

Data Submitted (UTC 11): 3/15/2022 2:50:00 AM

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March 14, 2022

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

NEPA Compliance

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 addressed. There are no indices of measures identified for the different resource areas, no reasonable range of alternatives and no discussion of impacts or effects analysis. There is no site specific analysis.

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 states on page 6 that, "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. Court 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 resource 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?

For the temporary outfitting permits already issued the forest policy for outfitters and guides has not been followed and there has not been monitoring or administrative record. The forest has shown a total disregard for policy by authorizing 2,844 service days without conducting an environmental analysis in accordance to 36 CFR

220. These permits were issued as priority permits in 2018 and recently extended through December of 2022. These permits are out of compliance and need to be terminated until the EA is completed and there is a determination of no significant impacts.

There is concern that the timeframe outlined in the EA on page 5 "to accommodate program needs for the next 20 years, or two cycles of priority 10-year permit management." is far too long of period to authorize this kind of use. There has been a significant growth in outdoor recreation recently. This demand needs to be balanced between the DIY public and commercial operations. The impact of the combined public and commercial recreational use needs to be analyzed in this EA.

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