

**TESTIMONY OF
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Before

**HOUSE COMMITTEE ON NATURAL RESOURCES
FEDERAL LANDS SUBCOMMITTEE**

Regarding

H.R.5129 GUIDES AND OUTFITTERS GO (GO ACT)

November 30, 2016

Mr. Chairman and members of the Subcommittee, thank you for inviting me to present the views of USDA on H.R.5129, the Guides and Outfitters Act (GO Act). I am Glenn Casamassa, Associate Deputy Chief for the National Forest System, USDA Forest Service.

The Forest Service is deeply committed to connecting all Americans to the outdoors, and we value the important role played by guides and outfitters, schools, non-profit organizations, and others as partners in connecting people to recreational opportunities on national forests and grasslands. Outdoor recreation supports health and wellbeing. It also attracts people to visit, live and work in gateway and rural communities, and supports the economic vitality of those communities. Recreation on the National Forest System contributes over \$10 billion to the nation's gross domestic product and supports more than 143,000 jobs, the vast majority of which are in gateway and rural communities.

Recognizing the importance of enabling access to national forests, the Forest Service this past year initiated a long-term effort to modernize our recreation special use permit program and increase our organizational capacity to support recreation special uses. Our goals are to enhance visitor services by providing improved access to National Forest System lands and to grow the nation's recreation economy. This effort is all the more important as an increasing percentage of the agency's resources are spent each year to provide the necessary resources for wildfire suppression. In 1995, fire made up 16 percent of the Forest Service's annual appropriated budget—this year, more than 50 percent of the Forest Service's annual budget will be dedicated to wildfire. Along with this shift in resources, there has also been a corresponding shift in staff, with a 39 percent reduction in all non-fire personnel since 1995.

The modernization effort includes updating our special uses data systems, developing an online e-permitting system and increasing training for staff to streamline the entire process. We are working closely and transparently with outfitters and guides, educational institutions, non-profits and other partners in making these changes. We believe these efforts align with the goals of H.R.5129, and although we cannot support the bill in its current form, we greatly appreciate the interest of the committee in facilitating outdoor recreation. USDA looks forward to working with the committee and the bill sponsors to clarify and refine these sections of the bill to meet its objectives.

Section 2 of H.R.5129 would specify the types of activities that may be authorized by special recreation permits (SRPs) and would provide that under certain circumstances issuance of those permits would be categorically excluded from documentation in an environmental impact statement or environmental assessment under the National Environmental Policy Act (NEPA). The Department would like to work with the committee on language to further improve the process for permit issuance and reissuance while fully safeguarding environmental and social considerations.

Section 3 would establish a procedure for issuance of joint permits for activities occurring on lands managed by multiple federal agencies. USDA would like to work with the committee on this section to develop statutory language necessary to achieve the goal of joint permitting.

Section 4 would require the Secretaries to establish guidelines for setting special recreation permit fees, would provide for deductions from those fees, would address fees for multiple SRPs for the same activity, and would allow for public disclosure of SRP fees. USDA has a formal policy for setting special recreation permit fees, and public disclosure of fees is not precluded under current law and policy. USDA would like to work with the committee on this section to avoid duplication of existing law and policy, and to more clearly address the issue of duplication of fees for multiple permits for the same activity.

Section 5 would restrict the use of fees collected for recreation special use permits to the offset of permit administration costs and streamlining of permit issuance. Under the Federal Lands Recreation Enhancement Act (FLREA), the Department has authority to expend special recreation permit fees for these purposes. USDA is concerned that Section 5 could be interpreted to conflict with FLREA provisions that also allow expenditure of fees for maintenance and operation of recreational facilities and trails. USDA strongly believes that outfitters, guides, recreation event sponsors, and their clients – our visitors – are better served by directing permit fees toward the operation and maintenance of these facilities, used by recreation permit holders and their clients, rather than restricting expenditure of permit fees to administration and application processing.

Section 6 would require periodic use reviews and allocation of available service days for outfitters and guides providing services on National Forest System lands using a methodology that closely mirrors existing policy in the Forest Service Manual and Handbook.

Section 7 would authorize the issuance of temporary permits for new commercial recreation uses and provides for conversion to longer-term priority use permits after 2 years. Section 7 would generally duplicate existing USDA policy, which allows new outfitters and guides to have longer-term priority use permits (with a 10-year term) after successfully completing a 2-year probationary period. In contrast, temporary outfitting and guiding permits are limited to 180 days, are not renewable, and are not convertible to longer-term priority use permits. The authority to issue these types of permits is important to retain as it can simplify the authorization of truly temporary commercial recreation uses.

Section 8 would address indemnification and insurance requirements for state entities and would provide for acceptance of liability waivers. USDA would like to work with the committee on

this important issue to ensure that indemnification policy and the use of liability waivers meets customer needs, protects the United States, and is consistent with applicable state law.

Section 9 would require promulgation of regulations addressing application processing time, NEPA analysis for reissuance of outfitting and guiding permits, and for development of online permitting. Timeframes for processing special use permits vary according to scope and scale of the proposal, and are further affected by staffing levels at the various field units. Current Forest Service customer service standards already seek to minimize processing times and costs. In addition, the Forest Service is actively working to establish e-permitting for all special use permits.

USDA would like to work with the committee on several provisions in Section 10. Section 10(a) would duplicate existing USDA regulations which exempt recreation special use applications and authorizations from cost recovery fees when they require 50 hours or less to process or monitor. It would also duplicate procedures designed to streamline and minimize administrative costs for multiple applications and authorizations for the same recreation opportunity.

With regard to section 10(b)(1) and (2), consistent with current law, USDA recovers full costs for processing or monitoring recreation special use applications or authorizations that require more than 50 hours to process or monitor. Recreation special uses include all commercial recreational activities, not just outfitting and guiding, authorized on National Forest System lands. Under USDA regulations, activities that require more than 50 hours to process or monitor are subject to a cost recovery fee based on full costs, rather than a flat fee from a schedule. Therefore, if a recreation special use application or authorization requires more than 50 hours to process or monitor, there is no exemption for the first 50 hours required to process or monitor the application or authorization.

With regard to section 10(b)(3), consistent with current law, USDA aggregates recreation special use proposals for the same recreation opportunity for purposes of determining applicability of the 50-hour exemption. If the 50-hour threshold is exceeded, costs are prorated. Most outfitting and guiding permits are not issued competitively and do not otherwise involve multiple applications for the same recreation opportunity.

Section 10(b)(6), which would provide for waivers of processing fees for recreation special uses, is duplicative to the extent USDA regulations exempt from processing fees recreation special use applications requiring 50 hours or less to process, and to the extent USDA regulations provide for waivers of processing and monitoring fees for both recreation and non-recreation special uses.

Section 11 would duplicate current law, which allows for continuation of operations under expired permits pending action by the issuing agency on a timely request for a new permit.

The Forest Service and USDA appreciate the interest and support of this committee and sponsors of H.R.5129 in improving access and supporting our shared goals of connecting all Americans with outdoor recreation. We are committed to working to make it easier to access national forests and grasslands in a sustainable way, and to support economic opportunities associated

with outdoor recreation. We look forward to working together toward these goals. I'm happy to answer any questions at the appropriate time.