



Testimony  
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Public Lands and Environmental Regulations Subcommittee--House Committee on Natural Resources

### Impediments to Public Recreation on Public Lands

Thank you, Mr. Chairman for this opportunity to testify on the topic of impediments to public recreation on public lands. My name is Grant Simonds, and I have been the executive director of the Idaho Outfitters and Guides Association, a statewide non-profit business trade organization, since 1985. IOGA represents the interests of more than 200 outfitters, guides and outdoor recreation service providers. Idaho outfitters provide service to more than 200,000 persons each year that would not have the opportunity to enjoy a guided vacation without the assistance of an outfitter.

Idaho is a state of which nearly two-thirds of the land base is public lands managed primarily by several federal agencies such as the Forest Service and the BLM. Adequate and safe access to our public lands is fundamental for outdoor recreationists, including trails utilized by hikers and stock users. The Frank Church River of No Return Wilderness is the largest forest wilderness at 2.3 million acres in the lower 48. At the time of enactment of the Central Idaho Wilderness Act (CIWA) in 1980, this wilderness area had nearly 2,500 miles of catalogued trails. Section 5b of the CIWA states:

*The Secretary shall, to the maximum extent practicable, consistent with the management plan required by this section, clear obstructions from all of the national forest trails within and adjacent to the wilderness on at least an annual basis.*

For several decades the Forest Service has not met the requirement of the law. Recently, the agency is able to maintain approximately twenty percent of the 2,500 miles annually. The large fires since 1988 have cumulatively increased the damage to the trail system. Invariably after a wind storm, blow downs of both dead and live trees further clog mainline and secondary trails. Each year this phenomenon has become more apparent to those who visit the Wilderness whereby outfitters and their guests and the self-guided public are no longer able to access portions of the Wilderness. Further, fire rehabilitation funds need to be extended beyond the initial year of the fire to specifically deal with damage to trails that occur long after fire control is achieved. The trail maintenance backlog is similar on other nearby public lands.

Outfitter and guide trail maintenance provides access to portions of the Wilderness on secondary trails, thereby providing access to little used areas of the Wilderness while spreading out use. However, the increasing costs associated with maintaining trails for access have outstripped the ability of small rural-based businesses to do so, especially in this age of the new economy associated with the Great Recession for which there has been no recovery for the Idaho industry.

The trail maintenance backlog and out-year damage from fires to the trail system could benefit from a policy change that would allow for a window for mechanized use annually from tools such as wheelbarrows and

chainsaws. Additionally, outfitters and guides could be further incentivized to clear more trail through institution of a credit toward the annual fees they pay the government for the privilege of providing outfitter services on public lands. Dealing with the trail maintenance backlog needs to strongly consider ideas outside the proverbial box.

The situation is so dire in the Frank Church that the state legislature passed a resolution that contained the following language:

*“WHEREAS, the Chief of the United States Forest Service has not placed emphasis on efficient and economical methods of trail restoration and maintenance, and has in fact aggressively limited methods and tools by Forest Service crews, contractors and volunteers that would greatly increase accomplishment and lower costs without adverse effect on wilderness values or visitors; and WHEREAS, use of outfitter and guide permittees, contractors and volunteers from various organizations to accomplish trail work is well below potential due to a lack of emphasis by the United States Forest Service on using innovative ways to offset permittee fees and streamline and simplify contracting procedures.*

*NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Secretary of the United States Department of Agriculture to declare the Frank Church-River of No Return Wilderness and adjacent national forest lands to be a Natural Resources Disaster Area.”*

To a certain extent Idaho has become the poster child for cost recovery for environmental analysis and outfitter permit administration especially where threatened and endangered species are present. Recently, an Idaho land-based outfitter with a historic base camp that is now exemplary in how the outfitter maintains it for minimum impact has been assessed a \$5,600 cost recovery fee by the Boise National Forest for environmental analysis that may or may not lead to permit renewal. While \$5,600 may seem minor to a ski area or mining operation, it is a significant amount for a company with insignificant earnings. The base camp is located within 300 feet of South Fork of the Salmon River, a stream where endangered Chinook salmon also spawn.

This base camp is utilized during the summer as headquarters for week-long outdoor education camps for teenagers. The non-outfitted public is allowed to approach the banks of this stream to watch the returning fish during the summer, an educational opportunity not afforded to the kids who choose an outfitted outdoor education summer experience with this outfitter. During the fall, this site serves as a base camp for outfitted hunters. Complicating this matter is that there is apparently no suitable location for moving the base camp, and even if that were to occur, cost recovery analysis would be invoked since the outfitters assigned area of operation is within the South Fork Salmon drainage.

Since 1992 this outfitter has requested that activities that were once permitted to the previous owner be added in order to extend the season while diversifying his operation. Now, in order for these activities to be added, the environmental analysis and associated cost recovery bill would increase substantially.

Cost recovery was invoked on float trip operators on the Upper Main Salmon during the height of the recession because the Forest Service was unable to complete its analysis in less than 50 hours. The Forest Service had to complete Section 7 consultation and other biological assessment related to endangered Chinook salmon which return to the river each year to spawn. The analysis does not begin until the special use permittee agrees to pay for the analysis up front. Then there is no guarantee that the outfitter will be permitted once the analysis is complete. Never mind that the Idaho Department of Fish and Game Department was simultaneously applying for a take permit from the National Marine Fisheries Service for the same stretch of river that allows the general public to walk and wade during spawning season. The analysis, while required by law, seems superfluous for float trips with the same fish are more likely to be disturbed by fishing and wading.

I would like to echo the need to amend the Forest Service and BLM's cost recovery authority. Compliance with the Endangered Species Act should not be subject to cost recovery for existing permits. This analysis should be programmatic and not one that an individual small business should incur. If a use has been ongoing for a number of years and there is no significant change to the use or the resource, categorical exclusions for NEPA compliance should be authorized. Also, if cost recovery is to continue for outfitter permit renewal, then the agency should provide credit for the first 50 hours of work. This is not currently the case.

Our Idaho industry studies indicate the average net after all the bills are paid is less than five percent. Cost recovery means that small businesses are forced to make decisions such as whether to continue operating or not, how much health care to afford, whether to reduce staffing and marketing.

Outfitting is an important contributor to the Idaho rural economy. Reduction of the trail maintenance backlog and elimination of cost recovery for NEPA compliance would assist in maintaining viable small businesses and options for the public that chooses an outfitted vacation to enjoy our public lands.