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The Honorable Joe Neguse  
Chair  
House Natural Resources Committee  
Subcommittee on National Parks, Forests, and  
Public Lands  
1324 Longworth House Office Building  
Washington, D.C. 20510

The Honorable Russ Fulcher  
Ranking Member  
House Natural Resources Committee  
Subcommittee on National Parks, Forests, and  
Public Lands  
1324 Longworth House Office Building  
Washington, D.C. 20510

Dear Chair Neguse, Ranking Member Fulcher, and Members of the Subcommittee,

The American Mountain Guides Association respectfully submits this testimony for inclusion in the public record regarding the House Natural Resources Committee, Subcommittee on National Parks, Forests, and Public Lands, Legislative Hearing on H.R. 3670, the Simplifying Outdoor Access for Recreation Act, held by virtual hearing on June 8, 2021. The American Mountain Guides Association supports the Simplifying Outdoor Access for Recreation Act for the reasons stated herein.

The American Mountain Guides Association (AMGA) is a 501(c)(3) educational non-profit organization that provides training and certification for climbing instructors, mountain guides, and backcountry skiing guides throughout the United States. Founded in 1979, the AMGA has trained over 13,000 climbing and skiing guides who provide 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, outdoor businesses, clubs, and other recreation stakeholders. Of additional relevance to this hearing, 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 testimony on the Simplifying Outdoor Access for Recreation Act (SOAR Act).

We appreciate the Subcommittee's recognition of the need to improve access to public lands and we commend Chair Neguse and the Subcommittee for taking steps to advance legislation that will enhance opportunities for Americans from all walks of life to access and enjoy public lands. In particular, we believe there is a significant opportunity to increase access to recreational opportunities on public lands by modernizing the outfitter and guide permitting systems of the federal land agencies. These systems are antiquated and inefficient, and they impose unnecessary and costly administrative burdens on land management agencies. These problems prevent outfitting and guiding businesses from growing to their full potential and limit opportunities for the public to benefit from the assistance of an outfitter, guide, outdoor education center, outdoor adaptive

program, veteran's outdoor program, or organized outdoor club. The situation has become increasingly dire in recent years as fire suppression costs have further reduced the agencies' ability to attend to the need for outfitting and guiding services on public lands.

To illustrate the ways in which the SOAR Act will help to address these challenges, we share the following case studies.

The American Alpine Institute and the American Mountain Guides Association partner to offer guide training courses for veterans. These courses can be paid for with VA benefits and they prepare veterans for careers in the mountain guiding industry. Several courses are offered annually in the eastern Cascade Mountains of Washington State. The courses are very popular and there is typically a waitlist for each course. Despite the high level of interest, it is not possible to offer additional trainings because the Okanogan National Forest has been unable to complete the administrative steps that are necessary to authorize additional courses. Consequently, fewer opportunities are available for veterans to prepare for careers in the mountain guiding industry. Section 103 of the bill, *Permitting Process Improvements*, would alleviate these issues by eliminating the requirement to conduct a needs assessment outside of designated wilderness areas, and by directing the agencies to evaluate the special recreation permitting process and identify opportunities to eliminate duplicative processes, reduce costs, and decrease processing times.

The Colorado Mountain School (CMS), located in Boulder, Colorado, provides instruction and guiding in rock climbing, mountaineering, backcountry skiing, and avalanche awareness. CMS has been a permittee of the Arapaho-Roosevelt National Forest for over a decade and has maintained full compliance with the terms and conditions of the permit throughout that time. Despite acceptable performance, CMS is required to resubmit a temporary permit application every 180 days because the agency is unable to complete the analyses required to issue a longer-term permit. The repetitive reissuance of a short-term permit is unnecessarily time consuming and inefficient for both the Colorado Mountain School and the Forest Service. Section 104(c) of the bill, *Forest Service and Bureau of Land Management Temporary Special Recreation Permits*, would authorize the Forest Service to issue a temporary special recreation permit for a term up to two years in length. This will bring significant new efficiencies in the form of less frequent permit processing.

Climbing guide services based in the Sierra Nevada Mountains of California provide guided climbs of highly sought-after peaks that lie on the border between Sequoia-Kings Canyon National Park and the Inyo National Forest. Typically, these trips are 2-3 days in length with over 95% the trip spent on the Inyo National Forest and only a few hours spent in Sequoia-Kings Canyon National Park. Under the current system, a separate permit is required from each agency. It is time consuming and costly for guides to apply for and maintain multiple permits with different agencies. It is also inefficient for the agencies to issue two separate permits to the same outfitter for a single activity. Recognizing the problem, the agencies have expressed an interest in collaborating to issue a single, joint permit but existing authorities are insufficient for such collaboration to occur. Section 106 of the bill, *Permits for Multijurisdictional Trips*, would establish the necessary authorities for the agencies to offer a single joint special recreation permit for guided trips that cross agency boundaries.

The Simplifying Outdoor Access for Recreation Act will clarify existing authorities and establish new authorities that will make special recreation permits easier for outfitters and guides to obtain and manage, and easier for the agencies to administer. In the following section, we outline several additional provisions in the bill that are particularly notable.

In Section 107(b), *Additional Capacity*, the Forest Service is authorized to assign, at the time of a use review, additional use beyond the amount allocated when the permit was originally issued (provided capacity for the use exists). This will enable permit holders to meet the growing demand for recreational experiences and contribute to the growth of their local economies, many of which are in rural areas adjacent to public lands.

In Section 108, *Liability*, the bill authorizes the agencies to allow special recreation permit holders to use liability waivers to the extent they are authorized by applicable state law. Presently, there is inconsistency among land management agencies, and even within individual agencies, on the use of liability release forms. The Bureau of Land Management generally allows them, the U.S. Forest Service allows them in some locations but not others, and the National Park Service does not allow them at all. The bill would resolve these inconsistencies and establish the principle that State law controls the validity of liability waivers.

In Section 108(b), *Indemnification by Government Entities*, the bill directs the agencies to waive the existing indemnification requirement for state-based institutions that are prohibited by state or local law from providing indemnification to the United States provided they carry the minimum required amount of liability insurance. Under current law, state-based institutions such as colleges, universities, and municipalities are unable to hold special recreation permits due to their inability to fulfill the indemnification requirement. Section 108(b) of the bill would remedy this situation and enable college outdoor recreation programs and municipal recreation districts, many of which offer low-cost outdoor courses and trips, to provide outdoor programs on public lands.

In Section 110, *Extension of Special Recreation Permits*, the bill would address a situation in which a permit holder has submitted a timely request for reauthorization of a long-term permit but the agency is unable to complete the reauthorization prior to the expiration of the permit. Section 110 would toll the expiration of the permit for up to five years in accordance with section 558(c)(2) of title 5, United States Code, to allow the permit holder to continue operations while the agency is completing the reauthorization process. However, the tolling period does not affect the agency's ability to prescribe new terms and conditions when the reauthorization is completed.

As Congress is considering the measures in the bill that increase efficiency and improve access, we would like to point out the bill does not direct the agencies to make changes to existing carrying capacity determinations or changes to allocations between different user groups. Rather, the bill seeks to ensure that outfitters and guides are able to access existing capacity that has already been deemed appropriate for outfitting and guiding use, but which has previously been inaccessible due to administrative roadblocks.

The issues in the outfitter-guide permitting system presented in the virtual hearing on June 8 are truly bipartisan in nature. This is evidenced by the wide range of outdoor industry stakeholders who support the SOAR Act. Furthermore, in the last session of Congress, the bill was favorably reported out of the House Natural Resources Committee with unanimous consent. Given the bipartisan character of the SOAR Act, Congress has a unique opportunity to unite around a set of common interests that will enhance the recreational benefits of public lands and empower the American people to enjoy them.

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Thank you for the opportunity to share our perspective. We look forward to working with Congress to implement improvements that will increase efficiency in the outfitter and guide permitting process, grow the outdoor recreation economy, and expand opportunities for the public to experience the legacy of America's public lands.

Sincerely,



Matt Wade  
Deputy Director  
American Mountain Guides Association