

COALITION FOR OUTDOOR ACCESS

March 28, 2019

The Honorable Lisa Murkowski
Chairwoman
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington DC 20510

The Honorable Joe Manchin
Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington DC 20510

Chairwoman Murkowski, Ranking Member Manchin, and members of the committee:

The Coalition for Outdoor Access respectfully submits these comments for the record in relation to the U.S. Senate Committee on Energy and Natural Resources (SENRC) Full Committee Hearing to Examine Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation, held on Thursday, March 14, 2019.

The Coalition for Outdoor Access (COA) is a broad coalition of outdoor businesses and outdoor leadership and advocacy organizations that came together in 2014 to advocate for the improvement of the outfitter-guide permitting systems of the Federal land management agencies. Our coalition includes individual guides, for-profit outfitter and guide companies, nonprofit outdoor organizations, college and university outdoor programs, outdoor education programs and conservation advocacy organizations. The COA Steering Committee is made up of representatives of the following organizations:

- [American Mountain Guides Association](#)
- [Angler's Covey](#)
- [Association of Outdoor Recreation and Education](#)
- [The Mountaineers](#)
- [National Outdoor Leadership School](#)
- [Outdoor Industry Association](#)
- [REI](#)
- [YMCA](#)
- [The Wilderness Society](#)

COA believes in the value of transformative experiences in the outdoors. We also believe these experiences are often best provided by trained outdoor leaders, businesses and organizations. We recognize the need for managing facilitated recreational use through permitting systems, but believe those systems should be responsive, efficient, transparent and should provide plentiful and equitable access opportunities. The best way to achieve this is through collaboration between guides, outfitters, outdoor programs and the land management agencies.

We appreciate the SENRC committee highlighting the role of recreation on our public lands with a hearing. Our testimony is focused on how the recreational permitting systems of the federal

land management agencies make it difficult for guides, outfitters and other outdoor programs to take people outdoors.

In many places around the country, outfitter-guide permits are difficult for outdoor leaders and businesses to obtain. There are a number of reasons for this. Common issues include:

- The current permitting process is complex and labor-intensive, often requiring careful analysis of a proposed activity even when the activity will take place on existing recreation infrastructure (trails, roads, campgrounds). In contrast, access for the unguided public is unlimited even though the unguided public makes up the overwhelming majority of overall use.
- Because the permitting process is labor-intensive, the agencies often do not have enough staff capacity to process applications or administer additional permits. For example, in the U.S. Forest Service, 70% of the people responsible for administering permits have been assigned those responsibilities as a collateral duty on top of another job. As a result, they do not have the staff time to issue and administer new permits. When this happens, the agencies will simply refuse to issue new permits. This is the most common reason why permits applications are rejected or remain unprocessed.
- It is often very difficult for an organization to determine if they need a permit for their activity, and if so, whether permits are available and how to apply for them. Requiring the agencies to notify the public of the availability of permits and to provide timely responses to permit applicants would help with this.
- Permit holders are generally not allowed to conduct different types of recreation activities under one permit. They are generally required to seek new authorizations for each activity. Allowing similar activities to be conducted under a single permit would allow recreation service providers to focus on helping people access public lands and create lasting outdoor memories, rather than dealing with bureaucratic barriers.
- Currently, agencies aren't able to collaborate with one another and issue a single permit for activities that cross agency boundaries. Being able to do so would significantly reduce administrative burdens for the agencies and simplify the permitting process for outfitters and guides.
- Permits are sometimes administered in a 'use it or lose it' basis. Under this system, if a permit holder doesn't use a certain number of their assigned permit service days, the unused days may be taken away from the permit holder. Providing permit holders with assurances that they will not lose service days in the event of natural disasters, wildfire, or other circumstances beyond a permit holder's control would provide much-needed certainty for permit holders to sustain their operations through good seasons and bad.
- State colleges and universities and other state entities are prohibited by state law from complying with the U.S. government indemnification requirement imposed as a condition for obtaining some permits. As a result, these entities are generally unable to obtain recreational permits to visit federal lands and waters. That means public school students often have no choice but to go to state land. Private schools have no such limitation.

- Establishing a universal policy of allowing outfitters, guides and other outdoor leaders to use liability release forms would be a major improvement for small family-run outdoor businesses, nonprofit organizations, and youth programs. Liability release forms are widely accepted under state law. Use of these forms is essential for controlling insurance costs and enables small businesses and organizations to continue to provide outdoor experiences.
- Clarifying existing law to allow agencies to use a percentage of permit fees to improve the operation of the permitting system would make the permitting process work better for everyone.

The members of the Coalition for Outdoor Access and all types of outfitters, guides, and outdoor trip leaders around the nation have struggled for decades to serve the public on America's public lands. This has limited the American public's ability to experience public lands and it has prevented recreation organizations and businesses from growing. We look forward to working with the committee to identify and implement bipartisan, common-sense solutions that will improve agency efficiency, enhance public access, and bolster the recreation economy.

Thank you for considering our comments.

Sincerely,

The Coalition for Outdoor Access

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