

# RECREATIONAL ACCESS TO PUBLIC LANDS

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## OVERSIGHT HEARING

BEFORE THE

COMMITTEE ON RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

May 23, 2001

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## **OVERSIGHT HEARING ON RECREATIONAL ACCESS TO PUBLIC LANDS**

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**Wednesday, May 23, 2001  
U.S. House of Representatives  
Committee on Resources  
Washington, DC**

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The Committee met, pursuant to call, at 10 a.m., in Room 1324, Longworth House Office Building, Hon. James V. Hansen (Chairman of the Committee) presiding.

### **STATEMENT OF THE HONORABLE JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

The CHAIRMAN. I appreciate you folks being here with us today. We are grateful for those who are going to testify.

As you know, members come dribbling in from time to time. We don't have a vote on the agenda, they tell me, so I think we are safe.

I have an opening statement. I will turn to the gentleman from Colorado, Mr. Hefley, for an opening statement, and then we will proceed with our first panel.

Mr. Rahall has a family problem and won't be able to be with us. We are hoping that some members from the other side will come in, as I am sure they will.

The hearing will focus on recreational activities and access to our public lands. Since coming to Congress, it has become very evident that Federal land management agencies have been engaged in a systematic closure and restriction of a number of customary uses by people wanting to enjoy our public lands.

This became especially clear during the Clinton administration, as agencies under his watch, in concert with a variety of the environmental groups, attempted to prohibit various types of uses and access to our national parks, along with our Federal lands, through rulemaking, policy interpretation, and management plan implementation.

Although the agencies have premised these prohibitions and restrictions on the need for added resource protection, analysis of each situation indicates that the science simply does not support these measures.

In effect, these agencies have needlessly closed access and have banned traditional use to the very people who they should be accommodating, the American public.

Without question, unnecessarily restricting and prohibiting access to the public by the Federal Government is the wrong direction to move in and certainly does not serve the public's right to enjoy these lands and uses.

Here are just a few examples, illustrating how Federal land management agencies have extended their hand, not to help, but shove people off and out of public lands:

On April 22, 2000, then-Interior Assistant Secretary of Fish, Wildlife and Parks Don Barry announced out of the blue a complete ban on snowmobiling in all national parks. He did so without the benefit of any rulemaking process, public comment, or peer-reviewed science.

One month earlier, on March 21, 2000, the National Park Service published a final rule prohibiting all personal watercraft, or PWCs, in all park units. Although this rule provided a 2-year grace period to form special regulations allowing for continued PWC use, five park units, including Cape Lookout National Seashore, decided to ban PWC use with just a year gone by and with very, very little specific science to support the prohibition.

On January 12, 2001, the Clinton administration signed a record of decision, which effectively created almost 60 million acres of highly restricted wildness areas, purposely bypassing any congressional designation. And I am sure you folks all realize that the Constitution gives the public lands to Congress, not to the President.

We know this is the Forest Service roadless area initiative, which was premised under the notion that these areas needed protecting. However, President Clinton never did explain what he was protecting these forest lands from.

Clearly, this was just another way to keep people out and prohibit use of the public land.

Last year, I became aware of a situation where the Park Service denied backcountry trail access to a Boy Scout troop for no apparent reason at one of our premier parks. I find it hard to believe that our park system has stooped to this new low by refusing to let Boy Scouts, a highly respected and good institution, in the national parks because here were a few too many Boy Scouts.

Currently, the Park Service is attempting to eliminate recreational fishing in the Dry Tortugas National Park, restricting public access to historic sites at Curtiss Island, Georgia, and eliminate all vehicular traffic from the Grand Canyon by replacing it with a very costly transportation network, which may prove to be too expensive for visitors to pay.

Finally, although it may not fit exactly in this hearing, it is a typical example of this attitude, exhibited by many Federal agencies. On April 5, a group of 50 high school students, winners of a national VFW contest on patriotism, while touring the Jefferson Memorial, when they spontaneously broke into singing the National Anthem, instead of waiting, a Park Service ranger took it upon herself to run out and tell them to shut down the singing immediately because they were violating regulations.

Now, I can understand enforcement of rules, but I do believe this is going just a wee bit too far.

In fact, I understand there were 10 Members of Congress who wanted to go over to the Jefferson Memorial and sing the National Anthem.

[Laughter.]

I would have gone with them if I could carry a tune.

[Laughter.]

But Mr. Hefley could have led that.

[Laughter.]

All of this clearly shows that the Federal Government has been moving to restrict activities and otherwise limit public access to our national parks and other public lands, especially under the Clinton administration.

Customary use, such as snowmobiles, personal watercraft, hiking, boating, climbing, along with normal vehicular travel, have been restricted, as users sought to enjoy our public land, just like everybody else.

[The prepared statement of Mr. Hansen follows:]

**Statement of The Honorable James V. Hansen, Chairman,  
Committee on Resources**

Good morning everyone and welcome to the oversight hearing. We have many witnesses testifying today so my opening remarks will be brief.

The hearing will focus on recreational activities and access to our public lands. Since coming to Congress, it has become very evident that Federal land management agencies have been engaged in the systematic closure and restriction of a number of customary uses by people wanting to enjoy our public lands. This became especially clear during the Clinton Administration as agencies under his watch, in concert with a variety of environmental groups, attempted to prohibit various types of uses and access to our national parks along with other Federal lands through rulemaking, policy interpretations, and management plan implementation. Although the agencies have premised these prohibitions and restrictions on the need for added resource protections, analysis of each situation indicates that the science simply does not support such draconian measures. In effect, these agencies have needlessly closed access and banned traditional uses to the very people who they should be accommodating - the American public. Without question, unnecessarily restricting and prohibiting access to the public by the Federal Government is the wrong direction to move in and certainly does not serve the public's right to enjoy these lands and uses.

Here are just a few examples illustrating how Federal land management agencies are extending their hand not to help, but to shove people off and out of public lands:

On April 27, 2000 then Interior Assistant Secretary for Fish, Wildlife, and Parks, Don Barry, announced out-of-the-blue a complete ban on snowmobiling in all national parks. He did so without the benefit of any rulemaking process, public comment, or peer-reviewed science.

One month earlier, on March 21, 2000 the National Park Service published a final rule prohibiting all personal watercraft or PWCs in all the park units. Although this rule provided a two-year grace period to form special regulations allowing for continued PWC use, five park units, including Cape Lookout National Seashore, decided to ban PWC use with just a year gone by and with very little specific science to support the prohibition.

On January 12, 2001, the Clinton Administration signed a Record of Decision which effectively created almost 60 million acres of highly restrictive wilderness areas, purposely bypassing any Congressional designation. We know this as the Forest Service Roadless Area Initiative which was premised under the notion that these areas needed protecting. However, President Clinton never did explain what he was protecting these forest lands from. Clearly, this was just another way to keep people out and prohibit uses of Forest Service land.

Last year I became aware of a situation whereby the Park Service denied backcountry trail access to a Boy Scout Troop for no apparent reason at one of our premiere parks. I find it hard to believe that our park system has stooped to this new low by refusing to let the Boy Scouts, a highly respected

and good institution into a national park because there were a few too many Boy Scouts.

Currently, the Park Service is attempting to eliminate recreational fishing in the Dry Tortugas National Park, restrict public access to historic sites at Cumberland Island, Georgia, and eliminate all vehicular traffic from the Grand Canyon by replacing it with a very costly transportation network which may prove to be too expensive for visitors to pay.

Finally, although it may not fit exactly into this hearing it is a typical example of the attitude exhibited by many of the Federal agencies when dealing with the public they are there to serve. On April 5th a group of 50 high-school students, winners of a national VFW contest on patriotism, were touring the Jefferson Memorial when they spontaneously broke out singing the National Anthem. Instead of waiting, a park service ranger took upon herself to run out and tell all of them to shut down the singing immediately because they were violating regulations! Now, I can understand enforcement of rules, but I do believe that this is going just a little too far.

All of this clearly shows that the Federal Government has been moving to restrict activities and otherwise limit public access to our national parks and other public lands, especially under the Clinton Administration. Customary uses such as snowmobiles, personal water craft, hiking, boating, climbing along with normal vehicular travel have been restricted as users have sought to enjoy our public lands, just like everybody else.

I want to thank all the many witnesses for coming today, especially those who had long distances to travel and I look forward to their testimony.

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The CHAIRMAN. I want to thank all the witnesses who are here today, especially those who had to travel long distances for your testimony. Let me point out to all of you who testify, we have a long list of witnesses, a number of panels. And we hate to restrict you, but you were probably told if you could stay within the 5 minutes, we would really appreciate it.

You will see in front of you something there, and it will say talk, and then it will say sum up, and then it says you better stop or somebody is going to gavel you down.

[Laughter.]

With that in mind, if you have to go over 20 or 30 seconds because you just have to say that, I won't say anything. Go much longer than that, we may have a wee bit of a problem. I do appreciate all of you being here.

We now turn to the gentleman from Colorado, Mr. Hefley.

**STATEMENT OF THE HONORABLE JOEL HEFLEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO**

Mr. HEFLEY. Thank you, Mr. Chairman.

Good morning to our witnesses, and we welcome you to Washington. And I look forward to your testimony on how this Committee might bring balance and common sense back to managing our public lands.

As the Chairman pointed out, it is very clear, just from those examples, that the former administration, along with its extreme environmental allies, decided early on to restrict our nation's premier park system and vast public lands from—guess who? The recreating public.

Instead of welcoming millions of Americans the freedom to explore these wonderful places through hiking, biking, camping, horseback riding, by snowmobile, or their own car, these beautiful and singularly American places of enjoyment and recreation have

become more synonymous with unjustified limitations and restrictions.

Frankly, to many Americans, more and more of our public lands are displaying a “keep out” sign rather than a welcome mat at the gate. This is ironic because in their 2001 management policies guide, the National Park Service states, “National parks belong to all Americans, and all Americans should feel welcome to experience the parks.”

While I appreciate the difficulty our Federal land managers face in balancing the need to preserve and protect these natural resources while promoting their enjoyment, simply shutting the gate on millions of law-abiding Americans without just cause or, more importantly, their input, is simply un-American.

At some point during the last 8 years, Federal land managers decided unilaterally and behind closed doors with the environmental community that they, rather than publicly elected officials in Congress or the public at large, knew what was best for our Federal lands.

For many, the ultimate goal of these restrictive policies is to designate all public lands as wilderness, which begs the question: Who will be able to enjoy these public lands?

Now, I love wilderness. I love getting on a horse and packing back into the high country where there aren’t any mechanized vehicles. And I can do that, and I think that is wonderful. A lot of Americans can’t do that and can’t enjoy the wilderness.

Let us not forget, these public lands belong to 270 million Americans. All Americans, specifically all users of our public lands, should participate in the development of each general management plan in the National Park Service or how the resources managed by the Bureau of Land Management, the Fish and Wildlife Service and the Forest Service should be used.

I want to thank all the witnesses for coming today, and especially those who came a long distance, who traveled. And we do look forward to your testimony.

And please don’t assume because there are not very many Committee members here today that that indicates a lack of interest. There are a lot of other demands going on today, and we will have others in. But this is a subject that we are very, very interested in, and we seek your help in helping us to bring balance.

Our two charges are to protect the resource and also to provide the opportunity for public enjoyment of the resource. So help us bring balance to that.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. McInnis follows:]

**Statement of the Honorable Scott McInnis, Chairman, Subcommittee on Forests and Forest Health**

Recreation is the fastest growing use on the National Forests and Grasslands today. Americans cherish these lands for many reasons ranging from relaxation to experiencing life in the great outdoors, firsthand. Recreation is the most important issue on the forests in my district and any decisions impacting them have far reaching effects on all the communities in western Colorado.

The previous Administration gave lip service to recreation, but at every decision reduced recreational opportunities. Now is the time to give recreation the attention it deserves in the form of adequate funding and community involvement.

The Subcommittee on Forests and Forest Health has held hearings before on recreation management. I look forward to working with all the various user groups, the Agency, and the Administration to evaluate alternative land use designations and options that impact recreation on the forests.

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[The prepared statement of Mr. Cannon follows:]

**Statement of The Honorable Chris Cannon, a Representative in Congress  
from the State of Utah**

Thank you, Mr. Chairman, for holding this hearing. I was very pleased with the addition of Recreation to the name of the National Parks and Public Lands Subcommittee. It brings into focus one of the most important aspects of our responsibility over public lands management.

When I speak to the people in my home state of Utah, they routinely talk of their love for the land. They tell of a traditional family trip into the BLM lands of Utah, or a new canyon they have discovered on their yearly trip to Lake Powell.

Unfortunately, they also tell me of restrictions that they have encountered when trying to return to that favorite place.

On Lake Powell, they worry that they won't be able to continue to use their personal watercraft to explore the narrow canyons. They worry that their aging parents will have to hike to the traditional Memorial Day picnic spot on the desert. They worry that they won't be able to show their children the beauty of Yellowstone National Park on a winter snowmobile trip.

Mr. Chairman, there are always competing interests on our public lands. When weighing these interests, we must ensure that recreation is not the interest that gets lost. Access to our public lands is part of what makes them such an important piece of our heritage. Those of us who love our public lands want to make sure that we can continue to visit them with our children and grandchildren.

I look forward to hearing the testimony of our witnesses today and hope that it will give this committee the information we need to make informed decisions about access to our public lands.

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[The prepared statement of Mr. Gilman follows:]

**Statement of The Honorable Benjamin A. Gilman, a Representative in  
Congress from the State of New York**

Permit me to take this opportunity to thank my friends and colleagues, Chairman Hansen and Ranking Member Rahall, for affording me the opportunity to provide testimony to the House Committee on Resources concerning Galeville Airfield in New York.

Located in and around my district are the Wallkill River and Shawangunk Grasslands National Wildlife Refuges. Established in 1990 by Congress, the refuges are located in Sussex County, New Jersey and Orange County, New York. In the spring, fall, and winter, the Wallkill River floods extensively, offering broad flood plains of forested wetlands and wet meadows. Oak-covered limestone ridges parallel the river, sometimes coming right to the river's edge. Wetlands and forests yield to open farmlands and grasslands at the higher elevations.

The region supports a diverse number of species, including 19 species listed by New Jersey as threatened or endangered. These include the American bittern, barred owl, bobolink, Cooper's hawk, grasshopper sparrow, great blue heron, northern harrier, savannah sparrow, sedge wren, short-eared owl, upland sandpiper, vesper sparrow, and wood turtle. The bog turtle, proposed for listing as a threatened species under the Endangered Species Act, is found on the refuge. Black bear and bobcat also occur. A major grassland and wetland complex, habitat is provided for black ducks, wood ducks, green-winged teal and for shorebirds, songbirds and raptors. Waterfowl and shorebirds are common during migration, as are neotropical songbirds. Many species of songbirds also nest on the refuge, including chestnut-sided warblers and scarlet tanagers.

Mr. Chairman, overall, this area offers the citizens of our region a beautiful area to hike, hunt, and appreciate. However, within the Shawangunk Refuge Area, there is a site called "Galeville," which has become the center of an ongoing debate between my constituents and the United States Fish and Wildlife Service.

Galeville is a section of land, which was constructed as an alternative airstrip for Stewart International Airport during World War II. Due to its unique qualities, for over thirty years, members of the East Coast Free Flight Conference and

aeromodelers from throughout the East Coast have enjoyed the use of Galeville for both practice and competitions. During that time, they maintained an excellent relationship with both the Town of Shawangunk officials and the community at large. Their use has always been largely recreational and they have always exercised extreme reverence with regard to the surrounding wildlife which have continued to flourish during their long utilization of the facility. However, in 1996, upon transfer of the site from the West Point Military Academy to the U.S. Fish and Wildlife Service (USFWS), the aeromodelers were prohibited from using the site.

In an effort to remedy this situation, I communicated on numerous occasions with representatives of the USFWS. However, conversations with Fish and Wildlife personnel regarding the aeromodeler's continued use of Galeville for their competitions have been unsuccessful. There has been an unwillingness on the part of the USFWS to entertain any of the propositions put forth by both myself and members of the East Coast Free Flight Conference, who have tirelessly worked toward a compromise since being barred from use of the facility.

In a meeting in my office on May 14, 1999, Mr. Daniel Ashe, Assistant Director of the Fish & Wildlife Service and Ms. Elizabeth Herland, Refuge Manager, Wallkill River National Wildlife Refuge, stated that compliance with the Service's mandate to preserve wildlife and maintain a "wildlife first" preserve in lands that fall under the jurisdiction of the Service is the basis for their refusal to allow the aeromodelers to continue to fly at Galeville. They contend that they are merely following their mandate, as stated in the National Wildlife System Improvement Act of 1997 (P.L. 105-57), which will not allow model airplane flying refuge because it is neither a "priority wild-life dependent public use," nor is it compatible with the mission of the Refuge System.

However, in reviewing the legislation and discussing this situation with staff on the Fisheries Conservation, Wildlife and Oceans Subcommittee, I have been informed that "wild-life dependent public use" was supposed to be considered a priority activity, while other uses, such as rock climbing or aeromodeling, were not to be prohibited. However, the USFWS is misinterpreting the National Wildlife Refuge System Improvement Act of 1997 and refuses to find a cooperate solution to this situation.

Additionally, when I inquired about the interest of the Town of Shawangunk in establishing a recreational facility on the airport grounds, Mr. Ashe and Ms. Herland stated that they are assisting the Town to find alternate sites for their facility. They added that if no alternate site is found, the facility would then be located at the airport on a separate section of land that would not fall under the auspices of the Service. When I inquired as to whether or not this same courtesy was extended to the aeromodelers, I was told it was not.

Mr. Chairman, the members of the East Coast Free Flight Conference have taken exceptional steps to find an alternative site, address every concern and acquire public support.

They made numerous efforts to purchase, lease or rent space to continue modeling competition activities in the Northeast. These efforts have fallen short of the criteria necessary for their hobby because either the size of the land was insufficient, was not flat enough, was only available in non-growing seasons or neighboring land-owners would not allow overflights.

The aeromodelers also contracted a private entity to study the site and prepare a site survey report. In this report, Northeast Environmental Management Systems, with special attention to the wildlife habitat and plant community, found, "Continued use of the site for free-flight activities would pose no significant negative impacts to the flora and fauna of the site," and, "impacts from the East Coast Free Flight Conference members is not likely to impact sensitive species."

Furthermore, the East Coast Free Flight Conference worked with local officials to acquire public support and organized a letter writing campaign. In the Refuge's Fall 1999 Planning Update, under the section entitled Planning Workbook Responses, Shawangunk citizens supported allowing model airplanes a few hours per week and, on November 19, 1999, the Town of Shawangunk unanimously passed a resolution in support of model airplane flying at Galeville.

Although I understand the concerns and the "wild-life first" mission of the USFWS, I am sympathetic to the plight of the aeromodelers. I believe that in our effort to fight for the preservation of open space and endangered species, we have cast away those individuals who have worked diligently for many years to care for this land, its wildlife and use it for a simple and harmless activity. The Galeville site has an international and historical value to aeromodelers throughout the East Coast. Their efforts to work within the system should be rewarded with our utmost consideration, attention and assistance.

I am supportive of efforts to preserve open space, wildlife habitat, and environmentally sensitive areas throughout our nation and believe that it is important to look at public use on a case by case basis. Moreover, I believe that we must weigh the impact of public activities, the need for those activities, and the availability of space for the enjoyment of non-destructive activities when considering whether or not public access should be allowed in areas that were designated for the purpose of protecting habitat. Galeville is one case where USFWS failed to take these circumstances into consideration.

I would like to once again thank Chairman Hansen and Ranking Member Rahall for affording me the opportunity to participate today, and hope that the Members on the Committee will take this unfortunate and incredulous situation into consideration as they review our policies towards public use on our nation's lands.

The CHAIRMAN. I thank the gentleman.

Our first panel is Courtland Nelson, Director of Utah State Parks and Recreation; Alan T. Hill, testifying on behalf of the American Horse Council; Walter "Bud" Pidgeon, President of the Wildlife Legislative Fund of America; Russell L. Ehnes, Americans for Responsible Recreation Access; and Sarah Michael, President of the Winter Wildlands Alliance.

We will start with you, Mr. Nelson. You know the rules, and we appreciate you being here. And the time is yours, sir.

**STATEMENT OF COURTLAND NELSON, DIRECTOR,  
UTAH STATE PARKS AND RECREATION**

Mr. NELSON. Thank you, Mr. Chairman, Members. I appreciate the opportunity to speak to you today.

We are fortunate in the intermountain West and Utah to have an abundance of public lands that provides outstanding recreational and scenic opportunities. But to take advantage of the opportunities, citizens must have access to these lands.

This is just not an issue for Utah. Thousands and thousands of visitors from all parts of the world come to the intermountain west to experience our world-class landscapes.

On behalf of the Utah Department of Natural Resources, thank you for the opportunity to submit comments on the theme of public recreation and access to the Federal lands.

I would want to state, Mr. Chairman, we have a long history of working with Federal agencies, local communities, and others for the development of motorized and nonmotorized trail opportunities, recreational facilities, as well as partnering on our lakes, reservoirs, and waterways.

Mr. Chairman, our work over the last decade has been primarily with multiple-use agencies of the Forest Service and BLM, and I will concentrate my comments on that today, and, to a lesser degree, specific park units of the National Park Service and U.S. Fish and Wildlife Service.

It is important to underscore our positive and healthy relationship with a variety of Federal representatives. These land managers have applied for both motorized and nonmotorized trails grants as well as boating grants in our state and in Arizona, where I was previously.

They have worked with us on education endeavors, both on the ground and in the classroom, to further ensure safe recreation. For Utah citizens, we have developed land management plans and feel very, very positive about that aspect.

However, for the U.S. Forest Service, I would have some comments about, particularly, the roadless inventory and closure that has been discussed previously.

This would have a significant impact on opportunities for the recreating public. The prohibition against new construction or reconstruction of roads will eliminate that which we will need for future demand for outdoor recreation.

This will create additional pressures to expand or develop these kinds of sites on remaining lands, including those of state parks and other recreation providers. It is not known whether there are lands within the inventoried roadless areas that are suitable for this kind of recreational use, but we assume there are.

In any case, total acreage affected would likely be very small compared to the total roadless inventory. It would not significantly detract from the purposes of the initiatives. These lands could play a vital role in meeting this future need. Eliminating this seems short-sighted.

There are almost 34 million acres of national forests in the lower 48 States designated as wilderness, wilderness study area, wild and scenic rivers, and national monuments. There are an additional 8.3 million acres in Alaska for a total of 42 million acres.

Both building and reconstruction are prohibited in the vast majority of these acres. If we add the 54 million of inventoried roadless, the total is 96 million acres or nearly one-half of the Forest Service land.

There seems to be an inappropriate prohibition of lands allocated for dispersed recreation, most of which will ultimately be non-motorized. This is a significant change for a system of national forests originally reserved for the public domain to produce timber and water, a change under the multiple-use concept.

For the Bureau of Land Management, as I mentioned previously, we have a long, successful partnership with the BLM in Utah and in Arizona. We currently manage or co-manage several park sites around the State of Utah.

Some of these areas have involved complex management due to the presence of endangered species, rangeland management issues, and the development of recreational facilities on BLM property staffed and managed by Utah State Parks. We have, I believe, successfully worked through these various projects to the satisfaction of a majority of Utahans.

Currently, we are working the BLM office in St. George and the Washington County Conservancy District for the creation of a new state park facility that we believe will emphasize this partnership for motorized and nonmotorized trail users, as well as creating camping and boating opportunities.

The key to this effort is the opportunity for dispersed recreation on BLM lands.

I would be very concerned if there were any future decisions that would allow significant restrictions without specific management or scientific rationale. For decades, these lands have been available to the recreating public.

And as you are all well aware, in the St. George-Las Vegas area, there is a tremendous increase in population. And these folks will need a place for their recreation.

Our future partnership to a degree hinges on the availability of recreational opportunities on this land. At the root of many of those conflicts are issues involving restrictions to lands that have traditionally been open for reasonable use and access.

There is a carrying capacity issue here that is endemic in much of my comments about the Forest Service and BLM, and I think that has to do with closure in one area, which means overuse in other areas, as opposed to the general, broad, dispersed use.

The future. I am very concerned about the impacts in the intermountain west from the increase in population. I think we have four of the five fastest growing states in the country.

These people are moving to our area of the country for a variety of reasons. But for most of them, it is a chance to enjoy the natural resources which we have. My experience has been that reasonable rules and regulations and reasonable fees are not a deterrent to access to public lands. The key is "reasonable," and the key is also that we work together for the settlement and resolving of certain issues.

I do believe that it would be a benefit, particularly in Utah, Mr. Chairman, if the wilderness issue on BLM lands could be settled. Then we can put in the appropriate administrative rules that benefit a majority of Utahans and our visitors.

For the future, as I mentioned, the population growth and the impacts of tourism are tremendous. I would encourage all of our partners to work together on local and regional resource plans so that we can create the management scheme that will benefit the most.

We all agree that certain areas should be wilderness and be managed under very restrictive access methods. We all agree that other areas are open and available for dispersed recreation.

The tough task is to make the decision with regard to broad closures of large tracks of Federal land, which may benefit that area for some by keeping citizens out, at least from some perspectives. But it may have the net effect of greatly concentrating other users in areas that will no doubt have much more significant resources impacts.

I would also add to that that the sale of recreational toys, recreational products, is increasing dramatically all over the West, and we must prepare for the future impact of that.

Finally, I have some comments that are in my document, which you all have, regarding NEPA issues.

I would just finally conclude, Mr. Chairman, by saying that like a congressional district, I have to represent rural and urban needs, I have to represent different age groups, I have to represent different individuals who have different backgrounds and values.

As I have said at home in our legislative session, I serve the chronically mentally healthy, and it is a difficult task at best to try and provide the best service. I would hope to work with the Federal land agencies and the local partners in the private sector to improve the recreational estate in Utah and the intermountain west.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Nelson follows:]

### **Statement of Courtland Nelson, Director, Utah State Parks and Recreation**

We are fortunate in Utah to have an abundance of public lands that provide outstanding recreational opportunities. From rivers, to redrock, to desert, to high elevation mountains; we have it all. But, to take advantage of these opportunities, we must have access to these lands. This is not just an issue for the citizens of Utah. Thousands of visitors from all parts of the world come here to see and experience our world-class landscapes.

On behalf of the Utah Department of Natural Resources, thank you for the opportunity to submit comments on the themes of public recreation and associated public access to the Federal lands. We have a long history of working with the Federal agencies, and local communities in the development of motorized and non-motorized recreation opportunities, as well as partnering on our nation's lakes, reservoirs and waterways for safe boating. Over the years, we have been very pleased with many accomplishments in our cooperative efforts with the Bureau of Land Management, the U.S. Forest Service, the U.S. Fish and Wildlife Service and the National Park Service. Mr. Chairman, our work over the last decade has been primarily with the multiple use agencies (BLM and Forest Service) and to a lesser degree, specific park units of the National Park Service. It is important to underscore our positive and healthy relationship with a variety of Federal representatives. These land managers have applied for both motorized and non-motorized grants as part of our statewide programs. They have worked with us on education endeavors, both on the ground and in the classroom, to further ensure the safe recreation for Utah citizens. We have been very pleased with our improved regional planning as it relates to the opportunities that are in place for the trail users and the visitors to State Parks in Utah.

I have been involved in Utah and Arizona for twenty years with program management and other joint activities with the Federal agencies and feel as though there are many positive accomplishments over the years. I assume, however, that much of the interest in today's meeting focuses on some aspects of Federal land management that are not working as well for the recreating public and those interested in resource conservation and protection.

#### *U.S. Forest Service*

Recent Forest Service actions have created quite a stir here in Washington, D.C. and on the ground. For instance, the proposed roadless inventory and closure for the Forest Service would have a significant effect on opportunities for the recreating public. The prohibition against new construction or reconstruction of roads will eliminate the use of these lands to meet future demand for developed site recreation such as camping and picnicking. This will create additional pressures to expand or develop these kind of sites on the remaining lands of all ownership including State Parks. It is not known whether there are lands within the inventoried roadless area suitable for this use, but if there are, the total acreage affected would probably be very small in comparison to the total area of roadless inventory and would not significantly detract from the purpose of the initiative. These lands could play a vital role in meeting this future need. Eliminating this possibility seems short-sided.

There are already almost 34,000,000 acres of National Forest in the lower 48 states designated as Wilderness, Wilderness Study Areas, Wild and Scenic Rivers and National Monuments. There are an additional 8,353,000 acres in Alaska for a total of 42,000,000 plus acres. Both building and reconstruction are prohibited on the vast majority of these acres. If we add the 54,000,000 acres of inventoried roadless acres, the total is 96,000,000 acres or nearly one-half of all National Forest land. This seems to be an inappropriate prohibition of lands allocated for dispersed recreation, most of which will ultimately be non-motorized. This is a significant change for a system of National Forest originally reserved from the public domain to produce timber and water and later changed to manage under multiple use concept.

The effects of future road building do not significantly impact the total acreage. The Draft Environmental Impact Statement states "that under the no action alternative there will be approximately 300 miles of new roads built in the inventoried roadless areas over the next five years." If we assume that each mile would affect 5,000 acres this would mean 25,000 acres would be affected during this period. This is less than one percent of the 54,000,000 acres inventoried. The maintenance costs for these new roads also seems insignificant. If they build 60 miles per year and the maintenance costs were \$1,500 per mile, the total cost would be \$90,000. This is less than two-tenths of one percent of the total annual Forest Service's road maintenance budget of \$656,000,000.

There is an assumption built into this analysis that all roads are bad, based on some problems caused by the current road system. Many of the old roads built during the last 50 years do not cause resource problems as measured by today's standards. However, with today's science and stringent requirements of NEPA it is doubtful that any such road would be built in the future. Therefore, the projected impacts of new road construction are exaggerated.

The number of grant applications from Forest Service Districts in Utah for our motorized and non-motorized matching grants have leveled off or declined (in the case of motorized grants) due in part to district confusion regarding Forest Service support and commitment to trail programs for their users. The attached data suggests that both the Forest Service and BLM are the major providers of trail-based recreation in Utah. The demand continues to rise while construction and maintenance are lagging behind.

#### *Bureau of Land Management*

As I mentioned previously, we have a long and successful partnership with the Bureau of Land Management in Utah. We currently manage or co-manage several park sites and recreation facilities around the state of Utah in a very successful manner. Some of these areas involve complex management due to the presence of endangered species, range land management issues and the development of recreation facilities on BLM properties staffed and managed by State Parks. We have, I believe, successfully worked through these various projects to the satisfaction of a majority of Utahns. Currently we are working with the Bureau of Land Management office in St. George and the Washington County Water Conservancy District for the creation of a new state park facility that will meet both motorized and non-motorized trail user needs, as well as create a boating and camping opportunity on a large reservoir. The key to this effort is the opportunity for dispersed recreation on the BLM lands. I would be very concerned if there were any future decisions that would allow any significant restrictions without specific scientific rationale as this partnership is put together. For decades these lands have been available to the recreating public. With the recent creation of the Habitat Conservation Plan for the Desert Tortoise in this region, there is less Federal property available for motorized and non-motorized trail activities. Our future partnership, to a degree, hinges on the availability of recreation opportunities on those lands. Any additional restrictions spill over into other properties regardless of their ownership. My field rangers are constantly asked to resolve disputes between public land owners and recreation users. At the root of many of those conflicts are issues involving restrictions to lands that have traditionally been opened for reasonable use and access.

We find, for instance, in managing boating facilities that often have closures or restrictions, while having a benefit for one specific lake or reservoir, make situations worst in adjacent bodies of water. There is considerable data from social science research that would indicate that closures merely increase environmental degradation in other areas and do little to improve overall habitat protection or recreational opportunity.

Congress should settle the Wilderness issue for BLM lands administered in Utah. Failure to act is creating an enormous and ever growing burden on local administrators as they work to preserve the wilderness character of millions of acres of land while trying to meet ever increasing user demands. This is an untenable position which must be resolved at the earliest possible date. The American public would be much better served if the resources used to cope with this problem were available to provide goods and services from their public lands.

#### *The Future*

There is little that most of us at the local level can do to affect the work of Congress and the Administration in making laws and policies that will determine the broad land use allocation questions. However, within the state of Utah, government agencies at all levels are developing structured and harmonious working relationships that will enable them to cope with the existing situation and to meet the needs of the public when the broad land use issues are settled. We know each other. We trust each other. We are committed to working together despite our various missions and circumstances.

As an example, over the past decade the use of off-highway vehicles on public lands has become an issue of crisis proportions. While recognized as a legitimate use of public lands, all of the land managing agencies were becoming overwhelmed with the scope and dimension of this use. As a result a group of agency heads called the Natural Resources Coordination Council decided to take this on as an inter-agency project. A Memorandum of Understanding was signed and a steering team was formed. Subteams were organized and chartered and the work began. The goal

was to bring to bear the collective resources of all the participating agencies to protect natural resources while at the same time providing and preserving the outstanding off-highway vehicle recreation riding opportunities in the state.

Some of the results of this interagency effort have been the development of a communications campaign, the identification of high use areas, organization of local interagency teams to deal with the highest priority areas, organization of interagency law enforcement teams, development of uniform trail signing standards and much more. While all of these results have been significant achievements, the greatest achievement has been the working relationships established that will facilitate the resolution of future issues.

In addition, a tremendous partnership is taking root between the user groups and the agencies. There is full recognition that no recreation program on public lands can be successful without the participation and commitment of those most directly affected by it. Where agencies are finding it difficult to deal with on-the-ground problems, the organized users are stepping in and doing their part. They realize the importance of their contributions to the long-term viability of their recreation pursuits.

It would be our hope that reasonable decisions could be made about the future closures and access restrictions. Let me be more specific. In the cases of Utah and Nevada, you are all aware that we are having tremendous population increases. People moving to this part of the country reasonably expect to have ample opportunities to use their public lands. We all agree that certain areas should be wilderness and be managed under very restrictive access methods. We all agree that other areas are open and available for dispersed recreation opportunities. The tough task is to make the decisions with regards to broad closures of large tracks of Federal land which may benefit that area by keeping citizens out at least from some perspectives, but it may have the net effect of greatly concentrating other users in areas that will no doubt have much more significant resource impacts.

As you have seen in both personal watercraft situations and snowmobiling at Yellowstone, industries have been built upon the opportunity to access Federal lands and waters. The trend line in Utah, and I believe most western states, is continuing to go up dramatically for the sale of motorized vehicles and mountain bikes. I do not see, from my personal experience and observation, any change in this trend line. All one has to do in Salt Lake City is go to an OHV shop or bike shop on a Saturday morning from January to March to observe the dramatic interest in purchasing these types of vehicles. Exactly the same situation exists for mountain bikes and other four-wheel drives or other mechanical methods of travel. Whether it is a result of a sustained good economy, a land mass that awaits recreational use or other factors, there are going to be tremendous expectations for reasonable opportunities to access Federal lands. We in Utah would hope to be a helpful part of that solution in reaching decisions that we can live with.

Land management planning, travel planning and project planning on public lands is increasingly complex and expensive with uncertain outcomes. Law, regulations and case law born out of litigation has created a process that is almost impossible to complete without some flaw. As a result, when some faction does not agree with the decision reached, appeals and lawsuits can postpone many projects indefinitely. This can occur even when most would agree that the process was fair, reasoned and within the agencies discretionary prerogatives. The cost of pursuing these cases to a conclusion is staggering. Most agency local units will not take on more than a few projects in a year which require a NEPA process because they do not have the resources to do so. This sometimes includes even the smallest projects. In some cases the result of this quagmire is that they cannot complete the necessary planning and project approvals in a timely manner to take advantage of state and other grant opportunities which significantly increase on-the-ground accomplishments. Planning process management is the primary activity of many agencies, not land management. To those of us outside these agencies, it seems unfortunate that so much of an agencies resources must be used to complete even the smallest of projects when they could be used to do so much for the users of the public lands. Securing access for many recreation uses is certainly in this category. Perhaps it is time for Congress to review the impacts of the laws which have far outgrown any outcome envisioned by those who first enacted them.

Thank you for the opportunity to participate in this important dialogue. I hope my comments have been helpful.

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The CHAIRMAN. I thank the gentleman for his comments.

Let me point out that all of your entire statements will be in the record. If you want to summarize, speak off the cuff, that is up to you.

Mr. Hill, we turn to you, sir.

**STATEMENT OF ALAN T. HILL, AMERICAN HORSE COUNCIL**

Mr. HILL. Thank you, Mr. Chairman. Thank you for the opportunity to offer testimony on behalf of the recreation committee of the American Horse Council.

According to the Barents study, the equine industry involves 2.9 million horses, 4.3 million participants, has a total economic impact in the U.S. of \$23.8 billion, and supports 317,000 full-time jobs.

We would like to discuss with you today perhaps what should be introduced as a broad overview of the state and condition of public access and associated recreation issues from the perspective of the recreational stock user.

The use of recreational stock on Federal lands is a vitally important issue to the entire equestrian community and is a rapidly growing segment of the recreating public.

First, it is important to take note of the enormous and significant contributions made by volunteer equestrian organizations, who spend a tremendous number of hours and hard-dollar contributions each year. A few examples I have listed include providing educational programs, written documents, pamphlets and brochures to inform and educate the public on the wise and sustainable use of public lands, and providing volunteer service.

For example, my organization, Backcountry Horsemen of America, is a volunteer service organization that has contributed over 600,000 man hours and livestock equipment valued in excess of \$10 million from the years 1995 to 2000. This volunteer service contribution should supplement not supplant the Federal budget for these matters.

We believe that responsible public land management should be based on good scientific studies with blind peer review.

To this end, the equestrian community has encouraged, participated in, and assisted in funding scientific studies which demonstrate, for example, that our recreational riding horses are NOT a significant source of cryptosporidium, giardia, salmonella or pathogenic E. coli on our public lands or watersheds.

We have formed partnerships with various partners to maximize and leverage our contributions and labor and hard-dollar commitments.

Through these and many other programs, we have contributed many ways to support our passion to retain the historic and traditional rights for pack and saddle stock use of public lands.

We have become alarmed as we have witnessed during the last decade the continued decline and condition of our trail systems. We have also noted a pervasive trend throughout the country of increasing restrictions directed specifically at recreation pack and saddle stock use on the Federal lands, including the wilderness areas, national forests, national parks, national monuments, backcountry, and front country.

During this same period, we have observed a shift in emphasis of the Federal agencies from one of managing our natural resources

and wilderness system for the multiple purposes originally intended by Congress to the singular objective of restoring and sustaining pristine ecological conditions.

Consequently, we have identified three major concerns that desperately need attention if we are to restore a proper balance between preservation, access, enjoyment, and use of our resources by the recreation user.

**Access:** National policy needs to reaffirm that recreation and historic uses, such as equestrian uses, be recognized as an appropriate and acceptable use on Federal lands and that the management of our public lands is for the use and the enjoyment of the American people.

It has been our experience that special designations—such as monuments, wilderness, roadless—seldom if ever expands recreational opportunities for horsemen. In practice, the designations often result in a loss of access and recreation opportunities.

**Funding:** In spite of the public support for a strong recreation agenda advocated by Congress, the previous administration, and Federal land management agencies, the level of funding for annual trail maintenance and reconstruction has been abysmally low. Even though congressional appropriations have showed a slight increase over the last few years, almost without exception, these dollars do not get to the ground.

Trail systems built over the last 100 years with taxpayer dollars have been left to deteriorate, been abandoned or simply left off of the trail system maps, often at the sole discretion of an overworked seasonal trail worker.

We have provided as an attachment to written testimony an example of a documented case of a forest in northern California that shows that the forest supervisor budgeted in fiscal year 2000 \$1.091 million for “wilderness and recreation.” By the time the forest supervisor deducted “\$369,000 for cost pools,” “\$169,000 for the supervisor’s office,” “recreation staff \$500,000 for the five districts,” a minimal \$49,200 was left for total trail budget for the maintenance of 1,000 miles of trails encompassing two wilderness areas and five ranger districts on one of the most remote, high-altitude areas in northern California and southern Oregon that is subject to heavy annual storm damage.

That is less than \$5 per mile, and is an unconscionable amount of money for that effort.

**Accountability.** Accountability from the Federal land managers must be demanded by Congress and public if issues of access, funding, and management policy are to be implemented in accordance with the law of the land.

Specific examples can be offered where the intent of Congress had to be reaffirmed by the courts before implementation and consistency with the law could exist.

One example occurred when the intent was affirmed in 1998 court case, *Wilderness Watch v. Dale Robertson*, that resulted in the conclusion that directed the Forest Service to administer the wilderness with an eye not only toward strict conservation but also to assure the use and enjoyment of the American people. It states the resource will be devoted “to the public purposes of recreational, scenic, educational, conservation, and historical use.”

The emphasis of land managers to place a higher emphasis on restoring pristine conditions are the result of a misguided preservation purity bias. The purity doctrine was addressed by Congress during the 1970's in two important pieces of legislation, one of which was the Endangered American Wilderness bill, Report 95-540, July 27, 1977, that specifically directed the managing agencies to abandon the purity approach.

Congress clearly expected the wilderness would accommodate a wide spectrum of Americans who desire wilderness-type recreational experiences of a nature that were established at the time the law was passed. The intent of Congress, emphasized throughout the Congressional Record, was to preserve existing conditions while providing for existing and future uses.

Nowhere does the Wilderness Act require restoring wilderness to a condition more pristine than that which existed prior to designation.

As a result of the unwillingness of the Federal agencies to use the flexibilities authorized by Congress, we are seeing a decline in the extent of the trail systems. House Report 95-540 directed the agencies to "maximize efforts to construct, maintain, and improve trail systems in wilderness areas, to facilitate access and recreational use."

I would also point out that the report also instructed the agency in its maintenance and construction efforts to include the use of mechanical equipment where appropriate or necessary, and under the minimal-tool analysis concept, to consider prudent use of mechanical equipment as has been advocated to accomplish and manage the wilderness in accordance with section 4(b) of the Wilderness Act until tremendous backlog of wilderness trail maintenance and reconstruction is eliminated.

I want to thank you for this opportunity to respond to your request for this testimony on this subject that we feel so passionately about.

Thank you.

[The prepared statement of Mr. Hill follows:]

**Statement of Alan T. Hill on behalf of the American Horse Council**

*INTRODUCTION*

I appreciate the opportunity to present this testimony on behalf of the American Horse Council (AHC). My name is Alan T. Hill. I am Public Liaison Chair of the Backcountry Horsemen of America and a member of the AHC's Recreation Committee. We appreciate the Committee conducting this important oversight hearing on recreational access to public lands. We hope that by identifying what we believe are existing problems regarding access and discussing the proper balance between the preservation of natural resources and the enjoyment of these resources by recreational horseback riders, our testimony will help the Committee as it examines the broad national themes of public recreation and access to Federal lands.

The AHC represents 190 equine organizations in Washington, DC before Congress and the Federal regulatory agencies. These organizations include breed registries, national and state breeders associations, state horse councils, recreational associations, organizations representing race tracks, horsemen, horse shows, veterinarians, rodeos and numerous other equine related stakeholders. These organizations include several hundred thousand individual horse owners of all breeds and disciplines and industry service providers involved in virtually every facet of the horse world.

We appreciate this opportunity to give you a broad overview of the condition of public access and associated recreation issues from the perspective of the recreational rider and stock user. The use of horses and recreational stock on Federal

lands is a rapidly growing segment of the recreating public and is a vitally important issue to the entire equestrian industry.

#### *ECONOMIC IMPACT OF THE HORSE INDUSTRY*

According to the study of The Economic Impact of the Horse Industry in the United States done by Barents Group, LLC, the U.S. horse industry, including recreation, showing, racing and other segments, involves more than 7 million participants and includes nearly 2 million horse owners. The median income of horse-owning families is around \$60,000 with 38% of households earning under \$50,000 and 21% over \$100,000.

The industry as a whole has an annual impact on the U.S. economy of \$112 billion and supports 1.4 million full-time jobs with approximately \$1.9 billion paid in taxes at each level. Thousands of breeding and training farms breed, train and care for the horses that provide the foundation upon which the industry is built. In many cases, these facilities provide open envelopes of "green space" in otherwise heavily-urbanized areas.

#### *Economic Impact of the Equine Recreation Industry*

The largest and fastest growing segment of the horse industry in terms of participation by Americans is the recreational segment. According to the Barents Study, the equine recreation industry involves 2.9 million horses, 4.3 million participants, has a total economic impact in the U.S. of \$23.8 billion and supports 317,000 full-time jobs. This important part of the horse industry provides a great recreational, sporting, competitive and healthy experience to additional millions of Americans, young and old.

The positive economic impact of recreational trail riding is present in all fifty states. For example, in California it involves 278,000 horses, has a \$2.8 billion economic effect and supports 23,000 full-time jobs; in Colorado it involves 57,000 horses, has a \$500 million economic effect and supports 5,200 full-time jobs; in Florida it involves 109,700 horses, has a \$6 million economic effect and supports 5,300 full-time jobs; in Maryland it involves 47,200 horses, has a \$242 million economic effect and supports 2,300 full-time jobs; and in Texas it involves 180,000 horses, has a \$995 million economic effect and supports 14,000 full-time jobs.

Many individuals ride and compete horses when they are young and millions continue this form of recreation as they mature into adulthood. We expect, however, that as the so-called "baby boomers" approach and enter retirement or semi-retirement more will find themselves in good shape physically and financially and be ready to return to one of the sports in which they can participate late into life—Riding! While this re-entry into the riding community will increase the economic impact of the recreational riding industry, it will also put an even greater burden on our nation's trails and recreational resources.

#### *GENERAL CONCERNS*

The recreational riding community recognizes its responsibilities to treat our nation's public lands with respect. Recreational riders have a deep commitment to outdoor recreation and believe that recreation is a legitimate use of our country's public lands. Whether we are owners, breeders, trail riders, competitive riders, stock companies, or service providers we recognize that we have a vital interest in the responsible use and wise management of our natural resources. Our organizational and individual members recognize that we must protect our historical heritage and traditions and that not all forms of outdoor recreation are suitable for all sites.

The recreational riding community is very concerned about the recent direction of our nation's approach to recreation and a number of policy initiatives that seem to intend to deny public access to millions of acres of public land. We are concerned that if this direction is not changed, it will prevent Americans from participating in recreational activities, including horseback riding, in areas that have long sustained such activities. Some such initiatives include the U.S. Forest Service rule-making on the expansion of "roadless" areas; the designation of millions of acres of land as "national monuments;" and the seeming absence of a national Federal policy on recreation and public lands that is considered at the state and local level. In fact, it often seems as if the riding public is excluded when decisions are made on access.

We have become alarmed as we have witnessed during the last decade the continued decline in the condition and extent of our trail systems and a pervasive trend throughout the country of increasing restrictions directed specifically at recreation, pack and saddle stock use on our Federal lands including wilderness areas, national forests, national parks, national monuments, backcountry and front country. During this same period, we have observed a shift in emphasis of the Federal agencies from one of managing our national wilderness preservation system for the multiple purposes intended by Congress, i.e. recreational, scenic, scientific, educational, con-

servation and historical use, to the singular objective of restoring and sustaining pristine ecological conditions.

Consequently we have identified several major concerns that desperately need attention if we are to restore a proper balance between preservation and access, enjoyment and use of our resources by the recreational user.

We would like to focus our comments on the importance of access for riders to Federal lands, the need for additional funding that is actually used on trails maintenance, the need for a national recreation policy, the necessity of a partnership between riders and the Federal agencies to build and maintain trails and the importance of good science in making any decisions in this area.

#### *ACCESS*

Perhaps the most important issue facing the recreational segment of the horse industry is access to public lands, both Federal and state. While the industry is losing its access to public lands, urban areas encroach on open green space. In fact, Horse and Rider magazine polled its readers in late 1999 regarding their "top problem or concern" and loss of riding trails was the number one concern, ranked first by 42% of those who responded.

National policy needs to reaffirm that recreational and historical uses—such as equestrian uses—be recognized as an appropriate and acceptable use on Federal lands such as wilderness areas, national forests, parks and monuments, and that management of our public lands is for the use and enjoyment of the American people. It has been our experience that special designations, i.e., monuments, wilderness, roadless areas, seldom if ever expands recreational opportunities for horsemen. In practice these designations often result in a loss of access and recreational opportunities.

Restrictions and prohibitions imposed on recreational equine use and incidental grazing, should be the exception rather than the rule and be determined by site-specific analysis based on use, land characteristics and science. It should not be subjective or based on the social preferences of other users.

The ability of the Forest Service or any other Federal land agency to unilaterally close a trail or trail head with no notice or public process must be stopped. De facto restrictions on access or the limitation through onerous regulations must be eliminated. For example, the "number of heart beats" test on a trail at any one time in a national monument is unsound policy. A grandfather could not take his extended family on a trail ride because the number of people in the family would exceed the heart beat rule. Such de facto restrictions must be reconsidered.

#### *FUNDING*

Federal funding for the construction, repair and maintenance of trails is obviously an important element to the recreational horse industry and trail riders. The horse industry is very concerned about the level of funding for the National Park Service trail systems in National Parks and the U.S. Forest Service trails programs for trails maintenance and reconstruction. The Forest Service is the largest recreation provider in the U.S. and is responsible for more than 133,000 miles of trails in some of the most scenic and yet rough country in the Nation. This increasing responsibility of the Forest Service for recreation has not, however, been supported with an accompanying increase in trail maintenance and reconstruction funding.

The horse industry was actively involved in passing the Symms National Recreational Trails Trust Fund Act in 1991 and continues to be involved in supporting its funding. Our industry worked with Congress and other trails groups to ensure the continued Federal funding of the Recreational Trails Program of \$50 million from 2000 through 2003.

These funds are divided among states and each state provides funds to individual organizations for trail development and maintenance. Once appropriated by the Federal Government it is important for state organizations to be involved in the allocation process so horseback riders get their fair share.

To assist Congress in the appropriations process the AHC and other trails groups developed a database of projects funded by the Recreational Trails Program. This database demonstrates the scope and importance of the Recreational Trails Program and should be reviewed by this Committee and others to ensure that funding for trails programs continues. Such funds to build and maintain trails will be critical to recreational riders in the future.

In spite of the public support for a strong recreation agenda advocated by Congress, the previous administration and the Federal land management agencies, the level of funding for annual trail maintenance and reconstruction has been lower than what is needed. Although Congressional appropriations have showed a slight increase over the last few years, it must be increased to keep pace with the increase

in the costs of maintaining trails. We hope that Congress will increase Federal funding to build and maintain trails.

Moreover, even the wishes of Congress as expressed by its appropriating funds for building and maintaining trails is sometimes thwarted by the bureaucratic process. In too many cases the funds appropriated do not get to the trails! Trail systems built over the last 150 years with taxpayers' dollars have been left to deteriorate, been abandoned, or simply left off trail system maps—often at the sole discretion of an overworked seasonal trail worker.

For example, a documented case on a forest in Northern California is all too typical of many areas of our country. The brief details are as follows. The Klamath NF Forest Supervisor budgeted in fiscal year 2000, \$1.1 million for "Wilderness and Recreation." By the time the forest supervisor deducted \$369,100 for "Cost Pools," \$168,600 for Supervisor's Office Recreation Starr, and \$504,100 for the 5 Districts," \$49,200 was left for the total trail budget for maintenance of 1000 miles of trails encompassing two wilderness areas and five ranger districts in one of the most remote, high altitude areas of Northern California and Southern Oregon that is subject to heavy annual storm damage. Less than \$5 per mile!

Sometimes it appears that much of the money earmarked for trail maintenance is going for environmental studies to determine if the trail should be saved! That money would be better spent on the trail.

#### *NATIONAL RECREATION POLICY AND ACCOUNTABILITY*

Congress and the Federal agencies must have one national recreation policy. Congress must express the will of the people and the Federal agencies must carry out the will of Congress pursuant to the Federal laws. We believe that too often we have seen Federal land managers ignore or misinterpret Congress' intent. Accountability from the Federal land managers must be demanded by Congress and the public if issues of access, funding and management policies are to be implemented in accordance with the law of the land.

Consistent with Forest Service's new emphasis to establish ecosystem sustainability as its first priority—an emphasis that we believe is derived without the benefit of Congressional sanction—many wilderness managers are interpreting the primary intent of wilderness designation as that of restoring wilderness to a pre-European settlement or pre-Colombian condition. We fear that this agenda is, and will be, accomplished at the expense of traditional and historical uses that were established as acceptable when the law was passed.

We are seeing a pervasive trend throughout much of the West, for example, of increasing restrictions directed specifically at recreational opportunities permitted in the Wilderness Act.

Moreover, even if horses are allowed in wilderness areas, the "roadless initiative" has caused a problem because it has closed trail heads and areas that can allow the vanning in of horses to such areas. Fully 50% of people who own horses transport them off-property to another area for enjoyment. This requires horse vans and trucks to pull trailers. If such vans cannot get to trail heads, then horses are de facto prevented entry to roadless areas.

We support Congress' intent as expressed in the Wilderness Act "to secure for the American people the benefits of an enduring resource of wilderness" (Section 2(a) of P.L. 88-577) which will be "devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." (Section 4(b) of P.L. 88-577)

This intent of Congress was affirmed in the 1998 court case of Wilderness Watch v. Dale Robertson, Civ. No. 92-740, August 31, 1998. In this decision the District Court for the District of Columbia concluded that the statute directs the Forest Service to administer the wilderness with an eye not only toward strict conservation, but also to "ensure the use and enjoyment of the American people.

The efforts of land managers to place a higher emphasis on restoring pristine conditions are the result of a misguided preservation/purity bias. The purity doctrine was addressed by Congress during the 1970's in two important pieces of legislation. One was the endangered American Wilderness Bill (Report 95-540, July 27, 1977) that specifically directed the managing agencies to abandon the purity approach. Congress clearly expected that wilderness would accommodate a wide spectrum of Americans who desired wilderness-type recreation experiences of a nature that were established at the time the law was passed. The intent of Congress (emphasized throughout the Congressional Record) was to preserve existing conditions while providing for existing and future uses. Nowhere does the Wilderness Act require restoring wilderness to a condition more pristine than that which existed prior to designation.

As a result of the unwillingness of the Federal agencies to use the flexibility authorized by Congress, we are seeing a decline in the extent of the trail systems.

House Report 95-540 directed the agencies to “maximize efforts to construct, maintain and improve trails systems in wilderness areas so as to facilitate access and recreational use, as well as to increase opportunities for a high quality wilderness experience for the visiting public.” The report also instructed the agency in its maintenance and construction efforts to “include the use of mechanical equipment where appropriate and/or necessary.” We have urged the use of the minimum tool analysis concept to consider the prudent use of mechanical equipment to accomplish the wilderness purposes in SEC. 4(b) of the Wilderness Act until the tremendous backlog of wilderness trail maintenance and reconstruction is eliminated.

#### *GOOD SCIENCE*

We believe that responsible public land use and management should be based on good scientific studies with blind peer review. As with all users of recreational trails and lands, concerns have been raised regarding the impact of horses on trails and the environment. We recognize that we must be involved in answering these concerns. To this end the equestrian community has encouraged and assisted in funding scientific studies which demonstrate the effect of horses on the environment.

In some cases these concerns have been unfounded. For example, several years ago concerns were raised regarding whether our recreational riding horses were a significant source of cryptosporidium parvum or giardia being introduced into public land watersheds. Although these assumptions were made without sufficient scientific information, they resulted in restrictions being placed on equestrian use on one California watershed.

Studies were performed at the Center for Equine Health at University of California Davis to determine if recreational pack and saddle stock were a significant source of cryptosporidium and giardia. At the conclusion of these studies, the answer was a resounding “No!”

The horse industry believes that decisions to restrict the use of horses on any Federal, or state, lands for environmental concerns should only be made after full scientific review by competent veterinarians and scientists.

#### *RIDERS' RESPONSIBILITIES AND THE FEDERAL GOVERNMENT*

Recreational riders, their organizations and service providers, recognize their responsibilities in building and maintaining trails. First, it is important to take note of the enormous and significant contributions made by volunteer equestrian organizations that spend a tremendous number of hours and hard dollar contributions each year in diverse and important activities. A few of those activities are:

- Providing educational programs, written documents, pamphlets and brochures to inform and educate horsemen and women and the public on the wise and sustainable use of public lands.
- Providing volunteer service. For example, my organization, the BCHA, is a volunteer service organization consisting of more than 14,000 members who have contributed in excess of 557,200 man hours, \$10,210,900 days of livestock use and equipment from 1995 to 2000 clearing trails, building trailhead facilities, and packing supplies, tools and equipment for trail maintenance crews and similar projects that benefit all trail users across the country. We recognize that this volunteer service contribution should supplement, not supplant, the Federal budget.
- Forming partnerships with various Federal and state partners such as Conservation Corps, Department of Fish and Game, Continental Divide Trails Alliance, Pacific Crest Trails and others to maximize contributions in kind, labor and hard dollar commitments.

There must be more emphasis and willingness on the part of the Federal agencies to use our equine volunteers. There are many riders who want to help, but can't convince forest supervisors that we are serious. The problem seems to be work load. We fear that the more trails that deteriorate and are then closed, the less work that has to be done in the field.

Through these and many other programs we contribute in many different ways to support our passion to retain the historic and traditional rights for riders, pack and saddle stock to use our Federal lands for recreation purposes.

#### *CONCLUSION*

Recreational riders consider themselves both horsemen and women and environmentalists. We are concerned that our lands and resources are suffering from neglect, either by an administering agency or by an uninformed public. Our challenge and the challenge of all trail users, Congress and the responsible Federal agencies is to ensure that Federal lands are managed to meet all of the intents and purposes of the law, the people who use the land and, of course, the land itself. The new paradigm is about seeking common ground and understanding the needs of all users. We

look forward to the challenge of collaborative efforts involving the Federal agencies and other interested stakeholders as we work to preserve our lands, our access and the common good.

Thank you for this opportunity to testify on this subject that we feel so passionately about.

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The CHAIRMAN. Thank you, Mr. Hill.  
Mr. Pidgeon?

**STATEMENT OF WALTER "BUD" PIDGEON, PRESIDENT,  
WILDLIFE LEGISLATIVE FUND OF AMERICA**

Mr. PIDGEON. Thank you, Mr. Chairman.

I, too, appreciate, the opportunity to testify before this Committee on behalf of the Wildlife Legislative Fund of America, or the WLFA.

We have been organized since 1977 as a volunteer sportsman-based organization to protect our American heritage to hunt, fish, and trap, and to support the vital role of scientific wildlife management. We pursue these objectives at the Federal, state, and local level for over 1.5 million members and our affiliates.

Public land really provides us with a critical base for hunters and fishermen around the country. A national survey of fishing and hunting and wildlife-associated recreational activities indicate that over 4 million Americans hunted on our public lands last year. And of these citizens, about half of them, hunt on a full-time basis on public land, and it is critical for them to have that access.

Hunting and fishing are important recreational activities occurring on public lands. All the public land masses—national forests, the Bureau of Land Management, national wildlife refuges and preserves, the national park systems—are very important to us.

Each of these systems individually provide access for hundreds of thousands of hunters and anglers. On BLM land, for example, a half million hunters were on those lands this last year. And the National Forest Service is comparable to this.

But it really doesn't tell the story. Those of you who hunt or fish know, if you want elk hunting access to forest lands in the West, it would have to be by other kinds of access than walking.

Try to hunt the wild turkey in the Appalachians—the forests of Virginia and West Virginia, and you have the same problem. In my home State of Ohio, I hunt primarily on public land myself.

Units of national park system preserves provide another example. And South Florida's Big Cypress Preserve is a great example where access issues are coming forth as we speak.

Last year, nearly 20,000 man days of hunting were affected there last year. And I can't imagine, if you were a urban southern Florida person, how you could have any other hunting experience other than in that particular area.

Within the national wild refuge system, over 500 units were acquired through hundreds of thousands of dollars hunters provided through duck stamps over the last 60 years. And half of the refuge system, thank goodness, are provided to hunters for hunting opportunities.

Access to public land has an array of recreational activities that are important as well. Public health comes to mind, for just being

out in the outdoors. There is something about that. Human beings have to be out there once in a while.

Management of these areas are important but many other things are as well, for example, the economic base of rural areas depend a lot of times on hunters and fishermen coming into those areas.

Unfortunately, as it was mentioned a couple of minutes ago, we did not have the welcome sign out over the past several years, due to the last administration and others.

And it is unfortunate because hunters, in particular, have constantly battled for access to public lands. In 1997, the enactment of the National Wildlife Refuge System Improvement Act is a great case in point where we were able to come to Congress to be able to seek access, and we really do appreciate that.

This particular bill, I think, adds a thought to what could happen for the future. It could be a model for us to use to create a bill to recognize public access on all public lands. This act obviously resulted in the agency responding positively to hunters being on-site.

And lawsuits from animal rights extremists have been outlawed and that is really exciting news.

I would welcome the opportunity for our organization to work with you, to model future legislation that would provide public access for hunting throughout the public lands system.

Thank you.

[The prepared statement of Mr. Pidgeon follows:]

**Statement of Walter "Bud" P. Pidgeon, Jr., President, The Wildlife  
Legislative Fund of America (WLFA)**

Mr. Chairman:

I appreciate the opportunity to testify today on behalf of the Wildlife Legislative Fund of America (WLFA) regarding the importance of recreational access to public lands. WLFA was organized in 1977 to protect the American heritage to hunt, fish, and trap and support scientific wildlife management. We pursue these objectives at the Federal, state, and local level on behalf of over 1.5 million members and affiliates.

America's public lands provide critically important fishing and hunting opportunities to hunters and anglers across the nation. The latest National Survey of Fishing, Hunting and Wildlife Associated Recreation indicates that over 4 million Americans hunted on our public lands. Over half of these citizens hunt exclusively on public lands. Limitations on hunting access to public lands would have catastrophic effects on this large segment of the sporting community.

Hunting and fishing are important recreational activities occurring on public lands and access to those lands is crucial to maintaining hunting opportunities for millions of Americans. Four major public lands systems provide hunting (and fishing) opportunities: National Forests (192 million acres), Bureau of Land Management (264 million acres), National Wildlife Refuges (92 million acres) and Preserves within the National Park System (20 million acres).

Each of these systems individually provide access for hundreds of thousands of hunters and anglers. BLM estimates over half a million hunted on lands under its management. Forest Service numbers are comparable, but barely tell the whole story. Try to imagine elk hunting without access to Forest lands in the west. Trying to imagine the pursuit of wild turkeys in the Appalachians without access to the Forests of Virginia and West Virginia.

And even units of the National Park System—the Preserves—provide critical access for hunters. For example, in South Florida's Big Cypress Preserve (established as the first Preserve in 1974) there are nearly 20,000 man-days of hunting effort each year. In urban South Florida, our hunting tradition would be eliminated without Big Cypress.

The National Wildlife Refuge System is a special case where many of its over 500 units were acquired with hunters' dollars. Monies raised annually for over 60 years from the sale of Duck Stamps. Now over half of the units are open to hunting pro-

viding an array of opportunities from duck hunting in Atlantic salt marshes to brown bear hunting on Alaska's Kodiak Island.

Access to public lands for an array of recreational activities is critical to assuring public health, maintaining public support for land conservation and management, and providing a stable economic base for many rural communities. Unfortunately, many recreational users—including hunters and anglers—felt less than welcome on their lands in recent years. The hanging out of a “not welcome” sign on our public lands was clearly contrary to our laws and Congressional intent. And it cut off much of the citizen support for conservation of the important habitats and resources on these lands.

Hunters in particular have constantly battled for access to public lands and have needed Congress to assure that traditional access. The 1997 enactment of National Wildlife Refuge System Improvement Act is a case in point. Facing threats to hunting, fishing and other forms of wildlife recreation from a disinterested Administration and hostile animal rights radicals, the sporting community asked Congress for help. It responded by legislatively designating wildlife dependent recreation including hunting and fishing as priority public uses of refuges. Congress expressly recognized the legitimacy of these traditional activities on refuge lands and further provided that if found to be compatible, these uses are to be “facilitated” on refuges.

The 1997 Act may provide a model for recognizing and securing public access for hunting (and other recreation) on public lands. Express legislative recognition of these activities and a direction to facilitate such uses have assured hunting use of refuge units. The agency has responded to Congressional direction. Threats of lawsuits to close Refuges to hunting from animal rights extremists have been extinguished by the law. Passage of similar legislation for other public lands systems should be strongly considered. WLFA would welcome the opportunity to work with the Committee to fashion an appropriate legislative measure.

Thank you again for the opportunity to appear today. WLFA appreciates the Committee's consideration of the importance of recreation on the public lands and looks forward to working with the Committee to further ensure continued access to recreational opportunities.

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The CHAIRMAN. Thank you, Mr. Pidgeon.  
Mr. Ehnes?

**STATEMENT OF RUSSELL L. EHNES, AMERICANS FOR  
RESPONSIBLE RECREATIONAL ACCESS**

Mr. EHNES. Thank you, Mr. Chairman. My name is Russ Ehnes, and I am testifying today on behalf of Americans for Responsible Recreational Access.

ARRA was founded almost a year ago because of growing concerns that fewer and fewer opportunities were available for recreational activities on public lands and waterways. A series of steps taken by the previous administration to limit access to public lands caused considerable concern among our members and many recreational enthusiasts.

Our members recognize the critical importance of protecting our environment; we also recognize that not all forms of outdoor recreation are suitable for all sites. We also believe it is the role of government and its citizens to actively discuss ways outdoor recreation activities can be made available to all citizens, regardless of age or physical well-being.

During the last 5 years, the Federal Government has erred on the side of closing access to public lands rather than managing access. We have called this the crisis of closure. Let me mention three examples.

First, when the National Park Service announced its intention to ban snowmobile from national parks despite the fact that cleaner and quieter snowmobiles will be soon introduced to the marketplace.

Second, when the Forest Service promulgated a rule changing the management of approximately 60 million acres of forests, inventoried roadless forests lands.

Third, when President Clinton created and expanded many national monument areas without regard to the impact to local communities and recreational activities.

Some have suggested that all of these actions were necessary because of the abuse on the part of a few. When someone breaks our traffic laws, society's response is not to ban all traffic on our highways. Rather, we increase enforcement and we prosecute lawbreakers. The same should hold true for activities on Federal lands and waterways.

We know land managers have a tough job, made even tougher because much of what they do is challenged in the court of law. Increased administrative burdens and legal fees siphon off funds for needed work at the district level.

We say this is not fair to these civil servants or the American people. Access is also being denied because of a lack of funds for maintenance and management.

As our urban centers become more congested, more must be done to make our Federal lands accessible to all Americans. Making sure the money reaches the ground at the district level is critical, and we encourage this Committee to exercise its oversight to ensure this happens.

Maintaining our parks and forests should not rest solely on the Federal Government. The private sector, along with volunteers, can also play an active role in the stewardship of public lands.

Let me give this Committee an example from my own experience. Since 1986, the Great Falls Trail Bike Riders Association in Great Falls, Montana, has worked closely with the U.S. Forest Service in the Lewis and Clark National Forest.

Our club has committed to maintain over 400 miles of trail each year. We have literally rebuilt more than 10 miles of trail and have cleared countless miles of trail for use by all recreationists.

We have also made a 15-year commitment to hand pull a serious noxious weed infestation that is more than a half mile from the nearest trail.

All of these things are done by volunteers.

Hundreds of recreational clubs throughout the U.S. have undertaken similar activities to assist the government in providing stewardship of our public lands. But these clubs do more than just trail conservation. They sponsor and run educational programs to teach people to use Federal lands safely, responsibly, and responsibly.

We don't pretend to have all the answers to the challenges of managing Federal lands. From our standpoint, one thing is clear: Posting "do not enter" signs or "keep out" signs does nothing to foster civic pride or respect for the government.

As I have said, our members recognize the critical importance of protecting our environment, and we recognize that not all forms of recreation are suitable for all sites. We also believe that the consultative process of determining what is and what is not appropriate must be done in an open forum, as is the case of this Committee hearing.

We stand ready to do our share in terms of participating in these policymaking discussions. We are encouraged that the current administration seems intent on seeking the opinion of local government officials and citizens prior to promulgating Federal policies governing our lands.

In terms of what we believe this Committee should and can do during the 107th Congress, we have these thoughts:

First, rigorously exercise your oversight responsibility of the executive branch. The Federal bureaucracy needs to be reminded that maintaining access to Federal lands and waterways for recreational purposes is a national priority.

Second, explore whether a new designation recognizing recreational access is worthy of congressional action, a concept similar to wilderness designation but less restrictive and more receptive to appropriate recreational access. This is a new century and new thinking is warranted for this area of public policy.

Thank you for the opportunity to comment to the Committee.  
[The prepared statement of Mr. Ehnes follows:]

**Statement of Russ Ehnes on Behalf of Americans for Responsible  
Recreational Access (ARRA)**

Mr. Chairman:

My name is Russ Ehnes, and I am testifying today on behalf of Americans for Responsible Recreational Access (ARRA). We appreciate having this opportunity to participate in this important hearing.

ARRA was founded in June of last year because of a growing concern that fewer and fewer opportunities were available for recreational activities on public lands and waterways. ARRA is comprised of the following organizations: The American Horse Council, the Motorcycle Industry Council, the Specialty Vehicle Institute of America, the American Council of Snowmobile Associations, the National Marine Manufacturers Association, the American Motorcyclist Association, the Personal Watercraft Industry Association and the National Off-Highway Vehicle Conservation Council. In addition, a number of state and regional user organizations have affiliated with ARRA.

Our members recognize the critical importance of protecting our environment. We also recognize that not all forms of outdoor recreation are suitable for all sites. We believe it should be the role of government and its citizens to actively discuss ways in which outdoor recreational activities can be made available to all citizens regardless of age or physical well-being.

Unfortunately, many of the policies pursued by the Federal Government over the past five years served to limit opportunities for recreational access. ARRA members have been concerned with the general attitude of closing off public lands to Americans. We have called this the "Crisis of Closure." We witnessed this when the National Park Service announced its intention to limit snowmobile access to many of our National Parks without regard to the fact that newer, cleaner and quieter snowmobiles are on the verge of being introduced to the marketplace.

We witnessed this again when the U.S. Forest Service promulgated a rule that would change the management of approximately 60 million acres of inventoried roadless areas in our national forests without regard to the impact such major shifts in land use management would have on local economies adjacent to the affected national forests. It goes without saying that we were pleased when Judge Lodge issued a preliminary injunction temporarily halting the roadless rule because the Forest Service failed to abide by the consultative process as defined in the National Environmental Policy Act (NEPA). And, we witnessed this many times when President Clinton arbitrarily placed "off limits" millions of acres of Federal land to recreational activities when he established or expanded numerous national monument areas.

We do not deny that there are problems associated with managing and using our public lands. The solution to such problems should not be, however, the simple response of denying access to these lands. Too often some interest groups push agencies to cut off access to these lands to only but a select few. Automatically restricting access is the easy way out and is too punitive to millions of law-abiding citizens who care about the environment.

When someone violates a traffic law on our highways, the response of our law enforcement agencies and society as a whole is not to close the highways to all travelers. Nor should this be the response when careless individuals improperly use a National Forest, a National Park or BLM land. Rather, violators should be prosecuted to the fullest extent permissible under the law. And if the penalties associated with such violations prove to be ineffective in stemming inappropriate behavior, then we would support strengthening these laws and the penalties. I might add that a major part of our outreach program is dedicated to working cooperatively with the agencies to develop and implement effective educational programs to provide recreation enthusiasts with the information they need to make the right choices when using Federal lands.

ARRA is sympathetic to the job that the personnel of the National Park Service, the Bureau of Land Management and the U.S. Forest Service have in managing and protecting our national treasures. We know it's a tough job, made even tougher because of numerous lawsuits filed on every little decision managers make on land use policies. Unfortunately, because of these lawsuits, money that should go for work on the ground is siphoned off to pay for increased administrative burdens and legal fees. This is not fair to the people charged with the responsibility to protect these properties and it is not fair to the American people. At a time when our urban areas are becoming even more congested, more resources must be devoted to the proper maintenance of these Federal properties so more Americans can use and enjoy them for recreational activities. While we are encouraged by the fact that the Bush Administration has said that it intends to devote more funds towards these needs, we must understand that the problems of neglect have existed for years. Even what has been proposed will not solve the problems identified until the money reaches the ground at the district levels.

Having said that let me be clear that ARRA does not believe that the entire responsibility should fall on the shoulders of the Federal Government. The private sector and volunteers can also play an active role in concert with Federal agencies in properly maintaining and caring for our natural resources. Let me share with this committee just one example of how local citizens are working with the Federal Government in protecting the environment.

Since 1986, I have been associated with the Great Falls Trail Bike Riders Association. Our group has worked closely with the U. S. Forest Service particularly in the Lewis and Clark National Forest. We have committed to the U. S. Forest Service that we will maintain over 400 miles of trails in this national forest. We cut bush, clear trails of fallen trees, and have worked on water diversion projects. We have literally reconstructed more than 10 miles of trails in this national forest alone. And, we have been actively involved in assisting the Forest Service in eradicating noxious weeds. In fact, we made a fifteen-year commitment to hand pull a noxious weed infestation that is more than a 1/2 mile from the closest trail. Year after year, many people devote weekends to pulling noxious weeds from this area in order to restore the area to its natural habitat. All of these efforts are done entirely with volunteer labor.

Even though we are proud of our civic contributions, it is important to note that what the Great Falls Trail Bike Riders Association is doing is not unusual. There are hundreds of similar off-highway vehicle organizations throughout the country working to improve the environment on our national forests and public lands.

However, these organizations do far more than just trail maintenance. These groups actively support educational programs for all ages of riders on the proper use of trails for both motorized and non-motorized recreational activities. These programs teach and encourage people to use their Federal lands safely, respectfully and responsibly. These education programs are just as important as our trail maintenance programs because they contribute towards protecting the environment of our country.

Mr. Chairman, we don't pretend to have all the answers to solving the challenges confronting the usage of public lands. But from ARRA's standpoint one thing is clear, posting DO NOT ENTER signs or KEEP OUT signs does not foster civic pride or respect for our government. ARRA members are active in fostering a better appreciation of what our country has to offer its citizens in terms of recreational opportunities and the fact that as individuals, we have an obligation to do our best to protect these resources for future generations to enjoy. ARRA has confidence that our society can do just that by ensuring there is a healthy and active dialogue among all interested parties who care about public lands.

As I said in my opening remarks, ARRA members recognize the critical importance of protecting our environment. We also recognize that not all forms of outdoor recreation are suitable for all sites. We also feel just as strongly that coming to the

conclusion of what is and what is not appropriate recreational use should be done with all participants active in the policymaking. We stand ready to do our share.

Much has been written lately about where the new Administration stands on environmental issues. While I can't speak for the Administration, I would like to make this observation. One of our frustrations with the Clinton Administration's roadless rule was the fact that the policy seemed to be preordained and that only certain sectors of our society were really involved in the formation of the policy. I am encouraged that the Bush Administration has said that it intends to seek the opinions of local government officials and citizens prior to promulgating Federal policies that affect areas adjacent to these communities. We welcome the opportunity to have our views invited and considered. We will be less worried about the ramifications of such policies relative to recreational access when we know that this promise of participation is honored.

Finally, let me say just a few words about what we hope this committee will do during the 107th Congress. First, rigorously exercise your oversight responsibility of those Federal agencies having responsibilities for the management of our Federal properties. Even though there is a new Administration, old habits are difficult to break and we believe that this committee will need to continue to remind the Federal bureaucracy that access to Federal lands for recreational purposes is of national importance. ARRA will remain vigilant on the access issue, but we hope this committee will as well.

Second, there seems to be great conflict among various parties over the extent Federal lands should be classified as either wilderness or roadless. Clearly the Congress has jurisdiction over wilderness designation and the Administration has jurisdiction over the roadless designation. Perhaps a new classification of protection that falls somewhere between wilderness designation and multiple use designation and that permits recreational activities might be appropriate for consideration by this committee. ARRA is aware that there are several proposals suggesting such a new classification. We believe this issue merits this committee careful and thoughtful consideration.

We thank this committee for its commitment to the interests of all recreational enthusiasts and its commitment in sharing this great land with as many of its citizens as is appropriately possible.

Mr. Chairman, I would be pleased to respond to any questions you or members of your committee would like to ask. Thank you.

The CHAIRMAN. Thank you, Mr. Ehnes.  
Sarah Michael, the time is yours.

**STATEMENT OF SARAH MICHAEL, PRESIDENT,  
WINTER WILDLANDS ALLIANCE**

Ms. MICHAEL. Thank you. My name is Sarah Michael, and I am President of the Winter Wildlands Association. It is a national organization of cross-country skiers, snowshoers, and others who are dedicated to promoting and preserving winter wildlands and a quality nonmotorized recreation experience in winter.

I am also an elected Blaine County commissioner from Sun Valley, Idaho, Mr. Otter's state. And prior to my election, I have been involved with the Chamber of Commerce there, so I know how important public land access is to winter economics and economies in rural resort communities.

Winter Wildlands was formed last year. The founding members are state organizations from Colorado, California, Idaho, and Nevada. In addition, we have worked with ski groups all over the West and the country.

According to the National Sporting Goods Association, there are an estimated 5 million human-powered recreation users. An estimated 225,000 people bought snowshoes in the 1999-2000 winter. And 3 million people tried this sport last year.

Today, I think you are going to hear from a number of witnesses being concerned about losing access to public land. We share those

same concerns but for different reasons, because throughout snow country, cross-country skiers and snowshoers and others enjoying the untrampled winter wilderness are finding that their favorite places are being dominated by snowmobiles and motorized access.

And the changes occurred over just the last 5 years where the technology improvements and then increased use have enabled the snow machines to go just about anywhere on public lands. And with more and more users competing for the same terrain, there is definitely an issue of conflicts as well safety issues. When you have people that are going at walking pace and snowmobiles going very fast, there is definitely some issues of safety.

There is also another issue where development on private lands have transformed popular backcountry ski areas into ski lift commercial cross-country ski resorts or snowmobile areas.

Now, we are not saying that we are against snowmobiles or that snowmobiles do not have a right on public lands or that we are against ski resort development. But we have created an organization because we were concerned about that we are losing our recreation on public lands, and we needed to organize to preserve the sport that we love.

Fortunately, we think there are some common-sense solutions to solving winter recreation conflicts. We are seeing those throughout the West.

One is to create separate use areas. That has been tried and had positive results in places like Vail and Rabbit Ear Passes in Colorado, Teton Pass in Wyoming. Sun Valley, through collaboration, developed a separate-use plan so that both groups could have a wonderful opportunity to recreate.

But unfortunately, there has been no consistent leadership, and I think you will hear that today, as far as public land managers dealing with those conflicts.

I think, obviously, one reason is that public land managers are not social scientists; they are foresters or biologists. Having to deal with user conflicts is not generally within their job description.

But I think you as a policy Committee are going to be hearing more from recreational groups saying we need to separate uses so that both groups can have a quality experience.

We feel that there is also a need to have more monitoring and an evaluation of all increased recreation use in the winter on the resource and wintering wildlife. We agree that we have impacts on wintering wildlife. And I think the public land managers should move in that direction, to monitor and make sure that they are not impacted.

We feel that balancing the needs of different recreation on public lands is essential to the development of rural resort economies. Experience in winter tourism shows that to be competitive, winter resorts such as Sun Valley and elsewhere need to offer a variety of recreational activities. So we hope that there will be more public policy that will look at the needs of the nonmotorized winter recreational community as well as the motorized to ensure that everyone has an opportunity to enjoy public lands.

So I appreciate the opportunity to speak today, and I look forward to hearing any questions.

[The prepared statement of Ms. Michael follows:]

### **Statement of Sarah Michael, President, Winter Wildlands Alliance**

My name is Sarah Michael. I am here today as President and Co-founder of Winter Wildlands Alliance, a national organization of cross-country skiers, snowshoers and others who are dedicated to promoting and preserving winter wildlands and a quality human-powered winter sports experience on public lands.

I am also an elected Blaine County Commissioner, home of world famous Sun Valley, Idaho ski resort. Before my election, I worked as manager of the Sun Valley Chamber of Commerce, and more recently, served on its Board of Directors. With this background, I am very familiar with the economics of winter recreation and the important contribution of public lands to rural resort communities. In Sun Valley, access to public lands is essential to our county's economic vitality.

In addition, I have had extensive experience in the regulatory and legislative arena. In the 1970's, I served on the staff of California State Legislature, in the early 1980's I managed Energy Programs for the California Energy Commission, and subsequently joined the private sector as a lobbyist for clients such as IBM, American Express, Hughes Aircraft and Bechtel Corporation. This background provides an excellent basis for understanding public policy, Federal legislation and regulations.

#### *Background on Winter Wildlands Alliance*

Winter Wildlands was formed in the winter of 2000. The founding members of our group are state organizations from Colorado, California, Idaho and Nevada. In addition, we have worked with groups in many other states, including Alaska, Montana, Oregon, South Dakota, Washington, Wisconsin, and Wyoming. According to the National Sporting Goods Association, there are an estimated 5 million human powered winter recreation users. An estimated 225,000 snowshoes were sold in the winter of 1999/2000 and approximately 3 million people tried this sport that winter (Tubbs Snowshoe).

I am testifying today to share the perspective of cross-country skiers and snowshoers regarding winter access to public lands. I will discuss the need for upholding current public land management policies, initiating policies to address increasing conflicts between winter recreation groups and better stewardship practices that protect natural resources including wintering wildlife. In addition, I will talk about the importance of a diversified winter recreation economy to the future of rural communities.

#### *Losing Access to Public Lands*

Many of today's witnesses expressed concerns about being shut-off public lands or waterways. Cross-country skiers and snowshoers are also afraid that we will lose access to public land, but for different reasons. Our fear arises from two sources, but especially with the increasing proliferation of snowmobiles on public lands. Significant technology improvements coupled with lack of management have allowed them access to almost all Forest Service and Bureau of Land Management lands. Secondly, the encroachment of private development on public lands can eliminate terrain or the quality recreation experience enjoyed historically by cross country skiers and snowshoers. This occurs when popular off-trail winter recreation spots become ski lifts, groomed private cross-country ski resorts, and/or snowmobile trails.

Throughout snow country, cross-country skiers and snowshoers are finding their favorite trails or slopes becoming increasingly dominated by snowmobiles or in some cases, being proposed for commercial development. Very simply, it seems that our vast open spaces are experiencing too many people seeking the same areas in which to recreate or private interests desiring to use public land for commercial development.

Don't misunderstand this statement. Winter Wildlands Alliance was not organized because of some abstract ethic or value that snowmobiles don't have a right to be on public lands or that cross-country skiers and snowshoers are against ski resorts or private enterprise. We created an organization because human powered snowsports enthusiasts across the country were losing a quality recreation experience, and we realized that we needed to organize to preserve the winter sports that we love. In addition, we felt that a group was needed to focus on all of the impacts of increased recreation use on winter wildlands, whether non-motorized or motorized, to ensure that the resource and wintering wildlife were adequately protected.

Fortunately, there are some common sense solutions to solving winter recreation conflicts.

#### *Create Separate Use Areas for Non-Motorized Snow Sports*

In areas of increasing user conflict, we propose that separate use areas for non-motorized and motorized winter sports be created. In places where this idea has

been implemented, the results have been positive. Vail Pass and Rabbit Ear Pass in Colorado have created separate areas, and an odd-even year approach to snowmobiling in the Twentymile River valley on the Chugach National Forest in Alaska has worked to eliminate conflicts. In Sun Valley, Idaho, six years of conflict and debate ended last winter when skiers and snowmobilers agreed to create separate use areas and work together to see that the agreement was followed. While this approach worked after six long years of hard work, it will not work everywhere. It is incumbent upon the land management agencies to implement current policies and regulations. One strategy is a national policy on both Forest Service and BLM lands to designate routes as "closed unless posted open."

Creating separate use areas and establishing limits to the number of people that can access particular areas are not new concepts. For example, everyone accepts that there are only so many trailhead permits to Yosemite's backcountry or Utah's Grand Gulch issued in a day. On most public lands, separate recreation areas are available to hikers and mountain bikers who enjoy miles of non-motorized trails without competition from motorcycles or all terrain vehicles. For the same reason that local government passed zoning laws as their population grew, zoning of separate recreation areas is an effective tool to use that can enable different recreational groups to preserve and enhance their enjoyment of public lands.

#### *Stronger Public Land Management Practices*

There are many reasonable resolutions that can be applied to resolve winter use conflicts. Yet, we have found that there is little willingness to apply them at the local level, and there is no consistent national directive or management mandate to motivate local public land managers towards working with conflicting recreation groups to develop equitable solutions.

Current policies require public land managers to deal with resource and wildlife impacts and to manage off-road vehicles, including snowmobiles, so that "areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreation uses of the same or neighboring public lands". (36 Code of Federal Regulations, Section 295.2). One of the reasons that these regulations are not being followed is that conflict resolution is perceived as the role of the social scientist, not a forester. It will be this role, however, that public land managers will be forced to take on a regular basis. Congress can help by adopting policies that will direct land managers to deal with these conflicts and to increase Congressional appropriations to fund conflict resolution programs. This would go a long way towards achieving more collaboration and solutions at the local level.

With increasing numbers of users demanding the same terrain, new leadership and Federal policies that direct public land managers to provide a quality recreation experience for all users are required. Surveys confirm that outdoor recreation enthusiasts want non-motorized trails and backcountry outside of wilderness. This is particularly true in the winter because most wilderness areas are beyond the reach of most cross country skiers and snowshoers.

In 1999, the Colorado State Parks Trails Program conducted a statewide poll that showed that the public believes that motorized and non-motorized activities on our public lands are incompatible. In a 1995 survey of visitors to Yellowstone and Grand Teton National Parks, noise, pollution and the number of snowmobiles were frequently cited as what they least liked about their experience. (University of Idaho Cooperative Park Studies Unit, Project Reports 74&75) In 1994, the Montana Trail Users study found that non-motorized recreationists (hikers, backpackers, horseback riders, mountain bikers) rated motorized trail use high on the incompatibility scale. However, the majority of off-road motorcyclists, ATV riders and snowmobilers were less likely to rate non-motorized activities as incompatible. (McCool and Harris, 1994) Until there are more non-motorized opportunities for cross-country skiers and snowshoers, Federal land managers will not be providing a quality recreation experience for this group of winter recreationists.

#### *Monitor and Minimize Impacts on Wintering Wildlife and the Resource*

All Federal land management agencies need to begin enforcing the policies and regulations that are already in place for protecting wildlife and other natural resources. Under 43 CFR 8341.2, the BLM is directed to close areas to OHV use when the agency determines that such use is causing or will cause "considerable adverse effects upon soil, vegetation, wildlife, wildlife habitat, cultural resources, historical resources, threatened or endangered species, wilderness suitability, other authorized uses, or other resources." The Forest Service is guided by similar regulations and the National Park Service is guided by an even higher mandate to protect natural resources.

Wintering wildlife is particularly vulnerable to disturbance from all recreationists. Winter Wildlands believes that there are some areas that should be closed to everyone in the winter and we support management decisions to achieve this. What we do not support, however, is inconsistency in wildlife protection decisions. The most glaring example is the proposed rule that limits winter access to public lands in order to protect the Canadian Lynx. Compacted snow from ski tracks or groomed trails apparently put the Lynx at a disadvantage with its predator competitors so that the permitting of new backcountry overnight ski huts and new groomed ski trails may be discouraged by Federal land managers. At the same, there is no discussion about unrestricted access to the same areas by snowmobile users who, in a matter of minutes, can create multiple trails and many miles of compacted trails. If the Lynx is threatened and compacted snow is an issue, then we believe that access should be limited to both groups.

There are other impacts caused by snowmobiles. According to a 1991 Environmental Protection Agency study, the antiquated two-stroke engine found in snowmobiles dump about 30 percent of their fuel, unburned, into the land. Noise and air pollution from these machines can dominate the peaceful winter landscape as anyone who has been to Old Faithful in Yellowstone can attest. Regulations are also need to require at least one foot of snow cover on the ground or hillside before an area is open to snowmobile use. Permanent scarring of the landscape occurs without adequate snow. In order to measure, manage and mitigate these impacts, Federal land management agencies require additional funds and direction to make this a priority.

#### *Diverse Winter Recreation Opportunities Create a Vital Rural Resort Economy*

Now I would like to address the importance to rural areas of having a diverse winter recreation economy to attract visitors. Experience in winter tourism shows that in order to be competitive, winter resorts need to offer a wide spectrum of recreational opportunities. Sun Valley, Idaho, for example, no longer relies solely on our downhill ski mountain to attract winter visitors. Visitors want variety. Regardless of downhill skiing conditions, our local economy is vibrant because of opportunities to cross country ski, snowshoe, ice skate, take snowmobile tours, helicopter ski, overnight at backcountry ski huts, to try dog sledding or to simply enjoy the peace and quiet of winter wildlands. All of these recreational opportunities are needed to compete and sustain a resort economy.

I make this point because statements have been made about the economic impact of the proposed ban on snowmobiles in Yellowstone. According to the Park's Final Winter Use DEIS, only 4% to 5% of the annual visitation to Yellowstone National Parks occurs in the winter season (December through March) and the direct expenditures represent only .5% of the total economic output of the Greater Yellowstone Area (DEIS, Ch. 3, page 89). With over four hundred miles of groomed snowmobile trails on National Forest land near West Yellowstone as compared to 200 miles in the Park, snowmobiling will continue to play a part in West Yellowstone's economy. The ban on snowmobiles will, however, create a more diverse, sustainable economy for West Yellowstone and attract new winter visitors, once it is not dominated by one recreation that prevents others from experiencing Yellowstone with its natural quiet, clean air, and pristine beauty. These qualities are expected in our National Parks and this is reflected in editorials across the country supporting this ban.

Improved recreational opportunities for cross country skiers, snowshoers and other human powered winter recreationists will add to creating sustainable rural economies throughout snow country. Development of new snowmobile facilities and private development in mountain areas can negatively impact or eliminate opportunities to enjoy cross-country skiing or snowshoeing. Federal land managers should be directed to follow their multiple use mandates and provide places on public lands where people can continue to find untracked snow, silence and solitude. Balancing commercial recreational development with preserving winter wildlands will ensure long-term competitiveness and the economic health of rural resort communities.

#### *Education and Collaboration*

Winter Wildlands Alliance is working hard to get our message to public land managers. For the past two winters, we have participated in the Forest Service's national meeting of winter sports specialists from around the country to discuss tools that they can use to reduce conflicts between motorized and non-motorized recreation groups. Many resource managers state that their number one winter recreation problem is the increasing friction between motorized and non-motorized sport enthusiasts and they welcomed learning about what is working elsewhere to reduce this conflict.

We meet with snowmobile clubs and ski clubs to help resolve conflicts through mediation and collaboration. We meet regularly with the Forest Service and BLM managers to educate them about the need for better management of public lands in winter, the need for separate use areas, and how it can be a win-win situation if all parties work together and decide how to create separate zones.

*Conclusion*

Without more proactive Federal land management to resolve winter user conflicts, protect wildlands and wildlife, a new group of activists will be visiting your offices each year: for example, myself, a retired corporate lobbyist and county official; a math professor from Reno fighting to save 4 square miles of meadows above Lake Tahoe; a retired engineer who has worked hard with volunteer members of his ski club to create a cross country ski and snowshoe trail system that is now being threatened by the desire of a ski resort developer to establish a commercial snowmobile concession on the same small 6 square mile patch of ground.

Improving management, protecting natural resources, and developing strategies to deal with user conflicts are approaches that Federal land management agencies must adopt in order to vastly improve every visitors recreation experience on public lands.

We appreciate the opportunity to be here today and talk about our concerns about access to public lands.

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The CHAIRMAN. I thank you for your testimony. I thank all of the panel for their excellent testimony.

If you will submit to questions, we will ask our members to please stay within their time limit, which is 5 minutes.

The gentleman from Colorado, the Chairman of the Subcommittee of Public Lands, Recreation, and Parks, Mr. Hefley.

Mr. HEFLEY. Thank you, Mr. Chairman. I will try to be brief, because we do have a lot of work today.

First to Mr. Nelson. Mr. Nelson, is there anything in Utah that anyone would want to come and see?

[Laughter.]

Pardon me, Mr. Chairman.

Mr. Nelson, you don't have to answer that.

[Laughter.]

Yes, he wants to know.

Regarding the Forest Service proposed roadless rule, you noted that it would result in over half of the forest lands being placed under highly restrictive management. As one who deals with these lands on a daily basis, as well as with the Federal personnel responsible for these lands, what are the environmental ramifications associated with placing such harsh restrictions on so many lands?

Mr. NELSON. Mr. Chairman, Representative, my next trip to Moab, I will make sure and tell all those Coloradans that you were interested in having them remain home in Colorado and recreating, and that we are really not that pretty a place.

[Laughter.]

Mr. HEFLEY. Spend their dollars in Colorado instead of Utah.

Mr. NELSON. To that issue, Representative, my recommendation would be an evolution of certain components of the NEPA process that tend to drag out and lengthen what are relatively simple decisions at other levels of government that at the Federal level of government seem to take months and years for the simplest of resolution.

Also, I believe that we are going to need to work with the Federal agencies to find a way to put more field staff on the ground, whether it is for the analysis aspects of science, whether it is main-

tenance issues, or enforcement, or education, which may be the most important component of all.

It is very typical in the Western United States, as you know, sir, to have an extremely small staff responsible for an extremely large area. And some of us are able to pick up that lack of staff in various ways, but I don't think it is uniform. And I see it as a very critical problem.

Also, the other issue that I mentioned, which I think is extremely important, the net effect of degradation of resources outside areas of closure. When you have more people concentrating on smaller areas, you are going to have more negative impacts than may be there if people were allowed to experience recreation and other activities on a broader area.

And there are many social science as well as biological examples of that degradation, whether you are talking about rivers or community parks or other areas of natural resources.

Those would probably be my three areas of emphasis.

Mr. HEFLEY. You manage Utah parks and recreation. With the state park system and public lands system, are you able to balance the two charges that we have for our national parks—and one is to protect the resource, and that is a very important charge; at the same time, provide for the enjoyment of the public. Are you able to do that on the state parks, do you believe?

Mr. NELSON. Mr. Chairman, Representative, I believe we have done that at a very successful level. It is always a challenge. In the last 8 years, we have completed a number of resource management plans for all of our parks and are receiving responses from our visitors as well as our citizens.

The net effect, I believe, of this is that we have local involvement, we have individuals who have a vested interest in the management of that facility involved in those management issues.

We also are able to work better with the special interest groups as well as the business community to create that type of experience and the welcoming effect that was referred to by one of my fellow panelists, and feel quite successful at that.

That is not to say we don't have, occasionally, very serious battles regarding transportation and some trail restrictions and the lack of certain amenities in certain areas. Like all park systems, we deal in the unmet needs versus the limited resources, whether its human or financial. And we all struggle with that.

But as a simple answer to your question, I do believe we have done well at that and would be more than willing to share that with members of the panel and the Committee.

Mr. HEFLEY. So it is not incompatible? The two aren't incompatible if you work at it? And it can be done at the Federal level as well as the state level?

Mr. NELSON. Mr. Chairman, Representative, I think it can be done well at any level of government.

Mr. HEFLEY. Thank you very much.

The CHAIRMAN. Mr. Holt?

Mr. HOLT. Thank you, Mr. Chairman.

Since I have some legislation dealing with this issue, I did want to make a few comments; I realize that particular legislation is not the specific subject today.

As you know, the National Park Service did suggest a plan that would be applied to 43 parks where snowmobile uses occur. And under the plan, snowmobile use would be unchanged in 21 parks, would continue on a limited basis in 10 parks, and would end in 12 parks.

This discussion really goes back several decades to the Nixon administration, when the Administration said that snowmobile use would continue in the National Park Service only if it did not adversely affect the parks' natural aesthetic or scenic values.

But it is interesting that the Park Service didn't monitor these effects until it was sued and required to do so. In one particular park, where snowmobile is particularly heavy, Yellowstone, there are about 80,000 snowmobile trips per winter, now that that Park Service is keeping information on this.

These 80,000 snowmobiles, it is reported, produce more air pollution than the cars and trucks that bring the other 3 million visitors each year. The snowmobiles emit somewhere between two-thirds and 90 percent of the motor vehicle hydrocarbon emissions, and between a third and two-thirds of the carbon monoxide emissions, and the noise of snowmobiles is audible 95 percent of the time during daylight hours at Old Faithful and during very high percentages of the time at other major areas in the park.

I have just a couple of quick questions. First of all, for Mr. Hill, I mean, I know that horses on occasion emit some methane—

[Laughter.]

—but I was wondering whether you have some measurements of the sound level in decibels for a horse at 50 yards.

[Laughter.]

Mr. HILL. No, sir, I don't.

Mr. HOLT. Or carbon monoxide emissions?

Mr. HILL. No, again, I don't.

[Laughter.]

Sorry about that.

Mr. HOLT. Mr. Ehnes, do you have any information on the sound level in decibels for a canoeist or a kayaker at 50 yards?

Mr. EHNES. No, sir.

Mr. HOLT. Okay.

And, Ms. Michael, for a snowshoer, do you have a sound level measurement of a snowshoers at 50 yards?

Ms. MICHAEL. No, we have never measured.

Mr. HOLT. Okay. Thank you very much.

Ms. MICHAEL. Unmeasurable.

Mr. HOLT. Thank you.

The CHAIRMAN. Excuse me, gentleman, you finished your questions?

Mr. HOLT. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. HOLT. I yield back my time.

The CHAIRMAN. The gentleman from Idaho, Mr. Otter.

Mr. OTTER. Thank you, Mr. Chairman.

I would have been interested in some of those answers.

[Laughter.]

Mr. Nelson, because of the long-term process that we generally find when trying to get some use or some consideration for a

strategy or a management plan with most of the Federal agencies, would the state parks national association, which I assume that there is such an association, would they be interested in providing a strategy whereby the state parks comes up with a management plan, comes up with a use plan and strategy, and submits it to the Federal Government agency, and says, okay, either approve or disapprove of it, instead of waiting on the Federal agency to provide the plan? Do you understand where I am going with this?

Mr. NELSON. Mr. Chairman, Representative, could you give me a little more clarity on the specific question that you have?

Mr. OTTER. Well, I am abundantly familiar—I was lieutenant governor of Idaho for 14 years before this, and I saw a lot of these problems, not just with the Forest Service or BLM.

But with most Federal agencies, when you request a permit to do something, generally you go through a long process where they have hearings and then they build a plan. My question goes to, wouldn't your organization be enthusiastic about a notion that you build the plan, you submit a plan to the Forest Service and say, "Okay, this is what we want to do on this area. This is where we want to recreate. This is how we want to recreate. This is the scope of our activities. Now, you either accept or deny our strategy," rather than waiting on them to build a strategy?

Mr. NELSON. Mr. Chairman, Representative, I think that is often the case, particularly with trails issues in the Western States, which I am most familiar with, and we do promulgate plans and proposals that go to the BLM district office or the state office, or in the case of the forests, the forest supervisor.

It also works the other way. All of us, including the State of Idaho, have grant programs, and that is a matching grant program, and that speaks to the issue of that local-Federal agency applying for matching grant opportunities to create recreational opportunities.

Idaho, in particular, is quite famous for your RV grant program, where literally millions of dollars are put into the forests and BLM properties during the year.

I think the key issue, Representative, would be the timeliness of how that proposal would come and being able to work more specifically at the local level on recreational management plans.

There are cycles that the Federal Government must follow, and from my reading, which may be inaccurate, both the BLM and the Forest Service have not been able to keep up with the routine reviews of their forest and land management programs. So the need to have input on that program may not coincide with the opportunity that the Federal Government can provide through those agencies.

Mr. OTTER. If we were to provide, say, some legislative relief in that direction, what kind of time period do you think would be applicable in this case?

We do that, you know, the Federal agencies, "You have 30 days to respond." In fact, they do that to us all the time. They take 4 years to put together a FEMA program and give us maybe 30 days to respond to a whole new direction of wetlands or a whole new direction of flood shed.

What do you think would be a responsible period of time to assess the process that needs to take place for the permitting activities on BLM or Forest Service lands?

Mr. NELSON. Mr. Chairman, Representative, my observation would be anything less than 6 months would be a wonderful improvement and would create an opportunity for dialogue within a calendar year.

And that is important at the state level, sir, as you know, because of the annual legislative process. Our budget times are shorter. We don't generally have that long budgetary process that the Federal agencies go through, and most things come down to money and personnel.

A shorter timeframe, around 6 months in the off session, I would think would be a laudable goal.

Mr. OTTER. Thank you very much.

Ms. Michael, isn't the Forest Service and BLM required to obey local planning and zoning laws?

Ms. MICHAEL. We would like them to be, yes.

Mr. OTTER. Aren't they required to restrict themselves to the local planning and zoning laws, within the impact areas?

Ms. MICHAEL. In most cases.

Mr. OTTER. Has Blaine County sought to use their local planning and zoning laws in order to provide for specific use or restricted use for public access, whether it be cross-country skiers or snowshoers or a snowmobiler?

Ms. MICHAEL. No, that is really something that—travel management is something that is under the requirements of the Forest Service and BLM, so that what we control through our zoning ordinances is access through private lands. So if someone is subdividing private lands next to public lands, then our ordinances require that that subdivision provide access to public lands.

But as far as management of travel on forest or BLM lands, they have specific regulations that require them, actually, to minimize user conflicts.

They have regulations on the books currently that require them to minimize user conflict, but because of not having any national direction, they are not following those regulations, essentially.

Mr. OTTER. Thank you, Mr. Chairman.

The CHAIRMAN. I thank the gentleman.

Mr. Mark Udall, the gentleman from Colorado.

Mr. UDALL. Thank you, Mr. Chairman.

I want to welcome the panel and thank you for your interesting and enlightening testimony.

If I might, I would like to make a couple of comments and then direct a question to Mr. Ehnes.

I had the good fortune for many years to serve as the executive director of the Colorado Outward Bound school based in Denver. I think there is going to be testimony from a representative of Outward Bound on the next panel.

But at one point, we were the largest outfitter in the Rocky Mountain West, so I am very familiar with the issues of access and how you find the balance point between human activity on public lands and when it starts to become detrimental to the quality of those lands and the experience of other people there.

And I think that this hearing, for that reason, is very important, as we try and grapple with these issues.

Ms. Michael, you may be familiar with what has been going on at Vail Pass in Colorado, where we have segregated some winter uses. And I think it has worked reasonably well. I think the problem is that land is finite, and as more humans move to the West, for all of the good reasons that us westerners know, it has become a challenge. But I think what you suggest has been very workable in Colorado.

I don't know if you would like to make any other comments at this point, in that regard?

Ms. MICHAEL. I think that the regulations are clearly written, and I think it is a matter of Federal leadership.

For instance, in Sun Valley, we have been in negotiation and collaboration with the snowmobile club for 6 years, and we have reached a stalemate. And it wasn't until the forest supervisor said to both groups that, "If you don't come up a negotiated agreement, I will come up with one for you." And so it was that threat that got the two groups off of a stalemate.

Because as the supervisor said, when one group—in this case, it was the snowmobile community—had access to all of the land, they benefited from stalemate. And it was his leadership, then, that made the two groups get together and negotiate and finally settle on an agreement.

So I think that the tools are there. It is just that the leadership isn't.

Mr. UDALL. That provides an opening maybe for me to respond to a couple of comments Mr. Nelson made, and also speak to the Chairman.

I think we need that mediator to bring us together to work on Utah wilderness. I noted that Mr. Nelson suggested, if we could resolve the wilderness issues in Utah, it would help a lot of the land managers who find themselves betwixt and between with the status that the lands in Utah have.

I also just want to compliment you on your acknowledgment that we need to put more people on the ground to help manage and protect the resources, but, in the end, to educate. I know that users across the spectrum understand the more we educate users about Leave No Trace principles and other ways of moving lightly on the land, that the capacity probably increases. And we also leave the land in better condition for our children.

That might lead me to Mr. Ehnes. You mentioned on page 3 of your statement that if penalties for violating regulations for vehicle use aren't enough to stem inappropriate behavior, your group would support strengthening them.

As it happens, I have actually introduced a bill that would do that, and I would love to at least have you take a look at it and critique it, and perhaps we could work together. This bill applies particularly to people who take off-road vehicles off designated roads and destroy wetlands and cause real problems. And we have had some high-profile incidents in Colorado.

And I am certainly not looking to penalize the good guys. As you know, the large percentage of the users are good guys.

But it is that small group of people that give everybody else a bad name and, in the process, sometimes wreak real damage on the public resources.

So I would like to get that legislation in your hands and have you take a look at it.

Mr. EHNES. Thank you, Mr. Chairman, Mr. Representative. We would welcome the opportunity to have a conversation with you on that matter.

Mr. UDALL. Thank you very much.

Mr. Chairman, I yield back the measly time I have left.

The CHAIRMAN. I thank the gentleman. We look forward to you as one of the sponsors on the Utah wilderness bill that we are introducing. In fact, I would like your name right under mine, if that would be all right.

[Laughter.]

Mr. UDALL. I'll sign onto yours if you sign onto mine.

[Laughter.]

The CHAIRMAN. You've got a deal—

[Laughter.]

—1.2 million acres.

The gentleman from Maryland, Mr. Gilchrest.

Mr. GILCHREST. Thank you, Mr. Chairman. And I thank you for this hearing.

The exchange of information that we are having here this morning I think is helpful to all of us to understand the nature of this issue. And to some extent, we have a fundamental, philosophical difference of opinion amongst the people in the room and certainly amongst the members.

And the hearing I think will help us sort out and understand the other person's philosophy. And the philosophy is: access to public land and what are the best ways to access public land; why is there public land; for what purpose is it be used for habitat for wildlife, for recreation for human beings, or can there be a mixture of both so that human beings can responsibly recreate and there can be what we now understand is certainly a dwindling amount of habitat for wildlife—especially if you are somebody like me who is from Maryland and we don't often look at east of the Mississippi River as habitat for wildlife in the same we look at west of the Mississippi for habitat for wildlife.

And we back here like to see bald eagles and osprey and blue heron and deer and fox just as much as anybody else. So when we talk about habitat for wildlife, an easterner wants to protect all of it because we don't have much left back here, and we know that if you don't do the same thing out there, in another 100 or so years, you might have what we have here, and that wouldn't be so good, at least from my perspective.

Most public land could not facilitate responsible human activity without the private sector volunteering to help with trails and a whole range of other things.

So, Mr. Ehnes, you said the number of things that your group does, and I think we ought to appreciate that and certainly how valuable that is.

I think we also need to understand that in a true sense, regardless of your philosophy toward access, we as responsible adults

need to be stewards of the land. And we need to have respect for the bison in the middle of winter in a harsh environment, in certain circumstances barely able to survive.

And do they need to be gawked at by thousands of snowmobilers, with the noise and the pollution? Is there a difference to the buffalo with that than there is someone silently careening through the area on cross-country skies? Is there a different experience for the recreational person? I would suggest there certainly is a different experience for the bison.

So my question is—whoever wants to answer this, I suppose. We have groups that want to open up public access to every manmade device. And we have groups that want to close public access to every manmade device.

I like horses. And I have two legs and two arms, and I like to walk. And I like the silence and the quiet.

But can we, as responsible adults, pursue—and it was suggested here a number of times today—a balance between motorized access by the lower decibel of a kayak or a canoe to our public lands?

Mr. Nelson?

Mr. NELSON. Mr. Chairman, Representative, I think there are many examples of success being achieved in finding that balance. I referred and inferred earlier to opportunities that have to be evaluated based on impacts to the natural resources.

Mr. GILCHREST. Could you give us specific examples of that, so we can sort of take that information and see if we can replicate it on the Federal level.

Mr. NELSON. Mr. Chairman, Representative, I will give you a couple.

I just came from visiting some Maryland state parks this weekend, and you have some small pieces of property that were purchased with public money and managed by private or nonprofit groups where, other than trail systems, it is generally and strongly supported that no more facilities be added to those properties. They are meant to be protected areas for habitat for a variety of critters, as I understand it, and also watershed protection.

Along the Colorado River in the Colorado plateau, within the national park system, at Canyon Lands National Park, there are canyons that are totally restricted not only because they are inaccessible, which is true, but also there are such rare natural and archaeological sites that there cannot be the opportunity for those to be impacted or destroyed.

Outside of those restricted areas, you have other areas that are open for many, many kinds of recreation.

Outside of the national park, you have the Bureau of Land Management that has multiple-use agenda. And there are few restrictions, currently, on those lands that are around them.

So I think you have a cascading down of experiences from the protected and the most precious down to the multiple-use categories of some agencies. And I think there are many examples that could be used to isolate those most protected and move out to those areas that have greater opportunities.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILCHREST. Thank you, Mr. Chairman.

The CHAIRMAN. The gentlelady from California?

Ms. SOLIS. Thank you, Mr. Chairman. I apologize for coming in a little late.

But this subject matter is very near and dear to many in California. In my district alone, we don't have many public open areas where many of my constituents can truly enjoy some of these very pristine areas that are found throughout the State of California.

But in my district, we do have the Angeles National Forest. And I do see a lot of public usage there these days. It is affordable. It is easy to get to. We see a number of my constituents spending weekends and summers there over the past few years.

And it is increasing, partly because of the population and the density and the fact that that is one of the few areas that is still somewhat open. And there is a real interest on the part of our community, which is largely working-class families with young children who want to enjoy what little is left in urban America.

The district that I represent roughly contains anywhere from 3 to 2 million people that live up and around the foothills in the San Gabriel Valley.

One of the issues that I have is that folks in our area really do want to see some effort to really provide more support for land management, for restoration, and things of that nature.

There are many children in our district who have never seen live wildlife, animals, deer, fisheries, things of that nature. And I know that it is very important to continue the process of education and funding for these kinds of efforts.

So while in my district we may not have as many folks that own snowmobiles or are able to kayak, many of them do enjoy the trails, they do enjoy the fact that they can go out and have a nice outing on the weekend.

And it is a priority for many people, not only in my district, but in other parts of the country, who want to continue to see that efforts are made by the Federal Government in an effort where we can cooperate with both the public and the private sector to see that these areas are continually open to them, accessible, but also maintained. And that requires a commitment on the part of the Federal Government.

And right now, alone, in my district, the city of Asuza, which is the door to the Angeles National Forest, we are in dire need of support there. We have some very important issues there at hand.

And some of cities are trying to tackle some of these issues. They are looking to us for relief so that they can maintain access, one that is controllable, one that is manageable.

And I would really look forward to working with the Committee to see how we can continue those kinds of collaborative efforts in a bipartisan manner.

So I am very happy that this issue is being brought before us. This is one that is very sensitive, believe it or not, for people in my district who don't get a chance, an opportunity, to go out on snowmobiles and kayaking, but whose only recourse is to go to trails, camp, rock climb, and maybe fish a little bit. And that is what we have in my district.

So I look forward to working with you, Mr. Chair and members of the Committee, and obviously with the various Federal depart-

ments and public organizations that are interested in this issue as well.

Thank you.

The CHAIRMAN. I thank the gentlelady.

The gentleman from Washington, Mr. Inslee.

Mr. INSLEE. Thank you.

Mr. Ehnes, I am sorry, I missed how to pronounce your name. I'm sorry.

Mr. EHNES. Ehnes.

Mr. INSLEE. Mr. Ehnes, thank you very much.

It sounded like you had a successful experience with the trail bike association you are involved in. What contributed to that success? Why did it work?

Mr. EHNES. Mr. Chairman, Mr. Representative, that is an effort that was successful because of collaboration with a number of groups and agencies. And it was a matter of having an open dialogue and expressing what our desired conditions for the future would be and figuring out how that meshed with the agencies and spending time together and building a relationship.

It has been a 10-year process to build a relationship that we all feel very comfortable with, but it has been well-worth all the effort. It is very easy to duplicate.

Mr. INSLEE. Great.

I am sorry I didn't get to hear your testimony, but I read your written testimony and you made reference, saying that certain sectors of our society were really not involved in the foundation of the roadless policy of the past administration, and you expressed a concern about that.

We had Mr. Bosworth testifying the other day in another Subcommittee about their plans for amending this rule or going through the rulemaking process again.

I, frankly, have been flummoxed to understand why people did not understand they had an opportunity to have input in this last rulemaking process. There were 600 meetings. There were 1.6 million responses received by the Forest Service.

We had meetings in every town that had a stoplight in the State of Washington, I think. You know, Morton, Colville, places you have never heard of.

Yet, people still come and tell us they didn't have input.

What do you think the service should do now that they are going through another rulemaking process? What would you encourage them to do? Should they have 1,200 meetings instead of 600? What should they do to try to increase that opportunity?

Mr. EHNES. Mr. Chairman, Mr. Representative, first, from my perspective, the original rulemaking process did not include a broad spectrum of groups in the initial processes when the idea was being first formulated.

After that, when we did get to the process of having formal meetings, I did attend in my home town as well. And I will tell you that it was a PowerPoint demonstration put on by one of the staff folks, who had a very difficult time answering any questions that the audience had.

And the PowerPoint presentation, to me, demonstrated what the changes would be. And when we asked questions about our oppor-

tunities to be involved or how we could affect the changes, the staff people really had no ability to answer those questions.

As far as another process to start over, I would say the most important thing is to get all groups involved in the process early, both the environmental community and the recreational community. And try to find common ground right off the bat, and then base our course of action from there.

Mr. INSLEE. In general, could you describe what you think should be in the amended plan, if there is an amendment?

Mr. EHNES. My personal opinion is that amended plan should rely heavily on the opinion of local foresters, district rangers, and supervisor offices to do the right things. And also, involve the communities heavily, both in the planning and the implementation.

Mr. INSLEE. I am really struggling, honestly, to try to figure out what you are referring to by this "more participation."

Are you saying that the Forest Service should not do anything until they have full public meetings? I mean, should they have the 600 meetings first, before anybody puts a proposal on the table, because you don't want to be left out of the first meeting? I am really trying to figure out what they should do.

Mr. EHNES. No, I would suggest that the meetings that the Washington-level folks had first involved the environmental community last time, and the folks in the multiple-use communities or recreation communities didn't know anything about the proposed rulemaking process until a preliminary plan had really been formed.

And I would say that at that level, at the Washington level, if there is going to be an amended plan, that all those parties should be involved at that level first.

Mr. INSLEE. Okay.

I understand that the snowmobiling group is involved in your association; is that right?

Mr. EHNES. Yes.

Mr. INSLEE. Yes.

Just one more question, Mr. Chair, if I can.

As for as the snowmobile, are you asking to have a full rule-making process with concomitant hearings before there is a change in the snowmobile policy? Or are you suggesting that the Administration just sort of agree to some consent decree in this litigation that is now ongoing?

Mr. EHNES. I don't have an accurate answer for that question at this point.

Mr. INSLEE. Thank you, and thanks for your work on the mountain bike trails, too.

Mr. EHNES. Thank you.

The CHAIRMAN. I think the gentleman.

I appreciate the testimony from the panel. Let me point out that many of the questions were very interesting and food for thought.

The questions from Mr. Holt from New Jersey regarding snowmobiling, I think that many of those things are ready to be resolved as the industry is now going to a four-stroke engine, as far as pollution and noise. They have committed to do that over a period of time, which in their opinion and the opinion of most

people who have analyzed it, would probably answer most of the questions.

Mr. Hill, you represent the horse industry, and, of course, horses are allowed under the 1964 Wilderness Act. You can take horses into the backcountry area.

The Committee has received a lot of requests from people regarding mountain bikes, which are not allowed because they are mechanized.

A lot of people misinterpret the 1964 bill; it doesn't say motorized, it says mechanized. And the Forest Service and BLM has had quite a quandary in trying to figure out, well, what is mechanized, what can you take in? Is a camp stove mechanized?

We had a big argument 1 day on oar locks; are they mechanized?

What would be your reaction if they allowed mountain bikes into wilderness areas, say the law was changed to allow that, as some people, I understand, are going to propose this year?

Mr. HILL. Mr. Chairman, I am not totally familiar with all the consequences that would be involved. I am aware of what the Wilderness Act intent was, and I referred to some of it in my testimony.

I will have to say that in our experience, in areas outside wilderness boundaries, many of the equestrian users, as identified by the testimony from the other folks here, have had an opportunity to work with mountain bike community and have reached agreement about how the trails can be used in a compatible manner by the equestrian community and the mountain bikers.

That is not the case inside the wilderness boundaries because it has not been a topic of discussion, principally, I think, because of the "Wilderness Designation" and most areas that we are familiar with are very rough terrain and are not accessible easily by wheeled vehicles.

But I think that there has been an opportunity to continue a dialogue with users with some success in some of those areas in the West where there is an opportunity for more compatible use of wheeled vehicles.

The CHAIRMAN. It is very interesting that Moab, Utah, seems to be the headquarters of mountain biking in the United States now. And what I find ironic is that many of the mountain bikers have signed petitions for that area to be put into wilderness, and yet they are avid mountain bikers.

And so when it has been pointed out to them that they would also prohibit themselves, it has put a lot of anguish among some of the mountain bikers in that area.

There are literally thousands in Grand County, or Moab, Utah, so they have an ironic situation and a real paradox. They signed this petition that in effect ended the mountain biking. Of course, a lot of them, I don't think, understand that or what the thing is.

But you may recall, during the Americans with Disabilities Act, I put in an amendment that allowed wheelchairs into wilderness areas, and I feel that was a justifiable thing. I mean, these guys are on their own, if they have courage enough to do it.

Specifically, a Vietnam veteran had his legs blown off, who can challenge anybody on this community to a tennis match or a bas-

ketball match or a road race, and no one took the offer because he would have probably wiped us out.

But anyway, it got down to the idea that maybe sometimes we could look at some of those things.

The gentleman from Washington brought up this issue about selective questioning. That seems to be the problem. Whether it is right or not I guess is debatable. But it seems to be the problem that many people have talked about.

Mr. Ehnes, you brought up that a lot of people outside of the environmental community felt that they were not given their right to have any input on that. Whether that is true or not—some have sent me stacks of letters regarding that.

But I think when we start getting into this idea of public comment, it should be public comment for everybody. And we would hope that would be the case regardless of what political party happens to run the Congress or the White House.

With that, let me thank you all of you for your excellent testimony and putting up with our questions. And we will excuse this panel and go to our next panel.

Our next panel is Mr. Steve Bassett, President of the United States Air Tour Association; Mr. Craig Mackey, Public Policy Liaison, Outward Bound; Vera Smith, Conservation Director of Colorado Mountain Club; Bruce Ward, Executive Director of the Continental Divide Trail Alliance; and Amy Knowles, testifying on behalf of the Florida Keys Fishing Guides Association.

We appreciate you folks being with us today. I know you understand the rules. If you could stay within your allotted time, it would help us out. We have one more panel following this one.

And we will start with you, Mr. Bassett.

**STATEMENT OF STEVE BASSETT, PRESIDENT,  
UNITED STATES AIR TOUR ASSOCIATION**

Mr. BASSETT. Thank you, Mr. Chairman. We appreciate the opportunity to be here today. And we also sincerely appreciate your personal involvement in this issue over the years and your leadership in seeking to help preserve air touring as a legitimate way to view America's national parks.

The National Park Service and the Federal Aviation Administration are getting pretty creative and pretty sneaky when it comes to finding ways to deny access to our national parks and public lands.

As Chairman Hefley commented in his opening statement, the NPS management guides of 2001 states: "National parks belong to all Americans and all Americans should feel welcome to experience the parks." Really?

The Rocky Mountain National Park recreational visitor access is being denied via a ban on air tours.

At Yellowstone National Park, recreational visitor access could be denied due to legislation which has been offered which would ban air tours.

At other national parks, recreational visitor access could be denied under the provisions of the Air Tour Management Act of 2000, which provides the FAA and the NPS with the authority to ban aircraft.

And at the Grand Canyon, recreational visitor access is being denied to thousands of potential visitors by artificially limiting flights, imposing unreasonable curfews, instituting unrealistic and unscientifically contrived sound limits, and failing to implement quiet technology standards.

One million, seven hundred thousand. That is how many visitors will be denied recreational access to the Grand Canyon during the next decade based on government restrictions on air tours. And that will cost the Grand Canyon air tour industry, conservatively, \$25 million a year or \$250 million over the next 10 years.

Of the Grand Canyon, Teddy Roosevelt said: "Keep it for your children, your children's children, and for all who come after you, as the one great sight that every American should see."

But many won't. Sixty percent of the Grand Canyon's air tour visitors are retirement age, disabled, or in poor health. And for them, air touring is the only way for them to see the Grand Canyon. But in the next 10 years, many of them won't be able to.

Already, two air tour operators serving the Grand Canyon, Grand Canyon Airlines and Kenia Helicopters, report that draconian flight caps imposed by the FAA last year will drive them out of business by this fall.

As you will recall, Mr. Chairman, you previously learned that air tour sound data in the Grand Canyon had been manipulated by the Park Service. You also learned that the Park Service was making a significant policy shift by establishing in director's order 47 a sound threshold at an unjustifiable 8 decibels below natural ambient sound, and artificially shifting from a noticeability to a detectability standard as the criteria for determining acceptable levels of sound.

Noticeability is the level at which a person thinking about something other than aircraft would first notice aircraft sound. Detectability is the threshold at which a person intently listening for a sound of known character, such an aircraft, would first detect it.

According to acoustical experts who testified before you previously, abandoning the noticeability standard in favor of a detectability standard is neither appropriate nor conforming with accepted industry standards.

But this is the Park Service's trump card, its back door, underhanded, arbitrary, mischievous way to justify banning all motorized recreational vehicles on the ground or in the air from all national parks. But there are alternatives, alternatives which we have sought to discuss with the FAA and Park Service, but which seem to fall on deaf ears.

No. 1, implement quiet technology standards and incentives as the FAA encouraged and as Congress mandated. Our industry took the lead in developing quieter aircraft.

As just a few examples of many, Papillon Grand Canyon Helicopters invested 8 years and \$14 million of its own money redesigning the Sikorsky S-55 into a quieter air tour platform. Their efforts cut the sound generated by this aircraft by 50 percent.

Grand Canyon Airlines spent \$1.5 million back in 1984, converting its fleet to the larger Dehavilland Twin Otters, flying the same number of passengers with 70 percent fewer flights and then, 2 years later, converted those aircraft to the quieter VistaLiners,

through a wide variety of modifications, reducing the sound generated by those aircraft by 66 percent.

Scenic Airlines spent more than \$35 million converting the quiet VistaLiners and reducing its fleet by 60 percent.

Air Vegas Airlines spent \$12 million of its own money, converting its entire fleet to larger, quieter Beechcraft C-99 aircraft, reducing the number of flights it took to serve the same number of passengers by 65 percent.

The efforts of each of these companies and their sizable investments have bought them absolutely nothing from the Federal Government except more and more onerous regulations.

No. 2, fairly apply cap limits based on recommendations by the National Park Overflights Working Group and apply no caps or curfews to operators using quiet technology.

No. 3, link morning and evening curfews to actual hours of sunrise and sunset, as the original NPRM proposed.

And finally, stop monkeying with the routes in the Grand Canyon. The last of the scenic routes from Las Vegas to the Grand Canyon have already been stripped away, and it is only a matter of time before the rest of them are eliminated.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Bassett follows:]

**Statement of Steve Bassett, President, United States Air Tour Association (USATA)**

Thank you, Chairman Hansen, for inviting the United States Air Tour Association (USATA) to testify before the House Resources Committee today. We appreciate the opportunity to offer our views on the issue of denial of recreational access to America's national parks. We also sincerely appreciate your leadership in seeking to preserve air touring as a legitimate way to view the spectacular sights of America's national parks.

1.7 million. That's how many visitors will be denied recreational access to the Grand Canyon during the next decade based on government restrictions—caps—on air tours created under the Clinton/Gore Administration.

1.7 million. And, that's just at the Grand Canyon. No telling how many more will also be denied access based on the provisions of the National Park Air Tour Management Act of 2000.

Who are these people who take air tours and why do they do it? Grand Canyon air tour visitors take air tours for many reasons.

Many are elderly or disabled and for them air touring is the only way for them to see our national parks.

Some are in poor health and unable to hike the trails, backpack in the wilderness, or even get out of a bus and walk to a scenic overlook. Air touring is the only alternative they have.

Some are on family vacations and have only limited time. Without the opportunity of taking an air tour, they would be unable to enjoy the breathtaking scenery our national parks offer.

And some find seeing a national park from the air better and more enjoyable than seeing it any other way.

Each and every one of these segments of society is impacted when the Federal Government creates a regulatory environment limiting recreational access to our national parks.

Nearly all of our members' customers are time-constrained to one degree or another. Of those flying to the Grand Canyon from Las Vegas, 100 percent of them are time-constrained. The only way for them to see the Grand Canyon is by air. They will not see the Grand Canyon except by air tour because their travel plans do not include a trip to Arizona.

Sixty percent of the Grand Canyon customers are retirement age or older, disabled, have health problems or are too young to see the Grand Canyon any way other than air tour.

Ninety-five percent of the Grand Canyon customers are from international destinations. Most of those are from Japan, Korea and China with the UK, Germany and France representing the next largest group.

In addressing the issue of the disabled, the NPS 2001 Management Policies Guide says specifically "All reasonable efforts will be made to make NPS facilities, programs, and services accessible to and usable by all people, including those with disabilities . . . One primary tenet of disability rights requirements is that, to the highest degree reasonable, people with disabilities should be able to participate in the same programs and activities available to everyone else.

When more than 40 percent of air tour passengers are either disabled or have health related problems which preclude them from visiting the Grand Canyon any other way, NPS/FAA regulations are clearly inconsistent with the Park Services stated policy on this issue.

And, make no mistake. Contrary to proclamations by the Federal agencies of jurisdiction, denying air access to our national parks does have a significant impact on foreign trade and is contrary to the provisions of the Trade Agreement Act (TAA) of 1979 which specifically prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States.

At the Grand Canyon alone, more than 60 percent of air tour park visitors flying either from Las Vegas or from the Grand Canyon National Park Airport are from foreign countries. To say, as the Federal Aviation Administration does, that flight caps, curfews and other access-limiting regulations do not impact foreign trade is simply incorrect.

Specifically, the fact is that the overall demand for air tour flights at the Grand Canyon has not significantly increased over the last half dozen years. Rather the number of companies providing air tour services out of Las Vegas has decreased some 60% since 1995. Problem is that limiting or capping flights based on the baseline of 1997-1998, due to worldwide economics, is not reflective of numbers of flights needed to accommodate the 1995-1996 time frame, let alone allow for any moderate growth. Additionally, with the economic demise of so many operators since 1995, there has not been an accurate redistribution of flight allotments to the remaining operators. Competitively speaking, an unfair advantage or disadvantage exists between current operators concerning their growth capabilities. As stated previously, overall industry growth is relatively small year to year, if at all. But expansion and contraction between competitors for market share is at issue each season.

Mr. Chairman, let me continue to quote directly from the 2001 NPS Management Policies Guide:

"National parks belong to all Americans, and all Americans should feel welcome to experience the parks . . . Providing opportunities for appropriate public enjoyment is an important part of the Service's mission . . . Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks . . . The Service is committed to providing appropriate, high quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society . . . The fact that a park use may have an impact does not necessarily mean it will impair park resources or values for the enjoyment of future generations."

Mr. Chairman, I'm not making this stuff up. It's clear as can be and right here in black and white. Yet, recent actions by the Park Service and the Federal Aviation Administration regarding air touring are not even remotely consistent with this stated policy.

There are many ways the government can deny visitors access to our national parks.

At Rocky Mountain National Park recreational visitor access is denied via a ban on air tours.

At Yellowstone National Park recreational visitor access could be denied due to legislation which has been offered which would ban air tours.

At other national parks, recreational visitor access can be denied under the provisions of the Air Tour Management Act of 2000 and codifying regulations which provides the Federal Aviation Administration and National Park Service with the authority to ban air tour aircraft.

And, at the Grand Canyon, recreational visitor access is being or will be denied to thousands of potential visitors by (1) artificially limiting flights, (2) imposing unreasonable curfews, (3) instituting unrealistic and scientifically contrived sound limits, and (4) artificially creating a barrier to trade such that many of the air tour companies currently offering Grand Canyon air tours will eventually be forced out of business—the ultimate denial of access.

But, it gets worse!

In a not-so-veiled attempt to try and justify its actions and the actions of the FAA with bogus sound data, the Park Service implemented on December 1st of last year new draconian rules in Director's Order 47 which guarantee the eventual elimination of all air tours at the Grand Canyon.

As you will recall Mr. Chairman, as chairman of the former National Parks and Public Lands subcommittee, you previously learned through expert testimony and admissions from NPS officials that noise monitoring computer modeling in the Grand Canyon both had been manipulated and had not undergone scientific validation or peer review.

In a subsequent hearing, you learned that the Park Service was making a significant policy shift proposing in Director's Order 47 to set the acceptable noise level in one backcountry zone of the Grand Canyon at 8 decibels below natural ambient sound—about the same level of noise blood makes going through my veins.

Then perhaps even more onerous and more a frightening for air touring and all other forms of mechanized recreational park users, the new Park Service policy arbitrarily abandons the longstanding "noticeability" standard in favor of a "detectability" standard as the criteria for determining acceptable levels of sound.

Originally the Park Service had a sound threshold for achieving substantial restoration of natural quiet in the Grand Canyon of 3dB(A) above ambient sound using the threshold of "noticeability"—the level at which a person thinking about something other than aircraft would first notice aircraft sound.

The Park Service then changed that policy to better suit its purposes and proposed a new methodology for determining sound based on a standard of audibility or "detectability"—the threshold at which a person intently listening for a sound of known character such as an aircraft would first detect it.

In Director's Order 47, the Park Service claimed to have stationed human "listeners" at various locations around the Grand Canyon and asked them to take note of when they heard an aircraft. The Park Service claimed that those trained "listeners" heard or "detected" aircraft noise at between 8 and 12 decibels below the average ambient sound levels thus justifying their proposal to set minimum acceptable sound levels at 8dB below natural ambient sound—based on the new "detectability" standard.

First—according to acoustical experts familiar with this issue—J.R. Engineering of Seattle, Washington—abandoning the noticeability standard in favor of a detectability standard is neither appropriate nor in conformance with accepted industry standards. Ground visitors don't just stand out in the wilderness trying to hear aircraft. If they are doing what we are led to believe the Park Service is trying to protect, they're listening to the birds, smelling the flowers, and watching the little bunnies hop along the trails.

Second—based on J.R.'s review of engineering reports of Harris, Miller, Miller and Hanson—the Park Services noise consultant—there were no new noise studies conducted for the NPS prior to this action. There were no measurements or human observations, only some new arithmetic performed on two year old measurements and studies. In fact, at no time did any observer actually detect any aircraft sounds at anything close to the levels indicated in the NPS Public Notice either in the Grand Canyon or anywhere else.

This is the Park Services back door, underhanded, arbitrary, mischievous way to justify banning all motorized recreational vehicles—on the ground and in the air—from our national parks. The precedent this has established guarantees the eventual elimination from national park lands of air tours, snowmobiles, jet skis, four-wheelers, busses, cars and anything else with an engine. It is the Park Services answer to access denial.

#### *Flight Caps*

If not an outright ban, the second easiest way to deny access to air tours or other forms of recreational activity is to establish activity limits. In the case of air tours it takes the form of caps on the number of flights which can be conducted over a national park. Using voodoo scientific methodology and partial flight data, the Park Service and FAA did just that with its cap rule in the Grand Canyon. The results are devastating.

Flight caps have imposed massive, unrecoverable economic losses on a number of air tour providers which, by this fall, will force some operators out of business.

Here's is a sampling:

In 1999, Grand Canyon Airlines flew 3,085 flights at the Grand Canyon. Keep in mind, that number is already 70 percent fewer flights than the company flew before because it voluntarily spent millions of dollars converting it's fleet to larger quieter aircraft. This year, flight cap restrictions will cost GCA more than \$650,000. GCA reports without immediate relief the company cannot possibly survive as a business

and the Grand Canyon's first air tour operator soon will become simply an historical reference.

Kenai Helicopters will run out of flight allocations the middle of September this year. Their economic losses will exceed \$600,000 and they report that they will be forced to close up shop by October.

Air Vegas Airlines will exhaust its flight allotments in October of this year. This will result in a revenue loss for 2001 of \$1.3 million. Based on similar loss projections in the future, Air Vegas reports that the cap rule will eventually force them out of business.

Other operators are reporting similar economic losses as a result of the flight cap rule, are bleeding to death, and closure is only a matter of time.

#### *Quiet Technology*

Whether its modifying engines on jet skis and snowmobiles or reconfiguring rotor blades on helicopters, manufacturers and operators have, for years, been working to make machines quieter. Certainly in aviation, the results of many hours and many millions of dollars of work and investment have paid off. This was all done in good faith as the FAA consistently led the air tour industry to believe that quieter aircraft and Park access were synonymous. But, like a good NFL running back who baits a defender by showing him a leg then pulls it back at the last second avoiding a tackle, the FAA baited us by promoting the use of quiet technology aircraft then yanked it away leaving our industry holding the bag.

Title VIII of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (Public Law 106-181) known as the National Parks Air Tour Management Act of 2000 states that within 12 months after the date of the enactment of this Act (by April 5, 2001), the [FAA] Administrator (1) shall designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology and (2) shall establish a quiet technology advisory group.

The Act further states that, in consultation with the [NPS] Director and the advisory group, the Administrator shall establish, by rule, routes or corridors for commercial air tour operations by fixed-wing and helicopter aircraft that employ quiet aircraft technology for (1) tours of the Grand Canyon originating in Clark County, Nevada; and (2) "local loop" tours originating at the Grand Canyon National Park Airport, in Tusayan, Arizona.

The Act goes on to provide that for commercial air tour operations by any fixed-wing or helicopter aircraft that employs quiet aircraft technology and that replaces an existing aircraft shall not be subject to the operational flight allocations that apply to other commercial air tour operations of the Grand Canyon, provided that the cumulative impact of such operations does not increase noise at the Grand Canyon.

Finally, the Act says that if the ". . . [FAA] Administrator determines that the Administrator will not be able to make such designation before the last day of such 12-month period, the Administrator shall transmit to Congress a report on the reasons for not meeting such time period and the expected date of such designation."

The April 5, 2001 deadline has come and gone and the FAA has neither designated "reasonably achievable requirements" for quiet technology in the Grand Canyon nor sent a report to Congress explaining why the agency has failed to do so.

Since passage of the Overflights Act of 1987, quiet technology has been recognized as a key to achieving the substantial restoration of natural quiet in the Grand Canyon. The Act itself spoke directly to the issue. The 1994 NPS Report to Congress spoke to the issue. The FAA clearly envisioned in a 1996 Advanced Notice of Proposed Rulemaking (ANPRM) which accompanied the imposition of caps, curfews and other onerous restrictions on Grand Canyon air tour operators the need for incentives for operators transitioning to quieter aircraft which included preferential routes and relief from flight caps.

The FAA was very specific in the ANPRM when it said,—". . . the FAA agrees that the use of quieter aircraft will, in the long run, provide the most benefit toward restoring natural quiet [to the Grand Canyon] . . . the FAA and NPS are working together to develop a long-term comprehensive noise management plan that will address . . . provision of appropriate incentives for [operators] investing in quieter aircraft, and appropriate treatment for operators that have already made such investments." The message contained in the ANPRM was clear—Grand Canyon air tour operators utilizing quieter aircraft would not be subject to caps on flights and would be provided incentive routing. That has not occurred.

Previously, the FAA, in withdrawing the ANPRM, commented to operators that it could not move forward on quiet technology because it could not define what a

quiet aircraft is. Then in the April 9th FAA response letter to Senators Reid and Ensign, the agency commented that this is the most expensive piece of the three-legged stool and should be delayed until the results of the other two steps in the process are in. That, of course, would be a self-fulfilling prophecy. Caps and unscentic routing will wreak such havoc in the industry as the year goes on that it may be far too late for any quiet technology incentives to provide the relief needed for operators to maintain viability.

Already, Grand Canyon air tour operators have invested millions of dollars and years of effort designing or obtaining “quieter” aircraft. Here are some examples:

#### *Papillon Grand Canyon Helicopters*

Papillon Grand Canyon Helicopters—one of the oldest and most successful air tour operators serving the Grand Canyon—spent eight years and \$14 million modifying a Sikorsky S-55 into a quieter air tour platform. That included redesigning the main rotor, replacing the three-bladed rotor with five blades, reducing the RPMs and adding a new exhaust system to the machine. They did this (1) because it is the right thing to do and (2) in anticipation that the FAA would keep its word and move on the development of quiet technology incentives. The new S-55 WhisperJet produces less than one half of the sound generated by many other rotorcraft.

Three are in service now. Papillon can produce a new WhisperJet about every 90 days. Their objective is to produce about 100 of them and they intend to replace their fleet of Bell JetRangers with the new modified S-55 at the Grand Canyon.

But, as the president of the company told me recently, what’s the use if it doesn’t get us anything?

#### *Grand Canyon Airlines*

In 1984, GCA began its conversion to larger aircraft, reducing its fleet from six (6) Cessna 207s to only two (2) Dehavilland Twin Otters, each of which has seating capacity for 19 individuals. This voluntary aircraft upgrade cost GCA \$1,550,000 (1981 dollars), but allowed GCA to reduce the number of flights it flew by two thirds, with a corresponding reduction in aircraft sound generated by GCA operations in the Grand Canyon.

In 1986 GCA again established itself as the leader of the “quiet technology” revolution when it developed quiet aircraft technology that could be applied to the Twin Otter. The result is the “VistaLiner,” which remains the industry standard for “quiet aircraft technology.” Scientific testing conducted by the FAA proves that the VistaLiner is an incredible 66 percent quieter than the Twin Otter. Additionally, only one other air tour aircraft is quieter than the VistaLiner in absolute terms and that aircraft, the Cessna Caravan, requires twice as many flights to carry the same number of passengers as the VistaLiner. Thus, no aircraft can carry as many passengers as quietly as the VistaLiner. Inexplicably, the FAA has refused to give GCA any credit whatsoever for voluntarily switching from small conventional aircraft to the larger and quieter VistaLiner, or for reducing, from over 10,000 to less than 3,200, the number of flights GCA flies around the Grand Canyon each year.

#### *Scenic Airlines*

In recent years, and at a cost of over \$35,500,000, Scenic reduced its fleet by 60 percent, replacing 41 conventional aircraft with 20 VistaLiners, the same state-of-the-art quiet aircraft technology that Grand Canyon Airlines uses, and with five (5) Fokker F-27 aircraft, which are also quiet technology aircraft by any definition of that term. Scenic reduced its fleet and made these huge investments based on the FAA’s representations that it would soon implement “quiet technology” incentive routes at the Grand Canyon. According to the FAA, these incentive routes were absolutely required in order to comply with the Overflights Act, which was enacted in 1987, fourteen years ago.

Other manufacturers and air tour operators also are voluntarily working toward quieter machines yet they receive no credit for their efforts and have no incentives to continue those efforts.

Of the Grand Canyon, Teddy Roosevelt said: “Keep it for your children, your children’s children, and for all who come after you . . . as the one great site that every American should see.”

Current NPS/FAA practices guarantee that not every American can see the Grand Canyon—that many are denied access to the Park.

By our testimony, we are not suggesting that there should not be some controls on air touring. We are not suggesting that air tours should be permitted to go wherever they choose, whenever they choose. What we are saying is that regulations which are arbitrary and which are purposely designed to put up a big stop sign that says “NO ENTRANCE PERMITTED” is not in conformance with the basic tenants of the 1916 Organic Act which among other things, vests in the Park Service the

responsibility to— . . . promote the use of national parks . . . and to provide for the enjoyment of the same . . . “

But, there are alternatives—alternatives we have sought to discuss with the governing Federal agencies often but which seem to fall on deaf ears:

Do what Congress mandated in the National Parks Air Tour Management Act of 2000 which directs the FAA to designate reasonably achievable requirements for fixed-wing and helicopter aircraft necessary for such aircraft to be considered as employing quiet aircraft technology and provide incentive routes and corridors, relief from caps and curfews, and other relief for Grand Canyon operators using quiet technology aircraft. Many of the most scenic routes that have been eliminated by NPS/FAA regulations could easily be used by quiet technology aircraft.

Recalculate the base year for flights to determine a fair and equitable baseline of operations. Rather than using the 1997–1998 time frame which was the worst year in modern-day Grand Canyon air tour history, adopt the same formula as recommended by the National Park Overflights Working Group (NPOWG) and which is contained in the same Act referenced above which is:

The average number of flights used by an operator within the previous 12-month period; or,

The average number of flights per 12-month period within the previous 36-month period.

A third alternative which has been discussed would be the average number of flights per company of the three highest years as calculated during the previous ten years.

Link morning and evening flight curfews to the actual hours of sunrise and sunset throughout the year as the original NPRM proposed. The curfews which were implemented have no direct correlation to actual sunrise and sunset and have cost operators upwards of 20 percent of their customers.

Go back to the drawing board and rework the routes from Las Vegas to the Grand Canyon and “loop” routes flown by operators based at the GCNP Airport.

In 1987, then Assistant Interior Secretary Bill Horn, in interpreting the original Overflights Act, said “Congress intended to provide for the use of sightseeing aircraft . . . seeing the [Grand Canyon National] Park from the air is enjoyed by many Park visitors . . . The recommendations allow for air tours of 30 minutes or more that encompass spectacular portions of the Canyon.

The current re-routing of air tours in the Grand Canyon, particularly those flying from southern Nevada, reduce actual flying time over the Grand Canyon to anywhere from two to 10 minutes and the most scenic portions of the Canyon—the “spectacular portions” referred to by Mr. Horn—are no longer even visible to air tour visitors.

Already the Bush Administration has stepped into the issue of the snowmobile ban in Yellowstone by agreeing to negotiate a settlement on a lawsuit and issuing new proposed regulations. They also have weighed into the Clinton roadless policy. We seek the same review by the Bush Administration of past Clinton policies severely restricting air tours.

Mr. Chairman, access to America’s national parks is a right guaranteed to all citizens. The 1916 Organic Act provides the Park Service with the responsibility to provide for the enjoyment of our national parks—in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Air touring is the only recreational activity we know of which absolutely supports this Park Service mission. Air tour visitors do not trample through the wilderness, break tree limbs, kick rocks, disturb wildlife, destroy natural vegetation, erode the soil, disturb historic ruins, remove artifacts, start camp fires, leave waste and garbage along the trails, or, for that matter, use our national parks to smuggle marijuana which apparently is the case with some of our backcountry friends in southern Arizona at Oregon Pipe Cactus. They simply fly over, take a few pictures, and leave without ever having touched a thing? Perhaps, if the Park Service would loosen the reins a bit, they could enlist the air tour industry to help keep an eye out for drug smugglers as they fly over the Canyon!

Stephen T. Mather, the first director of the Park Service and for whom a scenic overlook at the Grand Canyon is appropriately named said— The parks do not belong to one state or to one section . . . the Yosemite, the Yellowstone, the Grand Canyon are national properties in which every citizen has a vested interest; they belong as much to the man of Massachusetts, of Michigan, of Florida, as they do to the people of California, of Wyoming, and of Arizona.

I’m afraid Director Mather’s words ring quite hollow in today’s regulatory environment which seems to place more emphasis on keeping people out as it does letting people in.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Bassett.  
Mr. Mackey?

**STATEMENT OF CRAIG MACKEY, PUBLIC POLICY LIAISON,  
OUTWARD BOUND USA**

Mr. MACKEY. Good morning, Mr. Chairman and members.

My name is Craig Mackey and I represent Outward Bound USA, a nonprofit institution and a leader in experiential education. Outward Bound taps the educational value of wildlands to teach young people leadership, self-reliance and citizenship skills.

Utilizing the solitude, adventure, and challenge inherent to wilderness and public lands, Outward Bound presents young people and adults with opportunities for personal growth and value-forming experiences.

I speak to you as an educator but also as an outfitter. Outward Bound is the largest holder of Federal land and water access permits in the country.

Today, I want to impart three messages.

First, let's take the recreation out of the recreation opportunity spectrum. We utilize and visit public lands for a variety of reasons. Not all nonconsumptive human use is recreation.

Second, educational and outfitter groups are but a small portion of use in the wilderness and public lands, but we play a key role in meeting demand for quality visitor services from a broad cross-section of America. In doing so, we meet broad societal needs.

Third, key elements for the visitor opportunity spectrum are in jeopardy, the reason for the hearing today. For Outward Bound, wilderness and public lands are our classroom. Today, our ability to access that classroom is in question.

Group size restrictions, allocation caps, itinerary controls, and zoning of the backcountry all impact our ability to deliver quality programs.

Finally, limiting supply increases prices. Limited access and rising costs are narrowing participation, particularly for youth and those with special needs.

I want to be clear that Outward Bound is a historical and significant user of public lands. We have little reason to complain. And we voluntarily alter our own use to limit impacts.

But most disturbing are management trends and philosophies:

- Park Service wilderness with a group size of six or seven.
- National Forests trail heads where dozens of educators and outfitters are blocked out or compete for daily quotas as low as five or seven.
- A "closed" sign on a Fish and Wildlife refuge because a local manager didn't know people were allowed in wilderness.
- Letters from Outward Bound alumni dropped from a Park Service planning process because they were solicited by our organization.

Public lands host a range of opportunities and values. That concept is being lost. Not in Washington but in the field.

Many would argue we have a capacity crisis on public lands. I would submit the capacity problem is in the field office. Wilderness areas that a decade ago had 15 rangers today have one or two.

Lack of staff, budget, and training for the field are resulting in a command and control paperwork approach to management. Litmus tests and rules have replaced collaboration and communication.

We are losing adaptive management, interpretation, and education. We can fix the problem without locking up the land.

First, philosophy. Congress and the agencies need to reestablish the proper opportunity spectrum. The agencies have taken significant steps on the ecological and biological benefits, even working jointly across ecosystems and watersheds. We need to do the same for people.

With proper direction and management, there is room out there for everyone.

Second, training. Today, we have biologists managing outfitter permits. Visitor services need to be fully addressed up and down the agencies.

Third, funding for the field. Educators and outfitters pay fees, lots of fees. Either more groups and people need to pay fees or Congress and the agencies need to appropriate dollars to the field.

Fourth, I would mention planning. Local communities, regional and national constituencies, such as Outward Bound, need to be engaged in collaborative, open, and honest decisionmaking.

Fifth, education and engagement. Let's give credit to the American people; we will protect these public resources if given the what, where, why, and how. Give grassroots education, like Leave No Trace, an honest shot to supplant capacity quotas.

And finally, I would mention the private sector. Today, an urbanized and diverse America looks to public lands for diverse reasons. As agency capacity declines, educators, outfitters, and guides play an important role in exposing, educating, and engaging Americans, and particularly the special populations among us, in the enjoyment and protection for these resources.

The recognition of, first, the opportunity spectrum on public lands and, second, the role of the private sector in providing that spectrum are significant steps in resolving access concerns.

Thank you.

[The prepared statement of Mr. Mackey follows:]

**Statement of Craig Mackey, Public Policy Liaison, Outward Bound USA**

Mr. Chairman and members of the committee, Outward Bound appreciates the opportunity to testify today about the importance of recreational access to public lands.

My name is Craig Mackey, and I represent Outward Bound USA, a non-profit educational institution recognized as a leader in wilderness and experiential education. For over 40 years, the Outward Bound system has teamed with America's wild lands to provide adventure-based education to young people, adults, and families. Today, the system is comprised of five wilderness schools and two urban centers, serving over 30,000 students annually. In addition, Expeditionary Learning Outward Bound has now taken the mission and methods of experiential learning to the core curriculum of over 80 public school systems in the United States.

Outward Bound's extended backcountry expeditions draw upon the natural, historical, and cultural values found on our public lands, particularly the purity of those values as they exist in wilderness settings. Our concept remains true to the nautical meaning of "outward bound : a ship is said to be outward bound as it leaves its moorings, committing to a journey on the open sea. Here, on the open waters or in the heart of the forest, Outward Bound instructors teach leadership, personal development and outdoor skills. Simply put, these wild places are our classrooms.

Outward Bound has dealt with an astonishing array of policies and regulations related to access, itineraries, resource protection and performance evaluation for educational activities conducted on Federal lands. For several decades, the Outward Bound system in the United States has been the largest single holder of permits for outfitted activities, spanning scores of Federal land and water management units in 25 states.

#### *Commercial Use on Public Lands*

I speak to you today as a non-profit educator, but I am also speaking to you about Outward Bound as a commercial user of Federal resources. As a nonprofit outfitter and guide operation on Federal lands, Outward Bound's logistical and regulatory requirements, and our potential impact on these resources, are no different than those of our for-profit colleagues in the outfitter industry. For all of us, it is a privilege to engage in this opportunity to make an important contribution toward meeting the recreational and educational expectations of the American public.

Outward Bound values this partnership with Federal land managers. Overall, we support policies that control access to Federal lands, though I'm here today to argue about the details. We believe that the public's use and enjoyment of these resources must be subject to restraints in order to sustain our resources and benefits such as clean water and healthy watersheds. As an accountable user of public resources, Outward Bound should be obligated to protecting natural resources in areas where we operate; providing for the public health and safety; and paying an equitable share of the agency's cost of administrating recreational and educational programs.

Through these partnerships with land managers, Outward Bound hopes to preserve and protect the concept of the outdoor classroom for future generations. In these settings, we are privileged to nurture an ongoing constituency that will continue in each generation to press for clean waterways, healthy forests, and sustainable management practices, whether those decisions are made locally, regionally, or nationally.

St. Bernard de Clairvaux spoke to this opportunity for self-renewal in an earlier century: "Believe one who knows; you will find something greater in woods than in books. Trees and stones will teach you that which you can never learn from masters."

At the bottom line for all of us who guide groups into the backcountry, it's all about access. In greater and greater numbers, the public wants to be there. Some want to feel and taste and smell at their own pace, depending upon their own skills and equipment for safe journey. Some will be seeking an intense educational experience, such as is offered by Outward Bound in its 14- to 83-day wilderness training expeditions. Others know little about what they might confront in this unfamiliar territory, and so will put their trust in a commercial outfitter and guide to provide for logistics, safe journey, and lasting memories.

Trust the public to decide about the kind of experience they might choose to enjoy from one year to the next. Purists disparage outfitters and guides for "profiting" from public resources, but in fact, like any other business or institution we must pay the bills in order to continue serving the public. The point of my testimony is that we should be finding more ways to provide the public with these unique opportunities for educational and recreational experiences. We should be innovative about providing more access, not less and less as the trend has been in recent years.

#### *Diversity*

Purists also disparage outfitters for "marketing wilderness." Indeed, Outward Bound is guilty of marketing wilderness, its values, benefits and opportunities. We share the sentiments of William Wordsworth, who admonished: "Come forth into the light of things. Let Nature be your teacher."

We believe that the segments of society toward which we have targeted much of this marketing will speak to the importance of wilderness and other backcountry as a classroom. Absent our marketing, it would never have occurred to many of the people who have benefited the most from an Outward Bound experience to have sought a wilderness setting for personal development.

The Outward Bound program touches approximately 30,000 Americans annually, ranging from age 14 to people in their 70s and 80s. Half of these students are open enrollment, signing up individually for wilderness education and adventure programs. Another 15,000 students come through contract courses where a company or a school may enroll as a group, including the professional development/team building exercises for which Outward Bound has become noted.

While Outward Bound and wilderness education are synonymous, many of our programs are directed at urban youth in cities such as Boston, New York, Baltimore, and San Francisco. These students are exposed to the same leadership, self-

reliance, and citizenship skills directly in the urban setting or through exposure to the natural world by canoeing/kayaking the Boston harbor or sailing the Chesapeake.

Outward Bound strives for gender, ethnic, socio-economic and age diversity in our programs. To reinforce this mission, the system raises over \$2 million dollars annually in scholarship money. Scholarships are dispersed either as full-tuition or on a sliding scale based on family income.

#### *The Outfitted Public*

By choosing to visit public lands under the guidance of trained, professional instructors, Outward Bound students become members of the outfitted public. For many of our students this is their first exposure to public lands and certainly to the vast tracts of wilderness and backcountry America has to offer. Given the young age of our students, parents are looking for the experience and safety offered by professional programs such as Outward Bound. Older students come for the Outward Bound experience, but also to learn the wilderness ethic, stewardship and safety skills that will allow them to be intelligent, efficient users of our public resources.

Given the dramatic decline in agency field staff assigned to wilderness and backcountry management, Outward Bound has now become a de facto provider of educational, interpretive and safety information on resources where we operate. This important role played by outfitters and guides, including Outward Bound, was acknowledged by the Forest Service in its publication in 1997 of a staff reference entitled "Guidebook on Outfitting and Guiding":<sup>1</sup>

On the public lands of the United States, and in particular the National Forests, outfitter and guides provide visitors seeking their assistance a quality experience as an extension of the agency's mission. Outfitting and guiding provides a small fraction of the total visitor days experience on the National Forests, but it is an important segment to the visitor, the agency, the resources and the economy of the communities where outfitters are based.

People want to know more about the wild lands they visit. This knowledge makes a difference in their lives. It increases their own quality of living. The majority of Americans polled recently by Roper Starch<sup>2</sup> believe that even the unstructured experiential aspects of outdoor recreation play a positive role in reducing various key social concerns, such as childhood obesity, parent/child communication, and tough social problems such as juvenile crime, underage drinking, and illegal drug use. Lessons learned in wilderness make us less tolerant of urban decay when we return home, and more prepared to take effective action to improve our communities:

The importance of recreational use as a social force and influence must be recognized and its requirements met. Its potentialities as a service to the American people, as the basis for industry and commerce, as the foundation of the future economic life of many communities, are definite and beyond question.

Robert Y. Stuart  
Forest Service Chief, 1928-33

Who will teach these important lessons to visitors to public lands? Not the agencies. Too few personnel in the field and an overwhelming workload have distanced rangers from their role as hosts in parks, forests, and on public lands. Agency personnel simply cannot reach out to each of the millions of families and individuals who visit each year. Face to face interpretive talks in visitor centers are an important component of the educational effort, but these are not the same opportunities to educate as those teachable moments that occur from one minute to the next on an extended outfitted expedition.

#### *The Recreation Opportunity Spectrum*

In both our formal and informal roles as outdoor educators, Outward Bound taps into the solitude, risk, challenge, and adventure offered by dispersed, backcountry and wilderness venues. As such, our program anchors one element of a very diverse range of experiences and opportunities offered on public lands.

Laws and regulations that govern the public's use and enjoyment of Federal lands are replete with references to promoting multiple use within a range of natural and developed settings. Nonetheless, the primary and overriding statutory obligation for each of the Federal land management agencies is the protection of the natural resources that support this variety of uses. It is not surprising, therefore, that lawmakers began in the latter part of the 20th century to provide authority for setting limits on use. For example, the General Authorities Act of 1978<sup>3</sup> requires all park units to have a general management plan (GMP). One of the required elements in

GMPs is the “identification of implementation commitments for visitor carrying capacities for all areas of the unit.”

The need to decide where and how visitors might pursue diverse recreational interests in an increasingly crowded landscape has led to the development of several methodologies for measuring and analyzing user activities and preferences. One such method is called the “recreation opportunity spectrum” (ROS). This system categorizes land into classes, each being defined by its setting and the probable recreation experiences it provides. Settings are defined in terms of their remoteness, naturalness/authenticity, type and degree of facility development, intensity of use, evidence of use, type of use (e.g. motorized vs. non-motorized settings), and visitor services available. For example, popular tourist destinations on public lands in the western states are commonly classified by agency planners into a mix of “primitive,” “semi-primitive non-motorized,” “semi-primitive motorized,” “roaded natural,” or similarly descriptive classifications, each offering the diverse kinds of recreational opportunities these nametags suggest.

Well before the formal development of the Recreation Opportunity Spectrum, congressional crafters of the Wilderness Act<sup>4</sup> recognized and reinforced this concept of differing values and differing uses of lands set aside for protection. Motorized and extractive activities in wilderness areas were prohibited by the wilderness statute, but the statute otherwise suggests that a variety of ROS classes may be appropriate in a wilderness setting:

Sec. 4(b). Except as otherwise provided in this Act, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this Act, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

Recreational opportunities to be provided are further refined by application of a key component of ROS methodology, the measurement of People At One Time (PAOT). The ROS system uses PAOT to measure and compare the number of recreationists and the likelihood of social encounters in an area at one time. Analysis is based upon the principle that as the number of people and evidence of human use increases, opportunities for solitude decrease.

Determining basic ROS land classifications and factoring in the impact of social encounters within these areas is by no means an exact science. ROS values can be interpreted in many different ways, which inadvertently invites land managers to insert their personal values into the process. As early as 1993 the Forest Service acknowledged that the method by which party size limitations were being established had begun to upset the general public and particularly the outfitting industry. In a letter to Regional Foresters, Chief F. Dale Robertson described factors that need to be considered before establishing party size limitations<sup>5</sup>:

1. Is there a valid social or resource need established through some analysis process that necessitates a party size restriction for protection of the resource?
2. Is it necessary to establish party size limitations or can identifying the desired condition, requiring compliance and monitoring, suffice? (Similar to monitoring grazing utilization)
3. Has outfitter economic viability been considered? If you have identified a need for outfitted services, what are the economic factors for a successful operation?
4. Has historic and local use been considered and is a transition to a more appropriate party size necessary?
5. Can the limitation be flexible enough to deal with changing outfitted operational needs, changing conditions, and improved techniques, equipment, and technology?
6. Will the restriction unnecessarily limit equal opportunities for all people to visit the National Forests?
7. Has adequate public involvement taken place so that affected publics feel informed and involved?

Chief Robertson’s letter can easily be interpreted as a caution to his field staff against unnecessarily narrowing commercial and noncommercial recreational access to forest resources. Yet little more than four years later, one of the agency’s most respected resource managers stated in a presentation on Determining Visitor Use Limits (Capacity):<sup>6</sup>

Thus, the question is not whether or not limits are necessary but rather what setting should this area provide and what should use limits be based on.

*The Narrowing Spectrum*

Demand for human use and enjoyment of our recreational resources has been growing at an unprecedented rate over the past two decades. As demand increases, law, science, and management philosophy are pulling us in the direction of narrowing the recreation opportunity spectrum.

Attempts have been made to eliminate some activities altogether, such as the use of fixed anchors in wilderness. Controls over sports involving motorized watercraft and vehicles are increasingly strict. Primarily, though, managers are adopting party size restrictions, and the allowable group size is getting steadily smaller.

In all of this debate about “What activities are appropriate, and how much recreation is enough?” some very important distinctions have been lumped together. Not all non-consumptive human use on public lands is for recreational purposes, but in order to keep the count simple and convenient, agency planners lump together every visitation under the Federal recreation program.

Americans also gravitate toward wilderness and public lands to satisfy educational, scientific, spiritual, artistic, therapeutic, and a host of other needs. As the American population continues to grow and diversify, the range of activities, opportunities, and values to which we look to our public lands are growing and diversifying as well.

Yet, in the management of Federal resources—and particularly in Wilderness—we’re seeing more and more restrictions on the number and types of activities and opportunities being made available to all categories of visitors. From a random reading of the literature, it is easy to conclude that the argument about how many people should be allowed to enjoy wilderness arose even before the wilderness system that we know today was fully launched. Now a larger population feels the need to make connections to these wild places, and this seems to have put new feet under a debate that began early in the last century.

Bob Marshall, a founding father of the National Wilderness Preservation System, had an appetite for protecting big, unfettered spaces. His goal in the 1930s, when he worked for the Forest Service in Montana, was to set aside areas where a person could “spend at least a week or two of travel...without crossing his own tracks.” Initially, Marshall disagreed with Olaus Murie, another of wilderness’ founding fathers, who thought that visitors to the backcountry should be limited to keep down the number of facilities required. On a hike with Joel Hildebrand, then the president of the Sierra Club, Marshall encountered 53 people on the trail. The experience changed his thinking, and over 60 years ago Marshall became one of the first Forest Service field staff to research the carrying capacity of wilderness areas. Before his untimely death in 1939 at age 38, Marshall and friends founded The Wilderness Society, and he served as the organization’s first president.

I offer this brief historical snapshot because I think it’s important to understand that controlling the number of people who use and enjoy backcountry is by no means a new issue, nor is it exclusively a scientific debate. The debate is in part philosophical, and it is deeply rooted in the origins of wilderness itself. All of the key players were debating the same issues in the 1930s that we are discussing in this hearing today.

The terminology agencies use today to describe the need and justification for these restrictions is grounded in the biological and social sciences, but the underpinnings that arise from the philosophical debate continue to guide public debate and the decisions made by managers. Reductions in use are accomplished through a variety of restrictions:

- Caps on number of launches, groups, individuals or similar measurements
- Caps on number of permits or the number of users overall
- Group size limitations
- Itinerary controls
- Zoning of the backcountry

The trend toward reducing access and use results from a number of factors, some of which reflect the preferences and expectations of user groups and society in general, and some of which reflect the management philosophies of agency leadership:

- An increasing focus on the Federal estate as the cornerstone for biodiversity protection—an elevation of biocentrism, as opposed to anthropocentric management philosophies and objectives.
- Severe lack of funding for on-the-ground field staff, resource management, education and interpretation. A wilderness area that had a dozen or more wilderness rangers for the summer season a decade ago is now budgeted for one or two.
- Lack of staff in the field is resulting in a “command and control” paperwork approach to managing people and the resource. These professionals have been

forced to forego face-to-face collaboration and constituency building through adaptive management, interpretation, and education.

- Agency leadership routinely points to the diversification of American society and the need to reach out to educate and engage these new, younger generations of Americans. Unfortunately, there is no real depth to the implementation of that commitment. In the field, very little effort or innovation is resulting in facilities and activities to attract these young people, and their access to traditional recreation programs is becoming increasingly limited and increasingly costly.
- Both Congress and agency leadership have reaffirmed in the last few years the need for outfitters and hospitality concessioners, educators, and other service providers as increasingly important, cost effective partners in the delivery of quality visitor experiences. Field managers don't share this enthusiasm for commercial services on public lands. Planners and permit administrators have become increasingly hostile toward their recreation service partners in the last decade.

#### *Recent Data and Management Theories*

So many management plans are under revision right now that it's nearly impossible to gather a complete point-in-time report about use restrictions that currently exist, or might be contemplated in the future. However, research about wilderness party size regulations conducted by Christopher Monz and his colleagues was released recently, and offers many important insights into the process and the consequences of controls.<sup>7</sup>

Mr. Chairman, in the time available I am only able to mention a few of the highlights found in this study. The individual work of many prominent scientists is footnoted in this document, and they should be properly credited for their insights. I'd like to ask that the document be placed in the hearing record.

In this study, Monz describes the trend toward limiting party size over the last two decades:

In one of the first surveys of wilderness managers, Fish and Bury (1981) found that 46% of all Forest Service and 43% of all National Park Service wilderness managers had limited maximum group size. Washburne and Cole (1983) found that 48% of all wilderness managers had placed a limit on group size and that the percentage of Forest Service wilderness areas with such limits had increased to 58%. Marion and others (1993) surveyed National Park Service wilderness and backcountry managers in the early 1990s and reported that 62% required groups to limit their size.

Since 1981, according to follow-up surveys conducted by Monz, group size limits in wilderness managed by the Forest Service have grown from 46% to 73%, and in the National Park System from 43% to 68%. Let me mention that lands and water managed by these two agencies support the overwhelming majority of commercial and institutional group use operating under Federal permits or other access rules.

The numbers reflecting similar controls on party size at wilderness units of the Fish and Wildlife Service (currently 11%) and the Bureau of Land Management (17%) are much lower. Monz suggests that these differences likely reflect the differing recreational use levels and management philosophy/objectives of the four agencies. Unfortunately, these lower numbers also have the effect of making statistics that report on the aggregate increase in use controls in all agencies over time appear less significant (from 48% in 1983, to 51% in the Monz survey).

He also learned that about 17% of the areas surveyed plan to change or create new limits within the next five years; 6% are unsure whether controls are needed and will see what results from public involvement and research; and the remainder (26 areas) plan to establish a limit sometime in the future.

The results of this survey tell us a great deal about the direction in which land managers are moving, but one needs to look more closely at specific sites. The problem isn't simply that controls exist, but that desirable levels of control enacted in earlier decades are now being made more strict.

For instance, Monz reported on a survey done in 1971 that found visitors in the Boundary Waters Canoe Area were limited by a party size restriction of 15 people. Some 62% of canoeists surveyed at that time said they supported this limit. Over time, however, the limit at Boundary Waters has been reduced to nine people per party, changing the dynamics and economics of most outfitted and institutional operation. Agency managers are now proposing to shave that number down to seven, and "controversial" is an accurate description of the reaction from user groups.

Overall, the trend toward downsizing organized group trips is dramatic. Monz reported on an analysis in 1981 of previous data. Group size limits ranged from 5 to 60. The most common limit was 25. New data produced by Monz shows that the most common group size limit today is 10; the median is 12.

Monz notes that at least one leading scientist who has been examining the impacts of party sizes for several decades has concluded that “party size limits larger than about 10 would likely have little social or ecological consequence.” In other words, small is generally better from the standpoint of resource protection and achieving solitude, but as Monz points out, it’s not altogether that simple.

Monz describes important tradeoffs when allowable party size is reduced:

Minimizing ecological and social impacts, while of fundamental importance, is just one goal of wilderness management. Optimizing this goal may conflict with other important goals, such as pursuing equity in decisions about access and avoiding the exclusion of organized groups that provide important societal benefits.

Monz also describes important reasons why the assumption that “small is better” isn’t necessarily, or consistently, valid:

- In interactions between nordic skiers and elk, the animals were startled at the passage of the first skier but it was irrelevant how many additional skiers passed by thereafter. This suggests that a few large groups would have less impact than many small groups, since there would be fewer skier-wildlife interactions overall.
- Large groups are not likely to increase either the area or magnitude of impact if the already impacted places where they walk and camp are large enough to accommodate them. Conversely, large groups will have much more impact than numerous small groups if already impacted sites are not large enough to accommodate large groups.
- Total amount of visitation, season of use, visitor use patterns, types of activities, availability of resistant substrates for campsites and geographic features to name a few, can play a role in the degree of compromise required for meeting competing stakeholder demands.
- In those wildernesses where visitors have been queried, only about 20% to 30% say seeing large groups was at least a slight problem and very few say it substantially detracted from the experience. In the Teton Wilderness, 29% reported that large groups lowered the quality of their experience, but 12% said such groups added to their enjoyment.
- In assessing the severity of the “large group problem” on wilderness experiences, it’s also important to determine how it ranks against lists of other potential problems. One such study examined the top ten perceived problems out of 42 listed for Linville Gorge, Shining Rock, and Joyce Kilmer/Slickrock, and encountering excessively large groups was not on the list of top 10 problems in any area.
- Surveys of wilderness visitors at several locations indicate substantial support (75% or more) for party size restrictions. However, Monz notes, some have speculated that the reason most wilderness visitors generally support group size limits is that they bear none of the costs associated with this regulation. Since most wilderness user groups include two, three, or four persons and most established size limits are much higher, these limits leave the majority of visitors unaffected.

Several findings in Monz’s survey of agency managers confirm our suspicions about the underlying motivations that are driving agency managers toward restrictions on group size. Respondents were presented with seven reasons for establishing group size limits, and there was opportunity to provide open-ended responses as well. Not surprisingly, Monz reported, environmental impact was the most frequently listed reason (81%) for establishing group size limits.

Monz was surprised, however, that the second most frequently selected reason, at 50%, was “to be consistent with neighboring wilderness areas.” This collective confession did not surprise outfitters and guides. It simply confirms what is so often offered by agency managers as justification for new carrying capacity studies and reductions in use: “Everybody’s doing it.” What began many years ago as a legitimate trend in land management has today become simply “trendy.”

Monz is more academically restrained in criticizing agency managers for their lack of process and science:

[Consistency with neighboring wildernesses]... is in some respects admirable; it seems wise to present consistent minimum impact messages and management regulations to the public. But not all areas, or zones of area, have similar susceptibility to impact. This also suggests that the wilderness manager may not have carefully evaluated the benefits and costs of group size limits in his or her area.

Monz also learned from the survey that managers seemed to most frequently base their decisions on their own perceptions of resource or social impacts. Only 24%, he reported, said that “public complaints/pressure” was a reason for their group size

limit. This confirms another fear that outfitters share with other user groups. Many of these decisions about access and use are being made without public participation and, wittingly or unwittingly, many of these decisions are deeply colored by the individual values of agency personnel or by the perception of peer pressure. Monz also points out the need for a formal decision-making framework that incorporates measurements of biophysical and social conditions into all of the determinants that must be considered in making management decisions about controls on access and use.

Monz's survey also identified the least-used justification for controls a factor that is one of the most fundamentally important issues for organizations like Outward Bound, the National Outdoor Leadership School, Wilderness Inquiry, and an array of university and therapeutic programs. Only 6% of all respondents said their actions were influenced by conflicts within groups. In one sense, Monz suggested, this is not surprising, since neither managers nor researchers have focused on within-group dynamics. On the other hand, he observed, we know that such dynamics profoundly affect the experiences of all groups in wilderness, especially the learning and growth outcomes of educational groups. Thus, Monz concludes, managers may be unknowingly affecting experiences in wilderness in profound ways, for better or for worse, with their group size limits.

Let me give you several examples of why these findings about conflicts within groups are so important in serving that diversified, largely younger population I talked about earlier. Our concerns seem to be supported by Monz, who said in the study:

Despite the fact that guided and educational groups represent a small proportion of the total use in wilderness...they can serve broad societal needs.

Outfitters working with young people at risk for addiction or criminal behavior are absolutely unable to provide safe, effective therapeutic programs when severe restrictions on party size exist. Despite careful screening by doctors and the judicial system for youths who are likely to willingly participate and likely to benefit from the outdoor classroom approach to therapy, there are higher than normal risk factors in these trips. There is also the need for specialized staffing over and above the guide staff necessary to carry out trip logistics. Popular, more heavily crowded destinations where limitations on party size are warranted are not even the venue of choice for these therapeutic programs. Their dispute with land managers is this "trendy" notion that limitations on access and party size must be put in place everywhere, even when visitation is minimal.

Chairman Hansen and other members of this committee are quite familiar with the work pioneered by Wilderness Inquiry in Minneapolis, MN, to provide opportunities in backcountry for people with disabilities. WI's executive director, Greg Lais, has expressed many of these same frustrations about the trend toward restricting access and limiting party size. WI's core activities are conducted in the Boundary Waters Canoe Area, but the program needs to move around the country in order to bring opportunities closer to home for those less able to travel great distances. Temporary access to new areas is a particular problem for Wilderness Inquiry. Limitations on party size in the Boundary Waters and elsewhere are a nightmare.

Trips conducted by Wilderness Inquiry require a higher than customary number of guide staff as well as specialized equipment. In addition, a good number of guests need the services of a personal attendant in order to participate. WI tries to keep its trips affordable by providing space for attendants at little or no cost. This formula doesn't work where party sizes are severely limited, and therefore the revenue from paying guests won't spread to cover the overhead costs of additional staff and non-paying attendants. In imposing a party size limitation that affect the logistics of organizations like Wilderness Inquiry, the agencies are shutting down opportunities for universal access for people with disabilities.

I think it's important to mention that making an exception to group size limits in order to accommodate people with disabilities is not the politically correct solution. Wilderness Inquiry's board and managers believe that agencies should adopt the group size limit which will best maintain wilderness resource values, that any exception should be made only infrequently on a case-by-case basis. Their real concern is the frequent failure of agency managers to fully analyze the options available to accommodate users. Wilderness Inquiry and other affected parties would like to be ongoing participants in that process, and further, user groups like Wilderness Inquiry frequently know more about the capacity and condition of the landscape than agency managers themselves.

Outward Bound sees the issue of party size limits as a serious safety problem as well as a significant impediment to our ability to provide the right mix of teaching skills for our students. Where the group size limit is 10 or less, it's generally costly and inefficient to send eight or fewer students into the field with two teachers. We

cannot, however, consider cutting the teaching staff to one person per small group. Should a weather- or resource-related emergency arise or the teacher or a student become ill or injured, the entire group is put into serious, potentially life-threatening jeopardy.

Monz's study and much of the other literature about controlling access and limiting group sizes is focused on wilderness settings. It's important for the committee to understand that as this trend toward ensuring solitude and protecting resources in wilderness gathered steam, the trend ceased to be limited to wilderness areas. These restrictions are coming into play everywhere on lands managed by the National Park Service and the Forest Service. This is also becoming true at popular destinations on public lands managed by the Bureau of Land Management, to the extent the agency has field personnel available to enforce these controls.

Ironically, many areas managed by BLM and the Forest Service contain underutilized recreational capacity. An investment in innovative management and marketing could succeed in drawing people away from popular park and wilderness destinations where crowding has become a problem.

#### *Other Examples of Restrictions on Outfitters*

Overreaching limitations on use and enjoyment of our lands and waters become particularly absurd when the hammer is chosen over tightening a few screws. One such example has been unfolding in Idaho in recent years along the Salmon River in the heart of the 2.4 million-acre Frank Church River of No Return Wilderness Area:

- Salmon River, ID: "The Frank Ain't Broke ... Don't Fix It!" became the rallying cry in 1998 for commercial and private boaters on Idaho's famed Salmon River. At one point whitewater rafts and boats were lined up outside the Statehouse in Boise as river users protested a Forest Service plan to sharply reduce use along a river corridor believed to have concentrated but relatively few impacts from human use or other management problems. Long recognized as one of the best wilderness river trips in the lower 48, the 100-mile float down the Middle Fork of the Salmon is an unforgettable experience for the roughly 10,000 people who make the trip each year under a quota set up by the Forest Service. Another 9,000 boaters face bigger water on the somewhat flatter terrain of the Main Salmon corridor, passing by historic pioneer ranches and a vast array of wildlife.

The Forest Service struck without warning in late January 1998. None of the customary warnings, scoping, or informational sit-downs preceded the release of a Draft Environmental Impact Statement that proposed cutting back river use by 50 percent on the Middle Fork and 30 percent on the main Salmon. Along with fewer launches, commercial party sizes would shrink from 30 people per group to 15, and private boating groups would be reduced from 24 people to 10. The DEIS also proposed reducing the number of days each party could be on the river.

In fact, party sizes likely do need to be reduced, but what was particularly disingenuous about the initial presentation was that the Forest Service tried to convince commercial outfitters that their use wasn't actually being reduced, merely spread over a longer operating season. The agency proposed to compensate outfitters for operating days lost in June through September with an expanded river-running season in late winter and early spring, months when the Salmon River corridor is buried under snow and assaulted by heavy storms, avalanches, and flooding.

Ultimately the agency withdrew the DEIS and is currently engaged in reworking its river management proposals.

The situation confronting wilderness user groups in the Inyo and Sierra National Forests in California parallels in many respects the initial Salmon River proposal to reduce use.

- Ansel Adams, John Muir, Dinkey Lakes Wildernesses, CA: The Final Environmental Impact Statement released in March 2001<sup>8</sup> adopts a modified version of Alternative 1, the agency's preferred alternative. This approach, according to the FEIS, "...attempts to concentrate use and impacts, manage intensively to mitigate these impacts, and manage the remaining majority of the landscape for low and moderate levels of use. This alternative maintains commercial use at current levels; however, some reductions will occur within areas where monitoring of limiting factors indicates that such action is necessary to alleviate impacts. The alternative also strives for equitable use between commercial and non-

commercial users by proposing changes to commercial operations on gaining access to wilderness.

I invite you to read the agency's explanation of potential impacts on outfitter operations once again. It is a classic example of doublespeak: "...maintains commercial use at current levels; however [emphasis added]..." The list of "however's" that follows could not possibly support the contention that commercial use is maintained at the current level.

In reality agency managers have elected to reduce party sizes to 8, with the limited opportunity that larger parties might be eligible to spread total user days into the next day's quota, should any of that quota be available. Rather than eliminating outfitting altogether at some locations, as the Draft EIS proposed, the Forest Service simply provides no reliable allocation for outfitted use in areas where there is low commercial use and/or the desired condition for the area prescribes low levels of use. For outfitters, this means it will be difficult to reliably serve current demand for outfitted services, let alone meet any additional needs of the outfitted public in the future.

These cuts take place despite the forests' own data that reveal:

- Visitor numbers have declined steadily and significantly since the 1970s when this process began. Visitor days on the John Muir declined by over 70 percent from 1975 to 1995. Visitor days on the Ansel Adams declined by 70 percent between 1972 and 1995.
- Commercial backpacking days are currently operating 40 percent below agency allocations on the Sierra (according to the plan). In fact, commercial backpacking is operating over 60 percent below agency prescriptions for resource protection and this plan could readily take that number to 10 percent or zero.

For the sake of brevity, let's look quickly at the structure and the allocations made by the new quota system in these three wilderness areas. This mechanism will govern all overnight use by groups and individuals as well as day use at Mt. Whitney:

- A "single quota" system is established for 34 units in the Inyo and Sierra National Forest wildernesses, meaning that these are areas where there is low commercial use and/or the desired condition for the area prescribes low levels of use. Overnight permits and Mt. Whitney day use permits will be issued to commercial or noncommercial users on some basis yet to be determined. The daily quota on entry is 8, 10, 12 or 15 people at each of the various locations, for a total of 427 people who are allowed access each day via these 34 locations. Agency personnel are instructed to monitor these trails to assure that commercial use is not precluding non-commercial public access to these areas, and that recreation use does not increase significantly over time.
- At 17 other units there will be "case-by-case itinerary approvals." According to the FEIS, these are entry points with currently low levels of commercial use, no commercial use, or where the Forest Service has not identified a compelling reason for commercial services to be provided. If commercial use can be accommodated within the quota of use provided for each of these units, other restricting factors must also be considered before an outfitter itinerary is approved. Most of these units allow only 8 or 10 visitors to enter per day, but Mt. Whitney day hikes (100 people per day), Mt. Whitney overnight stays (60), and Willow Meadow in the Sierra NF (30) are also included in this category. Overall, the quotas set for these 17 units will support wilderness access for 325 people per day, but nearly half are restricted to day-only or overnight use.
- The outfitted public has been assigned a specific commercial allocation to support their access at 30 units, totaling access for 387 outfitted guests and their guides per day. The quotas assigned at these locations for access for non-commercial visitors are generally double the number of commercially outfitted people who are allowed access, totaling 683 non-commercial visitors per day.

The entire planning area involved covers 840,581 acres spread across three wilderness areas located both east and west of the Sierra Crest. After weighing potential impacts of recreational use and enjoyment against the societal opportunities in conducting recreational and educational programs, the Forest Service settled on allowing permits for access for 1,822 people each day. Broken down, this is equivalent to one person per 461 acres of land, or assuming a guided party of 8 people, the opportunity for each group to wander unfettered through 3,688 acres of solitude without encountering their own footprints. Something tells me the crowded urban populations along the coast of California were short-changed by the results of this planning process.

National Park Service planning and capacity processes have significantly impacted Outward Bound and other educational institutions. Following are two examples:

- Gates of the Arctic National Park and Preserve, AK: As the direct result of a group size cap of seven instituted in the early 90s, Outward Bound no longer operates in the park. The sheer size and vast areas of remote backcountry in the park dictated that two instructors be utilized at all times. A ratio of 2 instructors to five students was not economically viable or acceptable under the school's educational mission. Higher operating costs and reduced revenues under the cap limited the pool and diversity of students eligible to participate and rendered scholarships infeasible to achieve educational and diversity objectives.
- Canyonlands National Park, UT: Canyonlands also instituted a group size of seven. Much of Outward Bound's use in the park has since been relocated to surrounding Bureau of Land Management property. While in the park, Outward Bound patrols are currently comprised of six students and a single instructor. As outlined later in this document, solo instructing has significant impacts on educational efficacy and safety.

Last year the Forest Service proposed boating reductions on the North Umpqua River in Oregon on a much more modest scale. It amounted to something resembling a tempest in a small teapot:

- North Umpqua River, OR: The handful of outfitters on the North Umpqua River in Oregon are provided with a very small amount of use, totaling for one company with which I'm familiar only 78 user days per season. As is the case on most rivers, private boating is unrestricted, but in this case, it is also not a river corridor for which demand is great. Flows are unpredictable. Randomly timed water releases from facilities upstream pose a threat to all but the most experienced private boaters who can afford top of the line equipment. The steep, straight sweep of the river itself is unforgiving in the event of a flip or a person who falls overboard. In short, it's a great whitewater experience when everything is working right, but it's not a resource people depend upon for their recreational opportunities. Nonetheless, the Forest Service proposed to cut outfitted use by 30% about a year ago. The outfitters fussed and asked the river manager to take another look at the factors used to justify the reduction. All parties are now satisfied with a modest reduction in use that accounts for some legitimate safety questions, but the point is in how the problem was handled. The agency's unilateral effort to solve a problem resulted in an unnecessary amount of stress and consumed the valuable time of a relatively large number of people. Once resolved, it was obvious that an informal meeting with a couple of the river-runners when the problem was first identified would have led to the same satisfactory solution in considerably less time. Agency managers need to step out from behind the shield of paperwork to deal face-to-face with their concessioners and user groups when problems arise.

Despite errors made in determining carrying capacity limits in some areas, there's no question but that controls are necessary to protect resources and preserve the quality of the experience at places where popularity threatens to destroy the resource. The Smith River in Montana is an example:

- Smith River, MT: It is not much of a whitewater experience, but the scenery and fishing are world class on the five-day, 62-mile float. Beginning in 1991, as the Smith River became more popular, the Montana Department of Fish, Wildlife and Parks began charging fees, limiting the size of groups, restricting the number of launches each day and conducting a lottery for permits. In 1998, worried about too many people, the department cut back again, from 63 launches a week to 58. In 1992, almost all the 216 people who applied for permits on the Smith were accommodated. In 1997, nearly 4,000 applications were received.<sup>9</sup>

I can't speak from personal experience about whether the current limit on the number of launches and party size on the Smith River are the "right numbers" but it's easy to conclude that the Smith River cannot support all of the demand that is out there. I suspect Federal managers are glad to be out of the decision-making loop on the Smith because the steps taken by the State to protect this world-class fishing hole also act to preserve its mystique. Now an international attraction, the competition for permits means that local residents have increasingly less access to fishing in their own backyard.

#### *Impacts and Solutions*

Visitor Opportunity: The Forest Service Guidebook on Outfitting and Guiding emphasizes that a small but significant portion of the American public looks to educators, outfitter, and guides to provide quality experiences on public lands. Elimination or curtailment of outfitter services significantly narrows the opportunity

spectrum for a broad cross section of Americans, particularly those life skills and experiences are limited to urban areas.

**Safety:** For four decades Outward Bound has established the safety standards and protocols for the wilderness education industry. These standards and protocols have been adopted across much of the rest of the outdoor recreation industry. In these four decades Outward Bound has utilized two (or more) field instructors in conducting all of our courses. The combined requirements of insurance carriers and organizational by-laws also require most organizations to utilize at least two instructors to minimize liability exposure related to accidents or claims of sexual harassment or child abuse. These are the unpleasant realities, but issues related to safety in an outdoor setting are especially serious. Unfortunately, for most, if a group size limitation as low as six, seven or eight people is imposed by agency managers, the pressure to send out solo instructors—or split large groups in half with solo instructors—is significant.

**Educational Efficacy:** Outward Bound is chartered as a non-profit, educational organization. Our staff of trained instructors work from established curricula toward educational objectives. All of this takes place in the wilderness classroom. As with any classroom, student to instructor ratios are critical to the success of Outward Bound's educational mission. In smaller groups—six, seven, eight—instructors dominate, and the students often fail to feel or achieve the degree of independence necessary to build personal, leadership, and teamwork skills.

Conversely, educational paradigms fail when groups become too large. In groups of 15 or more, social and educational dynamics shift as smaller groups or “clicks” naturally form, breaking down desired interaction between students and with instructors.

**Diversity:** As discussed, America has become an increasingly diverse and urbanized society. New generations of Americans are increasingly less likely to make parallel connections to the natural world, or to outdoor recreation on public lands where “facilities” are not the primary recreational venue. The leadership of the Federal land agencies has certainly grasped this concept. National conferences and training sessions, led by the agencies and by the NGO community, have attempted to address the gap that is widening between Americans and their public lands.

The fact that many first experiences on public lands and in backcountry occur through the facilitation of organized groups and institutions is no secret. This includes scouts, kid camps, churches, educators, and outfitter and guide activities focused on kids and families. For many groups, working with diverse, urban, disabled, “at risk” or other segments of the populations is part of their core mission. Sadly, it is this kind of organized group activity that has become the primary target of agency controls on access, group size, and itinerary. When these controls are unneeded or unreasonable, these are the first set of user groups to suffer the consequences.

**Increasing Costs for the Consumer:** Basic economics dictates that restricting supply will increase price. All businesses and organizations, regardless of for-profit or non-profit status, must cover their costs and put money aside to replace worn equipment. As group sizes decrease, the increase in per capita costs leads inevitably to the need to increase fees or, conversely, cut the quality of goods and services provided. Increases in fees, which is the only alternative responsible outfitters and educators will consider in order to make ends meet, inevitably alter the mix of participants. The recreational and educational opportunities offered become unaffordable for many of the people who would most benefit from the experience.

For non-profit organizations like Outward Bound, providing education to diverse groups of young people in wilderness settings, or Wilderness Inquiry, providing unique opportunities for personal growth to people with disabilities, this kind of economic pressure can change fundamental, core missions.

**Declining Revenues for the Agencies:** Educators, outfitters and guides, camps, and other permittees who organize and guide groups pay fees for the privilege of operating on Federal lands. Typically, more than one fee is levied against the service provider and each participant. These may take the form of an annual operating or franchise fee; a per person/per day charge for each visitor; entrance fees; parking fees; or backcountry permit fees. Under cost recovery provisions, agencies are also required to recoup the cost of processing permit applications, administering commercial activities, and monitoring impacts directly connected to these activities. Additional fees may also be charged at some areas under the Recreation Fee Demonstration Program. As the “era of accountability” continues to unfold, the scouts, churches, universities and other nonprofit or charitable organization who sponsor group trips may also be required to pay some or all of these fees.

Because most wilderness educators and the outfitters and guides operate under permits and controlled itineraries, their level of use is known and the cost of

collection of the fees they pay is negligible. They contribute significantly toward the bottom line that represents agency costs in administering these programs. Except for areas where entrance fees or Fee Demo charges are collected, the general public pays few or no fees. Unfortunately, as group use declines or is eliminated significant revenue will be lost, and it is unlikely that the general public will acquiesce to making up the difference.

At the bottom line, it's all about money. "Collateral duties" are increasingly common in the field. Biologists are administering outfitter permits. The increasing demand for recreation administration and management must be recognized and staffed accordingly, including professional training.

Sufficient funding for all aspects of recreation management is simply not available in the field, and it is particularly galling that "recreation" funding is the mask behind which the agencies also lack money for education, the needs of special populations, and the opportunity to diversify traditional programs to attract future, more diversified generations. Programs like the Recreation Fee Demonstration Program are helpful bandages that are propping up some areas, but in the meantime we are proceeding to shut down the some of the arteries and facilities that are important to other user groups and gateway communities.

I recognize that this committee is not responsible for the flow of money to the land management agencies, but you can exert considerable influence on your colleagues at the appropriations committees and upon public opinion back home in your congressional districts. Any perception that "recreation" on public lands is merely fun and games provided at public expense is a bad notion. Human health, the human psyche, a challenging climate in which addiction and antisocial behavior can be cured are societal benefits lumped into this programmatic basket. We've thrown money at school construction and educational grants and been disappointed in the results. Talk has turned now toward year-round classrooms, and I'd like to suggest that the most consistently successful classrooms were built at the beginning of time. Properly managed, the teachable moments provided by these outdoor classrooms are infinitely sustainable and unquestionably successful. Do your personal best to assure a level of appropriations that allows the agencies to allow organizations like Outward Bound to continue to pull these kids out of the inner cities and help them see themselves as responsible citizens.

**Bias Against Group and Commercial Use:** There has evolved within the agencies over the last decade or so a culture that believes organized group use of public lands, specifically commercial use, is unacceptable. The vestiges of this thinking are as old as dirt itself, but the difference in this era is that it's now apparently "OK" within the agencies to talk out loud in public about personal prejudices against specific user groups, and to act upon these prejudices.

A number of factors contribute toward situations in which these attitudes prevail. Agencies like the Forest Service and BLM have lost perspective about statutory obligations imposed by Congress to manage for multiple use. Wilderness is certainly an important element among these multiple uses of resources, but so are recreation and education, whether these activities occur in wilderness or non-wilderness settings.

More training is needed to refresh the knowledge of key field staff about the diverse range of values and opportunities available on Federal lands. It was discouraging to hear recently that 36 years after the passage of the Wilderness Act, a USFWS refuge manager was found to have closed all access to a wilderness area because she "did not think people were allowed in wilderness." Managers need to look once again at the importance of visitors and the role and value of educators, outfitters, and others who provide structure for the services visitors need and expect. It's not OK for agency managers to continue to publicly bash and deride these commercial services, let alone exclude visitors. Upper management in each of the agencies need to make these responsibilities clear once again to field staff, not merely as "responsibilities" but also as opportunities that can vastly increase the constituency that supports resource protection. It's always a balancing act, but finding that balance is always worth the effort.

**Public Participation in Planning:** This bias against commercial services is most evident in the planning process. Recently, Outward Bound attempted to contribute its thoughts about a formal backcountry planning exercise in one of the national parks. The superintendent refused to accept comments from Outward Bound alumni who live in various communities across the United States because those comments had been "solicited" by our organization. If public participation is to have real meaning in these planning processes, segments of the public cannot be arbitrarily excluded. By not engaging people at every opportunity in the management of our grasslands, forests, and parks we risk losing these people entirely as full partners in the protection and preservation of these resources. Certainly, excluding and of-

fending people loyal to the values taught by Outward Bound is a step in the wrong direction.

**A Predetermined Hierarchy of Values:** We are witnessing an evolving focus on biodiversity, at the expense of visitation. Further, wilderness agency managers have selected solitude as the value of choice at the expense of other aspects of the wilderness statute that provides for human use and enjoyment. Unchecked is the perception that allowing group visitation in wilderness areas destroys the experience of all others who encounter an organized group, despite important research that places this issue of group size very low in the priority of management issues to be confronted and resolved.

Managers need to accept the premise that preservation, recreation and education can effectively share the stage. The Park Service does not recognize recreation as a primary use of the resources it manages, preferring instead a subordinated role as “visitor services.” The nomenclature is interesting, but largely irrelevant. For NPS, it’s all about protecting resources within the magnificent landscapes it manages. For Outward Bound, it’s all about connecting the human psyche to these magnificent landscapes and fostering the personal growth that results from these encounters. Our goals are mutually reinforcing, and the NPS and other agencies need to get over their bias that group visitation is threatening.

**Impact on Local Communities:** As extractive activities have declined, local communities have shifted their economies to rely more heavily upon tourism. For these communities, dependable income from visitors is fundamental to long-term economic viability. Outfitters and guides and other concessioners provide the foundation that creates jobs and promotes a flow of and services locally. When agency managers eliminate or reduce access to lands that they manage, the economic consequences trickle down immediately through these gateway communities. It’s critical that agency managers focus on sustainable ecosystems necessary to the long-range viability of tourism, but it is equally important that agencies factor in sustainable human use within these ecosystems if local rural communities are to survive economically.

**Technology Is Replacing Contact With People:** In dispersed, backcountry/wilderness venues, the educational/interpretive mission of the agencies has steadily dwindled, if not disappeared entirely, in some locations. This results from a lack of staff and budget. Managers are attempting to fill this void through technology, using the Web, the Internet, videos and kiosks to impart vital messages to visitors and permittees about management and resource protection. The potential upside is huge. One forest uses the Web to provide photos of the resource and data on use numbers. In advance, visitors can select their experience and voluntarily disperse to less utilized areas. However, the best technology will never supplant the need for traditional education and interpretation—people learn through doing. That is why the Leave No Trace program has been so effective in teaching outdoor skills and resource ethics. Partnerships such as Leave No Trace, and the communication capacities of wilderness educators and outfitters and concessioners, can significantly supplement agency educational efforts.

**Accountable Use of Public Lands:** We have entered an “era of accountability” in the use and enjoyment of Federal lands. Simply put, the administrative and management protocols that have, for decades, been applied to “commercial” educators and outfitters and guides are increasingly being applied to all group and public use. These include requirements for permits, payment of fees, itinerary controls, controls on access and amounts of use, insurance requirements, and utilization of minimum impact techniques. The purpose is to bring all visitors in under the tent as accountable, appropriate users of these public resources. As visitor numbers and demands increase, and the presence of agency field staff decreases, this push for accountability will accelerate and should be supported by Congress. Otherwise, the status quo will be preserved a situation in which the agencies really don’t know how many people are out there on any given day, where they are, or what they are doing that might damage resources or have an adverse impact on other visitors. Nor are an enormous number of these visitors who participate in organized group paying any fees, even though many of these trips are commercial in nature. When those of us who are paying fees and submitting to controls on use are being asked to reduce our use, it is hardly fair that others are being allowed to dodge the responsibility of being fully accountable users.

**Reduction in Illegal Outfitting:** Illegal outfitting is a significant problem. The agency staff available for enforcement is limited. The problem is further complicated by the number of legitimate group trips that operate without any requirement to have a permit or approved itinerary. It is difficult for managers to identify and take action against the illegal operators and harder yet to obtain a conviction in court for other than violations of the National Park Service statute that governs

concessioner activities. There are no statutes defining legal outfitter activities on lands administered by the other agencies. A patchwork of regulations (or lack thereof) inadequately differentiate between legitimate outfitters, other group trips that are allowed to operate without a permit, and the efforts of illegal outfitters to slide between the cracks. Proposed changes in Forest Service law enforcement policies that would have, in part, addressed the illegal outfitting problem were subsequently withdrawn several years ago because of objections to unrelated provisions. Congress needs to encourage a solution to the problem of illegal outfitting.

**Effective Interpretation and Implementation of Visitor Capacity:** The Department of Interior is currently spearheading an Interagency Task Force on Recreation Carrying Capacity. The goal of the task force is to develop the proper guidelines and tools for managers for decision-making related to visitor impacts and capacities. The underlying philosophy of the Task Force is that visitor capacity is not a magic number or solid cap. Rather, determining carrying capacity is seen as a tool or marker where, as use or impacts approach identified capacities, a range of mitigating management objectives, options or prescriptions have been identified for possible implementation. Overall, decisions about visitor access and group size should be based on solid physical and social science that is factored into the consideration of other societal, economic and management factors.

**Developing True Resource Opportunity Spectrums:** “Commercial” operations, groups and the public are being restricted and squeezed out of designated Wilderness. For the long-term health of the resource, this trend will likely continue. While this fact may not sit well with many, significant steps can and should be made to facilitate the preservation of Wilderness while promoting wilderness opportunities. The answer lies in the identification, preservation and management of a spectrum of backcountry venues (Wilderness, roadless, primitive non-motorized, primitive motorized).

Groups like Outward Bound are working in cooperation with managers of Wilderness and other resources to redesign and relocate educational programs to minimize visitor impacts—particularly in heavily impacted portion of Wilderness. This process is made easier when contiguous tracts of Federal lands are available and suitable for wilderness education. Contiguous tracts, similar management schemes and viable group sizes will allow groups to “flow” in and out of designated Wilderness, maintaining access to these premier backcountry settings and educational opportunities while preserving wilderness character. Prior to limiting capacities, managers should move to coordinate on:

- Defining resource values and opportunities
- The resource opportunity spectrum and provision of opportunities
- Dispersal of visitation
- Regional economic impacts and impacts on local communities

**Funding for Partnerships Related to Human Use, Recreation and Access:** A partnership between The National Outdoor Leadership School and Colorado State University resulted in the best recent work on group size. Other groups like Outward Bound are working in cooperation with wilderness managers to redesign and relocate educational programs in order to minimize visitor impacts, particularly in heavily impacted portion of wilderness and other crowded destinations. Leave No Trace, Inc., a non-profit, partner-based organization is leading the way on minimum impact skills and ethics. The Student Conservation Association is partnering with Home Depot and the agencies to provide fire mitigation education on private lands in Idaho. Wilderness Inquiry, a Minnesota-based nonprofit, has spearheaded agency training on access for people with disabilities on Federal lands. Congress and the agencies need to continue to leverage this private sector funding and innovative thinking in order to better address concerns about access and resource impacts.

### *Conclusion*

I appreciate very much the opportunity to testify today. Obviously, a number of problems, situations and opportunities are weighing heavily on the minds of Outward Bound program managers. I’ll be glad to answer further questions about these situations, but I want to close by assuring this committee that Outward Bound’s enthusiasm and commitment to our mission is undiminished. Each year the lives of thousands of young people are made richer by their experience with Outward Bound.

Most telling is the opportunity to walk through an airport wearing an Outward Bound cap. Invariably, you are approached with, “Outward Bound changed my life.” Indeed, while Outward Bound played a role, it was exposure to, engagement with and education within public lands, wilderness and the wilderness classroom that so indelibly altered the student.

At Outward Bound, we know the process works. We have witnessed the power of the connection between people and the natural world. We welcome the opportunity to continue our work in partnership with the resource and the people who manage it.

## ENDNOTES

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- <sup>3</sup>Public Law 95-625.
- <sup>4</sup>Act of September 3, 1964 (P.L. 88-577, 78 Stat. 890 as amended; 16 U.S.C. 1131(note), 1131-1136).
- <sup>5</sup>Robertson, F. Dale, Chief, USDA Forest Service, Letter to Regional Foresters. March 8, 1993. Washington, DC.
- <sup>6</sup>Merigliano, Linda, Bridger-Teton National Forest. November 22, 1997. Determining Visitor Use Limits (Capacity). Jackson, WY.
- <sup>7</sup>Monz, Christopher; Roggenbuck, Joseph; Cole, David; Brame, Richard; Yoder, Andrew. 2000. Wilderness party size regulations: Implications for management and a decision-making framework.
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- <sup>9</sup>Kenworthy, Tom. February 19, 1998. U.S. changing white-water rafting rules. The Washington Post. Denver, CO.

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The CHAIRMAN. Thank you, Mr. Mackey.  
Vera Smith?

**STATEMENT OF VERA SMITH, CONSERVATION DIRECTOR,  
COLORADO MOUNTAIN CLUB**

Ms. SMITH. Thank you. On behalf the Colorado Mountain Club, I would like to thank Chairman Hansen and the Committee for the opportunity to testify at this hearing.

The Colorado Mountain Club is one of the Colorado's largest outdoor organizations, with over 10,000 members and 14 chapters. Founded in 1912, the CMC strives to ensure high-quality recreational experiences for the public, protect the natural resources of the south Rocky Mountains, and educate the public on responsible and appropriate recreation.

The issue of recreational access is of paramount importance to the club since we engage both in recreation and conservation related pursuits on Federal lands.

As Americans, we are privileged to recreate on a vast array of public lands, from the Keys of Florida to the wilds of Alaska. Accompanying that privilege, however, is responsibility—the responsibility to steward these lands both as individuals and collectively, to ensure that their fundamental integrity is sustained.

Public land recreation provides wonderful benefits, but it also has the potential to impact the environment significantly, especially in light of recent and predicted increases in use.

It is our responsibility as Americans to ensure that our recreation is in harmony and not in conflict with the land.

We see two major trends in public lands recreation today that threaten to impair our ability to maintain this harmony. The first is increasing an unmanaged motorization, and the second is commercialization.

Off-road vehicle travel is one the many allowable forms of recreation on public lands. In the past 20 years, off-road vehicles, such as dirt bikes and snowmobiles, have grown significantly in popularity.

For example, in Colorado, ORV registrations have increased by over 500 percent in the past 7 years. As these machines have grown more popular, they have also become more powerful and technologically sophisticated.

With ever-increasing ease, they can cross rough terrain, conquer mountain peaks, crawl through wetlands and rivers, and penetrate into even the most remote backcountry.

The result is that the nonmotorized recreation community is losing access. As motorized vehicles proliferate into lands that were traditionally nonmotorized, nonmotorized recreationists are displaced.

For example, in the lower 48 States, over 90 percent of BLM lands are open to off-road vehicle use, leaving little room for wildlife and people alike to seek refuge from the sights, sounds, and smells of machines.

In addition, weak or nonexistent travel management planning, monitoring, and enforcement have led to an unprecedented urbanization of our backcountry.

When we think of the southern Rocky Mountains, we conjure up images of open meadows, high peaks, and uninterrupted vistas. The reality, unfortunately, is that the southern Rocky Mountains are a spaghetti network of roads so dense that there are very few places that are greater than 2 miles from a primary or secondary road.

The qualities that draw all of us to our public lands--quiet, clean water, healthy wildlife, and wildness--are yielding to the noise, pollution, and infrastructure characteristic of urbanized areas.

I brought these posters to demonstrate the point. The first poster shows the road network. The second poster shows distance from a road. So the green area in the very center of those blobs is 4 miles or greater from a road.

Common-sense solutions exist to bring recreation back into harmony with the land. The first and most necessary step is immediately to develop and adopt enforceable travel management plans that limit motorized use to designated routes, eliminate cross-country travel, establish a "closed unless marked open" policy, and increase enforcement and monitoring.

Travel management plans must be consistent across agency boundaries. Furthermore, these plans must allocate recreation to accommodate the basic needs of user groups while recognizing the constraints of the land.

Indeed, a few weeks ago, Colorado's front-range resource advisory council unanimously adopted a resolution that requested the BLM to implement similar solutions. That was included in my written testimony.

The second trend of concern is the potential commercialization of Federal lands and recreational services. In an effort to find funding sources for recreation, the agencies seem increasingly willing to dance with the idea of commercializing Federal lands.

The most disturbing aspect of this is the potential loss of Federal management autonomy as private enterprise acquires financial interests in public lands and facilities.

I urge the Committee to consider a vision where all citizens have the opportunity to enjoy their public lands in an undeveloped state and without financial burden.

Public lands should not be beholden to the desires of private industries whose motivation is to maximize profits for the shareholders instead of stewarding the lands for future generations.

We have come to a point where the public perceives that public land recreation is getting out of control. It is easy to point fingers at the agencies, but the fact is they cannot manage recreation effectively without receiving the necessary appropriations.

Furthermore, all users must be willing to accept limits and compromise access so that the fundamental ecological integrity of the land will not be diminished. Indeed, all citizens should have the right to experience solitude, feel wildness, and discover the wonders of the natural world without being assailed by the whirl of a dirt bike, the scream of the snowmobile, or the solicitations of major corporations.

In the words of Aldo Leopold, "Recreation development is a job not of building roads into lovely country but of building receptivity into the still and lovely human mind."

I thank you for this opportunity to comment.

[The prepared statement of Ms. Smith follows:]

**Statement of Vera Smith, Conservation Director, Colorado Mountain Club**

On behalf of the Colorado Mountain Club, I would like to thank Chairman Hansen and the Committee for the opportunity to testify at this hearing.

The Colorado Mountain Club (CMC) is one of Colorado's largest outdoor organizations with over 10,000 members and 14 chapters. Founded in 1912, the CMC strives to ensure high quality recreational experiences for its members and the public, protect the natural resources of the Southern Rocky Mountains, and educate the public on responsible and appropriate recreation.

The issue of recreational access is of paramount importance to the Club since we engage both in recreational and conservation-related pursuits on Federal lands.

*Harmonious Recreation*

As Americans, we are privileged to recreate on a vast array of public lands, from the keys of Florida to the wilds of Alaska. Accompanying that privilege, however, is responsibility—responsibility to steward these lands both as individuals and collectively to ensure that their fundamental integrity is sustained.

Public land recreation provides wonderful benefits but it also has the potential to harm the environment significantly, especially in light of recent and predicted increases in use. It is our responsibility as Americans to ensure that our recreation is in harmony and not in conflict with the land.

We see two major trends in public land recreation today that threaten to impair our ability to maintain this harmony. The first is increasing and unmanaged motorization, and the second is commercialization and privatization.

*Motorization*

Off-road vehicle travel is one of the many allowable forms of recreation on public lands. In the past twenty years, off-road vehicles (ORV) such as dirt bikes and snowmobiles have grown significantly in popularity. For example, in Colorado, ORV registrations have increased by over 500% in the past seven years. As these machines have grown more popular, they have also become more powerful and technologically sophisticated; with ever-increasing ease, they can cross rough terrain, conquer mountain peaks, crawl through wetlands and rivers, and penetrate into even the most remote backcountry.

The result is that the non-motorized recreation community is losing access. As motorized vehicles proliferate into lands that were traditionally non-motorized, non-

motorized recreationists are displaced. For example, in the lower 48 states, over 90% of BLM lands are open to ORV use, leaving little room for wildlife and people alike to seek refuge from the sights, sounds, and smells of machines.<sup>1</sup>

In addition, weak or non-existent travel management planning, monitoring, and enforcement have led to an unprecedented urbanization of our backcountry. When we think of the Southern Rocky Mountains, we conjure up images of open meadows, high peaks, and uninterrupted vistas. The reality, unfortunately, is that the Southern Rocky Mountains are a spaghetti-network of roads, so dense that there are very few places that are greater than two miles from a primary or secondary road (see attached map and statistics). The qualities that draw all of us to our public lands—quiet, clean water, healthy wildlife, and wildness—are yielding to the noise, pollution, and infrastructure characteristic of urbanized areas.

The problem ultimately lies with the fact that the Federal agencies lack the necessary funds and, at times, the will to develop, implement, and enforce travel systems in which motorized travel is limited to designated routes. Without designated travel systems, ORVs are often allowed to travel cross-country or are only limited to existing routes, conditions that lead to a proliferation of user-created routes. Consider that under a system where ORVs are limited to existing routes, the first ORV to carve a new route is breaking the law but all subsequent users to drive that route are legal. Consider also that it usually requires only a few passes before a track appears to be a road.

Other factors also contribute to the proliferation of routes and the eventual urbanization of the landscape. The U.S. Forest Service and the Bureau of Land Management are not consistent in their management of ORVs. For instance, where the two agencies administer lands with adjoining boundaries, one agency may require that ORVs stay on designated routes that are marked as open while the other agency may require that ORVs drive on existing routes under the presumption that all routes are open unless otherwise noted. When lands are intermixed, not even the most well-intentioned motorized recreationist is able to understand and follow the rules.

Lastly, the U.S. Forest Service and the Bureau of Land Management have failed to adopt a system-wide policy that allows motorized travel only on routes and in areas marked as open. This policy, referred to as “closed unless marked open,” is the only policy under which the agencies are able to 1) reasonably monitor route proliferation and consequent resource damage, and 2) enforce the travel designations. After all, it is ostensibly legal for a motorized recreationist to drive on an illegally-created route if a “closed unless marked open” policy is not in place.

Common sense solutions exist to bring recreation back into harmony with the land. The first and most necessary step is immediately to develop and adopt enforceable travel management plans that limit motorized use to designated routes, eliminate cross-country travel, establish a “closed unless marked open” policy, and increase enforcement and monitoring. Travel management plans must be consistent across agency boundaries. Furthermore, these plans must allocate recreation to accommodate the basic needs of user groups while recognizing the constraints of the land. Indeed, a few weeks ago, Colorado’s Front Range Resource Advisory Council unanimously adopted a resolution that requested the BLM to implement similar solutions (see attached).

In the words of two Colorado recreationists from Chaffee County, Dennis and Kathleen Claveau, “The impact of all-terrain vehicles, snowmobiles, dirt bike motorcycles, jet skis, and sport utility vehicles in the past few years has been so overwhelming that government agencies, whose job it is to steward our lands, seem to stand in awe unable to act, or worse yet, their attempts to act are restricted by bullying from the ORV community and neglect by the legislative branches of our government failing to support them.

If you lived where we live on the edge of the San Isabel National Forest and closely observed the exponential growth in numbers of ORVs entering the national forest in the past eight years, you could not but wonder what will be left ten years from now” Time is rapidly running out for our natural heritage.

<sup>1</sup> It is true that wilderness areas are, for the most part, non-motorized. However, it is important to realize that most of the wilderness in the Western United States is “rock and ice” wilderness. For example, in the Southern Rockies, over 75% of the protected areas (defined as National Parks and wilderness) lie above 10,000 feet in elevation. Because these alpine areas are difficult to access (by any means) and because these areas are not the biodiverse, biologically critical areas of the landscape, it is critical that non-motorized tracts at lower elevations be maintained/restored.

### *Commercialization*

The second trend of concern is the potential commercialization of Federal lands and recreational services. By allowing private enterprises to erect gates and charge fees, we will essentially turn public land recreation into an elitist privilege where only those with the financial means will be able to pay to play.

Even more disturbing is the potential loss of Federal management autonomy if we allow private enterprise to acquire financial interests in public lands and facilities. For example, suppose after a company were given the right to operate twenty campgrounds for thirty years on one national forest in exchange for capitally improving and maintaining the site, the land management agency discovered that the increased use is endangering an imperiled species. The Forest Service will be hard-pressed to break the agreement in order to manage the species appropriately.

Another example of loss of management autonomy and industrialization of Federal lands can be found in the ski industry. Several of the major destination ski resorts in Colorado including Vail and Copper Mountain are located on Forest Service lands in critical wildlife habitat, including the habitat of the endangered lynx. Despite the fact that skier numbers are flat nationwide, the resorts are regularly applying for and receiving approvals for expansions—expansions that will increase the number of resort-owned acres adjacent to skiable terrain. Although the motivation for expanding these public-land ski areas is not to meet a flat demand but rather to increase the profits yielded from private land development, the Forest Service, seemingly intimidated by the political power of these publicly-traded corporations, has not denied an expansion request in Colorado on environmental grounds since 1985. Furthermore, because these companies are profiting off their ability to manipulate development on public lands, they are pushing small ski areas or areas that won't play "the real estate game" out of business.

Clearly, the recent emphasis on increased commercialization of recreation by private industry is a consequence of inadequate funding of the land management agencies. For example, in Colorado, the Forest Service can only fund, on average, one law enforcement officer for 670,000 acres. In addition, under current funding levels, the Colorado Bureau of Land Management State Office will not be able to complete an initial set of travel designations for another 12 to 15 years, at a minimum. The answer to the budget shortfalls is not to commercialize and develop more infrastructure (the agencies still will not be able to provide adequate oversight), but, instead, is to provide adequate funds for the agencies to manage existing levels of recreation.

I urge the Committee to consider a vision where all citizens have the opportunity to enjoy their public lands in an undeveloped state and without financial burden. Public lands should not be beholden to the desires of private industries whose motivation is to maximize profits for the shareholders instead of stewarding the lands for future generations.

### *Conclusion*

We have come to a point where the public perceives that public land recreation is getting out of control. It is easy to point fingers at the agencies but the fact is that they cannot manage recreation effectively without receiving the necessary appropriations.

Furthermore, all users must be willing to accept limits and to compromise access so that the fundamental ecological integrity of the land will not be diminished. Indeed, all citizens should have the right to experience solitude, feel wildness, and discover the wonders of the natural world, without being assailed by the roar of a dirt bike, the scream of a snowmobile, or the solicitations of major corporations. In the words of Aldo Leopold, "Recreational development is a job not of building roads into lovely country, but of building receptivity into the still unlovely human mind."

Thank you for this opportunity to comment.

[The attachments listed below follow:]

1. Fact Sheet on Off-Road Vehicles on BLM Land
2. Resolution passed by the Colorado Front Range RAC on May 10, 2001 entitled, Resolution for Consistent, Positive, and Environmentally-Responsible Management of Off-Road Vehicles
3. Two maps of the Southern Rockies Ecoregion: The Road Network of the Southern Rockies, and Distance from a Road in the Southern Rockies



**Off-Road Vehicle Use on BLM Lands**

**Fact Sheet, January 2001  
The Colorado Mountain Club**

The use of off-road vehicles (ORVs), including dirt bikes, all-terrain vehicles, and snowmobiles, has increased considerably in the past decade. Moreover, recent technological advances have enabled these machines to drive across rough terrain, to mountain peaks, through wetlands and rivers, and into the remotest backcountry. The consequence is potential conflicts with other public land users (i.e., hunters, fishermen, hikers, climbers, birdwatchers, and bicyclists), harm to waterways, soils, wildlife, cultural resources, and habitats, and few areas left where people can escape the sights, sounds, and smells of ORVs. Irresponsible ORV use is now one of the single fastest growing threats to the natural integrity of Colorado's public lands.

**In Colorado Bureau of Land Management Areas...**

- 47% of all BLM lands in Colorado allow uncontrolled cross-country ORV use.
- 91% of all BLM lands in Colorado are open to motorized use.
- BLM has virtually no backcountry enforcement or monitoring present
- BLM needs approximately \$5,000,000 to complete travel inventories and travel management plans.



A jeep driving through rare pools in Canyon Country.

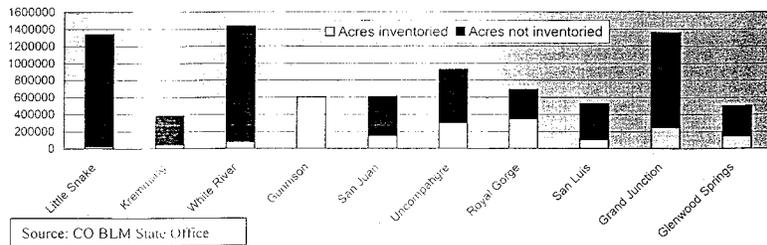
**Travel management – Status as of December 2000**

Current designations of ORV use on BLM land in Colorado:

OPEN	3,932,000 acres	or	47%
LIMITED	3,680,000 acres	or	44%
CLOSED	753,000 acres	or	9%

⇒ 91% open to motorized use

**Status of Travelway Inventories for BLM Resource Areas in Colorado, December 2000**



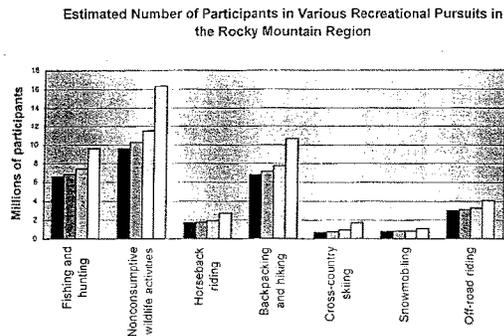
Source: CO BLM State Office

Without accurate travel inventories, BLM staff:

- Cannot develop travel management plans in which routes are designated for motorized use;
- Cannot monitor the state of the resources or user conflict as required in BLM regulations;
- Cannot enforce ORV operation and resource protection rules;
- Cannot ensure that ORVs are not damaging the landscape.

### Important trends

- 2/3 of BLM lands are located within 1 hour of a metropolitan area.
- While less than 2% of Coloradans own registered ATV's or trail motorcycles, ORV registrations are growing rapidly. Since 1990 ORV registrations have increased 500%, from 11,700 to 55,320 in 2000. Note that this figure does not count out-of-state ORV recreationists who recreate in Colorado.
- Most to all types of recreation is increasing in the Rocky Mountain Region. Wildlife viewing, fishing, and hiking are predicted to increase the most while snowmobiling, rock climbing, and hunting are predicted to increase the least.
- Private lands are being developed at a rate of 90,000 acres/year (10 acres/hour).
- ORVs travel an average of 50 miles per day as compared to 4 miles for a hiker (Source: Uncompahgre National Forest Travel Management Plan DEIS, 1998 p.3-21).



Source: Bowker, J. M., Donald English, and H. Ken Cordell. 1999. Projections of Outdoor Recreation Participation to 2050 in Outdoor Recreation in the United States, Results from the National Survey on Recreation and the Environment.

### The Solution

**Policy reform.** In accordance with the authority granted to BLM in Executive Orders 11644 and 11989, regulations at 43 CFR 8340-8343, and the FLPMA, the BLM should implement the following policy changes:

- Amend all Resource Management Plans immediately to eliminate cross-country travel by motorized vehicle;
- Complete travel inventories and designations within a reasonable amount of time (e.g., 3 yrs);
- As designations are completed, govern ORV use under a "closed unless marked open policy" to ensure consistency across boundaries with USFS lands;
- Ensure that motorized use designations are consistent with those on adjacent lands; and
- Immediately amend designations that currently have the potential to damage the habitat of threatened, endangered, or sensitive species.

**Increased funding for on-the-ground enforcement and recreation planning.** The BLM needs increased appropriations to monitor and enforce ORV regulations, to plan properly recreation on public lands, and to maintain designated routes to minimize erosion, resource damage, and user conflict.

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The Colorado Mountain Club is a 10,000-member outdoor recreation, conservation, and education organization dedicated to protecting the natural resources of the Southern Rockies and promoting appropriate and responsible recreation. For more information, contact Vera Smith at (303) 279-3080 x106 or smithv@cmc.org.

Resolution for Consistent, Positive, and Environmentally-Responsible  
Management of Off-Road Vehicles

**Passed by the Colorado Front Range Resource Advisory Council, May 10, 2001**

WHEREAS, motorized travel on designated BLM roads is a valid form of transit for grazing-related activities, for fire protection and emergency rescue activities, for ingress or egress to privately held lands and lands or resources leased from the government (i.e. rights of way), and for non-errant recreation that is not inconsistent with sustained yield principles;

WHEREAS, irresponsible and errant off-road vehicle (ORV) travel on non-designated routes can be damaging to natural and cultural resources through vegetation damage and trampling, wildlife disturbance, soil erosion, habitat degradation, and water pollution;

WHEREAS, the 1995 GAO report on ORVs on federal lands confirmed that the Bureau of Land Management (BLM) is not in compliance with Executive Orders 11644 and 11989 and regulations 43 CFR 8340-8343;

WHEREAS, 91% of BLM land in Colorado is open to ORV use, including 47% that is currently designated as open (e.g., ORVs may travel cross-country without any restrictions);

WHEREAS, BLM land designations for ORV use are outdated and were assigned when fewer ORVs were being used and less was understood about ecologically-based recreation management;

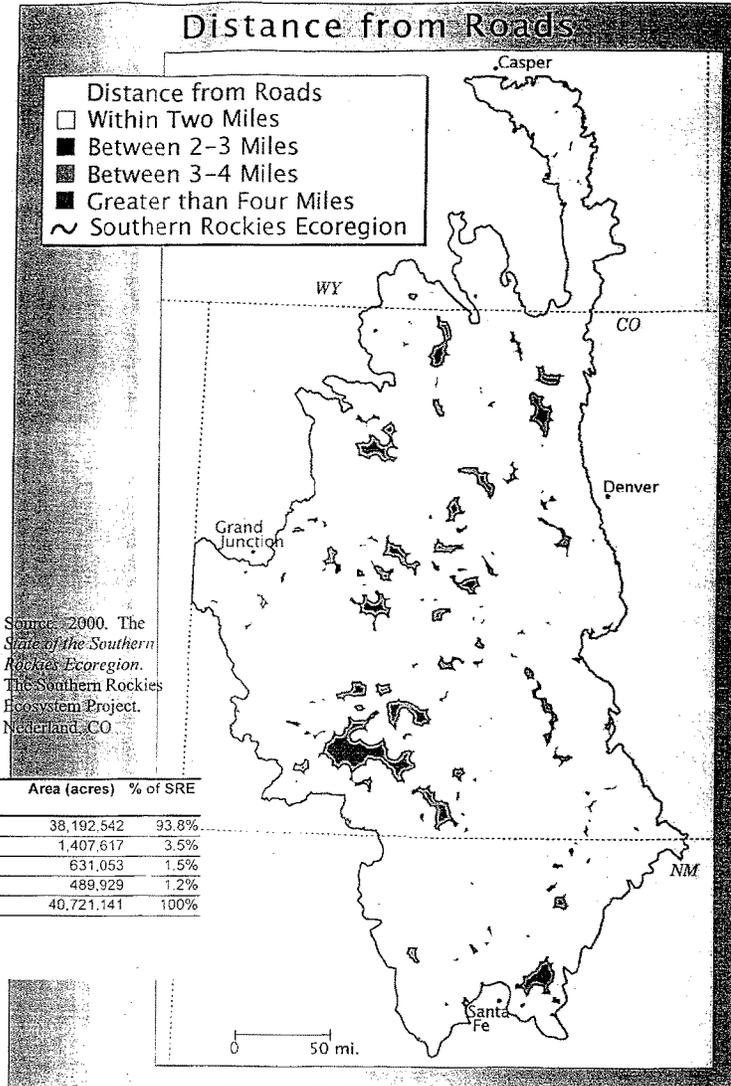
WHEREAS, citizens and the BLM have documented numerous cases of resource damage, conflicts among user groups, interference with valid existing leases and rights, and potential impairment of wilderness suitability by ORVs;

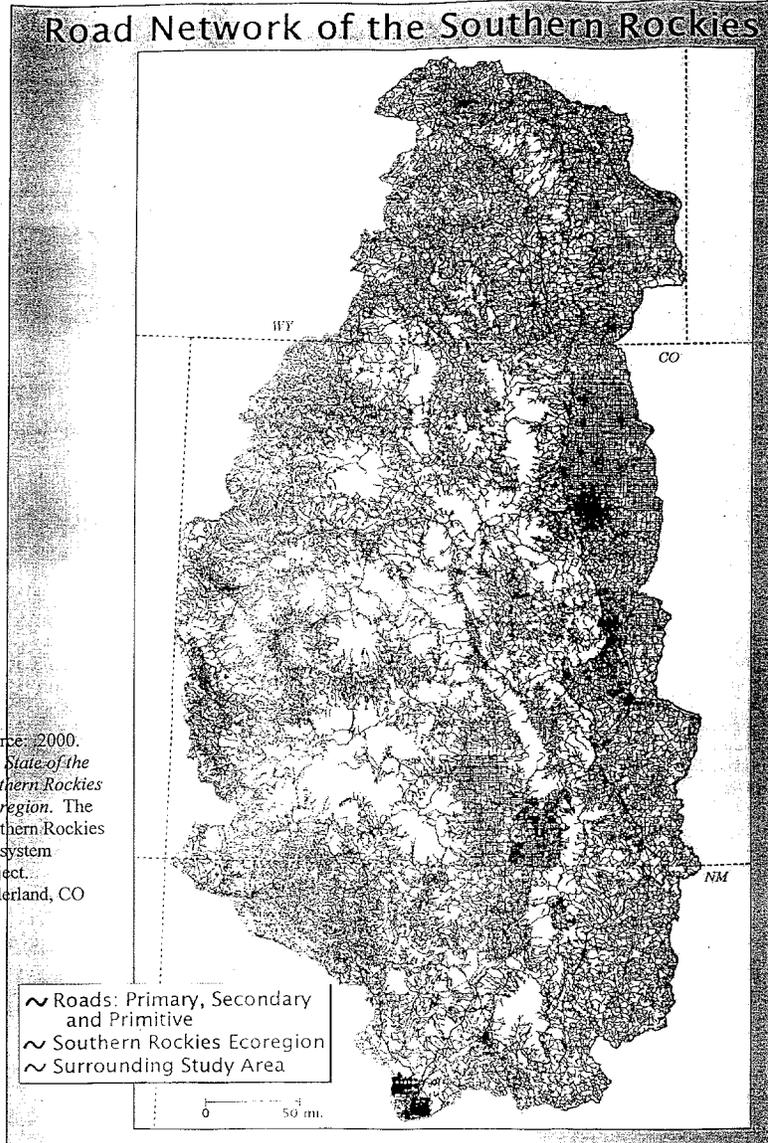
WHEREAS, BLM should manage ORV use to be consistent with ORV management on neighboring USFS lands under the Service First Model, and the USFS is going towards a "closed unless open policy" for ORVs;

WHEREAS, the adoption of a "limited use" policy will ensure consistent and positive management of environmentally-responsible motorized ORV use on public lands, facilitate achieving the public land health standards, reduce damaging route proliferation, reduce conflicts with other land users such as hunters and ranchers, protect vulnerable cultural resources and imperiled species, and comply with the spirit of the Service First Model by managing ORVs consistently across agency boundaries.

NOW, THEREFORE, be it resolved that the Front Range RAC request the Colorado State BLM Office to:

- within six months complete amendments to all BLM Resource Management Plans that establish interim travel designations such that lands currently designated as open will be designated as limited and as authorized in 43 CFR 8342 open to activities such as livestock management, noxious weed control, fuel control or other land health improvements as approved by the agency.
- adopt a statewide policy that OHV travel is limited to designated routes and designated as open as authorized in 43 CFR 8341.2; and
- within three years complete travel inventories and final designations with the assistance and advisement of the Colorado RACs and the public of all BLM administered lands within the state by conducting inventories and designations in high-priority areas first and in lower-priority areas later.
- Specifically designate OHV management a BLM priority backed with appropriate resources such as money and personnel to implement monitoring, enforcement, remediation and education.





The CHAIRMAN. I thank you.  
Bruce Ward, we will turn to you, sir.

**STATEMENT OF BRUCE WARD, EXECUTIVE DIRECTOR,  
CONTINENTAL DIVIDE TRAIL ALLIANCE**

Mr. WARD. Thank you, Mr. Chairman. I really appreciate the opportunity to be here.

I know you have experience as a swamper, at least I have heard that, and I recognize that you have personal experience in the recreation world, and that you appreciate why we are here.

I also have a quote from Aldo Leopold that I would like to start out with, and it goes like this: "Recreation is a perpetual battlefield because it is a single word denoting as many different things as there are diverse people. One can discuss it only in personal terms. There is no unit of either volume or value where diverse persons can impersonally measure or compare recreational use."

And I really think that is what we are talking about here, Mr. Chairman. And I think that the ultimate decision that you need to make, and members of this Committee need to make, is: Are we going to use a carrot or are we going to use a stick in order to make that happen?

And I think that the team of people that you have put together in these panels would like to work with you further to use the carrot as opposed to a stick.

I have to tell you, when Rob Howarth asked me to come out here—I live in Park County, Colorado. Some people call it God's country, some people call it McInnis country, but bottom line is, it is a place that I have a hard time leaving. I don't like coming back here, quite frankly, Mr. Chairman.

But I am here because this is a vitally important topic, and I really, sincerely appreciate the fact that you are holding these hearings. And my intention is to work with you and this Committee in any way that I can to help you delve into this very serious issue.

You know, I am here not only because of my personal desire and commitment to this cause, but because of my children, Phillip and Isabella. I take them out with me on the backcountry, and I am concerned about what the future of that backcountry is going to be.

And I really think that this Committee and the people that are here at this table will help determine where we are going. And I have a great deal of optimism.

I am also here because of the volunteers. You have heard them talked about in many cases. We have had hundreds of thousands of dollars in volunteer labor put on the ground through our organization, and with the help of land managers.

And I want to echo another theme that has resonated throughout this hearing, and that is that there are not enough people on the ground.

Craig Mackey did a great job of specifically articulating the numbers of people that are no longer out there, doing the work that is fundamental to restoring and maintaining the recreation infrastructure that this country put into place in the 1930's. And in many cases, no work has been done since or minimal work has been done since.

So ultimately, the question of access, how much is too much, is what we are here to address. And how do we best address the increasing numbers of recreationists from all walks of life?

For my way of thinking, Mr. Chairman, the bottom line is collaboration and education, and you have heard those themes time and time again in here.

Again, I think you have assembled a great team of people who are interested in this cause and could work with you, work with this Committee, to substantively address from a grassroots level ways that we can deal with increasing recreational use.

I think it is critical that we come up with solutions that are acceptable because they are based in scientific fact but also because they are socially acceptable. And that seems to, again, be a reoccurring theme with the groups that are represented here.

Mr. Chairman, Congress can make laws and the land managers can be charged with enforcing them, but it is only when those people represented by the various panels that are here, and the millions of others who seek to enjoy our public lands, it is only when they truly embrace these decisions and understand them will we truly make any progress on our public lands.

I would suggest that if there is a way to come up with a commission of some sort, made up of grassroots organizations that would address these issues, that we look into that opportunity and we discuss amongst the people who are represented here and the other recreation and environment groups who are concerned about this.

I have a quote I would like to leave you with as well, and that was Teddy Roosevelt, who I know is near and dear to many members of this Committee who are concerned about natural resources. He said, "The nation behaves well if it treats the natural resources as assets which it must turn over to the next generation increased and not impaired in value."

And perhaps one last quote from a fellow—I am from Boston originally, if you haven't picked up on my accent, Mr. Chairman—

[Laughter.]

—from a fellow member of my favorite state, from growing up.

He said, ask not what trails can do for you, ask what you can do for trails.

[Laughter.]

Thank you.

[The prepared statement of Mr. Ward follows:]

**Statement of Bruce Ward, Executive Director, Continental Divide Trail Alliance, Inc.**

Good morning, Mr. Chairman and members of the House Resources Committee. I appreciate this opportunity to address you about recreation and access to public lands. I have been working on the effort to complete and maintain the Continental Divide Trail since 1994. My wife, Paula, and I helped to form the Continental Divide Trail Alliance with then vice chair of the National Forest Foundation Steve Fausel. Our organization was specifically formed to assist the Forest Service, National Park Service and Bureau of Land Management with the congressional mandate to complete and maintain this national treasure.

*Introduction*

Our great country is made up of a people proud of our individualism, proud of our heritage and proud of our pioneering spirit. Yet today there is less opportunity for Americans to experience our natural lands as our forefathers did. As we move from a rural to an urban society, we must seek ways to connect people to the land.

One such connection is our National Trail System. I have the privilege of representing the Continental Divide Trail, which, along with the Appalachian Trail and the Pacific Crest Trail constitute the crown jewels of America's long distance primitive trails. The Continental Divide National Scenic Trail wraps its spirit and soul around the hearts of all Americans who remember the history of the making of the West and who look with hope to the continuance of the pioneer spirit. It is our hope, in an age of political and social polarization, that people from all walks of life, cultures, environmental perspectives, and ethnic backgrounds find in the Trail the history of America and hope for our future.

When Meriwether Lewis and William Clark crossed the Continental Divide, it was a defining moment in history for both these intrepid explorers and our country. The Continental Divide has always been profoundly defining in the hearts and souls of the American people. How often do we as citizens and do you as our Representatives have the opportunity to support something so grand as to tie together our past and our future with such majesty of time and place?

We recognize the honor, duty and priceless gift of living free in this land we call our home. What price is placed on the enhancement of the soul? What is the value of things which bring unity to our changing community of citizens? Can we think of a gift of greater value or a treasure more deserving of protection than the education of future generations of young Americans to the value and heritage of pristine public lands?

A trail of history, freedom and the American spirit is what we are charged to pass to future generations. I am here before you today representing those among us who believe we are better Americans because of what joins us together as opposed to what separates us.

With this understanding of what our organization stands for I would like to address the issue of recreation and access to our public lands.

Recreation on public lands is a benefit that Americans value. The issues we address here involve what types and extent of access are appropriate to maintaining the integrity of a natural resource.

We depend upon the public servants from our land management agencies to determine what natural settings are appropriate for certain types of recreational use based upon administrative or legislative designation, but it is our responsibility to adhere to those guidelines.

We must consider the impacts that different types of use have on these resources, as well as their effects on other users. Different types of trails and trail lands may accommodate a public with varied interests, yet they must do so in a manner compatible with the land.

One specific way of addressing the need for achieving a balance between protection and recreation needs is a toolkit approach for land protection. While "Big W" Wilderness is one useful tool, one size does not fit all, as many areas of open space worthy of protection from development simply would never make it through the designation process to qualify as Wilderness. National Conservation Area (NCA) designation provides a much more flexible vehicle.

Two recent NCA designations in Colorado have done an excellent job of protecting large areas while providing for a range of recreation activities. Under their guidelines, smaller Wilderness area designations were embedded within them, but the entire NCA areas would never have made it through the Wilderness designation process. The NCAs are the Gunnison Gorge section of the recent Black Canyon of the Gunnison National Park legislation and the Colorado Canyonlands NCA just west of Colorado National Monument. There are another dozen or more NCAs that have been designated over the past 20 years or so.

Ideally we could develop some kind of organic legislation for National Conservation Areas that is similar to the Wilderness Act. This would legitimize this very useful tool in the eyes of a wide range of Americans as an appropriate form of land protection to complement Wilderness designation. It would also provide a workable alternative to the insistence of some for "Wilderness or nothing" that can too often result in very little Wilderness and a lot of nothing.

Recreation represents an increasing and important use of our public lands—one that merits increased resources and attention. As the increasing demands on our public lands continue, additional resources must be allocated for recreation and conservation investment.

Recreation on our nation's public lands is significant—combined estimates among the four agencies total over 1.2 billion visitors annually. The Forest Service estimates they have 850 million visitors per year; the National Park Service attracts 287 million; and the Bureau of Land Management and the Fish and Wildlife Service estimate 65 million and 35 million, respectively.

In 1999, a study conducted for the Outdoor Recreation Coalition of America found that 94.5 percent of the American public participated in some form of outdoor recreation. And, according to the 2000 National Survey on Recreation and the Environment, hiking and backpacking are among the nation's fastest growing forms of recreation. In 2000, 73 million Americans hiked (a 196% growth since 1982) and 23 million backpacked. Despite these trends, Federal funding for recreation has not kept pace with demand and continues to fall far short of needs.

Increased opportunities and access to the outdoors—where appropriate—will strengthen the public's appreciation and connection to the natural world. It will make us healthier. Convenient access to trails will make their homes more valuable.

It is paramount that the agencies utilize our trails as a means to educate the public about conservation issues and as a way to increase recreational opportunities and access. Trail protection and natural resource conservation are inextricably linked. However, trail systems built over the last 150 years with taxpayer dollars have been left to deteriorate, been abandoned, or simply left off of trail system maps, often at the sole discretion of an overworked seasonal trail worker.

The outdoor recreation community supports more recreation staff on the ground, more trail maintenance dollars, more funding for recreation and Wilderness management and programs that create more recreation opportunities for the American people.

Federal land managers are struggling to keep up with the dramatic increase in trail use in America. The solution is not to merely appropriate more money to the National Park Service (NPS), Bureau of Land Management (BLM) and USDA Forest Service, but to couple targeted increased funding with increased on-the-ground trails coordinators and volunteer coordinators.

#### *Bureau of Land Management*

Increasingly, the Bureau of Land Management (BLM) has had to address the needs of a growing and changing West. The BLM lands in the West are experiencing unprecedented growth in recreational use as a result of rapid population growth and the expansion of communities within and outside major metropolitan areas. This growth increases the demands on adjacent public lands, user conflicts and management costs of public lands.

Outdoor recreation is an important public use of these lands and management of outdoor recreation resources, facilities, and visitor use are significant components of the BLM's multiple use mission, yet the agency remains severely underfunded and understaffed.

#### *National Park System*

The National Park System (NPS) continues to grow, both in terms of the number of units it oversees and the number of visitors it accommodates each year. This growth in the system has not been accompanied by sufficient increases in financial resources and support. Years of inadequate funding have contributed to the deterioration of natural, cultural, historic, and recreational resources throughout the system. Recreation and conservation funding increases are critical to enable the Park Service to protect its magnificent wealth of resources and continue to offer outstanding recreational opportunities.

The National Park Service faces the challenge of protecting resources while serving visitors. Recreation is integral to its role and mission. Yet, despite its tremendous role in recreation, the agency lacks senior-level administrative support and personnel focused strictly on recreation. As a result, recreation planning and management receive inconsistent attention and limited policy guidance. Recreation management requires greater emphasis from NPS headquarters rather than through individual parks and units alone. The prevalence of recreation today, exploding visitation to national parks, and the emergence of user conflicts warrant national policy direction and attention from the agency. We believe recreation deserves a higher place in the NPS hierarchy.

#### *NPS and the National Trails System*

National Trails System funding increases during the past eight years have not kept pace with the needs for the system today. The 16 national scenic and historic trails administered by the National Park Service require increased funding for natural and cultural resource management and protection, improving visitor services, and strengthening volunteer partnerships. For most of the national scenic and historic trails, barely one-half of their congressionally authorized length and resources are protected and available for public use. Most trail offices are understaffed, hindering the agencies' ability to properly administer and manage these trails and work effectively with volunteer-based organizations.

### *USDA Forest Service*

The USDA Forest Service is the nation's largest outdoor recreation provider, managing over 133,000 miles of trails—including all or part of six national scenic and eleven national historic trails—more than 277,000 heritage sites, over 4,300 campgrounds, and 31 national recreation areas, scenic areas, and monuments. Recreation creates about 75% of the Gross Domestic Product (GDP) generated from Forest Service land, yet only about 10% of the Forest Service budget supports recreation.

The Forest Service itself now highlights the growing importance of recreation to the agency, as evidenced by the release of a Recreation Agenda.

The Recreation Agenda identifies resource protection, reducing the \$812 million trail maintenance backlog, and augmenting recreation staff and volunteer coordinators, particularly on the ground, as critical. Despite the increased emphasis the agency is placing on recreation through the Recreation Agenda, we are concerned that the concept as articulated at the top is not translating into action on the ground. Few national forests have even one full-time trails coordinator. And despite the number of hiking and other recreation organizations that want to volunteer to build and maintain trails in National Forests, few Ranger Districts have a volunteer coordinator. The American Hiking Society and some of its member clubs, including the Continental Divide Trail Alliance, have had volunteer trail crews turned away because of the agency's inability to provide the necessary minimal supervision or support.

As expressed in the Recreation Agenda, the Forest Service highlights staffing and acknowledges the need to place trail coordinators, volunteer coordinators and/or recreation planners at each national forest and for each nationally designated area or trail. The agency must follow-through with this commitment by increasing funding for recreation staff on the ground.

### *Wilderness*

Wilderness areas are particularly important to recreationists seeking solitude and escape in pristine backcountry and other outstanding natural areas. Maintaining the integrity of the land and resources is essential for ecosystem viability and to assure these places remain wild for future generations. Wilderness areas are critical for ecosystem protection, for water, wildlife, and vegetation—all valued pieces of the recreation experience. The agencies must receive additional funding to manage Wilderness effectively and appropriately.

### *Volunteers*

In 2000, national trail volunteer organizations contributed \$6.6 million in financial resources and over 593,000 volunteer hours with an estimated labor value of \$8.8 million. The Forest Service relies very heavily on volunteers, especially for trail maintenance activities. Last year, over 90,000 volunteers contributed millions of hours in labor to the Forest Service with an appraised value of \$35.8 million. Clearly, these volunteer efforts warrant an expanded commitment to trails and recreation funding.

Our organizations have sent thousands of volunteers per year into America's public lands to revitalize trails and protect natural resources. These dedicated volunteers have raked, shoveled, trimmed, lopped, and chopped hundreds of trail miles that, without these crews, would be unsafe for travel. We send numerous crews into America's National Parks, Forests and rangelands each year.

These volunteer programs have expanded greatly over the years. As we have sought to expand these programs, we have found, more and more, that the public agencies do not have enough on-the-ground staff to supervise volunteers who want to work on trails - even where the agencies themselves have identified critical maintenance and repair work.

Adequately trained volunteer crew leaders would not replace Forest Service, NPS, or BLM staff as decision-makers, but instead would help the public land managers fulfill their responsibility to the recreating public, contributing significantly toward the goals set in the Recreation Agenda.

Congressional support for these endeavors will ensure that our organizations can continue our strategic efforts to work with volunteers and grassroots trails organizations to encourage increased volunteerism on public lands.

### *Willing Seller Legislation*

Willing seller legislation is critical to the completion and protection of our National Trail System and to ensuring access to opportunities for outdoor recreation and appreciation and enjoyment of the natural and historic resources there as Congress intended.

Willing-seller legislation would amend the National Trails System Act to provide Federal authority to acquire land from willing sellers to complete nine of the twenty-two national scenic and historic trails currently lacking this authority. Willing seller authority restores parity to the National Trails System and provides authority to protect critical resources along the affected trails.

It gives the Federal agencies administering the trails the ability to acquire land from willing sellers only. The legislation would not commit the Federal government to purchase any land or to spend any money but would allow managers to purchase land to protect the national trails as opportunities arise with funding appropriated through the Land and Water Conservation Fund.

Without willing seller authority, Federal trail managers' hands are tied when development threatens important links in the wild landscapes of the national scenic trails or in the sites that authenticate the stories of the historic trails. With willing seller authority, sections of trail can be moved from roads where hikers and other trail users are unsafe, and critical historic sites can be preserved for future generations to experience. Moreover, this authority protects private property rights, as landowners along the nine affected trails are currently denied the right to sell land to the Federal Government if they desire to do so.

The four national scenic trails included under willing seller legislation have a combined projected length of 9300 miles. Twenty years after their authorization, only about 4885 miles—slightly more than half their total length—are protected so they will be permanently available for public use and enjoyment. Without the ability to purchase permanent rights-of-way from willing sellers, it is highly unlikely that these trails will ever be the continuous pathways that Congress intends them to be.

Even though most of the Continental Divide National Scenic Trail is on public land, there are several major gaps to fill in order to make the trail continuous from Canada to Mexico. Although most of the five national historic trails affected by this legislation are not intended to afford continuous routes for recreation, the degree of protection of their "significant sites and segments" mirrors the condition of the four scenic trails.

In March 2001, the House of Representatives overwhelmingly passed H.R. 834, the National Trails System Willing Seller Act, introduced by Representative Scott McInnis, by a 409–3 vote.

#### *Education*

Trails can be a particularly valuable tool as the land management agencies stretch themselves further into education. They can serve as the classrooms for biology, history, geology, ecology and more. Our best guess is that there are well over 200,000 miles of trails in the US; all of them can teach us something.

#### *Economic Benefits: A Growth Industry*

The number of Americans who participate in human powered activities such as hiking, canoeing, kayaking, mountain climbing, and bicycling, has increased substantially over the last two decades. Furthermore, the number of households in the U.S. is projected to increase by 12.3% by the year 2010 to a total of 113.4 million. As the number of households in the U.S. expands and interests in outdoor activities grow, demand for natural places, resources, and sports equipment and apparel will rise. As society's interest in outdoor recreation grows, so does the economic benefit of those activities.

#### *Commerce and Jobs*

Across the United States, parks, rivers, trails, and recreational open space help support a \$502 billion tourism industry—the nation's third largest retail sales industry. In 1993, 273 million visits to our national parks created over \$10 billion in direct and indirect expenditures within parks and surrounding communities. These expenditures also generated over 200,000 jobs. Well-managed trails running through communities can foster substantial, sustainable economic activity through business development and tourism. Trail users need food, lodging, and campgrounds as well as special clothes, shoes, and equipment.

A study of economic impacts of trails by the Allegheny Trail Alliance (a federation of seven trail groups working to build a 209-mile network of trails from Pittsburgh to Cumberland, Md.) estimates that approximately \$14.1 million- \$25 million will be cycled into local economies once the network is completed. In another study, the National Park Service found that three rail-trails in Iowa, Florida, and California contributed between \$1.2 million and \$1.9 million per year to their home communities.

### *Retail Values*

Hiking and outdoor recreation help boost the economy. The manufacturing of hiking boots, tents, backpacks, sleeping bags, and other related outdoor equipment has become a major job-creating industry. The Outdoor Recreation Coalition of America estimates that total current sales of human-powered outdoor recreation products and specialty items are over \$17.9 billion. Outdoor specialty retailers and chain stores accounted for \$4.78 billion of the total 1999 retail sales, which represents a 6.6% increase from 1998. A recent study reveals that on average, \$374 million is spent on hiking footwear each year.

In addition, many of these companies find ways to give back to organizations like ours with generous donations of financial support, in-kind and products for our volunteers.

### *Property Appreciation*

Across the nation, parks, protected open space, and trails are increasingly recognized as vital to the quality of life that benefits economic health. According to a Regional Planning Association poll, the major elements cited as crucial for a satisfactory quality of life were low crime and access to greenery and open space. CEOs and owners of small companies ranked recreation/parks/open space as the highest priority in choosing a new location for their business.

Studies have supported the direct relationship between property values and proximity to greenways, trails, and open space. A 1996 survey of property values near greenbelts in Boulder, Colorado concluded that the average value of a home adjacent to the greenbelt would be 32 percent higher than the same property 3,200 feet from the greenbelt.

In Salem, Oregon, land adjacent to a greenbelt was found to be worth about \$1,200 an acre more than land only 1,000 feet away, and in Seattle, WA homes bordering the 12-mile Burke Gilman Trail sold for 6.5 percent more than other houses of comparable size.

### *Congestion Relief and Pollution Control*

Trails connect the community and can be an important part of the transportation system. The use of human-powered transportation by way of walking and bicycling could result in a savings of 17.9 billion motor vehicle miles, 7 billion gallons of gas, and 9.5 million tons of exhaust emissions annually.

### *Health Benefits*

Accessible, safe trails mean that more people will walk and hike, leading to both short- and long-term health benefits. Walking can prevent heart disease, decrease hypertension, decrease cholesterol levels, help weight loss, improve osteoporosis, improve and maintain mental health, prevent and control diabetes, improve arthritis, and relieve back pain. Trails provide a safe, inexpensive avenue for regular exercise for people living in rural, urban, and suburban areas. Studies show that walking or hiking a few times per week can improve a person's health and lower health care costs. In a study conducted by the National Park Service, individuals who exercised regularly filed 14 percent fewer healthcare claims, spent 30 percent fewer days in the hospital, and had 41 percent fewer claims greater than \$5,000 compared to those who lead sedentary lifestyles.

### *National Trails Day*

On June 2, 2001, American Hiking Society will coordinate its ninth "National Trails Day," to raise public awareness and appreciation for trails. Participants gather at more than 2,000 National Trails Day events nationwide.

### *Uniting Along the Divide II*

Hundreds of volunteers will travel to remote locations along the 3,100-mile CDT to explore and document in writing and with photographs its historical and geologic features. Information gathered during UAD II what is important to the CDT experience and take steps to protect these landmarks by developing a CDT Master Plan, a blueprint for the future of the trail.

### *Conclusion*

By increasing the focus and funding of the recreational programs outlined in this testimony, Congress will help ensure the viability of America's unique natural heritage and protect the outstanding recreation opportunities on our public lands.

Thank you, again. I will be happy to answer any questions from the committee.

The CHAIRMAN. Thank you, Mr. Ward.

Amy Knowles?

**STATEMENT OF AMY KNOWLES, FLORIDA KEYS FISHING GUIDES ASSOCIATION**

Ms. KNOWLES. Thank you, Mr. Chairman. Good morning. I appreciate this opportunity to speak before you.

My name is Amy Knowles. I live in Islamorada in the Florida Keys, and I represent the Florida Keys Fishing Guides Association, although I am a member of the Florida Keys National Marine Sanctuary's personal watercraft working group.

Congress, in recognition of a need to protect the only living coral reef ecosystem in the continental U.S., passed the Florida Keys National Marine Sanctuary Protection Act of 1990, signed that November by President Bush.

In 1997, the sanctuary advisory council voted to ban personal watercraft. But upon review, the vote was rescinded, and an alternative giving the personal watercraft industry 1 year to implement an education plan for PWC operators was approved.

In November 1999, responding to increased public outcry and the fact that conflicts with personal watercraft had increased rather than diminished, the full sanctuary advisory council, composed of new members, directed staff to begin the regulatory making process.

The scoping period has just recently ended, and we are currently evaluating the public comments.

The words "Florida Keys" conjure up images of sunshine, palm trees, balmy tropical nights, flowers in colors, tranquility, clear-blue waters teeming with fish and wildlife—paradise, in short.

Yet we are besieged by a relatively new sport that is abusive and runs counter to all traditional marine recreational pursuits: personal watercraft operation.

With few exceptions, the operation of these craft is reckless, loud, threatening to wildlife in shallow-water habitats. And due to their low-hull draft and internal water jet design, PWCs are more capable than other vessels of travel into shallow and remote areas.

The breeding, nesting, roosting, and feeding activities of birds are greatly disturbed by the constant variation of noise and pitch levels of the craft. The many mangrove and shallow flats of the sanctuary and the Everglades and Biscayne Bay National Park's waters provide essential wild bird habitat and feeding areas. And the accessibility of these areas to PWCs, even though they are banned from the two national parks, greatly increases the risk of wildlife disturbance.

In addition to their ability to access sensitive grass flats and mangrove shorelines, the adverse impacts to wildlife from PWC operations are much more significant than from traditional motorized vehicles, due to their speed, noise, the riders' tendency to travel in groups, and the maneuverability.

The migratory and feeding patterns of the Keys' most sought after shallow water game fish—bone fish, tarpon, and permit—have changed in response to the increased traffic of PWCs across the shallow flats.

PWC operators have been observed harassing schools of fish, Key deer, and manatees—both of which are endangered species—dol-

phins, and surfacing birds. To my great dismay, I have witnessed frequent incidents of habitat destruction, wildlife harassment, and the death of birds purposefully run down by PWC riders.

This clearly is a national issue. There is documented evidence of community after community across the country struggling to find solutions to defend sensitive ecosystems against the activities associated with the unregulated operation of personal watercraft.

In South Florida, PWC use is prohibited in Biscayne National Park, Everglades National Park, and the wildlife refuges of the lower Keys. These areas offer relatively safe haven for migratory and resident bird, marine mammal and fish populations, and protection for nursery habitats.

And this level of resource protection should be extended to the Florida Keys National Marine Sanctuary as well.

Precedent already has been set in the Monterey Bay and the Gulf of Farallones National Marine Sanctuaries with the establishment of special zones of operation for PWCs.

The notion that personal watercraft must be treated the same as any other vessel is puzzling and incongruous. Reckless and intrusive PWC use tends to discourage others from using the resource. A day's fishing, diving, swimming, or canoeing is all too often ruined by the negligent operation and inappropriate behavior of PWC riders.

Government at the Federal and state and local levels regulate our public road and waterways. This is not discrimination; it is zoning.

I realize it would be unfair and unrealistic to recommend a ban on PWCs across the U.S. And while there are certain places or zones where loud and fast thrill craft operation might be appropriate, there are also environmentally special places where it is not.

In conclusion, there appears to be a very strong need for Federal regulation of personal watercraft use in our country's environmentally sensitive coastal areas and freshwater lakes and rivers.

Congressman Saxton's bill, H.R. 702, is a good start and could do much to lessen environmental impacts and improve PWC operator safety, thereby reducing user conflicts.

We must not roll back the regulations already in place. As we have already lost so many of our coastal areas to development, we cannot afford to lose even more ground in our preserves, sanctuaries, national parks and seashores, and wildlife refuges. We need to go forward and identify where protection is needed.

It is the responsibility of the Committee to protect the natural environment of the places that have been and will be determined in the future to have special significance for wildlife.

Thank you.

[The prepared statement of Ms. Knowles follows:]

**Statement of Amy Krech Knowles, Representing the Florida Keys Fishing Guides Association; Save Our Waters Coalition; and Florida Keys Chapter, Izaak Walton League of America**

Mr. Chairman, distinguished members of the committee, my name is Amy Knowles. I live in Islamorada, Florida, in the Florida Keys, and speak on behalf of the members of the Florida Keys Fishing Guides Association, Save Our Waters Coalition and the Florida Keys Chapter of the Izaak Walton League of America. Al-

though I am not a spokesperson for the group, I am also a member of the Florida Keys National Marine Sanctuary's Personal Watercraft Working Group. Thank you for this opportunity to testify before you today.

I grew up on the Eastern shore of Maryland, where I developed a strong sense of stewardship of our natural environment, nourished by my father who has spent the better part of 30-odd years involved in Chesapeake Bay restoration issues and served two terms on the State of Maryland's Critical Areas Committee. With this knowledge came the understanding that we are individually and collectively responsible for the choices we make and the legacy we leave. My husband, a fourth generation Coloradan, and I, lived in Colorado for 27 years where we raised our two sons. In the '70s we discovered the Florida Keys. We all loved to fish, and the Keys were ideal for our family vacations: quiet, casual, friendly, pretty, with beautiful water teeming with fish and wildlife. We eventually bought a boat and a house, and in 1990, when our youngest graduated from high school, we packed up the dogs and the cats and moved permanently to Islamorada.

That same year, Congress, in recognition of the need to protect the only living coral reef ecosystem in the Continental U.S., passed the Florida Keys National Marine Sanctuary Protection Act of 1990, which was signed that November by President Bush. The Act required NOAA to develop a comprehensive management plan, and to that end, the Sanctuary Advisory Council was formed. I was a member of the council from 1995—1997. During the last days of finalizing the management plan, the Sanctuary Advisory Council voted to ban personal watercraft from the Sanctuary. One of our members, uncomfortable with the vote, asked to revisit it, and upon review, the vote was rescinded. The Advisory Council recommended an alternative which gave the personal watercraft industry one year to implement their education plan for PWC operators. If, at the end of the year's trial, there was no improvement in the behavior of PWC riders, the Sanctuary Advisory Council would then direct staff to begin the regulatory making process. The final management plan was approved in 1998.

In November of 1999, in response to increasing public outcry and the fact that conflicts with personal watercraft had increased rather than diminished, the full Sanctuary Advisory Council, composed of new members, reaffirmed the former Advisory Council's recommendations and requested that staff begin the regulatory making process. The Personal Watercraft Working Group was formed and began meeting in 2000. The committee is comprised of fishing guides, recreational fishermen, personal watercraft venue operators, the diving industry, environmental organization representatives, the personal watercraft industry, state agency representatives and sanctuary staff. The purpose of the committee was to draft a set of management alternatives to present to the Advisory Council with our ranking and recommendations. We have just completed the public comment period on the eight options drafted, and are in the process of evaluating the comments received.

The islands of the Florida Keys, connected to the mainland and each other by a series of bridges, have a diverse and colorful history, populated at various times by pirates and bootleggers, cigar makers and spongers, authors, musicians and artists, pineapple and palm tree farmers, recreational and commercial fishermen, salvagers and recreational divers, railroad builders, developers and tourists. What lures people to the Keys is the simultaneous remoteness and accessibility of the islands, and the beauty and diversity of the marine and terrestrial ecosystems. However, as with most places that we love and value, those very sentiments and our desire to share them with friends and family often contribute to the diminishment of special places.

The inevitable outcome of unbridled growth in the Keys in the '70s and early '80s, and the accompanying surge in tourism is evidenced by the degradation of our near-shore and inshore water quality and the decline of the coral reef ecosystem. The establishment of the Florida Keys National Marine Sanctuary, with its mission to protect and conserve the Keys' fragile marine and cultural resources, and the attendant Water Quality Protection Program, was an important step toward stemming the tide of this decline.

The Florida Keys National Marine Sanctuary shares boundaries with Everglades National Park, Biscayne National Park, and the Key Deer, Great White Heron and Key West National Wildlife Refuges. These are man-made boundaries. The waters of Florida Bay (a large estuary situated in the easternmost part of the Gulf of Mexico), the terrestrial ecosystem of the Keys, and the coral reef tract are all integral parts of the greater Everglades ecosystem. As you are undoubtedly aware, the Federal Government and the state of Florida are committed to a multi-billion dollar restoration of the Everglades.

The shallow waters of Florida Bay contain thousands of acres of sea grasses, essential nursery habitat for juvenile finfish and crustaceans; and the many mangrove

islands which characterize the composition of the Keys, afford nesting, breeding and roosting sites for the many bird species which inhabit our islands and the Everglades.

The legendary Zane Gray and Joe Brooks put the Florida Keys in the forefront of saltwater fishing, and the Keys still enjoy a worldwide reputation as a premier destination for shallow - water fishing enthusiasts. Large migrations of Tarpon take place each spring and summer, and Bonefish, Permit, Snook and Redfish can be found year round. The experience of fishing for these species is further enhanced by the method used to pursue them. When fishermen arrive at their destination, the motor is shut down, and the guide silently poles the boat across the shallow grass flats in search of fish. It is a peaceful and quiet endeavor, the success of which is not so much determined by catching fish as it is by experiencing the serenity and beauty of the natural environment.

With the advent of SCUBA, the dive industry found a home in the beautiful clear waters of the Florida Keys and the country's first underwater park, John Pennekamp Coral Reef State Park, was established in the 1960s. Today, thousands of visitors each year travel to the Keys to dive and to snorkel.

The natural assets of the Keys, which are so unique, so precious, are the true treasures that the Florida Keys have to offer the citizens of the United States and are irreplaceable. Indeed, the mention of the words "Florida Keys" conjures up images of sunshine, palm trees, balmy tropical nights, and flowers in riotous colors, solitude, tranquility, and clear waters. Yet we are besieged by a relatively new "sport" that is abusive and runs counter to all traditional marine recreational pursuits: personal watercraft operation. With few exceptions, the operation of these craft is reckless, loud, threatening to wildlife and shallow water habitats. Compared to other vessels, due to their low draft and internal water jet design characteristics, PWCs are more capable of travel into shallow and more remote areas where environmental degradation to water and on-shore resources is likely to be greatest. The breeding, nesting, roosting and feeding activities of birds are greatly disturbed by the constant variation of noise and pitch levels of PWC operation; the many mangrove islands and shallow flats within the Sanctuary and the Everglades and Biscayne Bay National Parks' waters provide essential wild bird habitat and feeding areas and the accessibility of these areas to PWCs - even though they are banned from the two national parks - greatly increases the risk of wildlife disturbance.

The adverse impacts from PWC operation on wildlife are much more significant than from traditional motorized vessels and are the result of the following factors: their physical ability to access shallow grass flats and skim the mangrove shorelines, speed, noise, the riders' tendency to travel in groups, and their maneuverability and/or confinement to small, normally shallow areas. The migratory and feeding patterns of the Keys' most sought-after shallow water game fish—Bonefish, Tarpon and Permit—have changed in response to the increased traffic of PWCs across the shallow grass flats and because of the speed and maneuverability of these craft. PWC operators have been observed harassing schools of fish on the flats, Key Deer swimming the canals of the Lower Keys, manatees, dolphins, and surfacing birds. To my great dismay, I have witnessed frequent incidents of habitat destruction, wildlife harassment and the death of birds purposely run down by PWC riders.

This is clearly a national issue. There is documented evidence of community after community across the country struggling to find solutions to defend sensitive ecosystems against the activities associated with the unregulated operation of personal watercraft. In South Florida, PWC use is prohibited in Biscayne National Park, Everglades National Park and the Wildlife Refuges of the Lower Keys. These areas offer safe haven for migratory and resident bird, marine mammal and fish populations, and protection for nursery habitats and this level of resource protection should be extended to the Florida Keys National Marine Sanctuary as well. Precedent already has been set in the Monterey Bay and Gulf of Farallones National Marine Sanctuaries with the establishment of special zones of operation for personal watercraft.

The notion that personal watercraft must be treated the same as any other vessel is puzzling and incongruous. Reckless and intrusive PWC use tends to discourage others from using the resource. A day's fishing, diving, swimming or canoeing is often ruined by the negligent operation and inappropriate behavior of PWC riders. Governments at the Federal, state and local levels regulate our public roads and waterways. This is not "discrimination", it is "zoning". I realize that it would be unfair and unrealistic to recommend a ban on PWCs across the U.S., and while there are certain places where loud and fast "thrill craft" operation might be appropriate, there are also certain places where it is not.

In conclusion, there appears to be a very strong need for Federal regulation of personal watercraft use in our country's environmentally sensitive coastal areas,

and freshwater lakes and rivers. Congressman Saxton's bill, H.R. 702, is a good start and if implemented, could do much to lessen environmental impacts and improve PWC operator safety, thereby reducing user conflicts.

We must not roll back the regulations already in place. As we have already lost so much ground in sensitive coastal areas to development, we cannot afford to lose even more ground in our preserves, sanctuaries, national parks and seashores, and wildlife refuges. We need to go forward and identify where protection is needed. It is the responsibility of this committee to protect the natural environment of the places that have been and will be determined in the future to have special significance for wildlife.

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The CHAIRMAN. Thank you.

The gentleman from Pennsylvania I will now recognize for any questions he may have for this panel.

Mr. PETERSON. Thank you, Mr. Chairman.

Mr. Mackey, knowing the Federal land managers want increased wilderness designated areas, who do you suppose they envision using these areas?

Mr. MACKEY. I guess they would have to answer that question specifically, but I think there are a number of things going in this country.

You state that managers want increased wilderness. I think that is fair in some places, not in all places. There is a large constituency of people in this country who certainly want more wilderness areas for a variety of reasons.

I guess I would answer that question by, what Outward Bound promotes is a spectrum of opportunities in the backcountry, from wilderness to roadless to pristine nonmotorized to pristine motorized, et cetera.

And I think we, as a country, need to take a close look at that. I don't think we can afford to get to the point where we have islands of wilderness in this country, whether we have more of it or not.

I have 20 years of background in the public policy realm. Personally, I don't necessarily agree with the way the Clinton administration went about the roadless project. I don't think it is a brilliant piece of public policy.

That said, Outward Bound is unabashed about wilderness and unabashed about roadless opportunities. But I am also unabashed about opportunities for all Americans out there.

And I think that is what is missing from the debate and from management out there on public lands today, that we are not looking at—I don't prefer to use the word recreation—but we are not looking at recreation or visitor opportunity across a broad spectrum of opportunities. We are not managing recreation or visitor opportunity across a broad spectrum. We are not looking at it regionally, et cetera.

I think there is room out there for everyone. And there are places where, absolutely, we can afford more wilderness. But we can't get caught in a trap of wilderness versus nonwilderness, motorized versus nonmotorized, recreation versus nonrecreation. That is what we have to avoid.

Mr. PETERSON. You are there. Who is using the wilderness today?

Mr. MACKEY. Well, that varies by agency, in particular. Park Service wilderness—

Mr. PETERSON. Who does the best job?

Mr. MACKEY. Who does the best job of using it?

Mr. PETERSON. Of allowing all to—

Mr. MACKEY. Who does the best job of allowing people to use wilderness? Well, I would say that that is probably the BLM at this point in time. It offers the most spectrum of people in wilderness. They are the most liberal in terms of group size. There is the least administration.

The Park Service is getting increasingly restrictive on access. We have a group size of six in Glacier National Park.

Outward Bound used to operate in the backcountry of Gates of the Arctic National Park where they now have a group size of seven. Due to our desire to reach out and engage a diverse spectrum of Americans in that wilderness, to give scholarships to people, we can no longer afford to operate in the Gates of the Arctic National Park. We have left the park because of the group size of seven.

Mr. PETERSON. What group size works?

Mr. MACKEY. For Outward Bound, the way we describe that is a group size of six is probably too small; a group size of 15 is probably too large.

For Outward Bound, I would say it is somewhere between 10 and 12 people, because what we are trying to do is educate in backcountry. So we are looking at the backcountry as a classroom, and we are looking at things like instructor-to-student ratios.

A group size of five or six is too small for that. A group size of 15 is too large. So we have very specific parameters which we work in and for objectives we are actually trying to achieve in the backcountry.

Those types of things I can flatly say are not being taken into consideration in the development of group sizes today.

Mr. PETERSON. How long has the group size been restricted that much?

Mr. MACKEY. Most of the group sizes that low are very new. It is a trend.

As I say, Outward Bound is a very large and significant user of the backcountry in the United States. We celebrate our 40th anniversary today, this year. We put about 15,000 people a year out into backcountry, not necessarily wilderness experiences.

Most places, group sizes are still 12, 15. In many Forest Service and BLM areas, it is 15 or 25, particularly for horse packers, et cetera.

But the trend is absolutely in the other direction in formal planning process after formal planning process, whether it is the Forest Service, the Park Service, or the BLM.

We are going to group sizes of six and seven in the Park Service wilderness. We are going to group sizes in the Sierra National Forest for the Forest Service of group sizes as low as zero on many trails; for commercial outfitters, five and seven. The Escalante in the Chairman's district area of the BLM, Escalante National Monument just went to a group size of 12.

Mr. PETERSON. What is the rationale for the real small group size? What is their reasoning?

Mr. MACKEY. First and foremost, resource protection. But I think the thing that is increasing mentioned—if you will, the crutch—is solitude, that somehow large groups, even groups as small as large, however you look at it, of 8 and 10 people are not compatible with the concept of solitude.

Outward Bound has for four decades looked to solitude. What we do is pull kids out of their comfortable urban environments and take them out in the backcountry and, if you will, put them through a little form of boot camp.

We get them out of bed at 4 o'clock in the morning, get them dressed, and make them climb a peak. We give them the map. We give them the compass, and say, "Be back here by 5 o'clock this afternoon."

Mr. PETERSON. Who has been successful at restricting these numbers? Who thinks the number should be this low? Who has been successful at getting these numbers lowered?

Mr. MACKEY. I honestly think it is coming from the field, the field-level offices. I do not get it from the people I work with on a daily basis here in the Washington office.

Mr. PETERSON. No national association of anybody that is saying it should be less?

Mr. MACKEY. Oh, there are certainly groups out there.

I mean, I will mention one specifically, Wilderness Watch, who does good work. I worked with George Nickas on the fixed anchor in wilderness issue. I am not shooting at Wilderness Watch by any stretch.

But there are definitely organizations out there that are promoting their interpretation of the Wilderness Act and their interpretation of wilderness values, and that is fair.

That is what I am doing here today. I am promoting my interpretations of wilderness values to say that should include educational use of public lands, that not all use of public lands out there is recreation. We certainly don't view ourselves as recreation.

The University of Idaho put 31 separate programs out onto the public lands in Idaho, across the country. They go up and climb Denali. Almost none of those programs are permitted or administered or recognized by the agencies for their educational value on public lands.

If President Bush wants to be the education President, I would ask him to look to and communicate with the managers of public land agencies in this country about why the University of Idaho is putting 31 separate groups—whether it is the English honors program, the range management program, the forestry program, or the formal outdoor recreation program of the university—out onto public lands.

Obviously, they see an educational value to those resources. We are not managing for that educational value. We are not funding for that educational value. We are not looking at group sizes which allow that educational value.

Mr. PETERSON. So we are really not allowing it?

Mr. MACKEY. I want to be clear, in most places, we are absolutely still allowing it, but the trends are absolutely to smaller and smaller group sizes.

In the Sierra National Forest, the planning process may well put Outward Bound out of business on the Sierra National Forest, an area where we have operated for decades. We can't survive with group sizes of five, and the proposal from the Sierra National Forest is 5 commercial operator days per trail head, for which dozens of outfitters, guides, educators will compete for those 5 days. That will quite likely put us out of business on the Sierra National Forest.

Mr. PETERSON. I thank the gentleman.

The CHAIRMAN. I thank the gentleman from Pennsylvania for his excellent questions.

And this has been a very interesting panel, as the first one was.

The basic thing behind this whole idea is the use of public lands that America wants to use. And I don't know whoever said moderation in all things, but somewhere we hope we can come to that.

And we feel that this last administration has been a little excessive in eliminating people from public ground.

I would just like to quickly ask questions here, for some brief answers, if I could.

Mr. Bassett, as president of the United States Air Tour Association, how many parks do you normally fly over? Ho many parks have overflights?

Mr. BASSETT. Not that many. Out of the 370-some national parks in the United States, a couple in Hawaii, Grand Canyon, Glacier, Denali. And we understand that there are some isolated operators at other places, perhaps Bryce. They are not members of ours, but I believe there are one or two operators there.

There are one or two down south, but most of the air touring is concentrated at the Grand Canyon, Hawaii, and Alaska.

The CHAIRMAN. How many folks are from foreign countries that you take over? Do you have a percentage of how many that would be?

Mr. BASSETT. Absolutely. And the Grand Canyon and Hawaii are key to that. And about 60 percent is the answer.

One of the Administration's claims, particularly as it imposed new regulations in the Grand Canyon, was that it wouldn't have an impact on foreign trade. Well, it will have an impact on foreign trade, particularly those folks going into Las Vegas who are visiting the Grand Canyon, because they don't intend to go to the Grand Canyon by any other means.

They are not going to drive there. They are going to go to Las Vegas, do other things, fly to the Grand Canyon as a part of their package, and then go back to Las Vegas.

But approximately 60 percent, very heavily from the Asian countries, and increasingly from a number of the European countries as well.

The CHAIRMAN. So if I am reading you right, these are people that have come into the United States, who are on some kind of tour. They don't have the opportunity to hike down the canyon, go to the South Rim or the North Rim, but they do have maybe 2 or 3 hours that they can block off to fly over and see the canyon. Is that right?

Mr. BASSETT. Absolutely. And predominantly from Las Vegas, that is true. Those who actually are visiting the Grand Canyon

from the Arizona side, we may find that they may also drive in or go in to the South Rim, but their time is limited. And they are trying to see as much of the canyon as possible in the shortest amount of time. Air tours do that.

The CHAIRMAN. What about handicapped people?

Mr. BASSETT. We find also that handicapped, retirement age, those with health-related problems, also about 60 percent of the air tours, not only at the Grand Canyon but in Hawaii and Alaska as well. And same story as with international, but even more so for those over on the Arizona side.

There is absolutely no other way for them to see the canyon. I mean, they can't even take a bus a get out of it and go to the South Rim. We literally watch wheelchairs being loaded into aircraft that have been adapted for them. That is how they get to see the canyon.

The CHAIRMAN. Mr. Mackey, you talked about, when you were answering Mr. Peterson, about a trend on size.

You know, years ago, when you were in the mountains, when I was a kid, the Boy Scouts used to go into the mountains. That was part of the deal. That is where you got four or five of your merit badges. And now, of course, they want to limit the size.

What trend do you see? If I read you right, you said you see a trend. Is that a trend toward smaller, larger or where?

Mr. MACKEY. Specifically on group size, Mr. Chairman?

The CHAIRMAN. On the amount of people that can go into a wilderness area, forests, BLM, reclamation parks, the whole nine yards.

Mr. MACKEY. And are you talking specifically to wilderness here?

The CHAIRMAN. Yes, wilderness.

Mr. MACKEY. The trends are clear. And as I said in my answer earlier, we are talking about limited examples if you look at the overall spectrum of opportunity on public lands.

But where we are seeing formal management, wilderness backcountry management planning processes taking place, across the agencies the trend is clearly toward reducing group size, reducing overall allocations of use in wilderness.

The CHAIRMAN. Do you think this predicated on science?

Mr. MACKEY. Well, I have attached to my formal testimony a paper spearheaded by Chris Monz at Colorado State University, which I would encourage your staff to take a close look at.

There is really a two-part answer to science. In terms of physical carrying capacity of the resource, we are using very little science. There is very little formal science, in terms of physical carrying capacity of the resource.

I would submit that group size is the No. 1 management tool being used to restrict or reduce access to wilderness at this point in time. And recreation ecologists will tell you that we have virtually no scientific evidence on group size. We have supposition, but we have no hard evidence.

There is much more evidence out there on the social impacts of groups. But the paper, which I attached to my testimony, will show you that, if given a spectrum of things people think wilderness managers need to manage for in the backcountry or problems in the backcountry, if you will, encountering large groups often ranks

15th, 20th on a list. Yet, managers are telling us that this is one of the No. 1 things they need to manage for.

The CHAIRMAN. Always been the argument on the Committee of how do we make determinations, or does an agency do it. We find that many of these are not made on really good science, but more emotion or driven by different groups who feel very strongly and are very vocal about areas.

Vera Smith, you talked about different things. On the last panel, I asked them about the question of the 1964 Wilderness Act. The act says mechanized, can't take mechanized things in, and we have never defined that.

Everyone argues and struggles over it, but nobody comes up with anything. It is kind of like the eye of the beholder.

You know, people who climb these rocks, they drive these things into the rocks. Is that mechanized? Is the hammer mechanized? Is the oar lock mechanized? Is the knife in his pocket mechanized?

You know, we changed the act to allow wheelchairs; that was the amendment I put in the Americans with Disabilities Act.

Right now, there are two that are floating around, one on taking horses out of wilderness areas, and the other is putting mountain bikes in wilderness areas. I don't know if either of them will go anywhere. I don't even know if we will entertain them.

But I would be curious as to your reaction to both of those.

Ms. SMITH. I think, when we look at the whole landscape, especially in the Western areas, we look at the entire landscape, there are very few areas, relatively, that qualify for wilderness. It was a very strict criteria that was set out in that act.

Managers have the responsibility to manage those lands so that those criteria remain, that wilderness values are not impaired. So I think any decisions that we make, we have to ensure that introducing a use would not impair those wilderness values.

I live in the front range of Colorado, and we have a lot of open spaces there, where we have mountain bikes and hiking and horses all going together. And the intensity of mountain bike use I think would not meet the criteria in the Wilderness Act.

I think there is some validity in that decision.

I would also suggest that we have so many areas that are open to mountain biking that to take the few that are really designated as wilderness and say, "Okay, we are going to put mountain biking in there, too," just seems a bit unnecessary. There are plenty of areas.

The CHAIRMAN. I appreciate that.

We are going to run out of time. We have one more very important panel to hear from. We have a number of things going on on the Hill, the military and the President's budget. You noticed that members have come in and out, and all of them are pretty well tied up.

Mr. Ward, I thought your ideas about a commission had some validity and is very interesting. We will try to explore that.

And, Amy Knowles, your comments about PWC would be very provocative and debatable in some areas, but that is what we do around here.

Around here, they say everyone has his say and not everyone gets his way.

[Laughter.]

Anyway, let me thank this panel. And I appreciate you being with us.

And we will turn to our last panel. And our last panel is Russell Laine, private PWC user, testifying on behalf of the personal watercraft industry; Mr. David Woodside, vice chairman of the National Parks Hospitality Association; Mr. Wesley DeCou, flying site coordinator, Academy of Model Aeronautics; Mr. Tom Kiernan, president of the National Parks Conservation Association.

I appreciate you folks being with us. You know the rules. If you'll notice this thing in front of you there, it says talk, sum up, and stop. We would appreciate it if you could keep your remarks within the 5-minute time. Keep in mind that your full testimony will be in the record and is something that will be looked at in great detail.

With that said, Mr. Laine, we will turn to you, sir.

**STATEMENT OF RUSSELL LAINE, PRIVATE PWC USER, ON BEHALF OF THE PERSONAL WATERCRAFT INDUSTRY ASSOCIATION**

Mr. LAINE. I appreciate the chance to come here and speak before you today on behalf of the Personal Watercraft Industry Association, personal watercraft users, and owners.

I am the bottom line. I am the end user. I am the person that is being affected by these park closures—myself, my family.

You have been bombarded today with numbers, figures, decibels, pollution, different animals. My family and I enjoy the use of our personal watercraft.

I am a 20-year veteran firefighter. I give my live every day for the community that I live in.

My basic thing today is I would like to ask that I get equal opportunity to use our national parks, our parks that are owned by us, taken care of by our tax dollars. The National Park Service has this way of closing doors before people get to them.

1996, I went to the beach with my family, my boats, and I stress "boats." The National Park Service met me at the gate and said, "Sorry, you can't come in." I was appalled at that, where the beach was full of other boats, standard outboard motors, inboard motors, scarabs running up and down the beach at 60 and 80 miles an hour, much louder than my boats, much faster than my boats.

Yet I had been painted this picture as the modern day Hell's Angels on water, and I take offense to that. I take great offense to that.

I am a civil servant. I work hard. I like to just enjoy the open land.

I am an avid fisherman. My son and I used to both hold commercial fishing licenses. We fished off of our personal watercraft. I have caught many nice striped bass off of Cape Cod. That has been removed from my agenda. My family is no longer allowed to do that.

My 17-year-old son has been forced to find alternative means to go fishing, because we are no longer allowed to fish off our watercraft.

I would ask that you look at the closings and the access to these parks, not only on Cape Code, across the country.

There are lakes in the Midwest, Lake Mead, that they are trying to close up. That was a manmade lake. I believe it was built for boating recreation.

The Florida Keys, beautiful land. I have seen it.

Two years ago, I took my family to Alaska, the vacation of a lifetime. We drove 15 days to get there. Got to Denali National Park and was told, "You can't drive in there." You have to take this school bus and sit on the school bus for 7 hours if you want to see Denali National Park.

Once again, I am appalled that the National Park Service has just closed the doors to us taxpayers, Federal taxpayers that pay for these parks.

Personal watercraft have been painted as a picture of the fast car on the water. I am sure that every person here that owns a vehicle, your vehicle is capable of doing probably 100 miles an hour on our streets. But it doesn't go that fast because you don't step on the gas that fast.

Personal watercraft do not automatically go 50 miles an hour. It is the operator that makes it go 50 miles an hour.

I have never heard a report of a manatee being chopped up by a personal watercraft. Yet, oil tankers, scarabs, fast racing boats are allowed to use these waters where personal watercraft are not allowed because of environmental issues.

There are a lot of issues that are being brought up right now, with economics. It is an economic issue in this world, too. I cannot afford \$150,000 scarab boat that is allowed on the waters that I can't take my personal watercraft.

To close, I would just like to ask for my fair share. That is what I am looking for, my fair share. And the hundreds of people, the thousands of the people, that are across the country that own these personal watercraft are looking for their fair share.

These vessels have been painted as a bad picture, a really bad picture. I have never seen substantiated evidence, ecologically, scientifically, that prove that these boats are destroying our national parks. If there is in existence, I would like to see it.

I met every criteria that I have ever been asked to meet. And yet, I still cannot use my national parks.

And I thank you, sir, for giving me the time to express my opinion.

[The prepared statement of Mr. Laine follows:]

**Statement of Russell Laine, Boston, Massachusetts, on Behalf of the  
Personal Watercraft Industry Association**

Good Morning. Thank you Chairman Hansen, Ranking Member Rahall and members of the Committee. I am honored to be here today to talk about such an important issue and to have the opportunity to speak on behalf of the millions of people who enjoy personal watercraft and are devastated at the prospect of being kept from enjoying our National Parks.

I am speaking of the National Park Service personal watercraft ban. On March 21, 2000, the National Park Service published a regulation in the Federal Register banning personal watercraft in 66 of the 87 national parks. In the remaining 21

parks, the Service delegated two years for superintendents to work with the public in deciding how to handle personal watercraft use in the park.

However, an extremist, anti-access group dedicated to ending a wide-array of recreational activities on public lands and waters, set their sights on personal watercraft and filed a Federal suit against the National Park Service to ban all personal watercraft in all parks by 2002.

Demanding that the voice of the personal watercraft community be heard in this lawsuit, motions were filed by representatives to ensure a fair and open participation in the process. Intervention was sought by the Personal Watercraft Industry Association (PWIA), representing the manufacturers Bombardier, Kawasaki, Polaris, and Yamaha, and the national user group American Watercraft Association (AWA).

Unfortunately, in December 2000, the Park Service caved to the pressure and settled the lawsuit without any input from the public or the personal watercraft community. When Federal district court ruled on the personal watercraft suit in April 2001, the judge also denied the intervention requests of PWIA and AWA. However, the ruling reached does ensure that the 21 remaining parks be open to personal watercraft at least through September 2002 and that an environmental assessment be carried out in each park under the National Environmental Policy Act. Many parks have already begun the steps necessary to allow personal watercraft use, but some parks had already been closed off to usage through the superintendents' earlier decisions.

Mr. Chairman, I am a firefighter and family man from Massachusetts. I am a member of the Taunton Rescue Dive Team and have used personal watercraft in a number of rescues. It is a reliable vessel that gives me the maneuverability to get up close to help anyone in trouble without risking injury to the person I am saving.

Also, my family and I previously owned two personal watercraft. We shared many outings on these boats—going fishing, touring the Cape Cod National Seashore and enjoying a safe and fun family recreation. Personal watercraft not only have brought my family closer together, but also have increased our enjoyment of the outdoors.

I have been going to Cape Cod National Seashore for 37 years, and I was hoping my children could experience the reverence and enjoyment of such an incredible resource in the same manner. We are diligent in protecting these resources, respect the national parks and have always been environmental stewards in every aspect of our lives. Mr. Chairman, we are the people the national parks were created for.

That is why I am honestly stunned that it is necessary for me to be here today. I still can not believe that the National Park Service has seen fit to engage in a closed-door settlement that essentially has told 1.5 million personal watercraft owners that they are no longer welcome in our national waters. That my family, who has always been conscientious in protecting our natural resources, is not welcome to boat in the park.

Many of the 21 parks affected by this decision were created for water recreation, including motorized boating. Personal watercraft and other forms of water recreation have been enjoyed side-by-side in our national parks for more than a quarter of a century. Now, my neighbor, who owns a KrisKraft, is still welcome at the park. If he owned a cigarette boat, he'd still be welcome at the Seashore. But my son and I can longer enjoy fishing the waters off the Cape on our personal watercraft. I'd like the Superintendent of the National Seashore to tell me how this can be the right thing for the park.

But it's not just Cape Cod National Seashore. I've talked to friends around the country. At Padre Island National Park in Texas you can drive your truck up and down the beach, right on the beach, but personal watercraft are not welcome. I know people around Gulf Islands National Seashore in Mississippi and Florida will be unable to see areas of that park accessible only by boat. And did you know that personal watercraft are not allowed in Key Biscayne National Park, but oil tankers, barges and cigarette boats are still welcome? How can that be good or fair policy?

And that's the real issue. The ban is not sound policy. It was orchestrated by a group of people who preach intolerance towards any form of motorized recreation, has been taken at face value without any scientific support. Even the General Accounting Office in September of 2000 revealed that the National Park Service had not used reliable scientific methods to quantify the impact of personal watercraft. Yet the National Park Service banned the boats anyway.

What science does prove is that personal watercraft are ideal for use in our national parks and any waterway where other motorized boating is allowed. Our boats are some of the most environmentally friendly vessels on the water today, meeting or exceeding all state and Federal noise level standards, without disturbing sensitive marine and wildlife. I think that the millions of personal watercraft owners and enthusiasts around the country will agree with me when I say that, when operated according to existing state boating laws, personal watercraft are not only

clean and safe, but one of the best riding and most enjoyable boats out on the water. Personal watercraft should be welcome where motorized boating is allowed.

Consider these facts:

#### PWC AND SOUND

The Society of Automotive Engineers utilizes 3 methods of measuring sound from watercraft, including PWC:

- SAE J34: This is the most precise measurement available, taken of a boat at a distance of 50ft with wide-open throttle (the near maximum noise of the boat). Although great for engineering standards, it is difficult for enforcement purposes in the field. The Coast Guard recommends 86 decibels (dBA), which most states have adopted as law.
- SAE J2005: This measures the engine sound at idle with the microphone 1.5 m away. SAE recommends a limit of 90dBA for this method, which does not account for the speed or power of the boat.
- SAE J1970: In realizing the enforcement difficulties of the previous methods, SAE designed this shoreline noise test enabling regulations keeping the boat under 75 dBA at 50 ft. by operation, not mechanics. The operator is responsible for controlling the noise of the boat.

dB refers to the measurement in decibels. The (A) refers to the "A" weighting of the scale, which discriminates against lower frequency similar to the sensitivity of the human ear.

Sound energy dissipates with distance, other sound and wind. A comprehensive study on sound with motorboats (but not including PWC) found that sound dissipates up to 9.9dBA when the boat travels from 50 ft to 200 ft away (4.8 dBA reduction from 50 to 100 ft, additional 5.1 dBA from 100 to 200 ft.).<sup>1</sup>

Both the National Association of State Boating Law Administrators and the National Marine Manufacturers Association have Model Noise Acts, which our manufacturers follow as NMMA members. These requirements are in compliance with the SAE recommended dBA standards. NASBLA required 88 dbA under SAE J2005, and 75 dBA under SAE J1970. NMMA recommends 90 dBA under SAE J2005.<sup>2</sup> The Environmental Protection Agency has determined that 75 dBA at 50 feet is an acceptable noise level to protect public health and welfare.<sup>3</sup>

There are two items creating the noise one hears from PWC: noise from the water splashing the hull and resonating, and the noise from the engines during normal operation of the PWC.

Tests comparing noise levels emitted by 2001 models found that a 3-seat PWC emits 70 dBA at 100 ft when towed, when engine is not running! When tested with a running engine at full throttle, the engine sound plus the water sound created 78 dBA, well below the Coast Guard's boat noise regulation of 86 dBA at 50ft at full speed under SAE J34.

The personal watercraft industry has reduced engine noise levels by up to 70% since 1998. The 70% reductions in noise levels since 1998 also involve the pitch of the engine. Methods by which they absorb or block the wavelengths of sound also blocks the pitch of the sound.<sup>4</sup>

To reduce the noise intake, the PWC utilized air intake resonators with multiple maze-like chambers eliminating a direct path for the sound waves to escape.<sup>5</sup> This series of tubes, termed the resonator, employs several different length tubes attached to the exhaust pipe. As sound waves pass into these tunnels, they bounce back, and their opposite direction cancels out incoming, identical but opposite "crest" waves.<sup>6</sup> Baffles are used for counter frequency and to quiet vibration. Manufacturers also employ noise-absorbing foam between the liner and the hull, so the boat is quieter and more durable (and therefore quieter under water.) These machines also have increased thickness to the crankcase wall muffles noise and vibration. Rubber is also used as padding around the jet pump dampers to absorb the shock loads and quell driveline noise.<sup>7</sup>

In 1999 the Finnish Ministry of the Environment performed sound experiments on old and new PWC, and compared to 2 stroke, four stroke, and cabin cruiser. The boats were measured at different speed, different distances, and by irritation to observers (subjective).

At maximum speeds 50 m away (164 ft), the new PWC was 70 dBA, and the old PWC was 73 dBA. In order to compare this to the SAE J34 standard, a PWC at 41 ft in this test, according to their (unfortunately metric) figures, would measure 79.9 dBA (new) and 82.9 dBA (old). Even at a slightly closer distance, the PWC are below the U.S. Coast Guard noise level standards in SAE J34.

In any case with the Finnish experiment, comparisons with other boats found that the new PWC was the quietest and least disturbing boat at speeds up to 40 km/

h and at lower speeds. It was the most variable in terms of noise, because at 20 km/hr and at maximum speed it was almost as loud as the cabin cruiser. The new PWC was much quieter than the old PWC in every test, by an average 3.6 dBA (comparing all speeds and distances)! The waves from the PWC were so minor, due to their small size and weight as to be confused with natural waves. Distance and manner driven were the most significant factor in disturbance. "The restrictions concerning PWC do not seem justified with the new models, if there are other regulations that could be set for top speeds and driving manner."<sup>8</sup>

In New Jersey, the state police measured the noise levels of PWC in 1996 in accordance with SAE J2005 (idle engines). These older model PWC were found to have decibel levels of 71 and 70 in these tests, well below recommended levels of 88 dBA by NASBLA. In contrast, the outboard engine measured 74 dBA, outboard engine with exhaust above the water measured 90 dBA, while the racing boats measured came in at 95–99 dBA.<sup>9</sup> The Marine Police Captain at the time was quoted in the press "It's interesting to note that in light of all the complaints we get about PWC, their noise levels are much lower than other boats."<sup>10</sup>

Sound level tests performed according to SAE J1970 in California found PWC measure an average of 70.68 dBA comparing the 4 brands of 1992 models. This is also well below the standard 75 dBA limit set by NASBLA.<sup>11</sup>

#### PWC AND EMISSIONS

PWC manufacturers have made enormous technological advances in recent years that have resulted in engines that are 75 percent cleaner than just two years ago.

Contrary to what anti-PWC groups claim, independent research done by the U.S. Environmental Protection Agency (EPA) and the California Air Resources Board states clearly that the majority of PWC emissions are not oil or gas but rather hydrocarbons.<sup>12</sup> Furthermore, EPA studies on PWC hydrocarbon emissions prove that hydrocarbons are not "dumped directly into the water" from the engine of a PWC, as opponents contend, but are mixed with air into a diluted gas in the combustion chamber which then evaporates quickly due to their high temperatures.<sup>13</sup>

The EPA has determined that emissions from boat engines in the U.S. account for only 3 percent of the total amount nationwide, while PWC emissions account for only a fraction of those marine engine emissions. Specifically, the EPA has determined that PWC-specific hydrocarbon emissions account for only 0.3 percent of the country's total hydrocarbon emissions.<sup>14</sup> By comparison, automobiles account for 33 percent of emissions in the nation, while the commercial industry is responsible for 57 percent.<sup>15</sup>

The industry has worked hard to meet 2006 EPA clean air guidelines in the 2001 personal watercraft models. That's five years early. It took the automobile industry almost three decades to accomplish the same goal. Personal watercraft are one of the cleanest motorized boats on the water today.

#### PWC AND WILDLIFE

##### *Waterfowl*

Personal watercraft have no greater significant impact on waterfowl than other motorized boats, according to a series of studies by the Florida Fish and Wildlife Conservation Commission. A comparison of the flush distances, or minimum distance required to disturb colonial nesting birds, caused by personal watercraft and a two-stroke engine motorboat found that personal watercraft are "relatively quiet to the point where their noise is not the factor which causes the birds to flush." A fast-moving motorboat heading directly at the birds should produce a flushing response similar to that of a PWC being operated in a similar manner.

Most importantly, only one out of eleven species in the study exhibited a larger flushing distance to the PWC than the motorboat. Five species flushed at farther distances by the motorboat than the PWC, and eleven species showed no significant difference in flushing distances based on the boat approaching. In his discussion, Dr. Rodgers claims there should be no difference in buffer zone size based on boat type. Species type is more important when determining boundaries which should not be crossed by humans. As both PWC and outboard motors, when equipped properly, can go into shallow water, they both have the potential to disturb loafing birds.<sup>16</sup>

Similarly, a different study in Florida found an average greater flush distance in response to walking than to approaching motor boats or canoes. As a result, the researchers recommended set back distances for all human activity of 100 m (328 ft) for wading birds and 180 m (590 ft) for skittish species such as skimmers and terns. The researchers also cited to one report finding no significant effect on breeding success due to disturbance by boats or other methods.

Through successive disturbances, Rodgers et al. found that certain species became increasingly or less tolerant of disturbance. Although there was a small sample size in the experiment comparing canoes to motorboats, the American Anhinga (water turkey) was flushed at equal distances by the different types of boats. The reaction was not a function of noise. Additionally, birds were less sensitive to a tangential approach as opposed to a direct approach, whether by foot or boat.<sup>17</sup>

PWC are frequently blamed for the deaths and decreasing populations of loons in the upper United States. However, there has been no comprehensive study on the plight of the loon, or the effect of boating and development on their populations. For instance, Sutcliffe (1979) is cited in one article as reporting a 50% decline in the loon population in New Hampshire from 1929–1979, prior to any PWC use!<sup>18</sup>

It is actually the loss of nesting habitat, increased human interaction and increased predation by urban animals such as raccoons that have led to the decrease of the many populations of birds around the country. In terms of mortality, there are very few reports of waterfowl death directly from motorboats, and no studies cite it for personal watercraft.<sup>19</sup>

The regulation of one type of craft does not address the overall issue that human development, including these lake associations, created to protect the very wildlife they are harming, is to blame. In fact, one study found loons are disturbed more by human activity on lakes with no boating than on lakes with watercraft.<sup>20</sup>

#### *Manatees*

Manatee injury and death from personal watercraft is non-existent. The FL Department of Environmental Protection, Bureau of Protected Species Management reported in a review of over 25 years of manatee mortality records, no PWC was ever implicated in a death or injury.<sup>21</sup>

#### *Seagrasses and Water Quality*

The only comprehensive test evaluating personal watercraft's impact on seagrasses indicate that personal watercraft use as recommended by the manufacturers does not affect seagrass beds, water turbidity or cause scarring of the grassbeds.<sup>22</sup>

### PWC ACCIDENT STATISTICS

#### *I. PWC Accidents v. Other Vessel–Types Accidents*

“Comparisons are misleading because Non-Fatal Vessel Accident Reporting Methods Are Flawed.”

A. Hours of Operation (“Riding Time”) should be a primary factor when comparing PWC accidents with other motorized vessel accidents.

The National Transportation Safety Board (NTSB) has indicated that the lack of relevant usage data for recreational boats prevents an accurate conclusion regarding PWC-related accidents.

According to the NTSB:

Riding time is an important factor in interpreting accident and injury information. To accurately compare PWC accidents to accidents involving other types of recreational boats, it is necessary to qualify the usage time by vessel type. If PWC are used more often than other types of boats, then their exposure time for incurring an accident would be higher.<sup>23</sup>

Conventional vessels spend much of their time docked, anchored, or drifting. As a result, they are destination-oriented and are operated from one point to another in a relatively short time. Conversely, PWC are almost always in active operation when on the water because the recreational objective of a PWC user is active touring rather than non-operational water activities such as fishing. Studies have shown that PWC are on the water as much as three times longer than most other types of boats.

Additionally, PWC are often “shared” by a number of users during the course of an outing, therefore increasing the average riding time for a single PWC as compared to other types of vessels.

B. Non-fatal boating accidents often are not reported.

The U.S. Coast Guard, which maintains the national database of boating accidents, estimates that only 10 percent of all boating accidents each year are reported to state agencies.<sup>24</sup>

According to the Coast Guard, “The reporting rates of subgroups of accidents, such as those involving personal watercraft probably differ greatly depending upon unspecified variables.”<sup>25</sup> In a separate comment, Captain T. Stimatz, Chief, Office of Boating Safety, United States Coast Guard, specifically indicated he believed PWC accidents were significantly more likely to be reported than other boating accidents.

According to the 1999 Boating Statistics Report compiled by the Coast Guard, many accidents are not reported because of ignorance of the law and difficulty enforcing the law.<sup>26</sup> The Coast Guard believes that only a small fraction of all non-fatal boating accidents each year in the United States are reported. Overall, the more serious the accident, the more frequent the reporting.<sup>27</sup>

As the Coast Guard suggests, PWC accidents are probably reported much more often than other boat accidents because, among other things, PWC are rented more than other boats and PWC rental operators report most accidents for insurance and product liability reasons. Also, many PWC accidents involve collisions, which most state laws require be reported.

In contrast, people tend not to report accidents when they have fallen in an open boat, injury themselves while starting an outboard motor, or suffer an injury while canoeing or kayaking.

C. Since 1997, the number of boating accidents each year has remained consistent, while PWC related accidents have decreased significantly.

PWC accidents have been reduced by 17 percent since 1997, while boating accidents across the board have only decreased by 0.19 percent.

Over that same time period, PWC-related injuries have been reduced by 11 percent while fatalities have dropped 21 percent. Comparatively, boating accidents as a whole have increased by 1.25 percent and boating fatalities have been lowered by 2.38 percent.

## *II. Current PWC Accident Totals v. Previous Year PWC Accident Totals*

“PWC critics chose to focus on the “increase” in the total number of accidents. However, a proper perspective on PWC accidents may only be reached by considering the increase in PWC use along side the number of PWC accidents.”

A. Since 1987, PWC accident, injury and death rates have seen no significant statistical increase.

In 1987, 92,756 PWC were in use across the nation. With 376 PWC accidents that year, only 4.05 per 1,000 PWC on the water were involved in an accident. Of those 376 PWC accidents, 156 resulted in injury and 5 were fatalities, resulting in a national injury/death rate of 1.68/0.05 per 1,000. In 1987, 99.6 percent of PWC in use were not involved in an accident of any kind.

In 1993, there were 454,545 PWC in use national with 2,236 total accidents for a 4.91 per 1,000-accident ratio. That year, 915 accidents resulted in injury and 35 were fatal. This resulted in a national injury/death rate of 2.01/0.08 per 1,000. In 1993, 99.6 percent of PWC in use were not involved in an accident of any kind.

In 1999, there was an estimated 1.1 million PWC in the United States. That year, there were 3,374 PWC accidents nationwide, resulting in an accident ratio of only 3.07 per 1,000. With 1,614 injuries and 66 fatalities that year, the national injury/fatality rate dropped to a low of 1.47/0.06 per 1,000. In 1999, 99.7 percent of PWC in use were not involved in an accident of any kind.

B. PWC accident rates are not reported using the same method used to determine other types of transportation accidents.

Transportation studies in the airline, train, and bus industries are based on passenger injuries/fatalities per passenger mile and are designed to gauge the level of danger confronted by riders. If PWC statistics were similarly based on “exposure hours,” the accident incidence rate would be even lower than the present 0.7%.

C. Multiple-passenger PWC have increased in popularity in recent years.

Prior to 1987, PWC were designed to carry one person at a time. During the past fifteen years, however, PWC that allow for two, three and four persons to ride together have become the most popular models. This change undoubtedly accounts for at least some of the reported increase in the injury and fatality statistics.

## *III. PWC State Accident Statistics*

“The most common cause of PWC-related accidents involved operator inexperience, excessive speed, and operator inattention. To address these concerns, PWIA has supported mandatory education for all PWC enthusiasts. To date, 35 states have enacted PWIA-endorsed mandatory education for PWC users in some form. This being the case, in each of these states, PWC accident rates have significantly decreased.”

A. Florida, which is the leading state for PWC registrations, has enacted comprehensive PWC-laws in recent years. As a result, PWC registrations have increased by 38 percent since 1995 while PWC accidents have been reduced by 22 percent over that period of time - a 7-year low.

Florida’s PWC-laws include the following provisions:

- Each person operating or riding on a personal watercraft must wear an approved Type I, II, III, or V personal flotation device. Inflatable personal flotation devices are prohibited.
  - The operator of a personal watercraft must attach the engine cutoff switch lanyard (if equipped by the manufacturer) to his/her person, clothing, or PFD.
  - Personal watercraft may not be operated from 1/2 hour after sunset to 1/2 hour before sunrise.
  - Maneuvering a personal watercraft by weaving through congested vessel traffic, jumping the wake of another vessel unreasonably close, or when visibility around the vessel is obstructed, or swerving at the last possible moment to avoid collision is classified as reckless operation of a vessel (a first-degree misdemeanor).
  - A person must be at least 14 years of age to operate a personal watercraft in this state.
  - A person must be at least 18 years of age to rent a personal watercraft in this state.
  - It is unlawful for a person to knowingly allow a person under 14 years of age to operate a personal watercraft (a second-degree misdemeanor).
  - PWC Liveries must provide on-the-water demonstration and a check ride to evaluate the proficiency of renters.
  - PWC Liveries must not rent to anyone under the age of 18 years of age.
  - PWC Liveries must display safety information on the proper operation of a PWC. The information must include: propulsion, steering and stopping characteristics of jet pump vessels, the location and content of warning labels, how to re-board a PWC, the applicability of the Navigational Rules to PWC operation, problems with seeing and being seen by other boaters, reckless operation, and noise, nuisance, and environmental concerns.
- B. Other states have enacted similar safety and education legislation and have also seen positive results.
- The Pennsylvania Fish & Boat Commission recently released its “2000 Pennsylvania Boating Accident Analysis” which shows a dramatic drop in personal watercraft (PWC) accidents and injuries. The annual report lists the number of reported recreational boating accidents for 2000. Officials recorded only 13 PWC accidents in 2000, 23 less than in 1999, and only 11 total injuries for 2000. These dramatic reductions, causing the lowest figures since 1992, occurred while more than 3000 new PWC were registered in the state. The Analysis also reports 2000 was the eighth straight year there were no fatalities on board a PWC.
  - In Minnesota following the institution of mandatory PWC education, PWC accounted for one-third fewer collisions last year than three years ago.
  - In Wisconsin with mandatory education, PWC accidents have decreased by 68 percent in the last two years, and
  - In Virginia, mandatory education helped reduce the number of accidents by almost 40 percent since 1999.
  - In California, accidents involving PWC have decreased 32 percent since 1998
  - In Connecticut, since 1992 when mandatory PWC education went into effect, the state has graduated over 22,000 students. This represents over four graduates for every PWC registered in Connecticut. As a result, while the number of registered PWC has tripled in recent year, the rate of accidents has declined.
- C. A number of factors must also be considered when comparing PWC accidents among states, including the existence of mandatory PWC education, number of PWC registered in the state, and the length of the boating season.

#### PWC AND WATER MANAGEMENT

Millions of people enjoy our nation’s waterways, including the National Park System each year. As our waterways become more congested, appropriate management of these waterways is a significant challenge.

Water management policy should be based on scientific analysis and fair judgments—not personal opinion and campaigns of misinformation. Improved management, rather than exclusion, prevents the problem of too many boaters in one area, and allows all citizens, instead of only those with bigger and more expensive boats, to enjoy the natural beauty of our waterways.

Moreover, bans frequently have a domino effect, restricting boats from more and more waterways until there is nowhere left to cruise. What happens when the thousands of PWC users in the state, anxious to get back on the water, crowd lakes and rivers with larger boats. Will they be banned also in the near future?

Instead of managing the water effectively, authorities have discriminated against an entire class of boaters and taken choice away from the American people. It's a slippery slope that can be avoided by reasonable, common sense regulations rather than total restrictions.

Mr. Chairman, I appreciate the opportunity to be here today and want to thank the Personal Watercraft Industry Association who made it possible for me to be here today.

I want you to know that the National Park Service's personal watercraft policy is based on misinformation and was promulgated without hearing from the people it affects. I just want to let you know that this ban was put into place without input from the people it affects—honest, taxpaying citizens who have a right to be on the water where other motorized boating is allowed. This ban is discriminatory and wrong. Scientific assessments will prove what we PWC boaters know, that we have a right to enjoy our national parks. Just give us a chance.

This ban is discriminatory and wrong. My family and I deserve the chance to enjoy the parks along side other motorized boating. My kids deserve to be able to grow up enjoying the Cape Cod National Seashore as I did. Just give us a chance.

## ENDNOTES

- <sup>1</sup>Permanent International Association of Navigation Congress Working Group No. 6, Discussion of Personal Watercraft Noise-Related Issues
- <sup>2</sup>NASBLA Model Act for Motorboat Noise, Adopted 12/11/89, Amended 9/26/91
- <sup>3</sup>"Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare With An Adequate Margin of Safety." EPA 550/9-74-004, U.S. EPA, Washington, DC. 1974
- <sup>4</sup>Personal Communication, Harry Klemm, Group K Personal Watercraft High Performance Shop, Mohave, Arizona
- <sup>5</sup>from "The Yamaha Sound Suppression System and the Yamaha Platinum Plus System," Yamaha Watercraft brochure, 1999
- <sup>6</sup>from "Bombardier Announces Quieter Watercraft for 1999," Bombardier press release, 1997
- <sup>7</sup>from "Kawasaki Marine Engine New Technology for Year 2000 and Beyond," Kawasaki press release, 2000
- <sup>8</sup>Lahti, Tapio, et al., "Recreation Watercraft Noise and Wave Formation," *The Finnish Environment* 460, 2001
- <sup>9</sup>Data from Noise Unlimited Inc. Report No. 8077.1, New Jersey State Police-Marine Division, November 1, 1995
- <sup>10</sup>Moore, Kirk, "Dockside tests show relative quiet of water jets," *Asbury Park Press*, April 7, 1996
- <sup>11</sup>Brown-Buntin Associates, Inc., *Environmental Noise Analysis*, Sept. 14, 1992
- <sup>12</sup>"Proposed Regulation for Gasoline Spark-Ignition Marine Engines, Draft Proposal Summary." Mobile Source Control Division, State of California Air Resources Board, June 11, 1998
- <sup>13</sup>US Environmental Protection Agency (EPA) Marine Engine Emissions Test (1996)
- <sup>14</sup>Id.
- <sup>15</sup>Id.
- <sup>16</sup>Rodgers, James A., Jr. and Stephen T. Schwikert, "Buffer Zone Distances to Protect Foraging and Loafing Waterbirds from Disturbance by Personal Watercraft and Outboard-powered Boats." Bureau of Wildlife Diversity Conservation, Florida Fish and Wildlife Conservation Commission.
- <sup>17</sup>Rodgers, James A., Jr., and Henry T. Smith, "Set-Back Distances to Protect Nesting Bird Colonies from Human Disturbance in Florida." Wildlife Research Laboratory, Florida Game and Fresh Water Fish Commission.
- <sup>18</sup>Ballesterio, Thomas, Ph.D., P.E., P.H. "Impact of Motor Boat and Personal Watercraft on the Environment: Bibliography." Environmental Research Group, University of New Hampshire. August 1, 1990
- <sup>19</sup>Id.
- <sup>20</sup>Id.
- <sup>21</sup>Letter from David W. Arnold, Chief of the Bureau of Protected Species Management, Florida Department of Environmental Protection, to the Honorable David Weldon. March 16, 1999
- <sup>22</sup>"Effects of Personal Watercraft Operation on Shallow-Water Seagrass Communities in the Florida Keys," Continental Shelf Associates, 1997
- <sup>23</sup>National Transportation Safety Board, Personal Watercraft Study, May 19, 1998 at 24
- <sup>24</sup>USCG BARD, "Use of the Accident Data and Statistics" at 3
- <sup>25</sup>Id. (emphasis added)

<sup>26</sup> U.S. Coast Guard 1999 Boating Statistics Report, at 1

<sup>27</sup> Id.

The CHAIRMAN. Thank you, sir.  
Mr. Woodside?

**STATEMENT OF DAVID WOODSIDE, VICE CHAIRMAN,  
NATIONAL PARKS HOSPITALITY ASSOCIATION**

Mr. WOODSIDE. Mr. Chairman, on behalf of the National Park Hospitality Association, I want to thank you for convening this hearing on visitor access to the national parks and Federal lands.

I am David Woodside, vice chairman of the National Park Hospitality Association and president of the Acadia Corporation that operates visitor services in Acadia National Park.

The 2001 National Park Service management policies guide states, and I quote, "National parks belong to all Americans. Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of our parks."

The words sound good, but Park Service action certainly are at odds with these policy objectives.

In 1993, then-Interior Secretary Babbitt announced a policy shift which emphasized the NPS's role to preserve the park environment, stating that we are loving our parks to death.

The Secretary clearly was engaged in a concerted public relations campaign to discourage Americans from going to their national parks.

Former NPS director Robert Stanton later said that the Park Service is now a conservation agency with a major focus on protecting and preserving America's natural and cultural resources, not visitor services.

When these disruptive access denial practices occur, there is invariably a decline in visitors and revenue to the concessionaires within the impacted parks.

This policy toward preservation coupled with a stream of negative national media stories has skewed the public perception of the national parks. During the past decade, park visitation has been routinely discouraged by media accounts highlighting the supposed ravages of tourism to the national parks, with nightmares of congestion, overcrowding, and blighted parks.

The public certainly responded to Secretary Babbitt's message. Since 1994, there has been significant visitor decline in some of the nation's major parks, like that experienced in the NPS intermountain region, which has posted a steady decrease in recreational visitation over the past 8 years, especially at Grand Canyon National Park.

Overall, national park visitation is flat. Systemwide, the NPS has posted a small increase in visitation of 1.2 percent annually. However, many national parks have actually experienced declines in visitation, some quite significant.

Acadia, where I come from, has decreased 8 percent since 1993. Parks like Muir Woods, 43 percent since 1993. Denali, 28 percent. And I provided more details in our written statement.

Concession businesses have experienced similar declines as a direct result of a lower number of visitors, in terms of fewer hotel

bookings, restaurant patronage, and slower gift and merchandise sales.

When viewed alongside rapidly escalating energy and operational costs, the future for park concession business is far from robust.

Interior Secretary Babbitt's campaign proved to be a public relations disaster. It is true, the Secretary did attempt to reverse his message with backtracking acknowledgements that "I really didn't mean American people should not come to their national parks." It was clearly a case of too little too late.

Today, the American public seems convinced that parks do not welcome visitors.

While our examples demonstrate how Federal park policy decisions discourage U.S. park visitors, we also wish to stress to the Committee that we want to build upon our unique partnership with the NPS to enhance the recommended protection and preservation goals. In particular, Congress should ensure the NPS receives funds to confront the monstrous maintenance backlog.

Our partnership with NPS is unique. We have more to give and more to gain from a successful, practical implementation of goals that heighten the commitments to the both the visitor experience and the conservation of precious park resources.

Congress needs to provide guidance and restore a more balanced approach to park preservation and visitation.

We will work with you, Mr. Chairman, and this Committee, to achieve the mutually compatible goals. And I thank you for this opportunity to testify.

[The prepared statement of Mr. Woodside follows:]

**Statement of David Woodside, Vice Chairman, National Park Hospitality Association**

Mr. Chairman, on behalf of National Park Hospitality Association we want to thank your committee for convening this hearing on visitor access to the National Parks. I am David Woodside, Vice Chairman of the National Park Hospitality Association and President of the Acadia Corporation that operates visitor services in Acadia National Park.

The National Park Hospitality Association is the national trade association of the businesses that provide lodging, food services, transportation, and retail services to visitors in the National Park system. Our members work in public-private partnership with the National Park Service and have served the public interest well over 100 years, pre-dating the establishment of the National Park Service (NPS).

*Basic Management Policy for National Parks*

"National parks belong to all Americans—Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of all parks . . . The Service is committed to providing appropriate, high quality opportunities for visitors to enjoy the parks, and will maintain within the parks an atmosphere that is open, inviting, and accessible to every segment of American society . . . The fact that a park use may have an impact does not necessarily mean it will impair park resources or values for enjoyment of future generations." 2001 NPS Management Policies Guide.

The words sound good, but sometimes management policies are at odds with the expansive policy objectives. No words on paper can compensate for the disruptive practices at those same national parks. When these actions take place, there is invariably a decline in visitors and revenue to the concessionaires within the impacted parks. No other entity in the national parks has more to gain or lose from public relations and management decisions made at that park than the visitor services concessioner.

The National Park Service has done an outstanding job over the years of preserving and managing a steadily expanding network of national parks, national historic sites, national seashores and national recreation areas which now number 379 units while accommodating a growing number of system visitors.

As established by the National Park Service Act of August 25, 1916, the National Park Service clearly was given a dual mandate:

“To conserve the scenery and the natural and historic objects and the wild life in the parks and to provide for the enjoyment of same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

The NPS has been entrusted to preserve our parks for the enjoyment, education and inspiration of current and future generations. We believe that park units should be preserved for visitors, not just for the sake of preservation alone. Whether it is the extraordinary vistas of the Grand Canyon or the ability to track a soldier’s footsteps across the now quiet battlefields of Gettysburg and Valley Forge, national parks have tremendous value to each one of us.

Members of the National Park Hospitality Association are committed to preserving access to National Parks for all people. Not everyone can don a backpack and trek across the wilderness. But with responsible management of the parks, and services provided in them, people can come and experience the wonder of these special places.

The concessioners strongly support park resource preservation and work to enhance the park environment both philosophically and as business imperative.

#### *Shifting Park Visitation Policy*

It is often very difficult to strike an equitable and fair balance between visitor use and resource preservation which often forces the National Park Service to manage competing interests of the environmentalists and visitors.

In 1993, then Secretary of Interior Bruce Babbitt announced a policy shift which emphasized the NPS’ role to preserve the park environment, stating that “we are loving our parks to death.” The Secretary of Interior was engaged in a concerted public relations campaign to discourage Americans from going to their national parks.

During the recent past, then NPS Director Robert G. Stanton in a keynote speech at the NPS’ Discovery 2000 encapsulated this shift by stating that the “National Park Service is now a conservation agency” with the major focus on protecting and preserving America’s natural and cultural resources, not visitor services.

This shift toward preservation, coupled with a stream of negative national media stories, has skewed the public perception of the national parks. During the past decade, park visitation has been routinely discouraged by media accounts that highlight the supposed ravages of tourism to the national parks with nightmares of congestion, overcrowding and blighted parks.

Further media stories stress the dilapidated and depleted state of the parks emphasizing the lack of infrastructure available to accommodate these hordes of tourists. One recent story by the Chicago Tribune, claimed that parking spaces were so scarce at the Grand Canyon that visitors had to circle for hours waiting until a space opened up much like a crowded shopping mall.

#### *Visitation in National Parks Reduced*

The public certainly responded to Secretary Babbitt’s message. This Federal policy shift has resulted in a definite impact on the amount of park visitation. Since 1994, there has been significant visitor decline in some of the nation’s major parks. The NPS Intermountain Region has posted a steady decrease in recreational visitation over the past eight years, especially at Grand Canyon National Park.

Overall, national park visitation is flat. System wide NPS has posted a small increase in visitation of around 1.2% annually, however many national park units have actually experienced visitor declines. In fact, over the past several years many of the major parks have experienced a decline in the number of visitors well beyond factors like inclement weather, wild fires, and increased gasoline prices.

The following chart illustrates the overall decline in visitation at some of our concessioners’ parks from 1993 when Secretary Babbitt issued his proclamation.

**Comparison Chart Showing Declining Visitation in National Parks  
Since 1993, 1999 and 2000**

NATIONAL PARK	1993 VISITATION	1999 VISITATION	2000 VISITATION
Acadia	2,656,034	2,602,227	2,469,238
Bandelier	366,638	332,764	248,276
Bryce	1,107,951	1,081,521	1,099,275
Death Valley	998,474	1,227,583	1,179,094
Denali	505,565	386,867	363,983
Everglades	973,706	1,073,982	995,390
Grand Canyon	4,575,602	4,575,124	4,460,226
Grand Teton	2,568,689	2,680,025	2,590,624
Mesa Verde	566,054	635,736	452,287
Muir Woods	1,517,834	883,164	864,229
Petrified Forest	936,429	666,978	605,192
Shenandoah	1,951,366	1,339,286	1,419,379
Yellowstone	2,912,193	3,131,381	2,838,233
Zion	2,392,580	2,449,664	2,432,348
<b>TOTAL</b>	<b>24,029,115</b>	<b>23,066,302</b>	<b>22,017,974</b>

Figures provided National Park Service Public Service Public Use Statistics

Concessioner businesses have experienced declines as a direct result of the lower number of visitors. In many major national parks, we have witnessed a reduction in our members' concession businesses in terms of fewer hotel bookings, restaurant patronage, and slower gift and merchandise sales. The association received reports that many concession operations experienced a reduction in business last year from a few percent up to 50% in the parks hit by last summer's wildfires. When viewed alongside rapidly escalating energy and operational costs which impact our member's businesses, the future for the park concession business is far from robust.

*Doing Business in the Parks Is Always a Challenge*

Federal policy is just one of the factors impacting park visitation. Visitor service business is affected by many factors including facility, transportation and services infrastructure, inclement weather and other acts of nature. The national park hospitality industry is continually challenged by natural forces like the devastating Yellowstone fires of 1992 and the Yosemite floods in 1996 that closed the park to visitors, and the summer of 2000 spate of wildfires that resulted in over 30% fewer visitors to the western parks. The irony of the 2000 fire season was the fact that the devastating New Mexico fires were started by the NPS itself as a "controlled" fire.

*NPS Management Decisions Directly Affect Park Visitation*

Interior Secretary Babbitt's campaign proved to be a public relations disaster. It is true Secretary Babbitt did attempt to reverse his message in 1994 with back-

tracking acknowledgments that, "I didn't really mean that the American people should not come to their national parks." It was clearly a case of too little, too late.

Today, the American public seems convinced that parks do not welcome visitors. We are very encouraged by the recent developments in which the National Park Service and the National Park Foundation are teaming up to launch a multi-million dollar, multi-year public education program to issue citizens an invitation to "Experience Your America" and visit their national parks.

*Conclusion*

While our critical examples demonstrate how Federal park policy decisions discourage U.S. park visitors, we also wish to stress to the committee that we want to build upon our unique partnership with the NPS to enhance the resource protection and preservation goals and increase Federal revenues to NPS to confront the monstrous maintenance back log.

Our partnership with NPS is unique. We have more to give and more to gain from a successful, practical implementation of goals that heighten the commitments to both the visitor experience and the conservation of the precious park resources.

Congress needs to provide guidance and restore a more balanced approach to park preservation and visitation. Congress needs to fund the park infrastructure maintenance backlog fully. Congress needs to ensure that the dual roles of the National Park Service of preservation and visitor service continue to remain equal.

We will work with you, Mr. Chairman, and this committee to achieve these mutually compatible goals.

We thank you for this opportunity to testify.

The CHAIRMAN. Thank you, sir.  
Mr. DeCou?

**STATEMENT OF WESLEY DECOU, FLYING SITE COORDINATOR,  
ACADEMY OF MODEL AERONAUTICS**

Mr. DECOU. Thank you, Mr. Chairman, members of the Committee.

I am Wesley DeCou, flying site coordinator for the Academy of Model Aeronautics, a 165,000-member organization concerned with all aspects of the international sport of model aviation.

Prior to accepting my current assignment, I held the elected position of AMA vice president, serving our members in New York and New Jersey, as well as our members who are in the U.S. armed forces in Europe.

With me in the gallery today, are Academy President David Brown, East Coast Free Flight Conference President Bob Langelius, and members Sydney Krivin and Jean Paillet.

I speak on behalf of the Academy today in an effort to provide you with background relative to what we consider to be very appropriate use of public lands, a use that comes with negligible impact to the environment, yet which provides educational and recreational opportunities for entire families.

As its representative, I am speaking, of course, about model aviation.

Historically, many of the most prodigious advancements in aeronautics in this country have come from the minds of individuals whose intellectual fire was first sparked by an interest in model aviation.

Wherever I travel, when I speak to a group about our sport and ask for a show of hands, fully half of those in attendance indicate an interest, either past or present, in model aviation.

The ranks of our AMA members have included such aviation and aerospace luminaries as Neil Armstrong, Frank Borman, Dr. Paul

MacCready, Burt Rutan, and many other pioneers in the fields of aviation, aerospace, and related disciplines.

With our population on the increase and urban sprawl trying to keep up, we see fewer and fewer venues at which we can practice our sport. As a result, seasoned pilots as well as youngsters who would aspire to the many world championship model aviation teams representing the United States are left without an adequate space to hone their skill.

More and more people of all ages and from all walks of life are denied access to the hobby sport of their preference. An example familiar to some of you as a result of Congressman Benjamin Gilman's testimony before your Subcommittee on Fisheries, Conservation, Wildlife, and Oceans, in June of last year, is that of the east coast free flight conference flying site at Galeville, New York.

This flying site, by far the best location on the east coast for free flight modeling activity, had been used by aeromodelers for nearly 30 years and was administered by the Military Academy at West Point.

In the early 1990's, the site was cleared of underbrush by the modeling community and the AMA at no expense to West Point, but with encouragement from a West Point biologist. The specific objective, which was indeed realized, was to create a Savannah-like grasslands environment for grass-nesting birds co-located with a launch site for the free flight modeler—a win for the birds and a win for the modelers.

Shortly after the grasslands environment was created, the Galeville site was declared excess by West Point. And after a short period of time, it was given to the U.S. Fish and Wildlife Service.

Because of the U.S. Fish and Wildlife Service interpretation of the National Wildlife System Improvement Act of 1997, the east coast free flight conference flyers were summarily banned from further activity at the airfield. That interpretation was essentially that only wildlife-dependent activities could be conducted at Galeville.

Hunters would now be permitted to go on the site, but the modelers would have to go.

In spite of documented evidence to the effect that model aviation activity is ignored by birds, just as they ignore full-size aircraft operating in and out major airports, and in spite of professional opinions that any impact on migratory or migrating birds would extremely unlikely, the ban continues in effect since model aviation is not a wildlife-dependent activity.

We urge that priority activities on any public land—be it a national park, a national recreation area, a national wildlife refuge—continue to be undertaken by the local staff people. Further, as a means of creating a significant increase in recreational opportunities on public lands, we urge that activities such as model aviation, with minimal attendant cost and minimal or zero impact on the local environment, be permitted uses in addition to the stated priority activities.

A grassland created and maintained by a group of dedicated modelers is a win. A model aviation venue where we can strike the spark that fires the imagination of a youngster is a win. Model aviation's loss of the Galeville facility is a shame.

In your quest to determine what are the best methods to increase the recreational use of public lands, we trust you will create opportunities for new law and policy concerning the governance process for our vast outdoors.

The Academy of Model Aeronautics recommends that in doing so, you revise current law to allow wildlife-neutral activities, such as model aviation, to take place alongside wildlife-dependent activities at Galeville and where appropriate on others of the more 95 million Fish and Wildlife Service acres.

Mr. Chairman, members of the Committee, on behalf of the Academy of Model Aeronautics and associated modeling groups present with me today, I offer my thanks for the opportunity to talk to you.

[The prepared statement of Mr. DeCou follows:]

**Statement of Wesley DeCou, Flying Site Coordinator for the Academy of Model Aeronautics**

Thank You, Mr. Chairman. Mr. Chairman, Ranking Member, and Members of the Committee, I am Wesley DeCou, Flying Site Coordinator for the Academy of Model Aeronautics, a 165,000-member organization concerned with all aspects of the international sport of model aviation. Prior to accepting my current assignment I held the elected position of AMA Vice President, serving our members in New York and New Jersey, as well as our members who are in the U.S. Armed Forces in Europe. With me in the gallery today are Academy President David Brown, Syd Krivin, AMA member and private pilot, Robert Langelius, President, East Coast Free Flight Conference) and Jean Paillet, AMA member and former AMA contest board chairman

I speak on behalf of the Academy today in an effort to provide you with background relative to what we consider a very appropriate recreational use of public lands, a use that comes with negligible impact to the environment, yet which provides educational and recreational opportunities for entire families. I'm speaking, of course, about model aviation.

Historically, many of the most prodigious advancements in aeronautics in this country have come from the minds of individuals whose intellectual fire was first sparked by an interest in model aviation. Wherever I travel, when I speak to a group about our sport and ask for a show of hands, fully half of those in attendance indicate an interest, either past or present, in model aviation.

The ranks of AMA members have included such aviation and aerospace luminaries as Neil Armstrong, Frank Borman, Dr. Paul MacCready, Burt Rutan, and many other pioneers in the fields of aviation, aerospace, and related disciplines.

With our population on the increase, and urban sprawl trying to keep up, we see fewer and fewer venues at which we can practice our sport. As a result, seasoned pilots as well as youngsters who would aspire to the many World Championship model aviation teams representing the United States are left without adequate space to hone their skills. More and more people of all ages, from all walks of life are being denied access to the hobby/sport of their preference.

An example, familiar to some of you as the result of Congressman Benjamin Gilman's testimony before your Subcommittee on Fisheries Conservation, Wildlife and Oceans in June of last year, is that of the East Coast Free-Flight Conference flying site at Galeville, New York.

This flying site, by far the best location on the east coast for Free-Flight modeling activity, had been used by aeromodelers for nearly 30 years, and was administered by the Military Academy at West Point. In the early 1990's the site was cleared of underbrush by the modeling community and the AMA at no expense to West Point, but with encouragement from a West Point biologist. The specific objective, which was indeed realized, was to create a savannah-like grasslands environment for grass-nesting birds, co-located with a launch site for the Free-Flight modelers. A win for the birds, and a win for the modelers.

Shortly after the grasslands environment was created, the Galeville site was declared "excess" by West Point, and, after a short period of time, was given to the U.S. Fish and Wildlife Service.

Because of a USFWS interpretation of the National Wildlife System Improvement Act of 1997 (P.L. 105-57), the East Coast Free-Flight Conference fliers were summarily banned from further activity at the airfield. That interpretation was essen-

tially that only activities that were dependent on wildlife could be conducted at Galeville. Hunters could now be permitted on the site, but the modelers would have to go.

In spite of documented evidence to the effect that model aviation activity is ignored by birds just as they ignore full-size aircraft operating in and out of major airports, and in spite of professional opinions that any impact on migratory or migrating birds would be extremely unlikely, the ban continues in effect, since model aviation is not a "wildlife dependent" activity.

We urge that priority activities on any public land (National Park, National Recreation Area, National Wildlife Refuge, etc.) continue to be undertaken by local staff people with vigor. Further, as a means of creating a significant increase in recreational activity opportunities on public lands, we urge that activities such as model aviation, with minimal attendant costs and minimal or zero impact on the local environment, be permitted uses in addition to the stated "priority" activities.

A grassland created and maintained by a group of dedicated modelers is a win. A model aviation venue where we can strike the spark that fires the imagination of a youngster is a win.

Model aviation's loss of the Galeville facility is a shame.

In your quest to determine what are the best methods to increase the recreational use of public lands, we trust you will create opportunities for new law and policy concerning the governance process for our vast outdoors. The Academy of Model Aeronautics recommends that in doing so you revise current law to allow "wildlife neutral" activities, such as model aviation, to take place alongside "wildlife dependent" activities at Galeville and, where appropriate, on others of those 95 million USFWS acres.

Mr. Chairman, members of the committee, on behalf of the Academy of Model Aeronautics and the associated modeling groups present with me today, I offer my thanks for the opportunity to present our thoughts on this important issue.

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The CHAIRMAN. Thank you, sir.  
Mr. Kiernan?

**STATEMENT OF THOMAS C. KIERNAN, PRESIDENT,  
NATIONAL PARKS CONSERVATION ASSOCIATION**

Mr. KIERNAN. Thank you very much, Mr. Chairman and members of the Committee.

My name is Tom Kiernan. I am the president of the National Parks Conservation Association. We have been working now for over 80 years to protect and enhance America's national park system for present and for future generations. And we are America's only group dedicated to that mission.

I am also testifying today on behalf of the National Trails and Waters Coalition, a group of over 70 conservation, recreation, hunter, and other groups that work to protect and restore public lands from the impact of off-road vehicles.

Having the opportunity to recreate in our public lands is very important to our organization and to me personally. I grew up here in Washington, D.C., and grew up kayaking in Great Falls, grew up biking on the C&O Canal, hiking out in the Shenandoahs. And that form of recreation in our public lands is very important to me as an individual and to our organization.

It is one of the reasons that I am working with NPCA and am here today testifying, so that our public lands can be available to more Americans for this form of activity, and as well for my three children, so they can have the privilege of recreating on our public lands.

I occasionally hear criticism that environmental groups want to lock out the public from the public lands, and this is not true. Groups like NPCA depend on our members and all Americans hav-

ing access to the public lands, to enjoy them, to be educated by them, to be inspired by them, to be rejuvenated by them. We want Americans in our national parks, in our national forests, and on BLM land.

I also hear people say that they have been denied access to public lands. This lack of access to public lands is a myth. The national park system, the national wildlife refuge system, the national forests, and BLM are open to everyone. It is that simple.

Anyone can visit these lands just about whenever they want. And the United States has always been a world leader in providing this kind of maximum access to our remarkable landscapes.

But is not myth that some forms of access and some types of activities are very hard on the land and the water in our public lands.

For example, swamp buggies and off-road vehicles have dug tens of thousands of miles of rutted trail down in the Big Cypress National Preserve.

Tens of thousands of snowmobiles in the winter in Yellowstone pollute the air quality in Yellowstone. We have documented evidence that they have harassed wildlife. They are very noisy and reduce the ability for other visitors to enjoy Yellowstone.

At Grand Canyon, the awe-inspiring stillness and the sound of the wind is interrupted by over 650 flights daily, given that there is no now appropriate regulation of those flights.

Jet Skis dump very large quantities of unburned fuel into our national seashores and lake shores.

Now, our different agencies do have different purposes. The Park Service has a clear mandate to protect the resources above all else. And let me just very quickly quote the Organic Act that created the National Park Service, saying its mission is to conserve the scenery and natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

That is the National Park Service's mission. Now, the national forests and the BLM land accommodate extraction activities and multiple recreational uses. The refuge system is charged with preserved wildlife and their habitat.

But no matter which agency has the management responsibility, I believe that all recreation public lands must have as their primary goal, overall goal, protecting ecological integrity of those lands.

Like visitors to a great university, we have access to all the wonderful information, knowledge in those universities, in those libraries, but only if we treat them respectfully and behave responsibly.

When we go into a library, we cannot tear out the pages of the books. We cannot climb on the bookshelves. We don't play basketball in the Lincoln Memorial.

Basketball is a great sport. The Lincoln Memorial is a wonderful, inspirational place. We don't play basketball in the Lincoln Memorial because it may damage the memorial, and it reduces the ability for other visitors to enjoy and be inspired and learn from what the Lincoln Memorial has to tell us.

Let me close by reiterating three main points.

There is no shortage of access to public lands; there is shortage of public lands. I encourage this Committee to focus on creating new national parks, national monuments, and other public lands.

Second point, recreation is very important to me personally and to our organization. But the primary function of the public land management agencies should be to protect the overall ecological integrity of those lands.

And lastly, recreation on public lands and waters should not be allowed to damage those areas or the ability of others to enjoy them.

Thank you very much, Mr. Chairman and members of the Committee.

[The prepared statement of Mr. Kiernan follows:]

**Statement of Thomas C. Kiernan, President, National Parks Conservation Association**

Mr. Chairman, members of the committee, my name is Tom Kiernan and I am a President of the National Parks Conservation Association. NPCA is America's only private, nonprofit advocacy organization dedicated to protecting and enhancing America's National Park System for present and future generations. NPCA was founded in 1919 and today has more than 450,000 members.

I am also testifying on behalf of the National Trails and Waters Coalition, which includes over 70 conservation, recreation, hunting, and other groups working to protect and restore all public lands and waters from the severe damage caused by dirt bikes, jet skis, and all other off-road vehicles.

*Overview*

Let me begin by making clear that as a private citizen I am an avid recreational user of our national parks and other public lands. All of my life I have enjoyed white water kayaking at Great Falls, part of the C&O Canal National Historical park. I have hiked and rock climbed throughout the West, and I take my kids camping in our national forests and national seashores.

As President of the National Parks Conservation Association, I am also committed to preserving access to our national park lands. One important function of national parks is to offer the opportunity for visitors to enjoy and learn about our country's magnificent natural resources. NPCA's membership, the lifeblood of our organization, is made up of people who enjoy visiting the national parks.

So it is as a recreational user and professional conservationist, that I say unequivocally that there is no shortage of access to public lands. However, recreation use of public lands is expanding dramatically. This Committee should focus on creating new national parks, monuments, and other public lands to meet growing demand.

Recreation is important to me as an individual and to my organization, however, I also believe that the primary function of our public land management agencies should be to protect the natural resources in their charge. Providing recreation is an important, but secondary function.

I am most familiar with the National Park System and most of my comments will be directed there. The national parks have a clear mandate to protect resources above all else. Other areas, such as national forests and BLM land, accommodate extractive activities and multiple recreational uses. However, I believe that all public land and water recreation should be consistent with maintaining overall ecological integrity.

*The Restricted Access Myth*

The National Park System, the National Wildlife Refuge System, the national forests, and BLM lands are open to everyone. It's that simple. Anyone, not just American citizens, can visit these lands just about whenever they want. The United States has always been the world's leader in providing maximum public access to remarkable natural landscapes.

But that access must not come at the expense of the health of the resources. Like visitors to a great university library, we have access to all the wonderful resources inside, but only if we treat them with respect and behave responsibly. We can't tear pages out of the books or practice our climbing skills on the stacks. We don't play basketball in the Jefferson Memorial.

The National Park System is perhaps the most popular American public institution. There were 286 million recreation visits to the national parks in 2000. Only 115 million people voted in last year's presidential election. If the Park System were a country, it would be the third most populated in the world.

In the face of these extraordinary visitation numbers, and with too few rangers and not enough money, the National Park Service does a masterful job of making sure that most visitors have a safe, enjoyable, educational, and often unforgettable experience in the parks. The Park Service does its best to accommodate the desires of as many visitors as possible.

Occasionally, however, the desires of some visitors threaten to destroy the substance of the parks themselves or are in direct conflict with the requirement to offer other visitors a high quality experience. In those cases, the Park Service steps in and restricts or prohibits certain activities. We should all be grateful that the Park Service is there to protect America's national parks so that what we enjoy today will be around for our children to enjoy tomorrow.

When you add together the hundreds of millions of people who visit our public lands, it is clear that individual visitors have a responsibility to minimize the impact they have on resources. Fortunately, most Americans are extremely conscientious when it comes to protecting public lands and particularly national parks.

The public is even willing to accept limits on park visitation if necessary. In 1998, NPCA asked a random sample of Americans: "Should the National Park Service limit the number of visitors if a park is too crowded?" Eighty-nine percent said yes.

We also asked: "Should the National Park Service limit the number of visitors if the number is harming the park's cultural or natural resources?" Ninety-five percent said yes.

Further, 92 percent said they would personally ride a shuttle or make a reservation to reduce overcrowding. And finally, a wide majority of Americans agreed that certain activities need to be limited or banned altogether in order to protect parks: 87 percent said overflights should be limited or banned; snowmobiles, 89 percent and; jet skis 92 percent.

#### *Motorized Recreation*

By its very nature, motorized recreation on public lands can be extraordinarily damaging and disruptive to other visitors. Nevertheless, access for motorized recreation is widespread. For example: off road vehicles are allowed on 93 percent of BLM lands outside of Alaska and there are 380,000 miles of Forest Service roads and routes open to motorized access. The National Park System is less heavily used by motorized recreation vehicles, but even in parks there are many examples of severe damage.

Jet skis pollute national seashores and lakes. Snowmobiles clog the road to Old Faithful and stress wildlife that is struggling to survive Yellowstone's harsh winter. Swamp buggies scar the wetlands of Big Cypress National Preserve. Helicopters shatter the stillness at Grand Canyon. And all of these activities conflict with visitors who have come to learn about and appreciate the special resources of the parks. For example, as a kayaker and park visitor, I am particularly disturbed by the appalling safety record of jet skis and other personal watercraft. According to the U.S. Coast Guard's 1998 accident statistics, of 3,607 reported jet skis accidents, 2,528 involved collisions with other boats. This is a much higher rate than other types of watercraft.

The Natural Trails and Waters Coalition believes a few basic management philosophies should be followed for motorized recreation on public lands:

1. Public land recreation decisions are predicated on maintaining the ecological integrity of our public lands and waterways.

2. Motorized recreational vehicles are prohibited where they come into conflict with natural resources, wildlife, wildlife habitat, air, water, vegetation, landscape, solitude, natural quiet, and archaeological and historical sites.

3. Motorized recreational vehicle use is prohibited on all roadless, wilderness and wilderness-quality lands and waters.

4. All vehicular travel, including off-road vehicles, occurs only on designated roads and routes. Cross-country motorized recreation is prohibited on public land.

5. Motorized personal watercraft are allowed on public waterways only in areas where these vehicles cause no measurable ecological impacts or human conflicts.

The use of automobiles as transportation to and around national parks is very different from motorized recreation in the parks. Automobiles are used to tour the parks and to view scenery and wildlife. On the other hand, too many automobiles is already a major problem in many national parks. NPCA believes that the quality of a visit to a national park can be enhanced through the use of transportation systems that accommodate the greatest number of people with the least impact on the

park's resources. This model has been successfully adopted by the National Park Service in Acadia National Park, Denali National Park, Zion National Park and others. Extreme vehicular congestion, whether in the summer or winter, should not be a regular part of a visit to any national park.

*Access for People with Disabilities*

Two years ago, the Secretary of Agriculture and the Secretary of the Interior were required to conduct a study on improving access for persons with disabilities to outdoor recreational opportunities made available to the public.

Several Members of Congress urged the Secretaries of Interior and Agriculture to hire an external agency to conduct the study. In response to this request, Wilderness Inquiry, a non-profit organization with more than 22-years experience providing outdoor recreation opportunities for persons with disabilities on Federal lands, was hired to conduct the study. The study was published earlier this year.

Wilderness Inquiry found that:

Federal land management agencies do have a fundamental mandate to protect the natural resources in their charge. Persons with disabilities must recognize that natural, cultural, and historical resource protection is primary. Research suggests that the majority of persons with disabilities do recognize and accept these mandates. They do not support compromising these mandates solely in the name of providing access.

Unfortunately, increased use of motors as a means to provide access to outdoor recreation for persons with disabilities has frequently been misrepresented by some who have other goals as a priority—increased motorized vehicle use on public lands for profit, convenience, or as a means to establish patterns of use that would make it difficult for land management agencies to designate lands as closed to motorized vehicles due to management needs or to become part of the National Wilderness Preservation System at some future date. These proponents of increased motorized use are simply using the claim of “access for the disabled” to advance other goals and priorities.

Not surprisingly, the Wilderness Inquiry report mirrors broader sentiments of the American public. Most Americans know that the real concern is not about losing widespread “access” to public lands; it's about controlling the damaging excesses of a few. That's why the regulations proposed by the Park Service to end snowmobile damage in Yellowstone, and the Forest Service to protect roadless areas have received such widespread public support.

*What Kind of Activities Are Appropriate on Public Lands?*

The National Parks Conservation Association believes strongly that some types of recreation are inappropriate in national parks. Decisions about whether to allow certain activities in national parks should be based on whether the activity preserves the ecological integrity, natural and historical context, interpretive values, and unique experiences contained within the National Park System. The heart of the issue is: Do we want a visit to Yellowstone National Park to be a unique experience, different from a trip to anywhere else? Again, most Americans would say “yes.” It is reasonable, therefore, to expect national parks to be managed differently than national forests, BLM lands, state parks, etc.

At the same time, none of our public lands should be considered recreational sacrifice zones. In no case should recreation be allowed to damage or degrade resources. Our public lands are not amusement parks. Their purpose is not to provide thrill rides or to make money through industrialized recreation. Having access to parks and public lands means having access to all of the elements that make those natural areas so special. That includes clean air, natural sounds, undisturbed wildlife, and the scent of woods and flowers. Thank you, I would be happy to answer any questions.

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The CHAIRMAN. Thank you, Mr. Kiernan.

The gentleman from North Carolina is recognized for questions for this panel.

Mr. JONES. Mr. Chairman, thank you.

I apologize for getting here so late, but we had the Secretary of Defense for a classified briefing with members of Armed Services, and certainly you would have been there, but you were here at this important hearing.

The CHAIRMAN. Well, that took half of our Committee right there.

Mr. JONES. So I apologize that I missed the presentations from the panel.

This is a very important issue in my district. For those of you on the panel who don't know me, I represent the Third Congressional District of North Carolina. And with the exception of Wilmington, North Carolina, which is not in my district, everything above Wilmington, the outer banks of North Carolina, Emerald Isle, these areas, there is tremendous presence of the Park Service in the Third District of North Carolina.

I came here in 1995, being one of many Members of Congress on both sides of the political aisle that constantly we try to find the balance between the environment and the people. And for me, there are many times, particularly with Park Service—and I apologize, Mr. Kiernan, I heard some of your remarks; I was in the outer room. And then I look at Mr. Laine, I believe, your comments, which I read.

And this year, I hope—I had great respect for Secretary Babbitt, but I think he was always interested more in the environment and could care less about the feelings of the people. And that troubled me a great deal because that attitude was carried on by the Park Service. And I still see that attitude.

And I hope that Secretary Norton, in her tenure as Secretary of Interior, will help us we can—and we can't always find the balance—but many times we can.

I had a situation, Mr. Chairman and panel, down in my district about 2 months ago. The Park Service superintendent just made a decision that 2 years from date forth they would prohibit personal watercrafts being used down in that area. And I was just taken aback because that again is a prime example of eliminating the taxpayer, eliminating the people.

And we wouldn't have all these great parks if we didn't have the taxpayers. If the taxpayers did not pay the taxes, we could not afford to have these wonderful parks and the people that protect and work in those parks.

So I guess my point is, we actually did get, with the help of the staff, Mr. Chairman—I want to thank you and the staff—able to get the superintendent who had made that proclamation to back off because she actually had violated the provision that would give input from the people.

I don't own any property at the beach; I respect those that do. But we have a lot people that have personal watercrafts that would never have any fun in these parks because they couldn't afford any other way if they did not have these personal watercrafts.

So I want to ask Mr. Laine, because, again, I missed yours.

And everyone else I missed; I am sorry. Your testimony, I haven't had a chance to read it.

But just tell me, how much trouble are these personal watercrafts, as you see it.

I am going to give Mr. Kiernan a chance to respond also.

Mr. LAINE. During my testimony to you, Mr. Chairman, I spoke of the watercraft not being the issue, more or less the operator being the issue.

The watercraft only does what the operator makes it do. It is no different than any other boat that is on your seashore. You can make a boat go faster than a personal watercraft; you have a boat that is louder than a personal watercraft. It is all in the operator's view of what they are.

Like I said before, I feel it has been painted as a bad picture. It is classified by the Coast Guard as Class A inboard power boat. It is a boat, no different than any other boat that is on the water, just a different size, different shape.

You can make any boat a bad boat. Or the operator can make any boat a bad boat.

I hope I answered you on that.

Mr. JONES. Yes, sir.

Mr. Kiernan, I guess you heard my position, and I would like for you to respond to my statement, so to speak. And also, since I did not hear your presentation—I heard some of it in the outer room, but I didn't hear it as carefully as I would like to have—the position of the National Park Conservation Association as it relates to people coming into that park who behave themselves having fun, whether that be with a personal watercraft or maybe some other equipment.

Mr. KIERNAN. Thank you for an opportunity to respond.

Let me make clear, NPCA strongly wants people to be coming to our parks. We want access. We want people coming into the parks, enjoying the parks, learning from the parks, having a great time with their families, et cetera. We want that kind of access, and we want more of that kind of access.

The question is, what are the appropriate activities that allow the resources to be protected for future generations?

I have been on a personal watercraft vehicle. They can be a lot of fun. And I had a good time. It was a two-person one. I have had one of my children on it with me. That is great.

The very strong concern is, for example, that one-third of the oil and gas, I believe, from a personal watercraft vehicle is emitted into the water unburned. So we have a very highly polluting vehicle that is very noisy, that is designed to go very fast.

I believe that that is an inappropriate activity in our park. We want people, Mr. Laine, in the park, but there are places where it is more appreciate for this kind of activity, given that the parks are set aside to be protected unimpaired for the enjoyment of future generations.

Clearly, the personal watercraft vehicles are impairing the water quality. They are harassing the wildlife. And they are quite noisy, impairing other current visitors there to enjoy the park.

Mr. JONES. Mr. Chairman, may I have just a couple more—

The CHAIRMAN. By all means. There aren't too many folks here right now.

[Laughter.]

Mr. JONES. That, I guess, is the advantage of being the last one here.

Last year, I have never forgotten this, we had a professor from Arizona State University, I believe, that testified. I was just really enthralled with what he said, and I believe that he was talking about the Grand Canyon, but I think his concern was that 1 day

that no one would have access into the park except there would probably be, in the front, a booth. And you get on a bus or maybe have some rail system that you could ride around. But you would not yourself as an individual be able to go into that park setting.

And I appreciate what you said, Mr. Kiernan, about the discharge of oil or gas into the waters. And there probably should be some balance as to where; we can have certain areas where maybe they should be prohibited.

But, again, my concern as a conservative Member of Congress is, again, going back to that man or woman that is paying the taxes. And when they begin to feel that they are not welcome, then I think we as a country have a serious problem.

And I guess what I would like to ask you, again, or Mr. Laine—Mr. Laine, you might want to comment. I am not trying to get you all going.

And I am sorry, to the other two gentlemen, I was not here to hear your testimonies. But if anybody would like to respond to my rambling, they are more than welcome. Just raise your hand, and I assume the Chairman would call on you.

But you see what I am trying to say? Recreation is a primary for a lot of working people, and a lot of working people particularly in my district, where it is a very per capita low-income area. This is all they have. This is their primary way of having recreation.

And, again, I hope that we will find the balance as to where we are not trying to exclude these people from having a little bit of fun.

Mr. Laine, you go.

Mr. LAINE. If I may, sir.

I think that you will find in the figures that the personal watercraft emits less unburned fuel and oil than the conventional two-stroke outboard motor. These parks are being opened to the conventional outboard motors with propellers that emit and burn the same fuels, exact same fuels, and emit even more unburned fuels into the water than a personal watercraft engine does.

The industry has worked very hard. They have been very diligent at cutting down the noise, at cutting down the unburned fuel. Personal watercraft today are one of the most user-friendly and economic boats out there today, as far as the environment goes.

Mr. JONES. Well, I appreciate you sharing that with Committee staff and the Chairman and myself, and any other member would care to would certainly be able to read the comments from this hearing.

With that, again, Mr. Kiernan, I am not trying to pit you against Mr. Laine, and certainly the other two gentlemen—but this, again, is where the public gets concerned and maybe many of those taxpayers that maybe should better understand the position of your association.

It is just like some the environmental groups in California that are trying to dictate policy in their county as it relates beach access, driving on the beaches, these people that want to go out there and fish.

So, again, I hope that we will, as a Committee and this administration—and a Committee of Democrats and Republicans—ensure that the balance is there. That is what the key is, is the balance.

Mr. KIERNAN. Let me share a couple of examples, if I may.

We have the Reflecting Pool on the Mall. We do not allow Jet Skiing in that pool, because that is not the purpose of the pool. It is there to reflect the monuments and for people to learn from that.

Similarly in our national parks, they are there to protect the natural and cultural resources inside the parks.

We want people there. People should be welcome. To the extent the Park Service is not effectively communicating that, they need to change. They need to be welcoming all Americans into the parks.

However, certain activities are inappropriate.

I have not done the game paintball. I guess you run around in the woods and shoot paint at each other. That is not allowed in the national parks. Why? Because it damages the resources, and it hurts other people's ability to enjoy the park.

Similarly for Jet Skis. I have no problem with Jet Skis. The concern is, is it an appreciate activity in the parks, given the purpose of the parks that I read earlier, to protect the parks unimpaired for the enjoyment of future generations?

I think it is clear that they are not appropriate in the parks. There are places where they can be very appropriate. And as I said earlier, I have enjoyed being on a Jet Ski, but not appropriate in the parks.

Mr. JONES. Yes, sir, let me ask you—I apologize. I can't see the name.

Mr. WOODSIDE. I am David Woodside from the National Park Hospitality Association, and I wanted to comment on your discussion of the Grand Canyon National Park issues and some other related issues.

It is true that there is a plan to eliminate private motor vehicles during the peak season. I believe there also is at least discussion of removing some lodging facilities there in the Grand Canyon. There also are plans to remove lodgings in Denali National Park and Yosemite and various other parks across the country.

This is a concern to us because, while we appreciate trying to protect the resource, there is something magic about waking up in a national park that cannot be replicated waking up in a gateway community.

Twenty years ago, when I first began visiting parks, I had the opportunity to visit Shenandoah, very close by. Arrived after dark and the next morning, waking up and looking out at that national parks spread before you is just something that cannot be replicated.

And I believe it is an important thing and it is illustrative of providing that access to national parks where it can be done responsibly.

Thank you.

Mr. JONES. Mr. Chairman, I want thank you.

Again, I close by saying that I believe initially the intent of the national parks was to give the people an opportunity to enjoy those parks. And that means recreation as well as other activities.

So thank you for giving me a chance to be here today.

The CHAIRMAN. I thank the gentleman from North Carolina.

And, of course, as you read the 1916 Organic Act, that is what it says. Now, we have had different organizations and different po-

litical persuasions try and put their own interpretation on it, but they are for the enjoyment of people.

What a lot of people don't realize is of the 379 units of the Park Service, 19 of them are recreation areas. And you get to what is a recreation area. You have a little reflection on that; that is a little different.

The Glen Canyons recreation area is different than Zion park, for example. So people have to keep that in mind. That is what they are for.

And I think the superintendent—well, now he is out of there—but Joe Alston did a super job in taking care of those things.

Mr. Kiernan, your organization, some people are trying to turn you into a wilderness organization, that you want all 379 units of the Park Service to become wilderness. And I know, from talking to you in the past and testimony and what you said today, that is not correct.

And I guess a lot of this stuff is interpretation, but I received a letter from you folks, signed by Mr. Chandler, on March 8 of this year, that has given me and members of the Committee some real cause for concern.

It says: As you know, we do have significant disagreements over certain park areas. For example, I believe that the majority of the public shares NPCA's views that motorized access to national parks should be strictly regulated or even banned.

That causes a great concern to me.

Mr. KIERNAN. We commissioned Colorado State University in 1998, I believe, to do a poll of the America public that we would be happy to share with Committee. It was a statistically validated poll, and we can give you all the details and the analysis.

It is my recollection that roughly 89 percent of the American public said that Jet Skis should be either highly regulated or banned from the national parks. And I believe snowmobiles, 89 or 87 percent of the American public said the same.

So that is where that is coming from.

The CHAIRMAN. You have a poll that 89 percent of Americans want to ban motorized access to the parks?

Mr. KIERNAN. The question related to snowmobiles or Jet Skis, and the answer was, as I said, 89 percent wanted them either banned or highly regulated. We would be happy to share that with the Committee.

[The information referred to above was not received by the Committee at the time of printing]

The CHAIRMAN. Will you share that with the Committee, because I find that stunning, frankly.

I have been on this Committee for 21 years, I have been Chairman of the park Committee for 6 of those years, and I have seen poll after poll after poll, and I have never seen anything like that. But I am not in any way questioning you; I would like to see it, if you would give me that opportunity.

What do you think of overflights of Grand Canyon, Mr. Kiernan?

Mr. KIERNAN. We do believe that overflights can be an appropriate—

The CHAIRMAN. For tourists, excuse me.

Mr. KIERNAN. Yes.

They can be an appropriate means of understanding a park, or seeing a park, of experiencing a park. So we agree that overflights can be appropriate means in a park.

However, there need to be adequate regulations so there can be either times of day when you don't have to listen to the overflights or portions of the park where you don't have to listen to overflights. Right now, when you are in the Grand Canyon, it feels as though constantly you are hearing the noise of aircraft overflights when you are down in the canyon.

I have spent lots of time in the canyon, have boated the river twice. When you are listening to this noise, it seriously detracts from the experience in the Grand Canyon.

However, since we do think it can be an appropriate means of seeing the park, we feel strongly there need to be appropriate regulations so, as I said, either all morning there are not tours, or this portion of the park there are no tours, so that people can go out and have that wilderness experience.

And we have come to understand that listening to the sounds of nature, listening to moving water, listening to wind, is an important part of the experience in our national parks, just as seeing the night skies. That is an important part. We don't want those things lost.

The CHAIRMAN. Do you feel the current regulations of overflights in the Grand Canyon are adequate?

Mr. KIERNAN. No.

The CHAIRMAN. How would you strengthen them?

Mr. KIERNAN. I would need to respond to the Committee in more detail to give you some specific ideas.

The CHAIRMAN. Let me ask you about Glen Canyon recreation area. Personal watercraft are allowed there. It is probably the biggest reservoir in America; 186 miles long. Do you feel they should be restricted or banned?

Mr. KIERNAN. We feel, because of their impact on the water quality and on wildlife, that they should be banned.

Once again, the question is the form of recreation. Those are recreation areas. Absolutely agree with you, Mr. Chairman, that we want to be recreating in those lands. The question is what form of recreation is appropriate given the purpose of the national park system.

Given the emissions from the Jet Skis, and the noise, and the impact on wildlife, we do not think they are appropriate.

The CHAIRMAN. In your statement, you talked about snowmobiles, and I think you alluded to Yellowstone. I guess Voyageurs and Yellowstone would be the two biggest; there are 42 parks that allow snowmobiles.

In the event that the industry—by that, the manufacturers of these—come up with a four-stroke engine. And so far, the technology that it is as quiet and as pollution-free as any motorized vehicles.

For example, they used, in front of this Committee, they said Honda Accord. I don't drive a Honda Accord, but a lot of people seem to like that car.

If they could do that, do you still have your feelings toward banning snowmobiles, say, in Yellowstone?

Mr. KIERNAN. Yes, we do, Mr. Chairman.

I have had the opportunity to ride a four-stroke snowmobile. They are still very loud. They still have the potential, obviously, of harassing the wildlife.

We have video footage of snowmobilers stampeding the bison in the winter in Yellowstone. That is not the vision that people have of Yellowstone.

As well, there is a viable alternative, and this is in the form of snow coaches.

The CHAIRMAN. Well, let me frame my question again and say, if they can demonstrate scientifically that their four-stroke engine is as quiet as a car that goes through there in the summer months, do you still an objection?

Mr. KIERNAN. Yes, and my concern is the following. We did a study last winter—actually, it was 14 months ago—

The CHAIRMAN. Then I can only draw the conclusion that you object to the amount of cars that go through there in the summer.

Mr. KIERNAN. No. The question is, we want people in the parks, what is the best means of access into the park, causing the least damage?

There is a wonderful alternative in the snow coaches. Getting people into the parks, in Yellowstone, in particular, right now, the car is the only means of getting people in the parks, hence why we support having cars in the park.

However, in the wintertime, there is an alternative to snowmobiles. And the problem with the snowmobiles is 100 percent of the time on a weekend in Yellowstone in the wintertime when you are sitting at Old Faithful, you are listening to the sounds, to the whine, to the scream of snowmobiles.

While you are sitting there, trying to see one of the wonders of the world, and in the winter, with the bisons this is a wonderful place, and you are listening to snowmobiles. That is a lost experience for the visitors.

If we replace the snowmobiles with snow coaches, we can regain the solitude and the quiet.

The CHAIRMAN. Well, in effect, the only people that can see the bison in the winter are snowmobilers. There isn't anybody else in there.

Mr. KIERNAN. There are cross-country skiers and there is the snow coach technology—

The CHAIRMAN. You realize how far a backcountry skier has to go from the west side of Yellowstone to get to the Old Faithful lodge? Boy, I would like to meet that guy. We are going to take him to the 2002 Olympics games, I can tell you that.

[Laughter.]

Mr. KIERNAN. But the snow coaches would do that function right now. They bring people into the park.

They essentially are vans with cleat tracks underneath them, and they bring people in and can actually improve the educational experience by having a driver that can teach and share and interpret the park, as opposed to being on a snowmobile where you have a helmet and you hear and see nothing but the scream and the noise of your own snowmobile.

The CHAIRMAN. Mr. Kiernan, you have a very interesting organization. As you know, this Committee has from time to time wondered about the wilderness in our parks. The 1964 bill called for Park Service to do the work, trying to determine what should be wilderness in a park.

We often felt that would be a pretty easy thing to do because parks would be the easiest of all to do, but we never really get around to doing that.

Tell me, what would be your reaction to mountain bikes in wilderness in parks? Would you oppose it?

Mr. KIERNAN. I would want to consider it, but I believe we would be concerned because of the impact on the trails of mountain bikes. But I would want to study it and get back to you.

The CHAIRMAN. Mr. Kiernan, you have objected to overflights, snowmobiles, personal watercraft, and you want to consider mountain bikes.

Could we infringe upon you a little bit to tell us what the position—not right now—but would you, if I may ask you, respectfully, would you please send us your written analysis of those four issues that I have just brought up, to where the NPCA would be coming from on them?

I mean, I have gotten mixed signals from your folks, from the letter I read to you, from another letter addressed to Mr. Hefley on May 14. I am kind of trying to figure out where you folks are coming from.

I do not accept the premise you are against everything, like I would on some organization.

Mr. KIERNAN. Thank you.

The CHAIRMAN. And I know that your organization does some very fine things for the parks, and I don't argue with that. I compliment you for it.

On the other side of the coin, we do have some organizations that constantly lobby Congress who are against everything. I mean, I have asked some on wilderness, well, if I gave you this much, what would you do? And they just keep moving the goal posts on us.

So many of us have come to the conclusion that it is more an industry to raise money and litigate than it is to really take care of the public lands.

I haven't found your organization that way, but I would really appreciate if you would supply us with your written answer to some of these questions that we have.

Mr. Jones, did you have one?

Mr. JONES. Mr. Chairman, thank you.

Like you, I am sure, I have another meeting shortly. But I wanted just to ask a couple questions. I have kind of gone through Mr. Kiernan's statement, and a couple of questions come to my mind after reading this.

You advocate no motorized recreational vehicle use on all roadless wilderness and wilderness-quality lands and water. Will you define for me what wilderness-quality is?

Mr. KIERNAN. Areas that have been identified by the Park Service as potential wilderness areas and that are in the process of being brought forward to Congress for consideration.

Mr. JONES. Okay. Let me ask you to give me your definition of motorized recreational vehicles.

Mr. KIERNAN. To be fair to the Committee, if I can respond in writing; I want to be sure to be clear and concise and consistent.

Mr. JONES. I think that would be fine, but would you give me just one example before I have to leave?

Mr. KIERNAN. Snowmobiles, Jet Skis, anything with a motor that is propelling the individual. I need to give some more thought to that.

Mr. JONES. Does this mean like an RV going through the park? Would that obviously be—

Mr. KIERNAN. Correct, yes.

Mr. JONES. Okay. And you are against bicycles, I think you said to the Chairman?

Mr. KIERNAN. In wilderness areas.

Mr. JONES. Dirt bikes or whatever they are.

Mr. KIERNAN. In wilderness areas. Have some concerns; want to get back to you.

But, clearly, I would enjoy putting in that letter all the things that we are for in the national parks, all of the activities that we believe are appropriate, that millions of Americans love to do in our national parks.

Strolling in the national parks. Walking. Picnicking in our national parks. Listening to the streams in our national parks.

There are a lot of activities that we clearly support and would love to include in information to the Committee.

Mr. JONES. Mr. Chairman, thank you.

The CHAIRMAN. Mr. Kiernan, some time ago, Chairman Hefley and I put a bill in to form a commission that would try to determine the criteria of a park, what it should be and what it shouldn't be.

As we probably all know, some parks were created that really didn't have much quality. Most of them, of course, are very great and are jewels.

Do you feel that that would be reasonable to do that? Or do you think it still should be to the eye of the beholder and the congressman who has the most clout gets to create the park, even if it is a past landfill?

Mr. KIERNAN. I believe the Park Service currently has some standards already established that help guide it in designating parks and monuments and wild and scenic rivers. I would take a look and see how effective those are and whether additional guidance needs to come from Congress.

The CHAIRMAN. Actually, the Park Service criteria is pretty loose, and it kind of ends up with what congressman can get his bill through, is what it amounts to.

We were a little concerned that conservation areas, heritage areas, primitive areas, wilderness areas, park areas, have some criteria. We had to cave on that because Secretary Babbitt had a great deal of fun calling that a park closing law.

And we kind of enjoyed the humor for a little while. Finally, it got to us when he got President Clinton and one of the prime ministers of the new federation of Russia involved. And we saw that it had gone a little far.

So I asked Roger Kennedy, the director of the Park Service, to come up here, and put him under oath, and asked one question: Does this bill constitute a park closing?

His response was, no, absolutely not.

Out of that, he was no longer a park director. But anyway, he was right and admirable in what he said, because there was nothing in that law that did it.

But we are always curious about, should someone establish a commission. But we have too many Members of Congress—and I guess I have been very close to it for many years—who want a park for no reason, really, at all.

I do think there should be a criteria. I mean, look at the parks. We have natural parks, archaeological parks, we have one named after a band, historic areas.

And I am really not going to do one for a landfill, regardless of what one of my friends keeps asking.

[Laughter.]

Mr. KIERNAN. I think, Mr. Chairman, we could work together on that one.

[Laughter.]

The CHAIRMAN. I look forward to working with you.

And I thank this panel and all the other panels for excellent testimony. It has been very informative.

And believe me, this information you have given us, both orally and written, will be put to good use.

And thank you so much.

The CHAIRMAN. We stand adjourned.

[Whereupon, at 1:03 p.m., the Committee was adjourned.]

