

**Outfitter/Guide Needs Assessment
Humbolt-Toiyabe National Forest
1/16/98**

INTRODUCTION

This document is an analysis of the "public need" for commercial outfitting and guiding (hereafter written as O&G) services in northeastern Nevada on National Forest lands. The purpose of this analysis is to develop a policy guiding the issuance of new permits on the Ely, Mountain City, and Santa Rosa Ranger Districts. This is in response to comments both for and against additional outfitter and guides on these Districts. In addition, there was a perceived need for a standard process to maintain consistency on acceptance/denial of applicants and/or subguides. The Mountain City RD has also experienced requests for territories to be established for big game hunters and wanted to assess this need. The following pages include the analysis process and results.

The document is written in a manner to provide information for readers who are not familiar with Forest Service policy and direction concerning the analysis of "public need" as a component of issuing outfitting and guiding permits. This is NOT an Environmental Analysis (EA) of the effects of outfitting & guiding on the Ely, Mountain city, or Santa Rosa Ranger Districts, Humboldt-Toiyabe National Forest.

OUTFITTING AND GUIDING ON THE NATIONAL FOREST

Authority

The Forest Service has responsibility for managing use and occupancy of the National Forests. Organic Act, Term Permit Act -add any other laws that apply.

Policy

The role and responsibility of the Forest Service in the approval and administration of permits is stated in:

- FSM 2341.3 directs that periodically prepare a needs assessment to consider which activities, uses, and developments should be continued, modified, expanded, or otherwise changed in order to best serve the public interest.
- FSM 2323.13g states that issuance of outfitter and guide permits should be consistent with management as wilderness where they are necessary to help segments of the public use and enjoy wilderness areas for recreation and other purposes. Also that we should address the need for and role of outfitters in the Forest Plan. We must ensure that outfitter and guide provide services in a manner compatible with use by other visotr and which maintains the wilderness resource.
- FSM 2712.2 states that a permit may be issued when there is a demonstrated public need.

- FSM 2721.53 states
- FSH 2709.11 Ch.41.53. states that we should issue and administer permits for outfitter and guide services to meet general public recreation service needs identified through forest land and resource management planning.

Management Direction

The Humboldt Forest Plan provides the following direction concerning outfitting and guiding on these Districts.

- Forest Plan Desired Future Conditions
- include Forest wide direction
- include management area specific direction

General Philosophy and Process

The Forest Service issues outfitter and guide permits in order to respond to a management (public) need to provide high quality public services and assistance to the recreating public on National Forest System lands.

Permits are issued in order to meet our mission relative to providing public services, protecting public health and safety and helping to attain management goals and objectives.

Outfitter permittees exist because the Forest Service desires the assistance of private sector recreation partners in accomplishing our management goals and objectives. The outfitters are not the user, they are an agent to provide needed and appropriate service to the public. The relationship between the Forest Service and the outfitter and guide is a partnership.

Issuing an O&G permit is a five step process:

1. The Forest Service makes a determination of demonstrated public need and documents it in a needs assessment.
2. Any proposal for outfitter and guiding services must be fully evaluated against the "needs assessment" and the appropriate National Environmental Policy Act (NEPA) analysis and documentation is completed. This analysis establishes that the additional outfitter and guiding services would be the "highest and best use" of the land based on management objectives.
3. The analysis and documentation are linked and in conformance with the Forest Plan. No restriction on other public use or access is permitted.
4. Depending on competitive interest in the proposal, a prospectus is prepared soliciting applications for the outfitting and guiding opportunity, candidates are evaluated and a permittee(s) are chosen.
5. A permit is issued which consists of the Special Use Permit, the Operating Plan, and the Annual itinerary or plan.

CURRENT SITUATION

The current number and type of permits on the Districts is shown below.

(may want to remove the vacant ones since you may decide not to use them after this analysis)

Ely RD

<u>Permittee</u>	<u>Permit Type</u>	<u>Activity</u>	<u>Administrator</u>
1.Berg, William	5 yr.		USFS - Austin
2.Bottari, Paul	5 yr., Joint BLM	Deer/Lion/Fish	BLM-Elko
3.Buckner, Art	5 yr.	Deer/Elk/Fish	USFS - Ely
4.Burdick, Walter	5 yr.	Lion/Deer/Fish/All	USFS - Ely
5.Gibson, Bill	5 yr., Joint BLM	Deer/Fish/Lion/All	USFS - Ruby
6.Hankins, Richard	5 yr., Joint BLM	Deer/Lion/All	BLM - Elko
7.Hubbard, Bruce	5 yr.	Deer/Lion/All	USFS - Ely
8.Lane, Mark	5 yr., Joint BLM	Deer/Elk/Lion	USFS - Ely
9.Marques, Charles	5 yr.	Deer/Elk/Lion/All	USFS - Ely
10.Molitor, Todd	5 yr., Joint BLM	Deer/Lion	BLM - Elko
11.Moncrief, Mark	5 yr., Joint BLM	Lion	BLM - Elko
12.Rice, James	5 yr.	Lion	USFS - Ely
13.Schwandt, Todd	5 yr., Joint BLM	Deer/Elk/Lion/All	USFS - Ruby
14.Youren, Dusty	Pending		
15.Vacant			
16.Vacant			

Mountain City RD

<u>Permittee</u>	<u>Permit Type</u>	<u>Activity</u>	<u>Administrator</u>
1.Bottari, Paul	5 yr., Joint BLM	Deer/Lion/Fish	BLM-Elko
2.Brough, Wilde	5 yr., Joint USFS	Deer/Lion	USFS-Ruby Mtn.
3.Duncan, George	5 yr., Joint BLM	Lion	BLM-Elko
4.Gallio, Jack	5 yr., Joint BLM	Lion	USFS-Mt. City
5.Hankins, Richard	5 yr., Joint BLM	Deer/Lion	BLM-Elko
6.Hansen, Rock	1 yr., Joint BLM	Deer	USFS-Mt. City
7.Molitor, Todd	5 yr., Joint BLM	Deer/Lion	BLM-Elko
8.Moncrief, Mark	5 yr., Joint BLM	Lion	BLM-Elko
9.Prunty, Gary	1 yr., Joint USFS	Deer	USFS-Jarbidge
10.Schwandt, Todd	5 yr., Joint USFS	Deer/Lion/Other	USFS-Ruby Mtn.
11.Craig VanHousen	5 yr., Joint BLM	Deer/Lion/Fish	USFS-Mt. City
12.Vacant (Previously Campbell through BLM)			

Santa Rosa RD

<u>Permittee</u>	<u>Permit Type</u>	<u>Activity</u>	<u>Administrator</u>
1.Bottari, Paul	5 yr., Joint BLM	Sheep/Lion	BLM
2.Duncan, George	5 yr., Joint BLM	Lion	BLM
3.Diebold, Tony	5 yr., Joint BLM	Deer/Lion	BLM
4.Emery, Wes	1 yr.	Deer/Lion/Antelope	USFS-Santa Rosa
5.Hankins, Richard	5 yr., Joint BLM	Lion	BLM
6.Hornbarger, Mike	5 yr.	All Species	USFS-Santa Rosa
7.Molitor, Todd	5 yr., Joint BLM	Lion	BLM
8.Moncrief, Mark	5 yr., Joint BLM	Lion	BLM
9.Vacant (Recent cancellation?)			

The total number of outfitter service days (and % of allocation used) by activity is shown below:

Activity	Ely District	Mountain City District	Santa Rosa District
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Deer
Lion
Fish
Other

Total

(this table can take another form depending on the data you have available. just include total service days. List any assumptions, definitions, or clarifications that are necessary to interpret the data. Might want to also put a column showing % of allocated use actually used each year.)

DIFFERENCES BETWEEN THE CURRENT SITUATION AND FOREST PLAN PROJECTIONS

(did the Plan make any projections or say anything about number of outfitter and guides? If not consider the following paragraph.)

The Humboldt-Toiyabe National Forest Plan did not make any projections for future outfitting and guiding activities on the National Forest. The general guidance for the current situation is to evaluate additional outfitter and guides based on this needs assessment. During the current planning period ___ new outfitter and guiding permits have been issued. (or) There were ___ Outfitter and Guide Permits at the start of the planning period in 19___, and there are currently ___ O&G permits.

DEMAND

While requests for permits and submission of applications does not constitute "public need" they do provide indicators of potential public demand for services. The number of new outfitter and guide applications or requests for permits received over the last five years for each District are:

Activity	Ely District	Mountain City District	Santa Rosa District
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Requests
Applications

DETERMINATION OF PUBLIC NEED

Public Need

"Public Need" is a determination made by the Forest Service that an activity or service is deemed essential or required for the well-being of the public and in order to meet the Forest's mission, management direction, or objectives.

A prospective outfitter's desire for a permit does not constitute a public need, nor does market generated demand (solicited calls or letters) by a potential applicant constitute public need. The National Forests are often viewed as attractive lands for potential economic development of various types. However, the

Forest must determine the need based on its mission, goals, objectives and the capability of the resource. Commercial use of public lands is permitted only to help achieve the mission of the Forest Service as directed by Congress.

Evaluation Criteria

"Public Need" can be assessed by applying evaluation criteria which examine the role and desirability of outfitter and guiding operations in order to manage and protect the National Forests, provide for the public safety, and provide high quality public recreation services. These criteria include: skills and equipment needed, knowledge, safety, special management objectives and or issues, current outfitters utilization and level of use, wilderness appropriateness, and conflict with other users. These criteria are explained below.

Skills and Equipment: to what extent are outfitter skills and equipment necessary to the public because:

- a. specific skills required for activities appropriate to the area require substantial time and/or talent to learn;
- b. learning the necessary skills and participating in the activity require acquisition and consistent use of expensive, specialized equipment for which the public could not, or normally would not, expend the dollars or time;
- c. the skills required are so unique that the use of an outfitter is almost a prerequisite if the public is to have any opportunity to participate in and enjoy the activity.

Knowledge: outfitter knowledge of the recreational resource and the activity area is needed by the public, and especially nonresidents, in order to enjoy recreational opportunities in a manner that reduces resource damage and user conflicts. This includes knowing where and by what method to best access and travel through an area.

Safety: an outfitter's special skills and equipment needed for a reasonable level of safety for participants. Without outfitter assistance, members of the public could seriously endanger their health or lives.

Special Management Objectives and/or Issues: outfitter assistance is needed to insure special management objectives are met and/or issues are resolved.

Examples include:

- a. provide recreational opportunities for the handicapped;
- b. protect fragile resources;
- c. provide environmental education and interpretive information;
- d. assist in reducing critical resource impacts and/or conflicts between users;
- e. provide for additional recreation opportunities that:
 - increase the diversity of recreational activities and public enjoyment;
 - encourage innovation in the outfitter industry;as long as the activities are not in conflict with land use or area management objectives.

Current Outfitter Utilization: to what extent are current outfitters utilizing their current allocation of service days?

Wilderness Appropriateness: to what extent are the activities and services provided in wilderness appropriate for maintaining the wilderness resource. Do

the services require wilderness? Can or should they be performed outside of wilderness?

Level of Use and Conflict: what are the current conflicts between all types of users, private and commercial within the area? How might outfitter and guide operations decrease conflicts and or create conflicts by establishing new operations.

Discussion of the Criteria (fill this section out)

Skills and Equipment

(talk about the types of skills and equipment are used by the outfitters, do the general public typically have these skills or equipment, any difference between local and out-of-state visitors?)

Knowledge of the Area

(anything particular that visitors need to know to visit the area, ie access, trails, weather, local water holes, etc.. that indicate special knowledge is needed for the casual visitor?)

Safety

(What kinds of search and rescue operations do you typically have, does the terrain, weather, remoteness, or other features warrant outfitters?)

Special Management Objectives/Issues

(any wildlife/fish, fire, or other rec issues that might indicate outfitters are needed or desirable or vice versa?)

Current Utilization

(describe current numbers as shown previously. How much of the current allocation is being used, by area? You might also talk about the economics of a viable outfitter operation, and how it fits with your current situation.)

Wilderness Appropriateness

(describe which uses are wilderness appropriate and whether this activity is dependent on wilderness or should be performed on other lands.)

Level of Use and Conflict

(What is the current nonoutfitted rec use levels, are these appropriate, too much, too little, what other groups use the area, would outfitters overlap other users, conflict with locals, etc... Are there any other conflicts, with other mgt activities or permits, or other users?)

Conclusions

(What are your conclusions? Are there opportunities for additional outfitter and guide services for some activities? Note you will need to complete one more step before saying there is a definitive opportunity.)

CARRYING CAPACITY

An additional step in determining the potential for new outfitter and guide services is reviewing the carrying capacity of the area for additional operations.

[[The Outfitter and Guide Handbook has the process outlined on A7 - A10. Calculations are on A18 - A21. or A23 -A24.

You could simplify the analysis for your situation as warranted.

An alternate way to address this if you think you are at capacity would be to narratively describe the limiting factors that exist. Typically we have four components - Ecological, Physical, Facility or Social.

Ecological relates to the resource capabilities.

Physical would be spatial relationships, and how much land is really available.

Facility depends on design standards for facilities or areas, like people on trails at one time.

Social relates to visitor expectations and experiences. usually we use ROS coefficients to determine this. or some other method to determine how many people can use an area and still achieve a desired experience.

Describe what the limiting factors would be and try to quantify their effect on total capacity.

You could expand and adapt what you already did below:]]

the number of guides (hunting) permitted on each district in relation to the land area (acres) they service. An estimate of the number of acres and guides are as follows:

Santa Rosa RD = 3 multiple species and 6 lions over 270,000 ac.

$270,000/9 = 30,000$ ac/guide

Jarbidge RD = 3 guides over 241,000 ac. $241k/3 = 80,000$ ac/guide

Mt. City RD = 12 guides over 512,000 ac. = 42,600 ac/guide

Ely RD = 16 guides over 1.1 million ac. = 69,000 ac/guide

Ruby Mt RD = 5 guides over 412,000 ac. = 82,400 ac/guide

Austin/Tonopah RD's = 5 guides over 2.1 million ac. = 420,000

It is recognized that not all areas of the district are useable or desirable, so this is probably not a useful analysis. Also, Jarbidge and Ruby Mt. RD's are primarily wilderness, so lower number of guides/ac. are likely desirable. Furthermore, several of the guides are permitted for more than one district and/or BLM through the joint permitting process.ac/guide

[[My guess is you will say that existing outfitters currently supply the current need, and that future needs can be accommodated by expansion of existing operations.]]

CONCLUSION OF NEED ASSESSMENT

(Finish the paper with a summary of your conclusions and the determination of "need". Try to be specific and quantify where possible.)

Some additional thoughts for you to consider, based on your paper.

3. Once you run through the assessment, you will need to decide if you will consider additional outfitter and guide services. This will require NEPA. The questions you proposed to ask permittee's could all form the basis of a scoping letter analyzing the opportunity for new outfitter and guide services.

- a) What can the Forest Service do through the permit process to help meet the needs and expectations of clients?
- b) What would happen to your operation if more/less permits were issued in the 3 RD's.?
- c) What influences your decision on where to operate?
- d) How would being assigned established territories affect you?

6. Yes to #6. Send a letter stating the analysis process and policy should go to the currently permitted guides, NDOW, and BLM.

7. Good idea. Will help you evaluate your current operations and give you indications for the future.

8. Might be better to just assign camps and let the outfitters work out the territory issue themselves. You can spatially arrange the outfitters through the annual operating plan camps. Where Nevada does not have a territory system (like Idaho does) you open yourself to a lot of issues about fairness in allocating territories, etc... if you do it that way. Through your analysis you should have identified how many outfitters are appropriate within each area.

9. The needs assessment criteria are different than those for evaluating a prospectus offering. See the criteria in the document for the needs assessment. You will just need to evaluate each application as closely as you can against the criteria you list in the prospectus when you get to selecting outfitters.

10. Might not want to get into this area, as those are employer/employee relations. Also can lead to abuse if you start having subletting of permit operations. This is NOT the way to go. Either the existing outfitter is providing adequate service or you need to have new outfitters. Expansion of existing outfitter operations is okay where warranted, but make sure it's one business, not two. The special use permit does not allow for subletting.

11. The outfitter is ultimately responsible for the activities of all his guides.

12. The last I heard, joint permits were not allowed, because of the different authorities and fiscal procedures. Local managers may be able to have joint permits where a Memorandum of Agreement exists as to how to handle the different agency procedures. This will require some more research.

13. You could do this once the needs assessment is completed. Matching NDOW's process timeline would be appropriate, but you may need to back that up because of our NEPA timelines.

15. Expanding existing operations is probably the better way to go if they are qualified and provide expected services. Use the needs assessment to determine if the expansion is necessary and then the NEPA process can help you determine if existing outfitters would be the way to fill the need.

(Move the appropriate parts of this letter to the Needs assessment. Then rewrite the letter to reference the needs assessment and the conclusions you reached.)

United States
Department of
Agriculture
Central Nevada Ecosystem

Forest
Service

Humboldt National Forest
Toiyabe National Forest
Northeast Nevada Ecosystem

Reply To: 2720
Subject: Outfitter/Guide Permit Issuance Process

Date: November 20, 1997

To: District Rangers of Ely, Mountain City, and Santa Rosa Districts

Purpose: With your concurrence, this memo clarifies how the Ely, Mountain City, and Santa Rosa Ranger Districts (RD's) will issue new permits for outfitting/guided activities.

Background: The majority (>90%) of guided activities occurring on the National Forest in Northeast and Central Nevada are associated with hunting and fishing. The Jarbidge and Ruby Mountains RD's are currently completely allocated with the number of permittees guiding hunting trips as determined by a previous analysis of resource capacity. The Ely, Mountain City, and Santa Rosa RD's currently have the permitted guides and activities listed in Appendix A. Mountain City and Santa Rosa RD's have been experiencing one to two new applicants per year for guided hunting trips. The Ely RD issued a policy letter on August 10, 1994 stating that no new permits for guided hunting would be issued above the current number of permits (16) for the next three years. The Ely RD has operated below that level of permits due to a lack of new applicants to fill to that number. Each of the districts have received comments from permitted guides with respect to there being too many guides, and each district has received comments from applicants that there are too few guides.

None of the three districts administer permits with a specified number of service or user days due to a lack of competition and enough perceived capacity of the recreation resource for all users. None of the three districts have received any comments from the general public stating that not enough guides are available for the activities desired. It is generally felt among the permit administrators that there are no significant resource concerns with any of the current permits as no large base camp operations occur on the National Forest. There have been no recent complaints of guided vs. non-guided user conflicts occurring on the National Forest, although there is always the general perception of hunting areas being crowded during hunting season.

The Forest Service has been experiencing a lack of funding and personnel to administer and analyze new special use permits, current permits are not evaluated each year, and there are illegal guiding activities occurring. Each district has several permits that were issued through a joint process with the BLM, and these permits have a relatively unknown quantity of use occurring on the National Forest, as use is reported by hunting unit.

Direction: In general, the Forest Service objectives for outfitting/guiding can be found in Handbook 2709.11, Chapter 41.53. These are: 1. As identified in forest land and resource management plans, provide for commercial outfitting and guiding services that address concerns of public health and safety and that foster small businesses. 2. Encourage skilled and experienced individuals and entities to

conduct outfitting and guiding activities in a manner that protects environmental resources and ensures that National Forest visitors receive high quality services.

Management direction within the Humboldt National Forest Land and Resource Management Plan (page IV-25) states for managers to "issue special-use permits to permittees fulfilling an obvious public need or demand and where this use will not interfere with other public uses" and to "insure that permittees meet minimum environmental and public standards".

Specific to this analysis process, the Forest Service Handbook 2709.11, Ch. 41.53f-2. states that "Outfitting and guiding permits may be issued when one or more of the following occurs: a. An increased allocation, capacity, or public need is identified through the forest planning process; b. An existing permit is revoked; c. A reduction of service days by an existing holder or holders makes additional service days available; d. Competitive interest in an area, unit, or activity arises where no previously authorized use exists and where the proposed use is compatible with objectives in forest land and resource management plans; e. An application has been submitted to provide outfitter and guide services for an area or activity that has not previously been authorized and for which there is no competitive interest; or f. An existing permit terminates."

Issuance Process: In order to ensure a quality experience for clients by professionally administering the existing permits, the above a. through f. situations shall be adopted as the Ely, Mountain City, and Santa Rosa Ranger District policies with no new permits being issued unless there is a demonstrated need. As per the administration guidebook, "market generated demand or applications for conducting outfitting do not constitute need". Therefore, should an applicant request a permit for an existing permitted activity (e.g. deer or lion hunts) on the district, the need should first be demonstrated by the applicant to the Forest Service. This could take the form of a contact to existing guides that they do not have the capability of guiding any extra clients, and that the potential clients cannot find an available guide. Under this situation, applicants may also be referred to existing permittees to guide as sub-guides under NDOW regulations. The Forest Plan Revision process will not be dealing with assessing the need and demand for uses on these three districts.

If the applicant is proposing a new activity, the district would grant a permit (or conduct a prospectus if needed to review other applicants) assuming all other application conditions were met and there was a public need for that activity. If the applicant is filling in behind a cancelled or expired permit, the district would determine at that time if the vacancy would be handled on a first come, first served basis or if a prospectus should be issued.

This process should avoid any potentially damaging resource and social competition by allowing an unrestricted number of guides. It is recognized that there is much greater land area available for the BLM permits than for the Forest permits. This policy should also allow administrators time to deal with illegal and unsatisfactory guides and administering current permits.

Other Recommendations: It is generally noted that very poor information exists on clients' perception of the services they received. It is recommended that each outfitter/guide be requested to have clients fill out "customer response cards" to assist the Forest Service in determining the proficiency of services offered. This process can be administered through the Annual Operating Plan process.

The above process should be shared with existing permitted outfitter/guides, the BLM, and NDOW.