

**NO. 22-1023**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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DUKE BRADFORD, et al.,  
*Plaintiffs-Appellants,*

v.

U.S. DEPARTMENT OF LABOR, et al.,  
*Defendants-Appellees.*

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On Appeal from the U.S. District Court for the District of Colorado  
Case No. 1:21-CV-03283  
Chief Judge Philip A. Brimmer

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**BRIEF OF SAFARI CLUB INTERNATIONAL  
AS AMICUS CURIAE IN SUPPORT OF  
PLAINTIFFS-APPELLANTS**

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Jeremy E. Clare  
Regina Lennox  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 543-8733  
jclare@safariclub.org  
rlennox@safariclub.org

*Counsel for Proposed Amicus Curiae  
Safari Club International*

**CORPORATE DISCLOSURE STATEMENT**

In accordance with Federal Rule of Appellate Procedure 26.1(a), Proposed Amicus Curiae Safari Club International submits the following Corporate Disclosure Statement.

Safari Club International is a nonprofit membership association incorporated in the state of Arizona under Section 501(c)(4) of the Internal Revenue Code. Safari Club International is not publicly traded and has no parent corporation. There is no publicly held corporation that owns 10 percent or more of its stock.

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<b>Name of Declarant</b>	<b>Attached Exhibit</b>
B.H. ....	A
Samuel T. Fejes .....	B
Lance Kronberger .....	C
S.J. ....	D
Dustin Stetter .....	E
Lane Stringer .....	F
Steven E. Zettel .....	G

## STATEMENT OF AMICUS CURIAE

Safari Club International (“Safari Club”) is a non-profit organization with approximately 50,000 members and advocates. Safari Club’s members include hunters who hunt on U.S. federal lands, outfitters who operate on federal lands, and hunting guides who work on federal lands. Many of Safari Club’s members will be impacted by implementation of Executive Order 14026 (“EO”) and the final rule implementing the EO published by the U.S. Department of Labor (“DOL”), 86 Fed. Reg. 67126 (Nov. 24, 2021) (“DOL Rule”).

Safari Club’s missions include the conservation of wildlife, protection of the hunter, and education of the public about hunting and its use as a conservation tool. In advancing its advocacy missions, Safari Club has long been an active supporter of increasing access to and expanding hunting opportunities on federal lands. For example, Safari Club is currently challenging a U.S. Fish and Wildlife Service rule that restricts hunting opportunities on the Kenai National Wildlife Refuge in Alaska. *Safari Club Int’l v. Haaland*, 21-35030 (9th Cir.).<sup>1</sup>

Safari Club offers this brief on behalf of itself and its members. No Party’s counsel authored this brief in whole or in part; no Party or Party’s counsel

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<sup>1</sup> Safari Club is currently seeking a commitment from the Biden Administration to maintain, at minimum, the current level of hunting and fishing access on federal lands across the country. See “No-Net-Loss”, <https://safariclub.org/no-net-loss/>.

contributed money intended to fund this brief; and no person or organization other than Safari Club contributed money intended to fund preparation of this brief.

### **ARGUMENT**

This Court should reverse the District Court’s denial of Appellants’ motion for a preliminary injunction because all four of the injunction elements are met. An injunction should be granted when the moving party demonstrates (1) it is likely to succeed on the merits of its claims, (2) it is likely to suffer irreparable injury in the absence of preliminary relief, (3) the balance of equities tips in its favor, and (4) an injunction will not harm the public interest. *E.g., Greater Yellowstone Coal. v. Flowers*, 321 F.3d 1250, 1255 (10th Cir. 2003). When the latter “three requirements tip strongly in [the moving party’s] favor, the test is modified,” and the moving party may satisfy the first factor “by showing that questions going to the merits are so serious, substantial, difficult, and doubtful as to make the issue ripe for litigation and deserving of more deliberate investigation.” *Id.*

A preliminary injunction should issue here because the EO and DOL Rule will cause irreparable injury, including to the guided hunting industry on the whole, to citizens who rely on guided hunts to access federal lands, and state wildlife agencies who rely on guided hunting in their conservation programs. The balance of equities and public interest tip in Appellants’ favor because of the importance of protecting public access to public lands, and avoiding detrimental economic losses for rural and

remote communities as a result of reduced hunting. Because these three requirements weigh in Appellants' favor, Appellants need show that their claims raise substantial questions about the legality of the EO and DOL Rule. Appellants meet this standard. *E.g.*, Order granting Appellants' motion for a preliminary injunction pending appeal (Feb. 17, 2022). Moreover, evidence that application of the EO and DOL Rule to the guided hunting industry does not work and leaves employees worse off raises substantial questions about whether the justification given for the EO and DOL Rule is erroneous and arbitrary—and therefore raises substantial questions about the legal support underlying the EO. Accordingly, since all four elements weigh in favor of granting a preliminary injunction, this Court should reverse the District Court's contrary ruling.

**I. Implementation of the EO and DOL Rule will irreparably harm the guided hunting industry, and the balance of equities and public interest favor injunctive relief.**

Application of the EO and DOL Rule to the guided hunting industry will cause irreparable injury to that industry and, in turn, will reduce the public's ability to rely on guides to access federal lands. For this reason, the equities and public interest also favor granting the injunction.

The “irreparable harm requirement is met if a plaintiff demonstrates a significant risk that he or she will experience harm that cannot be compensated after the fact by monetary damages.” *Greater Yellowstone Coal.*, 321 F.3d at 1258



(citation omitted). “[M]oney damages are an inadequate remedy unless the extent of future harm to the party seeking the injunction can be calculated with a reasonable degree of certainty.” *Husky Ventures Inc. v. B55 Invs. Ltd.*, 911 F.3d 1000, 1012 (10th Cir. 2018) (citation omitted). “Damages flowing from anticipated future injury to one’s livelihood or business interests are especially difficult to calculate.” *Id.* (citing *Tri-State Gen. & Transmission Ass’n, Inc. v. Shoshone River Power, Inc.*, 805 F.2d 351, 356 (10th Cir. 1986); *Sw. Stainless, LP v. Sappington*, 582 F.3d 1176, 1191–92 (10th Cir. 2009)).

With respect to the third element, the balance of equities tips in the plaintiff’s favor if the threatened harm from enforcement of a government regulation outweighs any harm to the defendant from granting the injunction. *See, e.g., Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1252 (10th Cir. 2001). For the fourth element, the public interest is served when the court prevents enforcement of an unlawful government policy. *E.g., Pac. Frontier v. Pleasant Grove City*, 414 F.3d 1221, 1237 (10th Cir. 2005); *Utah Licensed Beverage Ass’n v. Leavitt*, 256 F.3d 1061, 1076 (10th Cir. 2001).

#### *A. Irreparable Harm to the Guided Hunting Industry*

Implementation of the EO and DOL Rule will cause irreparable losses to the guided hunting industry in the form of lost business interests, lost employees, and lost clients. In the short term, a \$15 per hour minimum wage and mandated overtime of

\$22.50 will damage outfitters’ livelihoods by increasing labor costs. The time-and-a-half overtime requirement in particular will significantly increase labor costs for hunting outfitters who take clients on multi-day guided hunts. Zettel Decl. ¶ 9. Although many outfitters are already compensating their employees at or above the federal minimum wage—and even the EO’s increased rate of \$15 per hour; *see e.g.*, S.J. Decl. ¶ 16; Kronberger Decl. ¶ 18; Fejes Decl. ¶ 10<sup>2</sup>—significant uncertainty exists regarding when employees in hunting camps are “on” or “off” work, and calculating overtime will pose a significant burden. Zettel Decl. ¶¶ 4-5; Stetter Decl. ¶¶ 7-9; S.J. Decl. ¶¶ 9, 13-14; Kronberger Decl. ¶ 9; B.H. Decl. ¶¶ 6-7. Outfitters will need to hire additional administrative staff just to sort out their costs and offsetting deductions, further exacerbating their labor cost increases. Zettel Decl. ¶ 10; Kronberger Decl. ¶ 17.

Hunting outfitters eventually may be able to pass these additional costs on to their clients—to the detriment of hunters—but the standard industry practice is for clients to book their hunts two or three years in advance. Zettel Decl. ¶ 9; Fejes Decl. ¶ 11. The DOL Rule was published on November 24, 2021, and the EO’s effective date was January 30, 2022, giving the industry only two months to comply with the higher minimum wage and overtime. Zettel Decl. ¶ 9. With such a short lead time,

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<sup>2</sup> Outfitter employees also regularly receive significant compensation through room and board, training, payment of licensing fees, travel costs, and other benefits. Zettel Decl. ¶ 5; Stetter Decl. ¶ 4; S.J. Decl. ¶ 9; Kronberger Decl. ¶ 12; B.H. Decl. ¶ 7.

the industry is unable to pass these increased labor costs onto clients who already have signed contracts years in advance. Zettel Decl. ¶ 9. Thus, outfitters must bear the costs themselves. Outfitters anticipate labor cost increases as high as 50%, Zettel Decl. ¶ 9, and therefore must make tough decisions about staffing and scheduling hunts. These tough decisions may lead to reduced hours for current guides or layoffs, which could result in the closure of significant hunting areas. Zettel Decl. ¶ 9; Stetter Decl. ¶ 15; Fejes Decl. ¶ 11.

As explained further below, for hunts booked after the EO is implemented, hunting companies will be forced to raise their prices to the detriment of their clients. Zettel Decl. ¶¶ 9, 14 (“The biggest thing the EO will do is make it more expensive to go on an outfitted trip; in this era of inclusivity, this EO is counter-productive.”); Stetter Decl. ¶¶ 15-17 (“... Forcing outfitters to increase costs of any guided activity on federal lands runs counter to the government’s responsibility to much of the public. Hunts, as well as many other activities enjoyed on public lands, are already expensive, and being forced to raise the prices as the Executive Order contemplates would make them less affordable and less accessible.”); Kronberger Decl. ¶ 23; Fejes Decl. ¶ 13 (“Although hunting in Alaska is a ‘bucket list’ hunting trip, the prices would likely become too high for many people.”). The loss of income, staff, goodwill, and clientele that these outfitters will experience cannot be compensated by money damages and constitute irreparable harm to the guided hunting industry. *E.g.*,

*Husky Ventures*, 911 F.3d at 1012 (affirming district court’s finding that continued tortious interference with plaintiff’s business relationships could not be compensated with money damages because they were too difficult to quantify); *Sw. Stainless*, 582 F.2d at 1191-92 (affirming district court’s finding that loss of goodwill could not be compensated with money damages and demonstrated irreparable harm).

*B. Irreparable Harm to Public Access*

Outfitters and guides are a gateway to the outdoors. This is true for hunting and fishing as well as for river rafting. Hunting is a traditional American pastime. Many people hone their skills locally hunting for deer, ducks, and other species. But many people also dream of “bucket list” hunts for big game like bears, elk, moose, or bighorn sheep.

Federal lands frequently provide these opportunities. It is a “win-win” situation: hunters help manage wildlife populations and maintain the integrity of the habitat, while enjoying incredible hunting experiences in pristine areas. Thus, it is no wonder that (at least) 76 National Park System units, 336 National Wildlife Refuges, over 220 million acres of Bureau of Land Management lands,<sup>3</sup> plus a large percentage of the 193 million acres of U.S. Forest Service lands are available for

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<sup>3</sup> Department of the Interior, <https://www.doi.gov/blog/everything-you-need-know-about-hunting-public-lands>. These data are from 2017; since then additional hunting opportunities have been opened, including on National Wildlife Refuge lands.

hunting.<sup>4</sup> Public lands are crucial particularly for hunting in the West. For example, almost 90% of hunters in New Mexico, over 80% of hunters in Utah and Wyoming, and two-thirds of hunters in Idaho use public lands to hunt.<sup>5</sup>

In theory, access to these public lands is open to all. But in practice, even the best sportsmen and women need an experienced guide when entering new terrain or seeking the most challenging game on multi-day hunts. For example, the necessary equipment (e.g., horses, wall tents, etc.) and provisions are burdensome, expensive, and sometimes unavailable for many hunters, particularly in federal wilderness. S.J. Decl. ¶¶ 4-6. It also is difficult to recover game from remote areas. For these reasons, many States require non-residents to use a guide when hunting on particular land categories. S.J. Decl. ¶ 4.<sup>6</sup>

In addition, guided hunts are typically more successful, which helps to achieve State management objectives. Some tags are only available with outfitters. And clients who are less familiar with a particular species rely on guides to identify animals of the proper age and gender to comply with State regulations. In total, guided hunts can offer a better experience than an individually-arranged hunt.

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<sup>4</sup> National Forests Foundation, <https://www.nationalforests.org/blog/why-hunting-on-national-forests-is-awesome>.

<sup>5</sup> Center for Western Priorities, <http://westernpriorities.org/wp-content/uploads/2013/11/Landlocked-Measuring-Public-Land-Access.pdf>.

<sup>6</sup> *E.g.*, WYO. STAT. ANN. § 23-2-401; ALASKA STAT. § 16.05.407.

Implementation of the EO and DOL Rule threatens public access to the most remote and pristine federal public lands. Because outfitters are unable to transfer their increased labor costs back to the federal government, these costs will be passed on to the client through higher hunt prices. Zettel Decl. ¶ 14; Stetter Decl. ¶¶ 15-17; Kronberger Decl. ¶ 23; Fejes Decl. ¶ 13. Unfortunately, many outfitters will need to recover some of the increased costs to survive. Stetter Decl. ¶ 12. But guided hunts are already far more expensive than hunting on one's own. A significant increase in prices (30-50%: Zettel Decl. ¶ 9; S.J. Decl. ¶ 21) will likely price many clients right out and close these hunting opportunities off to a large percentage of people. The DOL was aware of these issues, but simply dismissed them (86 Fed. Reg. at 67194-106, 67206-207, 67211) without ever considering the impact on the public's access to public lands. Outfitters will have to make tough choices about increasing the costs of each hunt or offering fewer hunts to their clients, both of which will reduce opportunities for many hunters. Stetter Decl. ¶¶ 15-16; S.J. Decl. ¶ 26; B.H. Decl. ¶ 19.

At the same time, outfitters will face a shrinking pool of hunting guides. The higher costs will make it harder to train new employees into guides. Zettel Decl. ¶¶ 6-8, 13; Stringer Decl. ¶ 14; S.J. Decl. ¶ 20; Kronberger Decl. ¶¶ 19-20. And individuals who were drawn to the outdoor lifestyle to avoid having to punch a clock may choose to do something else. Zettel Decl. ¶ 12; Stetter Decl. ¶ 12; S.J. Decl.

¶ 18; B.H. Decl. ¶ 4. Of course, this situation is difficult for outfitters—but it is even worse for their clients.

In the same vein, a shortage of licensed and fully-trained guides will make it more difficult for outfitters to continue to offer the same number and quality of hunts. Stringer Decl. ¶¶ 14-15; Kronberger Decl. ¶¶ 19-21. A guided hunt is only as good as the people who guide and outfit it. Without guides, clients will lack opportunities to explore the backcountry and take advantage of hunting in remote areas. The conditions are too difficult for most people, such as in wilderness areas that do not allow motorized access. In some States, where guided hunts are legally required for non-residents for big game species, there will simply be less opportunity available.<sup>7</sup>

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<sup>7</sup> The EO and DOL Rule are also at cross purposes with actions taken by other federal agencies to expand hunting access on federal public lands.

For example, the National Wildlife Refuge System Improvement Act establishes hunting and fishing as priority uses of refuges, “through which the American public can develop an appreciation for fish and wildlife,” and directs the U.S. Fish and Wildlife Service to give these uses “priority consideration in refuge planning and management.” 16 U.S.C. § 668dd. In carrying out its mandate, the U.S. Fish and Wildlife Service annually opens new hunting and fishing opportunities on refuges. When announcing the most recent openings, the Secretary of the Interior stated: “Increasing access to outdoor recreation opportunities is essential to advancing the Administration’s commitment to the conservation stewardship of our public lands.” Department of the Interior, <https://www.doi.gov/pressreleases/interior-department-announces-over-15-billion-support-state-wildlife-conservation-and>.

The EO and DOL Rule do the exact opposite by reducing access to the most remote public lands—lands that may require significant conservation stewardship.

The EO and DOL Rule’s forced increase in hunting prices and the result of fewer opportunities for guided hunts will harm hunters. Many hunters will no longer be able to afford a guided hunting trip and may never be able to go—the EO basically erases that opportunity from their bucket lists. Stetter Decl. ¶¶ 16-17; S.J. Decl. ¶ 26. The loss of public access to federal public lands is an irreparable harm to the hunting community and many others who will lose other recreational opportunities on public lands.

*C. Irreparable Harm to Rural Economies and State Conservation Interests*

The reduction in hunters being able to enjoy guided hunts on federal lands has broader negative implications for rural economies and State conservation programs. Hunting generates a wide range of economic benefits. One of the most important is its economic support for rural and remote communities. This economic impact goes hand-in-hand with access: when hunters travel to an area to hunt, particularly an area off the beaten path, “they help support hundreds of thousands of jobs at local stores, restaurants, hotels, manufacturers and other businesses.”<sup>8</sup> In Western states, where the amount of land under federal ownership is especially significant,<sup>9</sup> “[o]pen and

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<sup>8</sup> NSSF, <https://www.nssf.org/articles/hunting-in-america-an-economic-force/>.

<sup>9</sup> In Nevada, for example, 80% of the state is federal land. In Idaho and Alaska, ~61% of each state is federal land. In Wyoming, almost 50% of the state is federal land, and in Colorado, the federal government controls more than a third of the state. See source data, available at <https://sgp.fas.org/crs/misc/R42346.pdf>.



accessible public lands are an important element of healthy and sustainable Western economies,” and tourists drawn to outdoor recreational opportunities “inject millions into local economies that help to keep shops open and residents employed.”<sup>10</sup>

According to a 2011 survey, approximately 6% of the U.S. population hunted that year and “spent a whopping \$38.3 billion on equipment, licenses, trips and more,” much of which accrued to rural and remote areas.<sup>11</sup> More recent numbers demonstrate that recreational hunting and shooting generated “over \$65 billion in combined retail sales, and contribut[ed] \$149 billion to the national economy” in 2020, which “supported nearly 970,000 jobs, creating over \$45 billion in wages and income.”<sup>12</sup> Much of that impact was felt in rural and remote areas. A reduction in hunters using public lands will cause irreparable injury to these communities that rely upon hunting revenues. These areas currently benefit from public hunting access; as that access and participation declines (as discussed above), the economic benefit to these communities will also decline.

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<sup>10</sup> Center for Western Priorities, <http://westernpriorities.org/wp-content/uploads/2013/11/Landlocked-Measuring-Public-Land-Access.pdf>.

<sup>11</sup> NSSF, <https://www.nssf.org/articles/hunting-in-america-an-economic-force/>.

<sup>12</sup> Sportsmen’s Alliance Foundation, <https://www.sportsmensalliance.org/wp-content/uploads/2022/02/2020-Economic-Impact-of-Hunting-and-Shooting-Technical-Report-V2.pdf>.

Similarly, hunting is essential to supporting State conservation programs. A reduction in hunters will cause both financial and management harms to these programs.

Excise taxes on hunting, shooting, and fishing equipment generate billions of dollars annually, which is distributed to States to support their wildlife conservation efforts. “These annual payments to state fish and wildlife agencies have resulted in the recovery of deer, turkeys and many non-game species—with benefits to hunters and non-hunters alike.”<sup>13</sup> For example, in 2021 the Service distributed a record \$1.5 billion in these funds.<sup>14</sup> Reduced hunting as a result of effectively reducing access means a likely reduction of this funding, to the detriment of State wildlife conservation efforts.

Moreover, States depend on hunters to help achieve species management objectives. For big game like deer and bear, harvest is often the only way to control wildlife populations and reducing impacts on habitat.<sup>15</sup> Many outfitters partner with

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<sup>13</sup> Department of the Interior, <https://www.fws.gov/story/hunters-conservationists>.

<sup>14</sup> Department of the Interior, <https://www.doi.gov/pressreleases/interior-department-announces-over-15-billion-support-state-wildlife-conservation-and>.

<sup>15</sup> Department of the Interior, <https://www.fws.gov/story/hunters-conservationists> (“Public lands in much of America are surrounded by development or human activity in various forms, and as such, need to be carefully managed. At many sites, humans are the only remaining predator ... This makes hunting a particularly valuable management tool for maintaining balanced wildlife populations....”).

state fish and wildlife agencies and help stabilize the population of a species in a given area. Hunting is also a valuable means to control invasive wildlife like feral swine.<sup>16</sup> Reduced hunter participation and fewer guided hunting trips as a result of diminished access means that States will have to find other ways—which will be more expensive, and likely less effective—to advance their management goals.

*D. Balance of Equities and Public Interest*

The balance of equities tips in favor of enjoining the EO and DOL Rule because the threatened harm from their enforcement outweighs any harm from granting an injunction. *Prairie Band of Potawatomi Indians*, 253 F.3d at 1252. The increase in costs for the guided hunting industry, the likely loss of guides, and the subsequent reduction of public access are serious injuries that will detrimentally impact management of federal public lands and State wildlife conservation efforts. These harms greatly outweigh any harm from enjoining application of the EO and DOL Rule—particularly because employees in the guided hunting industry are already making the minimum wage, and because these employees will be worse off

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<sup>16</sup> For example, individual refuges incorporate hunting in their management plans to reduce the impact of invasive species on their habitat and native wildlife populations. *E.g.*, U.S. Fish and Wildlife Service, Everglades Headwaters Refuge Land Protection Plan (Jan. 2012), [https://www.fws.gov/uploadedFiles/Region\\_4/NWRS/Zone\\_2/Everglades\\_Headwaters\\_Complex/Everglades\\_Headwaters/PDFs/FinalLPPEvergladesHeadwatersNWR.pdf](https://www.fws.gov/uploadedFiles/Region_4/NWRS/Zone_2/Everglades_Headwaters_Complex/Everglades_Headwaters/PDFs/FinalLPPEvergladesHeadwatersNWR.pdf).

when forced to “punch the clock.” For the fourth factor, the public interest is served by preventing enforcement of a government policy with these negative effects.

**II. The Appellants’ claims raise substantial questions about the legality of the EO and DOL Rule.**

Because the EO and DOL Rule will cause irreparable injuries, the balance of equities tips in favor of an injunction, and the public interest is not harmed by an injunction, Appellants may satisfy the first injunction element “by showing that questions going to the merits are so serious, substantial, difficult, and doubtful as to make the issue ripe for litigation and deserving of more deliberate investigation.” *Greater Yellowstone Coal.*, 321 F.3d at 1255-56. Appellants’ claims raise substantial questions about the legality of the EO and DOL Rule as applied to the guided hunting industry and whether the justification given in the DOL Rule is arbitrary and capricious.<sup>17</sup> The rationale given for the EO simply does not work in the context of the guided hunting industry. Application of the minimum wage and mandatory overtime requirements will leave employers and employees worse off than under the current system.

In response to comments from outfitters, the DOL Rule asserted “that increasing the minimum wage of ... workers [in the outfitting industries] can reduce

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<sup>17</sup> An agency action like the DOL Rule should be vacated under the Administrative Procedure Act when it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A).

absenteeism and turnover in the workplace, improve employee morale and productivity, reduce supervisory and training costs, and increase the quality of services provided to the Federal Government and the general public.” 86 Fed. Reg. at 67153. But that rationale does not make sense in the context of the guided hunting industry. Rather than reducing absenteeism and turnover in this industry, improving morale, reducing supervisory and training costs, or improving the services provided by guides to the public, implementation of the EO and DOL Rule is far more likely to have the opposite effect.

Guides and other employees choose the outdoor lifestyle because they are not looking for a “typical 9-to-5 job” or a job in “Corporate America.” They do not wish to “punch the clock.” Zettel Decl. ¶ 12; S.J. Decl. ¶ 18; *see also* Stetter Decl. ¶ 12 (“People do not become a guide for the money; they want the lifestyle and experience.”). They appreciate the freedom and the ability to structure their own days as needed to succeed on a hunt. S.J. Decl. ¶ 24; B.H. Decl. ¶ 4. They find a rewarding career in the outdoors, where they interact more like family than employer and employee. Zettel Decl. ¶ 5. Kronberger Decl. ¶ 12.

Outfitters and employees live together in remote camps for weeks or even months at a time. Zettel Decl. ¶¶ 4-5; Stringer Decl. ¶ 6. Because outfitters and their employees spend weeks or months in remote camps, where “on” and “off” duty tend to blur together, the industry has not typically paid an hourly wage. Instead,

employees are paid by the hunt or the day. Zettel Decl. ¶¶ 4-5; S.J. Decl. ¶¶ 9, 13-14; Kronberger Decl. ¶ 9; B.H. Decl. ¶¶ 6-7; *see also* Stetter Decl. ¶¶ 7-9 (describing how being “on” and “off” duty can be hard to figure out, such as whether the client and hunting guide decide to take a nap in the middle of the day). In addition, employees receive compensation in the form of room and board, license fees, and tips. Zettel Decl. ¶ 5; Stetter Decl. ¶ 4; S.J. Decl. ¶ 9; Kronberger Decl. ¶ 12; B.H. Decl. ¶ 7. However, employees undoubtedly receive at least the minimum wage for their primary working hours. Zettel Decl. ¶ 5; S.J. Decl. ¶ 16; Fejes Decl. ¶ 10; B.H. Decl. ¶ 12.

Implementation of the EO and DOL Rule threatens to dismantle this system. **First**, if guides and other employees have to keep track of their hours, tips, and the benefits of room, board, license fees, etc., many will find the paperwork to be overwhelming and simply walk away. Stringer Decl. ¶ 8 (“Hourly wages would not work for me in this job. It would be very burdensome to keep a log of what I do each day, and how much time I spent working versus time spent not working.”), ¶ 10 (“Frankly, \$15 per hour, even including overtime, would not be worth the hassle of keeping time and meeting the reporting requirements..”); Stetter Decl. ¶ 12; S.J. Decl. ¶ 24; B.H. Decl. ¶¶ 15, 20; *see also* Zettel Decl. ¶¶ 5, 10-11; Kronberger Decl. ¶ 16 (“The fact that the Executive Order creates a demarcation of ‘on’ and ‘off’ times

would also cause confusion among the guides and increase the likelihood that they will just quit to avoid the headache.”).

Evidence demonstrates that raising the wage does not necessarily reduce turnover. Apprentice guides are currently paid a lower wage, but compensated with training, room and board, and other benefits. Many employers pay a bonus if trainees make it to the end of the season—including ramping their pay to a full daily rate. Zettel Decl. ¶ 6; B.H. ¶ 12. Yet many trainees still quit, because the work is hard and the lifestyle, particularly months in a remote camp, is not for everyone. Kronberger Decl. ¶¶ 18, 20. The EO and DOL Rule’s one-size-fits-all assumption that more money means more work is unsupported. As this evidence shows, people choose to do certain jobs for a variety of reasons, and as the saying goes, money cannot buy happiness.

**Second**, the EO and DOL Rule are unlikely to improve employee morale and productivity, for similar reasons. Under the current system, outfitters and guides feel more like families than employers and employees. But requiring guides and other employees to clock in and out, and creating a situation in which employers must take deductions and offsets for the perks they provide (room, board, license fees, etc.) as well as tips, will depersonalize the relationship and reduce morale. Zettel Decl. ¶ 11 (“Imagine a workplace and a life where your room, board, and other amenities have always been like family and now you are responsible for documenting it all. This

will be a tremendous blow to the morale of the industry and a wedge between employer and employee.”); Kronberger Decl. ¶ 18.

In addition, tips are currently an important component of a guide’s compensation. Stetter Decl. ¶ 4; S.J. Decl. ¶ 17; B.H. Decl. ¶ 9 (“Tipping is an important part of a guide’s compensation. Much like tipping for restaurant service, tipping is generally expected for guided hunts. The ballpark amount is 10-15% of the hunt cost. ... In my experience, guides (including myself) factor in a rough tip amount when choosing whether to accept employment for a particular hunting trip or season.”). If outfitters are forced to raise the prices of their hunts to address increased labor costs, guides may suffer due to lower tips. S.J. Decl. ¶ 21. Clients simply will not likely be willing to tip the same percentage if the price of the hunt goes up by 30-50%. S.J. Decl. ¶¶ 21, 23 (“I disagree with the rationale given for the Executive Order. It will not ‘enhance productivity’ or ‘generate higher quality work,’ because guides will actually be making less money due to lower tips and therefore not receiving any sort of incentive.”).

**Third**, the EO and DOL Rule will **increase** supervisory and training costs in this industry, and also transfer the costs of training to guides. Guides currently develop their wilderness and hunting skills through apprenticeships with outfitters. This system represents a practical way to ensure that an individual fully understands the rigors of the position and spending long periods in the backcountry; it also makes



sure potential guides are safe stewards of hunting clients before they are sent out in the field.

Employees are comfortable with this system as an essential part of the industry. Hunting guides cut their teeth in it, as they developed their wilderness skills as apprentices for outfitting companies. The learning curve for new guides is steep, the work is difficult, and the attrition rate for potential guides is high. Zettel Decl. ¶ 6; Kronberger Decl. ¶ 13. To account for these factors, apprentices have traditionally made lower wages than experienced guides, but accepted training (and room, board, license fees, and the other benefits of employment) in place of higher wages. Zettel Decl. ¶ 6; Stringer Decl. ¶ 13; Fejes Decl. ¶ 7. Apprentice guides understand the value of this training, and so they willingly accept it as compensation. S.J. Decl. ¶ 19. B.H. Decl. ¶ 10. Because apprenticeships work, some states (most notably Alaska) require that licensed guides apprentice for at least two seasons under a licensed outfitter.<sup>18</sup>

Implementation of the EO and DOL Rule will make it financially infeasible for outfitters to continue to hire trainee guides. Thus, guides may be forced to obtain their own training, raising the costs to those who want to enter the industry, as well as supervisory costs for guides who did not learn “on the job” and without the

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<sup>18</sup> Alaska Guide’s License Application, <https://www.commerce.alaska.gov/web/Portals/5/pub/gui4009.pdf>.

same practical experiences. Zettel Dec. ¶ 13; S.J. Decl. ¶¶ 20, 25; Kronberger Decl. ¶¶ 19-20.

*Last*, implementation of the EO and DOL Rule will not increase the quality of services provided to the Federal Government and the general public because it will actually reduce public access to federal lands. Zettel Decl. ¶ 14; Kronberger Decl. ¶ 23 (“Although my employees’ compensation will likely remain about the same, the amount of paperwork, the disincentives for attracting and training guides, and the increased compliance costs will likely force me to raise prices, to the detriment of my clients, who will lose some of their current access to remote lands in Alaska.”).

For all these reasons, the rationale given for the EO and DOL Rule does not make sense as applied to the guided hunting industry. The forced \$15 per hour wage and overtime will not achieve the DOL’s goal. Instead, it will be counter-productive, reducing the morale of workers, causing a shortage of qualified guides, increasing training and supervisory costs, and transferring some costs from the employer to the employee—to everyone’s detriment, but most of all, the general public’s. Appellants’ claims raise a substantial likelihood that the implementation of the EO and DOL Rule is not efficient or effective, and is arbitrary and capricious. Accordingly, the first injunction factor is satisfied.

## CONCLUSION

The District Court erred in denying Appellants' motion for a preliminary injunction. The injunction factors are all met in this case. The stakes here are high, as industries like the guided hunting industry face significant increases in costs—and catastrophic losses of qualified employees. Moreover, the public is the big loser with respect to the application of the EO and DOL Rule to the guided hunting industry. The net result will be a loss of public hunting access to remote, pristine federal lands. This Court should protect that access. For the reasons above and in Appellants' filings, Safari Club therefore urges this Court to reverse the District Court's denial of Appellants' motion for a preliminary injunction.

Dated: March 21, 2022

Respectfully submitted,

/s/ Jeremy Clare

Jeremy E. Clare

Regina Lennox

Safari Club International

501 2nd Street NE

Washington, DC 20002

(202) 543-8733

jclare@safariclub.org

rlennox@safariclub.org

*Counsel for Proposed Amicus Curiae  
Safari Club International*

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this brief complies with Fed. R. App. P. 32(a)(5), as it is printed in Times New Roman 14-point, a proportionately spaced font.

This brief complies with the type-volume limit of Fed. R. App. P. 29(a)(5) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), it contains 5,255 words according to the word count function of Microsoft Word.

Paper copies to be submitted to the Court are exact copies of the version submitted electronically.

All required privacy redactions have been made pursuant to 10th Cir. R. 25.5.

/s/ Jeremy Clare  
Jeremy Clare

**CERTIFICATE OF SERVICE**

I hereby certify that on March 21, 2022, a true and accurate copy of the foregoing filing was electronically filed with the Court using the CM/ECF system. Service on counsel for all parties will be accomplished through the Court's electronic filing system.

/s/ Jeremy Clare  
Jeremy Clare

**NO. 22-1023**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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DUKE BRADFORD, et al.,  
*Plaintiffs-Appellants,*

v.

U.S. DEPARTMENT OF LABOR, et al.,  
*Defendants-Appellees.*

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**DECLARATION OF B.H.**

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Jeremy E. Clare  
Regina Lennox  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 543-8733  
jclare@safariclub.org  
rlennox@safariclub.org

*Counsel for Proposed Amicus Curiae  
Safari Club International*

**DECLARATION OF B.H.**

I, B.H., depose and state as follows:

1. I am a resident of the State of Idaho.
2. I am a member of Safari Club International (Safari Club).
3. I am a licensed professional guide in Idaho and Alaska. I also regularly guide in Sonora, Mexico. I work for hunting outfitters in these areas. These outfitters operate on a range of land categories, including federal public lands (Forest Service, Bureau of Land Management, some wilderness lands).
4. I have been a hunting guide for seven years. I became a guide because I was drawn to the lifestyle. I am not interested in an average 9-to-5 job. I want to live my life differently and with what feels like more freedom.
5. A typical hunting season for me begins in Sonora, where I guide five-to-seven day hunts for deer and desert bighorn. Next, I fly to Alaska and guide ten-to-fifteen day hunts for brown bear, moose, Dall sheep, and mountain goat. I end my season in Idaho, guiding multi-day hunts for bighorn sheep, deer, elk, and mountain lion.
6. When I guide hunts, I am in various remote camps for weeks or months. I consider myself to be “on duty” for almost all of that time. As a professional guide, it is my responsibility to keep my clients safe and happy. However, I do not consider myself working overtime, in the sense that I am working extra hours after exceeding some base number. I just consider myself to be doing my job, and this is how the job works.
7. I am typically paid by the day. My compensation also includes room, board, flights, my guide’s license and fees, and tips.
8. If I guide a ten-day hunt, then I am paid for ten days, whether the hunt lasts ten days or not. If my client successfully harvests his or her animal before the end of the scheduled hunt, I will usually be moved over to help out another guide, or another client will be moved over to me. If I join another

hunt or receive another client, then I would anticipate the possibility of my compensation increasing because I could receive a second tip.

9. Tipping is an important part of a guide's compensation. Much like tipping for restaurant service, tipping is generally expected for guided hunts. The ballpark amount is 10-15% of the hunt cost. The tip can be substantial, if a guided hunt costs \$10,000 or even \$20,000. In my experience, guides (including myself) factor in a rough tip amount when choosing whether to accept employment for a particular hunting trip or season.
10. When I first started out in this industry, my compensation was considerably lower. However, I believed that I was being paid according to my skill set—which was pretty minimal. I grew up hunting and fishing, but I still had a lot to learn before I could safely take clients out on hunts. Therefore, I voluntarily accepted training in place of the higher daily rate paid to experienced guides. This training period is really important, especially for guides in Alaska, where the professional guiding requirements are strict.
11. When I was in training, the outfitters may have lost money or perhaps broke even on my employment. When starting out as a trainee, you are paired with an experienced guide and assigned together to a client. Of course, the outfitter cannot charge the client more, even though the client now has a trainee and a guide.
12. In my experience, trainees receive a daily rate, a portion of the tips, the benefit of gaining experience, and an end-of-season bonus for sticking out the season. The bonus would typically cover plane tickets, a guide's license, and a higher daily rate, among other things.
13. When I was a trainee, I do not think I made a \$15/hour minimum wage on its face, but I received the benefit of the training. My current compensation exceeds \$15/hour.
14. I do not believe that I will benefit from Executive Order 14026. I believe my tips will be worth less to me, because I will have to report them to my employer so they can take a credit.

15. If I have to clock in and out and do additional paperwork, I may consider working fewer hours just to avoid the extra hassle.
16. I am certain some jobs, like those in fast food or retail, will benefit from higher minimum wages and overtime. But guiding and outfitting is a unique industry, and this Order will not have the same positive impact as it might for someone who works in a “job.” I consider guiding a lifestyle, not a job.
17. Most guides are not in favor of this Executive Order. Guiding is a unique career, and guides know what they are getting into when they choose it (and this is reinforced by the training). There is typically a reason they choose the outdoor life.
18. Our situation differs from a lot of jobs which are not the end goal but are just a way to pay for things or a means to an end. For many people, guiding is not a means to an end but is their career choice. My goal, for example, is to remain a guide and to become an outfitter as well.
19. With that said, I will think twice about becoming an outfitter if the Executive Order remains in place. It seems like the compliance costs—and more than that, the change it will force in the culture of our industry—are concerning a lot of outfitters and will impact their businesses. And higher prices for hunts are likely to result, which will negatively impact our clients.
20. I hunt for fun. I consider guiding to be fun. That is why I do this job. I imagine a lot of people who work in hourly-rate jobs do not find them to be fun, and I think that is another big difference and another reason why this industry is so different. Unfortunately, I think the Executive Order, and the associated paperwork, will take some of the fun out of the industry.
21. Finally, I really object to the one-size-fits-all approach of the Executive Order. It will not work in our industry, but I am sure it will benefit some people in some jobs. I think there needs to be a more targeted approach to address the concerns of those who should be making a fair wage. I am already doing so, and I believe the repercussions of this Order will do more harm than good for our industry.



22. I make this declaration based on my personal knowledge and in support of Safari Club's amicus brief in this case.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 18th day of March, 2022

B.H.

B.H.

**NO. 22-1023**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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DUKE BRADFORD, et al.,  
*Plaintiffs-Appellants,*

v.

U.S. DEPARTMENT OF LABOR, et al.,  
*Defendants-Appellees.*

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On Appeal from the U.S. District Court for the District of Colorado  
Case No. 1:21-CV-03283  
Chief Judge Philip A. Brimmer

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**DECLARATION OF SAMUEL T. FEJES**

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Jeremy E. Clare  
Regina Lennox  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 543-8733  
jclare@safariclub.org  
rlennox@safariclub.org

*Counsel for Proposed Amicus Curiae  
Safari Club International*

I, Samuel T. Fejes, depose and state as follows:

1. I am a resident of the State of Alaska.
2. I am a member of Safari Club International (Safari Club).
3. I am a licensed Master Guide in the State of Alaska. I own and operate Fejes Guide Service, Ltd., which operates hunting and fishing adventures primarily on areas between Cordova and Yakutat along the Alaskan coast. I have been in the professional guiding business for forty years.
4. We offer hunts on federal public lands: U.S. Forest Service lands, U.S. Fish and Wildlife Service lands, and Bureau of Land Management lands. At least two-thirds of the hunts we offer occur on federal lands. Hunting on any of these federal lands requires proper permitting.
5. All of the hunts we offer are multi-day. Some bear hunts are five days; most hunts are ten-day adventures. When out on a hunt, the guides and other staff are largely on duty, as they have an obligation to keep the client safe.
6. My company employs guides, camp help, pilots, kitchen staff, lodge staff, and packers. People come from all parts of the country to work in Alaska. Guides are typically paid \$300 to \$400 per day. Guides are seasonal and they have other jobs as well. Some guides work an entire season, while others just part of a season.
7. Packers are younger employees who are learning on the job. They are paid approximately \$2,000 per month with no other expenses incurred during their employment. Everything is taken care of for them. The packers understand that room, board, training, etc. are part of their compensation.
8. The packers are training to be guides. They learn on the job in an apprenticeship-style program for three years before they become fully licensed guides. Typically, packers are kids out of high school or college who come to find a new way of life. For most it is like going on vacation but being paid to be there. They seek the adventure of this work. If they

decide they do not like this lifestyle, they are free to leave with no hard feelings.

9. Some of my former employees have gone on to become pilots for commercial airlines, lawyers, major contractors, or to own their own fishing boats.
10. Under the current system, my employees make the minimum wage, or more, and also receive compensation in the form of room, board, license fees, and training. However, they are not paid in the manner contemplated by Executive Order 14026, such as with hourly pay and strict overtime. That system really would not work with these kinds of jobs. The employees do not have set on and off times, nor do they want a structured schedule like that. These types of jobs are for people who are looking for new adventures and who want a different direction in life. I offer them such opportunities. My job is really as an organizer, and I teach people how to work in this lifestyle.
11. Implementation of Executive Order 14026 will detrimentally impact my business. As an initial matter, it would diminish revenues for the first few years because my clients book their trips three to four years in advance. If I have to implement a new employment system and either pay hourly wages and overtime or take all the necessary deductions for room/board/fees, etc., it will increase the costs of the trips that have already been booked. I will not go to my existing clients seeking more money to accommodate increased wages.
12. Implementation of the Executive Order will also make it difficult to train new guides, especially when clients are booked years in advance. It is already difficult to find packers who are interested in this type of work and to find qualified guides to fill the needs of the company. Fewer and fewer people seem to want this lifestyle each year. Increasing costs would only add to the difficulty of fully staffing my business because I will be unable to offer interested people training in exchange for a lower wage.
13. Eventually, the costs of the hunts and fishing trips will have to increase for my clients. I would try to maintain the number of trips offered to my clients,

but I assume fewer people would want to book them at higher prices. The industry is already suffering with inflation, increasing insurance costs, and increasing costs in other areas. Raising the hourly wages and the mandatory overtime to \$22.50 would add to an already near-impossible situation, so I would have to pass on costs to the clients. Although hunting in Alaska is a “bucket list” hunting trip, the prices would likely become too high for many people.

14. Ultimately, implementation of the Executive Order would harm my business, my clients, and even my employees. It simply does not work well for this industry.
15. I make this declaration based on my personal knowledge and in support of Safari Club’s amicus brief in this case.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this \_\_21st\_\_ day of March, 2022



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Samuel T. Fejes

**NO. 22-1023**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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DUKE BRADFORD, et al.,  
*Plaintiffs-Appellants,*

v.

U.S. DEPARTMENT OF LABOR, et al.,  
*Defendants-Appellees.*

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On Appeal from the U.S. District Court for the District of Colorado  
Case No. 1:21-CV-03283  
Chief Judge Philip A. Brimmer

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**DECLARATION OF LANCE KRONBERGER**

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Jeremy E. Clare  
Regina Lennox  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 543-8733  
jclare@safariclub.org  
rlennox@safariclub.org

*Counsel for Proposed Amicus Curiae  
Safari Club International*

I, Lance Kronberger, depose and state as follows:

1. I am a resident of the State of Alaska.
2. I am a member of Safari Club International (Safari Club).
3. I am a licensed Master Guide in the State of Alaska. I own and operate Freelance Outdoor Adventures, which employs guides for hunting and fishing in Alaska.
4. In addition to Alaska, I have been a hunting guide in Idaho, Nevada, Arizona, and Utah.
5. I and my employees guide on federal public lands in Alaska for approximately ninety percent of our hunts each year, including on Park Service lands, U.S. Fish and Wildlife Service lands, and Bureau of Land Management lands.
6. Each year, I personally guide hunts for approximately five months on federal lands. On average each year, my company provides services for approximately sixty hunters and eighteen fishermen that all utilize federal lands.
7. I employ approximately ten people on payroll throughout the year. I also employ seasonal guides, some of which work as little as two weeks or as much as six months per year. Nearly all the seasonal guides that I employ have other jobs, whether it is guiding for another company or a job unrelated to guiding.
8. Each hunt that I offer to my clients is a multi-day hunt. We offer hunts for brown bear, moose, goat, Sitka black-tailed deer, and grizzly bear, all on federal lands. We also offer Dall sheep hunts on state lands.
9. Each guide is paid a set amount per day. This is the industry standard in Alaska. I do not know of anyone who does it differently in Alaska. In my experience, guides are paid on a per day basis for three primary reasons. First, the weather is often too severe to hunt. If a guide is paid only for time

when the client is actively hunting, it would not accommodate for many instances when the weather prevents hunting. In many instances, a guide would receive less compensation than if paid by the day. Second, because Alaska has 24-hours of daylight some parts of the year, hunting can occur at various times throughout a 24-hour period. A guide might be “on” in the middle of the night and “off” in the middle of day. And, in Alaska, every client must be with a guide when in the field. A guide cannot be unavailable to the client during the hunt. This system simply does not allow for a typical daytime versus nighttime distinction of “on the clock” versus “off the clock.”

10. If a hunter successfully harvests before the end of the multi-day hunt, the guide will still be paid for the full number of days allotted. My philosophy is that no one is done until everyone is done. Unless we are already employee heavy on a hunt, the guides with finished clients will typically go help on another hunt. This industry is labor intensive, so help is always welcomed. Depending on the generosity of the client, this system may benefit my employees by increasing their tips, which is part of their compensation.
11. If all the clients are finished before the end of the designated time period, the guides typically do various tasks, such as repairing tents and other gear, and also spend some downtime at base with the other guides and employees. Regardless, they will be paid the full amount for the entire period, even when not actively working.
12. The guides I employ are practically my family. The company pays for everything for the guides while they are in Alaska: flights to and from camp, hotel rooms, trips to conventions, licensing fees, food, etc. Most of the seasonal guides do not open their wallets until they get home. We cover all sorts of expenses for them throughout the year, even when not hunting. We even try to give Christmas presents to the guides each year. Our guides appreciate these extra benefits they receive for working with our company.
13. Training new guides is a critical component of my business. Every new guide must spend two years hunting with at least sixty days in the field, under the supervision of an experienced guide, before they can be licensed



as a guide in Alaska. Even after achieving these basic requirements, a new guide usually has much more to learn before he or she is prepared to guide a hunt safely and successfully on his or her own. So, training the new guides are part of our costs. Trainees are paid \$100 per day to learn. If they stick around for two years, they can get licensed, and their pay increases to \$150 per day. Even then, they are still learning the job. Each year, the guides I employ receive a raise of about \$50 per day. I have never had any guide complain about being paid too little. This trainee system is common in the industry, and I believe that trainees understand that their training incurs significant expenses for the company, and therefore consider the valuable training to be part of their compensation.

14. Because it does not appreciate the realities of the system I have described above, I believe that implementation of Executive Order 14026 will have a massive negative impact on my company and the guiding industry in Alaska.
15. First, the paperwork burden alone will likely drive some guides to quit altogether. We already are overloaded by paperwork requirements from the federal and state government requirements, state licensing, hunting tags, CITES permits, sealing certificates, transfer of possession paperwork, etc. In the hunting world, because we deal with harvesting wildlife, the paperwork burden is substantial. Guides are already stressed by paperwork, and I think that adding to it with requirements for time sheets and reporting would push some guides to quit.
16. The fact that the Executive Order creates a demarcation of “on” and “off” times would also cause confusion among the guides and increase the likelihood that they will just quit to avoid the headache. Again, that system simply does not exist in Alaska.
17. For my business, we probably would have to hire another staff member just to deal with new requirements from the Executive Order. My wife already works full time handling paperwork requirements for the company; adding more would be too much.
18. Second, the Executive Order is attempting to address a problem that does not exist in our industry. My guides routinely make more than a \$15 per hour

minimum wage, and some make more even with overtime factored in. Overall, wages to the guides under the current system compared to the system created by the Executive Order would be somewhat of a wash. However, to account for the additional compliance expenses etc., we would have to lose some of the perks that we offer to the guides in terms of covering costs while “off” work. And I think implementation of the Executive Order would diminish the relationship I have with my employees. It would become more transactional in nature and less personal.


19. Third, as I previously explained, training guides is critical to this industry. It is a tough job, and even many experienced guides do not last long in this profession, either because they are too physically tired to do it or because of other obligations, like their family, prevent them from continuing. Implementation of the Executive Order will effectively prohibit the current system by requiring trainees be paid about as much as licensed guides. Many companies would not be able to afford that and would simply stop training new guides.
20. The lower wages given to trainees reflects the fact that they are gaining invaluable and necessary experience as part of their compensation. It also reflects the fact that only about two-thirds of trainees make it through the first year of training. The other one-third find the job too difficult. This issue of high turnover is factored into my operating costs. I know that I will spend money training individuals who will never become guides, and I accept that as a reality of this business. But paying those individuals higher wages to only have them quit before they become guides would be very detrimental to my business and others. Again, many companies would simply stop training, which of course would lead to a shortage in qualified guides in a few short years. That would hurt the industry, individuals who are drawn to this lifestyle but lack the background and require the training, and of course, the clients, who will potentially lose access to the amazing landscapes and wildlife that we offer through our guided hunts.
21. I have firsthand experience with the value of these training programs. Before I became a guide, I had spent four years studying to become a civil engineer with no guiding experience. I went to guide school in Idaho but had no in-field experience. To get that experience, I agreed to join a guiding

company for a year without payment; I was, of course, compensated with accommodations, food, etc. If the Executive Order were in place at that time, no company would have agreed to train me for the \$15 per hour minimum wage plus overtime. Thankfully, I was able to gain experience and am now a Master Guide with my own company. I believe that experiences like mine will be lost if the Executive Order is implemented.

22. For these reasons, I do not believe the Executive Order will benefit many in the hunting guide world. I do not know anyone who would welcome these changes, and I think some guides would quit and some businesses would be detrimentally impacted by the changes.
23. Of course, I also believe that implementation of the Executive Order will damage my business. Although my employees' compensation will likely remain about the same, the amount of paperwork, the disincentives for attracting and training guides, and the increased compliance costs will likely force me to raise prices, to the detriment of my clients, who will lose some of their current access to remote lands in Alaska.
24. I make this declaration based on my personal knowledge and in support of Safari Club's amicus brief in this case.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 17 day of March, 2022



Lance Kronberger

**NO. 22-1023**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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DUKE BRADFORD, et al.,  
*Plaintiffs-Appellants,*

v.

U.S. DEPARTMENT OF LABOR, et al.,  
*Defendants-Appellees.*

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**DECLARATION OF S.J.**

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Jeremy E. Clare  
Regina Lennox  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 543-8733  
jclare@safariclub.org  
rlennox@safariclub.org

*Counsel for Proposed Amicus Curiae  
Safari Club International*

**DECLARATION OF S.J.**

I, S.J., depose and state as follows:

1. I am a resident of the State of Idaho.
2. I am a member of Safari Club International (Safari Club).
3. I am a licensed professional guide in Idaho and in Alaska. I work for hunting outfitters in these states. These outfitters operate on federal public lands.
4. Hunting guides are necessary for non-residents in Alaska for certain species (sheep, grizzly bear, brown bear, and goat). In Idaho, there are no legal requirements. But clients choose to use outfitters and guides largely based on the amount of infrastructure required to succeed on a hunt in remote areas. It is expensive and difficult to maintain wall tents, horses, small planes, etc.
5. Clients also choose to use guides because they have expertise on the species and the area that comes with experience. It can be extremely difficult for people to obtain that kind of expertise with their busy lives, so they rely on people like myself, who make guiding their lifestyle and livelihood.
6. On top of that, choosing to use outfitters and guides allows the hunter to put less energy into planning and getting into the area with the proper equipment. Instead clients can put all their time and energy into enjoying the experience.
7. In Idaho, the outfitter has a permit to operate on U.S. Forest Service land, and primarily operates in wilderness. In designated wilderness, motorized vehicles are generally not allowed. In Alaska, the outfitter has a permit to operate on five land types: Forest Service, Bureau of Land Management, National Wildlife Refuge, National Preserve, and State of Alaska.
8. I have also worked as camp help in a number of other Western states.

9. In Idaho, I generally guide on multi-day adventures that last five-to-seven days. I am paid for these hunts by the number of days. The lowest rate for a guide with my experience is typically about \$225 or \$250/day plus tips. In Alaska, the lowest rate for a guide with my level of experience is typically about \$300/day plus tips. In Alaska, I will often guide on ten-day adventures.
10. In addition to daily rates, I also receive a number of other incentives, which I consider to be part of my compensation. When I guide in Alaska, my employer pays for my plane tickets, bush flights, and guide's license. The employer taking care of these details makes the job a lot easier and is part of what draws me to this job.
11. It is my experience and it is typical in the hunting guide industry that, if your client successfully hunts their animal prior to the end of the hunt, you return to the base before the total number of days has expired. However, guides (and other camp help) are still paid for the total number of days. In other words, if a client successfully hunts their animal on day three of a seven-day hunt, I am still paid for all seven days.
12. In this situation, sometimes I am paid out with no further obligations. Sometimes I will be changed over to a new client and paid for the number of days of that hunt, as well as tips from a second client.
13. On these overnight trips, whether I am "on duty" at all times depends on the location and the time of year. In Idaho, we typically hunt dawn-to-dusk. Guides and camp staff take turns making dinner and cleaning up. If it is your turn, you may work until 9 p.m. or so, but then you are free to read a book, go to bed, etc. until the next morning. If it is not your turn, you can take time to yourself as soon as the group gets back to camp. We generally get two nights off per week.
14. In Alaska, during the summer, we work "unusual" days. It is not uncommon to hunt in the middle of the night because of the midnight sun. I am happy to do this, because we have total freedom to set our "day" during whatever hours we want because we are not limited by the night hours. One of the

coolest parts of the job is working in the midnight sun, in conditions where very few people get to work.

15. As a professional guide, I try to help the client successfully hunt their animal. That is my responsibility, and I take it seriously. It does not make sense to me that I would clock time by the hour, if I am out trying to locate a bear or an elk at odd hours, because that is the job. I believe Executive Order 14026 does not make sense given the reality of our industry and our job responsibilities. Some days you may be working hard on the hunt; other days you may be waiting for an airplane for eight hours.
16. I also believe that I am making at least the minimum wage on these hunts. When you factor in tips, I am making more than the minimum wage.
17. Tipping is an important part of a guide's compensation (and also an important part of camp staff's compensation). A good guide can potentially double the daily rate with tips. The industry standard for tipping on a multi-day hunting trip is usually about 10% of the trip cost. That is a significant expense for the client—but much appreciated among the guide and camp staff.
18. I enjoy being a professional guide, in part because of the freedom of working in the outdoors. I believe it takes a certain kind of person to be a successful guide. That type of person does not appreciate "red tape" requirements, such as clocking in or out to calculate their daily wage. Until the last four months (when the Executive Order was adopted), I had never even thought about getting paid by the hour.
19. I became a professional guide after apprenticing with outfitters to gain experience and learn how to do this job. When I first started out, I was paid less than a professional guide. But I understood, and I believe it is an understanding in the industry, that I was being paid with training as well.
20. I believe the Executive Order's \$15/hour requirement and mandated overtime at 40 hours/week will have a negative impact on our industry, on my job, and on way of life in the backcountry hunting industry. Outfitters are going to have to change the pay scale significantly. Guides are not going



to be able to accept training—which means there will be far fewer qualified guides.

21. If outfitters are forced to raise prices, guides will also suffer due to lower tips. Right now that is really important compensation, but I would not expect clients to be willing to continue to tip on hunts that have increased by 30% or more.
22. Outfitters may also have to reduce staff in the short-term. This Executive Order and regulations had a very short timeframe, but our hunting trips are generally booked out two years in advance. Outfitters will not be able to raise prices and therefore will lose significant revenue in the near term.
23. For these reasons, I disagree with the rationale given for the Executive Order. It will not “enhance productivity” or “generate higher quality work,” because guides will actually be making less money due to lower tips and therefore not receiving any sort of incentive.
24. It will not “boost morale,” because the types of people that become guides will not appreciate the additional federal requirements. People are attracted to this job due to the element of freedom and the opportunity to go out and show people an experience in the wilderness. The new rules are treating this position like any other “9 to 5” job.
25. And it will not “lower supervisory and training costs,” because outfitters are unlikely to hire people without experience and pay such a high rate. If guides are not able to accept training in exchange for a lower daily payment, I am not sure how new guides will get trained. For example, hunting guides in Alaska must have at least two years of supervised experience and 60 days in the field before they can get licensed, among other requirements. I have a hard time expecting outfitters to pay people without experience \$15/hour plus overtime to develop the necessary experience.
26. I am disappointed in the Executive Order because I believe it will reduce the number of clients who can participate in our hunts. Because we hunt largely in wilderness or in the Alaskan “bush,” most people must have a guide with support to hunt these remote areas and to recover their animal. With higher



prices and fewer guides, fewer clients will be able to take advantage and enjoy these amazing opportunities.

27. Over the course of the last four months, I have had hundreds of conversations with guides, and the universal feeling among guides is that we do not want the system to change in the way that the Executive Order requires (mandatory minimum wage and overtime).
28. I make this declaration based on my personal knowledge and in support of Safari Club's amicus brief in this case.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 18<sup>th</sup> day of March, 2022

S.J.

S.J.

**NO. 22-1023**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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DUKE BRADFORD, et al.,  
*Plaintiffs-Appellants,*

v.

U.S. DEPARTMENT OF LABOR, et al.,  
*Defendants-Appellees.*

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On Appeal from the U.S. District Court for the District of Colorado  
Case No. 1:21-CV-03283  
Chief Judge Philip A. Brimmer

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**DECLARATION OF DUSTIN STETTER**

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Jeremy E. Clare  
Regina Lennox  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 543-8733  
jclare@safariclub.org  
rlennox@safariclub.org

*Counsel for Proposed Amicus Curiae  
Safari Club International*

I, Dustin Stetter, depose and state as follows:

1. I am a resident of the State of Wyoming.
2. I own and operate Stetter Outfitters based in Dubois, Wyoming. My father was an outfitter; I was raised in this industry. I guided for other outfitters before becoming an outfitter. Overall, I have been in the industry for 26 years.
3. My business operates a wilderness camp from June to October each year. Our season starts with clients who are climbers, fishermen, photographers, etc. in the summer, and then hunters in the fall. We operate nearly 100% of our business on federal lands. I have two permits to operate on U.S. Forest Service lands and one permit for operating on Bureau of Land Management lands.
4. Each year, we employ four to six salaried employees throughout the season. Our employees are guides, packers, cooks, wranglers, etc. Each individual might fill multiple roles while at camp. The salaried employees get paid an average of \$1,750 per month plus tips. We also provide accommodations, food, transportation, and more while at camp, which is part of the employees' compensation. Tips can be a significant part of an employee's take-home pay. For example, a packer might make \$1,000 per month in tips alone.
5. In the fall, hunting guides are paid per hunt. For example, a guide typically is paid \$2,000 for a ten-day sheep hunt, and the guide will be paid the entire amount regardless of when the client harvests a sheep. And guides are also given tips by their clients. Like the other employees, all accommodations are provided for the guides.
6. If a hunter successfully harvests before the end of the allotted number of days for the hunt, I typically let the client and guide decide what they want to do with the extra time. Clients often go fishing, horseback riding, take photographs, or just hang out at camp. Regardless, the guide is paid the full amount for the allotted number of days.

7. It is difficult to determine if my employees make more or less than \$15 per hour on average. My employees sometimes spend up to 20 days in camp; whether they are “on the clock” versus “off the clock” at all times would be very difficult to figure out and keep track of.
8. We do not implement any sort of set formula to determine how much time each employee works each day. As explained below, there are a lot of variables that impact how much each person works, and it would be near impossible to have any sort of standard process for keeping track of the hours.
9. Guides are on duty at all times when they are with a client. However, guides are not always actively pursuing game during the hunting period. For example, a guide and hunter on an elk hunt might build a fire and take a nap in the middle of the day because elk are usually harvested in morning or evening. A typical day for each hunt varies based on the time of year and the species that the hunter is pursuing. Nevertheless, the guide is available to the hunter if needed, even when he or she is sleeping.
10. I believe that implementation of Executive Order 14026 will have a negative impact on my business. For me, it will create a bookkeeping nightmare in an industry that already puts a lot of expectations on federal permit holders. I think it would be near impossible to keep track of each employee’s hours and set some universal rules about when they are “working” or not “working” when at camp, so it would be a nightmare to implement the Executive Order as it is intended. We would need a lot of guidance from the government as to what is considered “at work.” For example, is the eight-hour ride into our wilderness camp considered work?
11. I believe that my employees make at least \$15 per hour, especially when tips are factored in, but that assumes I can figure out when someone is working versus not working. If I am forced to pay for when employees are at camp at all times, that would likely be the end of the business. We simply could not make enough money to pay for that.
12. The industry overall has high overhead costs. Necessary items are expensive: horse, tents, gear, food, etc. If our costs are increased by any

amount due to increased wages, I can see a lot of outfitters just quitting the business.

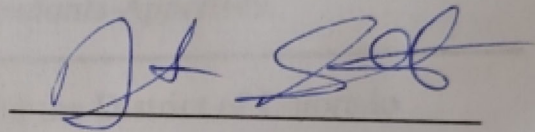
13. Hunting guides make a decent amount of money during each season, but no one seeks out seasonal work for the money. They do it because they are passionate about the outdoors and want to be in this industry. And many guides would quit if any added paperwork and red tape are added to their jobs, like the Executive Order will require.
14. Overall, people do not do this job for the paycheck. Implementation of the Executive Order will likely serve to restrain the amount of time someone can do this job. To comply, I would be forced to limit my employees' time at camp to avoid too much overtime. People want to work here to experience the wilderness. If I have to limit their time at camp and switch them out with other employees every few days, that would not be to their benefit.
15. Most importantly, I disagree with the likely outcome of implementation of the Executive Order on my clients. If my costs go up, I will have to raise our prices, and possibly raise them significantly. Raising the prices would certainly not be welcomed by any of my clients.
16. The federal government has a responsibility to the public to allow for enjoyment of federal public lands. The government is tasked with administering these lands in a way that keeps access affordable and safe. The purpose of commercial use on public lands via the outfitting industry is to provide for that enjoyment and meet the demand that the federal administrators cannot meet themselves. Forcing outfitters to increase costs of any guided activity on federal lands runs counter to the government's responsibility to much of the public. Hunts, as well as many other activities enjoyed on public lands, are already expensive, and being forced to raise the prices as the Executive Order contemplates would make them less affordable and less accessible.
17. And it is not just about the hunts. If someone cannot pay for a hunt, they will also lose the opportunity to do all sorts of other recreational activities that my camp offers. Even individuals and families that cannot afford hunts now would be subject to higher prices for fishing, climbing, horseback

riding, etc. It would truly be a shame if anyone is locked out of accessing these lands in a safe and responsible way due to an increase in costs caused by the Executive Order.

18. I make this declaration based on my personal knowledge and in support of Safari Club's amicus brief in this case.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 19 day of March, 2022



Dustin Stetter

Jessie E. Chase  
Regional Liaison  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 545-8733  
jchase@safariclub.org  
rhennox@safariclub.org

Counsel for Proposed Amicus Curiae  
Safari Club International

**NO. 22-1023**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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DUKE BRADFORD, et al.,  
*Plaintiffs-Appellants,*

v.

U.S. DEPARTMENT OF LABOR, et al.,  
*Defendants-Appellees.*

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On Appeal from the U.S. District Court for the District of Colorado  
Case No. 1:21-CV-03283  
Chief Judge Philip A. Brimmer

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**DECLARATION OF LANE STRINGER**

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Jeremy E. Clare  
Regina Lennox  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 543-8733  
jclare@safariclub.org  
rlennox@safariclub.org

*Counsel for Proposed Amicus Curiae  
Safari Club International*



I, Lane Stringer, depose and state as follows:

1. I am a resident of the State of Wyoming.
2. I am a member of Safari Club International (Safari Club).
3. I have been a licensed guide for eight years. I have been involved in the industry since childhood. My great-grandfather and grandfather were outfitters. My father and mother ran a camp, and my father was a guide. I grew up with on-the-job training as a kid and have held various camp jobs: camp jack, wrangler, packer, etc.
4. Guides in Wyoming must have first aid and CPR training, pass an exam, and be approved by the State Board of Outfitters. The board reviews guide proficiency.
5. Each year I typically spend at least 60 days guiding hunts with paying clients. I also work on climbing trips, fishing trips, photography trips, etc. I spend approximately 120 days total in the field each year with paying clients. I also spend much of my own time hunting and otherwise in the field.
6. All the guided trips are multi-day trips. Getting to the camp where I am employed takes roughly eight hours on horse, so there are no single day trips. For hunts, I guide for elk, deer, antelope, sheep, and mountain lion, with the occasional moose or black bear.
7. Most guides including myself get paid for the full number of days allotted for a hunt regardless of when a harvest occurs. If a harvest occurs early, clients can hang out at camp with their hunting buddies, go sightseeing, riding, etc.
8. I am usually paid by the outfitter per day. Hourly wages would not work for me in this job. It would be very burdensome to keep a log of what I do each day, and how much time I spent working versus time spent not working. I do not think an hourly system would work in this industry on the whole.



9. I can imagine that an hourly wage system might work for a recreational lodge in which clients go out and come in each day, but not for guided hunts out in the field. The system is simply not suitable for a hunting camp. When out in the field, a guide is typically always on duty or on standby, because they are responsible for the hunter, but they are not always “at work.”
10. I used to work on oil rigs that operated on federal lands and waters. For that job, we had to keep time in 30-minute increments. It was awful. I did not like doing it, but the pay was significantly higher – \$42 per hour – so it was worth the trouble. And it cost \$17,000 per day just to run the rig, so everyone was meticulous about it. Frankly, \$15 per hour, even including overtime, would not be worth the hassle of keeping time and meeting the reporting requirements. I will not keep time for this job for \$15 per hour.
11. If an outfitter wants to implement hourly wages, they are welcome to do so, but I don’t see that as being a successful model. And I personally do not want to deal with keeping track of how many hours I work each day for calculating wages.
12. Being at camp or out in the field is a full-time job, but it isn’t about the money. People do not become a guide for the money; they want the lifestyle and experience. I think that implementation of Executive Order 14026 would ruin that experience and discourage people from becoming guides.
13. Implementing an hourly wage would be a pain for both the guides and outfitters. The guiding industry has so many moving parts; a cookie-cutter \$15 per hour approach will not work with every part of the industry. For example, kids just starting out are not worth \$15 per hour. They are practically just warm bodies gaining valuable experience, but that experience is what is valuable to them, not the pay.
14. It is already difficult to find guides right now. As is the case in many industries, staffing shortages are a problem. It is perhaps even more of a problem in the guiding industry because this life is tough. It is hard to find the right kind of person who is suitable for this work. If an outfitter has to pay \$15 per hour to even the newest employees, more experienced guides

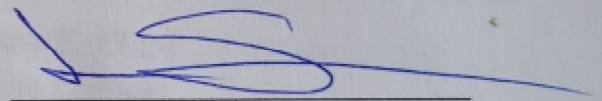
will want higher pay as well. So, it is not simply about keeping everyone at the \$15 minimum.

15. In addition to dealing with a limited supply of guides, the outfitting industry in Wyoming is also now dealing with a declining supply of non-resident hunters who require guides, because of a new resident versus non-resident hunting tag distribution system implemented in the State. Effectively, due to the new system, the number of non-resident clients that are able to draw a hunting tag each year is smaller. If implementation of the Executive Order increases the prices of the hunts and reduces the number of clients who can afford them, that would only add to the issues already confronting the guiding industry.

16. I make this declaration based on my personal knowledge and in support of Safari Club International's amicus brief in this case.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 19 day of March, 2022



Lane Stringer

**NO. 22-1023**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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DUKE BRADFORD, et al.,  
*Plaintiffs-Appellants,*

v.

U.S. DEPARTMENT OF LABOR, et al.,  
*Defendants-Appellees.*

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On Appeal from the U.S. District Court for the District of Colorado  
Case No. 1:21-CV-03283  
Chief Judge Philip A. Brimmer

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**DECLARATION OF STEVEN E. ZETTEL**

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Jeremy E. Clare  
Regina Lennox  
Safari Club International  
501 2nd Street NE  
Washington, DC 20002  
(202) 543-8733  
jclare@safariclub.org  
rlennox@safariclub.org

*Counsel for Proposed Amicus Curiae  
Safari Club International*

I, Steven E. Zettel, depose and state as follows:

1. I am a resident of the State of Idaho.
2. I am a member of Safari Club International (Safari Club).
3. I am a licensed guide and outfitter in Idaho. I own and operate an adventure rafting, fishing, and hunting company. Our company operates on U.S. Forest Service lands, including the Frank Church River of No Return Wilderness Area, under a permit from the U.S. Forest Service. The terms of the permit require that we remit 3% of our gross receipts to the U.S. Forest Service.
4. Our company typically employs about 15-20 staff during our season. About half of the staff work on the river for six-day rafting trips, and the other half work in our land-based operation, taking place in the Idaho wilderness. The land-based camps are based in the remote wilderness, literally 50 miles from the end of the road. During the fall, we run our hunting trips (typically a week at a time) out of these camps. Once they reach the camp area, our staff typically stay for a month or two because it is so remote. However, employees can enjoy “downtime” after their daily activities are complete.
5. Our hunting camp employees have been paid by the day, the hunt, sometimes even by the month. They also receive room, board, and tips as part of their compensation. Our employees undoubtedly receive at least the minimum wage for their primary working hours when you take their pay and benefits into account. However, it is difficult to determine when they are working and when they are “off” for calculating hourly rates and overtime. It does not make sense to apply an hourly pay scale to this type of job, where our employees are based in camp for a significant period of time. I would go as far as to say that most of our employees are treated more like family and, when on-duty, employee, employer, and guest all live together for extended periods of time, once again sometimes for months. Even when not on-duty and in town, many of our crew live with us through their time off.
6. Apprenticeship is an important part of our system. We bring on trainees who are not licensed guides. We help them develop their backcountry

wilderness skills. We may pay a daily wage, but it is lower than our seasoned employees, while still providing room, board, and other necessities. We also provide trainees with incentives and bonuses. Our bonuses reflect a significant investment by the company. Many businesses actually charge individuals for this sort of training whereas we simply provide it for free or at times even pay them during their training.

7. For example, if a trainee hunting guide makes it to the end of the season, they receive a bonus that brings their pay up to the full daily rate instead of the trainee rate. We also cover the cost of their backcountry flights, guide's licenses, and other expenses such as meals, some necessary equipment and tools as well as an extremely unique and unrivaled educational opportunity. We need this incentive system to account for the high attrition rate for trainees. We offer trainees the backcountry experience and opportunity to improve their wilderness skills. Even if they are unsuccessful at becoming a viable backcountry employee, the experience they will have during training will be second to none. Once again, this learning experience, whether the trainee is successful or not, would cost thousands of dollars anywhere else.
8. Trainees also cost our company a significant amount in lost revenues. For example, the Forest Service restricts the number of people we can take on each rafting trip. Every trainee takes a space on our trip that could otherwise be used by a paying client. Typically, in hunting camp we will have trained licensed guides and potential guide(s) (trainees). If we are burdened to pay trainees a full wage, the choice will be not to have trainees. In Idaho, state law requires that these trainees train in the field of expertise and in the location that they will be licensed for. We cannot simply grab a guide from elsewhere and incorporate them legally into our business. Trainees are also notoriously responsible for guaranteed costs related to inexperience, inefficiency, ineptitude, and ignorance. When livestock and gear, valued into the tens of thousands of dollars, is mandatorily put into the hands of trainees, bad things and costly outcomes are the norm. We accept this financial burden, but to pay them a full wage and overtime at the same time, is just not acceptable.
9. Implementation of Executive Order 14026 (EO) will hurt my company because we will significantly lose profits in the short term, and likely lose



clients in the longer term. Our trips are booked out two or three years in advance. The Department of Labor Final Rule was released in late November of 2021. The EO came into effect February 1, 2022. This left us just over 2 months to potentially comply with the new, much higher minimum wage and overtime requirements. Our company cannot pass the increased labor costs back to the government. We cannot pass these costs on to clients who have already booked their trips. Therefore, we are stuck incurring much higher labor costs, without any lead time to help us figure out how to implement the increase. We will have to make tough decisions about our operations and staffing levels. No industry with contracts made for years in the future can withstand wage increases of potentially 50% or more with only 70 days of notice. We realistically need those same number of years to allow for such an increase. Such a sudden change will cause us irreparable harm for sure.

10. We will likely have to hire at least one additional employee to deal with the greatly increased paperwork from the EO and regulations. We previously paid our employees in a way that exceeded the minimum wage, but did not require our employees, (guides, cooks, packers, swamper, trainees) to clock in and out.
11. In addition, the much-higher minimum wage and overtime requirements, and the additional documentation required will mean that our company, like many others, will likely need to burden our employees with the responsibility of tracking and utilizing tips, food, lodging, and the other benefits that historically have been unspoken perks of the industry, and deduct such benefits from their compensation to meet the requirements of the EO. This is a huge loss to the employees of the outfitting industry. Imagine a workplace and a life where your room, board, and other amenities have always been like family and now you are responsible for documenting it all. This will be a tremendous blow to the morale of the industry and a wedge between employer and employee.
12. Many guides are drawn to this job because of the freedom it represents—they like the fact it is not a typical “9 to 5.” I believe it will be harder to attract and keep employees because they do not want to deal with the additional requirements imposed by the EO. The life of an outfitter

employee can be both extremely physically and mentally demanding and at the same time extremely fulfilling in ways that Corporate America cannot. I like to say that outfitting is a combination of professional sports, theater, and catering. Imagine an NFL player getting paid by the hour and then time and a half for overtime, and trying to keep track of that.

13. It does not make sense in this industry to pay a trainee with little-to-no experience, who does not appreciate the difficult nature of the job, the same rate as a veteran guide. This will once again create bad blood and low morale in the workplace with senior guides making the same or little more than the rookie employee/trainee. Individuals who wish to become licensed guides may now have to go to guide schools (at their expense, or the expense of their employers), instead of apprenticing. This will also cause a shortage of potential outfitter employees in the future
14. In the longer term, the minimum wage required by the EO is likely going to force us to raise prices to offset the higher labor costs. In turn, higher prices will bar some potential guests from taking our trips. The biggest thing the EO will do is make it more expensive to go on an outfitted trip; in this era of inclusivity, this EO is counter-productive. We operate in the U.S. Forest Service Wilderness system with our Special Use Permit. The Wilderness Act requires inclusivity and equal access. The EO promotes elitism.
15. The bottom line is that this EO presents an awkward payroll situation for our industry. It just does not work. The outfitting industry is not Corporate America; people do not come to these jobs because they want to punch clocks and go home at night. I do not believe that our employees believe they are “working overtime.” They are simply doing the job and living the lifestyle that they prefer.
16. I make this declaration based on my personal knowledge and in support of Safari Club’s amicus brief in this case.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated this 18 day of March, 2022.



Steve Zettel