



United States  
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Agriculture

Forest  
Service

Intermountain  
Region

August 2018



# Final Decision Notice and Finding of No Significant Impact

## Jim McClure-Jerry Peak Wilderness Management Plan

Salmon-Challis National Forest  
Custer County, Idaho

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*Decision Notice and Finding of No Significant Impact*  
*for the*  
**Jim McClure-Jerry Peak Wilderness Management Plan**  
**USDA Forest Service**  
**Salmon-Challis National Forest**  
**Custer County, Idaho**

## **INTRODUCTION**

The Environmental Assessment (EA) discloses the environmental impacts of a wilderness management plan for the Jim McClure-Jerry Peak (JMJP) Wilderness. The JMJP Wilderness was designated through the passage of the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act (P.L. 114-46).

The Wilderness Management Plan (WMP) provides the primary management direction for the JMJP Wilderness to preserve wilderness character as identified by the Wilderness Act of 1964. The WMP identifies the conditions and opportunities for which the Wilderness would be managed and creating specific standards and guidelines for managing resources and activities that would bring existing conditions closer to meeting desired conditions.

The EA has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA, 40 CFR 1500-1508), the National Forest Management Act and its implementing regulations, the Challis National Forest Land and Resource Management Plan, as amended (USDA 1987) (Forest Plan). Public involvement opportunities occurred throughout the planning process.

## **PURPOSE AND NEED**

The purpose of this project is to provide specific, updated, and consistent management direction for the JMJP Wilderness, situated on federal public land managed by the FS. Per the Wilderness Act of 1964 (Section 4), "... each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area." Although wilderness character is a complex idea and is not explicitly defined in the Wilderness Act, the qualities of wilderness character are commonly described as:

- Untrammeled—Area is unhindered and free from intentional actions of modern human control or manipulation.
- Natural—Area appears to have been primarily affected by the forces of nature and are substantially free from the effects of modern civilization.
- Undeveloped—Area is essentially without permanent improvements or the sights and sounds of modern human occupation, and it retains its primeval character.
- Outstanding opportunities for solitude or a primitive and unconfined type of recreation—Area provides outstanding opportunities for people to experience solitude or primeval and unrestricted recreation including the values associated with physical and mental inspiration, challenge, self-reliance, self-discovery, and freedom.
- Other Features of Value—Area may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value. Though not required of any wilderness, these characteristics, if present, must be protected as rigorously as any of the other four required qualities.

This action is needed to preserve wilderness character as identified by the Wilderness Act by identifying the conditions and opportunities for which the Wilderness would be managed and creating specific standards and guidelines for managing resources and activities that would bring existing conditions closer to meeting desired conditions. These objectives and actions would be implemented upon adoption of the WMP and the WMP identifies actions that may be implemented in the future if changes to resource conditions occur. The need for action is defined by the gap between the existing and desired conditions.

The need for the proposed action, the management plan, also originates from the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act (P.L. 114-46), which under Sec. 102 Administration, states "(a) IN GENERAL.- Subject to valid existing rights, each wilderness area shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.)..." Additionally, P.L. 114-46 requires: "Not later than

3 years after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of Interior shall collaboratively develop wilderness management plans for the wilderness areas.”

## **CHANGES BETWEEN THE DRAFT WMP AND EA**

In addition to minor edits and corrections, a number of changes were made to the EA following distribution of the draft WMP. These changes are reflected throughout the EA and summarized in Section 4.6 of Chapter 4. The changes reflect consideration of public comments on the proposed plan and EA and its effects upon wilderness character, and ensured that the analysis included the best scientific information. I do not believe that the edits and corrections necessitate issuance of another WMP or other form of document for comment. The updated information disclosed in the EA falls within the scope of the analysis depicted in the draft WMP and in most cases simply provides additional clarity.

- The sentence in the Plan and EA stating that the WMP will be “incorporated” into the forthcoming revised forest plan has been deleted because this WMP cannot make a decision as to what will be in the forthcoming revision without proper NEPA analysis.
- Revision of several desired conditions to better meet the definition of a desired condition.
- The three Wilderness monitoring indicators (JMJP-003, 027, and 031) were re-categorized from guidelines to standards. Clarified timeline for collection of baseline data for these monitoring indicators.
- Revised the Desired Condition and Goal in the Wilderness section to use protect, perpetuate, or preserve, in lieu of the term enhance.
- Clarified JMJP-006 regarding coordination between the FS and BLM in the regulation of visitor uses.
- Edited Goal in Soils, Water, Air, Riparian Resources regarding preserving soil resources to remove ...or livestock grazing” because the potential impacts from livestock grazing are addressed elsewhere.
- The standard specific to management of dogs was removed and information is provided in Issues Not Analyzed in Detail and the Wilderness Education and Interpretation section. Renumbered subsequent direction. Revised EA to remove analysis of direction regarding dogs.
- The trails removed from inventory (Narrow Canyon-Bowery Creek (#4178), Narrow Canyon (#4179)) with little to no trail tread apparent would not count against the monitoring indicator for user-developed routes.
- Revision to Standard (JMJP-034) for stock handling when in camp to include tree-saver device.
- Regarding the East Pass Creek Allotment, the WMP states that it would be neither closed nor reauthorized under this Plan. The remainder of the sentence was deleted.
- Added footnote in the Livestock Grazing section, noting that the Herd Creek, Upper East Fork, and Allotments were closed under the donation process; and a permit was relinquished for the Wildhorse Allotment, as outlined in the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act.
- Revision to section title “Developments and Other Human Effects or Disturbances.” WMP was edited to ensure the use of the term “developments” more consistently throughout the documents.
- Text was added to Commercial Services section to acknowledge MOU between the USFS, BLM and IOGLB.
- Language was added to pack goat measures to allow for flexibility as new practices are identified.
- Deleted “...signs...” from standard JMJP-073 in the Wilderness Education and Interpretation, as this is covered in the Signs section.
- Duplicative Goal removed from the Commercial Services section, as it is stated in the Lands and Special Uses section.
- Revision in EA (Wilderness Direct and Indirect Effects, under Monitoring Indicator and Measure: Natural) to correct statements about disease transmission to bighorn sheep.
- Added visitor use assumptions from wilderness report to the EA for clarity, as these assumptions are referenced in the EA text.
- Appendix 4 Trail Inventory – West Fork Herd Creek trail requires additional field inventory. Revised trail mileage for accuracy.
- Revisions to glossary entries to include manual citations, as appropriate, and revision to definition of Developments.

**DECISION**

I have reviewed the analysis presented in the EA for the JMJP WMP, considered the comments received on the draft WMP, and discussed the project’s anticipated effects with both the Interdisciplinary Team, Forest Staff, and Region Staff. I have considered and incorporated the comments and input raised in staff to staff coordination meetings with Tribes, and comments from stakeholders and the public received on the draft WMP.

We received four objections on the draft decision notice and FONSI. The following organizations objected: Idaho Department of Fish and Game, Idaho Conservation League and the Wilderness Society, and WildLands Defense, and one individual, Mr. Reynolds. My decision has also been reviewed by a Standing Objection Review Team (SORT). The Objection Reviewing Officer found that my decision rationale was clear and that objection issues were analyzed and addressed consistently with applicable laws and regulations. I also addressed the Objection Reviewing Officer’s instructions by adjusting the WMP:

- Clarifying the definition of Developments provided in the glossary,
- Shifting the two Search and Rescue standards (JMJP-065 and 066) to guidelines,
- Revising the MRA standard, adding a guideline (JMJP-005), and editing the definition for MRA in the glossary,
- Moving the standard regarding ESA Recovery Plans to the Background section under Wildlife, and
- Adding a new guideline (JMJP-020) to work with IDFG to reduce the risk of disease transmission to bighorn sheep from domestic animals.

As a result I have decided to implement Alternative A (Proposed Action), with the pack goat standard as described under Alternative B.

**Should the Forest Service manage the JMJP Wilderness solely according to legislative and regulatory requirements (Alternative C), or should the Forest Service implement a plan that provides additional direction to manage approved uses not otherwise regulated while ensuring adequate protection and preservation of resources and values (the Alternative A or Alternative B)?**

I have decided to select and implement **Alternative A (Proposed Action – the WMP)** with the modifications described above, including the pack goat direction described under Alternative B. My decision includes direction for the preservation of wilderness character, while managing allowable uses of the JMJP Wilderness. Specifically, I am making the following decisions:

<b>Wilderness</b>	
Standard	JMJP-002 - Remove existing developments unless they are determined to be the minimum necessary for the administration of the area as wilderness, or are: <ul style="list-style-type: none"> <li>a) Associated with valid existing rights,</li> <li>b) Authorized range developments, or</li> <li>c) Of historical or cultural value (in conformance with the NHPA).</li> </ul>
Guideline	JMJP-006 - Ensure, where possible, management between the Forest Service and BLM, including regulation of visitor uses, appears seamless to the public. Where differences in agency policy occur, and if allowable by law, regulation, or policy, the WMP will endeavor to apply the stricter policy to the adjacent land of the other agency.
<b>Soil, Water, Air, Riparian Resources</b>	
Guideline	JMJP-008 - Manage dispersed campsites and recreational activities to prevent them from expanding beyond a point where impacts to riparian and aquatic resources cannot be effectively addressed.
Guideline	JMJP-009 - Allow natural soil erosion to continue unless an imminent and definite hazard to life and property or a serious depreciation of important environmental qualities outside the Wilderness will result.
Guideline	JMJP-010 - Evaluate potential effects of proposed pollution sources for violation of Class II Prevention of Significant Deterioration Standards.
Management Action	Indirect methods (e.g. education) for reducing impacts to soil and water, such as from recreational use, are preferred over regulatory methods. However, education may be insufficient in some cases and direct methods may be needed to protect wilderness character.

<b>Vegetation and Botanical Resources</b>	
Guideline	JMJP-011 - Ensure impacts to whitebark pine, such as those from fire suppression tactics, improper livestock grazing, recreational stock use, dispersed camping, or trail construction and maintenance are minimized when considering these activities.
Guideline	JMJP-012 - Minimize impacts on habitats for rare and sensitive plant species when conducting trail maintenance and construction.
<b>Noxious and Non-Native Invasive Species Management</b>	
Management Action	Place emphasis on minimizing introduction of new species and controlling small infestations that have potential to displace native species.
Management Action	Provide educational information on areas that are susceptible to weed invasion and measures to help prevent non-native, invasive plant establishment and spread.
<b>Wildlife and Fisheries Resources</b>	
Standard	JMJP-019 - Implement measures to minimize contact between bighorn sheep and domestic goats used for packing (see list below table). Measures identified may be expanded or revised, based on research.
Guideline	JMJP-020 - Continue to work cooperatively with IDFG to reduce the risk of disease transmission or other stressors between bighorn sheep and domestic animals. If necessary to preserve wilderness character, consider actions up to and including the closure of all or part of the wilderness to recreational pack goat and sheep.
<b>Recreation</b>	
Standard	JMJP-022 - Limit group size to a maximum of 12 people. (See exception for Native American tribes in the Cultural Resources and Tribal Governments section.)
Standard	JMJP-023 - Prohibit shortcutting trail switchbacks on foot or with pack and saddle stock.
Guideline	JMJP-025 - Manage vehicle access points to prevent unauthorized vehicle use by posting appropriate boundary signage, and blocking or rehabilitating unauthorized routes where violations are an issue.
<i>Trails</i>	
Standard	JMJP-026 - Do not construct new trails in the JMJP Wilderness, unless trails are determined to be the minimum necessary for administration of the area as wilderness.
Management Actions	The FS will remove the Narrow Canyon-Bowery Creek (#4178), Narrow Canyon (#4179), and Baker Creek (#4184.03) trails from its trail inventory and add the Middle East Pass Creek Trail to the FS Trail Inventory.
<i>Camping</i>	
Standard	JMJP-030 - Require human waste to be covered 6-8” deep at least 200 feet from water, and, where the terrain allows, 200 feet from campsites and trails. Alternatively, waste may be packed out.
<i>Recreational Horse and Stock Use</i>	
Standard	JMJP-032 - Limit the combined number of pack and saddle stock in one group to 20 head of stock.
Standard	JMJP-033 – Require pack or saddle stock to be ridden, led, or under human control. Animals are not permitted to run loose on trails or travel routes.
Standard	JMJP-034 - In camp, require stock users to pad highlines, or use tree-saver devices to minimize tree damage.
Guideline	JMJP-036 - Require stock users to locate pack and saddle stock handling areas at least 200 feet from lakes, springs, and streams, where terrain allows.
Guideline	JMJP-037 - Require stock users traveling outside of camp to tie stock to live trees greater than 8” in diameter for only short periods of time, and require use of tree-saver devices or other techniques (e.g. wrap lead around trunk twice before tying the knot) to minimize tree damage.
<i>Signs</i>	
Standard	JMJP-039 - Place wilderness boundary signs at known access points, such as along trails, in drainages and at passes.

<b>Fire Management</b>	
Management Actions	Enhance public awareness and support through educational programs about the role of fire in the ecosystem and fire's role in maintaining wilderness character.
<b>Commercial Services</b>	
Standard	JMJP-063 - Approve only temporary structures and facilities for outfitter and guide operations necessary to meet the public need in a manner compatible with the Wilderness environment.
<b>Law Enforcement and Search and Rescue</b>	
Guideline	JMJP-067 - Use the flow chart in Appendix 10 [of the WMP] for approval of motorized and mechanized emergency response.
<b>Developments and Other Human Effects or Disturbances</b>	
Management Action	An Operations and Maintenance Plan is under development for Sheep Mountain repeater site, and an MRA will be completed simultaneously.
Management Action	Small-scale surface disturbances (e.g. campsites, abandoned developments, or linear disturbances created by vehicles) may be rehabilitated with non-motorized, non-mechanized means. An MRA and NEPA analysis would be required for motorized or mechanized equipment. The NHPA process will be followed for all projects (mechanized or non-mechanized) with the potential to adversely affect heritage resources. Actions would generally be conducted in the following order, as needed: <ol style="list-style-type: none"> <li>1. Physical Closure</li> <li>2. Decompaction</li> <li>3. Scarifying/Pitting</li> <li>4. Re-contouring</li> <li>5. Vertical mulching or "iceberging"</li> <li>6. Erosion control</li> <li>7. Vegetative restoration</li> </ol>
<b>Wilderness Education and Interpretation</b>	
Management Actions	Education and outreach is one method that may be employed or increased in response to campsite and solitude thresholds established above, but may also be employed to prevent or respond to any recreational visitor impacts.

The following list of best management practices for reducing the risk of disease transmission between pack goats and bighorn sheep is taken from the North American Packgoat Association's list of measures. Measures identified on this list may be expanded or revised, based on research.

- All pack goats will be on leads or have leads attached to their collar or halter at all times.
- All pack goats will be tethered at night within 30 feet of humans.
- If bighorn sheep are observed within 100 yards of a potential camping area, pack goat users will take all reasonable measures to move their campsite to a different area. Hazing techniques may be used to deter bighorn sheep from moving closer to campsites if necessary.
- Pack goat numbers will be limited to a maximum of three (3) pack goats per person, and a maximum of nine (9) pack goats per group.
- Where bighorn sheep are using trails for travel pack goat users will move off the trail 100 yards. If that distance is not attainable, the pack goat user will travel back along the trail away from the bighorn sheep and exit the trail when the 100 yard distance can be reached. Pack goat users will stay off the trail until bighorn sheep have passed. If visibility is limited to less than 100 yards up trail, a pack goat user will go to the trail and observe for bighorn sheep before continuing with pack goats.
- When accessing browsing areas and water, a pack goat user will check for the presence of bighorn sheep before allowing access for pack goats. Whenever possible, water access will be limited to areas of unlikely bighorn sheep use.
- In event that direct contact of a pack goat and a bighorn sheep is observed, the location and as much of a description as is possible of the sheep and incident will be written, photographed if possible and reported to the appropriate agency as soon as reasonably possible.
- If any pack goat becomes lost, missing or separated from the owner and herd every effort will be exhausted to locate and recover the lost pack goat. If the owner is unable to locate and recover the lost pack goat, contact the Salmon-Challis National Forest or BLM, Challis Field Office by phone immediately. A full disclosure of all available information will be provided including: the last known location (GPS

coordinates, legal description, geographic location, name or number of trail or trailhead), the circumstances that resulted in it becoming lost, a description of the pack goat, and any equipment that it was carrying.

## **RATIONALE FOR THE DECISION**

I have selected **Alternative A (Proposed Action – the WMP)** with modifications as described over the other alternatives because it most appropriately meets the purposed and need. The modifications are generally changes that will not result in effects markedly different from those disclosed in the EA.

The alternative, with modifications as described, has been analyzed and I have determined that there is no significant impact as referenced in the attached FONSI. The WMP will guide management so that the preservation objectives of the Wilderness Act can be met.

I have selected **Alternative A** (as modified) because it provides the greatest attainment of the project's purpose and need – preserving wilderness character - while still being sensitive to other uses and resource concerns within the JMJP Wilderness. In making this decision, I evaluated the purpose and need for the WMP, the effects disclosed in the EA, and comments received during early scoping, scoping, and the 30-day notice and comment period (36 CFR 218). The following discussion summarizes the rationale for my decision.

As a result of discussions with Idaho Department of Fish and Game, and in coordination with the BLM, we made the following modifications to the definition of Developments provided in the glossary:

Per the Wilderness Act (Section 2c) “An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation...”

*Permanent Improvement.* A structural or nonstructural improvement that is to remain at a particular location for more than one field season. Permanent improvements include such items as trails, toilet buildings, cabins, fences, tent frames, fire grills, and instrumentation stations. (FSM 2320.5)

*Temporary Structure.* Any structure that is easy to dismantle, that could be removed completely from a site between periods of actual use, and that must be removed at the end of each season of use if the non-use period is greater than 30 days. (FSM 2320.5)

Reference BLM Manual 6340, or the most current BLM wilderness policy for definitions.

Also as a result of discussions with Idaho Department of Fish and Game, the following revisions have been made to direction regarding minimum requirements analysis:

- Standard JMJP-001 was edited to read: “Implement proposed actions only when necessary to meet minimum requirements for the administration of the area as wilderness and to have the least impact to wilderness character.”
- An additional guideline was added that states: “For the purpose of determining the minimum requirement, conduct a minimum requirements analysis for any non-emergency action, including those proposed by state and federal agencies that includes a prohibited use as described in Section 4(c) of the Wilderness Act, or for other actions that may impair wilderness character.”
- The definition in the glossary for “minimum requirements analysis” was revised to read: “The process by which allowances for one of the eight prohibited uses described in Section 4(c) of the Wilderness Act are analyzed to determine if they are ‘necessary to meet minimum requirements for the administration of the area for the purpose of [the Wilderness] Act.’ ” The Minimum Requirements Decision Guide (MRDG) is typically used to perform the analysis. The BLM requires the use of the MRDG per policy (BLM Manual 6340). For more information and a copy of the current form, see <http://www.wilderness.net/MRA>.

Additionally, I have decide to shift the several standards to guidelines (JMJP-004, 015, 016, 040, 067, 068, and 072), as they are better categorized there. A guideline (FSH 1909.22.13) “allows for departure from its terms, so long as the purpose of the guideline is met.” Moving this direction to guidelines provides for flexibility, while still ensuring that the core purpose (e.g. meeting legal requirements) is met. Since by definition any deviation must achieve the same purpose, this adjustment will not change the analysis provided in the EA and the direction is still included in the WMP.

I have decided to move the standard regarding ESA Recovery Plans to the Background section under Wildlife Resources. I have considered the potential for any change to effects. This would clearly fall within the effects disclosed in the EA because there is already in place a process for incorporating recovery plans. Recovery plans can be broader in application than any one Forest or Agency and in the case of the Forest Service it is the Regional Foresters responsibility to apportion objectives among the forests (FSM 2670). A forest's apportion would be incorporated into the forest plan. This process ensures that the same result anticipated through incorporation of this standard would be met by processes already in place currently.

Further, I have added a new guideline to the Wildlife Resources section that ensures continuing coordination with Idaho Department of Fish and Game in the protection of bighorn sheep. Continuing to review the most current population surveys of bighorn sheep and review of best available science on pathogen transmission will guide management actions to ensure preservation of wilderness character.

My decision to implement the proposed action for management of natural resources (Soil, Water, Air Riparian; Vegetation and Botanical; and Wildlife and Fisheries Resources) aims to preserve the natural quality of the JMJP Wilderness, and emphasize the untrammeled quality by minimizing active management or manipulation of these resources. Invasive species management will further preserve the natural quality.

I have decided that the implementation of the pack goat management measures (as described in Alternative B) are the appropriate method for minimizing the risk of disease transmission from pack goat to bighorn sheep in the context of the JMJP Wilderness. This approach will allow for pack goat users to continue to enjoy the JMJP Wilderness, while requiring best management practices, with which many pack goat users may already be familiar, to minimize disease transmission risk.

My decision includes management of allowable uses, primarily recreational uses, within the JMJP Wilderness to both protect the natural resources and untrammeled quality, while preserving opportunities for solitude, and a primitive and unconfined type of recreation. Establishing limits on group sizes for both people and recreational stock, and establishing requirements for recreational stock handling, signing techniques, new trail construction and human waste will benefit wilderness character, with limited impact to recreational activities.

My decision is to remove the Narrow Canyon-Bowery Creek (#4178), Narrow Canyon (#4179), and Baker Creek (#4184.03) trails from the FS trail inventory. Based on this revision to the trail inventory, no closures will be implemented, or reclamation actions required. For the Narrow Canyon-Bowery Creek (#4178), Narrow Canyon (#4179) trails, they would be removed from the inventory because the majority of the trail tread was not visible or apparent at the time of designation of the Wilderness. Removal of the trails from the inventory means that no trail maintenance (e.g. re-establishment of tread, or clearing of brush or downed trees) would occur in the future.

The monitoring indicator for user-developed routes, by definition, includes any non-system trails that are established after baseline data is collected (2017-2020). These are anticipated to occur primarily around campsites, where concentrated visitor use occurs. The few fragments of trail tread associated with these two trails existing at the time of wilderness designation are included as part of the baseline data. It is my decision that should visitor use re-establish trail tread along these historic trail corridors, they would not count against this monitoring indicator.

My decision to include direction regarding educational efforts for the JMJP Wilderness aims to facilitate recreational activities, and preservation of the wilderness while minimizing impacts to wilderness character.

Commenters requested the closure of the vacant East Pass Creek Allotment under this decision. If this allotment were to be closed it would occur separate from this decision for the WMP.

The remaining direction described in the WMP is related to established policy or law, and is not analyzed in the EA, nor does it need a decision to implement (See EA Appendix A).

## **PUBLIC AND OTHER INVOLVEMENT**

### **Public Involvement**

Public involvement has been extensive throughout the planning and analysis process leading to this document. The public, stakeholders, the Nez Perce Tribe and Shoshone-Bannock Tribes were offered an opportunity to provide input during an early scoping period (July 25-August 25, 2016). During this early scoping period 32 letters were received, including a letter from the Shoshone-Bannock Tribes of Fort Hall. Comments generally fell into eight categories:

- Most Valued Features of the Wilderness
- Wilderness Management
- Recreation Management
- Outfitters and Guides
- Livestock Grazing
- Fire Management
- Wildlife Management
- Weed Management

Miscellaneous topics included law enforcement, search and rescue, visual resources, and rehabilitation of human disturbances. These comments were considered in development of the management guidance.

The scoping period for the draft WMP occurred February 15 to March 17, 2017. In February and early March, three scoping meetings were offered to the public in Challis, Mackay, and Ketchum. The agencies also outreached through their respective webpages and social media. During the scoping period 30 comment letters were received, including letters from the following organizations, State, and local agencies:

- Backcountry Horsemen of Idaho
- Boulder-White Clouds Council
- Custer County Commissioners
- Custer Co./Wilderness Society
- Idaho Cattle Association
- Idaho Department of Agriculture
- Idaho Department of Fish and Game
- Idaho Conservation League/Wilderness Society
- Idaho Outfitter & Guide Association
- Idaho Recreation Council
- Ken Smith Hunting
- North American Packgoat Association
- Trout Unlimited
- Wild Sheep Foundation
- Wilderness Watch
- Western Watershed Project
- Wildlands Defense
- White Cloud Outfitters

The 30-day opportunity to comment on the proposed plan (per 36 CFR 218 Subparts A and B) occurred October 27-November 27, 2017 and included public meetings in Mackay, Challis, Stanley, and Ketchum. A legal notice was issued in the Challis Messenger, the paper of record on October 27, 2017. During this time, 32 parties submitted comments.

Commenters voiced a variety of concerns including, but not limited to, potential beneficial and adverse impacts on wilderness character, recreational users, wildlife, and outfitter and guide operations. The planning record contains all written comments received relative to this project and Appendix B of the EA discloses how the Interdisciplinary Team addressed those concerns.

The BLM, Challis Field Office and Salmon-Challis National Forest met early, regularly, and in an on-going process with the Custer County Commissioners, including each of the public involvement opportunities: project kick-off meetings, early scoping period, scoping period, and the comment period. Agency representatives from the BLM and the FS regularly provided updates at the monthly County Commissioners meetings, and at the Natural Resource Advisory Committee (NRAC) meetings. The agencies provided a monthly newsletter via email to stakeholders, including the county, to provide regular planning updates. The County Commissioners requested several meetings during the planning process, including briefings prior to the initiation of the scoping and comment periods. The agencies meet with the commissioners February 10, 2017 prior to the start of the scoping period, August 8, 2017 to discuss the wilderness plan process, and October 17, 2017 prior to the start of the comment period.

### **Regulatory and Government Consultation**

Scoping letters were sent to the U.S. Fish and Wildlife Service and NOAA Fisheries representatives via email on February 14, 2017, soliciting comments on the draft WMP. Biological Evaluations (BE) consistent with

requirements of Section 7 of the Endangered Species Act were prepared. Determinations disclosed in the wildlife biological evaluation (BE) have concluded that my decision would have no effect to yellow-billed cuckoo, Canada lynx, and wolverine (EA, pp 60). The fish biological evaluation concluded that my decision will have no effect to steelhead, bull trout, and Chinook salmon or their designated critical habitat (EA, pp 73).

The BLM, Challis Field Office and Salmon-Challis National Forest met early, regularly, and in an on-going process with the Custer County Commissioners. From project kick-off meetings (May 19, 2016 in Ketchum and Stanley, June 2, 2016 in Challis), the early scoping period (July 25-August 25, 2016), the scoping Period, (February 15-March 17, 2017), and the comment period (October 27-November 27, 2017), the County Commissioners provided input throughout the process. Agency representatives from the BLM and the FS regularly provided updates at the monthly County Commissioners meetings, and at the NRAC meetings. The agencies provided a monthly newsletter via email to stakeholders, including the county, to provide regular planning updates. The County Commissioners requested several meetings during the planning process, including briefings prior to the initiation of the scoping and comment periods. The agencies meet with the commissioners February 10, 2017 prior to the start of the scoping period, August 8, 2017 to discuss the wilderness plan process, and October 17, 2017 prior to the start of the comment period, and provided a briefing on April 3, 2018.

### **Government to Government Tribal Consultation**

Tribal governments have a unique legal and political relationship with the United States government as reflected in the United States Constitution, treaties, statutes, court decisions, executive orders, and memoranda. The Shoshone-Bannock Tribes of Fort Hall and the Nez Perce Tribes were contacted regarding the project (letters sent July 25, 2016, February 2, 2017, and October 23, 2017). The Shoshone-Bannock Tribes of Fort Hall provided a comment letter during the early scoping period. The JMJP plan was also discussed during staff-to-staff coordination meetings between the SCNF and the Shoshone-Bannock Tribes on October 4, 2016, April 4, 2017 and October 3, 2017.

### **OTHER ALTERNATIVES CONSIDERED**

In addition to the selected Alternative A, two alternatives were developed and analyzed in detail in the EA: Alternative B (Natural-Focus Alternative), and Alternative C (Minimum Management). The discussion below summarizes my rationale for not selecting either of these alternatives.

**Alternative B (Natural-Focus Alternative)** – Alternative B emphasizes protection of wilderness character with measures aimed at protecting wildlife, and opportunities for solitude and primitive recreation by applying restrictions on visitor use. This alternative included additional measures for pack goat management to minimize risk of contact with bighorn sheep, and when compared with Alternative A, smaller group size limits for people and recreational stock, and also analyzed a permit system.

While Alternative B includes additional direction for the protection of wilderness character, wildlife, and recreation, it would be at the expense of additional regulation on recreational uses, including pack goat user restrictions, smaller group sizes, and permits for all visitors. This alternative was not selected as it does not best meet the purpose and need of the project.

**Alternative C (Minimum Management)** – Under Alternative C, the Wilderness would be managed solely according to legislative and regulatory requirements, including the Wilderness Act, agency-specific policy (BLM Manual 6340, FS Manual 2320, among others), BLM Challis Field Office Resource Management Plan (1999), and the FS Challis Forest Plan, as revised (1989), without the proactive guidance of a detailed wilderness management plan to manage uses and protect wilderness character.

In addition to the above alternatives, one other alternative was considered, but not analyzed, and that was the No Action Alternative. A true No Action Alternative would not comply with law or policy, because the FS is required to manage designated wilderness according to standards that were not in effect prior to the designation. Further, the enabling legislation requires the agencies develop “wilderness management plans for the wilderness areas.”

## CONSISTENCY WITH THE FOREST PLAN, NFMA, AND OTHER LAWS

### FOREST PLAN

My decision is consistent with the Challis National Forest Land and Resource Management Plan, as amended (USDA 1987) (Forest Plan). I have evaluated my decision against the Forest Plan goals, objectives, standards, and guidelines for consistency with the Forest Plan. As stated in the EA (Chapter 1), my decision is consistent with direction in the Forest Plan.

### NATIONAL FOREST MANAGEMENT ACT (NFMA)

My decision is based on detailed Forest Plan consistency documentation included in the project record. My decision does not include the harvest, cutting, or manipulation of any vegetation subject to the seven requirements in 36 CFR 219.27(b).

### OTHER LAWS

As summarized below, my decision is consistent with Federal, State, and local laws or requirements imposed for the protection of the environment.

#### *Endangered Species Act*

The EA discloses the effects of my decision to threatened or endangered species (EA, pp 57-58 and 73). This required disclosure involves wildlife and fish species listed under the Endangered Species Act of 1973, as amended (ESA). Alternative A would have no effect to any threatened or endangered wildlife or fish species or designated critical habitat.

#### *The Wilderness Act and the Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act*

The Wilderness Act of 1964 (Public Law 88-577; 16 U.S.C. 1131) was enacted by Congress to “secure for the American people, an enduring resource of wilderness for the enjoyment of present and future generations”. This act was passed “in order to ensure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition...”(Section 2 [a]).

The *Sawtooth National Recreation Area and Jerry Peak Wilderness Additions Act* (P.L. 114-46), which under Sec. 102 Administration, states “(a) IN GENERAL.- Subject to valid existing rights, each wilderness area shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.)...” Additionally, P.L. 114-46 requires: “Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of Interior shall collaboratively develop wilderness management plans for the wilderness areas.”

As analyzed in the EA, my decision will preserve wilderness character overall. Alternative A would benefit or maintain the qualities of untrammeled, natural, undeveloped, outstanding opportunities for solitude or primitive and unconfined recreation, and other features of value, while balancing the impacts to outstanding opportunities for primitive and unconfined recreation resulting from additional visitor regulation (group sizes).

#### *Clean Water Act, The Federal Water Pollution Control Act of 1972 (PL 92-500) as amended in 1977 (PL 95-217) and 1987 (PL 100-4)*

My decision is consistent with the Clean Water Act and its amendments and will provide excellent management direction for water resources (EA, p. 73).

#### *Migratory Bird Treaty Act*

My decision will comply with the Migratory Bird Treaty Act (EA, p 66). The proposed action will not result in ‘take’ of any migratory birds. In addition, this project complies with Executive Order 13186 because the analysis meets agency obligations as defined under the January 16, 2001 Memorandum of Understanding between the Forest Service and U.S. Fish and Wildlife Service designed to complement Executive Order 13186.

***National Historic Preservation Act***

My decision will have no direct, indirect, cumulative effects on cultural resources and is consistent with the National Historic Preservation Act (EA, p. 74).

***The Clean Air Act, as amended in 1990***

My decision is consistent with the Clean Air Act and its amendments and will provide excellent management direction for water resources (EA, p. 73).

***American Indian Religious Freedom Act, Executive Order 12875, Executive Order 13007, Executive Order 13175, and Native American Graves Protection and Repatriation Act***

The American Indian Religious Freedom Act, Public Law No. 95-341, 92 Stat. 469 (Aug. 11, 1978) (commonly abbreviated to AIRFA), is a United States federal law and a joint resolution of Congress that was passed in 1978. AIRFA was enacted to protect and preserve the traditional religious rights and cultural practices of American Indians, Eskimos, Aleuts, and native Hawaiians. Executive Order 13175 established a requirement for regular and meaningful consultation between federal and tribal government officials on federal policies that have tribal implications. Executive Order 12785 was enacted in order to reduce unfunded mandates upon State, local, and tribal governments; to streamline the application process for and increase the availability of waivers to State, local, and tribal governments; and to establish regular and meaningful consultation and collaboration with State, local, and tribal governments on Federal matters that significantly or uniquely affect their communities. Executive Order 13007 was enacted in order to protect and preserve Indian religious practices. The Native American Graves Protection and Repatriation Act provides a process for museums and Federal agencies to return certain Native American cultural items, such as human remains, funerary objects, sacred objects, or objects of cultural patrimony, to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations.

Two federally recognized Native American tribes have expressed interest in activities proposed in this area; Nez Perce and Shoshone-Bannock Tribes. The Salmon-Challis National Forest has established both staff to staff relationships with resource management departments with these Tribes and formal Government to Government consultations to have early and often communication regarding proposed actions on the Forest and potential effects to sensitive Tribal resources or traditional cultural properties. Mailings, meetings, and consultation are summarized above in the Government to Government Tribe Consultation Section of this Decision.

***Nez Perce Treaty of 1855 and 1863, Shoshone-Bannock Tribes Fort Bridger Treaty of 1868***

The Nez Perce Tribe and Shoshone-Bannock Tribes interests go beyond that of spiritual, cultural, and economic to the unique legal relationship that the United States government has with American Indian tribal governments. Federally recognized tribes are sovereign nations who work with the Federal government and its agencies through the process of government-to-government consultation. The Federal trust relationship with each tribe was recognized by, and has been addressed through, the Constitution of the United States, treaties, executive orders, statutes, and court decisions. The ancestors of the modern day Nez Perce and Shoshone-Bannock were present in the area long before the establishment of the Salmon-Challis National Forest and continue to use the land to this day. Many of the treaties and executive orders signed by the United States government in the mid-1800s reserved homeland for the tribes. Additionally, the treaties with the Nez Perce and Shoshone-Bannock reserved certain rights outside of established reservations, including fishing, hunting, gathering, and grazing rights.

My decision approves standards and guidelines developed for other resources which also protect tribal resources.

***Environmental Justice (Executive Order 12898)***

My decision will have no disproportionately high and adverse human health impact, including social and economic impacts, on minority or low-income human populations (EA, pp. 74-75).

### ***Best Available Science***

The conclusions disclosed in the EA and summarized in this document are based on a review of the project's record that reflects consideration of relevant scientific information and responsible opposing views where raised by internal or external sources, and the acknowledgement of incomplete or unavailable information, scientific uncertainty, and/or risk where pertinent to the decision being made.

### ***Idaho Roadless Rule***

My decision is consistent with the Idaho Roadless Rule.

## **FINDING OF NO SIGNIFICANT IMPACT**

I have reviewed the Council on Environmental Quality Regulations for significance (40 CFR 1508.27) and have determined that this decision is not a major federal action that would significantly affect the quality of the human environment, either individually or cumulatively. Preparation of an environmental impact statement pursuant to Section 102 (2)(c) of the National Environmental Policy Act of 1969 is not required. This determination is based on the following factors as outlined in 40 CFR 1508.27.

### **1. The selected alternative will be limited in geographic application [40 CFR 1508.27(a)].**

Activities associated with my decision will be confined to the JMJP Wilderness. As defined in the purpose and need and the proposed action, my decision is restricted to National Forest System Lands within the JMJP Wilderness.

### **2. My decision will not result in any significant beneficial or adverse effects [40 CFR 1508.27(b)(1)].**

The environmental assessment has considered both beneficial and adverse impacts of the wilderness management plan. Overall, the plan will result in protection of wilderness character, which includes untrammeled, naturalness, undeveloped, and outstanding opportunities for solitude or a primitive and unconfined type of recreation, and special features, including Herd Lake. Preserving the natural ecosystem and opportunities for recreation would improve the quality of the human environment.

The analysis documented in Chapter 3 of the EA did not identify any individually or cumulatively significant impacts resulting from implementation of the WMP (EA Chapter 3). The project record contains additional technical reports. In considering the wilderness resource as a whole, I have determined that the effects to wilderness character will not be significant.

### **3. The selected alternative will not result in substantive effects on public health or safety [40 CFR 1508.27(b)(2)].**

The proposed WMP would not result in significant effects on public health and safety.

### **4. My decision will not result in any significant effects on any unique characteristics of the geographic area, historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas [40 CFR 1508.27(b)(3)].**

The planning area encompasses designated wilderness. Congress designated the JMJP Wilderness to ensure protection of wilderness character. The Wilderness Act (Section 2a) states that wilderness areas "shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character." The EA describes affects to the wilderness resource, and concludes that the WMP would not result in significant effects (EA Chapter 3).

There would be no effect to fish and wildlife species listed under the Endangered Species Act (pp. 57-58 and 73). There would be no impact to sensitive wildlife species apart from bighorn sheep (pp. 58-66). Bighorn may be impacted, but implementation of the wilderness management plan would not contribute towards Federal listing or a loss of viability of the population or the species (p. 67). I considered this analysis and the determination that there is

no expected loss of viability of the population when making my conclusion that my decision would indeed preserve wilderness character.

The implementation of the pack goat BMP guidelines would minimize risk of contact between pack goats and bighorn sheep. Based upon my review of the project record, the low risk of contact combined with the lower risk of disease transmission between bighorn sheep and pack goats (p. 32, Pils and Wilder 2017), I determined there was no need to conduct a risk of disease transmission analysis. Selection of Alternative B for the implementation of the pack goat management measures, in combination with the low risk of contact and lowered risk of disease of transmission will fulfill my responsibility to preserve wilderness character. This approach is also responsive to preserving opportunities for primitive and unconfined recreation, while allowing recreational users opportunities to disperse and experience solitude.

As stated in the EA, no adverse effects to historic or cultural resources (EA, p 74), or wetlands (p. 73). No wild and scenic rivers, park lands, prime farmlands, or ecologically critical areas were identified in the project area.

**5. The selected alternative will not result in any effects that are likely to be highly controversial [40 CFR 1508.27(b)(4)].**

Controversy in this context refers to situations where there is substantial dispute as to the size, nature, or effect of the federal action, rather than opposition to its implementation. The scientific basis for the analysis is contained in the project record and summarized in the EA. Standard analysis techniques and models were used. Literature supporting the use of these models and qualitative discussions, as used in this analysis, is contained in the project's planning record (EA Chapter 3).

**6. The effects associated with the Selected Alternative will not result in any highly uncertain, unique, or unknown risks [40 CFR 1508.27(b)(5)].**

The environmental analysis, including the EA, resource technical reports, and biological evaluations (contained in the planning record), determined that the selected alternative will not involve any highly uncertain or unknown risks (EA, Chapter 3). The management activities associated with my decision are typical of those successfully implemented in the past, and both within and external to designated wilderness.

**7. My decision does not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration [40 CFR 1508.27(b)(6)].**

My decision is consistent with direction found in the Forest Plan. Implementing my decision will not establish a precedent for future actions with significant effects nor does it represent a decision in principle about a future consideration.

**8. The analysis documented in the EA discloses that my decision will not result in any significant short-term, long-term, or cumulative effects [40 CFR 1508.27(b)(7)].**

Chapter 3 of the EA discloses that the Alternative A will not result in any known significant temporary, short term, long term, or cumulative effects.

**9. My decision will not adversely affect sites or objects listed or eligible for listing in the National Register of Historic Places, nor will it cause the loss or destruction of significant scientific, cultural, or historic resources [40 CFR 1508.27(b)(8)].**

My decision will not result in the loss or destruction of important or significant scientific, cultural, or historic resources (EA, Chapter 3).

**10. My decision will not adversely affect threatened or endangered species or their habitats [40 CFR 1508.27(b)(9)].**

As described above under "Endangered Species Act", my decision will not adversely affect any endangered or threatened species or its habitat.

**11. My decision is consistent with Federal, State, and local laws and requirements imposed for the protection of the environment [40 CFR 1508.27(b)(10)].**

Consistency with laws or requirements imposed for protection of the environment is discussed above under “Consistency with Forest Plan and with Laws and Regulations,” and Background section (p. 2) of the EA. The project’s planning record provides supporting information.

**IMPLEMENTATION**

Implementation may begin immediately following approval of the wilderness management plan.

*Charles A. Mark*

*8/9/18*

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Charles A. Mark  
Forest Supervisor  
Salmon-Challis National Forest

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Date

References

Pils A., and J. Wilder. 2017. Risk analysis of disease transmission between domestic sheep and goats and Rocky Mountain bighorn sheep. USDA Forest Service, Shoshone National Forest, Wyoming. December 2017.