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Sent: Thursday, November 23, 2023 1:06 PM
To: Landro, Allison - FS, MT; Raymond Gross; Timchak, Lisa - FS, MT
Subject: [External Email]Comment on Outfitter/Guide EA
Attachments: Beaverhead-Deerlodge Draft Outfitter EA 11 2023 Final.doc

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c/o: Allison Landro, Environmental Coordinator
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<https://cara.fs2c.usda.gov/Public//CommentInput?Project=56926>

November 23, 2023

Comments to the Beaverhead-Deerlodge Draft EA for Outfitter and Guides:

I worked 31 years for the US Forest Service, 25 years on the Beaverhead and the Beaverhead-Deerlodge National Forest. I have lived in Dillon and have recreated on the B-D for 40 years. The Beaverhead-Deerlodge National Forest is dear to me.

This EA does not meet the requirements for analysis in an environmental assessment. It is incomplete. Many of the issues and concerns identified in scoping comments are not adequately addressed. There are no indices of measures identified for the different resmyce areas, no reasonable range of alternatives and no discussion of impacts or effects analysis. There is no site specific analysis. These gross generalities, omitting what activities nor their locations, violate the intent, and the letter of NEPA.

The Council on Environmental Quality (CEQ) Regulations at Title 40, Code of Federal Regulations, parts 1500-1508 (40 CFR 1500-1508) set forth specific requirements for implementing NEPA. The regulations establish procedures and rules governing environmental analysis and documentation; ensure that environmental information is available to public officials and the public, including identification of significant issues; and provide direction to assist public officials in making decisions based on an understanding of environmental consequences.

The EA “by analyzing effects under the assumption that all days in the pool are used, we gain flexibility to adjust current, or issue new, permits without additional NEPA because this EA contains the analysis for those 30,000 service days.” There is NO analysis in this EA of the effects or impacts that these additional new or expanded use days could create.

According to 36 CFR 220.4(e)(1): A proposed action is a proposal by the Forest Service to authorize, recommend, or implement an action to meet a specific purpose and need. All proposed actions have five parts that comprise their whole: who, what, how, where, and when.

WHO is proposing the action? WHAT is the action being proposed? HOW will the action be accomplished? WHERE is the action being proposed? WHEN is the action being proposed? This EA does not articulate the specific individual proposed actions nor does it address the effects of 30,000 new and expanded pool days. We know the WHO but we don’t know WHAT type of activity is being proposed or WHERE and WHEN those activities will occur. The only HOW is explained by “any new use must comply with Forest Plan direction or Travel Restrictions” and where “district rangers and staff determine they have the administrative staff to manage additional priority use permits”.

This proposal is too broad in scope. This would be an approval issued for many different kinds of outfitting types with many possible impacts. These proposed uses may occur within recommended wilderness areas, WSAs, IRAs, alpine lakes, sensitive species habitat etc. The possible effects from authorizing them are not addressed. There is no site specific analysis This EA does not support a reasonable conclusion that all these possible future authorizations would not have significant impacts, individually or collectively. Cmyt cases and law supports agencies conducting at site-specific impacts in EAs. Merely stating in the EA “based on the terms and conditions of permits and the resmyce protection measures included in the operation and management plans that there are no measurable affects” is NO analysis of possible impacts. What are possible adverse impacts in proposed wilderness areas, high mountain lakes and sensitive species habitat?

How public "Demand" was determined, resulting in dramatically increasing available client days, is no more than an assumption or perception, it is beyond incomplete and inaccurate. According to the B-D Needs Assessment : “Outfitters and guides are utilizing an average of 48% of their permitted days. Every activity offered by outfitters and guides shows some unused permitted days according to SUDS.” What is the quantity of recreationists contacting the B-D asking for more guided recreation?

Although the EA tries to assure us that the land will not be crowded with additional outfitter/guide client days, that is not reality. “Crowding” assessments done at the landscape level in this EA, such as people per square mile, does little to accurately assess crowding at the drainage scale. Displacement will indeed occur

with such an increase. Some hunters have camped and hunted in the same drainage for decades. Imagine this same group of hunters finding that the B-D has aloud (without specific notification or public input opportunity) that they now have to share that drainage with a commercial for-profit hunting operation each year. Similarly, streams or lakes that are favorites of unguided recreationists will now find an outfitter camped and guiding fishermen in the drainage.

The draft EA states “Recognizing that this environmental analysis cannot possibly anticipate all future potential outfitting and guiding uses or new technologies, if a proposal is received in the future for a previously unidentified use but the use’s activities are considered in this analysis (e.g., establishing a base camp, overnight camping, hiking, practicing Leave-No-Trace techniques, etc.), that use may be authorized under this environmental assessment”. I as public land owner, cannot respond to such proposed uses unless I, as members of the public, know exactly what type of use is proposed, and exactly where it will occur. In contrast, I doubt the B-D would propose “some vegetation treatment of unknown magnitude somewhere on the B-D by somebody” and otherwise leave the public in the dark. Why should commercial for-profit outfitting of a variety of recreational activities be permitted without soliciting public input on specific proposals?

In the past, the B-D has aloud the current outfitters to choose what location in the Forest they choose to base their operations. Hunting outfitters dominate the landscape they are permitted to occupy. In the case of elk hunting, they have obviously chosen the best elk habitat not currently under permit to another outfitter. As a result, the general unguided hunters have been displaced to less quality habitat or smaller parcels of habitat. So allowing even more outfitters to carve more chunks of the best available habitat will push the general unguided hunters to even more marginal elk habitat.

In some cases, Montana elk outfitters lease choice private lands that Ire, in the past, open to non-guided hunters. As a consequence, outfitting elk hunters on these private lands has worsened the crowding on public lands, which are increasingly providing the vast majority of hunting opportunities for non-guided hunters. Currently outfitted publics have numerous elk hunting opportunities with both public land outfitters and private land outfitters.

Wildlife effects:

The EA diminishes the potential and discounts foreseeable adverse effects of certain recreational activities on wildlife. I don’t know the full extent of recreational activities because no comprehensive list of potential activities has been provided in the EA. Nor do I know what wildlife species could be affected because the EA doesnot disclose where such activities might occur. These gross generalities omitting what activities nor their locations violate the intent and the letter of NEPA. I do know that mountain goats are displaced by both summer and winter human intrusions. Snowmobiling already occurs in mountain goat habitat in the B-D, yet has not been addressed or curtailed. I assert that expanded guided snowmobiling, or back country skiing in mountain goat habitat would certainly adversely affect mountain goats. Similarly, mountain goats are displaced from high basins with summer human activity. Guided horseback, llama or backpacking in mountain goat habitat certainly could adversely affect mountain goat distribution. Guided operations have foreseeable impacts

because guided trips generally seek solitude for their clients, thus pushing them into mountain goat habitat not occupied by non-guided humans.

Studies have established that snowmobiling tracks provide travel easy conduits for coyotes that are predators and competitors to lynx. Studies have found that snowmobiling and cross country skiing can adversely affect wolverine distribution and dening. Studies of late spring snowmobiling have shown to adversely affect grizzly bears. Some moose winter on high ridges that are favorite travel ways for snowmobiling. Camping and yurts provide lingering human impacts to wildlife distribution. Permitting more human activity in the same habitats as some species of wildlife inhabit adds stress and potential adverse effects to the wildlife. It is inappropriate to discount that guided operations add to and can have more severe adverse effects. I believe a stipulation that proposed activities are “reviewed by a biologist” lacks assurance that activities incompatible with wildlife will still not be approved. Instead, I request that specific guided recreational activities incompatible with specific wildlife species be identified and not be approved for any specific proposal.

The EA proposes to routinely convert temporary outfitter/guide client use to priority use. While this may seem minor on the surface, it changes the permanence of such client days as they, according to this EA, priority client days are “routinely transferred”. Priority permits are difficult to terminate even when effects of such use are significant. Outfitter/guide operations are commercially sold and usually valued on having a quantity of priority client day permits. Once established, removing established prior uses is extremely difficult especially when permittees claim jobs will be lost

Wilderness, WSAs, recommended Wilderness

Expansion of commercial for-profit outfitter/guide client days is inappropriate in these special designated lands, which have been identified as having ecological integrity with a visitor of an experience with high quality and relatively high expectation of solitude.

In addition, giving priority permits in WSAs and Recommended Wilderness increases the risk of lessening the political support for favorable Wilderness legislation.. Permitting outfitting for activities incompatible with Wilderness greatly diminish the potential for future favorable Wilderness support in any future political arena considering Wilderness designation.

Management and Public Trust

I question whether the Beaverhead Deerlodge National Forest can properly administer a potential tripling of outfitter/guide client use days with existing staffing. I doubt that existing outfitter/guide operations have in-the-field inspections at least annually. The Beaverhead Deerlodge National Forest, with the cost of higher management positions, GS 15 Forest Supervisor, GS 14 Deputy Forest Supervisor, GS 13 Staff; fixed costs of rent for leased offices (over 1 million dollars a year for the leased Forest Supervisors Office) can afford to properly administer authorizing potentially tripling outfitter/guide client user days. As evidence that adequate staffing is lacking, I note that the B-D has yet to complete travel planning which has now languished for decades, citing lack of staffing. Trails and roads are not maintained to a safe level for users.

I believe the management of the Beaverhead Deerlodge National Forest and other national forests should have the trust of the public, who owns these lands. Administrative efficiency should not adversely affect the public's right to know. The proposed action is too vague to adequately address my concerns. Such significant of outfitter/guide client use days expansion will certainly affect the non-guided public on the Beaverhead Deerlodge National Forest, and these publics deserve an opportunity to comment on specific proposals. I request this EA be withdrawn.

In summary, I requests:

1. Expansion of outfitter/guide client days only be specifically authorized where a specific recreational activity is identified, the specific area of such activity be identified, and what limitations or restrictions would be applied.
2. I request that any proposed expansion of outfitter/guide client days have at least a 30 day public comment period publicized among existing users and be specific in the proposal.
3. I request that no expansion of outfitter/guide client days be authorized for elk or deer hunting.
4. I request that no expansion of outfitter client days be authorized without an analysis of impact to wildlife species located or historically occupying habitats in the proposed recreational activity area authorized.
5. I request that additional commercial for-profit outfitting/guiding client days not be authorized when such activities could occur on private lands.

Raymond Gross
Dillon, Montana