

Testimony
Aaron Bannon
Environmental Stewardship and Sustainability Director
National Outdoor Leadership School
Hearing on the Federal Lands Recreation Enhancement Act
Subcommittee on Public Lands and Environmental Regulations
House Committee on Natural Resources, United States House of Representatives
April 4, 2014

Members of the Committee, Mr. Chairman, thank you for your time today and for your attention to reauthorization of the Federal Lands Recreation Enhancement Act. I am here representing NOLS, the National Outdoor Leadership School. NOLS is a non-profit outdoor educational institution offering environmental studies, technical backcountry and leadership skills to students of all ages. NOLS utilizes the wilderness classroom – remote wilderness, roadless, and backcountry lands and waters – to educate 15,000 students each year, most frequently on month-long expedition-style courses. The lessons learned on NOLS courses are invaluable to our graduates, who range from high school students to business leaders and NASA astronauts.

The National Outdoor Leadership School (NOLS) supports swift reauthorization of the Federal Lands Recreation Enhancement Act (REA). As one of the largest permitted outfitters on federal lands agencies in the country, our continuing operation depends upon certainty of a permitting authority and anticipated fees. We support reasonable refinements during this reauthorization process, and appreciate the collaborative spirit that has thus far moved this issue forward.

The broad spectrum of support for reauthorization of this Act speaks to its functionality. Fees assessed through the existing program are, with some exceptions, reasonable and appropriate. REA extends a critical authority for assessing fees, and for providing guidance to federal agencies to distribute those fees. Through REA, at least 80 percent of fees are spent within the unit where they are accrued, creating an incentive for both fee payers and agencies to participate in a fair fee program. With additional refinements, REA can ensure a balance of responsibility between commercial permittees, private recreationists, and general appropriations for the maintenance of recreation infrastructure on public lands.

Improvements in the Discussion Draft

The Discussion Draft we are considering introduces some notable improvements to the existing system. The pilot program for stewardship credits, where groups who have an agreement with the land manager may be reimbursed for “maintenance and resource protection work,” (Sec. 807(d)), is a good step toward fostering productive partnerships between federal agencies and private entities. Many outfitters are already shouldering the



Aaron Bannon
Environmental Stewardship and Sustainability Director
National Outdoor Leadership School
284 Lincoln St., Lander, WY

costs of forest maintenance, such as clearing trail, to keep their operation viable. This would recognize that good work.

The adjustment in public participation regarding the establishment of fees (Sec. 808), is a notable improvement over the existing Recreation Resource Advisory Council system. Many states have struggled to implement a well-functioning Recreation Resource Advisory Council (RAC), though Wyoming's is function quite well. The public participation model should streamline the fee assessment process. Similarly, the system established to report the use of fee revenues (Sec., 813), should answer concerns regarding how collected fees are spent.

Needed Improvements Uopn the Discussion Draft

There is room for improvement on a few fronts within this Discussion Draft, some of them critical. In some cases positive aspects of the original REA were lost. In other cases revisions themselves are problematic.

For example, though the public participation changes help with the assessment of fees, nothing of the previous Recreation RACS is retained. In places where they worked well, their continuing existence should be supported through inclusion in this legislation. This may exist, perhaps, as an additional layer of oversight where states choose to use them.

More critically, the cost recovery language specifically applied to Special Recreation Permit Fees (Sec. 807(b)), is extremely problematic. If it is retained as written in this discussion draft, it will create an undue burden on recreation permit holders. According to the discussion draft:

(b) COST RECOVERY.—In setting the fee for Special Recreation Permits the Secretaries may consider the costs associated with the activities authorized under 807(a), including—

- (1) trail and facility construction;
- (2) maintenance;
- (3) natural and cultural resource monitoring;
- (4) restoration;
- (5) emergency response and law enforcement;
- (6) signage and user education;
- (7) permit administration.

(c) RELATION TO OTHER FEES.—Special recreation fees may be charged in addition to day-use

By and large, this is a laundry list of basic infrastructure that should be fundamental to core agency operations. It is inappropriate for fees assigned to special recreation permit holders to be uniquely responsible for standard amenities maintenance and operations. The portion of the public that opts to travel with an outfitter, or an outdoor school, to enjoy our



Aaron Bannon
Environmental Stewardship and Sustainability Director
National Outdoor Leadership School
284 Lincoln St., Lander, WY

public lands and waters is only a small percentage of the recreating public. It is not reasonable for them to shoulder more of the burden than private recreationists.

Recreation fees should be used primarily to pay for repair, maintenance, or enhancement of recreation opportunities and infrastructure, for direct operating costs of the fee program, and to support permit administration. Backcountry and Wilderness maintenance work should be on par with these priorities. Fees should supplement, but not supplant, existing revenues for agency recreation programs.

Additionally, the Sunset Provision (Sec. 820) in this discussion draft, set at five years, is too rapid a turnaround. A longer sunset provision would be advisable, especially given the relative success that the previous ten-year sunset provision allotted. Given a realistic reauthorization window, which was recently extended by a year, we may not be able to practically assess the merits and pitfalls of the existing act before it must once again be reauthorized. NOLS recommends a 15-year sunset provision.

Other Opportunities

While there are limited opportunities to address permitting policy in this recreation fee legislation, we urge congress to consider the significant and varied obstacles that exist to obtaining, renewing, and growing Special Recreation Permits on public lands. In general, given the value that federal lands agencies attach to providing outdoor opportunities, we believe agencies should be proactive in supporting and expanding appropriate recreation activities on public lands. Obstacles in obtaining, renewing, and growing Special Recreation Permits on public lands are significant and varied. We should consider opportunities to streamline agency processes to improve services to permittees.

For example, when there there are reasonable opportunities for programmatic environmental reviews to be conducted on an activity or a suite of similar activities, agencies should pursue that opportunity to avoid shouldering permit holders with administrative fees that can be internally driven, routine processes. Also, while preserving the integrity of the National Environmental Policy Act, agencies should ensure that an appropriate but not excessive level of environmental analysis when a permit is renewed with no significant changes, including the use of Categorical Exclusions to renew permits.

Clear support for volunteers, too, would benefit this legislation. Volunteerism is addressed, (Sec. 814), but we can do more to build partnerships between lands agencies and commercial permittees, volunteer groups, and institutions. While volunteer service work cannot fully supplant maintenance and enhancement pressures, it can help alleviate constraints and stretch existing fee dollars.

Finally, we can encourage consistency across agencies and across districts when considering fee assessment and permit reporting requirements. These should be consistent



Aaron Bannon
Environmental Stewardship and Sustainability Director
National Outdoor Leadership School
284 Lincoln St., Lander, WY

and reasonable across agency boundaries. When a permittee spends time in multiple agencies, layering of fees can easily occur unless there is active coordination.

In Conclusion

It is heartening to know that there is relatively little daylight between the various positions being expressed. We all want to see the Federal Lands Recreation Enhancement Act reauthorized. The core of this bill, as it relates to fees generated on federal lands, is good. While we have differences on details of this legislation we are predominantly all on the same side of the issue, and we appreciate its need. We are in the business of deepening people's connections with the outdoors. We are seeking that balance between providing access for people to locations and preserving the natural resource that inspires us. It is a pleasure to further this ideal through the work we are doing today.



Aaron Bannon
Environmental Stewardship and Sustainability Director
National Outdoor Leadership School
284 Lincoln St., Lander, WY