



July 22, 2018

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**RE: Public Land Solutions comments to Secretarial Order 3366 - Increasing Recreational Opportunities on Lands and Waters Managed by the U.S. Department of the Interior**

Dear Mr. May:

Public Land Solutions would like this opportunity to support and provide input on Secretarial Order 3366 (SO 3366) that seeks to ensure public lands and waters under the management and administration of the U.S. Department of the Interior (DOI) are open and accessible for recreational pursuits by all Americans and visitors to the United States.

Public Land Solutions (PLS) is a non-profit organization dedicated to providing comprehensive recreation planning and stakeholder coordination to support effective and sustainable public land solutions. For several years, PLS has been involved at the local, regional, and national level during National Park Service (NPS) and Bureau of Land Management (BLM) rulemakings, land use planning, recreation management, and resource extraction proposals related to oil, gas, coal, uranium, potash and renewable energy initiatives. Our advocacy efforts to protect and enhance recreation assets on public lands have included organizing stakeholder workshops, providing detailed comments and proposed maps during DOI comment periods, providing presentations to local, state, and federal government, and working to bring together a wide range of public land stakeholders to create win/win opportunities.

We greatly value our public lands and see the many benefits derived by local communities when land managers and local officials use best practices to meet the changing needs of 21<sup>st</sup> century communities. The comments below focus primarily on National Park Service and Bureau of Land Management lands.

**Secretarial Order 3366 Directs the Interior Department Agencies to Increase Recreation Opportunities**

Secretarial Order 3366 “Increasing Recreational Opportunities on Lands and Waters Managed by the U.S. Department of the Interior” directs DOI agencies to:

1. Create a plan that develops new, or increases and expands existing, recreational opportunities that are consistent and comply with all applicable laws and regulations;

2. Provide recommendations for improving and streamlining relevant permitting requirements for guides and outfitters and facilitated outdoor recreation providers; and
3. Improve contracting processes for recreation-specific concessioners.

Public Land Solutions strongly supports the purpose of the Order to ensure DOI lands and waters are open and accessible for recreational pursuits by increasing and expanding recreational opportunities (SO 3366, section 4(a)(1)), streamlining and improving the permitting process for outfitters and guides (section 4(a)(2)), and identifying organizations focused on providing access to recreational activities for disabled persons, youth, and veterans (section 4(a)(5)). Public Land Solutions believes DOI can accomplish these goals by focusing on the following policies and actions:

- Support Policies that Protect Valuable Recreation Lands
- Increase Funding for DOI Agencies and the Land and Water Conservation Fund
- Solicit Robust Public Input on Land Use Plans and Management via the protocols set forth in NEPA
- Improve Ineffective and Outdated Policies Governing Guide and Outfitter Permitting
- Implement Land Use Policies that Balance Recreation with Resource Extraction

## **I. Protect and Enhance Public Land in its Natural State as An Economic Driver**

DOI's goal to develop, increase, and expand recreational opportunities has several benefits for recreation enthusiasts and local communities across the country that are diversifying their economies to embrace both tourism and recruit business investment by improving the quality of life for residents who greatly value protected public lands. Outdoor recreation accounts for 7.6 million American jobs and contributes \$887 billion to the economy annually. Much of this is possible because of our public lands and the unparalleled opportunities they provide for outdoor recreation. Further, businesses of all types are using recreation assets on public lands to attract and retain employees. In the competition for top talent, states across the country are working to maintain and improve their recreation economies as evidenced by the growing list of State Recreation Directors.

Recreation assets also play an increasingly important role in mainstream business development and economic renewal in cities and rural areas. Proximity to shared open spaces such as forests, deserts, rivers, and lakes makes for desirable places to live and work. Corporations and businesses of all types are using the quality of life that results from access to the out-of-doors as a key tool for recruiting and retaining staff at all levels. In addition, footloose entrepreneurs who can locate wherever they please are doing just that. Retirees also bring significant non-labor income to communities with high quality outdoor amenities. Communities that used to depend on the roller coaster of world-wide commodity prices for coal, oil, gas, and timber now have an opportunity to supplement those revenue sources by investing in access to recreation assets. And the REC Act now directs that the outdoor recreation industry's jobs and economic contributions be included in the United States' gross domestic product. In 2018 the federal Bureau of Economic Analysis released numbers<sup>1</sup> detailing the economic strength of the growing outdoor recreation industry, which comprises 2 percent of the entire 2016 U.S. Gross Domestic Product, exceeding other industries such as legal services, farming, forestry, fishing, mining, oil, and gas.

DOI regulation and policies (and support for Congressional legislation) could protect and enhance outdoor recreation opportunities—and associated economic benefits—through the following:

- Develop new policies that raise the profile of the recreation economy on NPS and BLM lands such as prioritizing recreation asset protection and passing organic legislation for National Recreation Areas
- Agency funding and staff support for existing and new projects that protect and enhance recreation assets with the goal to increase the quantity and quality of recreation experiences on NPS and BLM lands, consistent with the mission and laws relating to each agency
- Smart planning that limits impacts to recreation and among multiple uses; i.e., protect viewsheds at recreation areas, provide effective and targeted information to guide recreational users, and proactively engage stakeholders to stave off multiple use conflicts
- Ensure recreation is a management priority by conducting an inventory and assessment of recreation resources to identify recreation uses and levels of use to identify high-priority recreation resources to protect and enhance recreation values consistent with appropriate natural and cultural resource conservation
- Partner with the U.S. Small Business Administration to encourage gateway community business development connected to local recreation opportunities
- Improve recreation permitting for guides and outfitters (more below)

Many states spend millions attracting visitors and new residents to their states, and a corresponding investment in the recreation assets in these areas would increase visitors, attract new residents and ensure the quality of their experiences. In addition, existing industrial infrastructure can be rehabilitated to allow for safe visitation. Roads, quarries, timber areas, and other previously utilized places can be transformed and upgraded to create trails and recreation sites that will bring people back to nearby communities. By focusing on the economic development opportunities associated with recreation assets, there is a real opportunity to bring economic relief to a variety of communities who are currently suffering from declines in resource extraction.

## **II. Increase Funding for Interior Department Agencies and Land and Water Conservation Fund**

Often times, recreational access to and use of DOI lands is restricted because agency staff do not have the financial resources and capacity to manage recreational use or conduct related environmental analyses. Increased funding for resource and visitor management would alleviate these issues and expand recreational opportunities on DOI lands and waters.

The Land and Water Conservation Fund (LWCF), which has pumped billions of dollars into United States recreation resources since 1964, taps a small percentage of revenues from taxpayer-owned offshore energy resources to purchase and protect key landscapes and urban parks for public recreation. In addition to protecting important recreation opportunities, the LWCF also conserves lands that provide significant economic revenues for local communities. While the LWCF enjoys bipartisan support, Congress may inexplicably allow this program to evaporate when the LWCF is set to expire this September 30. Congress currently has more than enough support to reauthorize this critical conservation tool. DOI should urge Congress to

reauthorize the LWCF and fully fund this program that has protected key recreation areas at 98% of counties in the country, supporting millions of outdoor recreation and tourism jobs. DOI should support a LWCF budgeted at the full, congressionally authorized level of \$900 million annually to ensure that critical recreational resources are protected around the nation.

### **III. Encourage Public Input to Protect the Integrity of NEPA Processes**

It is critical to preserve public opportunities to meaningfully participate in decisions about how DOI lands are managed. Unlike other resource values and uses of federal public land—like cultural and natural resources, and the mineral leasing and mining industries—recreation has no governing legislation that protects popular and valuable recreation assets. The public input process under National Environmental Policy Act (NEPA) provides perhaps the most valuable opportunity for the outdoor recreation community and related businesses to comment on how public land recreation assets might be impacted or protected. As the Department considers expanding recreational access opportunities, we urge the preservation and enhancement of opportunities for the public to participate in the land management decision-making process.

While there is a need to retain robust public input for resource extraction initiatives that often have a disproportionate impact on other multiple uses such as recreation, there are instances where low impact recreational protects could benefit from highly targeted streamlining via categorical exclusions or programmatic analyses. Public Land Solutions believes an opportunity exists for DOI to streamline and improve its NEPA environmental review process so that recreation assets and opportunities can effectively be planned for, developed and managed accordingly. For example, we support categorical exclusions for small scale recreation projects at previously analyzed areas that have been cleared for sensitive resources. When NEPA does apply and a categorical exclusion is not applicable, we believe that the DOI should conduct reviews on a broader programmatic scale. For example, we believe the agency should strive to make greater use of programmatic environmental reviews to approve outfitter-guide activity on a larger scale and over a larger geographic area. This would reduce the need to conduct detailed project-based case-by-case environmental reviews of each outfitting and guiding proposal as it is submitted. With a broadly applicable environmental review in place, the agency could use strategies such as tiering to approve specific recreation infrastructure projects and for processing outfitting and guiding requests. This will significantly reduce administrative burden to DOI agencies and increasing opportunities for people to connect with DOI lands.

### **IV. Improve Ineffective and Outdated Rules and Policies Regarding Guide and Outfitter Permitting**

For many people, an outfitter or guide provides a first introduction to public lands that grows into a lifetime of lasting memories and appreciation. These experiences are key to increasing recreational opportunities on DOI lands and waters, and streamlining the permitting process for outfitters and guides will enable more Americans (and international visitors) to make these meaningful connections with DOI lands and waters. A more efficient permitting process will also reduce paperwork and administrative time, freeing agency resources for better land management and allowing land managers more time to protect and enhance recreation resources. The following recommendations provide a few obvious suggestions to improve and streamline the permitting process:

- Encourage multi-unit special recreation permits and cross-jurisdictional permitting through the Service First Authority (USC 43 Section 1703) that grants the Secretaries of Interior and Agriculture the ability to issue permits either jointly or on behalf of one another, in order to improve efficiency within the agencies and enable outfitters and guides to better serve the public
- Establish a centralized, standardized, and simplified permitting process so outfitters and guides can focus their efforts on increasing recreational opportunities instead of focusing on administrative matters

## **V. Implement Land Use Policies that Balance Recreation with Resource Extraction**

Along with the strength of recreation as an economic driver, Federal law explicitly requires that outdoor recreation be considered one of the “principal” or “major” uses of public lands, alongside grazing, energy development, fish and wildlife, rights-of-way, and timber production, as set forth in the Federal Land Policy and Management Act (FLPMA). In FLPMA, Congress declared that “the public lands be managed in a manner ... [to] preserve and protect certain public lands in their natural condition ... that will provide for outdoor recreation and human occupancy and use.” This law places outdoor recreation on equal footing with energy development and other multiples uses when the Federal government makes decisions governing public land management.

In addition, the Multiple Use Sustained Yield Act requires the management of all renewable surface resources to “best meet the needs of the American people in perpetuity ... without impairment of the productivity of the land.” Accordingly, any one use of federal public lands cannot impair the productivity of another use. Specifically, this means Federal law requires that energy development on federal land cannot impair the productivity of recreational use and associated economic activity. In today’s markets, many communities are looking to supplement energy revenues with recreation economy investments. Ignoring concerns about energy integration with recreation assets puts these communities at a significant disadvantage in their efforts to diversify.

As outdoor recreation grows as a “principal” and increasingly economically important use of our public lands, recreation assets should be given the same level of consideration during land use planning as energy development. Given the growth of outdoor recreation in western communities, energy development must increasingly be balanced with other activities supplementing, not supplanting, rural and gateway economies.

## **VI. Balancing Resource Extraction and Recreation Through the Implementation of Secretarial Order 3366**

To ensure the success of Secretarial Order 3366, land managers and local communities must consider how to balance recreation with resource extraction. Many current laws and policies were created to encourage resource extraction, yet in many public land communities today recreation is bringing significant revenue streams from both tourism and quality of life businesses who are choosing communities with access to public lands. Through the execution of

Secretarial Order 3366, there is an opportunity to better coordinate the enhancement and protection of recreation assets which could be affected by resource extraction. By acknowledging the needs of all stakeholders, including local governments and permit holders, returns on investments from all types of public land uses can be achieved.

Through this type of stakeholder input, a wide variety of solutions can be employed to avoid conflicts and maximize recreation opportunities, as stated in SO 3366. For example, with regard to oil and gas development, these could include: moving sections of trail when needed; controlling surface use via directional drilling; specific well pad placement; or phased development to address conditions on the ground. Coordination among cooperating agencies, including counties, will lead to efficient optimization of the resource. These changes can be integrated into existing land use plans and ensure public lands and waters under Interior Department management are open and accessible for recreational pursuits by all Americans and visitors to the United States.

Unplanned and uncontrolled development often creates challenges for our public lands. However, we know firsthand that conflicts can be avoided through smart-from-the-start planning that balance the needs of energy development with the needs of other uses and sustainable activities.<sup>2</sup> This approach has been successful in places such as Moab, Utah, where BLM recently completed a collaborative, locally-supported process that is allowing energy development to move forward, while protecting the national parks and world-class recreation resources that are the foundation of the area's local economy. Additional locations—such as in Colorado's Tres Rios and Utah's Price Field Offices—could benefit from similar smart planning initiatives.

A variety of problems can and do result from poorly managing the interface between recreation and resource extraction. These issues require consideration with regard to their specific effect on the outdoor experience and related recreation assets and include:

- Placement and design of industrial infrastructure and necessary access roads
- Views of surrounding landscapes that are an important component of any outdoor experience, including those from national parks. Poorly designed infrastructure—such as power lines and pipelines—can extensively degrade iconic views
- Safety of visitors and industry employees must be considered at places where the two are expected to interact
- Noise, smell, air quality concerns from industrial operations can also affect outdoor visitors including the potential for oil and gas spills
- Water quality is another important consideration especially in places where people will have direct contact with the water

Solutions to conflicts between recreation and energy development include:

- Smart from the start plans that protect recreation assets on BLM lands while bringing diverse local stakeholders together to achieve, balanced common-sense solutions
- Master development plans and unit agreements can provide a more localized blueprint for coordinated drilling and development activity on a smaller scale than a Master Leasing Plan

- Implementation of best practices and improved technologies, such as: development density limits and phased leasing; alternatives to pits used to store hydraulic fracturing fluids; directional drilling to minimize surface occupancy and consolidate drill rigs and pumps; technologies that minimize methane leaking and flaring to prevent wasteful, unnecessary and harmful emissions; and other strategies to limit air, noise, light and water pollution, and to limit visual impact
- Engaging the public and key stakeholders early and often in planning for energy development to optimize multiple land uses and foresee and address potential conflicts with energy development. Public engagement should include: community workshops; enhanced information sharing and NEPA processes; the use of county public land officials and county sponsored public land committees to better interface key stakeholders at regular intervals as opposed to only when there is a crisis or during an official public comment period
- Supporting State Recreation Directors to better incorporate the recreation economy needs of local communities with those of multi-national corporations for improved long-term public land management

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Thank you for considering Public Land Solutions’ input into SO 3366, and considering the management strategies outlined herein to increase recreational opportunities on lands and waters managed by the U.S. Department of the Interior. Find more information about Public Land Solutions at [www.publiclandsolutions.org](http://www.publiclandsolutions.org) or contact us directly at [ashley@publiclandsolutions.org](mailto:ashley@publiclandsolutions.org) or 801-910-3205.

Sincerely,



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<sup>1</sup> See <https://www.bea.gov/newsreleases/industry/orsa/2018/pdf/orsa0218.pdf>.

<sup>2</sup> See PLS’s whitepaper “Best Practices for Balancing Recreation and Energy Development on Our Public Lands” found at <http://bit.ly/2p4tDnt>.