



nobody@a1289.g.akarnai.net  
05/08/2002 06:00:45 PM

Please respond to nobody@a1289.g.akamai.net

Record Type: Record

To: John Morral@EOP

cc:

Subject: Suggestion for Regulatory Reform

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Name:  
High Mountain Heli-Skiing, Inc.

Address:  
P.O. Box 173, Teton Village, WY 83025

Telephone No.  
307-733-3274

E-mail address:  
heli-ski@wyoming.com

Name of Guidance:

Regulating Agency:  
Dept. of Agriculture

Subagency (if any):

Citation (Code of Federal Regulation):

Authority (Statute/Regulation):  
NEPA and Endangered Species ACT

Description of Problem (Nature of Impact and on Whom):  
The problem involves Forest Service Special Use Permit Renewals, the National Environmental Policy Act, the Endangered species Act and Wilderness Study Areas. I submit the following letter addressed to WY Senator Craig Thomas that explains the problem quite thoroughly.

To: U.S. Senator Craig Thomas  
April 12, 2002

Dear Senator Thomas,  
I am writing on behalf of Dr. Lud Kroner and myself as owners of High Mountain

Heli-Skiing, Inc. We are seeking you to positively influence USDA Forest Service recreation permit decision policy, via the highest level. Were asking Secretary Ann Veneman, Secretary Gale Norton and the Natural Resources Committee to empower local **FS** Rangers to act in favor of Special Use permittees, to promote local economic growth and well being, and Forest multiple use.

High Mountain Heli-Skiing has been a permittee on the National Forest for 26 years and we are currently going through our 5-year permit renewal process. I had asked of our permit administrator that this process begin back in May of 1999 because of the possibility that an EIS would be required. He felt that the studies were not necessary and ignored my requests. Last November, just 4 days before our scheduled meeting to sign the permit he called to inform me that NEPA would now be required.

We are currently under attack by local special interest groups who oppose the renewal of our permit. The Greater Yellowstone Coalition GYC and the Jackson Hole Conservation Alliance JHCA have filed suit in federal court alleging that the FS did not follow NEPA when they issued us a temporary one year permit allowing us to operate this past winter. They have recently named High Mountain Heli-Skiing along with the **FS** in their amended petition.

We now must complete an Environmental Assessment EA by this coming fall to meet the NEPA requirement within the time frame necessary to issue a new 5-year special use permit. If we do not meet this time frame, it is unclear if the FS can issue another temporary permit, which would effectively put us out of business. District Ranger Nancy Hall informed me that the **FS** did not have the personnel or the resources to get this EA done within the time frame necessary. In order to complete it on time she asked us to pay for the study and have it contracted out. She has, however, agreed that the FS should pay half the cost since it was the agency that dropped the ball, but an agreement has not been signed as yet. I have contracted Pioneer Environmental to complete the study, which is well under way, at a cost of 47,000.

The BNF is now in grave danger of shutting down all permittees on the forest since NEPA will be required for all permit renewals and many are up now. Few permittees will be able to pay for these studies and it seems likely that many will be forced to go out of business.

The point I would like to make is, how long will these special interest groups be allowed to use the National Environmental Policy Act and the Endangered Species Act to hold the Forest Service and permittees hostage I dont believe these laws were ever intended to be used to paralyze the FS and end multiple use. The **FS** is now backlogged with studies, appeals and lawsuits for years to come, to the point where they cant get anything done. Special interest groups who file these frivolous lawsuits should be penalized and held financially responsible when their suit fails. For the price of a postage stamp, they can demand all these studies be done and they know that it is the permittee that will have to pay for them. If they cant put us out of business legally they will try to put us out of business financially. Simply put, it is economic blackmail. Where is the justice

The agenda of these special interest groups is clear. They will stop at

nothing to end multiple use on our National Forests. The outcome of the EA that is under way will clearly show no significant impact. Also clearly obvious is that any decision made will be appealed and followed by more lawsuits if the special interests don't get their way. We need changes to the National Environmental Policy Act and the Endangered Species Act and we need them now.

I believe the primary issue that special interest groups will use against us is the fact that we operate in a Wilderness Study Area WSA. The WSA has been in existence for 18 years and there has been no need to include it in the Wilderness System. How long will the Forest Service continue to study it and where is the study? Special interest groups will try to influence the FS to administer the WSA as though it were a designated Wilderness even though our use pre-dates this designation and these kinds of uses have traditionally been allowed. After 18 years and no study, we believe it is time to remove the WSA from this designation.

We also urge support of the Outfitter Policy Act and a 10-year permit for outfitters so that these studies aren't repeated every five years. The financial burden and time involved for small businesses is a strain that will crush many.

PLEASE HELP US.

Thank you for your attention to these issues,

Jon Shick and Dr. Lud Kroner, owners High Mountain Heli-Skiing P.O. Box 173, Teton Village, WY 83025

**Proposed Solution:**

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Estimate of Economic Impacts (Quantified Benefits and Costs if possible / Qualified description as needed):

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