

**Testimony**  
**Michael Friedman, Managing Partner**  
**Adventure Partners, LLC**  
**Outfitter and Guide Overview on BLM, USFS and NPS Lands**  
**Subcommittee on Public Lands and Environmental Regulation**  
**Congressman Rob Bishop, Chairman**  
**United States House of Representatives**  
**May 7, 2013**

Mr. Chairman and members of the Committee, thank you for providing me with the opportunity to share my views as an outfitter and guide. For thirty years I have earned a living on National Forest, BLM and National Park Service lands. My company, Adventure Partners, has a dozen full time employees and many more seasonal staff. We hold commercial use authorizations (CUAs) in Grand Canyon National Park, Zion National Park and Glen Canyon National Recreation Area, as well as Special Recreation Permits (SRPs) in Grand Staircase-Escalante National Monument, Vermillion Cliffs National Monument, Utah and Arizona Strip BLM Lands, Kaibab National Forest, and Santa Fe National Forest.

I am also privileged to serve as the Guide and Outfitter representative on Grand Staircase-Escalante National Monument's Advisory Committee, where BLM staff and an outstanding group of local stakeholders work together to gather information and develop recommendations concerning the use and management of the Monument. This is no easy task as the Monument's very existence remains highly polarized. In the midst of this ongoing controversy, guide services are playing an ever expanding role in the economic fabric of gateway communities, who increasingly depend on tourism dollars for their tax base and job creation. Mr. Chairman, I would like to take a moment to encourage Congress and the BLM to provide the necessary base funding for full-time operation of BLM visitor centers located in Cannonville, Escalante, Kanab and Big Water, Utah. These facilities and their knowledgeable, friendly staffs are vital to the area, as they provide much needed interpretive services, access to tourism information and local seasonal employment.

Economic opportunity is always central to any conversation about recreation on federal lands. The public's appetite for guided activities continues to grow, along with the frequency of requests by entrepreneurs for CUAs and SRPs to serve this demand. This trajectory of use requires land managers to display extraordinary vision, leadership and a "can-do" attitude to achieve responsiveness and efficiency while balancing conservation and tourism. The demographics of our business are compelling. At age sixty-two you can purchase a lifetime pass for ten dollars which allows free entry and discounted camping in over two thousand federal recreation sites. Every day over ten thousand Americans become eligible for this benefit, and a great many are planning to live active, outdoor lifestyles.

From my perspective as an outfitter and guide, I would like to share several challenges which Congress and land management agencies need to address if small businesses are going to effectively meet the public's expectations for commercial recreational opportunities.

NEPA and Adaptive Management

The BLM, Forest Service and Park Service are required by the National Environmental Policy Act (NEPA) to analyze any land use authorization occurring on public lands, including management of commercial use requests. Every commercial permit application is required to undergo a Determination of NEPA

Adequacy (DNA) which may be as simple as reviewing the proponent's operating plan and proposed areas of use. As these applications pile up on the desks of recreation specialists, regulations dictate processing them within 180 days. If the field office cannot fulfill or complete all the necessary steps of a use authorization within this time frame, due to workload priorities, then no commercial use will be granted. This scenario effectively creates a "permit moratorium". Increasingly, land managers are required to initiate a Programmatic Environmental Assessment for the allocation of commercial use. This is a tiered, overarching study with the ultimate goal of streamlining and simplifying the issuance of permits. I have recently participated in this process at two National Monuments with very different outcomes. In the case of Vermillion Cliffs National Monument, three contentious years of scoping and analysis produced a hundred and thirty page document, filled with largely arbitrary and capricious commercial use allocations and a very blunt management tool. It was based on a defacto, cookie cutter style of decision-making rather than reflecting on the ground reality.

On the other hand, Grand Staircase-Escalante National Monument's recreation staff produced a Programmatic EA in less than two years. At sixty-seven pages in length, this document utilizes a site and problem specific approach to managing commercial operators. The key to their success was embracing the concept of "Adaptive Management"-- a flexible decision making process which treats plans and activities as working hypotheses rather than final solutions to complex problems. Adaptive management emphasizes stakeholder participation, helps resource managers maintain flexibility in their decisions and leaves open future allocation of commercial and public use to ongoing analysis. It also reduces the necessity of burdening small business with cost recovery by streamlining the permit evaluation process. I would encourage Congress to press *all* federal land agencies to place a much greater emphasis on Adaptive Management, whenever possible, in tackling increasingly time consuming and contentious recreation planning.

This circles back to economic opportunity. In the case of Grand Staircase-Escalante National Monument, seventy-eight percent of issued guide and outfitter permits are operated by local and regional businesses<sup>1</sup>. These companies create jobs. They are advocates for land conservation, skilled practitioners of leave-no-trace ethics and often report resource abuse to the BLM for enforcement action. Prematurely allocating finite commercial use, as was the case in Vermillion Cliffs National Monument's Programmatic EA, can have the unintended consequence of tying the hands of land managers, creating permit exclusivity and ultimately limiting the public's choice based on the value and quality of a guided experience.

#### National Land Conservation System and Recreation

When Congress authorized the National Land Conservation Act in 2009, it legislatively formalized a BLM policy shift which began with the proclamation of Grand Staircase Escalante National Monument, the first BLM unit to hold NLCS designation. I want to emphasize the importance of expressly naming "recreation" as a stated *value* in *any* future authorizing language creating an NLCS area. In addition, recreation needs to be recognized within the accompanying EIS analysis and Management Plan.

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<sup>1</sup> GSENM, Environmental Assessment, DOI-BLM-UT-0030-2011-0002-EA

Failing to acknowledge this essential value comes at a financial and opportunity cost to guides, outfitters and the general public; as the subsequent implementation of NEPA makes it progressively more controversial, costly and time consuming to manage recreation and stimulate tourism. The ambiguous language put forward in many of these designations and associated management plans, particularly in the absence of a flexible management tool like adaptive management, is causing gridlock within our field offices. We all hold passionate views on the highest and best use of public lands, but it seems increasingly that outfitters and guides are trapped in the middle of these legislative and regulatory debates.

NLCS units are created to conserve, restore or enhance their unique and special resources, while serving as playgrounds for the recreating public and a critical source of economic activity for businesses and communities. To achieve this seemingly contradictory goal, we must continue to embrace a multiple use approach to management, and seek out real world solutions to this dual objective of conservation and economic development.

### Conclusion

In conclusion, recreation is rapidly superseding traditional uses on public land, and in many parts of the country has become the primary economic engine. As such, it needs to be administered in a practical and sustainable way. Recreation can no longer be an after-thought. Land managers are simply overwhelmed by the work load associated with mandated regulations, and lack the efficiency, agency leadership and culture of innovation required to succeed.

My clients are not merely consuming a product, they are discovering and becoming the constituency of a place. As outfitters and guides, we are inspired by these lands and want to share our knowledge and passion, while simultaneously protecting our livelihoods and way of life. We understand our guests, like non-commercial users of public lands, need to be accountable for their impacts and when necessary regulated based on actual changes on the ground.

As you have heard, running a guide service in the twenty-first century requires a broad understanding of public policy and complex regulatory directives; it's no longer a few backpacks and a first aid card. I have always considered it a privilege to make my living on public lands, and again want to thank you Mr. Chairman and the Committee for this opportunity to share my thoughts.

A handwritten signature in black ink, appearing to read "Michael Friedman", written over a solid horizontal line.

Michael Friedman