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November 21, 2017

Mr. Woody Smeck
Superintendent
Sequoia and Kings Canyon National Parks
47050 Generals Highway
Three Rivers, CA 93271
Email: woody_smeck@nps.gov

RE: Commercial Use Authorization Program Changes

Dear Superintendent Smeck,

The American Mountain Guides Association respectfully submits these comments for inclusion in the public record regarding the proposed changes to the commercial use authorization (CUA) program that are presently scheduled to take effect in 2018 at Sequoia and Kings Canyon National Parks (SEKI).

The American Mountain Guides Association (AMGA) represents the interests of the American mountain guiding community, which includes a diversity of climbing and skiing guides who provide inspiring and educational facilitated outdoor experiences for the public. We define the professional standards by which mountain guiding is practiced in the United States, we serve as the American representative to the International Federation of Mountain Guides Associations (IFMGA), and our educational branch has trained over 13,000 climbing instructors, skiing guides, and mountain guides across the nation. 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 look forward to working with Sequoia and Kings Canyon National Parks to further refine the CUA program for the benefit of all parties.

We have prepared the following comments in consultation with AMGA member guide services, including 8 mountaineering and backpacking guide services who are long-time CUA holders in SEKI. We have also consulted with representatives from the National Park Service system and we have taken into account the management principles set forth by other units within the National Park Service.

We recognize SEKI has been directed by the US District Court to comply with the Wilderness Act as it pertains to the management of commercial services in Sequoia and Kings Canyon National Parks.

We fully support this effort and believe strongly in the importance of maintaining wilderness values in the park. However, in making changes, we believe the park has misunderstood how commercial mountaineering and backpacking businesses are conducted and has unintentionally created some limitations to business that will damage our industry and reduce opportunities for the public, while having no benefit for the preservation of wilderness character. We encourage the Park to consider the following recommendations that will promote healthy businesses, enhance opportunities for the public, and further support wilderness values in SEKI. With some refinement, we believe the existing commercial use authorization system can achieve wilderness management goals as stated in the Wilderness Stewardship Plan and Extent Necessary Determination while removing undue hardships that will be harmful to commercial services and the public.

I. De Minimis Entry

As stated in the 2018 SEKI CUA Handbook, page 12:

De minimis entry is a term used by SEKI to distinguish use along the Sierra Crest where entry into the park is unverifiable and too trivial or minor to merit consideration in reporting of CSDs. Operators must report proposed de minimis entry trips but will enter "0" as the number of CSDs logged.

The AMGA applauds SEKI's willingness to acknowledge that many commercial mountaineering activities occur along the Sierra Crest where entry into the park is unverifiable and minor. At present, there are six (6) mountaineering guide services authorized by the Inyo National Forest to conduct mountaineering activities that are held almost exclusively within the Inyo National Forest but which require de minimis entry into SEKI. These guide services are reliant upon accessing SEKI in order to provide optimal visitor experiences that include reaching the high summits on the border of these two jurisdictions.

De minimis entry trips from the Inyo National Forest offer the public the shortest, most efficient route to the summits of the high peaks in SEKI. These trips are typically 3 days in length, making them more cost effective and less time consuming than trips that are initiated in SEKI (typically 6-7 days in length). As such, de minimis entry trips from the Inyo National Forest serve a public need for lower cost, shorter duration mountaineering experiences. Furthermore, de minimis entry trips have little environmental or social impact in SEKI. These trips are already conducted under the Wilderness Management Plan instituted by the Inyo National Forest, ensuring full compliance with the Wilderness Act, and travel is entirely on high alpine durable surfaces such as rock, snow, and gravel.

Considering the value of de minimis entry trips for the public, along with the minimal impact these trips have on SEKI resources, it is consistent with the intent of the Extent Necessary Determination and within the parameters of the Wilderness Stewardship Plan to allow these trips to occur. However, under the existing proposal by SEKI, de minimis entry trips are only approved for those applicants who are successful in the competitive application process for a SEKI CUA. This creates an adverse situation for existing permittees of the Inyo National Forest whereby the viability of their Inyo National Forest operation is dependent upon award of a SEKI CUA. If an Inyo operator is not granted a SEKI CUA, their entire business on the Inyo National Forest is rendered inoperative

because they are unable to access the high summits which lie in SEKI. This would be deeply damaging to Inyo National Forest businesses. Furthermore, if in acknowledgement of this unworkable situation, SEKI were to give priority to Inyo permittees in the competitive application process, it would significantly undermine the “fairness” criteria determined by the park to ensure an equitable process for all interested parties. To further complicate the situation, if Inyo permittees are not granted SEKI CUAs it is highly plausible they will establish new routes that seek to work around the border constraint and enable continued operation. Establishing new routes may result in exposure to greater hazards, introducing additional risk for all involved. The park should avoid creating situations that impose additional risk for the public and guides.

We believe it is not the intent of the park to disenfranchise Inyo operators and the public they serve, nor to increase risk for all involved, especially in consideration of the fact that de minimis entry trips have no measurable environmental or social impacts on SEKI resources. Therefore, we recommend the following change to the CUA program:

A separate system of non-competitive CUAs should be created specifically for operators of de minimis entry trips OR de minimis entry trips should be allowed to occur without a CUA. This will have several immediate, tangible benefits for SEKI, the public, and commercial service providers:

- It will serve the public need for short duration, cost effective trips at the same level of availability as in past years while remaining consistent with the specialized finding of necessity as put forth by the Extent Necessary Determination.
- It will enhance fairness for all applicants, and will make the selection process easier for the park, by separating de minimis entry operations conducted by Inyo National Forest permittees from the competitive process for Wilderness Wide and MWMA CUAs.
- It will support the continued, healthy operation of Inyo National Forest businesses as desired by the public while having no measurable environmental or social impact on SEKI resources.
- It will allow guide services to continue offering traditional itineraries on established routes that have been carefully designed and vetted over many years to ensure proper risk management.
- It will have no additional impact on the wilderness character of SEKI as de minimis entry trips are already conducted within stringent parameters created by the Inyo National Forest for preservation of wilderness qualities.
- It will enable the park to effectively track and monitor de minimis entry use, either through non-competitive CUAs or via the post-use reporting required of National Forest permittees.

II. Commercial Service Day (CSD) Allocation System

The Sequoia and Kings Canyon National Parks Wilderness Stewardship Plan and Final Environmental Impact Statement (WSP) and the Extent Necessary Determination (END), approved on May 17, 2015, established limits on commercial services in wilderness. We support SEKI's efforts to ensure wilderness character is protected and preserved while authorizing commercial enterprises to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the area. However, in shifting to an allocation-based system for the issuance of CUAs, we believe SEKI has not accounted for the ways in which commercial mountaineering and backpacking service providers conduct business, and, additionally, we believe SEKI may have overlooked other viable CSD allocation options that could better serve business interests and the public. In the following section, we will explore the ways in which the proposed allocation system undermines business operations and the public interest, and we will offer recommendations for improvement.

Our membership, local Sierra guide services, and the public are most impacted by the proposed CSD allocation system in the Mount Whitney Management Area (MWMA). The system proposes to offer ten (10) CUAs that include 163 Wilderness Wide (WW) CSDs and 68 MWMA CSDs, along with a supplementary first-come, first-served pool of 295 CSDs. We have reviewed SEKI's documentation on allocation alternatives and the criteria used to identify a preferred alternative (maximize fairness, maximize efficiency, maximize business stability, maximize competition and customer service, minimize administration). We believe these criteria are reasonable and prudent. However, we believe SEKI lacked key information about the day-to-day functioning and responsibilities of commercial mountaineering and backpacking businesses when evaluating CSD allocation alternatives. We offer the following points for consideration:

- **The issuance of 68 MWMA CSDs to each CUA holder is insufficient for any operator to maintain a viable business.** Particularly of note, this number of CSDs is grossly inadequate for historical operators who have established longstanding, widely respected businesses that serve the public in the MWMA in far greater numbers than 68 CSDs. This will result in a detrimental reduction of business for established companies who have made a decades-long commitment to being valued partners of the National Park Service. By evenly dividing the CSD allocation amongst all operators, SEKI is failing to reciprocate the meaningful partnership that experienced businesses have worked to establish with the park in order to provide quality visitor experiences for the public.
- **The issuance of 68 MWMA CSDs to each CUA holder does not serve the public desire to develop a long-lasting, meaningful relationship with a guide.** It is common practice for guide service customers to establish a relationship with a favored guide that extends over many years and many trips together. If all guide services are limited to 68 CSDs in the MWMA, it will significantly impact a customer's ability to book more than one mountaineering trip per season with their preferred guide service. This severely limits public choice when selecting an operator and is contrary to the expectations of the public when choosing a guide service. We recommend an allocation system that provides opportunities for customers seeking long-term relationships as well as opportunities for customers seeking single-visit trips.

- **The establishment of a first-come, first-served (FCFS) pool of 295 CSDs does not support the customer service expectations of the public nor does it account for the real-world functioning of mountaineering and backpacking businesses.** As partners to the National Park Service, guide businesses hold a significant responsibility to provide quality service to the public. To uphold the service standard that is expected by the National Park Service, CUA holders must be able to guarantee delivery of a service *upon acceptance of payment*. Commercial Use Authorization holders simply cannot book trips with paying customers when those trips are dependent on an unknown availability of CSDs, as is the case with the proposed FCFS pool. For example, to access the FCFS pool, guide services have to demonstrate Verifiable Clients who have paid for and confirmed a trip. This creates a situation in which guide services must actively sell trips with the hope of securing FCFS CSDs, yet there is no assurance those days will in fact be available. If other guide services are also actively seeking FCFS pool days, which is anticipated to be the case, there will, at some point, be requests for FCFS CSDs that are denied. Consequently, the paying customer whose trip is denied, after already paying for it along with associated travel reservations, is subject to great inconvenience and the guide service appears woefully negligent in the most basic tenets of customer service. In such a system, SEKI is failing to recognize the mechanisms by which guide businesses provide quality service to the public and is not acting as a willing partner in the task of providing that service. For this reason, we recommend SEKI revise the FCFS component of the CSD allocation system in favor of a more equitable solution that accounts for the customer service expectations of the public as well as the real-world obligations and responsibilities of guiding businesses.

Limited CUAs, Flexible CSD Allocation

We propose an alternative allocation system herein referred to as *Limited CUAs, Flexible CSD Allocation* (“Flexible Alternative”) that captures the benefits of the park’s current chosen alternative (Limited CUAs, Hybrid CSD Allocation) but eliminates the drawbacks. This alternative is primarily distinguished by allocating CSDs based upon operator requests, rather than upon an arbitrary fixed allocation. It also seeks to redefine the first-come, first-served pool as a clearinghouse that is used only for returned and redistributed CSDs.

In the Flexible Alternative, SEKI would receive applications for a limited number of CUAs. Applications for CUAs would be competitive. When submitting a proposal for a CUA, an applicant must indicate the desired number of CSDs in its proposal. The CSD request must be substantiated with documentation of historical use, commitment to resource protection, safety and responsiveness to customers and park visitors, and other demonstrations of merit. All CSDs would be awarded in the final allocation round. If an operator requests more CSDs than are available, or more than the park deems appropriate based on the merits of all applicants, the park would provide a counter-offer of fewer CSDs. Applicants are encouraged to request no more CSDs than they are likely to use and post-season reporting will identify if an adjustment to an operator’s allocation needs to be made (i.e., a reduction in CSDs may occur if an operator has not used all of the allocation). Operators may relinquish CSDs into an FCFS pool that is used only as a clearinghouse for returned or redistributed CSDs. Requests to the FCFS pool may be made at any time upon demonstration of all CSDs being used, but without the need to demonstrate future bookings (to ensure appropriate customer service).

There are established precedents for flexible allocation systems at Denali National Park & Preserve¹ and within other federal land agencies such as the US Forest Service.² It is a highly adaptive system that accommodates the needs of both the public and commercial service operators while minimizing administration for NPS. In the following section, we will demonstrate the ways in which the Flexible Alternative scores equal or higher than the current proposed alternative in all five decision-making criteria used by SEKI.

1. Maximize Fairness – Very High. By allowing operators to request CSDs based on historic use and merit, CSD allocations match current market share to a greater degree than any other alternative. Operators are given the ability to conduct business in a manner similar to that which has been authorized in past years by SEKI. Opportunities for new entrants seeking small initial allocations are enhanced. By limiting CUAs the number of operators remains more or less the same as past years.

2. Maximize Efficiency – Very High. By allowing operators to request CSDs, distribution closely matches historical performance and demonstrated merit, ensuring a high likelihood of allocations being used. Operators may relinquish CSDs at any time to an improved FCFS clearinghouse. Returned or redistributed CSDs may be requested by other operators who have used all of their allocation (but future bookings are not required to ensure appropriate customer service). Post season reporting will identify if CSD allocations need to be adjusted.

3. Maximize Business Stability – Very High. By allocating all CSDs in the final allocation round, operators can effectively plan for business operations based on a known allocation of CSDs. An improved FCFS system removes ambiguity and allows operators to accurately predict business volume. Two-year CUAs allow for some assurance of future opportunities while also creating opportunities for new entrants.

4. Maximize Competition and Customer Service – Very High. Places limits on the number of operators but allows enough operators to maintain a competitive market. Competition is further enhanced when operators compete for CSDs in the application process. Operators provide service based on a known allocation of CSDs, maximizing customer service. Customers are provided with opportunities to book multiple trips with the same guide service, improving public choice. A revised FCFS system improves customer service and ensures NPS systems are consistent with ethical business practices.

5. Minimize Administration – High. Operators compete and NPS conducts a selection process for each competitive CUA. Relatively low number of CUAs minimizes administration. Improved FCFS system requires less administrative burden (no open and close dates, fewer CSDs to redistribute). Operator CSD requests may require additional evaluation during the application review process but resultant CUAs will require less administrative oversight due to distribution matching performance.

¹ "A Concession Business Opportunity for Mountaineering Guide Services", CC-DENAXxx-19, Department of the Interior National Park Service, Denali National Park and Preserve, 2017.

² "Recreation Special Uses Handbook", FSH 2709.14_50, Section 53.1i, paragraph 2, United States Forest Service, Department of Agriculture, 2013.

Based on this analysis, we strongly recommend the park consider a *Limited CUAs, Flexible CSD Allocation* method for the allocation of commercial service days in SEKI. This approach would be commended by all mountaineering and backpacking operators interested in SEKI and would be consistent with allocation systems utilized in other National Parks and National Forests.

III. Educational Trips

The American Mountain Guides Association is a 501(c)(3) educational non-profit that believes strongly in the value of outdoor-based education. We have trained over 13,000 climbing instructors, backcountry skiing guides, and mountain guides since 1979. In the context of these educational programs, students learn about the natural environment, resource protection, and wilderness values in addition to learning guiding skills. Also, as an organization that trains future outdoor teachers and leaders, we instruct our students in pedagogy and instructional design. We are a well-versed educational institution and we can appreciate SEKI's recognition of the value of education-focused trips. In particular, we are supportive of the criteria related to *Academic Goals* and *Educational Nexus to Wilderness*. However, we think a broadening of the criteria under *Qualified Educator* would better serve the purposes of the Wilderness Act and better meet the needs of the public. For example, training and experience in fields of study related to resource protection and wilderness preservation should meet the criteria for a qualified educator. These areas of study directly support the intent of the Wilderness Act and empower visitors to be good stewards of wilderness. Furthermore, participants in educational trips that focus on resource protection and wilderness values become long-term supporters of wilderness, a benefit stated by the Extent Necessary Determination, page B-17: "*Introducing novice visitors to their publicly-owned wilderness can provide rewarding experiences and build support for long term wilderness preservation.*" To facilitate these connections and create high value educational opportunities, we recommend certification as a [Leave No Trace Master Educator](#), along with two years of experience teaching curriculum based environmental studies or related content, as acceptable criteria for a qualified educator. Educators with this training are uniquely qualified to facilitate learning related to wilderness travel practices, resource protection, recreation ecology, and wilderness values. This will support the intent of the Wilderness Act, foster future wilderness stewards, and be consistent with the intent of the educational criteria put forth by SEKI.

IV. Guide-to-Client Ratios

In the SEKI Wilderness CUA Application, under the section "Conditions of Specified Uses" for mountaineering and backcountry ski mountaineering, it is stated guide-to-client ratios are not to exceed three clients per guide. This is arbitrary, overly prescriptive, and out of touch with industry standards for mountaineering and backcountry ski mountaineering. As the national authority on standards for mountain guiding in the United States, we strongly object to SEKI proposing to define guide-to-client ratios without the prior consultation of experts in this field. It is simply incorrect to suggest guide-to-client ratios need to be limited to three clients per guide in all situations under which the CUA authorizes use. For example, it is common practice in the mountaineering and backcountry ski mountaineering industry for trips to be conducted at ratios up to six clients per guide when traveling in non-technical, non-glaciated terrain with favorable conditions and appropriately trained clients. Furthermore, for education-focused, instructional

programs that cater to introductory experiences,³ such as basic mountaineering classes or introductory avalanche awareness and backcountry skiing programs, it is standard practice to allow ratios up to six clients per guide. This is well documented in requirements put forth by the outfitter and guide insurance industry, by organizations such as the American Avalanche Association who set standards for programmatic conduct, and by examples set in other National Park units⁴. For reference, these examples are documented in Appendix A.

There are cases where lower ratios are appropriate in mountaineering, such as routes that involve significant glaciation and associated hazards including crevasse-falls. Relevant examples include the popular glacier mountaineering routes on Mt. Rainier⁵ and in Denali National Park,⁶ where commercial use authorizations appropriately define lower ratios of three and four clients to one guide, respectively. However, glaciers and associated hazards do not exist in SEKI, and it is inappropriate for SEKI to warrant glacier mountaineering ratios for terrain that is not glaciated.

Mountaineering routes in SEKI may include sections of semi-technical or technical climbing on rock, snow, or ice. In these situations, guide services will appropriately exercise their professional discretion and conduct these trips at lower ratios. We respectfully ask SEKI to acknowledge this professional discretion and the norms of the industry, and allow guide services to exercise their judgment in choosing ratios that are consistent with the type of terrain, current conditions, and client ability. As stated by Denali National Park and Preserve, “Climber-to-guide ratios must be appropriate for the nature of the terrain and based on the course and climbing objectives.”⁶

Furthermore, by arbitrarily limiting guide-to-client ratios, SEKI is unwittingly paving the way for significant price increases for guided mountaineering services, making the assistance of a guide inaccessible for a large portion of the public, especially underserved populations. In the world of outfitter and guide businesses, lower ratios result in higher prices, simply because the cost of doing business is dispersed over fewer paying customers. By arbitrarily limiting guide-to-client ratios and forcing price increases, SEKI is severely restricting the public’s ability to access the support of a guide. At the same time, guide services lose the opportunity to operate their greatest revenue producing trips, causing significant financial hardship. High ratio trips are the cornerstone of guide business revenue generation and they subsidize other value-added services such as at-cost equipment rentals, Leave No Trace field guide handouts, and pre-trip consultations with office staff. Without high ratio trips to support these services, the public pays a higher price for fewer services. **We strongly recommend SEKI act in concert with established norms in the mountain guiding industry - including direction set by the insurance industry, other park units, and by standard-setting organizations such as the American Avalanche Association - to define the guide-to-client ratio for mountaineering services as a maximum of six clients to one guide.**

³ In the Wilderness Stewardship Plan Final Environmental Impact Statement, Appendix B, Extent Necessary Determination, page B-17, introductory experiences are stated to be critical to the mission of NPS: “*The NPS considers the provision of such introductory experiences as critical to its mission, and recognizes that commercial services aid in this aspect of mission accomplishment.*”

⁴ Rocky Mountain National Park, Guided Mountaineering Concession Contract 2015, Exhibit B in the Operating Plan, Page 8, “*The ratio varies due to the degree of difficulty of the school or climb. Approved guide-to-client ratios (for) simple technical skills classes is 6:1.*”

⁵ Mount Rainier National Park 2017 CUA Application, Appendix E, Park Conditions That Apply to Each Activity, Single Trip Guided Summit Climbs guide-to-client ratio is “*No more than 3 clients per guide.*”

⁶ Denali National Park & Preserve, Commercial Use Authorization Activity Specific Stipulations, Guided Mountaineering 2018, “*Climber-to-guide ratios must be appropriate for the nature of the terrain and based on the course and climbing objectives. Climber to guide ratios must not exceed four climbers to one guide.*”

V. Service Category Definitions

The 2018 SEKI CUA Handbook service category definitions⁷ for Mountaineering and Backcountry Ski Mountaineering characterize these activities as follows:

Activities that are Class 4 on the Yosemite Decimal System (YDS) and/or require the use of ropes or other technical ascension equipment.

We agree with SEKI that mountaineering and backcountry ski mountaineering require the use of ropes or other technical ascension equipment. In fact, mountaineering is the most comprehensive form of mountain travel, and, by its very nature, includes technical rock climbing, snow climbing, and ice climbing. This blend of technical challenges is mountaineering's greatest quality that draws thousands of dedicated followers to the sport. In stark contrast to this, we are surprised to see SEKI has stated in the Conditions of Specified Uses⁸ for Mountaineering and Backcountry Ski Mountaineering, "Technical rock climbing is not authorized under the Mountaineering Commercial Use Authorization and is prohibited." It is entirely nonsensical to prohibit technical rock climbing from mountaineering when the two are intricately connected. This is especially true in the Sierra Nevada, where examples abound of mountaineering routes that include world class technical rock climbing. **Therefore, we strongly suggest SEKI revise the service category definition of mountaineering to include all forms of technical climbing and eliminate the provision that prohibits technical rock climbing.** To support this action, there are other park units currently utilizing definitions of mountaineering that are inclusive of technical climbing. For example, the service category definition of mountaineering currently being utilized in Denali National Park and Preserve⁹ is as follows:

Activities that involve rock, ice or snow climbing and/or glacier travel requiring the use of ropes, ice axes, harnesses, climbing hardware, crampons, specialized clothing, etc.

This definition of mountaineering is complete and comprehensive. It is inclusive of all forms of climbing – including technical rock climbing - and it represents the true pursuit of mountaineering as it enjoyed by the public, guided groups, and professional mountaineers. We strongly recommend SEKI adopt a similar definition.

If the language which does not authorize technical rock climbing has another intent, for example to prevent top-rope rock climbing instruction, which is known to have adverse effects on vegetation at the base of cliffs, we are supportive of inserting new language that addresses these concerns. It is reasonable to exclude top-rope rock climbing from the CUA authorization while still allowing technical rock climbing to occur in the pursuit of mountaineering objectives.

⁷ 2018 Sequoia and Kings Canyon National Parks CUA Handbook, page 17.

⁸ 2018 Sequoia and Kings Canyon National Parks Wilderness CUA Application, Conditions of Special Uses, pages 17-18.

⁹ 2018 Denali National Park & Preserve CUA Handbook, page 7.

VI. Summary of Recommendations

In summary, the AMGA respectfully offers the following recommendations regarding SEKI's Commercial Use Authorization Program changes:

1. De minimis entry trips should be accommodated through a separate non-competitive CUA system *OR* by allowing de minimis entry trips to occur without a CUA (by utilizing the existing National Forest permit system for monitoring of use and compliance with the Wilderness Act).
2. The Commercial Service Day (CSD) Allocation System should be amended to a *Limited CUAs, Flexible Allocation* system. The first-come, first-served pool should be redefined as a clearinghouse that is used only for returned and redistributed CSDs.
3. The Educational Criteria for Qualified Educator should be broadened to include fields of study related to resource protection and wilderness values. Specifically, certification as a Leave No Trace Master Educator, along with pertinent experience, should meet the criteria for Qualified Educator.
4. The guide-to-client ratio for Mountaineering and Backcountry Ski Mountaineering should be amended to be consistent with norms in the mountain guiding industry - up to six clients with one guide.
5. Service Category Definitions for Mountaineering and Backcountry Ski Mountaineering should be amended to include all forms of technical climbing and the prohibition against technical rock climbing should be removed.

To accommodate these important updates to the Commercial Use Authorization program at SEKI, we recommend an immediate review of the current proposed CUA system. We would be willing to offer our collaboration and assistance with this process.

* * *

Thank you for the opportunity to share our perspective on the proposed commercial use authorization system at Sequoia and Kings Canyon National Parks. Due to the significance of this issue for the public and for our industry, we request the opportunity to meet with you to discuss the situation further and offer our assistance. We will accommodate your schedule to meet at the park, at the Pacific West Regional Office, or another location as you see fit.

Sincerely,



Matt Wade
Advocacy & Policy Director
American Mountain Guides Association



Alex Kosseff
Executive Director
American Mountain Guides Association



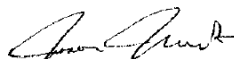
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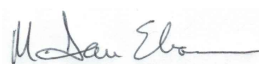
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APPENDIX A

Examples of allowable ratios for guided mountaineering and avalanche education inclusive of guided backcountry skiing

Figure 1: The American Avalanche Association (AAA) establishes guidelines for the conduct of avalanche education in the United States. As noted in the table below, the acceptable ratio for introductory, level 1 avalanche training and associated guided backcountry skiing is six students to one instructor:

Recreational Course Guidelines
Prepared by the AAA Education Committee

Table 1: Level 1 Avalanche Training

| Program | Audience | Learning Outcomes | Core Curriculum Content | Pre-requisites | Format | Performance measures | Instructor Qualifications & Student:Instructor ratio |
|----------------------------|---|--|--|---|--|--|---|
| Level 1 Avalanche Training | *Current and aspiring backcountry travelers | <ul style="list-style-type: none"> -Access local avalanche bulletin and learn to understand & apply. -Describe where and why avalanches occur. Key components for formation. -Human Factors. Identify & apply simple decision tools to prepare for traveling in avalanche terrain. -Apply risk management tools: safety equipment, trailhead checks, and communication. -Learn procedures for Basic Companion Rescue: Skills Practical -Make key observations for snowpack and weather. -Practice snowpack tests appropriate for the current avalanche problems. -Identify avalanche terrain in the field. -Choose terrain appropriate for the current avalanche forecast & safe travel. Link participant objectives to terrain and avoiding Avalanche Problem. | <p>Pre-Course</p> <ul style="list-style-type: none"> • Consider pre-course materials and study for student. <p>Avalanche Basics & Characteristics</p> <ul style="list-style-type: none"> • Avalanche types; Unstable snowpack conditions. • Size classification of avalanches. Incident statistics. • Terms common to: avalanches, terrain & snow. • Avalanche motion: glide, turbulence, speed- dry vs. wet • Identify Avalanche Problems (conditions, formation, characteristics). <p>Terrain</p> <ul style="list-style-type: none"> • Critical slope angles. Terrain features, shape, size. • Role of slope aspect and elevation to sun and wind. • Identify avalanche start zones, tracks, and run-outs • Critical terrain: traps, convexities, triggering. <p>Snowpack and Weather</p> <ul style="list-style-type: none"> • Mountain snowpack development: storms, intervals. Weather events leading to formation of strong and weak layers. Basic snowpack development/change. • Snow Climates; by region and within range-mountain location. <p>Information Gathering</p> <ul style="list-style-type: none"> • Access and understand information from the Avalanche Advisory. North American Avalanche Danger Scale. • Use of terrain/danger rose. <p>Planning, Communication & Decision-making</p> <ul style="list-style-type: none"> • Terrain, Snowpack, Weather discussion for trip planning • Use information to plan & prepare for field. Use of Maps/technology. • Human Factors. Managing Risk. • Use of decision tools, check lists, contingencies, emergency plans. Communication. • Application of Plan to Field. Tour group decision making prior to travel; safe travel for conditions. Relevant observations & objectives. • End of day review. Observations and reflections with group. <p>Making Relevant Observations</p> <ul style="list-style-type: none"> • Field observations: Critical Red Flag Obs.; Recognizing & prioritizing • Pairing appropriate observations with current avalanche problems and conditions • Use of avalanche & snow pit tools: inclinometer, compass, probe, saw, shovel, and thermometer. • Snowpack tests: snow pits: ID layers (hand hardness), basic grain types (strong & weak layers). Field identifying the Avalanche Problem. • Informal snowpack tests while traveling. | <ul style="list-style-type: none"> -No formal Pre requisites -Strongly Recommended: • Winter Travel and First Aid Skills • Avalanche Awareness or Similar • Course provider's recommended reading. Pre-course work. <p>-Participants should have some experience in backcountry travel as required by Course Provider.</p> | <p>24 hours Minimum: 60% field</p> | <p>Attendance & participation</p> <p>Course Close:</p> <ul style="list-style-type: none"> • Recommendations for further skill development. • Limits of training • Value of Mentors • Preparation for Level 2 Avalanche Training | <ul style="list-style-type: none"> -Primary or lead instructor: AAA Pro Member -Assistants: AAA Member Affiliates -Continuing education within previous 4 years -Instructors must be excellent role models for the skills they teach. <p>-Maximum 6:1</p> |

Figure 2: Minimum eligibility requirements for guided mountaineering insurance with Atain Specialty Insurance Company, per the 2017 Application for Guided Recreation Insurance:

| GUIDED ACTIVITIES - MINIMUM ELIGIBILITY REQUIREMENTS – PLEASE READ CAREFULLY BY AFFIXING MY INITIALS I HEREBY AGREE TO ADHERE TO THE FOLLOWING MANDATORY INSURABILITY REQUIREMENTS AS A CONDITION FOR OBTAINING INSURANCE COVERAGE | | |
|---|----------|--|
| PLEASE REVIEW AND INITIAL THAT YOU AGREE TO FOLLOW EACH REQUIREMENTS *** PLEASE READ EACH AND EVERY REQUIREMENT CAREFULLY *** | | |
| No. | Initials | REQUIREMENTS FOR ALL ACTIVITIES – REVIEW & INITIAL 1-15 |
| 1. | | A safety orientation and/or briefing shall be conducted for each participant that includes a description of the activity itself, the inherent dangers of the activity, safety precautions while underway and what to do in the event of an emergency or accident. |
| 2. | | You Agree to use a waiver that has been drafted and recommended by an attorney which recognizes the dangers of the activities. The waiver must be properly executed and obtained from all participants including a parent or legal guardian's signature for those participants under the age of 18 years. One waiver per participant is a requirement. Waivers that apply to multiple participants are NOT acceptable. Waivers must be kept on file for a minimum of three (3) years. |
| 3. | | Drugs and alcohol are prohibited. As such, you shall not allow any participant(s) to (a) participate when you know, suspect or believe that those individuals are or may be under the influence of alcohol or drugs (b) take or consume alcohol or drugs during the guided activities at any time. |
| 4. | | All applicable State and Federal safety standards for the operations are to be followed at all times during activities. Each participant will wear applicable safety equipment. |
| 5. | | The Primary /Lead Guide on the trip must be at least 21 years of age and have two years of guiding experience in the activity covered under this insurance and/or follow their State or Federal Qualification requirements. |
| 6. | | You shall have a minimum of one First Aid & CPR Certified (current) or First Responder trained person on each trip. |
| 7. | | Each Expedition or Trip shall have available a suitable, updated and adequately stocked first aid kit. |
| 8. | | You will have on each guided trip some form of emergency communication such as cell phone, radio or walkie talkies or other reliable communications capable of summoning assistance from remote locations such as a special whistle / sounding device |
| 9. | | You shall inspect all equipment / vehicles/ units / watercraft daily prior to the commencement of activities and make repairs where necessary to ensure your patron's safety. You will maintain and keep a written log of these inspections and repairs |
| 10. | | Records of each "Guided Activity" with times and dates must be maintained along with the waivers and including, incident / injury reports for a minimum of 3 years. |
| 11. | | <u>All</u> incidents regardless of severity will be reported to the company immediately. |
| 12. | | You shall have an emergency evacuation plan in the event of inclement weather. |
| 13. | | You shall have an emergency procedure in place for lost or late returning tours and trips. |
| 14. | | You shall, to the best of your ability, determine the client's physical ability to participate in the activity and ensure that they are properly attired for both the activity and the expected weather conditions. |
| 15. | | Employees must be properly trained and experienced in the operations; on all activities and agree to enforce all eligibility requirements. |
| <input type="checkbox"/> NO EXPOSURE (IF YOU CONDUCT GUIDED MOUNTAINEERING REVIEW & INITIAL 16-19) | | |
| No. | Initials | REQUIREMENTS |
| 16. | | An industry accepted climbing helmet and safety equipment must be worn by all climbers. GUIDED MOUNTAINEERING |
| 17. | | All technical climbing equipment must be manufactured to standards similar to those established by the Union Internationale Des Associations d 'Alpinisme (IUAA). All other equipment must be purchased from a vendor that has significant knowledge of climbing equipment manufacturers. GUIDED MOUNTAINEERING |
| 18. | | Guide to customer ratio shall not exceed (1) Guide to (6) customers. GUIDED MOUNTAINEERING |
| 19. | | Climbers must be at least 6 years or age on their last birthday or have reached the age as Designated by law, whichever is greater - Climbers under 18 must have a parent with them OR a properly signed waiver. GUIDED MOUNTAINEERING |

INSURABILITY REQUIREMENTS CONTINUED ON NEXT PAGE

Figure 3: Approved guide-to-client ratios for mountaineering services in Rocky Mountain National Park:

provided by this plan and current Service concession management guidelines are Service minimums. The Concessioner must make every effort to exceed these standards.

A) Required, Authorized, and Prohibited Visitor Services

- (1) *Required Visitor Services.* Instruction and Guide Services in Technical Mountaineering to include: Rock Climbing, Ice Climbing, and Technical Rescue Training.
- (2) *Authorized Visitor Services.* Avalanche training, and Instruction and guide service in non-technical mountaineering.
- (3) *Prohibited Visitor Services.* Guided hiking and overnight backpacking without climbing, and guided cross-country skiing are not authorized by this contract.

B) Backcountry Permits and Limits for Overnight Stays

- (1) A backcountry permit or bivouac permit is required for all overnight stays. Backcountry permits and bivouac permits are available on a first-come, first-served basis except for advance reservations. Backcountry permits must be requested by the Concessioner and are issued in the Concessioner's name. Out of bounds camping in undesignated areas is prohibited.
- (2) Backcountry campsites may be reserved in advance. For general information and reservations see <http://www.nps.gov/romo/planyourvisit/backcountry.htm>. A reservation fee applies and is subject to change. The Concessioner must make the reservations and the permits are issued in the Concessioner's name. Reservations must only be made when a client has booked a climb.

C) Climbing Policies and Practices

- (1) General
 - (a) The ratio of clients to guides for climbing schools and climbs must be included as part of the approved rate. The ratio varies due to the degree of difficulty of the school or climb.
 - i. Approved Guide Client Ratios
 - a. Simple technical skills classes 1:6
 - b. Single Pitch 1:5
 - c. Multi-pitch classes 1:2
 - d. Basic Alpine days 1:3
 - e. Advanced Alpine days 1:2
 - ii. Maximum group size is 12, not including guides.
 - (b) In order to ensure a quality climbing experience for visitors/clients, the concessioner is required to book trips in advance on a shared Google Calendar. Each trip must be scheduled on the shared Google Calendar at least 24 hours in advance. The following information is required for each schedule trip: The name of the company, intended activity/route, date(s), start and end times, location, and number of clients and guides. Booking trips on the calendar allows all the concessioners to self- manage routes and trips to avoid over-crowding a route or area, thus degrading the visitor's experience.
 - (c) Guides/instructors are required to practice and promote "clean climbing" techniques, which include the use of removable equipment such as chocks and camming devices that do not deface the rock. The use of chalk shall be minimized. Gear such as slings shall be removed whenever practical. The use of neutral colored slings and chalk is encouraged. Fixed ropes or sling steps must be removed each day at the end of the climb.
 - (d) New fixed anchors may be placed in the park when necessary to enable a safe rappel when no other means of descent is possible or to enable emergency retreat during self-rescue situations. The infrequent placement of new fixed anchors is allowed when ascending a route to connect terrain that is otherwise protected by removable anchors (e.g. one crack system or other natural feature to another), or when there are no features which will accommodate removable equipment but the occasional placement of a fixed anchor may provide a modicum of safety during an ascent (e.g. traditional face climbing). The