

Statement

**Before the Subcommittees on Forests and Forest Health; National Parks, Recreation and Public Lands; and
Fisheries Conservation, Wildlife and Oceans
United States House of Representatives**

**Regarding H.R. 2386
The Outfitter Policy Act**

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Mr. Chairman and members of the committee, Outward Bound would like to thank you for the opportunity to address this hearing on the Outfitter Policy Act.

I represent Outward Bound USA, a non-profit educational institution and a leader in wilderness and experiential education. For 40 years, the Outward Bound system has teamed with America's wild lands to provide adventure-based education to youth and adults. Outward Bound has the privilege of conducting extended backcountry expeditions – primarily on public lands – to teach leadership, personal development and wilderness values.

The Outward Bound system in this country comprises five wilderness schools and two urban centers. We operate in 25 states and scores of forests, ranger districts and resource areas. From the Carolinas to Alaska; from the forests of New England to the Sierras; Outward Bound has four decades of experience dealing with an astonishing array of permits, policies and administrative procedures.

Outfitted Use

I speak to you today representing a leader in the non-profit wilderness and experiential education communities. I also speak to you and an outfitter and guide. Outward Bound – as is the case with sister organizations such as the National Outdoor Leadership School (Lander, WY) and Wilderness Inquiry (Minneapolis, MN) – operates as a full “commercial” user of federal lands. As a non-profit, educational organization we compete for and hold federal concessions authorizations in the same manner as for-profit members of the outfitting and guiding industry. All of Outward Bound’s operations on federal lands are fully authorized concessions or permits for which we compete for use, comply with administrative procedures and pay appropriate fees.

At this juncture, I should state that the Outward Bound system is in full support of this classification as commercial users of federal lands. In valuing our ongoing partnerships with land managers and America’s wild lands, Outward Bound recognizes the need for and merits of proper administration and management of these resources. This includes competing for and defending our use; performing as an accountable user of public resources; protecting the public health and safety; paying an equitable and appropriate share of the cost of administration and management; and working with land managers to educate the American people on natural resources, public lands, responsible recreation and wilderness values.

Effective and efficient permit administration should work to strengthen these relationships by recognizing and sustaining the highest quality visitor services and partnerships.

Partners on Public Lands

Wilderness educators such as Outward Bound and other members of the outfitter community play vital roles in working with federal resource managers to meet the demand for quality educational and recreational opportunities, and in meeting agency missions related to interpretation and resource protection.

The importance of outfitters and guides as partners and service providers is acknowledged by the Forest Service in its publication in 1997 of a staff reference entitled “Guidebook on Outfitting and Guiding”^{[ii](#)}:

On the public lands of the United States, and in particular the National Forests, outfitter and guides provide visitors seeking their assistance a quality experience as an extension of the agency’s mission. Outfitting and guiding provides a small fraction of the total visitor days experience on the National Forests, but it is an important segment to the visitor, the agency, the resources and the economy of the communities where outfitters are based.

Through legislation such as H.R. 2386, Congress must establish the foundation or the vision from which the agencies and their private-sector partners can collaborate to meet the public’s goals and aspirations in utilizing their public lands. The agencies’ challenge is to identify and retain those permittees that will:

- Partner with the agency in providing quality visitor services.
- Partner with the agency in protecting the resource.
- Partner with the agency in providing educational and interpretive services.
- Provide a reasonable return to the agency.

Public Lands: A Spectrum of Values, Benefits and Opportunities

Public lands and waters host an incredible range of values and benefits. The American people draw from and visit their public resources in a broad array of ways and means. An increasingly diverse America looks to public lands to satisfy ever broadening wants and needs.

In frontcountry, backcountry and wilderness management, agencies staff needs to recognize that each unit holds an inherent range of values: recreational, educational, biological, cultural, spiritual, historical and others. In addition to resource protection, a fundamental element of each agency's mission is to identify, manage for, provide interpretive services about, and accommodate public interest in the elements that constitute each unit's inherent values.

Key provisions of H.R. 2386 relating to performance-based renewal, fee considerations, etc., will allow educators, outfitters and guides to provide diversity in the commercial opportunities offered on public lands and the people who enjoy them.

The Outfitted Public

By choosing to visit public lands under the guidance of trained, professional instructors, Outward Bound students become members of the outfitted public. For many of our students this is their first exposure to federal lands and certainly to the vast tracts of wilderness and backcountry America has to offer. Given the young age of our students, parents are looking for the experience and safety offered by professional programs such as Outward Bound. Older students come for the Outward Bound experience, but also to learn the wilderness ethic, stewardship and safety skills that will allow them to be intelligent, efficient users of our public resources.

Given the dramatic decline in agency field staff assigned to wilderness and backcountry management, Outward Bound has now become a de facto provider of educational, interpretive and safety information on resources where we operate.

People want to know more about the wild lands they visit. This knowledge makes a difference in their lives. It increases their own quality of living. The majority of Americans polled recently by Roper Starch ^[ii] believe that even the unstructured experiential aspects of outdoor recreation play a positive role in reducing various key social concerns, such as childhood obesity, parent/child communication, and tough social problems such as juvenile crime, underage drinking, and illegal drug use. Lessons learned in wilderness make us less tolerant of urban decay when we return home, and more prepared to take effective action to improve our communities:

The importance of recreational use as a social force and influence must be recognized and its requirements met. Its potentialities as a service to the American people, as the basis for industry and commerce, as the foundation of the future economic life of many communities, are definite and beyond question.

—Robert Y. Stuart
Forest Service Chief, 1928-33

Who will teach these important lessons to visitors to public lands? Too few personnel in the field and an overwhelming workload have distanced rangers from their role as hosts in parks, forests, and on public lands. Agency personnel simply cannot reach out to each of the millions of families and individuals that visit each year. Face to face interpretive talks in visitor centers are an important component of the educational effort, but these are not the same opportunities to educate as those teachable moments that occur from one minute to the next on an extended outfitted expedition.

Codification of Outfitting and Guiding

Given the historical and ongoing role of outfitting and guiding on federal lands, and the sizeable and growing body of federal regulation, Congress needs to play a direct role in establishing the philosophy and direction of federal oversight. Congress has established and updated statutes for administering outfitter activities in the National Park Service.

H.R. 2386, by establishing similar legislative guidelines for the Forest Service and Bureau of Land Management, will provide direction and consistency for outfitters and the outfitted public.

If providing the public with high quality commercial recreation and education services while preserving the resource for future generations are the goals; federal statute and agency regulation must:

- Recognize both the role and value of outfitters and guides in providing access to and enjoyment of quality recreation and education experiences.
- Recognize the outfitters need for a reliable and stable business climate. Beginning with reliable and consistent permit mechanisms, resource managers have an obligation to work with commercial operators in a manner that is consistent with the development and operation of successful, competitive, long-term business operations.
- Establish incentives for managers and concessioners to effectively meet public demand for commercial services on public lands while satisfying agency mandates for resource protection. For outfitters and guides, the foundation should be performance-based permit renewal based on a system of regular performance evaluations.
- Create incentives for sound resource management and stewardship. Incorporation of resource protection and visitor education elements in performance standards will establish outfitters as full partners in ensuring these resources remain unimpaired for future generations.
- Recognize and accommodate the full spectrum of outfitted services provided on these federal lands. For most outfitters, the full range of “market forces” is a daily reality, including strong competition and the need to excel through superior customer service.
- Recognize the undeniable role fees will play in the future of authorized use on public lands. The goal should be to ensure that franchise and user fees equitably compensate for the privilege of operating a business on public lands. Return to the government, while a fundamental element in the awarding and renewal of permits, should not supplant customer service and resource protection as the primary factors in these processes. Fees should be applied equitably across all public land users and user groups. Fees should stay with the resource or collecting agency. Franchise and user fees should be used to supplement, not supplant, congressional appropriations.

Each of these elements is represented in H.R. 2386.

Performance as the Foundation

In the long run, effective management is predicated on determining the public demand for goods and services and identifying and retaining quality operators to meet those demands. A system which provides incentives for the resource manager and the permittee will prove to be the most effective and efficient, serve the needs of the manager and permittee, and, most importantly, serve the long-term goals of providing quality visitor services and protecting the resource.

H.R. 2386 provides the framework for performance-based renewal and places fee or revenue generation as a secondary consideration in the award and renewal of outfitter permits.

Contractual agreements, based upon a program of formal performance evaluations coupled with performance-based permit renewal, represent the most effective means of ensuring permitting practices meet both agency objective and the public’s needs.

The awarding of a permit is typically based upon three primary factors:

- The experience, related background and past performance of the outfitter.
- Response to prospectus requirements for quality visitor services.

- The offeror's financial capacity.

Herein lie the incentives for both the manager and the concessioner. These factors offer significant and substantial opportunities for competition in the awarding, renewal or denial of concessions. Categories #1 and #2 offer managers the opportunity to identify non-compliant, dangerous or illegal performance, as well as to reward exemplary performance.

The system must be anchored upon the value that commercial operations can provide to the public and to the land itself. Fees must remain subordinate to other performance-related aspects of the evaluation system. Outfitters are not afraid of competition, evaluations or reasonable fees. We are afraid of competition for competition's sake and evaluations that weigh general federal revenue enhancement above quality service

What is at stake here is relatively straightforward. Should the award of a federal permit be based upon on-the-ground performance or how much money a prospective outfitter can offer the federal government? Are consolidation of the outfitting industry and enhancement of federal revenues the goal or should we establish permit administration policies that recognize and enhance:

- Common missions
- Partnerships
- Diversity in opportunities offered and publics served
- Incentives and performance?

I will close with one illustration: Outward Bound, as a non-profit educator, has well-defined institutional missions related to diversity on our courses. The Outward Bound system in the United States raises over two million dollars annually in scholarship funds to promote economic, ethnic, gender and age diversity among our students.

Agency documents, speeches and memos detail the desire to attract and educate new, diverse populations of American in the enjoyment and preservation of federal lands.

The more agency concession, permit and fee policies promotes incentives, common missions and partnerships, the more emphasis Outward Bound can place on diversity. To the extent the agencies promote revenue generation and competition through fee bidding, Outward Bound is forced to downplay scholarships and focus on boosting course costs.

Performance-based renewal and consideration of fees as a secondary factor as outlined in H.R. 2386 will allow Outward Bound and other educators and outfitters to operate as effective and efficient providers of quality programs on federal lands.

[\[i\]](#) USDA Forest Service, Northern Region. 1997. Guidebook on Outfitting and Guiding. Missoula, MT.

[\[ii\]](#) Roper Starch. 2000. Outdoor Recreation In America 2000: Addressing Key Societal Concerns.