



## DECISION MEMO

United States Department Of Agriculture  
Forest Service

### 2005 REISSUANCE OF OUTFITTER AND GUIDE SPECIAL USE PERMIT

White Creek, Theadore Creek and Deer Park Assigned Sites  
Type of Services: Summer Roving, Fall Hunts and Day Use

SPOTTED BEAR, SEELEY LAKE AND ROCKY MOUNTAIN RANGER  
DISTRICTS  
FLATHEAD, LOLO AND LEWIS & CLARK NATIONAL FORESTS  
FLATHEAD, POWEL AND LEWIS & CLARK COUNTIES, MONTANA

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#### I. DECISION TO BE IMPLEMENTED

##### Proposed Action

The existing five-year outfitter and guide special use permits within the Bob Marshall Wilderness Complex (includes the Bob Marshall, Great Bear, and Scapegoat Wildernesses) are expiring. A proposal to reissue these permits for another five-year period was first sent out to the public in 2002 (refer to the public involvement section of this decision memo for a summary of the public involvement process for this project).

The scope of the proposal was limited to the existing permits and assigned sites. It was beyond the scope of the proposal to consider additional assigned base camps, assigned spike camps, or to change current use within seasons, or overall use levels. The permits would be reissued under the current location moratorium. Change of allocation of outfitted and/or non-outfitted use (including transfer of summer priority days to fall days or vice versus) is a forest plan revision or amendment action and was not included within the scope of the project. Individual changes of each specific permit (including increases and/or decreases in priority use) would be within the existing allocation levels. These are administrative changes to specific permits and not within the scope of the proposed action.

##### Description of Decision

It is my decision to reissue a Special Use Permit and develop an Outfitter Operation Management Plan that authorizes outfitting and guiding operations on:

- Spotted Bear Ranger District/Geo Unit 01, assigned site at White Creek for primary fall hunting operations and general summer roving. Trail access is from end of road facilities at the North Fork Trailhead.
- Seeley Lake Ranger District/Geo Unit 06, assigned sites at Theadore Creek and Deer Park for primary fall hunting operations, general summer roving and day use. Trail access is from end of road facilities at Lake Creek Trailhead.

- Rocky Mountain Ranger District/Geo. Unit 04, has general summer roving operations.

This authorization is subject to permit conditions and performance. This action will provide for a Special Use Permit that is consistent with the current Forest Service permitting policy pertaining to uses of this type and accurately describes the permitted activities.

The permit will be issued for a five-year term or as per policy direction. The permit will assign priority use days in accordance with Forest Service Policy and as allowed in Forest Plan direction. The Operation Management Plan (OMP) will detail specific activities and set the framework of the conduct for occupying National Forest System lands while supplying outfitting and guiding services.

The OMP will further define measures to protect National Forest resources while exercising the privileges conferred by the Permit to conduct a commercial outfitting business on the National Forest. Some of the standardized provisions and requirements included in the OMPs for the Bob Marshall Wilderness-Scapegoat-Great Bear Wildernesses and adjacent areas include complying with the grizzly bear food storage order, using weed seed free feed, naturalize camps at the end of the season, and placing campsites at least 200 feet from streams where possible. The OMP will be reviewed annually during the term of the permit. Where annual reviews and on going monitoring reveal unacceptable damage to resources or facilities, campsites, water quality, threatened or endangered species, heritage resources and vegetation, appropriate actions will be described in the OMP to resolve the problem.

Mitigation measures (refer to Appendix A) to reduce impacts to fisheries will be included in this decision and will become part of the OMP.

### **Purpose of Decision**

The decision is intended to allow existing outfitting and guiding to continue in the Bob Marshall Wilderness Complex (BMWC) to assure that the public has reasonable access to National Forest recreational opportunities, that the use resulting from it is of the highest quality, that the resources are protected, and that the public learns the unique attributes of the environment. A determination of need for the need and extent of outfitting in the BMWC has been completed and is included in the project record.

## **II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION**

Pursuant to Forest Service Handbook (FSH) 1909.15, Section 30.3, proposed actions may be categorically excluded from further analysis and documentation in an environmental impact statement (EIS) or environmental assessment (EA), if there are no extraordinary circumstances related to the proposed action and if the proposed action:

- "Is within one of the categories in the Department of Agriculture (USDA) NEPA policies and procedures in 7 CFR Part 1b" or
- "Is within a category listed in sec. 31.1b or 31.2."

The project meets the criteria of the category of actions referenced above and listed in Section 31.2, Category 15:

"Issuance of a new special use authorization for a new term to replace an existing or expired special use authorization when the only changes are administrative, there are no changes to the authorized facilities or increases in the scope or intensity of authorized activities, and the

applicant or holder is in full compliance with the terms and conditions of the special use authorization."

Clarification of extraordinary circumstances was made by the Forest Service through an interim directive that was published in the Federal Register on August 23, 2002 and then subsequently in 2004 as Forest Service Handbook direction (see FSH 1909.15, Section 30.3). The following is a list of resource conditions that should be considered in determining whether extraordinary circumstances related to the proposed action warrant further analysis and documentation in an EA or EIS. The mere presence of one or more of these resource conditions does not preclude use of a categorical exclusion. It is the degree of the potential effect of a proposed action on these resource conditions that determines whether extraordinary circumstances exist.

**a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species**

Sensitive species are managed under Forest Service policy (Forest Service Manual [FSM] 2670). Policy directives (FSM 2672.4) state that all planned activities should be reviewed for possible effects on sensitive species. Sensitive species are to receive special management emphasis to ensure their viability and to preclude trends that could threaten the species with extinction resulting in federal listing under the Endangered Species Act (FSM 2672.1).

The Biological Evaluation (BE) prepared for "sensitive" wildlife species determined that reissuing outfitter and guide permits will have "no impact" on the following species: common loon, peregrine falcon, burrowing owl, greater sage grouse, flammulated owl, black-backed woodpecker, Plains Spadefoot, greater short-horned lizard, Coeur d'Alene salamander, northern leopard frog, Townsend's big-eared bat, and northern bog lemming. It also determined that this action "may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species" for the harlequin duck, fisher, wolverine, and the western toad (refer to the BE in the project record).

The Biological Evaluation for "sensitive" plant species determined reissuing outfitter and guide permits "may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species" (refer to the BE in the project record). No rare plants were observed and there is low potential for any sensitive plant species in these habitats. It is not likely that sensitive plant species are at risk from actions conducted with this action. Outfitters are asked to avoid fens or fen margins to protect or reduce impacts to plants, and if any new occurrences are located at reserved sites, permits would be modified to protect/mitigate effects.

The fisheries biologist assigned to the project determined for the "sensitive" westslope cutthroat trout the effects of outfitter permit re-issuance "may impact individuals but will not lead towards a trend in Federal listing" (refer to letter in the project record). Mitigation measures to reduce impacts to westslope cutthroat trout will be included in this decision and will become part of the OMP upon re-issuance (refer to Appendix A).

Threatened, endangered, and proposed species are managed under the authority of the Federal Endangered Species Act (PL 93-205, as amended) and the National Forest Management Act (PL 94-588). Under provisions of the Endangered Species Act (ESA), Federal agencies shall use their authorities to carry out programs for the conservation of listed species, and shall insure any action authorized, funded, or implemented by the agency is not likely to: (1) adversely affect listed species or

designated critical habitat; (2) jeopardize the continued existence of proposed species; or (3) adversely modify proposed critical habitat (16 USC 1536).

The Biological Assessments conducted for this project analyzed the potential effects of the proposed federal action on all threatened, endangered, and proposed species known or suspected to occur in the proposed action influence area. This species list was retrieved from the U.S. Fish and Wildlife Service internet web site on 12/15/03. There is no designated critical habitat, species proposed for Federal listing, or proposed critical habitat found within the project area.

The Biological Assessment (BA) for Terrestrial Wildlife Species determined that this project will have a "no effect" on the "threatened" bald eagle and gray wolf. It also determined that this action will have a "may affect – not likely to adversely affect" on the "threatened" grizzly bear and Canada lynx (refer to the BA in the project record). The U.S. Fish and Wildlife Service reviewed the BA and concurred with the "not likely" determinations and acknowledged the "no effect" determination (refer to project record).

The Biological Assessment for threatened and endangered plant species determined this project will have "no effect" on the "threatened" water howellia and Spalding's catchfly (refer to the BA in the project record).

The Biological Assessment on Bull Trout (refer to the BA in the project record) determined that reissuing outfitter and guide permits would have a "may affect - likely to adversely affect" the threatened bull trout. As mentioned above, it is not merely the presence of a threatened or endangered species but the magnitude of effects upon that species that defines extraordinary circumstances. Although the determination of effects on bull trout was a "likely to adversely affect", this determination only affects 10 of the outfitter camps that are located along known bull trout spawning reaches. Eight of these camps are located in the South Fork of the Flathead River drainage, which is a bull trout stronghold where bull trout fishing was re-opened in 2004. The other 2 camps are in the Middle Fork of the Flathead River drainage, one of which is vacant at this time. None of these camps are associated with this outfitter and guide reissuance decision.

#### **b. Flood plains, wetlands, or municipal watersheds**

Permitted activities are not located in or near municipal watersheds. Some of the permitted activity may be located in or near flood plains or wetlands. Stream flows will not be altered by the permitted activity, the function of wetlands or floodplains will not change, and no permanent structures will be constructed within these features. Appropriate actions will be taken as described in the OMP if ongoing monitoring indicates that unacceptable damage is occurring to water quality or other aspects of wetlands or flood plains.

#### **c. Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas**

##### **Wilderness**

The permitted activity occurs in Wilderness. Wilderness is defined in the Wilderness Act of 1964 as an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which

- generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable;
- has outstanding opportunities for solitude or a primitive and unconfined type of recreation; and
- may also contain ecological, geological, or other features of scientific, educational, scenic, or historical values

Outfitter activities such as base camps do provide some evidence of human presence; however, these camps are temporary in nature since outfitters are required to naturalize camps at the end of the season. The OMP contains a number of other resource protection measures that promote conservation and a leave no trace ethic.

Evidence of effects to the natural character of Wilderness can be the presence of exotic species and changes to air and water quality. Exotic species such as noxious weeds is one of the greatest threats to wilderness values. The use of weed seed free feed is a requirement in the outfitter and guide's OMP. The outfitter and guide community is also an important partner with the Forest Service in monitoring conditions and in treating new infestations. The OMP also requires that camps are located away from water bodies and that water sources for camp use and stock are identified.

Opportunities for solitude or primitive and unconfined recreation is very easy to find in the vast BMWC (over 1.5 million acres in size). Outfitter base camps are carefully located in areas away from trails and busy intersections. Outfitters tend to take longer trips than the non-outfitted public which allows the outfitter to get their clients deeper into the wilderness where they are less likely to encounter other groups. Since outfitter use has not been allowed to expand since 1981 and non-outfitted use in the BMWC has not grown significantly since that time either, there should be no potential significant negative effects to opportunities for solitude and primitive or unconfined recreation in the BMWC.

A cumulative effects analysis has been prepared to disclose effects on wilderness resources (refer to the project record). This decision should not result in potential significant Wilderness-related impacts.

### **Wild and Scenic Rivers**

The permitted activity does not occur within Wild and Scenic River Corridors.

### **Wilderness study areas or national recreation areas**

The permitted activity does not occur within wilderness study areas or national recreation areas.

### **d. Inventoried roadless areas**

The permitted activity does not occur within an inventoried roadless area for activities within Geo Unit 01 and 04.

Theodore Creek and Deer Park assigned sites and associated operations in Geo Unit 06 are the permitted activities occurring within the Bear-Marshall-Scapegoat Swan Inventoried Roadless Area. The natural integrity, apparent naturalness, remoteness, solitude, opportunities for primitive recreation, and manageability of boundaries will not be adversely affected by the decision. Opportunities for remoteness, solitude, or primitive recreation are very easy to find in this inventories roadless area which is over 800,000 acres in size and surrounds the Bob Marshall, Great Bear and Scapegoat Wildernesses.

Outfitter activities such as base camps do provide some evidence of human presence which could affect the apparent naturalness of the area; however, these camps are temporary in nature since outfitters are required to naturalize camps at the end of the season. The OMP contains a number of other resource protection measures that promote conservation and a leave no trace ethic.

Evidence of effects to the natural integrity of the area can be the presence of exotic species and changes to air and water quality. Exotic species such as noxious weeds is one of the greatest threats to wilderness values. The use of weed seed free feed is a requirement in the outfitter and guide's OMP. The outfitter and guide community is also an important partner with the Forest Service in monitoring conditions and in treating new infestations. The OMP also requires that camps are located away from water bodies and that water sources for camp use and stock are identified.

#### **e. Research Natural Areas**

The permitted activity does not occur within a Research Natural Area.

#### **f. American Indians and Alaska Native religious or cultural sites AND g. Archaeological sites, or historic properties or areas**

The Lewis and Clark, Helena, Lolo, and Flathead National Forests consult regularly with the Tribes to identify areas and activities of special concern to Tribal members and their continued exercise of rights and practices as provided for in treaty and law. The Confederated and Salish and Kootenai Tribes and the Blackfoot Tribe have identified no areas of concern with the proposed outfitter and guide permit reissuance.

### **III. PUBLIC INVOLVEMENT**

Scoping seeking comments on reissuing the existing outfitter and guide special use permits for this project was sent August 6, 2002. A news release was also issued at this time to the media around the Bob Marshall Wilderness Complex (Kalispell, Missoula, Choteau, Augusta, Great Falls, Seeley Lake, Helena, and Lincoln, Montana). The project has been listed in the USDA Forest Service Schedule of Proposed Actions since the winter of 2002/2003 and is still present currently. The Forest Service met with interested groups on this proposal including discussions at the December 2002, December 2003 and December 2004 Professional Wilderness Outfitters Association (PWOA) meeting in Choteau Montana. This is an annual meeting held by PWOA inviting the Forest Service to participate. In addition, the Bob Marshall Managers group meets with interested publics on an annual basis – and included this project as one to give updates on and to seek comments. These were held April 2003 in Kalispell, Montana and April 2004 in Choteau, Montana. Approximately 40 individuals attended each meeting. An update on the permit reissuance project was included in the Bob Marshall Annual Newsletter, mailed in March 2003 and March 2004. Appendix B contains a summary of the comments received and the response to comments.

### **IV. FINDINGS REQUIRED BY OTHER LAWS**

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

### **Wilderness Act of 1964**

The Wilderness Act provides for outfitting and guiding in Section 4(d)(6) "commercial services may be performed within the Wilderness areas...to the extent necessary for activities which are proper for realizing the recreational or other Wilderness purposes of the areas."

Federal Regulations 36 CFR 293.8 states: "The Chief, Forest Service, may permit . . . commercial services within National Forest Wilderness to the extent necessary for realizing the recreational or other Wilderness purposes, which include, but are not limited to, the public services generally offered by packers, outfitters, and guides."

Forest Service policy is defined in Forest Service Manual (FSM), Section 2320 (wilderness management) and associated handbooks. In particular, FSM Section 2323.12 provides direction to: manage for recreation activities that are dependent on the Wilderness environment so that a minimum of adaptations within Wilderness are necessary to accommodate recreation; and consistent with management as Wilderness, permit outfitter/guide operations where they are necessary to help segments of the public use and enjoy Wilderness areas for recreational or other Wilderness purposes.

A determination of need and extent of outfitting in the BMWC (refer to the project record) has been completed according to the direction from the laws and policies stated above. This determination of need and extent concluded that outfitting and guiding is an important and needed aspect of wilderness management in the BMWC.

### **Forest Plan Consistency (National Forest Management Act)**

Recreation management direction for the Bob Marshall, Great Bear, and Scapegoat Wildernesses was prepared as required by the National Forest Management Act and amended to the Lewis and Clark, Helena, Lolo, and Flathead National Forest Plan. This direction addresses outfitting operations and provides for their continuation. It establishes general direction for administration of outfitting permits. This direction is consistent with the Wilderness Act of 1964 and the Montana Wilderness Acts of 1972 and 1978.

Issuance of a Special Use Permit authorizing commercial outfitting services is consistent with the Flathead, Lolo and Lewis and Clark National Forest Lands and Resource Management Plans. The action associated with my decision complies with the goals of the Forest Plan, the direction for Management Area 21, Flathead National Forest, Management Area 12, Lolo National Forest, and Management Area ? Lewis & Clark National Forest and the appropriate Forest Wide Standards and Guidelines.

(use the following paragraph if applicable). Recreation management direction for the Flathead Wild and Scenic River was prepared as required by the National Forest Management Act and amended to the Flathead National Forest Plan. This direction addresses outfitting operations and provides for their continuation within the Flathead Wild and Scenic River System. This amendment to the Forest Plan sets the total number of outfitter permits in the river system and how use levels will be allocated. (Address applicable MA direction)

### **National Environmental Policy Act**

This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Section 7 of the Wild and Scenic Rivers Act directs federal agencies to protect the free-flowing condition and other values of designated rivers and congressionally authorized study rivers. I have determined that the permitted activity will not change the free-flowing condition of rivers and other river values.

#### **Endangered Species Act (ESA)**

According to Section 7 of ESA, each Federal agency must insure that actions it authorizes, funds, or carries out are not likely to jeopardize the continued existence of any threatened or endangered species. The USFWS also requires the Forest Service to prepare a Biological Assessment if a proposed, threatened, or endangered species occurs in an area where grazing is proposed.

Biological assessments (BA) were completed for the threatened species found within the affected areas (refer to project record). Refer to section II.a of this decision memo for a summary of the findings. The U.S. Fish and Wildlife Service concurred with the determinations for the “not likely to adversely affect” determinations and provided a Biological Opinion on Bull Trout for the “likely to adversely affect” determination (refer to the project record). The USFWS determined that this project is not likely to jeopardize the continued existence of the Columbia Basin DPS of bull trout. Based on the findings in the analysis (BAs) and our consultation with U.S. Fish and Wildlife Service, my decision is in compliance with the ESA.

#### **National Historic Preservation Act, American Indian Religious Freedom Act, and Native American Graves Protection and Repatriation Act**

Cultural resource inventories were completed for all permitted outfitter and guide camps in the 1990s and no significant and eligible cultural resources were identified at that time. The proposed reissuance of existing permits creates no new or previously unidentified threats to potentially eligible historic properties. The reissuance meets the stipulations of the Region One Programmatic Agreement (R1PA, 1995) with the Montana State Historic Preservation Office (MtSHPO) and the Advisory Council on Historic Preservation (ACHP) and with 36CFR800 wherein additional field inventory is not warranted when there is no potential to affect eligible properties. This decision has been documented in the annual report to MtSHPO. I have determined that my decision is in compliance with Section 106 of the National Historic Preservation Act as amended.

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

This order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public involvement did not identify any adversely impacted local minority or low-income populations. I believe my decision is not expected to adversely impact minority or low-income populations.

#### **Montana Department of Commerce Outfitter Board Licensing**

To operate commercially on a National Forest in Montana where fishing and hunting is involved, an outfitter must secure a State of Montana Outfitter license and comply with other relevant state regulations.



## Other

All permitted outfitting operations are required to comply with existing laws, regulations and closures, which are applicable to the general public unless otherwise specifically excepted in the Special Use Permit or OMP.

## **V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES**

This decision is not subject to administrative appeal pursuant to 36 CFR 215.12(f).

The permittee may appeal this decision in accordance with the provisions of 36 CFR 251, Subpart C. To appeal this decision under 36 CFR 251, a written Notice of Appeal meeting the content requirements at 36 CFR 251.90, must be postmarked or received within 45 calendar days after the date of notice of this decision to applicants and holders of written authorization to occupy and use National Forest System land. However, when the 45-day filing period would end on a Saturday, Sunday, or Federal Holiday, the filing time is extended to the end of the next Federal working day.

The Notice of Appeal must be sent to: USDA Forest Service, Flathead National Forest, ATTN: Forest Supervisor, (Cathy Barbouletos, 1935 3<sup>rd</sup> Ave. East, Kalispell, MT 59901. A copy of the appeal must simultaneously be sent to the following, Deb Mucklow), the Deciding Officer, at Spotted Bear Ranger District, P.O. Box 190340 Hungry Horse, MT 59919; Tim Love, the Deciding Officer, at Seeley Lake Ranger District, 3583 MT Hwy 83, Seeley Lake, MT 59868; Mike Munoz, the Deciding Officer at Rocky Mountain Ranger District, P.O. Box 340, Choteau, MT 59422. If an appeal is filed, we are willing to meet and discuss concerns. Additionally, if an appeal is filed, an oral presentation concerning the appeal (36 CFR 251.97) and/or stay of implementation (36 CFR 251.91) of the decision may be requested at any time prior to closing the appeal record.

## **VI. IMPLEMENTATION**

Implementation of this project may begin immediately.

## **VII. CONTACT**

For additional information or review of the project file, contact Gordon Ash during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Spotted Bear Ranger Station, P.O. Box 190340, Hungry Horse Montana (406)387-3800.

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Deb Mucklow) Lead Permit Administrator  
District Ranger

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DATE

\_\_\_\_\_  
Tim Love  
District Ranger

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DATE

\_\_\_\_\_  
Mike Munoz  
District Ranger

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DATE

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## **APPENDIX A**

### **Bull Trout and Westslope Cutthroat Trout Mitigation Measures as Described in the Flathead, Lewis and Clark, Helena, and Lolo National Forests Outfitter and Guide Permit Reissuance Biological Assessment and Biological Evaluation**

- 1) Access trails to base and spike camps will be kept to the minimum necessary (no more than 2) for safe, efficient operation, in order to minimize ground disturbance, erosion, and stream crossings which affect water quality and habitat for bull trout and westslope cutthroat trout.
- 2) When the operation's base camp is located within occupied native westslope cutthroat trout or bull trout streams, the outfitter will provide hired help and clients with appropriate information regarding the identification and management guidelines for these species. In many waters, strict fishing regulations apply, such as catch-and-release for all cutthroat trout and no intentional angling of bull trout.
- 3) To help control the spread of Whirling Disease and aquatic nuisance species, the outfitter will provide hired help and clients with appropriate information from Montana Department of Fish, Wildlife and Parks regarding cleaning of equipment before moving from infected streams to uninfected streams.
- 4) No firewood cutting should occur within the riparian areas, generally 150 feet each side of the stream.
- 5) Instruct outfitters on redd identification and discourage use of stream segments where redds have been previously identified by fishery personnel.
- 6) Encourage outfitters to maintain proper drainage from corrals that are located in riparian areas. Drainage should not be routed directly into a stream. Furthermore, corrals should be kept away from stream channels to the extent practicable.
- 7) When spawning is occurring during September attempts should be made at vicinity camps to avoid leaving stock loose/unattended while watering.



**Cumulative Effects Analysis for Issuance of  
Bob Marshall Wilderness Complex Outfitter and Guide Permits, April 2005**

The majority of environmental effects associated with outfitter and guide use are specific to the activities permitted under each permit. These include such effects as ground disturbance associated with established camps. In addition, there are social issues and indicators that have a role with all users in the wilderness both outfitter publics and non-outfitter publics. These effects are considered and disclosed in individual analyses prepared for each permit. However, some resource values span large geographic areas and can be affected by groups of, or all of the proposed permitted activities. This cumulative effects analysis is prepared to disclose those cumulative effects and is intended to be considered and incorporated into those individual analyses for which they are identified.

**Proposed Action:** The Flathead, Lewis & Clark, Helena, and Lolo National Forests are preparing to re-issue special use permits for outfitting and guiding in the Bob Marshall Wilderness Complex (BMWC). The complex consists of the Great Bear, Bob Marshall and Scapegoat Wilderness Areas, for a total of 1.8 million acres in North Central Montana.

**Background:** Outfitter use in the BMWC appears to have begun in about 1919, when Joe Murphy of Ovando packed hunters into the South Fork of the Flathead River area. The number of outfitters operating in the BMWC increased over time until the number was capped in 1981 at 45. Most of these operations have been in existence for 25-65 years, some longer. Most of these permits are due to expire on April 30, 2005.

A moratorium was placed on granting new outfitter permits or changing use levels of existing outfitters in 1981. The moratorium was established to set a limit on the number of outfitter service days until Forest Land and Resource Management Plans were revised or amended.

All Forest Plans for the four National Forests managing the BMWC were amended with Wilderness Recreation Management Direction commonly referred to as the LAC Plan or Wilderness Plan. These Forest Plan amendments provide the following specific direction:

“Prior to completing a decision on outfitter service levels through an environmental assessment, no additional outfitter and guide permits will be issued nor will approval be granted to expand operations beyond use levels authorized in 1978-1980 Special Use Permits.”

The LAC Plan or Wilderness Plan was developed for several reasons, first to address increasing visitor use resulting in more pressure on the wilderness resource. Second, managers and citizens were concerned about the potential impacts and changes in wilderness conditions and experience. Finally, regulations developed pursuant to

provisions of the National Forest Management Act passed by Congress in 1976 require the Forest Service to develop specific management actions to protect wilderness values.

The Forest Plan amendments identified management actions to reduce, prevent or rehabilitate unacceptable resource and social conditions in the BMWC. The amendments also established specific standards of acceptable conditions in the wilderness and identified how managers will go about determining what management actions are most suitable to address specific problems. Finally, the amendments established a monitoring process to identify the effectiveness of management actions and to keep track of changes in wilderness conditions. Managers conduct annual monitoring to ensure the entire wilderness is monitored every 5 years. The results show where problems exist, so appropriate actions can be taken. Overall conditions have improved in the BMWC and changes to commercial operations have occurred that have improved operations and resource conditions. Ongoing LAC monitoring in coordination with active permit administration assures a thorough monitoring protocol.

The scope of this proposal is limited to the existing permits. It is beyond the scope of the proposed action to consider additional use levels, additional assigned sites, additional spike camps or to change current use within seasons. Permits would be reissued under the current allocation moratorium (1986 Forest Plan Standards). Change of allocation of outfitted and/or non-outfitted use is a Forest Plan revision or amendment action. Individual changes of each specific permit (including increases and/or decreases in priority use) would be within the existing allocation levels, these would be in line with national policy.

In reviewing the specific LAC monitoring data of the assigned sites, respective opportunity classes within each resource area, and in context of each respective resource area the following is a summary for the BMWC:

**Effects to Wilderness Character:** The Wilderness Act of 1964 allows commercial services to be performed within wilderness areas but also directs the Forest Service to manage wilderness areas in such a manner as will preserve wilderness character. Though the Wilderness Act does not explicitly define wilderness character, the definition of wilderness in Section 2 (c) describes wilderness as being untrammeled and undeveloped, managed to preserve natural conditions and with opportunities for solitude or primitive and unconfined type of recreation. The Forest Service must keep evaluate any possible negative effects to these characteristics when considering any proposed project or activity in wilderness.

**Untrammeled**—Free from human control or manipulation

The BMWC has been managed over the years to allow natural processes to operate freely. The Complex has an active wildland fire use program and has been careful to minimize any rehabilitation work after natural fires. Rehab work has been completed on the trail system to keep visitors on the trail system. There has been some prescribed fire

in the Scapegoat Wilderness on the Lewis and Clark National Forest for the express purpose of providing a safe boundary to prevent natural fire from escaping the wilderness boundary and threatening private homes and resorts.

The forests have worked closely with the permitted outfitters and guides in the BMWC to minimize the impacts to their operations from wildland fire. Fires have not been suppressed because of the presence of an outfitter or an outfitter camp. Rather the forest managers have provided assistance to outfitters to move their camps when they were threatened by fire or they have provided alternative areas for outfitters that have been displaced by fire. The outfitter program has not had any negative effects on the untrammeled qualities in the BMWC.

**Undeveloped**—Lack of evidence of modern human presence, occupation or modification

Outfitters in the BMWC are sometimes authorized the use of base camps. These camps are located by wilderness managers and are typically located in areas that are considered more resilient. When outfitters have base camps, they typically do have some structures associated with their camps; particularly when they are providing fall hunting opportunities. Typically the structures are necessary to contain stock and to minimize and contain impacts. All of the structures are temporary and the outfitters are required to dismantle and remove the structures prior at the end of the season, with the exception of native tent poles which may be stashed out of the sight. Each outfitter in the BMWC is required to submit to the District Ranger an annual operating and campsite plan. This plan details exactly what is approved in that outfitters camp. Camp inspections are conducted each season and weather permitting, an inspection is conducted at the end of the season, to ensure that evidence of the camp has been removed. Outfitters are permitted to cut down trees for tent poles. Tent poles are typically cut down when a camp is initially authorized, then used for many, many years. Fire wood must be gathered from dead and down wood well away from the camp. Specific trails associated with assigned sites and operations are included in the campsite plan and keep use confined to the trail locations to contribute to undeveloped character.

Outfitters camps can be difficult to distinguish from camps used by the non-outfitted public, particularly because of the extent of gear required to stay for extended periods of time during fall hunting season (October and November). The thing that may distinguish them is that it is not unusual for outfitted groups to be larger than non-outfitted groups, though outfitters are required to stay within the established party size limits in the BMWC (15 people and 35 head of stock). A 2003 study showed that the average group size for outfitted parties was 7.2 people and 14.5 head of stock compared to 3.3 people and 5.2 head of stock for non-outfitted parties. Typically stock groups in general travel in larger parties, though hiker use is twice that of stock groups.

In general, outfitted activities and the number of outfitter operations in the BMWC do not have a negative effect on the undeveloped character of the BMWC.

**Natural**—Ecological systems are substantially free from effects of modern civilization

Evidence of effects to the natural character of a wilderness can be the presence of exotic species, changes to air and water quality, and effects of past timber harvest. One of the greatest threats to wilderness in the Northern Region is the presence of exotic plants. A baseline inventory has been completed in the BMWC and conditions are monitored regularly. New infestations are immediately treated and so far, the BMWC has been successful in eradicating noxious plants and preventing new infestations. The outfitter and guide community has been extremely supportive with these efforts and are an important partner with the Forest Service in monitoring conditions and in treating new infestations (primarily hand pulling).

Many of the outfitters in the BMWC are traveling with stock (horses and mules). One of the greatest contributors to introduction of noxious weeds is stock feed and seeds being carried in on horses and mules. The BMWC requires that people use only processes weed seed free feed. This is strictly enforced. The outfitters have a vested interest in keeping the BMWC free of noxious weeds and are therefore very willing to comply with all regulations and guidelines.

Air quality standards are established for the BMWC as a Class I air shed and air quality monitoring is conducted regularly. Outfitter camps are placed at locations to minimize conflicts rivers, lakes and streams. Topography influences where locations have been approved. Camp plans, submitted as part of their operating plan, identify water sources for both camp use and stock. These locations are typically identified with input from a wilderness manager and then they are inspected annually to detect and mediate any impacts to water quality.

The current number of outfitters in the BMWC is not having a negative effect on the natural conditions in the wilderness.

**Opportunities for solitude or primitive and unconfined recreation**—Feeling of remoteness, solitude, freedom, risk and challenge

The BMWC is over 1.5 million acres located in North Central Montana. It is vast country that is difficult to penetrate for people who don't have a significant amount of time. In this vast area, visitor use is less than approximately 150,000 visitor days (one visitor for one day) per year. The 2003 visitor use study found that on average groups encounter no more than two groups per day. Day hikers encountered on average three other groups and overnight groups on average 1.1 other groups.

Most Outfitter base camps are carefully located in areas away from trails and busy intersections. Outfitters tend to take longer trips than the outfitted public; 3.5 days



compared to 2 days. This allows the outfitter to get his/her clients deeper into the wilderness where they are less likely to encounter other groups.

Travel in the BMWC is generally via primitive means; foot, stock, or boat. There is one airstrip at Schafer Meadows in the Great Bear wilderness. There are a few outfitters that utilize this public airstrip – most if for use on the Middle Fork of the Flathead river during the floating season and a small amount associated with the fall hunting season

Since outfitter use has not been allowed to grown since 1981 and non-outfitted use in the BMWC has not grown significantly since that time either, there are no negative effects to opportunities for solitude and primitive or unconfined recreation in the BMWC from the permitted outfitters.

### **Terrestrial/Aquatic/Plant Species**

Included in the project file are Biological Assessments (BA) for threatened and endangered aquatic, terrestrial and plant species. Biological Evaluations (BE) for the sensitive species are also in the project files for aquatic, terrestrial and plant species. Rather than evaluate the individual outfitter or assigned site for these species, they were evaluated individually and then together to assure the cumulative effect of the outfitted use was evaluated and considered. The recommendations from the BA's and BE's are included in the decision documents to be included in the permit operation plan.(For example, the permits shall include and adhere to the Grizzly Bear Food Storage Order) The specific effects are disclosed in the prepared BA's and BE's. Based on the BA's and BE's and the concurrence from the Fish and Wildlife Service (USFWS) we have determined that the cumulative effects are minor and do not identify a potential for "significant" environmental effects.

/s/ Deb Mucklow, Lead Complex Ranger 2005

