may meet these criteria. FSM 2343.14(3) identifies seasonal or year-round recreation activities and associated facilities that may not be authorized. Additional seasonal and year-round recreation activities and associated facilities that are not specifically precluded in FSM 2343.14(3) will be evaluated case-by-case based on applicable regulations and directives.

Per FSM 2343.14(4), factors that may affect whether seasonal or year-round recreation activities and associated facilities not specifically addressed in the preceding direction meet the criteria included in FSM 2343.14(1) include, but are not limited to, the degree to which visitors are able to engage with the natural setting, the extent to which the activities and facilities could be expected to lead to exploration and enjoyment of other National Forest System lands, and the similarity of the activities and associated facilities to those enumerated in paragraph 2 or paragraph 3 of that section.

Finally, FSM 2343.14(6) states that although weddings can be held in existing facilities, no permanent facilities should be authorized specifically for that purpose. Since the proposed summit wedding venue could be considered a permanent structure, I am not authorizing it.

Based on my review of this management direction, all summer activities provided under the selected alternative comply with SAROE and related terms of our Forest Service Manual.

THE NATIONAL HISTORIC PRESERVATION ACT

As discussed above (see Consultation with Government Agencies and Tribes), we have undertaken all consultation necessary to comply with regulations regarding historic properties (see also EIS section 3.7). The Wyoming SHPO and the Advisory Council on Historic Preservation were consulted and an MOA with stipulations to mitigate impacts on the historic landscape was prepared. Again, my decision requires implementation of these stipulations as a condition of my authorization. Based on these considerations, the selected alternative will comply with applicable terms of the *National Historic Preservation Act*, as confirmed by the MOA.

THE ENDANGERED SPECIES ACT

The analysis of potential impacts on the federally listed Canada lynx and grizzly bear is documented in EIS section 3.6.3.4.1. As discussed above (see Consultation with Government Agencies and Tribes), we have completed consultation with the Fish and Wildlife Service as required under Section 7 of the Endangered Species Act. Our Biological Assessment and the Fish and Wildlife Service's concurrence letter (Document Nos. 247 and 246) are in the project record. Compliance with this act is also discussed above (see Consideration of Public Comment and Other Resource Issues, and Consultation with Government Agencies and Tribes).

THE CLEAN WATER ACT

Section 303(d) of the *Clean Water Act of 1972* establishes a non-degradation policy for all federally proposed projects. The objective of the act is to restore and maintain the chemical, physical, and biological integrity of all waters of the US in order to protect their beneficial uses – in this case, those assigned by the Wyoming Department of Environmental Quality. Beneficial uses reflect resources or activities that will be directly affected by a change in water quality or quantity.

As discussed in the soil, water, and watershed resources analysis (section 3.4), the project area includes no perennial streams, and surface hydrologic connectivity with waters outside the project area is limited to the runoff season. During runoff, hydrologic connections to Cache Creek and ultimately Flat Creek are created. The disturbed site rehabilitation practices and design criteria (EIS section 3.4.5 and Appendix B of this document) include a requirement for Bridger-Teton approved site rehabilitation plans incorporating BMPs, including those described in *Ski Area BMPs: Guidelines for Planning, Erosion Control, and Reclamation* (Forest Service 2001).

Based on the conclusions noted above and the fact that there are no wetlands in the project area, the only relevant responsibility is Environmental Protection Agency review of pertinent findings of this EIS. As discussed above (see Consultation with Other Agencies and Tribes), The Environmental Protection Agency found that there will be no project impacts on wetlands or other waters of the U.S.

Based on these considerations, I find that the selected alternative complies with the *Clean Water Act*, including Section 303(d).

THE CLEAN AIR ACT

The *Clean Air Act of 1963*, as amended, is the comprehensive federal law that regulates air emissions from stationary and mobile sources. As discussed in the air quality analysis (section 3.3), potential impacts on visibility in the Class I airsheds associated with nearby national parks and wildernesses is the only issue addressed in the EIS that is subject to the *Clean Air Act*. Section 3.3.3.1 concludes that the selected alternative will impact visibility less than the proposed action and is unlikely to have a discernible effect on visibility or particulate concentrations in Grand Teton National Park or other Class I airsheds in the area.

As discussed above under Consultation with Government Agencies and Tribes, the Environmental Protection Agency's review of the Draft EIS suggested clarifications to the air quality analysis in the Final EIS. These suggestions were considered and responded to in detail in our document responding to comments on the Draft EIS. In brief, the suggestions were not appropriate given the nature of potential project impacts and the scope of our air quality analysis.

Based on these considerations, the selected alternative complies with the Clean Air Act.

CIVIL RIGHTS AND ENVIRONMENTAL JUSTICE

Executive Order 12898 on environmental justice requires federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority and low-income populations. Executive Order 13985 advances racial equity and support for underserved communities through the federal government. The analysis focuses on potential project effects on minority populations, disabled persons, and low-income groups.

After evaluating the environmental justice and civil rights discussions in the Final EIS, section 3.14.7 and section 3.14.8 respectively, I have determined that the selected alternative will not result in any civil rights impacts on Forest Service employees, visitors to Snow King, or the general public. All will be free from reprisal or discrimination based on race, color, national origin, sex, religion, age, disability, sexual

orientation, marital or familial status, political beliefs, parental status, receipt of public assistance, or protected genetic information. Furthermore, the selected alternative will not have a disproportionately high or adverse effect on minority or low-income populations.

Based on these considerations, the selected alternative complies with pertinent civil rights regulations and Executive Orders 12898 and 13985.

SCIENCE IN PUBLIC HEALTH, THE ENVIRONMENT, AND CLIMATE CHANGE

Executive Order 13990 is officially titled Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. It declares that it is the policy of the current administration to follow scientific means to advance public health and the environment; mandates a review of the actions and policies of all federal agencies taken during the previous administration to ensure compliance with the administration's environmental policies; directs a review of the size and location of various federal lands; places a temporary moratorium on the Coastal Plain Oil and Gas Leasing Program; requires an accounting of the benefits of reducing climate pollution; revokes the permit for the Keystone XL pipeline; revokes or reinstates various Executive Orders.

My review of the EIS and supporting documentation showed that broadly accepted, scientific means were used to assess the potential environmental effects of the proposed action and alternatives, providing a sound basis for my decision to authorize the selected alternative. This satisfies the first objective of this executive order. The other objectives of the executive order are outside the scope of this analysis and decision.

IMPLEMENTATION

Implementation is scheduled to begin in the spring of 2021 and be completed within 10 years, subject to the phasing requirements described in this decision. The gondola is highest priority given the need to replace the existing Summit lift. Note that this decision imposes specific terms on implementation schedule for Snow King's mountain bike program, as discussed above under Response of the Selected Alternative to the Key Issues, Cache Creek/Game Creek Trail System.

Minor changes to authorized projects may be made during implementation to better meet on-site resource management and protection objectives. In determining whether and what kind of further NEPA action may be required, we will consider the criteria to supplement an existing EIS in 40 CFR 1502.9(c) and FSH 1909.15, section 18. In particular, we will consider whether any proposed change is a substantial change to the intent of the selected alternative as planned and already approved, and whether the change is relevant to environmental concerns. Connected or interrelated proposed changes regarding particular areas or specific activities will be considered together in making this determination. The cumulative impacts of these changes will also be considered.

Minor adjustments to project boundaries may be needed during final layout for resource protection, to improve recreation safety, or to better meet the intent of my decision. Changes that do not generate impacts beyond those identified in this EIS could be implemented without further review. If impacts were anticipated to be outside the bounds of this EIS, then further analysis would be required.

FURTHER INFORMATION AND CONTACT PERSONS

Project records are on file at the Jackson Ranger District office at 340 N. Cache, Jackson, Wyoming 83001. The Final EIS is also available on the internet at <https://www.fs.usda.gov/project/?project=54201> under the Analysis tab and other information under the Supporting tab.

For additional information concerning the specific activities authorized by this decision you may contact:

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Patricia O'Connor, Forest Supervisor
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RESPONSIBLE OFFICIAL

The Supervisor of the Bridger-Teton is the responsible official for this decision.

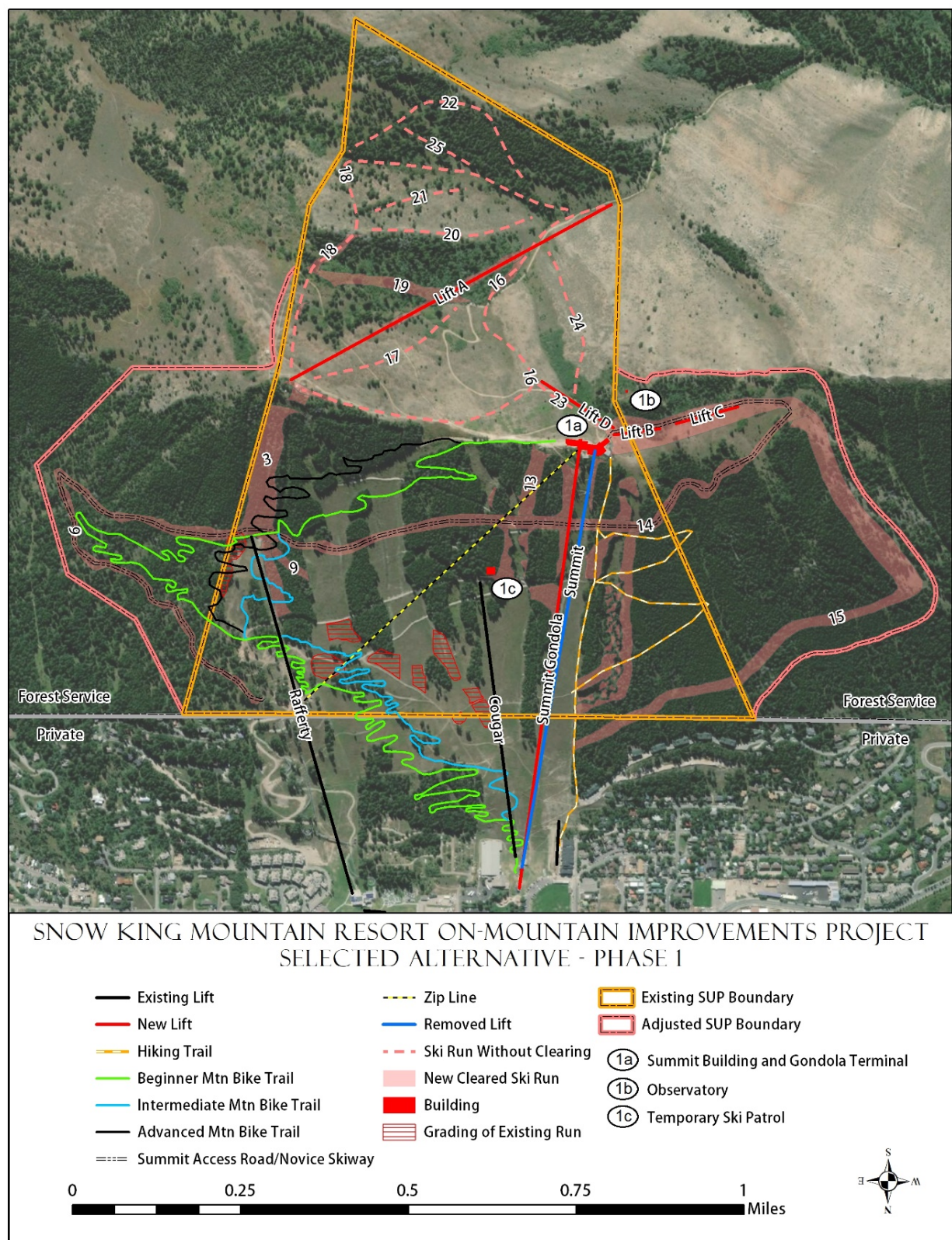
PATRICIA O'CONNOR

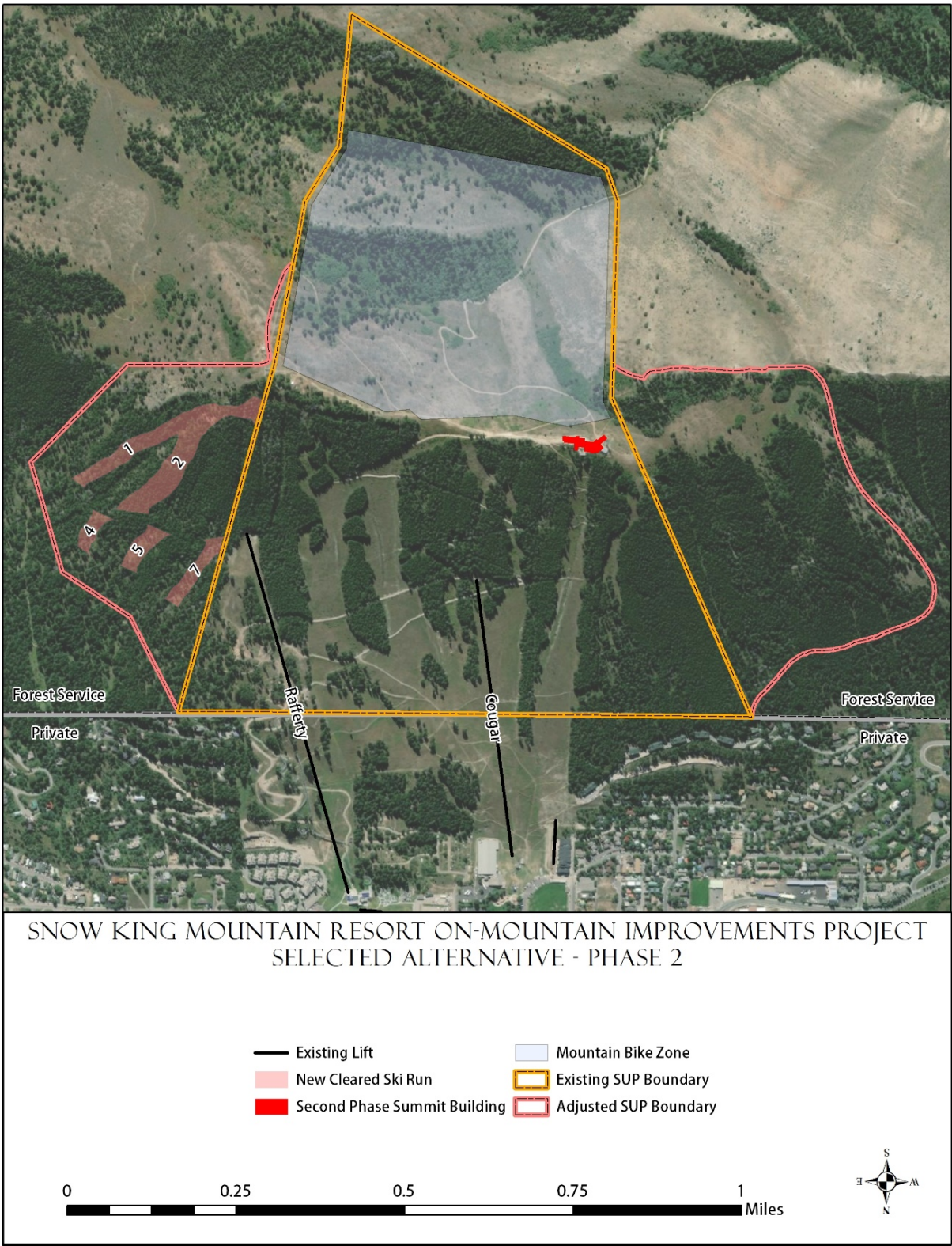
Forest Supervisor

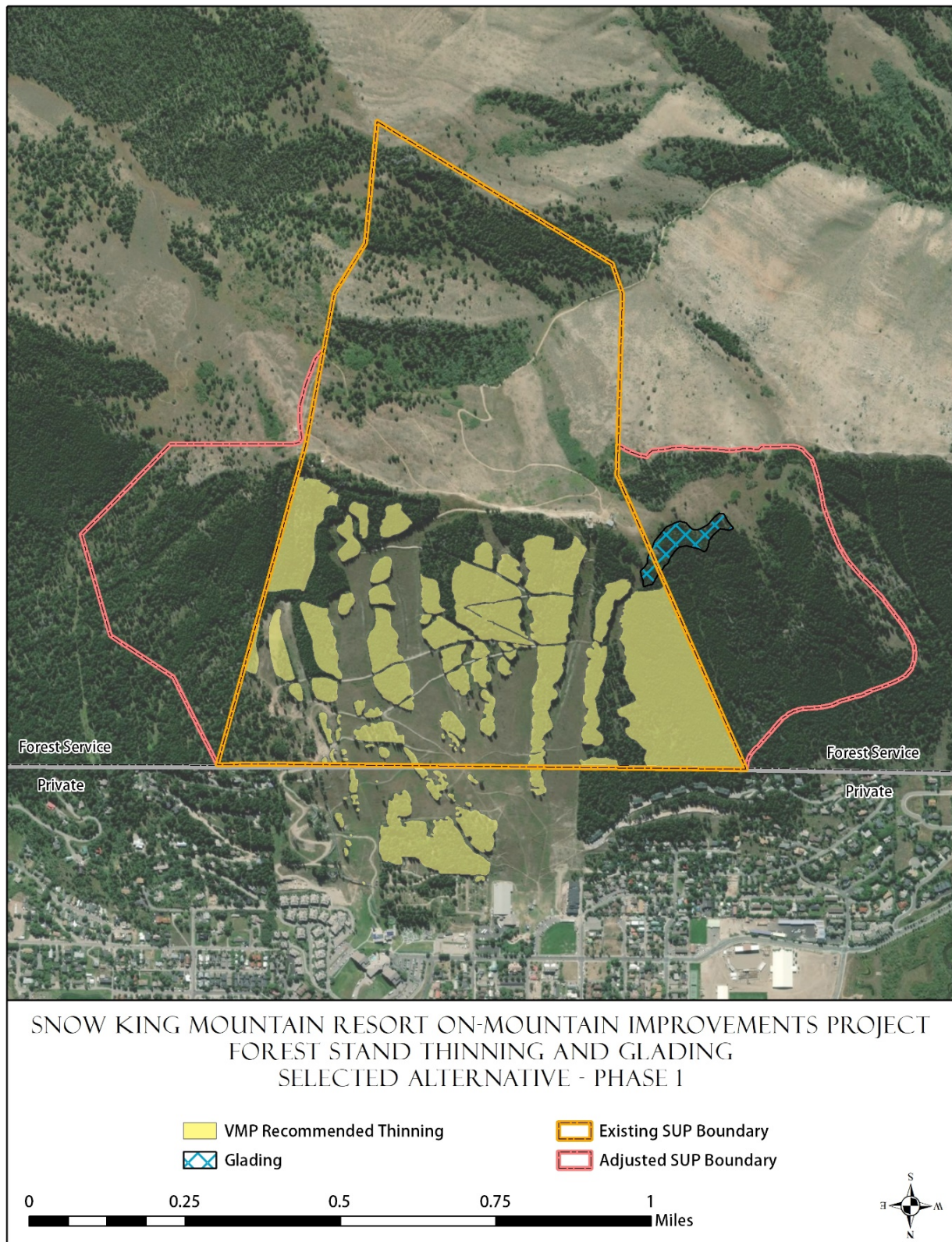
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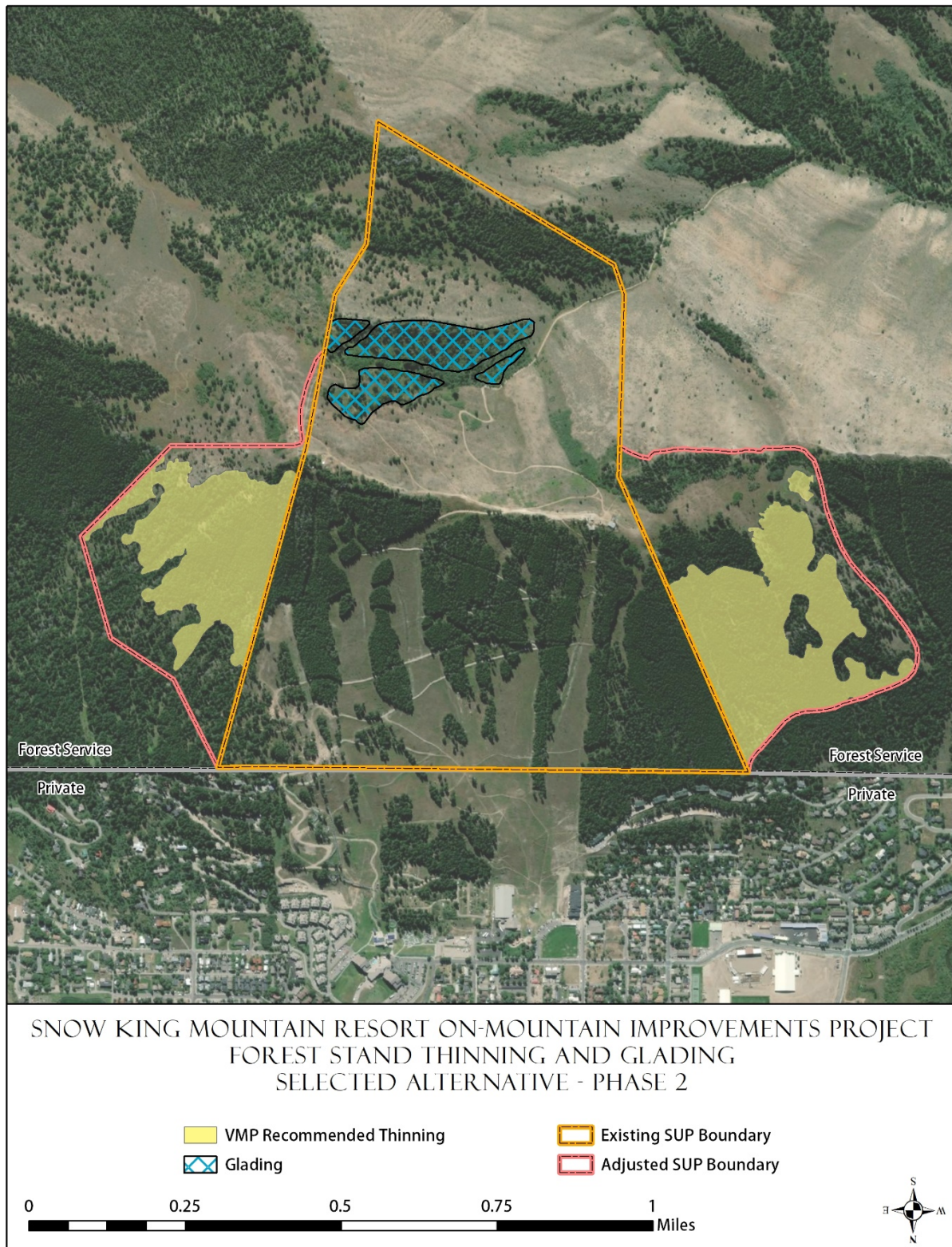
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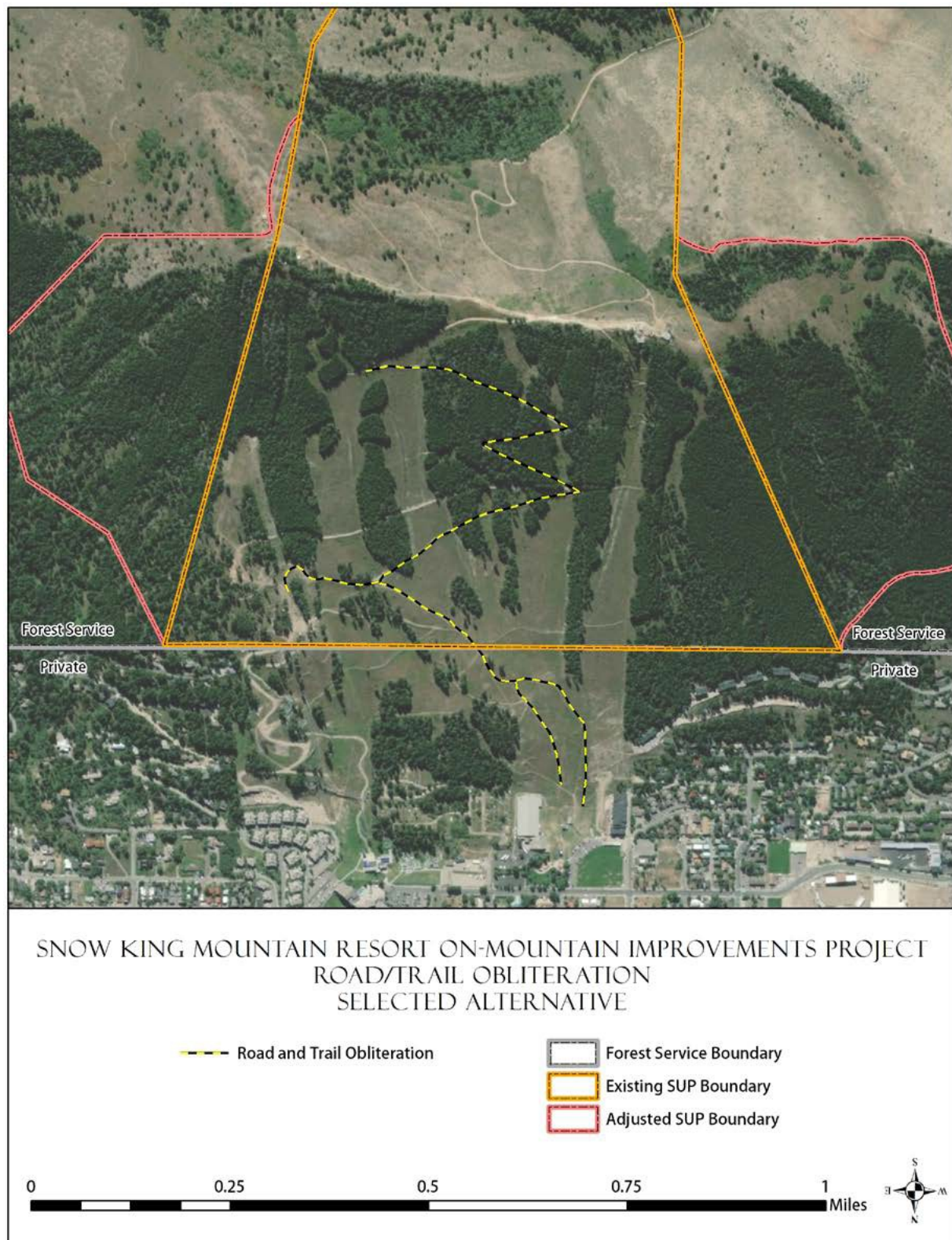
APPENDIX A – SELECTED ALTERNATIVE FIGURES











APPENDIX B – DESIGN CRITERIA

Air Quality

1. Fugitive Dust Control best management practices (BMPs):
 - To the extent feasible, plan construction to reduce the potential for fugitive dust emissions. Minimize the area of grading, and complete grading in segments.
 - Water all active grading areas, including roadways, building sites, and lift terminal locations, to minimize dust. Under dry conditions, water sites twice daily with complete coverage, preferably in late morning and after work is completed for the day.
 - Limit vehicle speeds on service roads and construction sites to 10 miles/hour.
 - Construct wind breaks or use natural vegetation to control stockpiles of earth.
2. Slash Burning BMPs:
 - Follow existing *Bridger-Teton National Forest Industrial Fire Precautions Plan* guidelines.
 - Comply with requirements of Wyoming's Smoke Management Program (DEQ 2004).
 - Notify Bridger-Teton fire dispatch and local authorities prior to any slash burning.
 - Avoid slash burning during valley inversions, when possible.
3. Snow Cloud BMPs:
 - Limit snow production on the front side during valley inversions, as feasible.

Water, Soils, and Watershed

Prepare a Storm Water Pollution Prevention Plan (SWPPP) that will apply to all authorized elements. The SWPPP is a condition of Wyoming's Pollutant Discharge Elimination System Permit and will include BMPs for erosion control, sediment control, site stabilization, operational controls, and provisions for maintenance and inspection.

Include in the SWPPP pertinent BMPs from *National Best Management Practices for Water-Quality Management on National Forest System Lands. Volume 1: National Core BMP Technical Guide* (Forest Service 2012a) and *Ski Area BMPs (Best Management Practices) Guidelines for Planning, Erosion Control, and Reclamation* (Forest Service 2001, Wasatch-Cache National Forest), modified as appropriate. These may include the following:

Pre-Construction

1. Conduct appropriate soil and water assessments to support design of runoff and erosion control structures.
2. Develop engineering drawings for projects requiring a construction plan. Include plan and profile views of structures as appropriate.
3. Comply with all applicable federal, state and local codes related to construction disturbance and runoff from construction sites. As required, develop and implement an erosion control and sediment plan that covers all disturbed areas, including borrow, stockpile, skid trails, roads, or any areas disturbed by development activities.
4. Design and locate parking, staging, and stockpiling areas of appropriate size and configuration to accommodate expected vehicles and avoid or minimize adverse effects to adjacent soil, water quality, and riparian resources.

5. Coordinate all phases of sanitation system management (planning, design, field surveys and testing, installation, inspection, operation, and maintenance) with appropriate agencies to ensure compliance with applicable regulations.
6. In summer operating plans, include an erosion structure maintenance schedule identifying structures needing maintenance.
7. Plan projects to minimize re-entry after the site is stabilized.

Construction

8. Limit the amount of exposed or disturbed soil at any one time to the minimum necessary. Define outer boundaries of disturbance with markers. Install sediment and stormwater controls prior to disturbance where practicable.
9. When topsoil is present or can be salvaged, remove and stockpile with appropriate cover and erosion control methods. Revegetation specifications and seed mixes must be approved by the Forest Service.
10. Limit operation of equipment when ground conditions could result in excessive rutting, soil puddling, or runoff of sediments.
11. Confine all light vehicle traffic, parking, staging, and stockpiling materials to designated areas to minimize ground disturbance. Heavy equipment (e.g. feller buncher, dozer, etc.) will be used but also consider aviation assets to deliver lift towers and place equipment.
12. If tree removal is necessary, work with the Forest Service to identify appropriate timing. Small trees, branches and other small residue created during clearing or glading activity will be chipped, mulched, burned, or moved off site. Avoid damage to remaining trees and root systems adjacent to cut slopes, construction areas, and cleared areas.
13. Prevent water from running down ski run prism particularly on steep grades (20 to 40 percent) and from accumulating on gentle slopes (0 to 30 percent). Water bar spacing will account for slope as follows:

Slope (%)	Spacing (feet)
2%	250
5%	150
10–30%	100
>30%	75

14. Prevent water from running down roads and trails using water bars and rolling dips with a cross-slope of 2 to 5 percent. Minimize cross slopes in areas where infiltration is a possible method to reduce runoff. Water bars, rolling dips and culverts will be inspected and repaired on a weekly basis during construction. Ruts will be repaired immediately.
15. Infiltration trenches or like features shall be installed to intercept runoff from loading and unloading areas for ski lifts, zip lines, mountain coasters and any outdoor locations where people will gather. Use erosion control mat or similar materials to protect any cut and fill areas associated with rocky or cobbly locations.

16. Construct modified water bars across newly graded ski slopes to prevent the concentration of water flow, act as micro-infiltration ditches and divert runoff to undisturbed terrain. Where feasible, use a horseshoe design concept for waterbars and ditches with the tailing off ends of the structures at a 5 to 7 percent slope into the naturally vegetated areas.
17. Whenever possible, place excavated material on the uphill side of trenches and water bars. Manage material placement to avoid trapping or concentrating water flow during construction. Fill trenches with a 2-inch surcharge / berm to allow for settlement. Construct water bars over newly trenched areas for snowmaking lines, buried utilities, etc. when the slope requires it.
18. Use correctly installed silt fence, preapproved wattle, or similar erosion control features to prevent sediment from entering existing drainage channels, for projects within 50 feet of existing channels.
19. Use diversions ditches as needed to divert water away from newly graded ski run segments where both sides of the run slope inward and prevent discharge from modified water bars. A mid-slope diversion ditch may also be necessary to move runoff away from the ski run.
20. Protect any point of water discharge (e.g. trenches, ditches, water bars) with riprap or other methods to slow water velocity and disperse runoff.

Post Construction Restoration/Maintenance

21. Routinely monitor new and modified ski run surfaces for a minimum of 2 years following construction. If coarse grooming is needed to fill eroded areas, use subsoil from nearby excavations (e.g. stockpiled from past construction) and cover with salvaged topsoil for a finished slope grade.
22. Ensure that permit holder-owned and other authorized drinking water systems on National Forest System lands are operated and maintained according to direction in FSM 7423.
23. Consider amending soil with mulch (e.g. wood chips), compost, mycorrhizal fungi inoculants and other products to provide added nutrients, promote revegetation success, and increase infiltration. Utilize irrigation where appropriate.
24. Use and maintain surfacing materials suitable to the trail site and use to withstand traffic and minimize runoff and erosion. For biking trails, pay attention to areas where high wheel slip (curves, acceleration, and braking) during motorized use generates loose soil material.
25. Install suitable stormwater and erosion control measures to stabilize disturbed areas and waterways before seasonal shutdown of project operations or when severe or successive storms are expected.
26. Maintain the natural drainage pattern of the area wherever practicable.
27. Use and maintain suitable measures to collect and contain oil and grease in parking areas with high use and where drainage discharges directly to channels or stormwater collection systems.

Vegetation

Construction Planning

1. Minimize soil disturbance associated with authorized project elements.

Pre-construction Surveys

2. Before ground-disturbing activities begin, inventory and prioritize weed infestations for treatment in project operating areas and along access routes. Record all survey data.

Minimizing the Introduction of Noxious Weeds

3. Locate and use weed-free project staging areas. Avoid or minimize all types of travel through weed-infested areas or restrict to those periods when spread of seed or propagules are least likely.

4. Determine the need for, and when appropriate, identify sites where equipment can be cleaned. Clean equipment before entering the permit area; a Forest Officer, in coordination with the Unit Invasive Species Coordinator, needs to approve use of on-Forest cleaning sites in advance. This practice does not apply to service vehicles traveling frequently in and out of the project area that will remain on the roadway. Seeds and plant parts need to be collected when practical and incinerated. Remove mud, dirt, and plant parts from project equipment before moving it into a project area.

Minimizing the Spread of Noxious Weeds.

5. Clean all equipment, before leaving the project site, if operating in areas infested with weeds. Determine the need for, and when appropriate, identify sites where equipment can be cleaned. Seeds and plant parts need to be collected when practical and incinerated.
6. Inspect, remove, and properly dispose of weed seed and plant parts found on workers' clothing and equipment. Proper disposal means bagging the seeds and plant parts and incinerating them.
7. Maintain stockpiled, uninfested material in a weed-free condition.
8. Retain native vegetation in and around project activity to the maximum extent possible consistent with project objectives.
9. Minimize soil disturbance to the extent practical, consistent with project objectives.
10. Maintain trailhead and other areas of concentrated public use in a weed-free condition. High use recreation areas are a high priority for weed eradication.
11. Post weed awareness messages and prevention practices at strategic locations such as trailheads, roads, and forest portals.

Restoration

12. Follow Forest Service policy (FSM 2070) and use genetically appropriate native materials for any rehabilitation and restoration. Involve a qualified Forest Service representative in development, review, and/or approval of plant materials selected for use in site rehabilitation and restoration.
13. Revegetate disturbed soil (except travelways on surfaced projects) in a manner that optimizes plant establishment for that specific site. Define for each project what constitutes disturbed soil and objectives for plant cover revegetation.
14. Revegetation may include topsoil replacement, planting, seeding, fertilization, liming, and weed-free mulching as necessary. Use native material where appropriate and feasible. Use certified weed-free or weed-seed-free hay or straw where certified materials are required and/or are reasonably available. Always use certified materials in areas closed by administrative order. Where practical, stockpile weed-seed-free topsoil and replace it on disturbed areas (e.g. road embankments or landings).
15. Use Forest Service seeding guidelines to determine detailed procedures and appropriate mixes.

Effectiveness Monitoring

16. Inspect and document all limited-term ground-disturbing operations in noxious weed infested areas for at least three growing seasons following completion of the project. For on-going projects, continue to monitor until reasonable certainty is obtained that no weeds have occurred. Provide for follow-up treatments based on inspection results.

Reporting

17. Record all pre-construction and post-construction surveys and data using approved agency protocols, as instructed by the Forest Service.

Wildlife

1. Shift the southern boundary of the western boundary adjustment area to the actual ridgeline to provide a buffer between summit development and use and the winter wildlife habitat lower on the slope. Administratively and physically design and control the permit boundary seasonally as needed regarding the sensitive wildlife habitat below.
2. Do not clear, cut, burn, drive on, or park equipment on vegetation that may harbor nesting birds during the breeding season (May 15–July 15). If this is not possible, survey for nesting birds no more than 10 days prior to beginning work. If no nests are found, project activities may proceed. If nests are found, notify the Forest Service permit administrator.
3. Construct mountain biking trails in a way that does not require the removal of any northern goshawk nest trees.
4. Administratively and physically design and control bikers' use from the lift down Leeks Canyon beyond the permit boundary or on the Upper Skyline trail until July 1 to protect potential elk parturition areas.
5. Do not glade the islands of forested habitat between runs 4, 5, and 7 in the eastern boundary adjustment area. This does not preclude fuel treatments authorized under this decision or determined to be necessary in the future.

Cultural

1. Documentation of the Snow King Ski Area Historic District 48TE1944.
 - a. Prior to project implementation of new construction, Snow King shall obtain professional photography of the Historic District which shall include UAV (Unmanned Aerial Vehicle/drone) video of the summit and digital photography of the district (MOA Appendix B).
 - b. The photographer will follow National Park Service HABS/HAER/HALS Photography Guidelines found at: <https://www.nps.gov/hdp/standards/PhotoGuidelines.pdf>
 - c. Copies of the photo documentation will be provided to the Bridger-Teton, the Teton County Historic Preservation Board (TCHPB), the Jackson Hole Historical Society and Museum (JHHS), and the Wyoming SHPO for a 30-day review. Snow King will then have 30 days to respond to the comments. The final version of the photo documentation will be submitted within 2 years of execution of the MOA.
2. Rehabilitation of the CCC Shelter into a Historic Center
 - a. Snow King shall work with appropriate professionals to ensure design and construction documents meet the "Secretary of Interior's Standards for Rehabilitation" to stabilize and restore the CCC Summit Shelter prior to authorization of demolition of the Panorama House. The plans will be provided to the Bridger-Teton and the TCHPB for a 30-day review. Once the plans have been reviewed by the Bridger-Teton and TCHPB, the plans will be provided to the SHPO for a 30-day review. With written permission from Snow King, the plans may be provided to the public by the Bridger-Teton.
 - i. At the time of construction of the new Summit Building, the Snow King Resort will be responsible for implementing the approved design and construction plans for the CCC Summit Shelter.
 - b. Snow King will contract with a professional museum (such as the JHHS)/interpretive design firm to develop an interpretive plan for the Historic District. Interpretive panels/materials will

- be created for display at the CCC Summit Shelter by the design firm. Historical documentation, artifacts, photographs, oral histories, etc. are available from the JHHSM and the Bridger-Teton.
3. New Summit Building
 - a. Snow King will provide building plans for the new summit building to the Bridger- Teton.
 - b. The BTNF shall submit design plans at the early conceptual, mid, and near final stages for the new construction to afford the SHPO and TCHPB the opportunity to comment. The Bridger-Teton and Snow King shall ensure that the design for the new construction is compatible with the historic character and materials of the historic properties within the Historic District.
 - c. The SHPO shall have 30 days upon receipt of the complete design submittal package to review and comment on the design of the new construction. If no response is received within 30 days of confirmed receipt of the early conceptual, mid, and near final design stage submittal packages, the Bridger-Teton and Snow King may assume that the SHPO has no comment.
 4. Historic Interpretive Materials Developed and Available to the Public
 - a. Snow King shall use existing and develop new baseline interpretative materials including, at a minimum:
 - i. Interpretive materials on display at the CCC Summit Shelter Historic Center described in stipulation 2b.
 - ii. Professionally developed historic interpretive video (the interpretive video is distinct from, but may include, the technical photo and video described in stipulation 1 above.)
 - iii. Five new oral history interviews from individuals recommended by the JHHSM.
 - iv. Documentation of Snow King ski run use and changes over time. Documentation shall include qualitative descriptions of at least eight contributing runs and may include stories and events. Documented changes over time shall include historic changes as well as before-and-after documentation of the current project.
 - b. Historic materials will be repurposed for display or reuse by Snow King at a minimum of one location. The location should be available to the public and may be within or outside of the historic district. Examples of locations include the new gondola base or the JHHSM.
 - c. Appropriate areas to display historic interpretive materials include the new CCC Shelter Historic Center described in stipulation 2 above. Additionally, Snow King shall ensure historic interpretive materials shall be displayed in at least two of the following physical locations: the new summit building, gondola base, gondola cars, the JHHSM or other public locations. Snow King shall also ensure historic interpretive materials are available to the public via a minimum of two of the three following digital venues: Snow King Mountain Resort's website, the JHHSM website, and social media.
 - d. Historic themes appropriate for interpretation are listed in MOA Appendix C.
 - e. Snow King shall move the memorial monument to Neal Rafferty to a new location. The new location should be publicly visible and ideally maintained next to the new ski patrol area.

In regard to Native American concerns, the following design criteria should be implemented to protect any undiscovered heritage resources:

5. If any previously unidentified prehistoric or historic cultural resources are identified or encountered at any time during construction, protect the resource(s) until the Forest Service permit administrator is notified and the Forest Service fulfills its consultation requirements, including consultation with the appropriate Tribal representatives.

6. If unmarked human remains are encountered at any time during construction, stop all work in the vicinity of the find, notify the County Sheriff shall, protect the remains, and notify the Forest Service permit administrator immediately to begin proper notification and consultation procedures with the Wyoming State Historic Preservation Office, Native American Tribes, and other local officials as needed (e.g., County Coroner) to determine to what time period and ethnic group the skeletal material may be ascribed and the appropriate treatment.
7. If any previously unidentified Traditional Cultural Places or sacred sites are identified or encountered at any time during construction, protect the resource until the Forest Service permit administrator is notified and the Forest Service fulfills its consultation requirements, including consultation with the appropriate Tribal representatives.

Recreation

1. Design and construct all buildings in accordance with the *Accessibility Guidebook for Ski Areas Operating on Public Lands – 2012 Update* (Forest Service 2012b). Confirm compliance through Forest Service engineering review prior to construction.
2. Prepare and submit to the Bridger-Teton a trail management plan addressing trail maintenance and management of user conflicts prior to development of the back-side mountain bike zone.
3. Follow industry standards and coordinate with Forest Service guidance for trail layout, design and construction.

Safety

1. Use at least four signs on the downhill mountain bike trails to notify riders of each intersection of a downhill trail with an existing trail. Space signs approximately 100, 50, 25, and 0 feet from the intersection. Additional signs may be used if deemed necessary.
2. For each intersection with a bike trail, use two signs on the existing trail, one facing each direction, to notify users of the existing trail of the intersection.
3. Where appropriate, use slowing features to reduce the speed of downhill bike trail users at intersections with existing trails.
4. When determining the final layout of downhill bike trails, ensure that users of the trail can see at least 20 feet up and down the intersecting trail from a distance of 30 feet away from the intersection.
5. In circumstances where the design criteria above cannot be implemented, use bridges, or underpasses, to take users of the new downhill trail over, or under, the existing trail without risking a collision.
6. Ensure that, when new terrain authorized by this decision is developed, snow safety and avalanche mitigation protocols specific to that terrain are included in winter operating plans that are reviewed and approved by the Forest Service. Specifically address collision hazard reduction for skiway crossings and the top terminal of Rafferty lift.
7. Snow King is responsible for the construction of the summit access road and for the safety of employees and contractors, under the oversight of OSHA.

Scenery

1. Design and build permanent structures in compliance with the Forest Service's *Built Environment Image Guide* (<https://www.fs.fed.us/recreation/programs/beig/>), ensuring that architectural style, building materials, size, and color are consistent and meet the adopted scenery objectives. Confirm compliance through Forest Service engineering review prior to construction.

2. Feather the edges of cleared ski runs to appear more like natural openings in forest cover, flowing with the topography and blending with the natural vegetation.
3. Acid dip or otherwise treat lift towers to reduce reflectivity and visual impact.
4. Consider pertinent Teton County and Town of Jackson development regulations regarding dark sky maintenance and ridgeline construction, as appropriate.
5. Obliterate all roads and trails identified for obliteration that lie below the upper leg of the proposed summit access road/novice skiway within 1 year following completion of the proposed summit access road/novice skiway.
6. Obliterate the first segment of Elkhorn Trail above the upper leg of the proposed summit access road/novice skiway within 1 year following completion of Lift D.