



America Outdoors Association Bulletin

September 29, 2017

**Register Today
for AOA's 29th
Annual Marketing
and Management
Conference**

Focus on Improving and Deregulating Recreation Access on Front Burner in Washington

The Guides and Outfitters Act, H.R. 289, Scheduled for Vote in House of Representatives

The Outdoor Recreation Enhancement Act, H.R. 2771

The Recreation Not Red-Tape Act

Trump Administration Takes on Regulation of Public Lands

Focus on Improving and Deregulating Recreation Access on Front Burner in Washington

Bipartisan legislation in Congress and Trump Administration initiatives aimed at reducing regulatory hurdles to recreation access on public lands are taking a prominent role on Capitol Hill. Changes to permitting and recreation management are likely before this Congress adjourns in 2018. Here's a quick update on the status of various initiatives important to the future of outfitted services on federally-managed lands.

The Guides and Outfitters Act, H.R. 289, Scheduled for Vote in House of Representatives

The House is scheduled to vote on the GO Act on Monday, October 2nd. H.R. 289, the GO Act, reauthorizes the permitting authority contained in the Federal Lands Recreation Enhancement Act and provides important streamlining and adjustments to permit administration. America Outdoors Association is fully behind this bill, which is on the House suspension calendar. Senator Rounds is expected to introduce the GO Act in the Senate soon. The likelihood that this bill passes Congress before it adjourns is good.

The Outdoor Recreation Enhancement Act, H.R. 2771

H.R. 2771 restores the seasonal recreational establishment exemption for outfitters and guest ranches under federal contract or permit. A 1978 amendment to the Fair Labor Standards Act eliminated that exemption for federal permit holders operating in Forests and on Department of Interior Lands (unless their establishment is inside public land boundaries). The higher minimum wage for federal contractors contained in President Obama's E.O. 13658 aggravated the impacts of this issue. H.R.2771 will have to be included in a broad omnibus bill to pass Congress. The higher minimum wage for federal contractors is still in effect. However, you are not required to abide by it until the standard Department of Labor clause is included in your permit. In some cases the Department of Labor has issued opinion letters, which

extended the seasonal recreational establishment exemption to outfitters with federal permits. However, Courts, not the DOL, make the final ruling if the status of that exemption is challenged legally. Another Obama-era rule, the Department of Labor rule raising overtime for previously exempt professional, executive and administrative employees is on hold for the time being after a Court ruling required the Department to modify it.

The Recreation Not Red-Tape Act

Introduced in the Senate by Senator Wyden (D-OR) and in the House by Representative Bishop (R-UT), this bill is an attempt to improve recreation access. However, the bill falls short as written and in some cases would create more red tape not less. Brian Merrill from Western River Expeditions is scheduled to testify on behalf of AOA on the bill on October 3rd about these issues.

One provision creates a National Recreation Area System for the BLM and Forest Service comprised of National Recreation Areas. Those areas are required to be managed to "maximize" protection for healthy ecological, geological, hydrological, cultural, and scenic features, as well as recreation opportunities. Opportunities are not uses per se and maximizing protection for ecological features may be interpreted to mean to "the greatest extent possible" and to the exclusion of recreation. Fortunately, the bill sponsors seem to understand these problems and are committed to resolving them. AOA is providing some alternative language to make the bill true to its title.

Trump Administration Takes on Regulation of Public Lands

The Trump Administration is planning to reduce regulations related to permitting and concessions management and other regulatory hurdles to public land recreation access. AOA has been urging this kind of streamlining for years. Secretary Zinke is planning a meeting with recreation leaders at the Department of Interior on October 2. AOA Vice President David Brown will be attending the meeting.

Earlier in September Secretary Zinke issued an order (SO 3356) designed to increase hunting and fishing opportunities on public lands. One provision in that order requires permit streamlining and a distinct permitting process for nonprofit outfitters. AOA is meeting with Interior official to determine what that and the streamlining requirements in the Order mean for permits. Generally, it has been AOA's position that for-profit and non-profit outfitters should have similar processes and levels of regulation although those can be improved.

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