



Decision Memo

Jackson Hole Mountain Resort

Backcountry Guided Skiing Permit User Days Increase Project

U.S. Forest Service
Jackson Ranger District, Bridger-Teton National Forest
Teton County, Wyoming

Background

On November 27, 2018, Jackson Hole Mountain Resort (JHMR) submitted a proposal to the Bridger-Teton National Forest (BTNF) to initiate an environmental review for the proposed increase of guided backcountry user days within the boundary of its existing outfitter guide permit area. The general location of the guided backcountry ski permit area is 43° 35' 50" N, 110° 52' 13" W (Rock Springs - Jensen Canyon), and 43° 49' 68" N, 110° 93' 80" W (Teton Pass), BTNF, Teton County, Wyoming. The entire permit area is approximately 4,020 acres in size and is located southwest of Teton Village and on Teton Pass, Teton County, Wyoming (Figures 1 and 2).

For over 30 years, JHMR has had an Outfitter Guide permit for backcountry skiing in a permit area consisting of 4,020 acres (2,146 acres adjacent to the Jackson Hole ski resort (to the south) and 1,874 acres on the east side of Teton Pass on both sides of HWY 22). This permit authorizes 1,200 user days annually from December 1st to April 15th. Of these 1,200 days, a maximum of 50 days may be used on Teton Pass by JHMR.

For over ten years JHMR has had so much demand for guided backcountry skiing that it would typically use all 1,200 user days by February or early March. Beginning in 2012, the Forest Service allowed JHMR to draw additional user days from a winter "pool" of days that are allocated for use by all permit holders in the Teton Division on an as-needed basis. These requests were usually granted in multiple small increments (~100-200 user days) by the Forest Service according to their protocol for temporary reallocation of "pool" user-days for a sum total (permitted user days plus temporary pool days) of approximately 1,800 to 2,000 user days annually since 2012.

The project site is within JHMR's Outfitting and Guiding Special Use Permit (OG SUP) boundary on National Forest System lands (NFS) and has the potential to affect the human environment. The BTNF accepted JHMR's proposal and initiated a review of the project in accordance with the National Environmental Policy Act (NEPA 1969, as amended) and compliance with the Bridger-Teton National Forest Land and Resource Management Plan (BTNF 2015, as amended). This Decision Memo documents that review and my decision regarding the project.

Project Description

The project is described below and shown in Figures 1 and 2. The proposal will administratively amend the current JHMR OG SUP to allow 2,400 user days per season. The 50-day limit on Teton Pass would remain unchanged. There are no changes proposed to the size and shape of the permit area, dates of use, or to the modification of any vegetation (tree removal) or existing terrain.

The Forest Plan (BTNF 2015, as amended) provides direction for the Forest to sustain natural resources, contribute to community prosperity and provide high-quality developed recreation



facilities to serve Forest visitors (Goal 1.1 and Goal 2.2 pp. 112-114). Forest Plan Objective 1.1(f) is to "Provide areas for alpine skiing and commercial ski and snowmobile operations."

The primary purposes of the project include:

- Capitalize on the partnership between the BTNF and JHMR to connect visitors with the natural environment and support the quality of life and the economy of the local community.
- Increase safe access and opportunities for guided backcountry ski trips through JHMR, the primary ski resort in Jackson Hole, to introduce skiers to the use of the backcountry.
- Introduce high-quality guest service experiences to attract and retain local and destination skiers and provide outdoor opportunities for Jackson residents and visitors.
- Provide more educational opportunities for clients, including transceiver training, avalanche safety, decision-making, rescue techniques, and backcountry hazards.

Implementation/Timing

The amended JHMR Outfitter Guide Permit will be effective for the 2021/2022 ski season.

Mitigation Measures

Implementation of the mitigation measures listed below will be required as part of my decision.

Habitat and Wildlife Resources

Mitigation measures for habitat and wildlife resources mitigation measures will be taken, as described in the May 2004 Jackson Hole Mountain Resort Guided Backcountry Skiing Environmental Assessment (Chapter 2 - Description of Alternatives) (USFS 2004) (Attachment A).

Cultural Resources

Standard mitigation measures to protect cultural resources within the JHMR OG SUP will be taken as described by the State Historic Preservation Office (SHPO).

Decision and Rationale

There is a certain level of solace and solitude backcountry skiers and snowboarders hope to achieve along with the mental and physical reward of ascending a mountain on skis or a snowboard under one's own power, not to mention searching and finding that perfect powder day. Backcountry skiers and snowboarders report benefits beyond the physical, such as a strong connection with nature, lower anxiety levels, improved mood, and stress reduction.

However according to Snowsports Industries America, backcountry skiing and snowboarding continues to grow exponentially. In March of 2020 sales for Alpine touring skis jumped to a 60% increase. A majority of retailers around the country sold out of split boards. Online sales of skins (the strips of adhesive material affixed to the bases of skis or split boards to allow them to glide uphill but not slide down) increased 134% over the previous year. Additionally, I acknowledge that beyond the resort's boundary, there is no ski patrol to bomb cornices, assess a route's safety, or carry out a skier with a broken tibia. Backcountry skiing and snowboarding involves certain inherent dangers and risks.

I have reviewed JMHR's proposal and the associated environmental review documentation and have decided to approve this project, as described in the Project Description.

I believe the project will benefit the recreating public by providing more opportunities for professionally guided backcountry use within the existing OG SUP. Outfitters or guides on National Forest System lands and Grasslands provide specialized knowledge, skills, experience, and equipment that general recreationists might not otherwise possess. They contribute to high quality opportunities for people to recreate on public lands regardless of their skill level or prior experience. The traditional types primarily involve hunting and fishing in a backcountry setting, but today the industry is highly diverse and includes but is not limited to backcountry skiing and snowboarding, whitewater floating, backpacking, mountaineering, snowmobiling, cross-country skiing, mountain biking, van touring, and dog sledding. The visitor typically receives safety and instructional information, natural history, and cultural resource interpretation as part of their guided experience.

Implementation of the mitigation measures outlined above (see Mitigation Measures) is a condition of my approval.

I have determined that the proposed project, as described above, is consistent with the types of actions described under 36 CFR 220.6(d)(12): *Issuance of a new authorization or amendment of an existing authorization for recreation special uses that occur on existing roads or trails, in existing facilities, in existing recreation sites, or in areas where such activities are allowed.*

(iii) Issuance of an outfitting and guiding permit for backcountry skiing

In 1999, JHMR opened up its backcountry gates for the first time, allowing skiers and snowboarders to legally head out and partake in some of the best out-of-bounds terrain in the nation. Ever since, the sport and area has grown in popularity, and countless Jackson Hole residents and visitors enjoy skiing or split boarding beyond the ski resort's boundary. Additionally, since 2012, the Forest Service has been allocating JHMR a sum total (permitted user days plus temporary pool days) of approximately 1,800 to 2,000 user days annually. Lastly as noted above, the proposed project will not require any physical construction to NFS land, including land within the ski area's OG SUP boundary. The potential direct, indirect, and cumulative effects of the project were reviewed and considered in my decision.

Regarding extraordinary circumstances, the Forest Service Handbook lists several topics that should be considered (CFR 36 220.6[b]). Forest Service and contracted resource specialists have visited the project area on numerous occasions, reviewed relevant studies and other published information, and documented their findings regarding these and other potential extraordinary circumstances in the project file, as summarized below.

- i. Federally listed Threatened or Endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.** The project area was surveyed, and no Federally listed Threatened or Endangered species are present. This project is within what is considered occupied grizzly bear habitat but is not within the Grizzly Bear Primary Conservation area, and there have been no grizzly bear detections in the project area during the activity season of this proposal. The project area is not within designated Canada Lynx Critical Habitat. However, bighorn sheep (*Ovis Canadensis*) crucial winter range is located within the boundaries of the backcountry use area. Bighorn sheep are considered a USFS Region 4 Sensitive

Species. The current Special Use Permit (SUP) (2019-2029) (JAC406118) for this project includes a five-year operating plan (approved annually) which contains a protocol for bighorn sheep in Section IV.F.2 – Resource Protection, Protection of Threatened and Endangered, Sensitive Species, and Species of Conservation Concern and their Habitat, Sensitive Species and Species of Conservation Concern and Their Habitat. The permit states:

The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map (JAC046118) (USFS 2019).

Based on these considerations, Threatened, Endangered, sensitive species, or designated critical habitat do not constitute an extraordinary circumstance with significant effects as a result of these actions. Regarding the protection of bighorn sheep and their crucial winter range, JHMR, the BTNF Authorizing Official (i.e. Jackson District Ranger), and a representative of the Bighorn Sheep Working Group will consistently and routinely consult on ways to minimize and avoid potential spatial or temporal impacts to resources within the JHMR OG SUP as part of the existing permit. These efforts will continue annually at a minimum of once a year (pre-winter) or more often as necessary.

- ii. **Flood plains, wetlands, or municipal watersheds.** The proposal does not include any impact to aquatic resources including wetlands and is not located in floodplains or municipal watersheds. Flood plains, wetlands, or municipal watersheds do not constitute an extraordinary circumstance for the proposal.
- iii. **Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.** The project area does not include any designated wilderness, wilderness study areas, or national recreation areas, so such areas do not constitute an extraordinary circumstance for these actions.
- iv. **Inventoried roadless areas.** The project area does not include any inventoried roadless areas, so such areas do not constitute an extraordinary circumstance for these actions.
- v. **Research Natural Areas.** The project area does not include any Research Natural Areas, so such areas do not constitute an extraordinary circumstance for these actions.
- vi. **American Indian and Alaska Native religious or cultural sites.** The BTNF has consulted with representatives of area Native American Tribes, the Shoshone-Bannock, Gros Ventre, and Eastern Shoshone, during previous NEPA reviews involving JHMR to ensure that no Tribal concerns were overlooked. No Tribal concerns about TCPs, sacred sites, Tribal resource gathering areas, or prehistoric archeological sites have been identified. If any cultural resources, TCPs, or sacred sites are encountered at the resort, any action that could

adversely affect them must cease, and the Forest Archaeologist must report the find to appropriate Tribal representatives and fulfill consultation requirements. Based on these considerations, American Indian and Alaska Native religious or cultural sites do not constitute an extraordinary circumstance for these actions.

- vii. **Archaeological sites, or historic properties or areas.** In 2015 a Class I cultural resources report covering the JHMR SUP area was prepared (Cannon and Peart 2015). It concluded that previous cultural resource investigations, including pedestrian surveys within areas of potential effect (APE), have located no historic properties. Historic properties include historic and prehistoric sites that are eligible for or listed on, the National Register of Historic Places (NRHP). The report did identify two previously discovered sites not eligible for listing on the NRHP. Neither of these sites is within the project APE (as described in the JHMR Recreation Enhancements Project Phase 2 (USFS 2004)) associated with this decision. Therefore, no further analysis of these sites is necessary. Based on the steepness of the terrain and that no ground disturbance will be authorized, the likelihood of discovery of significant cultural resources is remote. Any proposed actions not included in the Forest Service determination (2015b) and the Class I cultural resource report (Cannon and Peart 2015) are covered under cultural resource clearance from the BTNF Forest Archaeologist (BT-17-1023). The final BTNF cultural clearance of no effect on historic properties for Phase 2 is made under the 2008 Programmatic Agreement (PA) between the Forest Service, SHPO, and the Advisory Council on Historic Preservation because of adequate previous survey and documentation. Per the PA, the BTNF consults with SHPO on an annual basis for this type of clearance. JHMR is required to report any discovery of buried cultural resources to the BTNF Forest Archaeologist. Based on these considerations, archaeological sites, or historic properties or areas, do not constitute an extraordinary circumstance for these actions.

Based on the findings summarized above, I have determined that this action is categorically excluded from documentation in an environmental assessment or environmental impact statement. Based on experience with management activities similar to this and upon the environmental review conducted for this project, the effects of implementing this action will be limited in context and intensity. Connected and cumulative actions have been appropriately considered, an appropriate category for exclusion has been established by law and documented in the Forest Service Handbook (36 CFR 220.6(e)(15)), and our review indicates no extraordinary circumstances to preclude its application.

Scoping and Public Involvement

On February 7, 2020, BTNF published an initial scoping notification in response to a proposal from Jackson Hole Mountain Resort (JHMR) to initiate the environmental review process for the proposed increase of guided backcountry ski user days at JHMR. The scoping notification was published on the BTNF website (https://www.fs.usda.gov/nfs/11558/www/nepa/113124_FSPLT3_5237258.pdf), on the Bridger-Teton's Schedule of Proposed Actions (SOPA) on February 16, 2020.

A draft decision memo (DM) was prepared by BTNF and re-scoped in May 2021. The scoping notification was published on the BTNF website



(https://www.fs.usda.gov/nfs/11558/www/nepa/113124_FSPLT3_5636366.pdf) on the Bridger-Teton’s Schedule of Proposed Actions (SOPA) on May 11, 2021.

All comments submitted are part of the public administrative record for this project and are considered in defining future analyses and potential alternatives. A total of 158 comments were received and analyzed as part of the preparation for this Decision Memo.

Documentation of the complete public scoping process is in the project administrative case file and available for review through the Jackson Ranger District.

Findings Required by Other Laws

The only finding required by other laws not addressed directly or indirectly above is Forest Plan compliance in accordance with the National Forest Management Act. This action has been evaluated for consistency with the *Bridger-Teton National Forest Land and Resource Management Plan* (BTNF 2015, as amended). The project area falls within Forest Plan Management Area, Jackson Hole South, Desired Future Condition (DFC) 9B (Special Use Recreation Areas, which emphasizes providing developed recreation opportunities), as well as DFC 2A (Non-motorized Recreation Areas, which emphasizes maintaining/enhancing Primitive and Semi primitive Non-motorized dispersed recreation opportunities). Thus, this action is consistent with the DFC. In terms of more specific Forest Plan direction, my review indicates that this action, with required design criteria and mitigation measures in place, is consistent with all applicable standards and guidelines.

Administrative Review (Appeal) Opportunities

Decisions to categorically exclude actions from further analysis in an Environmental Assessment or Environmental Impact Statement are not subject to appeal.

Project Implementation

Implementation of the Backcountry Guided Skiing Permit User Days Increase Project will begin at the start of the 2021-2022 season.

Contact

For further information, contact Jason Wilmot at:

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 Mary Moore
 District Ranger
 Jackson Ranger District
 Bridger-Teton National Forest

 June 11, 2021
 Date

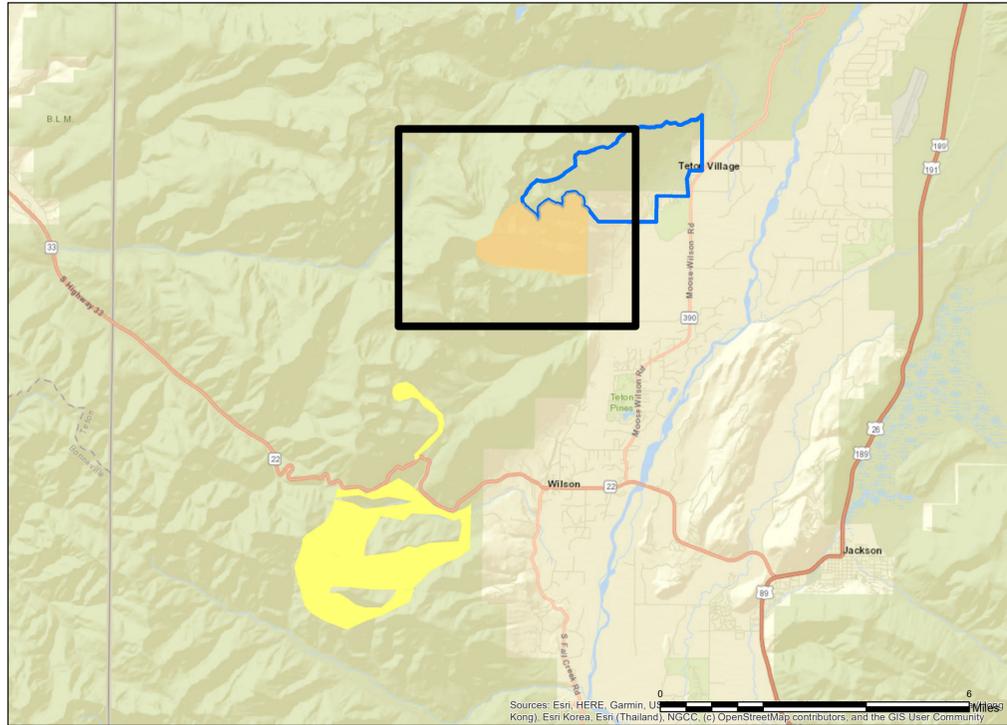


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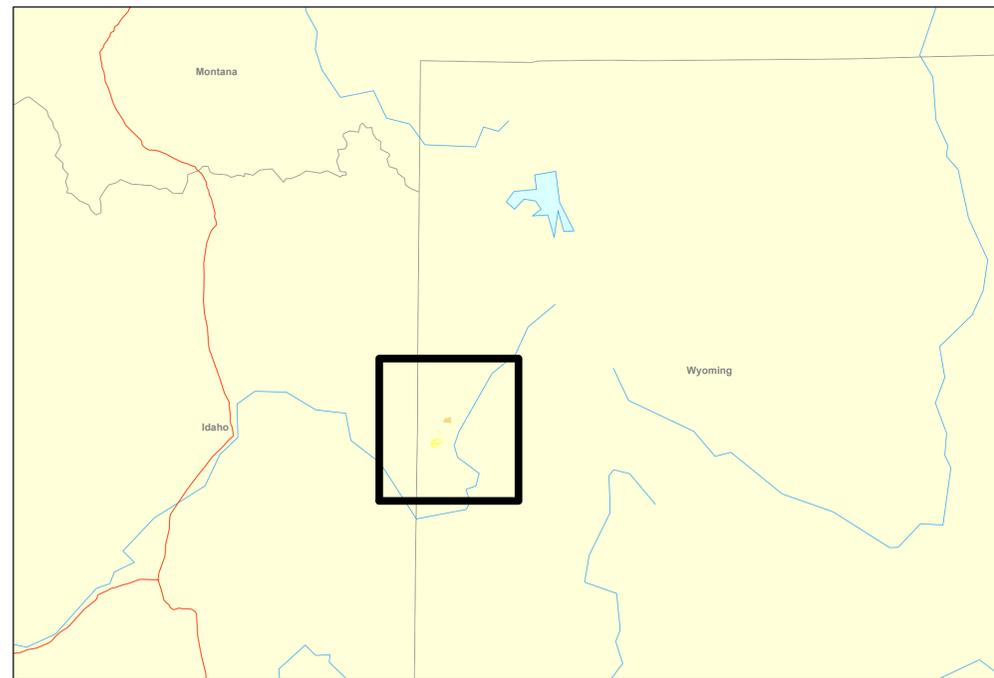
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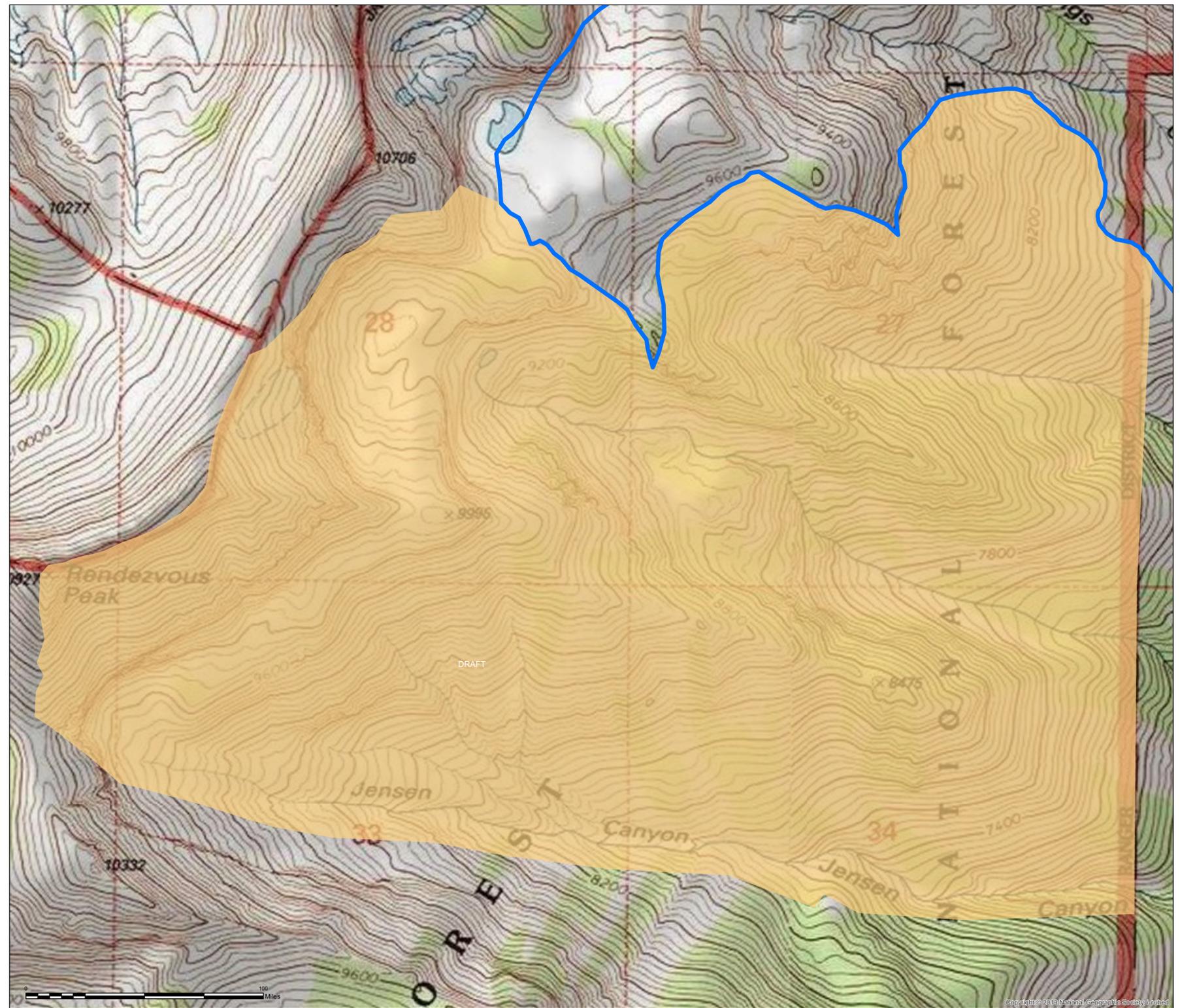


**Guided Backcountry Skiing Permit Areas
(Teton Pass and Rock Springs/Jensen Canyon Areas)**



**Guided Backcountry Skiing
Decision Memo**

JHMR Backcountry Guide Permit Update
Jackson Hole Mountain Resort, Teton Village, WY



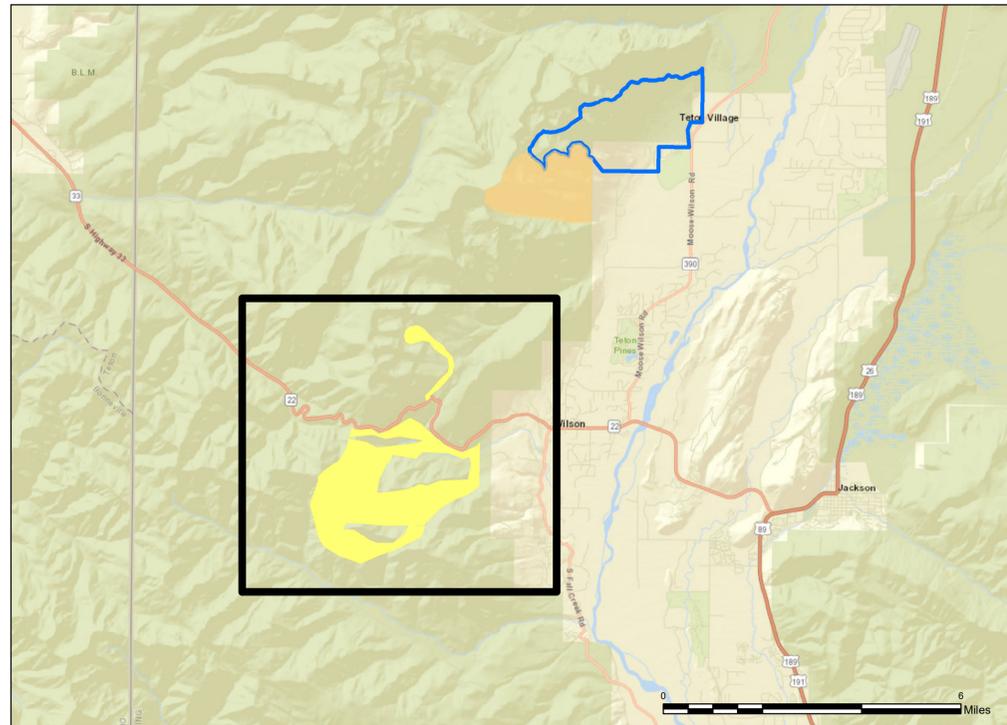
- Rock Springs/Jensen Canyon Permit Area
- Teton Pass Permit Area
- JHMR SUP Boundary



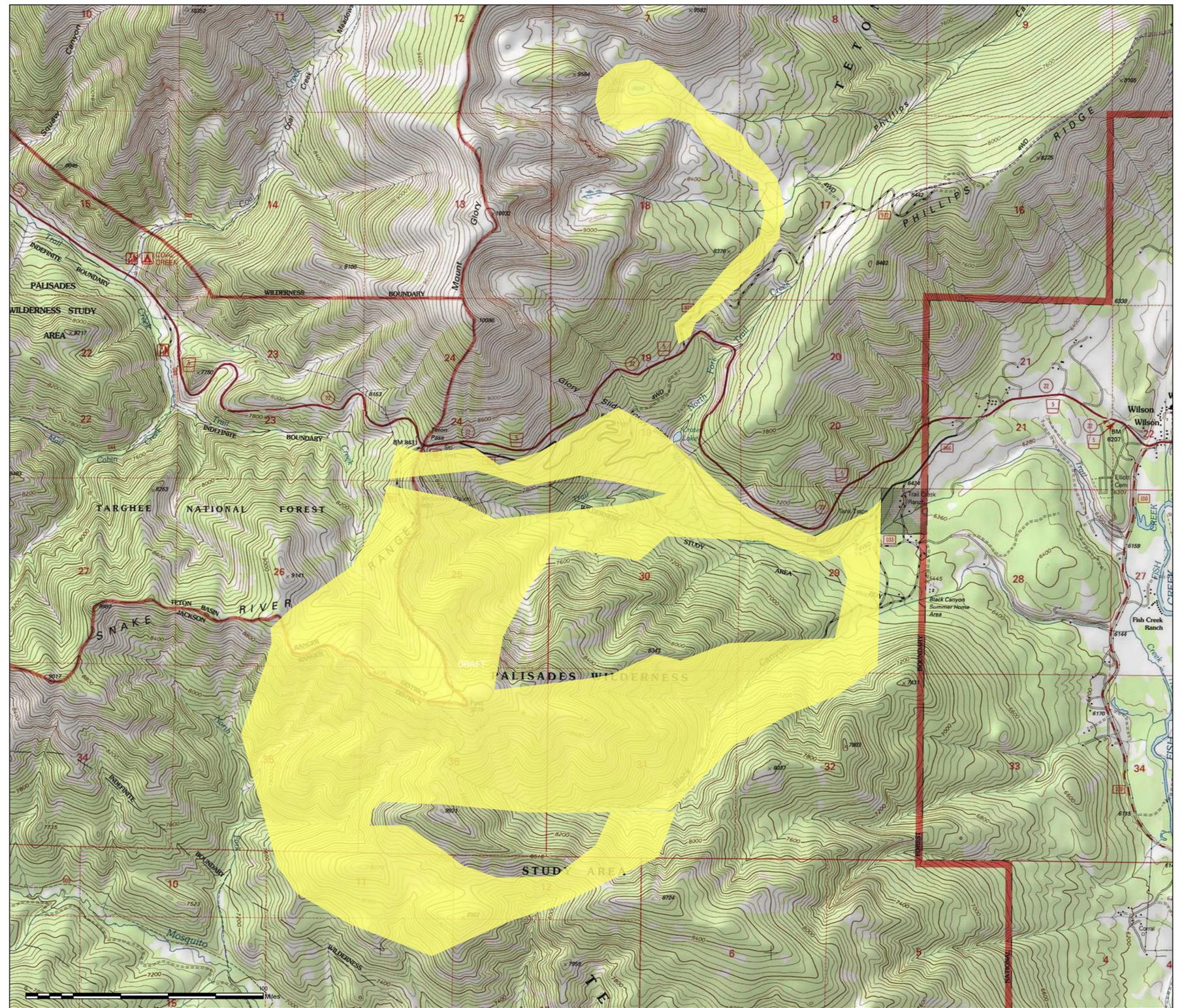
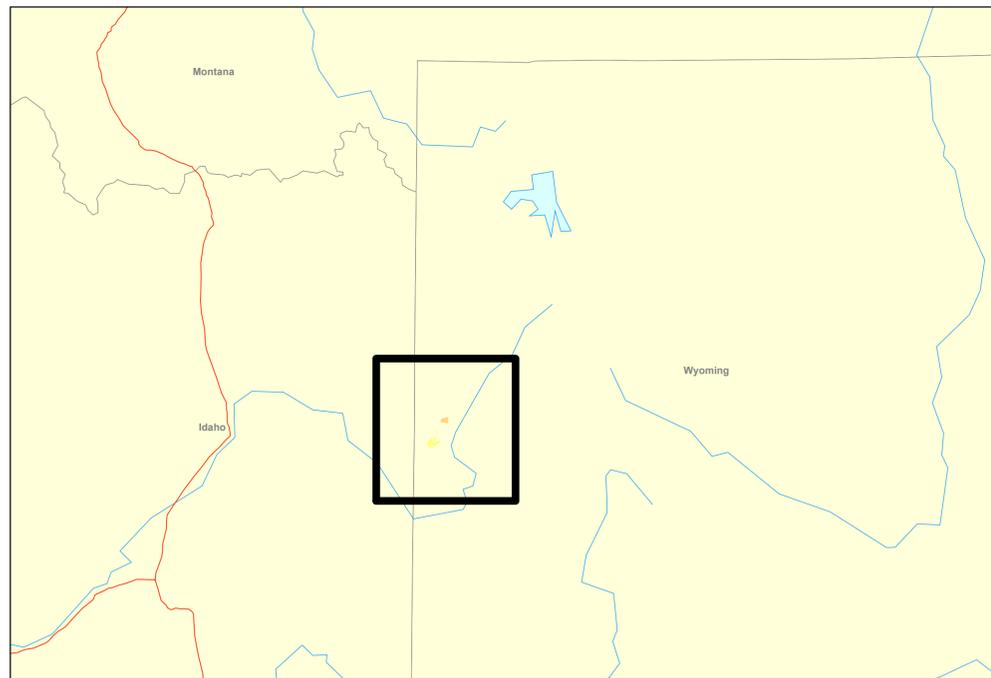
**Figure 1. Rock Springs/Jensen Canyon
Backcountry Permit Area**

Pioneer Environmental Services, Inc. August 27, 2020

Coordinate System: NAD_1983_StatePlane_Wyoming_West_FIPS_4904_Feet



**Guided Backcountry Skiing Permit Areas
(Teton Pass and Rock Springs/Jensen Canyon Areas)**



- Teton Pass Permit Area
- Rock Springs/Jensen Canyon Permit Area
- JHMR SUP Boundary



Figure 2. Teton Pass Backcountry Permit Area

Pioneer Environmental Services, Inc. August 27, 2020

Coordinate System: NAD_1983_StatePlane_Wyoming_West_FIPS_4904_Feet

**Guided Backcountry Skiing
Decision Memo**

JHMR Backcountry Guide Permit Update
Jackson Hole Mountain Resort, Teton Village, WY

Attachment A

MITIGATION MEASURES AND MONITORING REQUIREMENTS

1. Guided backcountry skiing and snowboarding operations will be conducted during daylight hours between 9 a.m. and 5 p.m., when Canada lynx are least active.
2. Vegetated areas, especially along creeks or streams and dense conifer stands that may provide habitat for snowshoe hare, will be avoided.
3. Should any nest, den, or other important sites for any TES species be identified within the OG SUP area, additional evaluation, analysis and restrictions may be needed during specific sensitive time periods to minimize disturbance. Any such future stipulations would be made in coordination with state game agencies, the permittee, and in consultation with US Fish and Wildlife Service (USFWS) and would become part of the OG SUP. If a wolverine, wolf or bear den is discovered, skiers will maintain a 0.5 mile distance from it until a USFWS determination is made.
4. The Forest Service requests that JHMR report any sightings of gray wolf, Canada lynx, bear, wolverine or suspect snow digging activity within 24 hours, and report on any sightings of bighorn sheep or mountain goat. Reports of other species will be welcomed also, especially raptors and owls.