



June 4, 2021

The Honorable Joe Neguse
Chair
House Committee on Natural Resources
Subcommittee on National Parks, Forests, and
Public Lands
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Russ Fulcher
Ranking Member
House Committee on Natural Resources
Subcommittee on National Parks, Forests, and
Public Lands
U.S. House of Representatives
1329 Longworth House Office Building
Washington, DC 20515

Dear Chair Neguse, Ranking Member Fulcher, and Members of the Subcommittee,

The Mountaineers respectfully submits this testimony on H.R. 3670, the Simplifying Outdoor Access to Recreation (SOAR) Act, which is the subject of a legislative hearing scheduled for Tuesday, June 8, 2021, in the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands.

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.

We appreciate the Subcommittee’s recognition of the need to improve recreational access to public lands, and we commend Chair Neguse and the Subcommittee 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.

Here are some specific examples of how the outfitter/guide permitting system reduces access for Mountaineers programs:

- We currently teach rock climbing courses in Leavenworth, Washington, in the Okanogan-Wenatchee National Forest, but we are unable to teach rock scrambling courses in that location because the Environmental Assessment did not include scrambling activities. Despite the fact that scrambling is substantially similar to hiking and rock climbing, which are included in the EA, we are unable to obtain a permit for scrambling and instead teach those courses on private land.
- We are unable to secure permits to teach rock climbing skills in the Washington Pass area of Washington State, which would be an excellent location for teaching multi-pitch climbing. This is because the Okanogan-Wenatchee National Forest has not completed the necessary analysis, including a visitor use study and an environmental assessment. This process has been planned for years, but the Forest currently lacks capacity to complete it.
- In many cases, we chose to conduct our courses on state, city, or private land due to the challenges involved in receiving a permit from federal land managers.

These challenges aren't just a bureaucratic headache. When outdoor education organizations like The Mountaineers aren't able to get the permits we need to conduct our programs, our scope becomes far more limited. We miss out on opportunities to introduce young people to the wonders of nature and inspire the next generation of outdoor leaders, stewards, and conservationists.

Through conversations with other organizations and businesses, we realized that we weren't the only ones struggling to figure out this complex process. In fact, other groups faced even more challenging barriers, such as permit moratoriums, years-long environmental review processes, and irregular issuance of permits. For our friends in the outfitting and guiding industry, these antiquated systems



prevent businesses from growing to their full potential, creating jobs, and contributing to the recreation economy. Rural communities also depend on these businesses to support their local recreation economy, from hunting lodges to mom and pop burger joints. Whether through a fly fishing guide, a pack trip outfitter, an outdoor adaptive program, a veteran's outdoor program, or a school outdoor club, permitting challenges limit opportunities for the public to experience the outdoors safely and enjoyably with the assistance of a facilitated outdoor recreation provider.

Here are some examples of the experiences of the outcomes produced by the existing access management system:

- The Seattle YMCA offers programs that specifically focus on developing young, diverse outdoor leaders (BOLD and GOLD). These programs have been unable to get permits to operate climbing programs on the public lands near Seattle because of permit moratoriums. They have been forced to take participants to Canada to teach them rock climbing, driving by many suitable teaching locations that are closer to Seattle.
- A canoe and kayak outfitter in the Southeast U.S. invested thousands of dollars in new stand up paddleboards (SUPs) to satisfy a growing demand for boards in his area. A local land manager then told him that his outfitter-guide permit only covered canoes and kayaks. As a result, he could not use the SUPs under his permit.
- The Montana Wilderness School provides youth mountaineering and backpacking courses in Southwest Montana. They often have to drive over six hours to run their courses because the Custer-Gallatin National Forest in their backyard is only able to grant them a permit on an irregular basis, in some cases once every five years. The local forest office has cited an inability to complete the required paperwork as the reason for not issuing permits on a regular basis.

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. H.R. 3670, 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 Act was carefully formulated to strike a balance. For example, Section 103 imposes a mandate upon the agencies to review their systems, but it does not prescribe a specific outcome. Instead, it respects and defers to the agencies' expertise on what changes should be made. Below are some key components of the SOAR Act that will address many of the issues outdoor businesses, leaders, and organizations face with federal land management agency permitting.

Section 103 of the bill, *Permitting Process Improvements*, directs the agencies to evaluate the process for issuing recreational outfitter and guide permits and identify ways to eliminate duplicative processes, reduce administrative costs, and shorten processing times. If opportunities for improvements are identified, the agencies would be required to revise agency regulations and policy statements to



implement the improvements within one year. Section 103 would also require the agencies to make permit applications available online. This will help outdoor organizations and companies better plan for programming.

Section 104, *Permit Flexibility*, directs the agencies to allow a new activity to occur under an existing permit, without doing additional analysis, when the new activity is substantially similar to the already permitted activity. This would address our limitations on receiving a permit for scrambling in Leavenworth, WA, and the situation of an outfitter with a permit for canoe and kayak activities who would also like to offer stand up paddleboard trips. Section 104(b) would establish a program that would allow permit holders to temporarily return unused service days so they could be made available to other outdoor leaders and the unguided public, making more recreation opportunities available. In Section 104(c), the bill authorizes the Forest Service and Bureau of Land Management to issue a temporary special recreation permit for a term up to two years in length. This will bring significant new efficiencies in the form of less frequent permit processing. As it is now, Forest Service temporary permits expire after only 6 months, requiring outdoor providers and the agency to re-process the permit on a biannual basis.

Section 105, *Permit Administration*, increases the transparency of the permitting system by directing agencies to notify the public of when and where new recreation permits are available. Currently, there is no efficient way for outdoor leaders to find this information. This section would also require the agencies to provide timely responses to permit applications. This would address the common occurrence of permit applications going unacknowledged.

Section 106, *Permits for Multijurisdictional Trips*, authorizes the agencies to offer a single joint special recreation permit for guided trips that cross agency boundaries. Currently, a Mountaineers scrambling course that starts in the Olympic National Forest and ends in Olympic National Park would require two separate permits. This is inefficient and costly for both The Mountaineers and the agencies. This change will simplify the permitting process and increase access to desirable outdoor destinations.

Section 107, *Forest Service Permit Use Reviews*, would protect Forest Service permit holders from losing service days as a result of seasonal fluctuations in demand, fire, weather, natural disaster, or other circumstances beyond a permit holder's control. This would increase the safety of guided trips as well as increase flexibility for outdoor leaders. Section 107(b) authorizes the Forest Service, at the time of a use review, to assign additional use beyond the amount allocated when the permit was originally issued (provided capacity for the use exists). This is currently a common practice on some Forests although it is not technically allowable under current law. Notably, the bill does not direct the agencies to make changes to existing carrying capacity determinations or allocations between different user groups. Rather, it seeks to ensure outdoor leaders are able to access existing capacity that has already been deemed appropriate for outfitting and guiding use.

Section 108, *Liability*, would help control liability insurance costs for permit holders by allowing them to use liability release forms with their clients. Currently, the rules on the use of liability release forms vary



by agency and even between different regions of the same agency. This inconsistency causes problems for permit holders and conflicts with state law in states where the use of release forms is allowed. Section 108(b) would reduce barriers to access for state universities, city recreation departments, and school districts by waiving the requirement imposed on permit holders to indemnify the U.S. government. The waiver would apply to entities that are prohibited from providing indemnification under state law. Currently, the requirement to indemnify the U.S. government imposed by some agencies is a significant barrier for state entities like college outdoor recreation programs and municipal recreation districts, many of which offer low-cost outdoor courses and trips, to provide outdoor programs on public lands.

Section 109, *Cost Recovery Reform*, reduces permit application costs for outdoor leaders by establishing a flat 50-hour cost recovery exemption for permit processing. Section 110, *Extension of Special Recreation Permits*, addresses situations in which a long-term permit expires before the agency finishes processing the permit holder's renewal application. This is a common occurrence. Section 110 would toll the expiration of the permit for up to five years so long as the permit holder is in full compliance with the terms and conditions of the permit and has submitted a timely permit renewal application.

The bill contains a number of additional provisions that will improve access to public lands, increase agency attention to outdoor recreation, and bolster the outdoor recreation economy. Section 111, *Availability of Federal and State Recreation Passes*, would allow a purchaser to buy a federal and state recreation pass in the same transaction, which would reduce confusion and improve equitable access to outdoor recreation in states like Washington. Section 202, *Recreation Performance Metrics*, would establish metrics to evaluate and advance recreation tourism goals. Title III, *Maintenance of Public Land*, would help land managers accept volunteers to conduct stewardship activities, which would help organizations like The Mountaineers give back to our public lands and promote a stewardship ethic among our community.

The issues in the outfitter-guide permitting system being presented here today, and the opportunities for lasting, meaningful improvement that are contained in the SOAR Act, are truly bipartisan in nature. This is evidenced by the wide range of outdoor industry stakeholders who support the bill. The broad array of support is not by accident. The SOAR Act has been developed over a period of 6 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, Congress 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.

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



**THE
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Sincerely,

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