



December 2, 2021

The Honorable Joe Manchin
Chair, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Re: December 2, 2021 Full Committee Hearing to Consider Legislation

Dear Chair Manchin and Ranking Member Barrasso:

On behalf of The Mountaineers, thank you for holding a hearing on bills to enhance and improve outdoor recreation on federal public lands. We respectfully submit testimony on the following bills:

- S. 1229, to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes (Simplifying Outdoor Access for Recreation Act)
- S. 3266, to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes (Outdoor Recreation Act)

The Mountaineers, based in Seattle, Washington, and founded in 1906, is a 501(c)(3) nonprofit outdoor education, conservation, and recreation organization whose mission is “to enrich the community by helping people explore, conserve, learn about, and enjoy the lands and waters of the Pacific Northwest and beyond.” The Mountaineers Books publishing division expands the mission internationally through award-winning publications including instructional guides, adventure narratives, and conservation photography. Through Mountaineers programs, more than 1,600 skilled volunteers lead 3,200 outdoor education trips and courses annually for 14,000 members. Our youth programs provide over 10,000 opportunities each year for children to get outside, half of which are for underserved youth. We are a passionate, engaged, and knowledgeable community that cares about the outdoors and protects the outdoor experience for current and future generations.

S. 1229, the Simplifying Outdoor Access for Recreation Act

We appreciate the Committee’s recognition of the need to improve recreational access to public lands, and we commend you for taking steps to advance legislation that will help ensure that everyone has access to our public lands. Like you, we believe in the value of transformative experiences in the outdoors. Many people’s first experience recreating on public lands is through outdoor programs like



The Mountaineers offer, or through a guide or outfitter. This is especially true for communities that have traditionally faced barriers to accessing the outdoors.

However, the recreational permitting systems of the federal land management agencies make it difficult for guides, outfitters, and other outdoor programs to take people outdoors. Outdoor programs like The Mountaineers must obtain special recreation permits to lead trips on public lands, but currently these systems are complex, inefficient, inconsistent, and labor intensive. These bureaucratic hurdles have limited the American public's ability to experience public lands and have prevented recreation organizations and businesses from growing and further contributing to the economy.

As an outdoor organization based in the Pacific Northwest, we continue to feel the negative effects of the bureaucratic barriers of outfitter/guide permitting. We spent an enormous amount of staff and volunteer time navigating the various permitting processes of land management agencies. The rules are different for each land manager, and they can even vary between districts of the same National Forest. Permitting requirements and availability can change from one year to the next, making it challenging to plan and grow our programs.

These convoluted systems are equally as challenging for under-resourced land managers to administer. Agencies often do not have the staff capacity to issue and administer new permits: for example, in the U.S. Forest Service, 70 percent of the people responsible for administering permits have been assigned to those responsibilities as a collateral duty on top of another job. In Washington State, we're fortunate to have good relationships with public land managers who work hard to partner with recreation providers like us. While this spirit of partnership goes a long way towards meeting everyone's needs, the complex permitting system remains slow and adds to the workloads of our land managers, our staff, and our volunteers.

Fortunately, through years of intensive work between the facilitated recreation community, the federal land agencies, and Congressional leaders, we have an opportunity to improve the efficiency and functionality of the federal outfitting and guiding permitting systems. S. 1229, the Simplifying Outdoor Access for Recreation (SOAR) Act, will clarify existing authorities and establish new authorities that will make special recreation permits easier for outdoor leaders to obtain and manage, and easier for agencies to administer. Collectively, these improvements will improve access to the outdoors, support the recreation economy, and inspire people to care for our outdoor spaces.

The SOAR Act has been developed over a period of six years with extensive input from the outdoor recreation community and in consultation with conservation groups and land management agencies. The bill has been carefully written to strike a thoughtful balance between the interests of diverse parties while promulgating change that is much needed and long overdue. By passing the SOAR Act, the Senate has the opportunity to come together around a set of common interests and enact positive change that will truly enhance the recreational benefits of public lands and help ensure equitable access to the benefits of nature.



S. 3266, the Outdoor Recreation Act

Our comments on the Outdoor Recreation Act pertain to Section 101, Permit Relief. The Mountaineers appreciates your interest in improving the permitting processes of the federal land management agencies. We share your interest, and that is why we have worked for years with stakeholders and Members of Congress to craft the permitting improvements included in the Simplifying Outdoor Access for Recreation Act. We believe Section 101 of the Outdoor Recreation Act can be complementary to the permitting improvements in the SOAR Act, but several targeted changes are needed. Our recommendations to improve the Outdoor Recreation Act are described below.

With regard to Sec. 101(b), which waives the permit requirement to access an existing picnic area for outfitters and guides serving fewer than 40 clients, we recommend that one component of this subsection be expanded and another component be clarified.

- First, the waiver of the permit requirement for picnic areas should be expanded to include youth groups as well as guides and outfitters. It makes sense for this waiver to be available to youth groups, particularly since youth groups are much more likely to utilize picnic areas on federal public lands than guides and outfitters.
- Second, we believe it is necessary to clarify this section by specifying what exactly is meant by serving fewer than 40 clients. Without clarification, section 101(b) could be interpreted to allow an outfitter, guide, or youth group to bring 40 clients per day to a picnic area. This could result in significant user conflict and unacceptable adverse resource impacts. We recommend that the permit waiver be limited to a level of use that is unlikely to have significant impacts, such as capping the waiver so that it allows an outdoor leader to serve 40 clients per year (40 service days) at any given picnic area.

Section 101(c) requires the agencies to conduct a study on access to federal lands and permits for youth groups. While we strongly support the intent of this section, we believe it must be expanded to include outfitters and guides as well as youth groups. Since both youth groups and outfitters and guides access the permitting systems of federal land management agencies, they both experience similar barriers and impediments to accessing public lands. The benefit and impact of such a study would be much greater if all users of the federal permitting systems are included.

These changes will bring balance and equity to Section 101 of the Outdoor Recreation Act by making it applicable to all user groups who serve the public in the outdoors. This will ensure that all segments of the population will be provided with opportunities to recreate on their public lands.



Conclusion

Thank you for the opportunity to share our perspectives on ways in which the Senate can improve access to guided outdoor recreation opportunities on America's public lands. We look forward to working with the Committee to implement improvements that will grow the outdoor recreation economy and expand opportunities for America's diverse public to experience their public lands.

Sincerely,

Betsy Robblee
Conservation & Advocacy Director
The Mountaineers