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October 13, 2020

Mel Bolling, Forest Supervisor  
c/o Jay Pence, Teton Basin District Ranger  
P.O. Box 777  
Driggs, ID 83422

## **Joint Organization Scoping Comments on the Grand Targhee 2018 Master Development Plan Projects**

### **RE: Grand Targhee 2018 Master Development Plan Projects**

Comments submitted electronically to:  
<http://www.fs.usda.gov/project/?project=58258>

Dear Mr. Bolling and Mr. Pence,

Thank you for considering Greater Yellowstone Coalition (GYC) and Idaho Conservation League's (ICL) comments on the scoping notice for the Grand Targhee 2018 Master Development Plan Projects (Proposed Action).

GYC is a regional conservation organization based in Bozeman, Montana, with offices in Idaho and Wyoming. We have worked to protect the lands, waters, and wildlife of the Greater Yellowstone Ecosystem (GYE), now and for future generations, for more than 35 years. Our natural resources are critical to the health of the GYE and of the utmost importance to our 90,000 supporters from across the country, who enjoy our shared public lands and resources for many activities, including but not limited to hiking, biking, hunting, fishing, camping, boating, botanizing, and photography.

Since 1973, ICL has worked to protect Idaho's clean water, wilderness, and quality of life through citizen action, public education, and professional advocacy. As Idaho's largest statewide conservation organization, ICL represents over 30,000 supporters who have a deep personal interest in ensuring that activities on our national forest lands are protective of our land, water, fish, and wildlife.

Together, we appreciate the opportunity to provide comments on the scoping notice for the Proposed Action. We look forward to working with the Forest Service, Grand Targhee Resort

(GTR), our neighbors in Teton County, Idaho, and our friends in Teton County, Wyoming, on this project. Please consider the following comments in your evaluation of the Proposed Action, and please keep us on the mailing list for this and any future projects on the Caribou Targhee National Forest (CTNF).

Sincerely,



Allison Michalski, Idaho Conservation Associate  
Greater Yellowstone Coalition  
P.O. Box 1072  
Driggs, ID 83422  
(208) 354-1593  
[amichalski@greateryellowstone.org](mailto:amichalski@greateryellowstone.org)



Josh Johnson, Conservation Associate  
Idaho Conservation League  
P.O. Box 2671  
Ketchum, ID 83340  
(208) 345-6933 x 201  
[jjohnson@idahoconservation.org](mailto:jjohnson@idahoconservation.org)

## 1) NEPA COMPLIANCE

### PURPOSE AND NEED

It is imperative that the Proposed Action accomplish the stated purpose and need for the project, while still complying with applicable land and resource management plans. The National Forest Ski Area Permit Act of 1986 and The Ski Area Recreational Opportunity Enhancement Act of 2011 outline a process for granting special use permits (SUP) to “ski areas and associated facilities” on National Forest System lands.<sup>1</sup> The terms of these permits require ski areas to submit changes to the area’s Master Development Plan to the Forest Service for approval, the purpose of which is to ensure that “planned projects are consistent with applicable Land and Resource Management Plans,” meaning Forest Plans and specifically here, the Revised Forest Plan for the Caribou National Forest (Forest Plan).<sup>2</sup>

In accordance with these laws, Grand Targhee Resort (GTR) applied to implement projects described in the resort’s amended Master Development Plan, which was accepted by the Forest Service in February 2019.<sup>3</sup> In the acceptance letter signed by both Forest Supervisor, Mel Bolling, and Teton Basin District Ranger, Jay Pence, the Forest Service underscored remaining concerns with wildlife issues and visual impact issues, as well as issues with increased base amenities, parking, and transportation, noting that “details of these specific proposals will also be used to make the final determination of whether or not they are consistent with pertinent Forest Plan Standards and Guidelines.”<sup>4</sup>

We understand GTR’s desire to enhance terrain variety and skiing experiences, enhance the skiing experience for guests of all ability levels, improve skier circulation, improve resort base area/services/facilities, and expand the variety of alternative and non-winter activities. However, GYC and ICL believe that these objectives can be accomplished in myriad ways. The heart of National Environmental Policy Act (NEPA) analysis is “the identification and evaluation of alternative ways of meeting the purpose and need of the proposed action.”<sup>5</sup> Therefore, pursuant to the core tenet of NEPA, it is imperative that the Draft Environmental Impact Statement (DEIS) identify and evaluate a reasonable range of alternatives that meet the purpose and need articulated by GTR and CTNF, comply with applicable provisions of relevant land and resource management plans, and address the concerns articulated by the Forest Service, including but not limited to wildlife, visual impact, base amenities, parking, and transportation.

**Recommendation:** We encourage the Forest Service to identify and evaluate a reasonable range of alternatives that meet the purpose and need for the Proposed Action in the DEIS. The DEIS should evaluate all reasonable alternatives, including those that are “practical or feasible from the technical and economic standpoint and using common sense, rather than simply

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<sup>1</sup> National Forest Ski Area Permit Act of 1986: <https://www.law.cornell.edu/uscode/text/16/497b>

<sup>2</sup> 2018 Master Plan Development – Forest Service Acceptance Letter (February 5, 2019): <https://grandtargheeresorteis.org/project-library>

<sup>3</sup> 2018 Master Plan Development – Forest Service Acceptance Letter (February 5, 2019): <https://grandtargheeresorteis.org/project-library>

<sup>4</sup> 2018 Master Plan Development – Forest Service Acceptance Letter (February 5, 2019): <https://grandtargheeresorteis.org/project-library>

<sup>5</sup> Council on Environmental Quality “A Citizen’s Guide to NEPA” (December 2007): [https://ceq.doe.gov/docs/get-involved/Citizens\\_Guide\\_Dec07.pdf](https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf)

desirable from the standpoint of the applicant,” and with sufficient detail so as to provide the public with a fair opportunity to compare and contrast the environmental impacts of the alternatives.<sup>6</sup>

Specifically, the DEIS should evaluate at a minimum: one (1) no action alternative; one (1) alternative that includes the entire Proposed Action; and, no fewer than three (3) different alternatives that each include some but not all component parts of Proposed Action. If the Forest Service selects a preferred alternative, then it is imperative that the preferred alternative be rigorously analyzed in the DEIS. The DEIS should conduct a comprehensive analysis of any and all direct impacts, indirect impacts, and cumulative effects that would result from implementing the Proposed Action, including but not limited to those impacts that are “ecological, aesthetic, historic, cultural, economic, social, or health impacts, whether adverse or beneficial.”<sup>7</sup>

### **CEQ GUIDANCE**

It is equally imperative that the Proposed Action comply with the applicable requirements of NEPA as well as satisfy Council on Environmental Quality (CEQ) regulations associated with NEPA implementation. Federal agencies have been required to follow the CEQ regulations when implementing NEPA since 1978. This requirement was recently rewritten, and the new CEQ rule limits the scope of actions to which NEPA applies, directing agencies to revise their NEPA procedures to eliminate inconsistencies with the final rule by September 2021. In the interim period, where existing agency NEPA procedures are inconsistent with the revised CEQ rule, agencies must follow the new rule. Furthermore, the legality of the new CEQ rule is currently being challenged by several federal lawsuits.

Although the Forest Service proposed a significant revision of its NEPA procedures in June 2019, the agency’s existing regulations and the proposed regulations are both inconsistent with the CEQ’s revised rule. Consequently, the Forest Service currently has the discretion to continue applying the old CEQ rule to an ongoing NEPA process that was initiated prior to September 2020. The Forest Service noticed the Proposed Action on August 26, 2020, prior to the September 2020 cut-off for project initiation. Therefore, the Forest Service here has the discretion to continue applying the old CEQ rule to the Proposed Action and should do so in the case at hand.

**Recommendation:** We urge the Forest Service to decline the application of the new CEQ rule to the Proposed Action. Instead, the Forest Service should continue to apply the old CEQ rule to the Proposed Action. If the Forest Service continues to apply the old CEQ rule, then the Forest Service will eliminate any confusion for the Forest Service itself, misunderstanding by the public, legal liability, and harm to the public’s interest.

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<sup>6</sup> Council on Environmental Quality “A Citizen’s Guide to NEPA” (December 2007): [https://ceq.doe.gov/docs/get-involved/Citizens\\_Guide\\_Dec07.pdf](https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf)

<sup>7</sup> Council on Environmental Quality “A Citizen’s Guide to NEPA” (December 2007): [https://ceq.doe.gov/docs/get-involved/Citizens\\_Guide\\_Dec07.pdf](https://ceq.doe.gov/docs/get-involved/Citizens_Guide_Dec07.pdf)

## 2) IMPACTS TO WILDLIFE RESOURCE

### GRIZZLY BEAR

The Proposed Action has the potential to impact Grizzly bear populations, and significantly impact individuals classified as part of the Greater Yellowstone Ecosystem Distinct Population Segment. The Proposed Action's project area is classified as suitable Grizzly bear habitat by the U.S. Geological Survey's Interagency Grizzly Bear Study Team and located within the boundaries of the Demographic Monitoring Area (DMA) for the Greater Yellowstone Ecosystem Distinct Population Segment.<sup>8</sup> It is also likely that individual bears from the Greater Yellowstone Ecosystem Distinct Population Segment have expanded beyond the boundaries of the Primary Conservation Area (PCA) and now occupy regions of the adjacent DMA.<sup>9</sup>

Under the U.S. Endangered Species Act (ESA), Grizzly bear is currently listed as a "Threatened" species in the continental United States, and the Greater Yellowstone Ecosystem Distinct Population Segment's listing present status is "Under Review."<sup>10</sup>

The state of Idaho classifies grizzly bear as a "Species of Greatest Conservation Need," with an S2 ranking that indicates the species is, "Imperiled because of rarity or because other factors demonstrably make it very vulnerable to extinction."<sup>11</sup> Although the Proposed Action's project area is located in Wyoming, Idaho's land, water, and wildlife management documents remain relevant to the project for the following reasons: the Proposed Action's project area/area of impact is adjacent to the border of Wyoming and Idaho; the habitats that will be impacted by the Proposed Action are located within both Wyoming and Idaho; resources like water and wildlife often cross state lines, without regard for geography; and, entities like Wyoming Game and Fish and Idaho Fish and Game as well as Teton County, Wyoming, and Teton County, Idaho, should equally be incorporated into the project review process as "cooperating agencies."

The Forest Service additionally classifies Grizzly bear as a "Threatened" species in the Region 4: Intermountain Region.<sup>12</sup> Provisions of the Forest Plan additionally govern the management of Grizzly bear on the CTNF. The plan's Desired Future Conditions for Wildlife mandate that forest management, "...contributes to the recovery of federally listed threatened, endangered, and proposed species and provides for conditions, which help preclude sensitive species from being proposed for federal listing."<sup>13</sup>

**Recommendation:** The DEIS must comprehensively evaluate the direct, indirect, and cumulative impacts of the Proposed Action on Grizzly bear, specifically the Greater Yellowstone Ecosystem Distinct Population Segment. The DEIS should also examine appropriate opportunities to

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<sup>8</sup> Interagency Grizzly Bear Study Team "Interactive Map" (March 21, 2016): [https://www.usgs.gov/science/interagency-grizzly-bear-study-team?qt-science\\_center\\_objects=5#qt-science\\_center\\_objects](https://www.usgs.gov/science/interagency-grizzly-bear-study-team?qt-science_center_objects=5#qt-science_center_objects)

<sup>9</sup> Draft 2016 Conservation Strategy for the Grizzly Bear in the Greater Yellowstone Ecosystem: <https://www.fws.gov/Idaho/documents%5CGrizzly%5C5.pdf>

<sup>10</sup> U.S. Fish and Wildlife Service: [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5370041.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5370041.pdf)

<sup>11</sup> 2020 Idaho State Wildlife Action Plan: <https://idfg.idaho.gov/swap>

<sup>12</sup> U.S. Fish and Wildlife Service: [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5370041.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5370041.pdf)

<sup>13</sup> 2003 Revised Caribou National Forest Plan (RFP 3-24): <https://grandtargheeresorteis.org/project-library>

mitigate any/all these impacts. Finally, it is essential that the DEIS address areas in which the Proposed Action is noncompliant with the applicable provisions of the ESA, state wildlife management plans, and the Forest Plan.

## **CANADA LYNX**

The Proposed Action has the potential to impact Canada lynx populations, and significantly impact individuals located within the Teton Creek Lynx Analysis Unit (LAU). The Proposed Action's project area is classified as Canada lynx habitat by the Forest Service and located inside the Teton Creek LAU, which includes 14,433 acres of lynx habitat.<sup>14</sup> Under the applicable provisions of the ESA, Canada lynx are currently listed as a "Threatened" species.<sup>15</sup> Lynxes are also classified as "Threatened" species in Idaho and as a "Species of Greatest Conservation Need" in Wyoming."<sup>16</sup>

The Forest Service classifies Canada lynx as a "Sensitive" species in the Region 4: Intermountain Region. Provisions of the Forest Plan provide thirteen (13) different management directions that assist in the maintenance of linkages for Canada lynx on forest lands, including desired future conditions for vegetation, vegetation goals and standards, wildlife goals, a lands objective, and a lands standard.<sup>17</sup>

In 2000, when the United States Fish and Wildlife Service (USFWS) first listed Canada lynx as threatened, the USFWS identified the main threat to this species as the "the lack of guidance for conservation of lynx and snowshoe hare habitat in National Forest Land and Resource Plans and BLM Land Use Plans."<sup>18</sup> Today, in addition to being governed by the applicable provisions of the ESA and the Forest Plan, the project area is also subject to the Northern Rockies Lynx Management Direction (NRLMD).<sup>19</sup>

The NRLMD identifies several risk factors for lynx associated with ski areas, including but not limited to "short-term effects on denning, foraging, and diurnal security habitat and long-term effects on movement within and between home ranges."<sup>20</sup> The NRLMD additionally provides directions for maintaining/restoring lynx habitat connectivity; discouraging the expansion of snow-compacting activities; managing recreational activities to maintain lynx habitat/connectivity; concentrating activities in existing developed areas; providing for lynx habitat needs and connectivity when developing new or expanding existing developed recreation sites/ski areas; maintaining habitat connectivity with respect to new/expanded permanent development; providing for adequately sized inter-trail islands that include coarse

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<sup>14</sup> 2018 Targhee National Forest Lynx Analysis Units Final Environmental Impact Statement:

[https://www.fs.usda.gov/nfs/11558/www/nepa/91395\\_FSPLT3\\_4395627.pdf](https://www.fs.usda.gov/nfs/11558/www/nepa/91395_FSPLT3_4395627.pdf)

<sup>15</sup> U.S. Fish and Wildlife Service: <https://www.fws.gov/midwest/endangered/mammals/lynx/index.html>

<sup>16</sup> 2017 Wyoming State Wildlife Action Plan: <https://wgfd.wyo.gov/Habitat/Habitat-Plans/Wyoming-State-Wildlife-Action-Plan>

<sup>17</sup> 2003 Revised Caribou National Forest Plan (RFP 3-28): <https://grandtargheeresortis.org/project-library>

<sup>18</sup> 2018 Targhee National Forest Lynx Analysis Units Final Environmental Impact Statement:

[https://www.fs.usda.gov/nfs/11558/www/nepa/91395\\_FSPLT3\\_4395627.pdf](https://www.fs.usda.gov/nfs/11558/www/nepa/91395_FSPLT3_4395627.pdf)

<sup>19</sup> 2007 Northern Rockies Lynx Management Direction Record of Decision:

[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd524871.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd524871.pdf)

<sup>20</sup> 2007 Northern Rockies Lynx Management Direction Record of Decision:

[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd524871.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd524871.pdf)

woody debris when developing/expanding ski areas; providing for foraging habitat consistent with the ski area's operational needs when developing/expanding ski areas; planning recreation developments and operations in ways that provide for lynx movement and maintain effective lynx habitat; and, considering the location of access roads/lift termini to maintain/provide security lynx habitat when developing/expanding ski areas and trails.<sup>21</sup>

**Recommendation:** The DEIS must comprehensively evaluate the direct, indirect, and cumulative impacts of the Proposed Action on Canada lynx, specifically within the Teton Creek LAU. The DEIS should also examine appropriate opportunities to mitigate any/all these impacts. Finally, it is essential that the DEIS address areas in which the Proposed Action is noncompliant with the applicable provisions of the ESA, state wildlife management plans, the Forest Plan, and the NRLMD.

## **WOLVERINE**

The Proposed Action has the potential to impact wolverine populations, and significantly impact individuals located on the CTNF within the Teton Basin Ranger District, specifically individuals who occupy areas in and adjacent to the project area. The Proposed Action's project area is classified as wolverine habitat by USFWS.<sup>22</sup> The USFWS recently declined to list wolverine as a "Proposed as Threatened" species; however, challenges to this listing decision have already been announced.<sup>23</sup> Wolverines are also a protected nongame mammal in the state of Wyoming, classified as a "Species of Greatest Conservation Need" by Wyoming's State Wildlife Action Plan.<sup>24</sup> In the state of Idaho, wolverine is listed as a "Species of Greatest Conservation Need," with an S1 ranking that indicates the species is, "Critically imperiled because of extreme rarity or because some factor of its biology makes it especially vulnerable to extinction."<sup>25</sup>

The Forest Service classifies wolverine as a "Proposed" species in the Region 4: Intermountain Region.<sup>26</sup> To protect wolverine on Forest Service lands, provisions of the Forest Plan impose restrictions on "intrusive human disturbance within one mile around known active den sites, March 1 to May 15."<sup>27</sup>

**Recommendation:** The DEIS must comprehensively evaluate the direct, indirect, and cumulative impacts of the Proposed Action on wolverine. The DEIS should also examine appropriate opportunities to mitigate any/all these impacts. Finally, it is essential that the DEIS address

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<sup>21</sup> 2007 Northern Rockies Lynx Management Direction Record of Decision:

[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd524871.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd524871.pdf)

<sup>22</sup> U.S. Fish and Wildlife Service: [https://www.fws.gov/mountain-](https://www.fws.gov/mountain-prairie/es/wolverine.php#:~:text=December%202010%3A%20After%20a%20thorough,Endangered%20Species%20Act%20(ESA))

[prairie/es/wolverine.php#:~:text=December%202010%3A%20After%20a%20thorough,Endangered%20Species%20Act%20\(ESA\)](https://www.fws.gov/mountain-prairie/es/wolverine.php#:~:text=December%202010%3A%20After%20a%20thorough,Endangered%20Species%20Act%20(ESA))

<sup>23</sup> U.S. Fish and Wildlife Service: [https://www.fws.gov/mountain-](https://www.fws.gov/mountain-prairie/es/wolverine.php#:~:text=December%202010%3A%20After%20a%20thorough,Endangered%20Species%20Act%20(ESA))

[prairie/es/wolverine.php#:~:text=December%202010%3A%20After%20a%20thorough,Endangered%20Species%20Act%20\(ESA\)](https://www.fws.gov/mountain-prairie/es/wolverine.php#:~:text=December%202010%3A%20After%20a%20thorough,Endangered%20Species%20Act%20(ESA))

<sup>24</sup> 2020 Wyoming Wolverine Management Plan:

[https://wgfd.wyo.gov/WGFD/media/content/PDF/Wildlife/Nongame/WolverinePlan\\_ApprovedJuly2020.pdf](https://wgfd.wyo.gov/WGFD/media/content/PDF/Wildlife/Nongame/WolverinePlan_ApprovedJuly2020.pdf)

<sup>25</sup> 2020 Idaho State Wildlife Action Plan: <https://idfg.idaho.gov/swap>

<sup>26</sup> U.S. Fish and Wildlife Service: [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5370041.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5370041.pdf)

<sup>27</sup> 2003 Revised Caribou National Forest Plan (RFP 3-33): <https://grandtargheeresorteis.org/project-library>

areas in which the Proposed Action is noncompliant with the applicable provisions of the ESA, state wildlife management plans, and the Forest Plan.

## **BIGHORN SHEEP**

The Proposed Action has the potential to impact bighorn sheep populations, and significantly impact individuals and the population of Teton Range bighorn sheep. The Proposed Action's project area is recognized bighorn sheep habitat, specifically habitat for core native herds of Teton Range bighorn sheep.<sup>28</sup> The state of Idaho classifies bighorn sheep as a "Species of Greatest Conservation Need," with an S2 ranking that indicates the species is, "Imperiled because of rarity or because other factors demonstrably make it very vulnerable to extinction."<sup>29</sup> Bighorn sheep are also a protected big game species in the state of Wyoming, classified as a "Species of Greatest Conservation Need" by Wyoming's State Wildlife Action Plan.<sup>30</sup>

The Forest Service classifies bighorn sheep as a "Sensitive" species in the Region 4: Intermountain Region.<sup>31</sup> Provisions of the Forest Plan set forth guidelines for managing big game species applicable to bighorn sheep that include providing for vegetation buffers of at least one sight distance around big game concentration/use areas; providing security or travel corridors near created openings; and, working with State wildlife management agencies to address the issue(s) where summer or fall habitat conditions are identified as a factor in not meeting State population objectives.<sup>32</sup>

The Teton Range bighorn sheep are a genetically unique and important part of the Teton Range as well as the GYE. However, these native sheep are at risk of local extinction as populations continue to sharply decline.<sup>33</sup> Threats to population viability include increased human development resulting in the inability to access traditional lower-elevation winter range; long-term fire suppression that decreases habitat quality and restricts access to some lower-elevation winter range; severe winter weather conditions in new higher-elevation winter ranges; increased human activity from recreationists that displaces or stresses individuals; and, competition from invasive mountain goats.<sup>34</sup>

**Recommendation:** The DEIS must comprehensively evaluate the direct, indirect, and cumulative impacts of the Proposed Action on bighorn sheep, specifically Teton Range bighorn sheep. The DEIS should also examine appropriate opportunities to mitigate any/all these impacts. Finally, it is essential that the DEIS address areas in which the Proposed Action is noncompliant with the applicable provisions of state wildlife management plans and the Forest Plan.

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<sup>28</sup> Wyoming Game and Fish: <https://wgfd.wyo.gov/Wildlife-in-Wyoming/More-Wildlife/Bighorn-Sheep>

<sup>29</sup> 2020 Idaho State Wildlife Action Plan: <https://idfg.idaho.gov/swap>

<sup>30</sup> 2017 Wyoming State Wildlife Action Plan: <https://wgfd.wyo.gov/Habitat/Habitat-Plans/Wyoming-State-Wildlife-Action-Plan>

<sup>31</sup> U.S. Fish and Wildlife Service: [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprd5370041.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd5370041.pdf)

<sup>32</sup> 2003 Revised Caribou National Forest Plan (RFP 3-31): <https://grandtargheeresorteis.org/project-library>

<sup>33</sup> Teton Range Bighorn Sheep Working Group "Fact Sheet:"

<https://static1.squarespace.com/static/5a3876b5bff200aa91b78b87/t/5a872f47085229471a1190b3/1518808905001/Teton+Range+Bighorn+Fact+Sheet.pdf>

<sup>34</sup> Teton Range Bighorn Sheep Working Group "Fact Sheet:"

<https://static1.squarespace.com/static/5a3876b5bff200aa91b78b87/t/5a872f47085229471a1190b3/1518808905001/Teton+Range+Bighorn+Fact+Sheet.pdf>



## **BIG GAME**

The Proposed Action has the potential to impact big game individuals, specifically those individuals located on the CTNF within the Teton Basin Ranger District who occupy areas in and adjacent to the project area. The Proposed Action's project area is recognized big game habitat, occupied by moose, elk, mule deer, and white-tailed deer. In Wyoming, moose are classified as a "Species of Greatest Conservation Need."<sup>35</sup>

The Forest Plan guidelines for big game species management mandate providing for vegetation buffers of at least one sight distance around big game concentration/use areas; providing security or travel corridors near created openings; and, work with State wildlife management agencies to address the issue(s) where summer or fall habitat conditions are identified as a factor in not meeting State population objectives.<sup>36</sup> The Forest Plan also sets goals for "Elk and Deer Winter Range Critical" Prescriptions, including providing quality elk and deer winter range; managing livestock grazing to insure forage conditions are compatible with big game winter range goals; managing vegetation to maintain or improve cover or forage conditions needed for wintering deer and elk; and, minimizing human disturbance to wintering big game animals.<sup>37</sup>

Winter travel restrictions for the CTNF issued by the Teton Basin Ranger District additionally recognize that portions of Teton Canyon near the project area are critical winter range for big game species and subject these areas to seasonal wildlife closures for the purpose of protecting winter range, wildlife, and other natural resources.<sup>38</sup>

Recommendation: The DEIS must comprehensively evaluate the direct, indirect, and cumulative impacts of the Proposed Action on big game, specifically moose, elk, mule deer, and white-tailed deer. The DEIS should also examine appropriate opportunities to mitigate any/all these impacts. Finally, it is essential that the DEIS address areas in which the Proposed Action is noncompliant with the applicable provisions of the Forest Plan, specifically winter range protections.

## **BIRDS OF PREY**

The Proposed Action has the potential to impact birds of prey populations, specifically Boreal owls, Great Gray owls, and Northern Goshawks. The Proposed Action's project area is known habitat for many birds of prey, including but not limited to Boreal owls, Great Gray owls, and Northern Goshawks. Great Gray owls are a protected bird in the state of Wyoming, classified as a "Species of Greatest Conservation Need" by Wyoming's State Wildlife Action Plan.<sup>39</sup> In the state of Idaho, Great gray owl is listed as a "Species of Greatest Conservation Need," with an S1 ranking that indicates the species is, "Critically imperiled because of extreme rarity or because some factor of its biology makes it especially vulnerable to extinction."<sup>40</sup> Northern Goshawks

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<sup>35</sup> 2017 Wyoming State Wildlife Action Plan: <https://wgfd.wyo.gov/Habitat/Habitat-Plans/Wyoming-State-Wildlife-Action-Plan>

<sup>36</sup> 2003 Revised Caribou National Forest Plan (RFP 3-31): <https://grandtargheeresorteis.org/project-library>

<sup>37</sup> 2003 Revised Caribou National Forest Plan (RFP 4-42): <https://grandtargheeresorteis.org/project-library>

<sup>38</sup> Palisades and Teton Basin Winter Map: <https://www.fs.usda.gov/main/ctnf/maps-pubs>

<sup>39</sup> 2017 Wyoming State Wildlife Action Plan: <https://wgfd.wyo.gov/Habitat/Habitat-Plans/Wyoming-State-Wildlife-Action-Plan>

<sup>40</sup> 2020 Idaho State Wildlife Action Plan: <https://idfg.idaho.gov/swap>

and Boreal owls are also classified as “Species of Greatest Conservation Need” in Wyoming.<sup>41</sup> In Idaho, only Boreal owls are classified as a “Species of Greatest Conservation Need,” with an S1 ranking that indicates the species is, “Critically imperiled because of extreme rarity or because some factor of its biology makes it especially vulnerable to extinction.”<sup>42</sup>

The Forest Service classifies Great Gray owls, Boreal owls, and Northern Goshawks as “Sensitive” species in the Region 4: Intermountain Region.<sup>43</sup> The Forest Plan management directions require the maintenance of over 40% of the forested acres in mature and old age classes within a 3,600-acre area around all known Boreal owl nest sites; maintenance of over 40% of the forested acres in mature and old age classes within a 1,600-acre area around all known Great Gray owl nest sites; and, detailed prescriptions for the size and management of Northern Goshawk nest areas, post-fledgling family areas, and foraging areas.

Recommendation: The DEIS must comprehensively evaluate the direct, indirect, and cumulative impacts of the Proposed Action on Boreal owls, Great Gray owls, and Northern Goshawks. The DEIS should also examine appropriate opportunities to mitigate any/all these impacts. Finally, it is essential that the DEIS address areas in which the Proposed Action is noncompliant with the applicable provisions of the Forest Plan, specifically nest area buffers.

### **3) IMPACTS TO WATER RESOURCES**

The Proposed Action seeks to install a septic system or sanitary sewer line based on engineering recommendations, with water supplies coming from an onsite well to support the on-mountain guest service facility on Fred’s Mountain; install vault toilets or an on-site septic system, with water supplies coming from an onsite well to support the on-mountain guest service facility on at the terminal of Sacajawea Lift; utilize existing vault toilets, with water supplies coming from an onsite well or being transported to the yurt to support the Yurt at the top of the Shoshone Lift; and, install an undetermined number of additional vault toilets to support the two on-mountain warming cabins. This development would not only require significant quantities of water, but also potentially impact water quality in the project area as well as water quality in the ground and surface waters within Teton Basin.

Recommendation: The DEIS must comprehensively evaluate the direct, indirect, and cumulative impacts of the Proposed Action on water resources. Specifically, the DEIS must examine the potential impacts to impacts to water quality, ground water supplies, surface water supplies including drinking water, and aquatic wildlife, particularly Yellowstone cutthroat trout. Special attention must be paid to project elements that threaten drinking water supplies for the nearby towns of Alta, Wyoming, and Driggs, Idaho, as well as vital aquatic habitat for Yellowstone cutthroat trout in Teton Creek and the Teton River and essential drinking water sources for terrestrial wildlife. The DEIS should also examine appropriate opportunities to mitigate any/all these impacts.

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<sup>41</sup> 2017 Wyoming State Wildlife Action Plan: <https://wgfd.wyo.gov/Habitat/Habitat-Plans/Wyoming-State-Wildlife-Action-Plan>

<sup>42</sup> 2020 Idaho State Wildlife Action Plan: <https://idfg.idaho.gov/swap>

<sup>43</sup> U.S. Fish and Wildlife Service: [https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5370041.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5370041.pdf)

#### **4) IMPACTS TO WILDERNESS RESOURCES**

The Proposed Action will dramatically increase the size of the GTR SUP boundary as well as the total amount of GTR that borders the adjacent Jedediah Smith Wilderness Area and may result in significant adverse impacts to these wilderness resources. The Proposed Action will displace both wildlife as well as recreationists who utilize the areas adjacent to the current GTR SUP boundary. Increased pressure on the Jedediah Smith Wilderness Area from displaced wildlife and recreationists will additionally increase the pressure on wildlife resources within the wilderness boundary and on protected wilderness characteristics.

The Forest Plan provides the guideline for lands to permit new recreation special uses or the expansion of existing recreation special uses only where “they do not lead to a long-term adverse change in the wilderness character.”<sup>44</sup> Although this provision of the plan applies only to Forest Service lands that are recommended for wilderness designations, the provision should additionally limit/restrict on Forest Service lands where new recreation special uses or the expansion of existing recreation special uses where they lead to a long-term adverse change in the wilderness character.

Recommendation: The DEIS must comprehensively evaluate the direct, indirect, and cumulative impacts of the Proposed Action on the Jedediah Smith Wilderness Area, specifically the adjacent canyons in and around the project area, including but not limited to Teton Canyon, South Leigh Canyon, and North Leigh Canyon. The DEIS should also examine appropriate opportunities to mitigate any/all these impacts. Finally, it is essential that the DEIS address areas in which the Proposed Action is noncompliant with the applicable provisions of the Forest Plan.

#### **5) IMPACTS TO VISUAL RESOURCES**

The Proposed Action will also permanently alter and impact the CTNF’s scenic resources located in and around the project area. The Proposed Action requires an amendment to the Forest Plan that will remove 1,200 acres from the “Visual Quality Maintenance” management prescription and convert these acres to “Special Use Permit Recreation Site.”

In effect, these 1,200 acres will no longer be maintained to provide quality settings for a wide range of recreation opportunities; restore, maintain or enhance the scenic quality of Forest landscapes to meet adopted objectives for scenery; and, reflect user expectations and ecological goals for forest landscapes in management objectives. Instead, these 1,200 acres will be managed as part of GTR’s SUP, without important protections for scenic quality.

Recommendation: The DEIS must comprehensively evaluate the direct, indirect, and cumulative impacts of the Proposed Action on scenic resources, specifically those resources that are

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<sup>44</sup> 2003 Revised Caribou National Forest Plan (RFP 4-17): <https://grandtargheeresorteis.org/project-library>

located on the CTNF within the Teton Basin Ranger District in and adjacent to the project area. The DEIS should also examine appropriate opportunities to mitigate any/all these impacts. Finally, it is essential that the DEIS address areas in which the Proposed Action is noncompliant with the applicable provisions of the Forest Plan.

## **6) MONITORING AND MITIGATION**

### **MONITORING**

It is imperative that the Forest Service develop and implement a comprehensive monitoring program to evaluate impacts to land, water, and wildlife resources from the Proposed Action.

Recommendation: The DEIS should set forth a comprehensive monitoring program for land, water, and wildlife resources within and adjacent to the project area. The monitoring program should specifically measure impacts from recreational pressure to adjacent canyons in and around the project area, including but not limited to Teton Canyon, South Leigh Canyon, and North Leigh Canyon.

### **MITIGATION**

It is equally imperative that the Forest Service develop and implement a comprehensive mitigation program to offset the likely impacts resulting from the proposed action to land, water, and wildlife resources. Where possible, restoration projects to improve forest health/wildlife habitat should be developed and implemented. Restoration projects to improve aquatic health/habitat should also be developed and implemented.

Recommendation: The DEIS should set forth a comprehensive mitigation program to offset the Proposed Action's impacts to land, water, and wildlife resources within and adjacent to the project area. The mitigation program should specifically address impacts from recreational pressure to adjacent canyons in and around the project area, including but not limited to Teton Canyon, South Leigh Canyon, and North Leigh Canyon. Creative methods to offset project impacts should additionally be considered, including the elimination of dispersed camping in Teton Canyon, winter travel management planning in Teton and adjacent canyons, and/or the development of an ambassador program for GTR as well as Teton Canyon to help better manage human activity on and off site.

The Forest Service should additionally develop and implement a robust adaptive management program to mitigate unexpected and/or unintended impacts resulting from the proposed action to land, water, and wildlife resources.