

Testimony of:  
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**Impediments to Public Recreation on Public Lands**  
**Subcommittee on Public Lands and Environmental Regulations**  
**House Committee on Natural Resources**  
**United States House of Representatives**  
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Mr. Chairman and members of the Committee, thank you for the opportunity to testify on issues that are important to the future of recreation on public lands. I want to make it clear that I am representing my company and myself in this testimony.

As you know, 63% of the land in Utah is under federal ownership. Only Nevada has a higher percentage of federal land ownership. What happens on that land is of critical importance to the economy of the state. That is why I am grateful to be able to testify today, because I am concerned that we maintain public access to these lands for recreation and multiple uses.

Recently, Chairman Bishop sent a letter to a number of groups and individuals asking for suggestions on designation of lands that should be included in future legislation for public lands in Utah. I very much appreciate the Chairman's approach because there are areas I would like to see set aside for recreation, as well as scenic and cultural values provided they remain available for public access and multiple-use. Of course, in highlighting recreation, I want to emphasize outfitting and guiding.

In reflecting on the prospect for designating lands under the Bureau of Land Management's authority, I want to focus on concerns about the National Landscape Conservation System (NLCS) and what is an inherent bias against recreation in the authorizing legislation and in the NLCS management manuals. As you know the NLCS was established in 2009 to include all congressionally designated areas "to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values". **Recreation is not a value for which an NLCS unit is managed unless it is included as a purpose in the authorizing legislation for the area.** Recreational use may be allowed but it is secondary and tolerated only if it is not in conflict with the other purposes for the NLCS, the values prescribed by the congressional designation, and the direction given in the NLCS manuals and BLM handbooks.

Of course recreation needs to be compatible with the other objectives of the NLCS. In the case of professionally guided recreation, it already is. In fact, most if not all of the low-impact use and camping practices that are the standard in our industry were invented and developed by our industry, not by government employees. The idea of "partnership" is given lip-service by BLM, NFS and NPS, but I believe they largely dismiss the value that their outfitters represent in accomplishing their goals. We are truly the only ones who are out there educating visitors and

creating constituencies for these resources in any significant way. This is especially true of BLM and NFS.

The NLCS Manual for National Monuments, National Conservation Areas (NCA's), and similar designations were developed without public comment and include provisions and direction which go beyond the obvious intent in the NLCS authorizing legislation. For example, under A. General Principles for the Management of Monuments and NCA's, No. 5 specifies that the BLM's public engagement focus specifically on "youth and veterans on Monument and NCA lands for education, interpretation, partnerships, volunteers and job opportunities". While this focus may be laudable, the omission of other visitors and groups may exclude those segments of the public in the planning and management of these areas. If you run an outfitting business which does not specifically serve these groups, then it would appear your status is in question. What about engagement of the general public?

With wilderness designations, party size limitations and the limitations on commercial services mandated by The Wilderness Act make me reluctant to want that designation for large areas in Utah especially where outfitting and guiding takes place. The BLM Manual for wilderness study areas (WSA's) discourages allowing any uses that could detract from future wilderness designations even if those uses are temporal, transitory and do not involve the construction of permanent structures. For example, jeep tours or river tours could be at risk or not allowed if the direction in the Manual for management of WSA's is followed.

A primary focus of management in Monuments and NCA's appear to be "science". A "science plan" is required but, at least in the public version of the Manual document, there does not appear to be a requirement for a visitor services plan.

**Given the direction in these manuals, any future designations in Utah must specifically identify the recreational values that are to be preserved, maintained or restored in order for them to be protected.** I am also concerned about the recreational potential for all the congressionally designated areas that predated the establishment of the NLCS in 2009, which are now, by law, part of it.

There are areas many of us would like to see set aside primarily for their recreational value. Based on the direction of the NLCS policy and legislative authority, it does not appear that including them under the NLCS authority is a good idea unless recreation activities are specifically mentioned as a purpose for the area with clear direction that these are primary values and not secondary to the other values for which the NLCS was established.

Understanding the future direction of management and recreation with the BLM and the NLCS is difficult in part because the Manuals and Handbook which guide recreation planning within the agency have not been widely publicized or available for public comment. Without that knowledge how these areas are managed for recreation, those advocating congressional designations may not get what they bargained for unless specific recreation activities are included in the authorizing legislation. The public versions of the BLM Recreation and Visitor

Services Manual published in 2011 states that recreation is “not emphasized” unless the management plan specifies an area as a Recreation Management Area (RMA)”. So, it would appear that in addition to making recreation a purpose for the area, any future designations should also designate recreation management areas and recreation activities that are appropriate in those places. To further complicate planning, a RMA has to be designated as a Special Recreation Management Area (SRMA) or an Extensive Recreation Management Area (ERMA). SRMAs recognize unique and distinctive recreation values and are managed to enhance a targeted set of activities, experiences, benefits, and recreation setting characteristics, which become the priority management focus. ERMA is defined as an administrative unit that requires specific management consideration in order to address recreation use, demand, or R&VS program investments. It is not very clear what the distinction is between these two concepts since there has been little opportunity for public discourse on these issues. Yet these concepts must be understood before recommending any type of congressional designation.

At a Utah BLM Resource Advisory Council meeting, I sat through a presentation of the “NLCS 3-Year Strategy for Utah 2013-2016”. It is a very ambitious document including goals such as development of friends groups, extensive media campaigns, student and volunteer led monitoring efforts, development of programs for youth and disabled veterans, and massive amounts of science. Occasionally, recreation is mentioned. Even when you get into the sections discussing management of specific resources, there is little and in most areas no mention of how recreation fits into the management scheme.

We really do not seem to have a congressional designation that specifically promotes recreation as a primary purpose and allows for the accommodation of new and emerging activities. As we consider future congressional designations for recreationally significant lands in Utah and elsewhere, I urge members of the Committee to consider the following actions:

- Either specifically include recreationally significant lands in NLCS management plans or leave recreationally significant lands outside the NLCS. This would require Congress to come up with a specific new designation, exclude recreationally significant areas from the boundaries of the designated area, or alter the existing NLCS authority to give recreation higher standing.
- Create a designation other than wilderness, such as a “*backcountry*” designation, where recreation is the primary purpose for the area without the restrictions imposed by wilderness, the NLCS and Monument status? A backcountry designation would allow new uses to be considered and recognize historic and multiple recreational uses where appropriate.
- In any land use legislation that is created for Utah, specifically define recreation, including outfitting and guiding, as a value for which the appropriate areas should be managed.
- Require that BLM’s handbooks manuals or handbooks be subject to public comment prior to becoming agency policy so that we may better participate in designations and management planning decisions.