

# What's Next with Congress and Regulations

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and

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**Experience  
The Difference**

**2018 ANNUAL CONFERENCE  
AND OUTFITTER EXPO**  
DECEMBER 4-7 • DAYTONA BEACH, FLORIDA

The following is an outline of the more detailed presentation on Government Affairs scheduled for

**December 5th at 3:30  
Ballroom**



# Agenda for 2018

## as approved by the AO Board of Directors

- **Pass the GO Act** which reauthorizes the outfitter and guide permitting authority for the Forest Service, the BLM, the Fish and Wildlife Service and Bureau of Reclamation, Reduces the costs and bureaucratic overhead of agency permitting programs.
- **Rescind E.O. 13656** for outfitters which calls for a higher minimum wage for federal contractors.
- **Short-haul exemption from FMCSA** operating authority requirements.
- **Pass H.R. 2776** to restore seasonal recreation establishment exemption for outfitters with federal permits and traveling camps.
- Work with the House Resources Committee staff on **changes to the Recreation Not Red-Tape Act** and support passage if appropriate.
- **Work with Forest Service on permit modernization** to expand its focus to include families and recognition of economic benefits. Ben Johnson from the Forest Service is here to discuss this initiative.
- **Work with Interior on new Recreation Permitting agenda** and de-regulation agenda.
- **Monitor other legislation and regulations** such as the Heinrich permitting bill.

# Outcome to Date

- E.O. 13658 for outfitters (under federal permit) was rescinded by the President when he issued E.O. 13838.
- The GO Act passed the House in 2017 and most of the provisions are also in Recreation Not RedTape. Action pending in lame duck.
- Effort to restore and expand seasonal recreational establishment exemption are stalled.
- Proposals to revise ESA rules impacting outfitter permits and recreation.
- Interest in short-haul exemption, but needs legislative vehicle such as infrastructure bill.
- New regulations and fees on paddlesports rental operations proposed.

# Lame Duck Legislative Outlook

- For the lame duck, a lands bill is under consideration to include permanent authorization of LWCF, National Park and Public Lands Restoration Act, Recreation Not Red Tape and other bills. (Tim Stewart to describe).
- Some version of the GO Act could be included in this legislative package.
- Learns the status of these legislative proposals at the presentation on Wednesday.

# The GO Act. What's in the bill.

- Renews the authority for outfitters and guides operating in Forest Service, Bureau of Land Management, Bureau of Reclamation, or the United States Fish and Wildlife Service.
- Sets permit fees at 3% of adjusted gross for Forest Service and DOI agencies or equivalent flat fee.
- Requires agencies to deduct revenues on activities outside federal land boundaries or other public lands from calculation of gross revenue.
- Learn full details at presentation.

# The GO Act status

- Passed the House of Representatives on October 2, 2017 and introduced in the Senate.
- Most of the GO Act provisions were blended into the Recreation Not RedTape Act in the House of Representatives, which is awaiting floor action.
- Also merged with the Public Lands Recreation Outdoor Improvement Act, which contains the GO Act language and a few other beneficial provisions.

# Recreation Not Red-Tape Act aka as RNR

- Developed by Senator Wyden (OR) in consultation with Rep. Rob Bishop (UT).
- Establishes a National Recreation Areas System.
- Promotes consideration of recreation outcomes in performance evaluations of land managers.
- Permit modernization section is the GO Act provisions.



AO is supporting permanent authorization of the Land and Water Conservation Fund.

**LWCF authority expired on September 30<sup>th</sup> so unless that authority is renewed no additional funds will go into that account.**

**H.R.502- Permanently reauthorizes the Land and Water Conservation Fund.**

**241 cosponsors in the House.**

**Sponsored by Rep. Grijalva (and Bishop)**

LWCF Reauthorization and  
NPS and Public Lands  
Restoration could be  
foundation of lands bill in lame  
duck.

Package being put together but time is running out.

# Short haul exemption from FMCSA Administration Operating Authority

- FMCSA operating authority required for any interstate commercial motor vehicle carrying 9 passengers or more.
- Applies to many outfitters running customer shuttles or passenger pick-up across state lines.
- AO has legislation developed to provide a short haul exemption for 150 airmile radius.
- Learn more at the GA presentation on Wednesday.

# Regulation of Paddlesports Rental Businesses

- Legislation passed in TN in 2018 to require TWRA to regulate all aspects of paddlesports rental operations.
- Promoted by a few landowners and Tennessee Wildlife Federation representing trout fishermen.
- Expected to spread to other states: VA, KY next?
- Details at Wednesday's presentation.



## SHARE OUR RIVERS COALITION: COMMERCIAL BOAT RENTALS

Commercial canoe and kayak rental services have grown quickly and without guidelines. They dominate several public waterways and displace other users but don't help pay for the public resource they profit from.

[Email State Legislators & Cabinet Officials](#)

On our most popular rivers, there are increases in water rescues, unsafe

### In the News



[TWF Lobbies to Regulate Commercial Paddlecraft Rentals](#) *Rhea Review*



[State Tries To Decide: Should Paddle Companies Have To Pay To Use Tennessee's Rivers?](#) *Nashville Public Radio*

# NPS issues

- NPS is working on streamlining of concessions program. Rule is expected shortly
- Kurt Rausch, Acting Chief, Commercial Services Program, National Park Service RM 101 at 4:15  
Thursday, December 6th

# Proposed revisions to ESA regulations

AO submitted comments supporting streamlining  
ESA Section 7 consultation and changes to the  
extent of critical habitat designated for listed  
species.

# What are the prospects for AO's legislative initiatives

- 2019 will be a time to build relationships and work with allies on a couple of key legislative initiatives.
- A combined GO Act and PLROIA is destined to pass due to the strength of the coalition established and some anticipated changes in Congress.
- Remember, almost nothing gets done in Congress promptly. Legislation requires a long term commitment and persistence.



# Changes in Congress

**Tim Stewart, AO's Washington Lobbyist**

# Forest Service permit modernization

Ben Johnson

National Recreation Special Use Program Lead

USDA Forest Service

**Forest Service Permit Roundtable with Ben  
Johnson,**

**Ballroom 5:00 PM to 6:00 PM**

Attend the session on  
Wednesday for full  
details.

**3:30 PM to 5:00 PM**

**Grand Ball Room**