

TESTIMONY OF AMERICAN WHITEWATER
UNITED STATES HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION
HEARING ON H.R. 3492
RIVER PADDLING PROTECTION ACT
ROB BISHOP, CHAIRMAN
NOVEMBER 21, 2013

TESTIMONY SUBMITTED BY KEVIN COLBURN
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Mr. Chairman, Congresswoman Lummis, and members of the Subcommittee:

I am writing to voice my appreciation for the introduction of H.R. 3492, the River Paddling Protection Act, on behalf of American Whitewater and our over 5,500 members. Founded in 1954, American Whitewater is a national nonprofit organization dedicated to conserving and restoring our nation's whitewater resources, and enhancing opportunities to enjoy them safely. Our members are primarily non-commercial and conservation-oriented kayakers, canoeists, and rafters.

Americans are prohibited from canoeing, kayaking, and rafting on hundreds, or likely thousands of miles of exceptional rivers and streams in Yellowstone and Grand Teton national parks. These paddling bans have had a profound personal impact on many Americans. Standing on the bank looking at a river is just not the same as floating down it, interacting with each current, watching the landscape unfold around you and above you. Paddling requires an intense focus not just on your path through a rapid or pool, but on the landscape, the weather, the arc of the sun - literally everything around you. The act of paddling creates rich, vivid, memorable experiences that are unique to each river, each day, and each landscape. For paddlers that live near or travel to these parks, the paddling bans have prevented them from establishing this unique connection with one of the most iconic and beautiful landscapes on earth. Many simply avoid the area. For many Americans, the paddling bans make the region a less attractive place to live, raise a family, start a business, or vacation for many Americans.

The paddling bans are based on outdated regulations from the 1950's, and have denied three generations of Americans the outstanding experience of paddling the rivers in Yellowstone and Grand Teton. These regulations were aimed at stemming rampant over-fishing, a concern now easily managed by other means without

impacting those that simply want to float downstream. Today we know that both fishing and paddling can be managed in an environmentally sustainable manner with common management tools. On the vast majority of rivers across the country, no special management of paddling is needed at all. Paddlers simply park at existing parking areas, launch at bridges, hike on existing trails, and silently float downstream. With that said, American Whitewater fully supports reasonable limits on paddling and other forms of recreation to protect natural resources and their enjoyment.

It is well worth noting that the paddling prohibitions run counter to modern National Park Service policies and priorities. These policies are perhaps best summarized in the following quote from Section 8.1.2 of the National Park Service Management Policies manual:

To provide for enjoyment of the parks, the National Park Service will encourage visitor activities that: are appropriate to the purpose for which the park was established; and are inspirational, educational, or healthful, and otherwise appropriate to the park environment; and will foster an understanding of and appreciation for park resources and values, or will promote enjoyment through a direct association with, interaction with, or relation to park resources; and can be sustained without causing unacceptable impacts to park resources or values.

Paddling meets all these standards perfectly, and is indeed supported across the National Park System. The National Park Service is an outstanding partner in river management and protection. The issue addressed by H.R. 3492 is endemic to only Yellowstone and Grand Teton National Parks, and is distinct from the otherwise largely exemplary management of paddling throughout the National Park System.

American Whitewater recently requested that Grand Teton and Yellowstone national parks consider allowing non-commercial paddling on several newly designated Wild and Scenic Rivers that are within their borders. The parks refused, stating that paddling was prohibited by federal-level regulations that were beyond their control. These parks claim to not have the discretion to manage paddling commensurate with other activities. As far as we are aware, all other parks have this discretion, and these antiquated federal-level prohibitions are a regulatory anomaly.

The River Paddling Protection Act, under Sections 2(a)(1) and 2(a)(2) would restore management authority over paddling to the park managers. We believe that this is a worthy and necessary goal that would set no precedents nor in any way limit the National Park Service's authority. In fact, we believe it would eliminate a bad precedent and restore standard National Park Service authorities. We fully support this language.

American Whitewater believes that outdoor recreation and conservation are two sides of the same coin. Our nation's great conservation leaders each had a direct connection to the outdoors through recreation, be it hunting, hiking, mountaineering, paddling, or something else. Future leaders will also without a doubt draw on these same experiences for inspiration. Direct experiences on wild and natural rivers forge a strong stewardship ethic among paddlers. In short paddlers care about rivers and want to see them protected. It is thus imperative that the authority of the National Park Service to preserve the natural resources of Yellowstone and Grand Teton national parks remain unaffected by this legislation. If Congress determines that H.R. 3492, as written, affects these authorities we welcome the opportunity to discuss and endorse friendly amendments.

Specifically, if the statement "and the Secretary of the Interior may not issue substantially similar regulations that apply to hand-propelled vessels" in Section 2(a) is determined to limit the National Park Service's ability or authority to manage paddling commensurate with other similar uses, using the full suite of management tools and following Agency protocol, then we ask that the language be struck, modified, or clarified to meet the interests described above.

It is no secret that past park managers have valued the paddling bans as part of the unique tradition of managing Yellowstone and Grand Teton. Paddling rivers through these iconic landscapes has a long and storied history involving early explorers as well as famous conservationists like Olaus Murie. It is not a new use; it is an old one, and the 60-year ban is but a blink in the cultural history and future of Yellowstone. The paddling bans are not a tradition of the American public, and the American public needs opportunities for a direct connection with nature more than ever.

We trust that the current park managers, in the absence of the federal-level prohibitions, will prioritize healthy and sustainable outdoor recreation, and restore Americans' opportunities to float rivers within the parks. We believe that Yellowstone Superintendent Dan Wenk and the incoming Superintendent of Grand Teton will be up to this challenge, and look forward to working with them to implement positive changes in the management of the parks they oversee.

As a final matter, National Elk Refuge managers have recently decided that paddling is not compatible with the purposes of the Refuge. We question this decision, and the Refuge offered no analysis to support their position. H.R. 3492 seeks to remedy this arbitrary determination by declaring that paddling is one of the priority "wildlife-dependent" activities on the National Elk Refuge. This declaration however, would alter or subvert system-wide organic legislation and have no practical effect. Subject to governing rules and laws, the US Fish and Wildlife Service may choose to prohibit paddling or allow it whether they view it as a wildlife-dependent activity or not. Their regulations allow for non-wildlife-dependent recreation, including paddling, under many circumstances. While we believe the US Fish and Wildlife Service is arbitrarily excluding the public from floating rivers in

the Refuge, we can see no appropriate legislative remedy for this unsupported Agency perspective. We ask that Section 2(b) be struck or substantially modified based on these concerns.

The River Paddling Protection Act is an essential step in restoring the same management authorities and mix of potential recreational opportunities that exist in other National Parks to Yellowstone and Grand Teton. We recognize that the bill will be discussed at length, possibly improved upon, and fully vetted. We look forward to being an active participant in this process. I welcome questions and feedback regarding this testimony.

Thank you for considering the interests of the many Americans who deeply value the opportunity to paddle wild rivers.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Colburn', written in a cursive style.

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