



National Park Service  
U.S. Department of the Interior

Yellowstone National Park  
Wyoming, Montana, Idaho

## **Finding of No Significant Impact**

### **Commercial Stock Outfitter Concession Contracts**

### **Environmental Assessment**

## **Background**

In compliance with the National Environmental Policy Act (NEPA), the National Park Service (NPS) has prepared an Environmental Assessment (EA) to examine various alternatives and environmental impacts associated with issuing concessions contracts for commercially guided saddle and pack stock outfitter use activities within Yellowstone National Park (YNP).

The purpose and need of the proposed action is to allow for and provide opportunities for visitors to experience the backcountry of YNP by guided saddle and pack stock trips and to protect the natural and cultural resources of the park. The NPS believes that this EA protects those resources, while at the same time accomplishes objectives set forth in this EA.

Currently, the park has 42 concession contracts for guided saddle and pack stock tours. The current 10-year contracts would have expired in December, 2013, but have been extended in order to allow time for the preparation of this EA. This project presents an opportunity to analyze the impacts of commercially guided saddle and pack stock use in YNP and provide mechanisms to monitor and manage use based on resource impacts. It is not the intent of this plan to eliminate stock use in the park, but rather, to manage commercial saddle and pack stock use in accordance with the *NPS Concessions Management Improvement Act* and the *2006 NPS Management Policies*.

## **Objectives**

Specific objectives of the plan include:

### **1. Visitor Experience**

Continue to provide an opportunity for a suitable visitor experience, particularly for those visitors who could not experience the backcountry otherwise.

### **2. Appropriate Levels of Use**

Maintain appropriate levels of commercial saddle and pack stock use in the park that would not result in a degradation of resources.

### **3. Compliance**

Comply with the NPS Concessions Management Improvement Act, the National Environmental Policy Act, the National Historic Preservation Act (NHPA), the *2006 NPS Management Policies*, and all appropriate rules and regulations.

#### 4. Recommended Wilderness

Maintain the level of commercial saddle and pack stock use in Yellowstone's recommended wilderness at the minimum necessary for public education and visitor enjoyment.

### Selection of the Preferred Alternative

The NPS examined three alternatives, including Alternative A (No Action), Alternative B (Continue Commercial Stock Outfitter Use at Current Operating Conditions), and Alternative C (Commercial Stock Outfitter Use with Monitoring-Based Management). The NPS has selected Alternative C, Commercial Stock Outfitter Use with Monitoring-Based Management, as the preferred alternative (selected action) because it best meets the purpose and need for the project as well as the project objectives. Under Alternative C:

- Commercial stock outfitter concession contracts will be **issued at the current number** of contracts. Presently, the number is 42. Terms and conditions of the contracts including the Operating Plan may be adjusted and modified.
- Commercial saddle and pack stock contracts will be issued for **up to a 10-year term**.
- In 2016, a **day-ride reservation system** will be implemented parkwide based on visitor safety, resource impacts and parking availability.
- **Temporary closures and/or restrictions** may be used by management to address parking issues, resource impacts, and visitor safety concerns.
- The park will retain the ability for flexible management options based on resource monitoring (described below) through a **monitoring-based management strategy**. Trails, campsites, and stock use areas will be monitored to assess conditions and impacts to resources. A monitoring-based management strategy will allow park managers to implement additional management options, as needed, if trails cannot be adequately maintained in the future. Monitoring for various aspects of backcountry operations has been in place for more than 20 years, however, additional resources have been and will be identified for monitoring through a monitoring based management strategy. Using the traditional methods employed in the past as well as the new methodology, this plan will be able to provide a more collaborative, holistic approach to basing management decision in the backcountry. Park managers could choose to further limit stock use. Limits on stock use could be by number of stock per day, number of trips per day, number of trips per year, number of trips per trailhead, or close trails to stock use permanently or seasonally. The intent of these possible management actions is to consider and weigh all impacts to trails, natural and cultural resources, visitor experience, safety and park operations to determine future actions.
- Tracking Commercial Saddle and Pack Stock Use – The following **monitoring efforts** will occur:
  - **Vegetation:** The more habitual impacts to backcountry use occurs to vegetation and soil resources. The key to vegetation monitoring will be to continue these established monitoring methods including:
    - Campsite Inventories – These were first developed in 1992 and were redesigned in 2007. Methods included a visit to all designated backcountry campsites and measurements of areas of bare ground and trampled vegetation associated with the core campsite. Damage to trees and the presence of nonnative invasive vegetation were recorded. These assessments will determine visitor use levels in the backcountry, and to establish criteria for “no net loss” management of backcountry and wilderness values. These assessments should be conducted on a 5-10 year cycle to identify localized long-term impacts and issues, and adjust as needed, management of campsite use.
    - Grazing Analysis – Campsites that allow stock have been evaluated using an established, ‘grazed loop’ method to determine the amount of forage utilized by stocked retained near campsites. This method was developed by the U.S. Forest Service for permitted grazing allotments. If grazing utilization occurred greater than 35-50%, then vegetation species composition will likely change and adjustments to stock use will need to be implemented to maintain impacts below these thresholds.

- Social Trails – As part of systematic resource surveys, development of social trails will continue to be surveyed and photo points and condition assessments will be established. The requirement for outfitters to report all off-trail travel to the park concessions office will be critical. The information will be used by staff to monitor off-trail travel and identify potential impacts associated with high volume use and the development of social trails.
- **Water Quality:**
  - Backcountry campsite and trailhead inventories will evaluate water quality impacts to nearby streams from campsite latrine use and stock waste. This will include visual inspection of campsites and stock grazing areas and water sample analysis if determined necessary.
- **Geothermal Resources:**
  - The primary concerns of backcountry use in the geothermal areas are safety, illegal off-trail travel, and vandalism to geothermal resources. Known geothermal and hydrothermal areas will be evaluated using photo-points to determine occurrence and extent of off-trail travel and damage to these resources.
- **Wildlife:**
  - Monitoring will emphasize food storage and assure food storage methods such as food poles and bear boxes are in place and in good working condition. In addition, high levels of human use could lead to habituation of bears and wildlife to people. In areas where food sanitation is compromised, or bear and other wildlife habituation occurs, recreation use will be addressed and changed if necessary. Additional concerns relate specifically to stock use during occasional backcountry stock mortality events (e.g. horses, mules, lamas). These events can result in carcass presence that typically attracts wildlife and results in increased human safety risks and food conditioning to areas adjacent to trails and designated camp sites. Such cases require temporary closures and suspension of recreational activities until either the carcass is removed or fully utilized.
  - According to the Terms and Conditions outlined in the Biological Assessment of Commercial Stock Outfitter Concession Contracts/Plan Environmental Assessment, developed by the United States Fish and Wildlife Service (USFWS) and the Park, the Park will monitor and document any violations of food storage regulations or other bear-related incidents associated with commercial stock use, related activities and clients. Monitoring and reporting related to the progress of the proposed action, and any take of grizzly bears related to commercial stock outfitter contacts is required to be submitted annually to the Service's Wyoming Field Office.
- **Archeology:**
  - Stock use trails and facilities will be monitored to assess conditions and impacts to archeological resources. Monitoring will build from established archeological assessment protocols and existing site conditions in order to identify and evaluate archeological resources potentially impacted by recreational use. In addition, inadvertent discoveries potentially related to such use will be documented.
- **Park Asset Assessment:**
  - The park will continue with established asset assessments associated with backcountry use. With more accurate records of where and how commercial saddle and pack stock use will occur, park staff will emphasize these assessments to recognize failing structures such as trail bridges and erosion control structures, trailhead parking areas with associated features such as bumper logs, striping, etc. Information from these asset assessments will be used to prioritize park maintenance activities and/or adjust recreational use patterns.

In addition to monitoring, this alternative could include:

- **Hiker trail counts-** Day use was monitored in 1992 and individual trails have been monitored intermittently since then, but the increase in park visitation and unknown shifts in use patterns requires updated data. This

data will help park managers analyze impacts and develop solutions for mitigating those impacts.

- **Private Day stock use counts-** Currently private day stock use is not counted and the exact amount of use is unknown. Anecdotal information is available, particularly which areas are used more, but actual numbers are not known.
- Installation of **hitching posts** where needed.
- **Designated stock trailer parking and vehicle parking** at heavily used areas.
- **Closures** of trailheads, trails, and/or campsites if the impacts are too great.
- **Limits to the number of stock use days** in heavily used areas.
- **Provide information to visitors** on horse use in the park by signing trails as "Heavy Horse Traffic" and by ensuring a "stock-free" list of trails is available to visitors at visitor centers.

## Mitigation Measures

- A guide certification program for stock outfitters was adopted in 1988 to ensure quality visitor services, improve information exchange between the park and outfitters, and provide for safety of operations. Not every staff member must be certified, but there must be one certified guide on each trip. Guide certification is valid for two years. Commercial stock outfitters have the responsibility of ensuring their staff reviews the certification program and are familiar with the current Operating Plan and NPS regulations required for leading trips with stock in YNP. The guide certification program covers the Operating Plan, park regulations, and leave-no-trace stock handling and retention requirements specific to YNP. The guide certification program is distributed to outfitters via DVD or online.
- The following must be reported as soon as possible to a park ranger or to the Park Communication Center: fatalities, employee or visitor injuries requiring more than minor first aid, motor vehicle accidents resulting in property damage, personal injury or death, incidents resulting in injury or property damage exceeding \$300, incidents adversely affecting the park's resources or damage to government property, any known or suspected violation of the law.
- One guide on each trip within the park must be trained in First Aid and CPR and possess current certifications. At a minimum, a basic first aid kit will be carried by each party.
- The concessioner and their clients must abide by the Food Storage and Food Sanitation Guidelines. Any food or other bear attractants may not be left unattended or must be properly stored.
- Each trip must carry a minimum of one can of bear spray. Bear spray for clients is recommended.
- Prior to the trip, the concessioner must provide all clients with an orientation that emphasizes safety, bear habitat, Leave No Trace principles, park rules and regulations, and the nature and demands of the trip.
- All vehicles, trailers, and equipment must be washed before entering into the park.
- All loose hay, straw, and other plant products must be removed from beds of vehicles and interiors of open stock trailers prior to entering the park.
- All trailers will be cleaned of manure before stock is loaded for a trip into the park.
- Weed seeds from stock must be removed by thorough brushing and cleaning of hooves prior to transport into the park.
- The concessioner must ensure that all clients stay a distance of at least 100 yards from bears and wolves and a distance of 25 yards from bison, elk, and other animals.
- Feeding, touching, teasing, or intentionally disturbing or injuring wildlife is prohibited.
- All bear observations must be reported to the Central Backcountry Office or a park ranger as soon as possible.
- The concessioner is responsible for informing its employees and clients of park regulations and assuring compliance. The contract holder will not allow employees or clients to disturb or remove any historic and/or

cultural artifacts in the park including arrowheads, obsidian fragments, or other cultural resources such as glass, metal, or wood objects. Rocks, flowers, plants, parts of plants or animals (alive or dead), and other natural resources shall not be disturbed or removed.

- The concessioner will comply with all applicable laws, regulations, and terms and conditions of the contract and the current Operating Plan for Guided Saddle and Pack Stock Tours (Appendix C of the EA).
- All motorized vehicles and trailers used by outfitters in the park will be maintained in safe operating condition according to appropriate federal and state regulations.
- The concessioner will park their vehicles in an area approved by the NPS and in such a manner as to afford sufficient space for other users.
- The concessioner is required to comply with federal regulations regarding the transport of stock and may be required to provide proof of testing and necessary immunizations of stock, as required by state, federal, and county agencies.
- Prior to the beginning of each season, the outfitter is required to submit valid proof of a negative Coggins test performed within the last 12 months for each equine entering the park to the Central Backcountry Office.
- Concessioner staffing will be adequate to provide the service advertised, to minimize impacts on the resource, and to provide for the safety and enjoyment of the clients. Minimum number of staff per trip: 1-10 stock = 1 staff, 11-20 stock = 2 staff, 21-25 stock = 3 staff.
- Groups using the same trail will be spaced a minimum of 15 minutes apart. When two groups pass each other, one group shall move off the trail and remain still until the other group has passed. Riders must slow their horses to a walk when approaching and passing persons on foot.
- The concessioner will provide the Central Backcountry Office advance notice of all trips into the park and any changes or cancellations to their backcountry camping reservations.
- To reduce the chance of bear-human conflicts near carcasses of stock (horses, mules, lamas) that die near park backcountry trails, campsites, and trailheads the outfitter will move the carcass at least 1/2 mile from any campsite, trail, or trailhead and 200 yards from any water source. The concessioner will notify the Central Backcountry Office and the local backcountry ranger of the location of dead stock as soon as possible. The concessioner is responsible for paying any costs associated with the removal/disposal. If an animal dies within the park, it is the outfitter's responsibility to remove the carcass from the park or make arrangements for its proper disposal as soon as possible.
- The selected action contains a number of reasonable and prudent measures, terms and conditions, and conservation recommendations to reduce the potential for adverse effects to grizzly bears. The following were developed through formal Section 7 consultation with the USFWS and are included in the Biological Opinion issued by the USFWS on February 7, 2014:

#### **Reasonable and Prudent Measures for Grizzly Bears**

- Minimize grizzly bear conflicts associated with all commercial stock use and related activities.
- Minimize human habituation and food conditioning related to commercial stock use and related activities.

#### **Terms and Conditions for Grizzly Bears**

- NPS staff will document any violations of food storage regulations or other bear-related incidents associated with commercial stock use, related activities and clients.
- NPS staff will monitor impacts of commercial stock use, related activities and clients. The NPS, in coordination with the USFWS, will review the effectiveness of the park's conservation measures and other management efforts outlined in the Biological Assessment as they apply to all commercial stock outfitter contracts, and describe the progress of the proposed action, including impacts to the grizzly bears.
- NPS staff will document its effects to implement and enforce all conservation measures and other orders as described in the Biological Assessment related to commercial stock use and associated tours, etc. in the park.

- Document the NPS staff's efforts to monitor appropriate commercial stock outfitter compliance with existing conservation and other required measures. The annual report will be submitted to the Service's Wyoming Field Office by April 15 of the subsequent year. If one grizzly is killed related to commercial stock outfitters and associated activities in the action area, the park will coordinate with the NPS regarding the adequacy of existing mechanisms to minimize additional take.

### Conservation Recommendations for Grizzly Bears

- Educate saddle and pack stock operators and field-going employees about their responsibilities relating to laws and regulations concerning the protected status, taking, and conservation of grizzly bears (1986 Interagency Grizzly Bear Management Guidelines, 1993 Grizzly Bear Recovery Plan, 2007 Final Conservation Strategy for the Grizzly Bear in the GYA), the potential for occurrence of grizzly bears near or in designated facilities (especially overnight camps), the risks of working in bear country and the need for heightened awareness of bears, appropriate personal safety measures, and proper behavior in bear country.
- Commercial stock outfitters should make bear pepper spray and proper training on its use available to field-going employees in areas of bear occurrence. Additionally, bear pepper spray and proper training on its use should also be available for clients when engaged in activities away from stock but associated with commercial stock tours.
- NPS staff will identify any areas with grizzly bear conflicts that would prompt temporary or permanent changes to saddle and pack stock tour activities.

## Alternatives Considered

Three alternatives were evaluated in the EA, including the no-action alternative and two action alternatives.

- **Alternative A (No Action):** Under this alternative, new commercial stock outfitter contracts would not be issued. There would be no commercially guided saddle and pack stock tours in YNP when the current contracts expire in December, 2014. Since no contracts would be issued, no mitigation measures or Operating Plan would be necessary. No changes to administrative, Xanterra, or private stock use would occur. Trails, campsites, and trailheads would continue to be monitored to assess conditions and impacts to resources.
- **Alternative B, Continue Commercial Stock Outfitter Use at Current Operating Condition:** Alternative B would issue 10-year commercial saddle and pack stock contracts at the current number (44) with similar terms and conditions of current contracts as specified in the Operating Plan. Temporary closures and/or restrictions would continue to be used by management to address limited parking or resource impacts. Resource monitoring, including the resource monitoring plan described in the Purpose and Need (Section 2.1.3), would continue to occur in the backcountry.
- **Alternative C, Commercial Stock Outfitter Use with Monitoring-Based Management:** as the preferred alternative and selected action, this option is described in full in the previous section.

## Environmentally Preferable Alternative

According to the DOI regulations implementing NEPA (43 CFR 46.30), the environmentally preferable alternative is the alternative "that causes the least damage to the biological and physical environment and best protects, preserves, and enhances historical, cultural, and natural resources. The environmentally preferable alternative is identified upon consideration and weighing by the Responsible Official of long-term environmental impacts against short-term impacts in evaluating what is the best protection of these resources. In some situations, such as when different alternatives impact different resources to different degrees, there may be more than one environmentally preferable alternative."

### Alternative A (No Action)

This alternative is the environmentally preferable alternative because:

- Alternative A would have the lesser degree of adverse and increased beneficial effects to all resources except visitor use and experience and socioeconomics.
- Not issuing concessions contracts for commercial saddle and pack stock use would remove approximately 9,500 head of stock from the park each year. However, if commercial saddle and pack stock use was not available to the public, Xanterra stock use may increase, mitigating some of the beneficial effects.

For these reasons, Alternative A is the environmentally preferred alternative because it causes the least damage to the biological and physical environment. It best protects, preserves, and enhances historical, cultural, and natural resources, thereby making it the environmentally preferable alternative to the other two alternatives and for the reasons further summarized in the following paragraphs.

### **Alternatives B and C**

Alternatives B and C would continue commercial saddle and pack stock use and the adverse impacts associated with stock on the landscape. Under these alternatives, there would be beneficial effects to visitor use and experience due to commercial saddle and pack stock trips being available to the public. Although there are increased adverse impacts resulting from these two alternatives, the impacts are negligible or minor due to monitoring and adherence to the current Operating Plan and contract. Because of the impacts associated with Alternatives B and C, it is not the environmentally preferred alternative.

## **Why the Selected Action Will Not Have a Significant Effect on the Human Environment**

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

***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.***

Implementation of the preferred (selected) alternative will result in some adverse impacts; however, the overall benefit of the project, particularly to visitor use and experience, outweighs these negative effects.

The adverse effects are summarized as follows:

- Soil compaction and erosion, loss of organic litter, loss of ground cover vegetation, trail erosion and widening, and the potential spread of non-native species and pathogens into native vegetation will impact soil conditions in campsites, trails, trailheads, and at stock watering and grazing locations to a minor degree.
- Minor impacts to vegetation will occur from trampling, grazing, defoliation, a reduction of plant growth, a change in species composition, reduction in biomass production, plant size, seed output, and contribute to the establishment of non-native plant species. Minor impacts to wetlands will continue at stream crossings and where trails pass through wetlands.
- Negligible impacts to water quality will continue from the slight increased risk of sedimentation when animals cross streams on trails without bridges or culverts or access streams for water and from soil erosion at campsites.
- Disturbances and displacement of wildlife and alterations of habitat from continuation of commercial saddle and pack stock use will continue to have negligible and minor impacts on wildlife.
- Special status species within YNP will generally remain undisturbed and will be managed under the existing master, resource, and fire management plan provisions for wildlife species; therefore, there will be negligible to minor impacts to special status species.
- Federally listed species will continue to have negligible to minor impacts from disturbance and alteration of habitat. Potential effects to grizzly bears include: (1) in rare circumstances, death from the management removal of bears that become conditioned to human foods, or the remote possibility of defense of life and property kills by commercial stock outfitters; (2) negligible changes in the quality of habitat due to soil compaction and introduction of non-native plant species in areas around campsites grazed by stock, (3) negligible changes in food availability due to interspecific competition with stock for grazing resources; (4)

short term temporary displacement from habitat; and (5) minor changes in the frequency of human-grizzly encounters. Whitebark pine seedlings maybe trampled but will have minimal impacts since a majority of outfitters use designated trails. The amount of habitat that will possibly be disturbed by commercial stock use on trails and the backcountry is negligible for Canada lynx and critical lynx habitat.

- The sights and sounds of commercial stock use may make backcountry areas feel less remote and have a minor impact to wilderness.
- Negligible to minor impacts to archeological resources may continue although most commercial saddle and pack stock use occurs on established trails throughout the park. *Mitigation Measures* included in the EA address discovery of unknown archeological or ethnographic resources during project implementation.
- If trails that are typically used are closed, it may become non-profitable for an outfitter to travel further in the park to reach alternate sites. However if a trail was closed there are generally other trails in the area for the outfitter to use and the impacts negligible.
- Closure of trails or limits on use may affect visitor use and experience; however other trails are available and impacts will be minor.
- Monitoring of trail conditions and resource impacts will have negligible impacts on park operations.

***The degree to which the proposed action affects public health or safety.***

The preferred alternative will not adversely affect public health or safety because outfitters will continue to apply the safety requirements that are specified in the current Operating Plan. Prior to each trip, outfitters will continue to discuss safety topics with their clients including rider safety, trail and weather conditions and animal encounters. Additionally, hitching posts may be installed at areas where they are not currently. If limiting stock use on trails occurs, this could result in better trail conditions and less stock waste on trails. The day-ride reservation system will improve congestion and safety at trailheads and deter parking along roads.

***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.***

The preferred alternative will not impact unique characteristics of the geographic area, including park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. Proximity to historic or cultural resources is discussed in the section below regarding the National Historic Preservation Act. Wetlands cover over 357 square miles of Yellowstone and include lakes, rivers, ponds, streams, seeps, marshes, fens, wet meadows, forested wetlands, and hydrothermal pools. Although wetlands and other water of the U.S. represent a portion of the affected environment from commercial stock use, the development of new trails or trail alignments is not proposed in the EA. The impacts that would result from the use of stock would be minor and includes the use of trails, bridges and water crossings that intersect wetlands. Use and maintenance of trails, bridges and other structures that provide access to or through wetlands are considered an action that is excepted from the preparation of a Statement of Findings as stated in the *National Park Service Procedural manual #77-1: Wetland Protection*.

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

The environmental assessment analysis revealed no effects on the quality of the human environment, and therefore the effects are not likely to be highly controversial.

Throughout the environmental analysis process, the proposal to analyze the impacts of commercially guided saddle and pack stock use in YNP and provide mechanisms to monitor and manage use based on resource impacts was not highly controversial. During public scoping, many comments focused on the significant role of stock use in visitor enjoyment and accessibility, stock use as a traditional part of the park's history, and opposition to restrictions or limits on day rides or backcountry use. Other comments included the need for a comprehensive plan for all user groups, hiker/stock conflicts, trail maintenance, and horse manure. During review of the EA, a total of 177 comments were received from 134 correspondences. These comments have been addressed in the attached errata sheets.



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

The environmental process has not identified any effects that are highly uncertain or involve unique or unknown risks. Actions proposed under the preferred alternative will apply the safety requirements that are specified in the *Operating Plan* and other *Mitigation Measures* listed in Chapter 2 of the EA to minimize the degree and/or severity of impacts.

***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.***

The preferred alternative will not establish a precedent for future actions with significant effects because commercial stock outfitters currently operate in the park under concession contracts. At least sixteen years ago, the NPS determined that guided saddle and pack stock tours were a necessary and appropriate service and should be authorized by concession contract. The tours provide visitors with the opportunity to travel into the backcountry for both day and overnight trips, and the contracts include operating plans that protect park resources from unacceptable impacts.

***Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.***

Cumulative effects were analyzed in the EA and no significant cumulative impacts were identified.

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

The agency determination under the National Historic Preservation Act will have no adverse effect on historic properties. With a few exceptions, commercial saddle and pack stock outfitters will be required to camp in existing, authorized locations, and will be prohibited from increasing the amount of barren core in any campsite or constructing new trails. *Mitigation Measures* included in Chapter 2 of the EA address discovery of unknown archeological or ethnographic resources.

In accordance with Section 106 of the National Historic Preservation Act, the NPS provided the state Historic Preservation Officers an opportunity to comment this proposed action. Montana, Wyoming and Idaho State Historic Preservation Officers concurred in 2013 on November 18, December 2, and December 13, respectively, to "no adverse effect" on historic properties.

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

The NPS submitted a Biological Assessment to the USFWS on September 19, 2013. The NPS requested initiation of formal consultation under Section 7 of the ESA for possible effects from the proposed action on grizzly bear and Canada lynx. The Biological Assessment (BA) provided determinations of "may affect, likely to adversely affect" grizzly bear and "no effect" to Canada lynx. The USFWS appreciated receiving information on lynx but does not provide concurrence for "no effect" determinations. Therefore, the biological opinion addresses the effects of proposed actions on grizzly bears for 10 years (2014 to 2024). The USFWS issued a Biological Opinion, which was received by the NPS on February 7, 2014 that outlines take of two grizzly bears within the 10-year duration of the document. The Biological Assessment and the resulting Biological Opinion address all actions to be undertaken by the NPS in association with commercial stock outfitter concession contracts and endangered and threatened species and habitat.

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

The action will not violate any federal, state, or local laws or environmental protection laws.

## Public Involvement

The EA was made available for public review and comment during a 64 day period ending January 10, 2014. To notify the public of this review period, a postcard was mailed to stakeholders, interested parties, and a press release was posted on the park's website. Copies of the document were sent to certain agencies, outfitters who requested a copy at public scoping meetings and to two interested parties who requested a copy during the comment period. The EA was also posted on the NPS PEPC website at <http://parkplanning.nps.gov/StockEA>. A total of 134 individuals submitted correspondence that included 177 comments. Eight substantive comments were received and included topics on length of contract term, monitoring, outreach/education and public involvement, and disperse use. These comments are addressed in the "Response to Comments" attached to this FONSI. The FONSI and Errata Sheets will be sent to all commenters.

### Native American Consultation


A scoping letter was mailed to tribal members of Yellowstone's 26 associated tribes in February 2013, to solicit concerns and comments for the proposed project. A list of all tribes included in this mailing can be found on page 79 of the EA. The same tribal members were sent another letter in November 2013 notifying them of the release of the EA for public review and soliciting comments on the project. The park did not receive any comments from Native American tribes.

### Conclusion

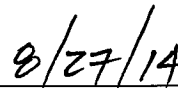
As described above, the preferred alternative (selected action) does not constitute an action meeting the criteria that normally require preparation of an environmental impact statement (EIS). The preferred alternative will not have a significant effect on the human environment. Environmental impacts that could occur are limited in context and intensity, with generally negligible to moderate adverse impacts that range from localized to widespread and short- to long-term. There are no unmitigated adverse effects on public health, public safety, threatened or endangered species, archeological sites or historic districts listed in or eligible for listing in the National Register of Historic Places, or other unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law.

Based on the foregoing, NPS has determined that an EIS is not required for this project and thus will not be prepared.

Approved:



Sue E. Masica  
Regional Director, Intermountain Region, National Park Service



Date

# Errata Sheets

## Commercial Stock Outfitter Concession Contracts Environmental Assessment Yellowstone National Park

According to NPS policy, substantive comments are those that 1) question the accuracy of the information in the EA, 2) question the adequacy of the environmental analysis, 3) present reasonable alternatives that were not presented in the EA, or 4) cause changes or revisions in the proposal.

Some substantive comments may result in changes to the text of the EA, in which case, they are addressed in the *Text Changes* section of the Errata Sheets. Other substantive comments may require a more thorough explanatory response and are addressed in the *Response to Comments* section. NPS responds to all substantive comments in either or both of these sections.

Of the 134 pieces of correspondence that were received during public review of the EA, eight were considered substantive. Substantive comments for this EA centered on length of contract term, monitoring, outreach/education and public involvement, and disperse use.

### Text Changes

**Page 4, Introduction** – Change statement. “Currently the park has 44 contracts for guided saddle and pack stock tours.” to “**Currently the park has 42 contracts for guided saddle and pack stock tours.**”

**Page 4, Introduction** – Change statement. “It is not the intent of this plan to eliminate stock use in the park, but rather, to manage commercial use in accordance with the 1998 National Park Service Concessions Management Improvement Act and the 2006 NPS Management Policies.” to “**It is not the intent of this plan to eliminate stock use in the park, but rather, to manage commercial use in accordance with the National Park Service Concessions Management Improvement Act 1998 and the 2006 NPS Management Policies.**”

**Page 8, Purpose and Need** – Change statement. “Comply with concessions law, the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), the 2006 Management Policies, and all appropriate rules and regulations.” to “**Comply with National Park Service Concessions Management Act 1998, the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), the 2006 Management Policies, and all appropriate rules and regulations.**”

**Page 8, Purpose and Need** – Change statement: “Maintain the level of commercial saddle and pack stock use in the recommended wilderness at the minimum necessary for public education and visitor enjoyment .” to “**Maintain the level of commercial saddle and pack stock use at the minimum necessary level for public education and visitor enjoyment under the Wilderness Act.**”

**Page 15, Actions Common to Alternatives B and C** – Change statement: “While there have been some resource monitoring practices established in Yellowstone, there have not been clearly defined resource monitoring protocols developed for systematic evaluation and adaptive management of park backcountry use.” Delete “**adaptive.**”

**Page 18, Alternative C – Commercial Stock Outfitter Use with Monitoring-Based Management (Preferred Alternative)** – Change statement: “Under this alternative, the terms and conditions of the commercial stock outfitter contract or operating plan may be adjusted and modified (including contract length) based on the resource monitoring data and adaptive management decisions.” to “**Under this alternative, the terms and conditions of the commercial stock outfitter contract or operating plan may be adjusted and modified throughout the term of the contact.**”

**Page 18, Alternative C – Commercial Stock Outfitter Use with monitoring-based management (Preferred Alternative)**: Change statement: “For example, park managers could choose to further stock lime use (number per day or year) or close trails to stock use permanently or seasonally.” To “**For example, park managers could choose to further limit stock use. Limits on stock use could be by number of stock per day, number of trips per day, number of trips per year, number of trips per trailhead, or close trails to stock use permanently or seasonally.**”

**Page 18, *Alternative C – Commercial Stock Outfitter Use with monitoring-based management (Preferred Alternative)*, In addition to monitoring, this alternative could include:** Change statement: “Reservation system – A reservation system could be instituted for day trips in heavily used areas that would be based on resource impacts and parking availability.” To **“Reservation system – A reservation system could be instituted for day trips in heavily used areas that would be based on visitor safety, resource impacts, and current parking capacity.”**

**Page 19, *Mitigation Measures*:** Change statement: “One outfitter on each trip within the park must be trained in First Aid and CPR and possess current certifications. At a minimum, a basic First Aid kit will be carried by each party.” To **“One concessioner on each trip within the park must be trained in First Aid and CPR and possess current certifications. At a minimum, a basic first aid kit will be carried by each party.”**

**Page 19, *Mitigation Measures*:** Change statement: “Outfitters and their clients must abide by the Food Storage and Food Sanitation Guidelines. Any food or other bear attractants may not be left unattended or must be properly stored.” To **“The concessioner and their clients must abide by the Food Storage and Food Sanitation Guidelines. Any food or other bear attractants may not be left unattended or must be properly stored.”**

**Page 19, *Mitigation Measures*:** Change statement: “Each outfitter must carry a minimum of one can of bear spray. Bear spray for clients is recommended.” To **“Each trip must carry a minimum of one can of bear spray. Bear spray for clients is recommended.”**

**Page 19, *Mitigation Measures*:** Change statement: “Prior to the trip, the outfitter must provide all clients with an orientation that emphasizes safety, bear habitat, Leave No Trace principles, park rules and regulations, and the nature and demands of the trip.” To **“Prior to the trip, the concessioner must provide all clients with an orientation that emphasizes safety, bear habitat, Leave No Trace principles, park rules and regulations, and the nature and demands of the trip.”**

**Page 19, *Mitigation Measures*:** Change statement: “The outfitter must ensure that all clients stay a distance of at least 100 yards from bears and wolves and a distance of 25 yards from bison, elk, and other animals.” To **“The concessioner must ensure that all clients stay a distance of at least 100 yards from bears and wolves and a distance of 25 yards from bison, elk, and other animals.”**

**Page 20, *Mitigation Measures*:** Change statement: “The contract holder is responsible for informing its employees and clients of park regulations and assuring compliance. The contract holder will not allow employees or clients to disturb or remove any historic and/or cultural artifacts in the park including arrowheads, obsidian fragments, or other cultural resources such as glass, metal, or wood objects. Rocks, flowers, plants, parts of plants or animals (alive or dead), and other natural resources shall not be disturbed or removed.” To **“The concessioner is responsible for informing its employees and clients of park regulations and assuring compliance. The concessioner will not allow employees or clients to disturb or remove any historic and/or cultural artifacts in the park including arrowheads, obsidian fragments, or other cultural resources such as glass, metal, or wood objects. Rocks, flowers, plants, parts of plants or animals (alive or dead), and other natural resources shall not be disturbed or removed.”**

**Page 20, *Mitigation Measures*:** Change statement: “The outfitter will comply with all applicable laws, regulations, and terms and conditions of the contract and the current Operating Plan for Guided Saddle and Pack Stock Tours (Appendix C of the EA).” To **“The concessioner will comply with all applicable laws, regulations, and terms and conditions of the contract and the current Operating Plan for Guided Saddle and Pack Stock Tours (Appendix C of the EA).”**

**Page 20, *Mitigation Measures*:** Change statement: “All motorized vehicles and trailers used by outfitters in the park will be maintained in safe operating condition according to appropriate federal and state regulations.” To **“All motorized vehicles and trailers used by the concessioner in the park will be maintained in safe operating condition according to appropriate federal and state regulations.”**

**Page 20, *Mitigation Measures*:** Change statement: “The outfitter will park their vehicles in an area approved by the NPS and in such a manner as to afford sufficient space for other users.” To **“The concessioner will park their vehicles in an area approved by the NPS and in such a manner as to afford sufficient space for other users.”**

**Page 20, *Mitigation Measures*:** Change statement: “The outfitter is required to comply with federal regulations regarding the transport of stock and may be required to provide proof of testing and necessary immunizations of

stock, as required by state, federal, and county agencies.” To **“The concessioner is required to comply with federal regulations regarding the transport of stock and may be required to provide proof of testing and necessary immunizations of stock, as required by state, federal, and county agencies.”**

**Page 20, Mitigation Measures:** Change statement: “Prior to the beginning of each season, the outfitter is required to submit valid proof of a negative Coggins test performed within the last 12 months for each equine entering the park to the Central Backcountry Office.” To **“Prior to the beginning of each season, the concessioner is required to submit valid proof of a negative Coggins test performed within the last 12 months for each equine entering the park to the Central Backcountry Office.”**

**Page 20, Mitigation Measures:** Change statement: “Outfitter staffing must be adequate to provide the service advertised, to minimize impacts on the resource, and to provide for the safety and enjoyment of the clients. Minimum number of staff per trip: 1-10 stock = 1 staff, 11-20 stock = 2 staff, 21-25 stock = 3 staff.” To **“Concessioner staffing must be adequate to provide the service advertised, to minimize impacts on the resource, and to provide for the safety and enjoyment of the clients. Minimum number of staff per trip: 1-10 stock = 1 staff, 11-20 stock = 2 staff, 21-25 stock = 3 staff.”**

**Page 20, Mitigation Measures:** Change statement: “The outfitter shall provide the Central Backcountry Office advance notice of all trips into the park and any changes or cancellations to their backcountry camping reservations.” To **“The concessioner shall provide the Central Backcountry Office advance notice of all trips into the park and any changes or cancellations to their backcountry camping reservations.”**

**Page 20, Mitigation Measures:** Change statement: “To reduce the chance of bear-human conflicts near carcasses of stock (horses, mules, llamas) that die near park backcountry trails, campsites, and trailheads, the concessioner outfitter must move the carcass at least 1/2 mile from any campsite, trail, or trailhead and 200 yards from any water source. The concessioner outfitter shall notify the Central Backcountry Office and the local backcountry ranger of the location of dead stock as soon as possible. The concessioner outfitter is responsible for paying any costs associated with the removal/disposal. If an animal dies within the park, it is the concessioner outfitter’s responsibility to remove the carcass from the park or make arrangements for its proper disposal as soon as possible.” To **“To reduce the chance of bear-human conflicts near carcasses of stock (horses, mules, llamas) that die near park backcountry trails, campsites, and trailheads, the concessioner must move the carcass at least 1/2 mile from any campsite, trail, or trailhead and 200 yards from any water source. The concessioner shall notify the Central Backcountry Office and the local backcountry ranger of the location of dead stock as soon as possible. The concessioner outfitter is responsible for paying any costs associated with the removal/disposal. If an animal dies within the park, it is the concessioner’s responsibility to remove the carcass from the park or make arrangements for its proper disposal as soon as possible.”**

**Page 20, Mitigation Measures – Add:** “Educate saddle and pack stock operators and field-going employees about their responsibilities relating to laws and regulations concerning the protected status, taking, and conservation of grizzly bears (1986 Interagency Grizzly Bear Management Guidelines, 1993 Grizzly Bear Recovery Plan, 2007 Final Conservation Strategy for the Grizzly Bear in the GYA), the potential for occurrence of grizzly bears near or in designated facilities (especially overnight camps), the risks of working in bear country and the need for heightened awareness of bears, appropriate personal safety measures, and proper behavior in bear country.”

**“Commercial saddle and pack stock operators should make bear pepper spray and proper training on its use available to field-going employees. Additionally, bear pepper spray and proper training on its use should also be available for clients when engaged in activities away from stock but associated with commercial stock trips.”**

**“NPS staff will identify areas with grizzly bear conflicts that would prompt temporary or permanent changes to saddle and pack stock tour activities.”**

**“The preferred alternative contains a number of reasonable and prudent measures, terms and conditions, and conservation recommendations to reduce the potential for adverse effects to grizzly bears. These measures,**

terms and conditions and recommendations were developed through Section 7 consultation with the USFWS and are included in the Biological Opinion issued by the USFWS on February 7, 2014.”

#### **“Reasonable and Prudent Measures”**

**“Minimize grizzly bear conflicts associated with all commercial stock use and related activities.”**

**“Minimize human habituation and food conditioning related to commercial stock use and related activities.”**

#### **Terms and Conditions**

**“NPS staff will document any violations of food storage regulations or other bear-related incidents associated with commercial stock use, related activities and clients.”**

**“NPS staff will monitor impacts of commercial stock use, related activities and clients. The NPS, in coordination with the USFWS, will review the effectiveness of the park’s conservation measures and other management efforts outlined in the Biological Assessment as they apply to all commercial stock outfitter contracts, and describe the progress of the proposed action, including impacts to the grizzly bears.”**

**“NPS staff will document its effects to implement and enforce all conservation measures and other orders as described in the Biological Assessment related to commercial stock use and associated tours, etc. in the park.”**

**“Document the NPS staff’s efforts to monitor appropriate commercial stock outfitter compliance with existing conservation and other required measures. The annual report will be submitted to the Service’s Wyoming Field Office by April 15 of the subsequent year.”**

**“If one grizzly is killed related to commercial stock outfitters and associated activities in the action area, the park will coordinate with the NPS regarding the adequacy of existing mechanisms to minimize additional take.”**

#### **Conservation Recommendations**

**“Educate saddle and pack stock operators and field-going employees about their responsibilities relating to laws and regulations concerning the protected status, taking, and conservation of grizzly bears (1986 Interagency Grizzly Bear Management Guidelines, 1993 Grizzly Bear Recovery Plan, 2007 Final Conservation Strategy for the Grizzly Bear in the GYA), the potential for occurrence of grizzly bears near or in designated facilities (especially overnight camps), the risks of working in bear country and the need for heightened awareness of bears, appropriate personal safety measures, and proper behavior in bear country.”**

**“Commercial stock outfitters should make bear pepper spray and proper training on its use available to field-going employees in areas of bear occurrence. Additionally, bear pepper spray and proper training on its use should also be available for clients when engaged in activities away from stock but associated with commercial stock tours.”**

**“NPS staff will identify any areas with grizzly bear conflicts that would prompt temporary or permanent changes to saddle and pack stock tour activities.”**

**Page 22, Table 2-1 (2<sup>nd</sup> Objective) – Change statement: “This alternative would maintain the current level of commercial saddle and pack stock use in the park. This alternative would meet this objective.” to “This alternative would only partially meet the objective at the current level of commercial saddle and pack stock use in the park because no actions would take place as a result of monitoring.”**

**Page 23, Table 2-2 (Soils, Vegetation and Wetlands, and Water Quality), under Alternative C (Preferred) - Change statement: “Limits placed on sensitive areas could have a negligible beneficial effect.” Change “negligible” to “minor to moderate.”**

**Page 23, Table 2-2 (Socioeconomics & Park Operations), under Alternative C (Preferred): Change - “negligible” to “minor.”**

**Page 33, Soils, Impacts of Alternative C (Preferred Alternative): Change statement: “Limits on these types of trails, off-trail travel, or closures of social trails could have a beneficial effect on soils.” Add “minor to moderate” before “beneficial.”**

**Page 41, *Vegetation, Impacts to Alternative C (Preferred Alternative)*** – Change statement: “However, limits placed on sensitive areas (i.e., wetlands, alpine meadows) could have a beneficial effect to vegetation.” Add “**minor to moderate**” before “**beneficial**.”

**Page 41, *Wetlands, Impacts to Alternative C (Preferred Alternative)*** – Change statement: “Use of these management tools to protect wetland and/or riparian areas could have a minor short- and long-term beneficial effect, but overall this alternative would have a minor adverse effect on wetlands.” Add “**to moderate**” after “**minor**.”

**Page 45, *Water Quality, Impacts to Alternative C (Preferred Alternative)*** – Change statement: “Use of these management tools to protect water resources could have a minor long-term beneficial effect on water quality, with the overall impact from Alternative C begin negligible, short- and long-term adverse. Add “**to moderate**” after “**minor**.”

**Page 59, *Wilderness, Affected Environment*** – Change Statement: “With completion of the Final Environmental Statement: Proposed Wilderness Classification, Yellowstone National Park, Wyoming (NPS, 1973) NPS recommended 2, 032,721 acres in 10 road less units in Yellowstone be designated as wilderness, and 6,040 acres as potential wilderness by an act of Congress, for a total of 90 percent of the park.” Change “**90**” to “**91**.”

**Page 70, *Socioeconomics, Impacts of Alternative C (Preferred Alternative)*** – Change statement: “The overall effect of Alternative C would be short- and long-term minor beneficial and negligible adverse.” Change “**negligible**” to “**minor**.”

**Page 70, *Socioeconomics, Impacts of Alternative C (Preferred Alternative), Cumulative Effects*** – Change statement: “Alternative C, in conjunction with these past, present, and reasonably foreseeable projects would result in minor, short- and long-term beneficial impacts to socioeconomic resources.” Add “**and adverse**” after beneficial.

**Page 73, *Visitor Use and Experience, Impacts of Alternative C (Preferred Alternative)*** – Change statement: “Other elements including trail monitoring, use of an adaptive management strategy, trail maintenance and funding, temporary trail closures due to weather and trail conditions, removal of stock waste from the trails, education of trail users, implementation of annual use limits on rides, and continuation of administrative stock use also would affect visitor experience.” Delete “**adaptive**.”

**Page 73, *Visitor Use and Experience, Impacts of Alternative C (Preferred Alternative)*** – Change statement: “Monitoring and any resultant adaptive management actions (i.e., further limiting stock use on trails, either temporarily or permanently) would have beneficial and adverse impacts.” Delete “**adaptive**.”

**Page 73, *Visitor Use and Experience, Impacts of Alternative C (Preferred Alternative)*** – Change statement: “Under Alternative C, there could be some limitations on day use.” Add after use “**with implementation of a reservation system**.”

**Page 76, *Park Operations, Impacts of Alternative C (Preferred Alternative)*** – Add at end of first paragraph: “**Additional staff may be required with the implementation of a reservation system**.”

**Page 76, *Park Operations, Impacts of Alternative C (Preferred Alternative)*** – Change statement: “Alternative C would have a negligible, long-term adverse effect on park operations.” Change “**negligible**” to “**minor**.”

# **Response to Concerns/Comments**

## **Commercial Stock Outfitter Concession Contracts Environmental Assessment**

### **Yellowstone National Park**

#### **Length of Contract Term**

**Concern 1 – Businesses have large investments and need stability to a long term contract to be financially successful. Shortening contract lengths puts a bigger burden on the stock outfitters by not allowing us to being able to look long term to provide the best service that we can. Rather than requiring that both the park personnel and the outfitters have to deal with renewing contracts every five years, would it not be a better, and fairer, use of time to address problem areas together and directly?**

**Response 1 –** *Based on comment and the time commitment for outfitters to go through the prospectus process, contracts will be issued for up to a ten year term. A five year term would be a deviation of the standard contract length. However, through the current Operating Plan the park would retain the ability for flexible management options based on resource monitoring. A monitoring-based management strategy would allow park managers to implement additional management options as needed, if trails cannot be adequately maintained in the future. For example, park managers could choose to further limit stock use (number per day or year) or close trails to stock use permanently or seasonally.*

#### **Monitoring**

**Comment 2 – We see the need for increased monitoring with associated data collection and analysis as of fundamental importance in helping to protect the Park's archaeological resources. Without additional monitoring, impacts to archaeological resources will no doubt occur, but lacking comprehensive baseline and longitudinal monitoring data, the extent of the impacts will be unknown, giving any future plans with nothing on which to base decisions. However, we are also well aware in the deficiencies in most archaeological monitoring programs and recommend that the heritage resource monitoring program include a clearly delineated, appropriate indicators identified, triggers identified, and management responses stipulated. Few, if any, published archaeological monitoring protocols are adequate – this is an area in need of immediate attention.**

**Response 2 –** *Baseline condition assessments have been completed for most archeological sites in the park. The plan commits to monitoring representative archeological sites which are known to intersect with stock use trails or backcountry campsites. Monitoring will be based on established condition assessment protocols developed at the park.*

**Comment 3 – Until you have several years of monitoring data in place, with defined resource monitoring protocols developed for systematic evaluation and adaptive management of park backcountry use, there is no reason to lower the levels of current stock use.**

**Response 3 –** *Regardless of data, the NPS has concerns with regard to recourse impacts, visitor safety, visitor experience, and parking capacity that have necessitated the implementation of a day-ride reservation system. Future resource monitoring data will guide management decisions regarding closures and limits.*

**Concern 4 – Two additional seasonal employees would be hired to monitor impacts. Where will there be accountability and consistency when there is a good chance that there could be different employees every year. Stock use could be reduced, eliminated in some areas, or trips cancelled on short notice without valid scientific data.**

**Response 4 –** *The monitoring program that is developed as a result of this plan will take all the considerations brought up - accountability and consistency, into account when analyzing data in order to make sound management decisions. Impact thresholds for closure or limited use for trails or sites will be established in the monitoring plan and sufficient notice will be an integral part in communicating with both stock outfitters.*

**Concern 5 – The use of monitoring...Isn't that already in place? The Backcountry Office has been keeping records of all our day rides, drop camps and pack stock trips the past 20 years or more. Backcountry**



Rangers do periodic Evaluations that are recorded. Front Country Rangers monitor trailheads. The Concession Management Office monitors all of our reports and records. What else is there to monitor? And who is going to do it? Who will be deciding on what gets monitored and what management strategies need to be implemented? Will there be an outfitter representative? The YNP "in the field" personnel is already short staffed; some years I have not even had an Evaluation done. So, are additional staffing in order?

*Response 5 – Two additional field staff were hired in spring 2014 to begin implementing a backcountry monitoring program based around both stock outfitter and commercial use authorization activities. Monitoring for various aspects of backcountry operations has been in place for more than 20 years; however, additional resources have been identified for monitoring through a monitoring based management strategy. Resources that are identified currently for monitoring include: archaeology, campsite inventory, grazing analysis, rare and non-native plants, social trails, trail and park asset assessments, trailhead parking and organization, geothermal resources, water quality and wildlife. Through the use of the traditional methods employed in the past as well as with new methodology, this monitoring plan will be able to provide a more collaborative, holistic approach to basing management decisions in the backcountry. Outfitters have the opportunity to participate through the annual commercial stock outfitters meeting and by commenting on draft operating plans annually.*

#### **Outreach/Education & Public Involvement**

**Comment 6 – I urge you to involve the public in the evaluation of the monitoring data and in the future planning decisions made based on that data. Here in Montana, the Forest Service holds an annual meeting to discuss the Limits of Acceptable Change. Horseman, hikers, outfitters and other users of the Wilderness are invited to participate. The meetings build a cooperative relationship between the Forest Service personnel and the users of the Bob Marshall Wilderness.**

*Response 6 – An annual meeting with commercial stock outfitters is held to discuss issues related to contracts and operations in the park. These meetings have occurred for approximately the past 20 years, and continuation of these meetings is expected. These meetings are for commercial stock outfitters to visit with park managers and NPS staff and build/maintain relationships between the NPS and commercial stock outfitters.*

**Comment 7 – Recommend that more emphasis be given to education about the protection of archeological resources in guide certification program. While there is a good deal of specific information on dealing with vegetation, soil, and bear safety, there is no specific mention given to archaeological resources, or the potential legal ramifications of Archaeological Resource Protection Act (ARPA) violations. All outfitters and guides need to be given specific information about the law so that if they allow any damage to archaeological resources, they will have done so with clear criminal intent, thus facilitating possible ARPA prosecution.**

*Response 7– Information about a range of resources, including cultural resources, will be provided to commercial stock outfitters as part of the guide certification program and annual training. Resource protection language will be added to the operating plan to ensure outfitters are knowledgeable about the resources. An update to the online training will be made to include archeology.*

#### **Disperse Use**

**Comment 8 – Spread out the use. Open other trails to spread use. Back in 1983 the Park Service closed areas in the backcountry to certain human activity. The grizzly bear management plan designated 16 areas to be managed restricting backcountry use to reduce bear human interaction. The plan was to be reevaluated periodically, and areas were to be added or deleted as necessary. With the recovered numbers of grizzlies and the need to spread out use from certain heavily used area, now would be a time to delete some of those areas from restriction.**

*Response 8 – The Bear Management Area (BMA) closures currently in place were delineated in 1983 according to the Grizzly Bear Management Program/EIS as areas of prime habitat highly frequented by bears. These areas continue to be closed today to: 1) minimize human-bear interactions that may lead to habituation, 2.) prevent human-caused displacement of bears from prime habitat and food sources, and 3) reduce the probability for bear-human conflicts and bear attacks. The BMUs are analyzed periodically using radio telemetry, sightings, feeding site evaluations and other data. In 2013, we completed a three year analysis of 6 of the BMAs. The analysis indicated that the BMAs were meeting intended objectives.*

## Appendix A – Non-Impairment Finding

The National Park Service's *Management Policies, 2006* require analysis of potential effects to determine whether or not actions will impair park resources. The fundamental purpose of the national park system, established by the Organic Act and reaffirmed by the General Authorities Act, as amended, begins with a mandate to conserve park resources and values. National Park Service managers must always seek ways to avoid, or to minimize to the greatest degree practicable, adversely impacting park resources and values.

However, the laws do give the National Park Service the management discretion to allow impacts to park resources and values when necessary and appropriate to fulfill the purposes of a park, as long as the impact does not constitute impairment of the affected resources and values. Although Congress has given the National Park Service the management discretion to allow certain impacts within the park, that discretion is limited by the statutory requirement that the National Park Service must leave park resources and values unimpaired, unless a particular law directly and specifically provides otherwise. The prohibited impairment is an impact that, in the professional judgment of the responsible National Park Service manager, would harm the integrity of park resources or values, including the opportunities that otherwise would be present for the enjoyment of those resources or values. An impact to any park resource or value may, but does not necessarily, constitute an impairment. An impact would be more likely to constitute an impairment to the extent that it affects a resource or value whose conservation is:

- necessary to fulfill specific purposes identified in the establishing legislation or proclamation of the park;
- key to the natural or cultural integrity of the park; or
- identified as a goal in the park's general management plan or other relevant NPS planning documents.

An impact would be less likely to constitute an impairment if it is an unavoidable result of an action necessary to pursue or restore the integrity of park resources or values and it cannot be further mitigated.

The park resources and values that are subject to the no-impairment standard include:

- the park's scenery, natural and historic objects, and wildlife, and the processes and conditions that sustain them, including, to the extent present in the park: the ecological, biological, and physical processes that created the park and continue to act upon it; scenic features; natural visibility, both in daytime and at night; natural landscapes; natural soundscapes and smells; water and air resources; soils; geological resources; paleontological resources; archeological resources; cultural landscapes; ethnographic resources; historic and prehistoric sites, structures, and objects; museum collections; and native plants and animals;
- appropriate opportunities to experience enjoyment of the above resources, to the extent that can be done without impairing them;
- the park's role in contributing to the national dignity, the high public value and integrity, and the superlative environmental quality of the national park system, and the benefit and inspiration provided to the American people by the national park system; and
- any additional attributes encompassed by the specific values and purposes for which the park was established.

Impairment may result from National Park Service activities in managing the park, visitor activities, or activities undertaken by concessioners, contractors, and others operating in the park. The NPS's threshold for considering whether there could be an impairment is based on whether an action will have significant effects.

Impairment findings are not necessary for visitor use and experience, socioeconomics, public health and safety, environmental justice, land use, and park operations, because impairment findings relates back to park resources and values, and these impact areas are not generally considered park resources or values according to the Organic Act, and cannot be impaired in the same way that an action can impair park resources and values. After dismissing the above topics, topics remaining to be evaluated for impairment include soils, vegetation and wetlands, water quality, wildlife, special status species, soundscape management and historic structures. These topics are detailed below:

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**Appendix: Non-Impairment Finding (page 2 of 3)**

- **Soils** – Soil is an integral component of most terrestrial ecosystems. The physical, chemical, and biotic properties of soil are important in determining function, productivity, and other characteristics of these ecosystems. The issuance of commercial saddle and pack stock contracts will continue to cause soil compaction and erosion and loss of organic litter. Displacement of soil in the trail tread, braided trails, and social trails will continue as a result of both overnight and day rides. These impacts may be minimized if a trail was closed or limits placed. Monitoring-based actions will be used if warranted to limit impacts on soil resources. Overall, impacts to soil resources will be minor, short-and long-term and adverse and there will be no impairment to soil resources.
- **Vegetation and Wetlands** – Yellowstone National Park contains diverse vegetation as a result of the extreme topographic relief, differing soils, varied slope, and range of microclimates. Yellowstone's vegetation is composed primarily of typical Rocky Mountain species. Commercial saddle and pack stock use at the trailheads will continue to impact vegetation, mainly through trampling and grazing. Installation of hitch rails at impacted trailhead sites will consolidate those impacts, while reducing impacts on the periphery of the trailhead. Although most trails are sited to avoid wetlands, some do come in contact with wetlands, particularly seasonal wetlands. Trails passing through wetlands are usually compacted and water tends to migrate to the slightly lower elevation of the trail. Existing campsites will continue to be used by commercial saddle and pack stock outfitters, potentially impacting wetlands. The propagation on non-native seed through stock use will continue but associated disturbance will be lessened through monitoring-based management. The impacts caused by recent past use to nearby wetlands will continue, resulting in small, isolated areas of vegetative trampling, selective grazing, and soil damage. Impacts to wetlands areas at stream crossing will continue to occur. These impacts will be in line with historical impacts, with little additional impacts expected to occur. Given adverse impacts are minor, short-and long-term there will be no impairment to vegetation and wetlands.
- **Water Quality** – Yellowstone encompasses an approximately 3,500 square-mile watershed that provides the surrounding area with high quality water. Streams and lakes in Yellowstone are designated as Class I, Outstanding Resource Waters, by the state of Wyoming. The hydrology of most streams and rivers in the park is driven by snowmelt with peak discharge occurring in the late spring. Discharge then declines gradually over summer and returns to near base flow by late fall. Continuation of commercial saddle and pack stock use will not result in measurable or detectable changes from the current conditions for the risk of animal waste and associated fecal coliform or urine entering surface waters. No measurable changes in stream flow will occur. Implementation of monitoring-based actions will more likely be taken to protect water resources along the trail. Use of these management tools to protect water source areas could have a minor, long-term beneficial effect on water quality, with the overall impact being negligible, short-and long-term and adverse and ensure no impairment to water quality.
- **Wildlife** – Yellowstone National Park is home to a wide variety of wildlife. At least 300 species of birds, 60 species of mammals, 4 species of amphibians, 6 species of reptiles, and 12 species of native fish have been documented within the park. The distribution, abundance, and diversity of species within the park vary by season, elevation, and variety of habitats present. Implementation of the monitoring-based management actions will displace commercial stock users to other trails and campsites in the park, negating any benefit from non-use. Because the proposed action is expected to have negligible to minor, short-and long-term, adverse impacts, there will be no impairment to wildlife.
- **Special Status Species** – Seventeen special status species exist in YNP, fourteen animal and three plant species. The continuation of commercial saddle and pack stock use will disturb special status species and alter habitat, particularly on trails and at campsites. Of these seventeen species, Canada lynx and grizzly

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- bear are federally listed as threatened. Based on the limited sightings/encounters for lynx and the fact that the preferred alternative is a continuation of action that has occurred for over 100 years, the NPS has determined that the preferred alternative will have “no effect” on Canada lynx. The amount of habitat that could possibly be disturbed by commercial saddle and pack stock use on trails and backcountry campsites is negligible. These campsites and trails have been in existence for decades and are mostly in open meadows or areas where the habitat modification occurred years ago. Beyond annual trail maintenance, no habitat modifications in the backcountry are being proposed. The preferred alternative will not impact a measurable amount of critical habitat. Therefore, the NPS expects that the proposed project activities will have “no effect” on designated critical habitat for the Canada lynx. The determination for grizzly bear is “may affect, likely to adversely affect.” Potential effects to grizzly bears from the proposed action are: (1) harassment, harm, or death; (2) changes in the quality of habitat and availability of food; (3) displacement from habitat; and (4) change in the frequency of human-grizzly encounters. To reduce the potential for adverse effects to grizzly bears a number of reasonable and prudent measures, terms and conditions, and conservation recommendations will be implemented. With the implementation of mitigation measures listed in this EA, no impairment of special status species will occur.
- **Wilderness** – With completion of the Final Environmental Statement: Proposed Wilderness Classification, Yellowstone National Park, Wyoming (NPS, 1973), the NPS recommended 2,032,721 acres in 10 roadless units in Yellowstone be designated as wilderness, and 6,040 acres as potential wilderness by an act of Congress, for a total of 91 percent of the park. The remaining nine percent of the park is classified as administrative and facilities, developed areas, and roads. Even though the wilderness has not been formally designated, the recommended wilderness is managed so as not to preclude designation. Continued commercial saddle and pack stock use in YNP will have impacts on wilderness. The preferred alternative will provide the commercial services necessary for wilderness appropriate recreation. Natural quality and opportunities for solitude will be negatively affected due to commercial stock in the backcountry and the potential for visitor encounters. Impacts from grazing, compaction, erosion, water quality, stream bank damage will continue, affecting natural quality. The sights and sounds of commercial stock use may make backcountry areas feel less remote. Implementation of the monitoring-based management actions will displace commercial stock users to other trails and campsites in the park, negating any benefit from non-use. Overall, impacts from the preferred alternative will be minor, short-and long-term, beneficial and adverse and will result in no impairment to wilderness.
- **Archeological Resources** – Most commercial saddle and pack stock use occurs on established trails throughout the park. This use has occurred for over a century, and potential to disturb unknown archeological resources is low. With a few exceptions, commercial saddle and pack stock outfitters will be required to camp in existing, authorized locations, and will be prohibited from increasing the amount of barren core in any campsite or constructing new trails. This will avoid new ground disturbance. Implementation of the monitoring-based management actions could result in displacement of commercial stock use to other trails and campsites in the park, negating any benefit from non-use. However, closures may benefit sensitive archeological sites. Mitigation measures included in the EA address discovery of unknown archeological or ethnographic resources during project implementation. The agency determination of effect under the National Historic Preservation Act will be no adverse effect on historic properties. Because the preferred alternative will have negligible to minor, short-and long-term, adverse impacts, there will be no impairment to archeological resources.

In conclusion, as guided by this analysis, good science and scholarship, advice from subject matter experts and others who have relevant knowledge and experience, and the results of public involvement activities, it is the Superintendent’s professional judgment that there will be no impairment of park resources and values from implementation of the preferred alternative.