

APPEALS RESOLUTION

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Department of
Agriculture

Forest
Service

Targhee
National
Forest

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Reply to: 1950

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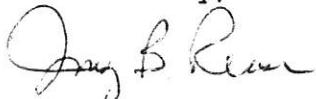
Grand Targhee EIS Participant:

The Record of Decision (ROD) for the Grand Targhee Resort Master Plan-Final Environmental Impact Statement (FEIS) was approved on April 14, 1994. That decision resulted in several administrative appeals. During the informal resolution of those appeals, several wording changes with limited effect were negotiated for clarification of the ROD and FEIS.

In order to implement those resolution agreements, it is necessary for us to notify all EIS participants of the changes required in the documents. Enclosed is a copy of "Specific Changes to be Made in Documents" which was finalized on July 13 and 14, 1994 to resolve the appeals. The changes have no significant effect on the environmental analysis and do not require a supplement to the FEIS.

We are providing this copy of the "Specific Changes" document for information purposes only. This action is not subject to administrative appeal. If you have question about the implementation of this clarification document, please contact Lynn Ballard or Alan Silker here in this office at 208-624-3151.

Sincerely,



JERRY B. REESE
Forest Supervisor

Specific Changes to be Made in Documents

The following clarification and corrections pertain to the ROD and FEIS documents. The corrections referenced supercede all FEIS text. In case of disagreement in intent with any parts of the FEIS which may not have been referred for change herein, the direction contained in these corrections will prevail.

Grand Targhee FEIS Revisions

<u>Page</u>	<u>Chapter</u>	<u>Change in Wording</u>
6	ROD	3rd paragraph under lodging - add the following at end of paragraph: "Furthermore, lodging (up to 686 units) will be authorized only when winter utilization of lodging at Targhee exceeds 50% and based on a trend, it is expected that lodging will reach 65% within three years, and subject to determination of financial feasibility and destination skier demand.
9	ROD	6th paragraph through the end of the text would be deleted (entire text) as currently written. These conditions for land exchange are moot since no exchange is approved. These conditions are hereby removed by reference from Ch. IV and Table II-4 on p. II-38 (mitigations 151-158).
9	ROD	THIS TEXT WAS DELETED FROM THE ORIGINAL VERSION OF THIS DOCUMENT
12	ROD	in the first sentence, following "and local community officials", add "and the public" to clarify that all such meetings are open public meetings.

12

ROD

at end of last sentence on this page, add the following: "However, development proposals would be submitted in detail sufficient for a courtesy review by the Teton County, Wyoming Planning Commission, the County Commission, other agencies and the public. To facilitate review, the Forest Service and Targhee will provide adequate notice for review to take place".

DURING THESE SCHEDULED, OPEN PUBLIC MEETINGS, DATA FROM SURVEYS AND AGENCY COMMENTS WILL BE DISCUSSED. ANY INTERESTED INDIVIDUAL OR AGENCY MAY COMMENT ON OR PROVIDE INFORMATION RELEVANT TO PROJECT PROPOSALS OR OPERATIONS DURING THIS MEETING. INFORMATION RECEIVED IN THESE MEETINGS WILL BE UTILIZED AS PART OF PUBLIC SCOPING REQUIRED BY NEPA PRIOR TO PROJECT IMPLEMENTATION TO EVALUATE WHETHER CONDITIONS OR CIRCUMSTANCES HAVE SIGNIFICANTLY CHANGED FROM EXISTING ANALYSIS, AND TO DETERMINING WHETHER ADDITIONAL ANALYSIS IS NECESSARY. WRITTEN OR ORAL COMMENTS IN RESPONSE TO THESE MEETINGS OR FORMAL PROJECT SCOPING WILL BECOME A PART OF ANY PROJECT ANALYSIS FILES. The Forest Service will consider the recommendations from the meeting before issuance of permits or approvals for development within the resort in accordance with the National Environmental Policy Act (NEPA) and its implementing regulations. Furthermore, if necessary, semi-annual or more frequent coordination meetings will be conducted to facilitate adequate agency and public review. NO ADDITIONAL PROJECTS OR SIGNIFICANT CHANGES TO PROJECTS PRESENTED AS PART OF THE ANNUAL MEETING(S) WILL BE APPROVED DURING A CALENDAR YEAR WHICH HAVE NOT BEEN PRESENTED TO THE REVIEW AGENCIES AND PUBLIC THROUGH THIS/ THESE MEETING(S). ANY NEW DECISIONS MADE THROUGH EA'S MAY BE FORMALLY APPEALED ACCORDING TO EXISTING APPLICABLE REGULATIONS. AT ANY TIME A PROJECT IS UNDER CONSIDERATION, ANY AGENCY OR INDIVIDUAL CAN PROVIDE INFORMATION WHICH THEY BELIEVE REPRESENTS A SIGNIFICANT CHANGE IN CONDITIONS OR CIRCUMSTANCES WHICH MAY WARRANT ADDITIONAL NEPA ANALYSIS AND A NEW DECISION. All parties recognize that the Forest Service has the final decision making responsibility.

With regard to specific development projects on Peaked Mountain which could result in significant environmental impacts, including new chairlifts, restaurants, roads, sewage transport and/or disposal systems, and skier traverses, the Jackson Hole Alliance for Responsible Planning shall have the right to include as grounds in any challenge

to said project the adequacy of the soils, hydrology, wetlands, water quality, wildlife, and/or engineering studies used by the U.S. Forest Service to approve said projects, whether such studies were produced at the time of the proposed development project or during preparation of the draft or final Environmental Impact Statement for the Resort Master Development Plan. The U.S. Forest Service agrees that the Jackson Hole Alliance for Responsible Planning's right to challenge future decisions regarding development projects brought on the grounds listed above is not prejudiced by this settlement, and further agrees that it will not reject said challenges on the basis that the above issues were not timely raised.

Also add the following: "In preparation for the annual or semi-annual review meeting, the Forest Service will prepare monitoring and survey results (up to date) and present them at the meeting for review. This will be done in relation to project proposals planned for the following summer. Information materials will be sent as early as possible to agencies such as the Teton County, Wyoming Planning Commission, and the US Fish and Wildlife Service to allow timely review. This process is a result of discussion with the US Fish and Wildlife Service regarding resolution of concerns necessary to achieve concurrence on the Biological Assessment (see appeal record-draft letter to USFWS - 6/30/94) as recorded in the 6/29/94 resolution meeting minutes. All agencies and the public will be notified of the meeting a minimum of 30 days in advance. Scheduling will be planned based on availability of documentation for review, so that a review period of 30 days is allowed. The following are examples of data which may be provided for review:

1. Proponents entire list of project proposals for major maintenance items, improvements, or facility construction.
2. Forest Service will supply the following:
 - Trail and wetland conditions from monitoring
 - Wildlife monitoring plan and survey results
 - Recreation use data (summer/winter) in vicinity
 - Wilderness resources monitoring & baseline results.

ENVIRONMENTAL ASSESSMENTS WILL BE PREPARED FOR THE MILL CREEK SKIER TRAVERSE AND SKI RUN (6A). THESE EA'S MAY BE DONE SEPARATELY OR MAY BE COMBINED AND SHALL BE COMPLETED PRIOR TO THE COMMENCEMENT OF EITHER PROJECT. THE FOREST SERVICE WILL PROVIDE FOR PUBLIC SCOPING OF THE EA; AN OPPORTUNITY FOR PUBLIC COMMENT ON A DRAFT OF THE EA; AND THE RIGHT OF AN ADMINISTRATIVE APPEAL. THE EA'S WILL INCLUDE A DETAILED DISCUSSION OF MITIGATION MEASURES. THESE EA'S MAY BE TIERED TO THE ANALYSIS IN THE FEIS. DATA AND ANALYSIS PROVIDED IN THE FEIS MAY BE REFERRED TO AND SUMMARIZED IN THE EA'S, AND WILL NOT HAVE TO BE DUPLICATED. THE PROCESS FOR PREPARING SUCH EA'S IS OUTLINED IN APPENDIX C OF THE FEIS WHERE THE MILL CREEK TRAVERSE WAS IDENTIFIED AS POTENTIALLY REQUIRING AN EA. THESE TWO SPECIFIC PROJECT EA'S ARE SIMPLY BEING IDENTIFIED HERE TO PROVIDE A GUARANTEE OF PUBLIC SCOPING AND COMMENT PRIOR TO IMPLEMENTATION APPROVAL OF THESE SPECIFIC PROJECTS. HOWEVER, APPENDIX C STATES THAT ANY PROJECT PROPOSAL WILL HAVE AN EA PREPARED IF IT IS A PROJECT "WITH UNUSUAL LIMITATIONS THAT WERE NOT ANALYSED IN THE FEIS." THE ANNUAL REVIEW MEETING WILL ALSO BE USED AS A PUBLIC SCOPING OPPORTUNITY FOR PROPOSED PROJECTS. THIS SCOPING WOULD BE DONE TO DETERMINE WHETHER ANY SIGNIFICANT CHANGES OR DIFFERENCES IN ENVIRONMENTAL CONDITIONS EXIST THAT WOULD REQUIRE ADDITIONAL NEPA ANALYSIS.

THE RECORD OF DECISION IS FURTHER REVISED TO DIRECT THE MOUNTAIN RESTAURANT ON PEAKED WILL BE OPEN TO THE PUBLIC ONLY DURING THE WINTER SKI SEASON. IN THE SUMMER IT WILL BE CLOSED AS A PUBLIC RESTAURANT. "THIS DOES NOT PRECLUDE ITS OCCASSIONAL USE AS A MEETING PLACE FOR TARGHEE SEMINARS OR SPECIAL EVENTS. HOWEVER, THE SITE WILL NOT BE USED FOR DAILY COOKOUTS OR REGULAR EVENTS UNLESS APPROVED BY AN ADDITIONAL ANALYSIS AND DOCUMENTATION (EA).

30 FEIS-IV

Mitigation #7, replace last sentence as follows: "These could include restrictions on number of users; fencing, signing, surface treatment or hardening, user education, or some structural closure of the area, which will be done by the permittee or Forest Service as appropriate.

42 FEIS-IV

drop 2nd mitigation regarding goshawks and wolverine as it is redundant to the first mitigation, and clarify by changing the second

sentence of 1st mitigation to read "Proposed activities on and off site may be amended or denied to provide protection for these species and habitats". Also, mitigation #116 on p. II-36 is deleted as a result.

43 IV delete entire 1st mitigation at top of p. 43 and delete mitigation #117 on p. II-36 as it will no longer be referenced. This mitigation was incorrect because no excursions were proposed from the resort.

43 IV 5th mitigation on this page is reworded as follows: "Refuse, food items, and livestock feed will be stored.....".

43 IV 7th mitigation on this page, add the following: "The most recent guidelines for raptor protection will be utilized for the designs, in coordination with the US Fish and Wildlife Service."

43 IV 9th mitigation on this page, rewrite introductory sentence to clarify as follows: "Complete baseline inventories and continue surveys and monitoring for sensitive wildlife on Peaked Mountain and for projects potentially impacting wetlands (except for the lagoon which will be resolved by surveys in 1994 or 1995) within and beyond the permit area and prior to new construction as follows:".

IN ADDITION, ADD THE FOLLOWING IMMEDIATELY AFTER THE FOUR PROCEDURAL STEPS FOR THE MITIGATION MEASURE REFERENCED ABOVE: "BEFORE MAKING A FINAL DECISION APPROVING EA'S FOR SKI RUN 6A OR MILL CREEK SKI TRAVERSE, THE PREDECISION EA AND BA/BE WOULD BE SENT TO THE US FISH AND WILDLIFE SERVICE FOR COMMENT AND CONCURRENCE".

44 IV Next to last mitigation on this page is changed to read: "In the event future trails or campsites are developed within the Jedediah Smith Wilderness, avoid location within...." This particular mitigation is proposed to help address cumulative impacts and avoid possible adverse human-bear conflicts in grizzly bear habitat, and is clarified here as an off-site mitigation which

is the responsibility of the Forest Service, since there is no proposal by the permittee to build trails into or within the wilderness.

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IV

Change wording on page IV-60, para 5, of the FEIS to read:

"Upon approval of the revised master development plan, the Forest Service will establish a baseline monitoring program to determine effects in the South Leigh Lakes area as a result of use by Targhee guests and others. A monitoring plan will be prepared and followed by the Forest Service in subsequent years as needed, with assistance from the proponent. The initial baseline and subsequent years studies will be funded by the proponent. The monitoring will cover studies inside the permit area and the South Leigh Lakes area and could include such items as: photographic records, visitor studies, campsite and trail condition studies, etc. A report will be submitted by the Forest Service to the agency representatives and public at the annual review meeting. If monitoring determines that unacceptable effects are occurring that may be the result of expansion of or access through Targhee that would degrade the resource from current conditions or those conditions outlined in revised Forest Plan direction for the Wilderness, then the permittee will be required to assist the Forest in reducing Wilderness visits by Targhee guests and visitors to acceptable levels. If warranted, further actions may include a Forest Service restriction order to prevent access to the Wilderness through the resort."

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IV

Mitigation - Add the following to page IV-60 of the FEIS:

-Permittee will not promote use of the Wilderness by Targhee guests or other visitors, and no excursions will be conducted into the Wilderness from the resort by permittee or other outfitters.

-No backpacks (not applicable to day packs) will be allowed on the chairlift. This will be addressed by the permittee's summer operation plan to cover policy implementation relevant to implementatin of this FEIS. If necessary, this policy will be supported by the closure order referenced by the baseline monitoring/management mitigation for wilderness.

-Summer use visits recorded as part of projected 52,200 will be reported by the permittee annually at the review meeting. Documentation of visitor use will be derived from resort financial statements based on sales **AND USER REGISTRATIONS OR STUDY DATA, WHICHEVER SYSTEM OR COMBINATION PROVIDES A MORE ACCURATE ACCOUNTING OF ACTUAL USE.**

60 IV Add the following clarification mitigation: "Summer use during interim phases (prior to buildout) will be limited to a total visits not to exceed 15% of the projected theoretical winter use (42% of existing lift capacity)".

60 IV Revise the ninth mitigation to read: "A summer use plan will be prepared by the permittee as part of the area Master Development Plan and a Area Operations Plan will be prepared to direct operations. These plans will describe planned activities (in concept and detail respectively) such as: where activities will occur; how many horses will be used; guide/client ratio; food service plans; safety and first aid consideration; and address mitigation applicable to the permittee, etc. All activities will follow applicable mitigation measures from throughout this EIS."

80 IV first paragraph would be revised to clarify by adding the following: "The **ADMINISTRATIVE RESPONSIBILITY FOR** maintenance of the road from Driggs to the resort would be turned over to the County responsible for **ADMINISTRATION** of the road in accordance with FHA program guidelines.

(NOTE: THE ABOVE REVISION IS PER AGREEMENT WITH TETON COUNTY, WYO. COMMISSIONERS TO CLARIFY THIS STATEMENT)