



Forest
Service

Rocky
Mountain
Regional Office

740 Simms Street
Golden, CO 80401-4702
Voice: 303-275-5350
TDD: 303-275-5367

File Code: 1570-1/1920-2/2670
Route To:

Date: June 10, 2009

Subject: Southern Rockies Lynx Amendment - Clarification

To: Forest Supervisors

In November 2008, the Southern Rockies Lynx Amendment Final Environmental Impact Statement and Record of Decision amended seven Land and Resource Management Plans (forest plans) in Colorado and southern Wyoming. This amendment provides the management direction for lynx conservation while preserving multiple-use direction in existing forest plans. It is essential this management direction is interpreted and applied consistently across the Southern Rocky Mountains.

In their July 25, 2008 Biological Opinion (later replaced by the Sept. 7, 2008 Biological Opinion that was issued in response to our revised Biological Assessment), the U.S. Fish and Wildlife Service recommended that the two agencies jointly develop an Implementation Guide to provide additional information and guidance to assure consistent implementation of the decision. In the Record of Decision (page 19), I acknowledged this recommendation and agreed to work with the U.S. Fish and Wildlife Service to develop an Implementation Guide. Accordingly, an interagency team was formed in January of 2009, and has been working together to produce an Implementation Guide.

In their appeal of the Record of Decision, several questions seeking clarification were raised by Colorado Ski Country U.S.A. This memo is intended to clarify how certain objectives, standards and guidelines should be interpreted and applied to ski areas. Specifically, I am clarifying one aspect of Objective ALL O1 and Standard ALL S1; the relationship between Human Use Objectives and Guidelines; and the interpretation of Human Use Objective HU O3. This memo will also be incorporated into the Southern Rockies Lynx Amendment Implementation Guide.

Application of ALL O1 and ALL S1 with Respect to Tree Removal.

ALL O1. Maintain or restore lynx habitat connectivity in and between LAUs, and in linkage areas.

ALL S1. New or expanded permanent developments and vegetation management practices and activities must maintain habitat connectivity in an LAU and/or linkage area.

The intention of Objective ALL O1 and Standard ALL S1 is not to prohibit all tree removal within existing permitted ski area boundaries. Rather it is intended that project design features or mitigation, such as providing inter-trail islands and lynx security habitat, should be incorporated into project decisions as needed to meet this objective and standard.



Relationship between Human Use Objectives and Guidelines, as Applicable to Ski Areas.

HU O1. Maintain the lynx's natural competitive advantage over other predators in deep-snow by discouraging the expansion of snow compaction activities in lynx habitat.

HU O2. Manage recreational activities to maintain lynx habitat and connectivity.

HU O3. Concentrate activities in existing developed areas, rather than developing new areas in lynx habitat.

HU O4. Provide for lynx habitat needs and connectivity when developing or expanding developed recreation sites or ski areas.

HU G1. When developing or expanding ski areas, provisions should be made for adequately sized inter-trail islands that include coarse woody debris, so winter snowshoe hare habitat is maintained.

HU G2. When developing or expanding ski areas, lynx foraging habitat should be provided consistent with the ski area's operational needs, especially where lynx habitat occurs as narrow bands of coniferous forest across mountain slopes.

HU G3. Recreational development and recreational operational uses should be planned to provide for lynx movement and to maintain effectiveness of lynx habitat.

HU G10 Designated over-the-snow routes or designated play areas should not expand outside baseline areas of consistent snow compaction, unless designation serves to consolidate use and improve lynx habitat. This may be calculated on an LAU basis, or on a combination of immediately adjacent LAUs.

This does not apply inside permitted ski area boundaries, to winter logging, to rerouting trails for public safety, to accessing private inholdings or to access regulated by Guideline HU G12.

Use the same analysis boundaries for all actions subject to this guideline.

HU G11 When developing or expanding ski areas and trails, consider locating access roads and lift termini to maintain and provide lynx security habitat.

As you know, Forest Service objectives are not constraints on project or activity decisionmaking, rather they are intended outcomes and are aspirational in nature. Guidelines provide information and guidance for project and activity decisionmaking to help achieve objectives. Please note that definitions for objectives, standards and guidelines are included in the Glossary contained in the Record of Decision (Attachment 1, pages 10-15).

In the context of developed ski areas, it is intended that HU O1, HU O2, HU O3 and HU O4 could generally be achieved over time if ski area projects are designed in accordance with HU G1, HU G2, HU G3, and HU G11. HU G10 specifically does not apply inside the ski area permit boundary. The guidelines will assist with site-specific planning and design.

Interpretation of Human Use Objective HU O3.

HU O3. Concentrate activities in existing developed areas, rather than developing new areas in lynx habitat.

Human Use Objective HU O3 refers to “developing new areas.” In this context, “new areas” refers to development of new ski areas, rather than additional developments within the permit boundary or Forest Plan allocation for skiing. This objective is not intended to prohibit ski area expansions within the existing permitted ski area boundary or Forest Plan allocation, recognizing that further developments are subject to site-specific planning and analysis.

Human Use Objective HU O3 does not preclude the amendment or revision of forest plan management area allocations or changes to ski area permit boundaries. When amending, revising or changing management area allocations or ski area permit boundaries, this objective must be taken into consideration.

Implementation of Guidelines

Finally, it is important to recognize that under the October 28, 2008 Record of Decision, standards were established for habitat connectivity and for certain vegetation management activities, which have the potential to impact lynx at the population level. For other activities, including ski area operations and development, guidelines were established, rather than standards, with the intention to minimize effects on individual lynx while allowing greater flexibility at the project level. While guidelines provide greater flexibility, it is expected that ordinarily they will be followed. Where the guidelines are not followed, the rationale must be documented, and summarized in the annual report to the U.S. Fish and Wildlife Service.

If you have any further questions about these clarifications, please contact Nancy Warren at 303-275-5064 or Peter McDonald at 303-275-5029. Thank you in advance for your efforts to assure consistent implementation of the Southern Rockies Lynx Amendment.

/s/ Maribeth Gustafson (for)

ANTOINE L. DIXON

Deputy Regional Forester, Resources

cc: Melanie Mills

Ezekiel J. Williams (zwilliams@duckerlaw.com)

Nancy Warren

Stephen Sherwood

Kenneth K Tu