

TESTIMONY OF  
AMERICAN MOUNTAIN GUIDES ASSOCIATION

FOR CONSIDERATION BY THE  
UNITED STATES SENATE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES

FULL COMMITTEE HEARING TO EXAMINE OPPORTUNITIES TO IMPROVE  
ACCESS, INFRASTRUCTURE, AND PERMITTING  
FOR OUTDOOR RECREATION

HELD ON MARCH 14, 2019  
SD 366

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March 25, 2019

The Honorable Lisa Murkowski  
Chair  
Senate Energy and Natural Resources Committee  
U.S. Senate  
304 Dirksen Senate Building  
Washington, D.C. 20510

The Honorable Joe Manchin  
Ranking Member  
Senate Energy and Natural Resources Committee  
U.S. Senate  
304 Dirksen Senate Building  
Washington, D.C. 20510

Dear Chair Murkowski, Ranking Member Manchin, and Members of the Committee,

The American Mountain Guides Association respectfully submits this testimony for inclusion in the public record regarding the Full Committee Hearing to Examine Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation held on March 14, 2019.

The American Mountain Guides Association (AMGA) represents the interests of the American mountain guiding community, which includes climbing and skiing guides who provide educational and environmentally responsible outdoor experiences for the public on public lands. The AMGA institutes the professional standards by which mountain guiding is practiced in the United States 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 welcome the opportunity to provide comment on opportunities to improve access for outdoor recreation on America's public lands.

We appreciate the Committee's recognition of the need to improve access for recreation. In particular, we would like to point out the tremendous opportunity that exists to improve access and support economic growth by modernizing the outfitter and guide permitting systems of the Federal land agencies. Our members have experienced decades-long challenges in gaining access to public lands due to unnecessary complexity in the permitting system and out-of-date, antiquated processes. This has limited opportunities for the public and has slowed economic growth, especially in rural communities adjacent to public lands. The stories below illustrate some of the challenges faced by our members and the public they serve. Following the stories, we will point out specific measures Congress can take to improve permitting systems and increase access for all Americans.

## Examples of Access Challenges Faced by Outfitters and Guides

- Appalachian Mountain Guides, a climbing guide service in Fayetteville, West Virginia, was contracted by the Boy Scouts of America (BSA) to help them develop an outdoor climbing area at the Summit Bechtel Reserve, a BSA property near the New River Gorge National River. Both parties were excited to collaborate on the project to expand recreation opportunities for kids. The project was scheduled to be completed by summer 2019, just in time for the 24th World Scout Jamboree. When planning the project, the Boy Scouts of America approached the National Park Service (NPS) to get permission to cross a small section of NPS-managed land that lies adjacent to the Scouts' property where the climbing area is located. They were told it would take 3 years to issue the necessary permit due to the amount of paperwork required. As a result, the new climbing opportunity will not be available in time for the World Scout Jamboree.
- The Montana Wilderness School, located in Southwest Montana, provides youth mountaineering and backpacking courses that foster personal growth and help kids develop an appreciation for the outdoors. They often have to drive over six hours to run their courses because the local national forest in their backyard will only grant them a permit on an irregular basis, in some cases once every five years.
- Paradox Sports, an adaptive sports program, sought to arrange a guided climbing experience for adaptive athletes in Yosemite National Park. They contacted Yosemite Mountaineering School (YMS) which is the only guide service currently permitted to operate in Yosemite. No additional climbing guide permits are available due to a lack of administrative capacity to create and issue new permits. YMS was unable to accommodate the Paradox Sports request and it appeared there would be no avenue for the adaptive athletes to climb in Yosemite. Fortunately, at the last minute, the National Park Service granted temporary permission to an outside guide service to serve the Paradox Sports group. If new permits are not made available, this type of situation will continue to occur.
- Numerous climbing guide services in Washington State have requested permits from the Okanogan National Forest *for over a decade* to provide guided climbing experiences in the Cascade Mountains. They have been told no new permits are being issued because the Forest does not have the staff capacity to complete the required capacity analysis, needs assessment, and environmental review.

## Opportunities to Improve Outfitter and Guide Permitting Systems

The permitting systems of the Federal land agencies are antiquated and layered with redundant analyses. There are significant opportunities to modernize these systems to improve access, reduce administrative burden for the agencies, and infuse new life into rural economies. Below, we list six opportunities to make the permitting systems work better for everyone and capitalize on growth opportunities in the increasingly vibrant recreation sector.

### Authorize Multijurisdictional Permitting

Outdoor trips typically follow natural features such as rivers, canyons, and high mountain valleys for ease of travel and maximum scenic value. Often times, agency boundaries are not perfectly aligned with these landscape features and in some cases a group may cross an agency boundary (or multiple agency boundaries) in the course of a single trip. This requires a permit from each agency. It is time consuming and costly for guides to apply for and maintain multiple permits with different agencies to operate a single trip. This situation can be improved by establishing an authority for the agencies to cooperate and issue a single permit for trips that cross agency boundaries. Such an authority would dramatically enhance the efficiency of the permitting process for both agencies and guides when trips cross agency boundaries.

### Permit Substantially Similar Activities

The land agencies are often required to undertake a lengthy analysis process before authorizing new uses requested by a permit holder. This analysis is unnecessary and redundant when the proposed uses are substantially similar to the activities the permit holder has already been authorized to conduct. For example, if a guide service is permitted to provide avalanche awareness courses in a popular backcountry skiing zone, additional analysis should not be required to allow the guide service to offer guided backcountry skiing tours in the same area, because these uses are substantially similar in type, nature, scope, and ecological setting. By providing the agencies with the authority to permit substantially similar activities, new recreational opportunities can be made available to the public and outdoor businesses can more easily expand and contribute to local economies.

### Review and Establish Recreation Categorical Exclusions

The environmental analysis requirements that are currently applied to outfitting and guiding proposals are unnecessarily complex. This is placing undue administrative burden on agency personnel and resources, and it is hindering the ability of federal land managers to authorize guided recreation activities that connect people to public lands. In most instances, recreational outfitting and guiding activities take place on established recreational infrastructure that is already being used for the same activities by the general public. Furthermore, in many locations, outfitter-guide use is substantially less than that of the general public and has minimal impact on resources. For these reasons, we believe Congress should direct the agencies to review existing categorical exclusions (CEs) and identify ways to modify existing CEs and/or establish new CEs for recreational activities that are unlikely to have a significant impact on the human environment. These actions would substantially streamline the permitting process to reduce agency workload in areas where it is unnecessary or redundant, and enable outfitters and guides to focus on growing the recreation economy and serving the public.

### Minimize Needs Assessments

Needs assessments are studies conducted by the agencies to assess the agency and public need for a service. These lengthy studies are a requirement in areas designated as wilderness. They are not required outside of wilderness areas, however, they are still used extensively in many non-

wilderness locations. The unnecessary use of needs assessments outside of wilderness is critically slowing down the permitting process and preventing the public from accessing public lands with a guide. Furthermore, it should not be necessary for the agency to assess need from the public—they should simply issue permits when capacity is available and allow the outfitting and guiding market to determine if a demand for the service exists.

Issue Temporary Permits for a Longer Term (2 Years)

Current Forest Service policy indicates temporary special use permits can be issued for a maximum term of 6 months. When these permits expire, the temporary permit holder must reapply and the agency must reprocess all of the application materials again. Many permit holders are resubmitting the exact same proposal every 6 months, over and over again, year after year. This is unnecessarily time consuming and inefficient for the both permit holder and the agency. Additionally, a 6-month permit term is too short for a guide service to invest in a business opportunity and actively pursue growth. A longer permit term would allow recreation businesses to fully assess opportunities and adequately plan for future growth. For these reasons, the Forest Service should be given the authority to issue temporary permits for a term up to two years.

Move Permit Applications and Reporting Online

The permitting process can be made more efficient and user friendly by moving applications and reporting procedures online. Several agencies are already taking steps to enable permitting processes to occur online. Congress should ensure the agencies complete this process in a timely manner.

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Thank you for the opportunity to share our perspective on ways in which Congress can improve access for outdoor recreation on America’s public lands. We look forward to working with Congress to implement improvements that will increase agency efficiency, grow the outdoor recreation economy, and expand opportunities for the public to experience the legacy of America’s public lands. Please let us know if we can be of assistance.

Sincerely,



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American Mountain Guides Association



Matt Wade  
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American Mountain Guides Association