

TESTIMONY OF
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BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

HEARING TO EXAMINE OPPORTUNITIES TO IMPROVE ACCESS,
INFRASTRUCTURE, AND PERMITTING FOR OUTDOOR RECREATION

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Chairman Murkowski, Ranking Member Manchin, and members of the Committee on Energy and Natural Resources:

My name is Thomas O'Keefe, and I am the Pacific Northwest Stewardship Director for American Whitewater.

Background

Founded in 1954, American Whitewater is a national river conservation nonprofit and our mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. Our conservation and restoration work is infused with recreational knowledge and enthusiasm, and our recreation work is driven by a deep conservation ethic. We call this integrated approach to our mission river stewardship and pursue it in three tracks: Protect, Restore, and Enjoy. When we spend more time on rivers, we become better stewards and better advocates for their protection.

I grew up in the northeast and I have spent my entire life exploring rivers; I have been to every region of the country and several places around the world where I have fished and hunted along beautiful mountain streams. I have kayaked remote gorges deep in the Appalachians, Rockies, Sierras, and Cascades; canoed the rivers of our Great Plains and the southeast; rafted rivers flowing through our deserts in the southwest; traveled along rivers in Alaska where the opportunities for exploration are endless; and enjoyed good times with friends and family on the waterfronts of our nation's cities that developed along rivers. Through these experiences I have traveled to every state in this country and spent time on several hundred rivers. My interest in rivers led me to a doctoral degree in aquatic ecology and for nearly a decade I coordinated a research

program on rivers at the University of Washington, where I also taught a course in Watershed Ecology and Management. For the past 14 years I have served as the Pacific Northwest Stewardship Director for American Whitewater. In addition, I serve as Chair of the Hydropower Reform Coalition, a Director for Mountains to Sound Greenway, Policy Advisor for Outdoor Alliance, Seattle City Light Environmental Advisory Group member, and an active member of the River Management Society.

I first want to thank this Committee for bipartisan leadership in passing a Public Lands Package, S.47 - John D. Dingell, Jr. Conservation, Management, and Recreation Act. The package of bills that formed the basis for this legislation, and the overwhelming support it received, demonstrates the fact that public lands and waters are important to all Americans regardless of their political perspectives. When we talk about infrastructure for outdoor recreation, clean water, ancient forests, deep canyons, and majestic vistas found across our country represent the most fundamental elements for the recreational experience. The conservation of these special places, where the outdoor recreation experience takes place, is critical. Outdoor recreation represents a growing segment of the United States economy, and I appreciate that this committee has now chosen to focus on how we manage these lands and waters.

Today I will focus my comments on enhancing opportunities to enjoy our public lands and waters.

Rural Economic Development

While I currently live on the West Coast, I grew up in the small town of Norwich in rural upstate New York, with a population of approximately 8,000 people. I have witnessed first-hand the struggles of a community that has seen locally-based manufacturing leave the town with commensurate decline in the local economy. But as a youth I could fish, hunt, boat, bike, ski, and explore the outdoors by simply walking out the back door. Access to the outdoors can be a competitive advantage, and increasingly, rural communities across this country are learning to capitalize on this advantage. Our organization sponsors the Gauley River Festival in Summersville, West Virginia every year. This one event generates over \$1 million in direct spending, a significant number for the town of Summersville with less than 3,500 residents.¹ Approximately 85% of the total spending in the county is imported from outside the county. The State of West Virginia, outside of Nicholas County, also receives additional economic activity that would not otherwise occur if not for the Gauley River Festival.

¹ The Economic Impacts of the Gauley River Festival 2007, Crane Associates, Inc.
<<https://www.americanwhitewater.org/content/Document/view/documentid/384>>

Enhancing opportunities for outdoor recreation is about more than just providing jobs for seasonal raft guides or bartenders serving a tourist town; it is about providing the infrastructure (e.g. transportation and broadband access that provide connectivity to global markets) and access to outdoor recreation amenities that make communities desirable places to live, work, and start businesses.² Indeed, a well-developed body of evidence exists illustrating the ability of outdoor recreation opportunities to attract employers and high-skill workers.³ People may begin visiting a community for outdoor recreation, but we really need to think beyond tourism to build communities that have an economic base for workers and their families who value the opportunities for close-to-home recreation.

The question before us today, is what can Congress and this Committee do to further enhance these opportunities to improve the economic status of rural communities?

Congress has taken important incremental steps. The recently-passed Farm Bill includes language on recognizing the connection between outdoor recreation and rural economic development. The Conference Report states:

*Separately, the Managers recognize that existing programs within the Rural Development Title may be used to support outdoor recreation investments that meet the applicable program requirements. To increase the impact of these programs on the outdoor recreation economy, the Managers expect the Secretary to identify and support opportunities for outdoor recreation-related investments that result in rural economic growth, including outdoor recreation businesses, facilities, infrastructure, planning, and marketing. The Managers also expect the Secretary to encourage coordination between Rural Development and U.S. Forest Service staff to identify opportunities to cooperate and leverage resources and investments.*⁴

We need more of this kind of thinking to connect outdoor recreation with rural economic development and programs and initiatives that deepen this connection. We need to find

² A peer-reviewed study by Rasker, Gude, and Delorey (2013) found a relationship between the amount of protected public land, higher per capita income levels in 2010, and faster growth of per capita income and investment earnings between 1990 and 2010. They concluded that this may be due to the fact that “in today’s economy a premium is placed on the ability of communities to attract talented workers, and the environmental and recreational amenities provided by national parks and other protected lands serve to attract and retain talented people who earn above average wages, and have above average wealth, such as investment income.” <https://headwaterseconomics.org/wp-content/uploads/ProtectedPublicLands_Manuscript_2012.pdf>

³ See for example Hunting, D. 2013. The Capitalization of Our Climate, Attracting Highly Skilled Workers to Arizona’s Sun Corridor, Sonoran Institute. <<https://sonoraninstitute.org/files/pdf/the-capitalization-of-our-climate-attracting-highly-skilled-workers-to-arizonas-sun-corridor-09172013.pdf>>

⁴ At Page 677, Agriculture Improvement Act of 2018, Conference Report 115-1072, Title VI(61), <<https://www.congress.gov/congressional-report/115th-congress/house-report/1072/1>>

ways to further enhance the relationship between state recreation offices, that typically have a goal of economic development, towards policy outcomes that enhance the quality of recreational experiences and the economic benefits for local communities. We also need to think beyond agencies that typically serve outdoor recreation and instill an outdoor recreation approach to meeting specific agency goals wherever possible. Whether it is Darrington, Washington; Fayetteville, West Virginia; Banks, Idaho; Oakridge, Oregon; Oroville, California; or so many other communities across this country that are connected to public lands and waters, we need to find ways to improve access, infrastructure, and permitting for outdoor recreation in a manner that returns economic benefits to local communities.

Access

Agency Planning

Access to public lands and waters and the experiences the public can enjoy on them begins with smart agency planning. Planning forms the basis for decisions and implementation of actions that directly affect access for outdoor recreation. Too often, recreation is treated simply as a corollary benefit of conserving public lands. While this can work well in some circumstances, it is not an arrangement suited to precise management or protection of socially and economically important areas, particularly those lands or waters which may already have some level of impact from development. Identifying and designating areas for recreation as the predominant use, with accompanying management direction to protect access and enhance the recreational experience, begins with an assessment of where recreational activities are occurring or would be suitable.

While organic acts like the Wild and Scenic Rivers Act or Wilderness Act require an inventory of eligible areas for their conservation value during the land management planning process, no such requirement exists for land management agencies to prospectively evaluate areas suitable for recreation-focused management. To address this situation, a diversity of recreational experiences should be identified and recreation values evaluated with the development of land management plans by agencies.

Monitoring Recreation to Inform Access Needs

Identifying and quantifying the diversity of activities on public lands requires good data and new tools to survey visitors and their patterns of use on public lands and waters. On-site visitor monitoring efforts, such as the National Park Service Visitor Use Statistics Program and the Forest Service National Visitor Use Monitoring Program,

provide important information about recreation on public lands. However, the expanse of public lands and the cost of implementing such programs limits the spatial and temporal coverage possible from on-site monitoring efforts. The result is often an incomplete picture of how many people recreate on public lands and waters, when and where they go, and what they do.

Often times, land management agencies are not aware of the many activities that occur on lands and waters they manage – in a recent Forest Planning effort in California for example, we discovered that the Inyo National Forest was unaware of the value of the Middle Fork San Joaquin River for whitewater recreation, a destination that attracts expert paddlers from around the world. A lack of a comprehensive recreational resource inventory and visitor-use data has resulted in missed economic opportunities, sub-optimal land management plans, and unnecessary natural resource management conflicts. One way to address this problem, especially regarding outdoor recreation – the dominant way Americans experience public lands – could be through data available from public, private, and non-profit organizations. Resource agencies need to actively promote innovation and new approaches to quantify recreation, and should explore the best sources of data and information through public engagement, interdisciplinary team discussions, and consultation with the research community.

Site-Level Planning

While land management plans take a broad view of the landscape managed by a resource agency, we need better tools and guidance for site-level planning. In the case of the Pit River in California, a hydropower utility developed a boater access point as part of their responsibility to provide public access to project lands and waters as a condition of their federal hydropower license. The parking area is too far from the river, the trail to the river passes through a sensitive cultural site, and the launch point is just upstream of a river-wide hazard created by remnants of a dam. In short, the access is in the wrong place. We have also witnessed situations where a highway bridge is reconstructed and access is lost due to poor planning and design of the bridge. River runners and fishermen routinely use the public right-of-way at a bridge crossing to access waterways. When these uses are not considered, recreational opportunities and access can be lost. To address these challenges we need better site-level planning and technical resources; federal programs like the National Park Service Rivers and Trails Conservation Assistance Program can serve this need and should be further expanded. We also need a greater appreciation among a diversity of federal agencies, including those where outdoor recreation is not a primary focus, that it is important to consider outdoor recreation in agency planning and decisions.

Evaluating Visitor Experiences When They Access Public Lands and Waters

In Wyoming on the Bridger Teton National Forest at the West Table launch facility on the Wild and Scenic Snake River, a gasoline-powered pump sits adjacent to the launch ramp. This pump, provided and maintained by the Forest Service, enables river runners to more quickly inflate their craft, progress through the process of setting up their boats, and efficiently depart the launch area to enjoy a day on the river. Anyone who has spent time at a boat launch knows that inefficiencies and delays can quickly cause tempers to rise. Managers who take assertive actions to identify inefficiencies and apply creative solutions to address them should be recognized for their actions. While the Forest Service has taken some initiative to measure the quality of visitor experiences, and not just the quantity of visitors, we need to expand on this and integrate the information into decision making and personnel performance evaluations.

Infrastructure

As river runners, the basic infrastructure we need is clean healthy rivers and the ability to access them. This access includes roads and trails and associated day-use sites or campgrounds that can include launch facilities. Increasingly we are facing chronic underfunding of resource agencies to develop and maintain basic infrastructure necessary to access our public lands and waterways. Unmaintained trails, roads, and facilities fall into disrepair, diminish user experiences, and create public safety issues; ultimately the capital expenditures necessary to address the issues and bring facilities back to standard can greatly exceed the cost of what annual routine maintenance would have been and is fiscally irresponsible. In my work, finding resources to build a river access or recreational facility is challenging but being able to commit to or have stable long-term funding to maintain and manage a facility is often an insurmountable obstacle. The Forest Service Legacy Roads and Trails Program is one example of smart federal programming that was zeroed out this past year, but should be authorized by Congress.

While National Parks have received much of the attention, chronic underfunding of public lands and local parks applies broadly and solutions to this issue can not be restricted to National Parks. We need to fully fund the Land and Water Conservation Fund, commit to investment in all our public land management agencies, and identify opportunities for renewed partnership between the federal government and tribal, state, and local park authorities that will pay dividends for the health and well-being of people all across the country.

Partnerships and volunteers have stepped up to address some of these challenges. Even where these external resources exist, we need agency investment in capacity

building to manage these partnerships and volunteers to fully leverage and take advantage of the resources they represent.

Permitting

Outfitter-Guide Permits

Many of our members own or work in small businesses that provide guided opportunities for members of the public to safely enjoy rivers in an environmentally respectful way. My own initial experience on whitewater was as a youth on a day trip through Alpine Canyon on the Wild and Scenic Snake River in Wyoming. These types of businesses and outdoor programs often provide instructional opportunities for those who wish to enter the sport of whitewater boating, including youth and individuals from diverse communities who may not have had previous exposure to the outdoors. These facilitated access opportunities are essential to ensuring that Americans from all backgrounds have the opportunity to experience their public lands and waters, develop skills, and build a stewardship ethic. To provide these opportunities on public lands and waters, an outdoor program needs to obtain what is generally referred to as an "outfitter-guide permit."

Currently, recreational permitting systems managed by federal land management agencies make it difficult for guides, outfitters, and other outdoor programs to take people outdoors. I can illustrate this most vividly through the real-world experiences of our members and business partners:

- Sam Drevo, who owns eNRG Kayaking in Oregon was on a waiting list for 12 years to obtain a special use permit to provide guided trips and instruction for kayakers; ultimately it was easier for him to take kayakers on guided trips to Costa Rica than to the Mt. Hood National Forest in his own backyard.
- Zach Collier, the owner of Northwest Rafting Company in Oregon, sought to diversify his business beyond traditional raft trips by providing new opportunities for wilderness river exploration through lightweight inflatable boats known as packrafts. It took him hundreds of hours to navigate the permitting process to secure a permit to lead one or two trips a year on the Chetco River in southwest Oregon. When he was looking to add a few trips on the Illinois Wild and Scenic River, the process took nine years. He described it to me as the most challenging and frustrating experience he has ever been through.
- Pete Wallstrom, owner of Momentum Rafting in Southern Oregon, sought to provide opportunities for multi-sport adventures on the Klamath Wild and Scenic River that include an overnight experience. After a three-year permit process, he ran the new trips for four years and received perfect reviews from the agency.

Staff turnover in the agency occurred and they found that they had made a process mistake in the original permitting for his activity. First, the agency informed him that they did not have the capacity to correct their error and they would not allow the use in the future. This occurred seven months before the start of the 2019 season and with many 2019 trips already booked and paid for. After pressure, the agency is now conducting additional review but they have yet to issue a permit for his overnight camp for the season.

- We also have members who have sought to provide new opportunities for teaching and instruction, along with the ability to explore and discover new places. Current systems are not flexible enough to accommodate permits for backcountry exploration or low-impact access that could provide new business opportunities. Those interested in providing these experiences are often quickly overwhelmed by the complexity and labor-intensive process of obtaining a permit to do so.

This situation is not unique to Oregon. In many places around the country, outfitter-guide permits are difficult for outdoor leaders and businesses to obtain because the permitting process is difficult and labor-intensive for the agencies and outdoor leaders to navigate; the predominant reason for this is lack of staffing and staff turnover. In some places, the agencies simply refuse to issue permits because they do not have enough staff to administer them. The reality is recreation permitting and management takes a back seat to almost all other uses of public lands. In the U.S. Forest Service for example, 70% of the people responsible for administering permits have been assigned those responsibilities as a collateral duty on top of another job. As a result, they do not have the time to issue and administer new permits. This is the most common reason why permit applications are rejected or remain unprocessed. The review process for new permits is important because managers need to ensure that new uses or activities are environmentally and socially sustainable, but this basic agency function needs to be prioritized. More and more people want to travel and get outside, including schools and youth programs, and outfitters provide services that benefit rural economies. Delays in issuing permits means that outdoor businesses lose money and people lose opportunities to experience the outdoors. We need to improve these systems to increase access to the outdoors for outdoor programs, guides, and outfitters.

Limited Entry Permit Systems

In addition to outfitter-guide permits, many popular river trips have limited-entry permits that are distributed on an annual basis through lotteries. In many cases the allocations and capacity limits established for rivers have not been updated in decades (the Rogue River in Oregon and Selway River in Idaho are examples of rivers with management plans that date back to the 1970s). Changes in the way people recreate, the equipment they use, and the experiences they seek necessitate a regular assessment as to

whether current management strategies and the plans that guide them are meeting public needs. River management plans should be evaluated and updated to reflect changed conditions.

Closing

Thank you for the opportunity to come before you today. As you further consider the topic of access to our public lands and waters, and opportunities to improve outdoor recreation, I would ask you to also consider the fact that we come from a wonderfully diverse country. In the region of the country where I actively recreate, tribes have had a long cultural connection to the landscape. I hope you will seek out their perspectives as well as those of other communities across this country, including those from rural and urban communities and communities of color in pursuing opportunities to sustainably manage our public lands and provide outdoor recreation experiences we all can enjoy.

I would be happy to take any questions.