

American Mountain Guides Association
4720 Walnut Street, Suite 200
Boulder, CO 80301
(P) 303.271.0984 | (F) 720.336.3663
www.amga.com | info@amga.com

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Rick May
Senior National Advisor for Recreation
U.S. Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240
Email: rick_may@ios.doi.gov

RE: American Mountain Guides Association Comments on Secretarial Order 3366

Dear Mr. May,

The American Mountain Guides Association respectfully submits these comments on Secretarial Order 3366 (the "Order"), issued by the U.S. Department of Interior on April 18, 2018. The following comments are specific to the application of the Order within the National Park Service and the Bureau of Land Management. Agency specific comments have also been provided directly to the respective agencies.

The American Mountain Guides Association (AMGA) represents the interests of the American mountain guiding community which includes climbing and skiing guides who provide educational, safety-oriented, and memorable outdoor experiences for the public on public lands. As the American representative to the International Federation of Mountain Guide Associations, the AMGA institutes international standards for the mountain guiding profession in the United States and serves as an educational body for land management agencies, guide services, outdoor clubs, and others wishing to establish approved standards for guided climbing and skiing activities. The educational branch of the AMGA has trained over 13,000 climbing instructors, skiing guides, and mountain guides across the nation, including many veterans seeking a career in the mountain guiding industry. Of additional relevance to this discussion, our membership includes outfitters and guides who have been operating on public lands since the inception of the modern commercial recreation permitting system. We have extensive experience with public land management systems, philosophies, and permitting, and we appreciate the opportunity to share our comments on Secretarial Order 3366.

Lands managed by the National Park Service (NPS) and Bureau of Land Management (BLM) contain some of the finest climbing, mountaineering, and backcountry skiing venues in the nation. Areas such as Yosemite, Moab, Denali, Red Rock Canyon, and Mount Rainier invoke awe and inspiration among climbers and skiers of all types. Additionally, these areas provide exceptional opportunities for the public to have introductory experiences with a guide. We look forward to exploring new opportunities for expanded recreation in areas such as these, and improved access for outfitters and guides, under the direction of Secretarial Order 3366.

We strongly support the purpose of the Order to ensure public lands and waters managed by the U.S. Department of Interior (the “Department”) are open and accessible for recreational pursuits by all Americans and visitors to the United States. In particular, we applaud the Department’s intent to increase and expand recreational opportunities (section 4(a)(1)), streamline and improve the permitting process for outfitters and guides (section 4(a)(2)), and identify organizations focused on providing access to recreational activities for veterans (section 4(a)(5)).

Increasing and Expanding Recreational Opportunities

Increasing and expanding recreational opportunities on Department lands and waters will improve access to outdoor recreation for more Americans, create good jobs in the fast-growing outdoor industry, increase prosperity in small rural communities, and generate additional revenue to help defray the cost of maintaining public lands. We offer the following recommendations for expanding recreational opportunities on lands managed by the Department:

1. *Encourage Additional Permitting of Outfitters and Guides.* Outfitters and guides have a long history as partners to the National Park Service and Bureau of Land Management. They help Americans access and experience public lands – especially those who lack the knowledge, experience, or equipment to do so on their own – and they support agency management goals, visitor safety, and Leave No Trace ethics. We encourage the Department to call upon its partnership with outfitters and guides to help fulfill the purposes of SO 3366. The following list highlights specific locations where the Department could expand recreational opportunities for the public by encouraging additional permitting of outfitter and guides:

- Yosemite National Park – Currently, there is one provider of guided rock climbing and mountaineering services in Yosemite. This guide service has an excellent track record of service to the public over the many decades it has been in existence. However, we believe service to the public could be enhanced by expanding the availability of guided rock climbing and mountaineering in Yosemite. We recommend the park consider offering new Commercial Use Authorizations (CUAs) to a diverse array of mountaineering and rock climbing service providers as a complement to the services offered by the current concessioner. This would increase recreational opportunities in Yosemite, expand public choice when selecting a guide, improve visitor services, and create jobs. There are examples of this approach being utilized with great success in other climbing parks. Rocky Mountain National Park and Mount Rainier National Park have increased the diversity of providers by implementing CUA programs and increasing the number of mountaineering concession contracts. Additionally, Denali National Park & Preserve is proposing to implement a new mountaineering CUA program on Denali in 2019 (see below). These examples can serve as a model for expanding and improving recreational opportunities in Yosemite.
- Sequoia-Kings Canyon National Parks – A Wilderness Stewardship Plan (WSP) adopted by Sequoia-Kings Canyon (SEKI) in 2015 reduced opportunities for the public to experience SEKI wilderness with a guide. The new WSP reduces non-stock commercial services in the Mount Whitney Management Area (MWMA) by 10% and simultaneously expands the borders of the MWMA to encompass a much larger area than in the past. Taken together, these management changes result in fewer opportunities for the public to visit SEKI Wilderness with a guide. While we are firmly in favor of management that seeks to preserve Wilderness character, this reduction in commercial mountaineering use represents only .1% of total visitor use in SEKI – hardly a meaningful change to existing conditions – while imposing significant constraints on guide

businesses and unnecessary limitations for the public. Moreover, guided groups are astute followers of Leave No Trace ethics, they endorse park values, and they help to educate other visitors. It seems contrary to place unique limitations on these groups that serve park interests. To remedy this situation, we encourage the park to reconfigure the boundaries of the MWMA to encompass only the areas of high use and exclude areas that do not need additional controls. There is also an excellent opportunity to expand guided recreation opportunities in SEKI during off-peak periods such as winter. By allowing additional guided use during off-peak periods, recreational opportunities can be expanded without impacting capacity limits.

- Denali National Park & Preserve – We strongly support the park’s proposal to implement a new “limited-trip” Commercial Use Authorization program on Denali in 2019. This proposal will establish new CUAs for additional operators to offer a single, guided mountaineering trip each season. This will provide more options for the public to climb Denali with a guide, improve opportunities for visitors to climb with their preferred guide, and enhance access for individual guides, companies, non-profits, and academic groups that are not operating within the concession system. This proposal is especially relevant for climbs of Denali, where a majority of climbers choose to hire a guide due to the challenging nature of the climb, the in-depth knowledge required to manage hazards, and the extensive logistics involved in preparing for and executing the ascent.
- Mount Rainier National Park – An opportunity exists to significantly expand recreational climbing opportunities on the West side of Mt. Rainier. This area is currently designated as a “Commercial-Free Zone” and commercial climbing groups are not allowed to enter, travel through, or otherwise use the area. We believe outright closures such as this do not serve the public well. We believe the public would be better served by allowing use within thoughtfully designed management parameters. This area holds tremendous climbing resources yet sees few visitors each year due to the remote location. Allowing climbing guides to help the public access this area would create new recreational opportunities and also reduce congestion on high-traffic routes.
- Grand Teton National Park – There are currently two mountaineering guide services with concession contracts in Grand Teton National Park. To improve recreational opportunities in these parks, we recommend implementing a mountaineering Commercial Use Authorization program to complement the current mountaineering services offered through concession contracts. As demonstrated in other parks that have a blend of concessions and CUAs, this model expands recreational opportunities for the public and creates diverse opportunities for the public to select from a variety of possible mountaineering trips reflecting different prices, styles, and program orientation.
- Canyonlands National Park – The Island in The Sky District of Canyonlands holds tremendous rock climbing resources including world-renowned sandstone towers such as The Washer Woman, Moses, and Zeus. As climbers’ skill levels have progressed in recent decades, these climbs that were once considered very difficult are now completed by average climbers on a routine basis. As a result, climbing guide services receive requests from the public to lead guided ascents of these climbs. However, Canyonlands does not allow commercial climbing guide services to operate in the park. We believe a limited amount of guided climbing would better serve the

public interest and help more people experience the unique climbing resources of Canyonlands. Furthermore, the park permits many other forms of commercial recreational activities such as hiking, bicycling, four-wheel driving, and river running. We recommend NPS allow opportunities for guided rock climbing in a way that is consistent with other recreational opportunities in Canyonlands.

2. Increase Agency Funding for Resource Stewardship and Visitor Services. Often times, recreational use of Department lands and waters, including use by outfitters and guides, is restricted because the agencies do not have sufficient staff capacity to manage the use or conduct related environmental analyses. Consequently, access to recreational areas may be closed or restricted when instead public use could be managed to allow access. Increased funding for resource stewardship and visitor services would alleviate these issues and expand recreational opportunities on lands and waters managed by the Department.

3. Effectively Permit Fixed Anchor Maintenance and Replacement in Wilderness. Much of the climbing that occurs on Department lands is within designated Wilderness or Wilderness Study Areas. In these areas, management policies sometimes prevent effective maintenance of fixed anchors. Appropriately maintained fixed anchors are necessary to ensure the safety of climbers, and also agency staff who rely on fixed anchors for search and rescue purposes. Many anchors on Department lands are outdated, worn, and in need of maintenance. The Department should ensure the Minimum Requirements Analysis process used by the National Park Service and Bureau of Land Management effectively permits fixed anchor maintenance and replacement in Wilderness and Wilderness Study Areas. Such a process will ensure appropriate access to climbing areas is preserved.

Streamlining and Improving the Permitting Process for Outfitters and Guides

For many people, an outfitter or guide provides a first introduction to public lands that grows into a lifetime of lasting memories and appreciation for America's public lands system. Streamlining of the permitting process for outfitters and guides will enable more Americans (and international visitors) to make these meaningful connections. A more efficient permitting process will also reduce paperwork and administrative time, freeing agency resources for better management and allowing outfitters and guides to focus on improving visitor experiences. We offer the following recommendations to streamline and improve the permitting process on lands managed by the Department:

1. Encourage Cross-Jurisdictional Permitting. The Service First Authority (43 U.S.C. § 1703) grants the Secretaries of Interior and Agriculture the ability to issue permits either jointly or on behalf of one another. By issuing one permit for trips that cross multiple jurisdictions, the workload is substantially reduced for the participating agencies and the outfitter/guide benefits from a simplified process with a single application and fee. Currently, this authority may be underutilized. For example, a cross-jurisdictional relationship between Sequoia-Kings Canyon National Park and Inyo National Forest could ameliorate management challenges on the Sierra crest where multi-day trips that originate on the Inyo National Forest often cross into Sequoia-Kings Canyon for only a few hours before returning to the Inyo National Forest. In this case, where the use in Sequoia-Kings Canyon is limited to only a few hours of the total trip, a single permit managed by the Inyo National Forest would be a common-sense solution to streamline the permitting process and improve efficiency within both agencies. An example of successful cross-jurisdictional permitting exists between the BLM Gunnison Field Office and US Forest Service Columbine Ranger District in Southwestern Colorado. This area could serve as a template for expanded use of cross-jurisdictional permitting in other areas.

2. *Enable Multi-Park Commercial Use Authorizations and Multi-Office Special Recreation Permits (SRPs).* Workloads can be minimized and the permitting process can be streamlined by enabling the National Park Service to issue one CUA for the same activity across multiple park units and allowing the Bureau of Land Management to issue one SRP for the same activity across multiple field offices.

3. *Standardize NPS CUA Application Fees and Fee Administration Methods.* Current fee administration for CUAs is highly variable across the National Park System. The following table shows fees for mountaineering and rock climbing CUAs at several popular national parks:

National Park Unit	CUA Application Fee	CUA Administrative Fee	CUA Monitoring Fee	% of Gross Revenue (payable after % of gross revenue exceeds application fee)	Fee Administration Method
Sequoia-Kings Canyon	\$600	None	None	3% if gross < \$250,000 4% if gross = \$250-\$500,000 5% if gross > \$500,000	Market Price
Mt. Rainier	\$100	\$200	\$275	None	Cost Recovery
Denali NP&P	\$200	None	None	6%	Market Price
Black Canyon	\$200	None	None	None	Cost Recovery
Colorado National Monument	\$250	None	None	None	Cost Recovery
Olympic National Park	\$100	None	None	3%	Market Price

We recognize the costs to administer CUAs may vary from park to park. We also recognize the National Park Service is required to recover costs associated with the management and administration of CUAs. However, the current variability in CUA fee administration from park to park is unnecessarily complex. We recommend the National Park Service take steps to standardize and streamline the fees associated with CUA administration. For example:

- Standardize the CUA Application Fee – We recommend NPS standardize the CUA application fee for outfitters and guides in the same way it has standardized CUA application fees for Road-Based Commercial Tours. This will ensure parity for all applicants, including those who are not awarded a CUA, and it will establish much-needed consistency from park to park.
- Standardize the CUA Fee Administration Method – We recommend NPS standardize a fee administration method across all park units. As indicated in the table above, parks are currently using either the market price method or the cost recovery method to collect fees for CUA administration and monitoring. We recommend NPS utilize one or the other, but not both. This will streamline processes within the agency and improve understanding among outfitters and guides.

4. *Establish an Online Application & Reporting System for NPS CUA Holders.* The new National Park Service [CUA website](#) does an excellent job of providing general information about CUAs, how to apply, and what submissions are required to keep the CUA active. The interactive map that links to CUA information for specific parks is also very helpful. To further improve the utility of the CUA website, we recommend adding functionality that would enable CUA holders to complete an application form, pay the application fee, and submit monthly or annual report forms at a single online location. This would help to modernize and streamline the permitting process for both agency staff and outfitters and guides.

5. *Clarify Authorities for the Allocation of NPS CUA Commercial Service Days.* Clarification is needed on the authorities available to National Park Service superintendents when allocating CUA commercial service days (CSDs). For example, do superintendents have the authority to issue varying numbers of CSDs to CUA holders or must CSDs be divided equally among CUA holders? This becomes important when the number of CUAs is limited and applicants have varying levels of business interest. As an example, a business in a gateway community adjacent to a national park may be able to utilize a larger allocation of CSDs than a non-local business seeking to conduct a single trip. If a superintendent has the authority to issue varying numbers of CSDs in circumstances such as these, it will maximize the use of available CSDs and support a diversity of business models in the park.

6. *Complete NPS Director's Order 48B.* To provide additional guidance on Commercial Use Authorizations, we recommend NPS complete Director's Order 48B *Commercial Use Authorizations* and associated Reference Manual 48B. This will provide valuable policy direction as the use of CUAs increases across the National Park System. As this work is being undertaken, the AMGA would like to offer its assistance as a resource on the practical implications of policy decisions on CUA holders and their activities, and as a conduit for communication between CUA holders and NPS policy makers.

7. *Streamline the NPS Concession Contracting Process for Mountaineering Contracts by Utilizing the Competitive Market Declaration Method of Rate Administration.* To streamline and improve the contracting process for mountaineering concession contracts, we recommend NPS implement the Competitive Market Declaration (CMD) method as the preferred method of rate administration. As stated in the 2017 Concession Management Rate Administration Guide, Section 3.1, "Competitive Market Declaration (CMD) is the rate approval method with the least administrative burden for the park and concessioner." In addition to minimizing administration for NPS staff, this method supports accurate and fair pricing for the consumer based on the competitive marketplace. The CMD method is currently being applied to mountaineering concession contracts in Rocky Mountain National Park and Denali National Park & Preserve. Opportunities exist to utilize the CMD method for mountaineering concession contracts in other parks:

- Mount Rainier National Park is presently using the Financial Analysis Method of rate administration for mountaineering concession contracts. Current rate administration is based on a financial analysis performed in 2006 and adjusted annually using consumer price index data. This method was established at a time when only one mountaineering service provider was operating on Mount Rainier. Since that time, Mount Rainier has gained two additional concessioners and fifteen CUA holders offering similar mountaineering services. With sufficient competition in place to support the CMD method of rate administration, it presents an opportunity for NPS to streamline and improve the rate administration process for concessioners and reduce administration for the park.

- Grand Teton National Park is currently using the Comparability Method of rate administration for mountain climbing concession contracts. The park conducts a resource-intensive evaluation of similar services in the region to determine suitability of concessioner rates. Because concessioners compete with a much wider array of service providers than those in the region (nationally, internationally) this method is preventing Grand Teton climbing concessioners from keeping pace with the range of competitors that exist. As a result, pricing remains artificially low, hindering business growth and stagnating wages. The 2017 Concession Management Rate Administration Guide, Section 3.3, speaks to this scenario for CMD pricing when it states, “Similarly, a retail store may find it competes with other shops locally, regionally, or even nationally (i.e. internet) for similar goods and [therefore] must set prices consistent with these businesses.” To improve operating conditions for concessioners and reduce administration for the National Park Service, we recommend NPS institute the CMD method of rate administration for mountain climbing concessioners in Grand Teton National Park.

Additional opportunities may exist for the CMD method to be applied to mountaineering concession contracts – and for recreation-specific concessioners in general – in other parks. We recommend the Department evaluate this possibility as a tangible means to streamline and improve contracting processes for both concessioners and the parks.

8. Enable National Park Service CUAs to be issued for a term greater than two years (legislative recommendation). In some cases, statutory changes could enable positive changes to the permitting process that would improve efficiency for the agency and increase recreational opportunities for the public. The Concessions Management Improvement Act, Section 418(e), limits the term of a National Park Service CUA to two years. Providing NPS superintendents with the authority to issue CUAs for a term greater than two years could significantly reduce administration for park staff and provide a longer-term, more secure business opportunity for CUA holders. When making legislative recommendations, we encourage the Department to pursue a statutory change such as this to enable the issuance of NPS CUAs for a term greater than two years.

9. Revise BLM Recreation Permit Handbook language to support guided outdoor recreation on BLM managed lands. Currently, H-2930-1 BLM Recreation Permit and Fee Administration Handbook (page vii) states that Special Recreation Permits (SRPs) are issued, in part, “as a means to control visitor use.” While this may be true to a certain degree, we believe the Order encourages language that promotes access rather than strictly controlling occupancy and use. Revised language might indicate SRPs are issued, “to promote visitation by all Americans.”

Preserve Public Participation & Protect Scenic Values

As the Department considers strategies for streamlining the permitting system and expanding access opportunities, we encourage the Department to preserve opportunities for the public to participate in the land management decision-making process. We also urge the Department to account for the importance of scenic values in outdoor recreation by retaining the tools needed to adequately protect the natural qualities that make a recreation destination attractive.

Identification of Organizations Providing Access to Recreational Activities for Veterans

We appreciate the Department of Interior’s interest in identifying organizations that provide access to recreational activities for veterans. At the American Mountain Guides Association, we provide job training and certification for veterans to transition into careers as rock climbing instructors, mountain guides, and backcountry skiing guides. We encourage participation in these programs by providing a veteran discount and the opportunity to use Veterans Administration benefits in some course areas. We have found that veterans are very well suited for careers in the mountain guiding industry due to the transference of skills from their time in service. Skills in leadership, teamwork, communication, and problem solving have direct application to mountain guiding. The AMGA is actively working to expand this program and we are eager to partner with Department agencies to provide more opportunities for veterans in the future.

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As the U.S. Department of Interior identifies public-private partnerships to support the implementation of Secretarial Order 3366, the AMGA stands ready as a willing and able partner. We are experienced in the outdoor recreation industry, we have a strong understanding of permitting processes and policy, and we are currently involved in initiatives supported by the Order (i.e., access for veterans, expanding recreation opportunities). We appreciate the opportunity to share our comments in this letter and we look forward to additional collaboration in the future.

Sincerely,



Alex Kosseff
Executive Director
American Mountain Guides Association



Matt Wade
Advocacy & Policy Director
American Mountain Guides Association

Cc: Benjamin Cassidy
Senior Deputy Director for Intergovernmental & External Affairs
U.S. Department of Interior