

MOUNTAIN LAKES WILDERNESS
OUTFITTING & GUIDING "PUBLIC NEED" ANALYSIS
WINEMA NATIONAL FOREST

PREPARED BY
CLIFFORD C. MITCHELL, RESOURCE ASSISTANT
KLAMATH RANGER DISTRICT

October 20, 1994

I INTRODUCTION

This document is an analysis of the "public need" for commercial outfitting and guiding (hereafter written as O&G) services in Mountain Lakes Wilderness located on the Klamath Ranger District, Winema National Forest. The District received a detailed formal application for a permit on April 28, 1993 from Dan Applebaker who operates Wilderness Mule Packing. There are 3 other individuals who have contacted the District about getting an outfitter and guide permit for either the Mountain Lakes or Sky Lakes Wildernesses. Discussions with Mr. Applebaker about the timing of analysis allowed it to be postponed to fiscal year 1994/early 1995.

This 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 & guiding permits. This is NOT an Environmental Analysis (EA) of the effects of outfitting & guiding in the Mountain Lakes Wilderness.

II OUTFITTING & GUIDING ON NATIONAL FOREST SYSTEM LANDS

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 user on National Forest System lands.

Permits are issued to:

1. Assure that a service we require is provided 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 desires their assistance in accomplishing our management goals and objectives. They are not a user, they are an agent to provide services to the public. The relationship between the Forest Service and an outfitter is one of a "partnership".

Issuance of an O&G permit requires a 5 step process:

1. Determination of a demonstrated public need has been completed and documented by the Forest Service.
2. The issuance proposal has been fully evaluated and the appropriate NEPA analysis/documentation had been completed.
3. The analysis and decision has been documented and linked to the Forest plan.
4. The bid prospectus process has been followed for solicitation for applicants, evaluating competition and providing required documentation/information on applicants.
 - a. Applicant has proven financial capability and possesses adequate experience/expertise to operate a successful sustainable business.
 - b. The most highly qualified applicant(s) has been selected via a formal documented applicant selection/use allocation process.

5. The permit is issued consisting of:

- a. The basic permit
- b. Operating plan; this is for the tenure of the permit
- c. Annual itinerary (annual operating plan)

General direction on the issuance of O&G permits is contained in Forest Service Handbook (FSH) 2709.11 and Forest Service Manual (FSM) 2320.13g.

FSH 2709.11,41.53a states that we should issue and administer permits for outfitter and guide activities to:

1. Meet general public recreation service needs identified through forest land and resource management planning.

FSM 2323.13 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 recreational or other wilderness purposes.

FSM 2323.13g - States that we should address the need for and role of outfitters in the Forest plan. We must ensure that outfitter and guides provide service in a manner compatible with use by other visitors and which maintains the wilderness resource.

FSM 2712.2 states that a permit may be issued when there is a demonstrated public need for the service.

III Winema NF Plan Direction

The 1990 Winema National Forest Plan provides direction concerning wilderness management and issuance of outfitting and guide permits in the Mountain Lakes Wilderness.

Forest-wide Wilderness Desired Future Condition:

The desired future condition is an area that has retained its primeval character without permanent alterations of human habitation. The area appears to have been affected primarily by the forces of nature; evidence of human intrusion is substantially unnoticeable. Vegetation is the result of natural succession. The area provides outstanding opportunities for solitude and a primitive type of recreation experience. Isolation from the sights and sounds of others is likely, as is the experience of independence, closeness to nature, tranquility, and self-reliance.

Standards and Guidelines

1. Areas shall be managed to meet objectives for each wilderness resource spectrum (WRS) class in accordance with FSM 2320, R-6 Supplement 81.

2. The limits of acceptable change (LAC) system shall be used to establish measurable resource and social factors to define the maximum limit of negative change allowed by WRS class for each wilderness.

3. Resource limits on damage due to human activity and social limits on visitor use by WRS class common to all three wildernesses are shown in table 4-28.

Specific to Mountain Lakes Wilderness, Standard and Guideline #6, page 4-127 states "Outfitter-guide permits may be issued, but only one party per day shall be permitted.

The March 1990 Mountain Lakes Wilderness Management Plan has direction specific to O&Gs.

Item #4 states that O&G's are permitted; no more than one permit for any one day (including large groups not associated with outfitter guides) will be issued. Outfitter guides must adhere to the 10 people/stock combination group size limitation.

IV Determination of Public Need

What is "public need"??

Public need is a need identified by the Forest Service which is deemed essential or required for the well-being of the public and in order to meet the intent of the Forest's mission to manage and protect wilderness resources, provide for public safety, and provide high quality public recreation services (Barker, 1993).

Barker (1993) states that a prospective outfitter's desire for a permit does not constitute a public need, nor does market generated demand (solicited calls/letters) by a potential applicant constitute a public need. The Forest must determine the need based on its mission, goals, and objectives and resource capability. Commercial use of public lands is permitted only to help achieve the mission of the Forest Service.

Evaluation Criteria used for determining the need for outfitter assistance in the management of the Mountain Lakes Wilderness were established following the criteria used by the BLM for the Dillon Resource Area in Montana (Dillon Resource Area Outfitter Management Guidelines - BLM, March 1993).

1. Skills and Equipment - outfitter skills and equipment are needed by a portion of the public because of one or more of the following:

a. Specific skills required for activities appropriate for the area require substantial time and/or talent to learn.

b. Learning necessary skills and participating in the activity requires 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 use of an outfitter is almost a prerequisite if the public is to have any opportunity to participate in and enjoy the activity.

2. 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.
3. Safety - an outfitter's special skills and equipment are needed for a reasonable level of safety for the participants. Without outfitter assistance, members of the public could seriously endanger their health or lives.
4. Special Management Objectives and/or Issues - outfitter assistance is needed to insure special management objectives are met and/or issues resolved. Examples could 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 recreational 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.
5. Extent to Which Existing Outfitter Permits are Being Utilized.
6. Level of Use and Conflict - conflicts between all types of users, private and commercial in the wilderness.

Application of Criteria to Mountain Lakes Wilderness

1. Skills and Equipment

About 15 to 20 percent of the visitors to this wilderness use livestock to assist with their trip. Many of the local repeat visitors who use stock have the necessary equipment to conduct a trip without the use of an outfitter. The majority of these users conduct day-use trips without camping overnight. The skills required are not so unique that an outfitter is almost a prerequisite if the public is going to participate in the activity. The Klamath District has not been asked by non-residents for names of outfitters that might be operating in Mountain Lakes Wilderness.

2. Knowledge of the Area

The Mountain Lakes Wilderness is a relatively small wilderness. It is one square township, approximately 23,071 acres in size. It is a collapsed volcanic peak. Three trailheads provide access into the loop trail that circles the old rim. Total trail mileage in the Wilderness is 24.1 miles. Several lakes provide destination spots for visitors.

The small size and simple trail system allow visitors to easily access the area. Basically, all a person needs is a Wilderness map in order know where to go. The situation is simple enough that even without a map, visitors can easily visit the area.

3. Safety

The District is not aware of any search and rescue events associated with visitors with livestock in this wilderness. The public is visiting the wilderness using livestock in a safe manner.

4. Special Management Objectives

There are currently no special management objectives or considerations that an outfitter could assist in accomplishing. Current wilderness management guidelines establish restrictions needed to meet resource protection objectives.

There is a need to increase the knowledge of wilderness regulations and low impact use skills in the public. This should be accomplished outside the wilderness before visitors plan and pack up for a trip. The annual packing clinic held in Klamath Falls contacts a significant number of visitors who use livestock. Any educational effort should emphasize contact and training outside the wilderness to assist potential visitors in planning and preparing for a visit.

5. Extent to Which Existing Outfitter Permits are Being Utilized

There are currently no existing outfitter permittees in Mountain Lakes Wilderness.

The adjacent Sky Lakes Wilderness also provides wilderness recreation opportunities to the public. There are 2 commercial outfitter and guide permittees and one semi-public permittee operating in the Sky Lakes Wilderness. The two commercial permittees have been allocated 50 service days annually as a minimum. Only one year, 1990, in the past 4 have these two permittees used more than 50 service days. Average commercial outfitter use for the past 4 years (1990-1993) in Sky Lakes Wilderness has been 29 Service Days. In 1993 the use was 24 and 16 Service Days for the two commercial operations.

6. Level of Use and Conflict With Other Users

Since there are no commercial operators currently in the wilderness there are no past conflicts. However, the two most popular lakes in the Wilderness, Harriette and Como, have special use restrictions due to past impacts and the potential for increased impacts. No oversize parties are allowed at anytime at either of these lakes.

Conclusion

Based on the limited size of this wilderness, excellent public access facilities, the lack of the need for special services (ie. disabled users, assisting troubled youth, etc.), lack of special management objectives that an outfitter could assist in accomplishing, and lack of expressed public interest, the use of outfitter and guide services is not essential to the stewardship of this wilderness.

Clifford C. Mitchell

Clifford C. Mitchell
Resource Assistant

BIBLIOGRAPHY

Barker, Monte F. 1993. Barker's Bible on Outfitting, Comprehensive Compilation of Direction Pertaining to Outfitting On National Forest System Lands. USDA Forest Service, Region 1.

U.S. Department of the Interior, Bureau of Land Management. 1993. Dillon Resource Area Outfitter Management Guidelines. Dillon Resource Area, Montana