

**Decision Notice**  
**& Finding of No Significant Impact**  
**Dillon Outfitter Guides Additional Use**  
**USDA Forest Service**  
**Dillon District, White River National Forest**  
**Summit County, Colorado**

## **Decision and Reasons for the Decision**

Based upon my review of both alternatives, I have decided to implement Alternative 2 which is the proposed action to approve the additional use proposed by the existing outfitter / guide permittees.

### **Background**

The purpose of the proposal is to allow for currently permitted outfitter / guides to expand their operations to include additional use on traditional routes and areas and to expand into other areas on the District.

### **Alternatives**

#### **Alternative 1 (No Action)**

Under this alternative, the proposed action would not be implemented. The four permittees would only offer the services that are currently authorized under their existing special use authorization.

#### **Alternative 2 (The Proposed Action)**

Four outfitter / guides who possess 10-year priority use permits to conduct commercial activities on the Dillon Ranger District have requested permission to offer additional outfitter/guide opportunities on the national forest. The permittees have requested to offer services to more people on the same routes and areas that are currently identified on their special use authorizations. Additionally, they have requested to offer the same activities on new routes and areas in the District. The additional use is measured in user days. A user day is one person participating in an activity for all or part of one day. A person recreating for 1 hour and a person recreating for 12 hours are both considered one user day. The following is a brief description of the permittees and their proposed additional use.

- 1) **Colorado Mountain College (CMC)** has a local campus which includes field trips on the National Forest. They are requesting an additional 1,624 user days. Permitted activities include hiking, backpacking, snowshoeing, cross country skiing, and ice climbing. All of these activities are associated with course instruction.
- 2) **Keystone Science School (KSS)** operates a youth environmental education facility with field trips on the National Forest. They are requesting an additional 2,108 user days. Permitted activities include hiking, snowshoeing, cross-country skiing, and camping. All of these activities are associated with course instruction.
- 3) **Breckenridge Outdoor Education Center (BOEC)** provides outdoor experiences for mentally and physically challenged persons (primarily youth). They are requesting an additional 1,260 user days. Permitted activities include hiking, biking, backpacking, and snowshoeing.

- 4) **Rocky Mountaineering Guides (RMG)** offers mountaineering (winter and summer) activities. The permittee is requesting an additional 155 user days. Trips usually consist of 2-5 clients. This proposal is primarily for the same activities in new locations.

A total of 5,147 user days are proposed.

### **Alternatives Considered but Eliminated from Detailed Study**

The four permittees submitted proposals for numerous activities on the Dillon Ranger District for a total of 21,330 user days. Each proposed activity in specific locations was analyzed by the District Interdisciplinary Team (IDT) to determine consistency with the White River National Forest Land and Resource Management Plan. A list of screening criteria was developed to eliminate activities inconsistent with direction and objectives. The screening criteria identified where social or resource concerns existed. If design criteria could be developed to address concerns, then proposed activities were included in the Proposed Action. If the concerns could not be mitigated, then the activities were dropped from the proposal. For example, where use is proposed in wilderness in areas that already receive high use, the proposal was modified to weekdays only when use is lowest. The Proposed Action contains about 24% of the activities requested by the permittees. Most of eliminated activities were off-trail use. The Proposed Action was developed such that there would be minimal effects to the resources considered.

### **Rationale**

I have selected Alternative 2 in this decision. When compared to the other alternatives, including those considered but eliminated from detailed study, Alternative 2 best meets the purpose and need of providing for the education of the public (especially young people) about environmental issues and conservation through the efforts of the permitted outfitter/guides. It also meets the need for existing outfitter / guides to expand their operations to allow for greater variety in their education and recreation program so that they can be economically and financially stable. These outfitter / guides will be able respond to the visitors to the Dillon Ranger District who do not have the skills or equipment to participate in particular recreation activities.

### **Public Involvement**

The Forest Service consulted the following Federal, State, tribal, and local agencies during the development of this EA: Colorado Parks and Wildlife, U.S Fish and Wildlife Service, Summit County Government and planning commissions, and the towns of Dillon, Silverthorne, Frisco, and Breckenridge. No comments were submitted during the 30-day scoping period. Consultation with Tribes was accomplished by providing the White River National Forest Schedule of Proposed Actions each quarter.

### **Finding of No Significant Impact**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

### **Context**

The significance of an action must be analyzed in several contexts and varies with the setting. In the case of a site-specific action, significance usually depends on the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant (40 CFR § 1508.27).

The environmental effects of this project are analyzed at varying scales (e.g. the project area or the watershed) as described for each resource in Chapter 3 of the Dillon Outfitter / Guides Additional Use EA and in the project record. I have reviewed the cumulative effects of past management combined with this project and reasonably foreseeable future actions as they are analyzed in Chapter 3 of the EA, and feel that the context of this decision is limited to the land in and adjacent to the project area. The analysis in Chapter 3 indicates that project design and application of Forest Plan standards and guidelines and best management practices will minimize negative impacts to all resources. Given the localized nature of impacts described in the EA, the project will have no measurable effects at the regional or national levels and therefore consideration of significance will focus on the local setting.

## **Intensity**

Intensity is a measure of the severity, extent, or quantity of effects, and is based on information from Chapter 3 of the Dillon Outfitter / Guides Additional Use EA and the project record. I have determined that the ID Team considered the effects of this project appropriately and thoroughly with an analysis that is responsive to concerns and issues raised by the public. They took a hard look at the environmental effects using relevant scientific information and their knowledge of site-specific conditions gained from field visits. My finding of no significant impact is based on the intensity of effects using the ten factors identified in 40 CFR § 1508.27b.

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*

As described in the effects section and project record, there are likely to be beneficial effects, but very little adverse effects to certain resources from taking the actions proposed in the Selected Alternative. In reaching my finding of no significant impact, I did not ignore or trivialize negative effects by "offsetting" them with beneficial effects. The EA demonstrates that, due to careful project design that incorporates protective measures (Forest Plan standards and guidelines, water conservation practices, and site-specific design features), the possible negative effects are relatively minor, and are not directly, indirectly, or cumulatively significant. I find that the beneficial effects do not meet a threshold for significance either.

- 2. The degree to which the proposed action affects public health and safety.*

As discussed throughout this EA and its appendices, there would be no significant adverse effects to public health and safety because of the project design.

- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no park lands, prime farmlands, research natural areas, or wild and scenic rivers or in or near the project area, and therefore none would be affected by this project. The interdisciplinary team identified areas and special features to be protected. The cultural

resources would not be affected by the activities. Some activities do occur in the Eagles Nest Wilderness. The activities are consistent with the wilderness direction in the Forest Plan as well as the Eagles Nest Wilderness Management Plan. As a result, the EA clearly demonstrates there will be no significant effects to any of these resources.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*

In the context of the National Environmental Policy Act, controversy refers to a substantial dispute in the scientific community regarding the effects of an action, not social opposition. Our contacts with the U.S. Fish and Wildlife Service, and the Colorado Division of Wildlife did not identify any scientific controversy regarding the direct, indirect, or cumulative effects of this project. The interdisciplinary team for this project considered scientific research to determine its applicability to the project and found no controversy related to the predicted effects. Based on these factors, and the analysis provided in the EA and project record, I have concluded that the effects of the Selected Alternative on the quality of the human environment are not controversial.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*

The White River National Forest has considerable experience with managing outfitter / guides. The range of effects is similar to those taken into consideration and disclosed in the Forest Plan FEIS, Chapter 3, and the effects of this project are within the range anticipated in that FEIS and the Forest Plan Record of Decision. The effects analyses in this EA demonstrate that the effects and subsequent use are not uncertain or significant and do not involve unique or unknown risks. The body of knowledge gained through years of project-level and programmatic monitoring, wildlife surveys, and professional experience provides a basis for the effects analysis in this EA and supports my determination that there will be no highly uncertain effects or unique or unknown risks associated with this project

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

This is not a precedent-setting decision. Similar projects have occurred for decades across the Forest and the Region. The effects of implementing the Selected Alternative were disclosed in the effects section of this EA and the project record, and are within the range of effects of similar actions. They also are within the range of effects disclosed in the Forest Plan FEIS, which analyzed the effects of special uses management at a larger scale. The implementation of the Selected Alternative does not make a commitment to do anything in other areas on the White River National Forest or any other national forest. It would not set a regional or national precedent. For these reasons, I have determined this action does not establish a precedent for future actions with significant impacts.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

The effects section of this EA discloses the combined effects of this project with other past, present, and reasonably foreseeable future actions. None of the actions included in Selected Alternative would create significant impacts alone or when considered with other actions. The ID Team carefully considered cumulative effects analysis areas and timeframes, including private lands where it made sense for the resource, that would most thoroughly examine and predict

effects. Based on the analysis in this EA and incorporating by reference the range of effects predicted in the Forest Plan FEIS, I have determined that implementing the Selected Alternative will not result in significant cumulative effects because there are no direct or indirect effects due to the screening and design criteria.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*

The proposed project would result in no effect to historic properties because the activities are consistent with those already occurring. I find that this decision will not adversely affect any cultural or historical resources.

9. *The degree to which the action may adversely affect all endangered or threatened species or its habitat that have been determined to be critical under the Endangered Species Act of 1973.*

The biological assessment (BA) determination for this project is a "No Affect" for the Canada lynx, a species listed as Threatened under the Endangered Species Act.

10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

As described in the EA and in the project record, Alternative 2 fully complies with the requirements of the National Environmental Policy Act, Clean Water Act, Endangered Species Act, National Historic Preservation Act, and the National Forest Management Act. It is consistent with the Forest Plan for the White River National Forest and complies with Executive Order 12898 (Environmental Justice). All applicable laws for the protection of the environment are incorporated into the standards and guidelines in the White River National Forest Plan. The Selected Alternative complies with the Forest Plan, as described above in the Rationale for the decision, and in this EA. I find that none of the actions in this decision threaten to violate applicable Federal, State, or local laws or other requirements to protect the environment.

## **Findings Required by Other Laws and Regulations**

This decision is consistent with the White River National Forest Land and Resource Management Plan (Forest Plan) as required by the National Forest Management Act and all other laws, regulations and policies that govern Forest Service actions. The project was designed to conform to the Forest Plan and all other laws, regulations and policies. Forest Plan standards and guidelines will be applied as appropriate to meet Forest Plan goals and desired conditions.

A Minimum Requirements Decision Guide process was used to address the issue that commercial enterprises are prohibited uses identified in the Wilderness Act (Section 4c). Section 4 (d) (6), however, states that commercial services may be performed to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas. Although commercial services are a prohibited use in wilderness, the benefits of education outweigh any possible negative effects. Wilderness character will be maintained and greater understanding and support of wilderness will result through the educational services provided by the permittees.

## Implementation Date

This decision may be implemented immediately upon signing of the decision notice.

## Contact

For additional information concerning this decision, contact Ken Waugh, US Forest Service, P O Box 620, Silverthorne, CO 80498, 970-468-5400, [kwaugh@fs.fed.us](mailto:kwaugh@fs.fed.us). The EA can be found at the White River National Forest website at:

<http://www.fs.usda.gov/projects/whiteriver/landmanagement/projects>



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**Jan Cutts**  
Dillon District Ranger

11/14/2014  
Date

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