3 March 2015

Dear Senators John Barrasso, Mike Crapo, Steve Daines, Mike Enzi, James Risch, Jon Tester and Congressmen Cynthia Lummis, Mike Simpson, Ryan Zinke:

We are writing today in support of the Yellowstone and Grand Teton Paddling Act. At this time, we would like to take the opportunity to rebut the letter recently sent to Representative Cynthia Lummis and other members of the Yellowstone delegation (including yourself) on 24 Feb 2015 by Bob Zimmer (Waters Program Coordinator, Greater Yellowstone Coalition) and signed by Caroline Byrd (Executive Director, Greater Yellowstone Coalition). Upon review of the letter, it is evident to us that the GYC has based its opposition to H.R. 974 on misinformation and conjecture. (We have enclosed a complete copy of that letter for your reference.) We hope you will follow along as we address the GYC’s concerns point-by-point…

**GYC 1: “The legislation proposes opening the rivers and streams of Yellowstone National Park and Grand Teton National Park to boating.”**

**Response 1:** Factually incorrect. The bill instructs the NPS to conduct a study and rulemaking process to evaluate expanding river paddling opportunities in the parks. It does not require the NPS to open any additional waters to paddling.

**GYC 2: “The Greater Yellowstone Coalition has always held that legislating new uses into national parks and tying the hands of local managers is not a sound way to steward Yellowstone’s and Grand Teton’s world famous lands, waters and wildlife. Establishing a precedent for legislating new uses into the nation’s national parks, specifically the first and most iconic park, opens the door to every activity that is currently not permitted in our most cherished places.”**

**Response 2a:** Factually incorrect. Paddling is not a “new use” with regard to the waters of YNP and GTNP. Six percent of navigable rivers are already open to paddling (46/730 miles, see river inventory links below). In all other Parks with river resources, river paddling is accepted as a legitimate recreational activity and managed alongside other traditional uses including hiking, backpacking, fishing, and mountaineering. The historical record is rich in references to paddling the rivers and streams of these Parks, even prior to their creation.

**Response 2b:** The bill does not tie local managers hands. It enables Park officials to manage river resources by replacing two statutes within the Code of Federal Regulations (CFRs) instituted in 1950 and 1962 with new regulations to be developed by the Parks [see sections 7.13(d)(4)(ii) and 7.22(e)(3) of Title 36]. Unlike with CFRs, Park managers would be able to modify their Superintendent Compendium and River Management Plans as conditions warrant.
This is the standard operating procedure in all other National Parks. Note, these YNP- and GTNP-specific CFRs were enacted 65 years ago to mitigate overfishing, yet had the unintended consequence of banning recreational paddling on most Park rivers.

**Response 2c:** We agree in principle that small interest groups should not legislate their special uses onto public lands without exceptional grievance. Indeed, paddling rivers in Yellowstone and Grand Teton National Parks is an extraordinary situation where a ban of a traditional primitive use was instituted 65 years ago and has been maintained with no scientific justification or precedent in the National Park system. Moreover, after the passage of the Craig Thomas Snake River Headwaters Legacy Act, the NPS unilaterally dismissed an obligation to evaluate additional river paddling opportunities on the newly designated Wild and Scenic rivers. Our nation’s democracy has a system of “checks and balances” which allows the various branches of government to watch over each other. H.R. 974 provides a legislative branch remedy to a continuing NPS oversight.

**GYC 3:** “As you are aware, there are countless opportunities for outdoor and water-based recreation in the Greater Yellowstone Ecosystem.”

**Response 3:** Opponents of paddling in Yellowstone and Grand Teton often argue that there are thousands of miles of rivers to paddle in Greater Yellowstone outside the Parks. And they argue that paddlers should be happy with this abundance and not push for access to the pristine Park rivers. Of course paddlers can paddle somewhere else. In fact, we can paddle virtually everywhere else, and that is what makes the 65-year-old paddling bans in Yellowstone and Grand Teton so frustrating for Americans who prefer to experience our National Parks by floating quietly through them. Paddling rivers through Yellowstone would be an incredible and very low impact way to experience the Park, just as it is across our public lands.

For curiosity’s sake, we wanted to find out just how many miles of navigable rivers there really are in the Greater Yellowstone area. So we conducted an inventory and roughly traced the river courses. We excluded rivers that are currently closed to paddling so that we could get a feel for what other paddling options are available in the region. In total, we counted 3,175 miles of navigable rivers in the Greater Yellowstone region (please see map on next page).

At first glance, there appears to be an abundance of rivers. Why can’t paddlers be content with these 3,000+ miles of river? Well, a closer look reveals that only 12% of these rivers, or 394 miles, are suitable for the average paddler looking for the type of wilderness paddling experience that could be found in Yellowstone and Grand Teton if it was allowed there. Only the rivers in blue on the map match the caliber of the rivers in Yellowstone—free flowing, few or no roads or bridges, no diversion dams, and reasonable navigability (class IV or less with some portages).

The rivers in red run the gamut of issues, but not one of them is regularly navigable by an average paddler looking for a wilderness experience. These rivers either run along roads, through towns, cattle ranches, residential areas, under bridges, and over dams. Some of these rivers run only for a very brief period in the spring, and most of them have extreme whitewater available to only a few highly skilled and bold paddlers. Many of these streams are choked with wood, boulders, and even barbed wire, and thus are too dangerous for the appetite of most paddlers. These less desirable rivers make up the balance...2,781 miles or 88%. The argument that there are plenty of rivers to paddle outside the Parks is completely unfounded!

The high plateau terrain and ample summer flows in YNP create a unique geohydrology that is not present on surrounding waters that score the more rugged adjacent National Forest lands. Yellowstone and Grand Teton National Parks have an exceptionally high concentration of world-class rivers in a wilderness setting that are far from highways. This
seclusion is what many paddlers seek. Also, please consider the following double-standard that GYC seems to endorse: There are countless opportunities outside these Parks for hiking, fishing, backpacking, mountaineering, and backcountry skiing, yet YNP and GTNP do not have regulations effectively banning these other traditional activities. Why then should a closure apply to paddling?
GYC 4: “Yellowstone and Grand Teton national parks have been managed under long-standing regulations that allow boating in many areas.”

Response 4: Factually incorrect. River paddling opportunities in Yellowstone are essentially non-existent. Out of 594 miles of navigable rivers in YNP, only 3.4 miles of river are open to paddling (<1%, see river inventory links), yet the Park has nearly three Grand Canyons-worth of Wild-and-Scenic-caliber rivers. In GTNP, only 42.7 miles of river are open to paddling out of 136 miles of navigable rivers.

GYC 5: “The draft Snake River Comprehensive River Management Plan already proposes to provide paddling access to more than 300 miles – 86 percent – of rivers in and around Grand Teton. The National Park Service and National Elk Refuge have determined that maintaining a paddling closure on the remaining 14 percent is not only consistent with current law and policy, but also will provide for appropriate protections for sensitive park and refuge wildlife while ensuring a range of non-boating recreational experiences.”

Response 5a: GYC is again trying to make the point that there are plenty of opportunities for paddling outside the Parks, and they deviously imply that the 2013 CRMP intended to open 300 miles of rivers to paddling. The fact is that most of those rivers are located outside the Parks, and they have ALWAYS been open to paddling. Paddlers were not focused on these open rivers outside the Parks. Paddlers were hoping the Parks would comply with the law and reconsider paddling on a mere 112 miles of rivers inside the Parks that have been closed to boating since 1950.

Here’s what happened: the Craig Thomas Snake Headwaters Legacy Act passed in 2009 designating 410 miles of rivers in the Snake River headwaters as Wild and Scenic. 112 miles of these rivers are found within Yellowstone and Grand Teton national parks, while the remaining 298 miles are located in the Bridger-Teton National Forest far to the south and east of the Parks. The Snake River headwaters just brushes the southern edge of Yellowstone, so the vast majority of that Park’s thousands of river miles fell outside the umbrella of the Legacy Act.

The Legacy Act required the various agencies to analyze those 410 miles of newly designated Wild and Scenic Rivers in the Snake River headwaters for their recreational suitability, including paddling. Yet Park administrators eschewed the Wild and Scenic requirement and published their river plan dismissing a detailed evaluation of paddling opportunities on their portion of the rivers covered under the Legacy Act, citing conflicts with the paddling ban CFRs (see the draft CRMP page 58, “Conflicts with Existing Regulations”).

Of the 112 miles of new Wild and Scenic Rivers in the two Parks, only 46 miles of rivers are already open to paddling, and only 3.4 miles of those are found in Yellowstone! The Parks only had to analyze 66 miles of river (112 minus 46) to comply with the Legacy Act, but chose not to. Now, we have H.R. 974, which intends to correct that NPS error. But instead of just 66 miles of rivers in the Snake River headwaters, H.R. 974 takes aim at the unjust decades-old bans and would require Park-wide consideration of paddling. Sensitive to specific concerns of various stakeholders, paddlers have asked the Parks to analyze paddling on a total of only 480 miles of rivers in both Parks, a tiny sampling of the thousands of river miles found there.

Response 5b: The 86% figure that GYC cited represents 351 miles of newly designated Wild and Scenic rivers within the Snake River headwaters that were already open to paddling. Of these 351 miles of river that are open to paddling, only 46 miles of river are available to paddlers in the two Parks. The remaining 239 miles of paddling-friendly rivers (351 minus 112)
are located outside the Parks within the Bridger-Teton National Forest. The USFS always has allowed paddling on these rivers, so the CRMP did not “propose” any new access to these rivers. Incidentally, of these 239 miles of river, approximately 190 miles are navigable. Of these 190, about 100 miles of river are wild “blue” rivers as described in Response 3 above. Hence, the newly designated Wild and Scenic Rivers outside the Parks do not account for a great number of options for paddlers seeking wilderness river experiences at moderate grades.

**Response 5c:** Paddlers have listened to concerns from other Park stakeholders who do not want to see boats on Park rivers. That is why we selected only 480 miles of mostly remote rivers to be considered, and omitted rivers in the iconic wildlife landscapes near the highways in Hayden Valley, Lamar Valley, and Firehole Geyser Basins. Park administrators have used the number 7,500 as the total number of river miles in YNP and GTNP. If the Parks just opened 480 miles to paddling, that is a only 6%! That leaves 94% of Park rivers to “provide for appropriate protections for sensitive park and refuge wildlife while ensuring a range of non-boating recreational experiences.” 94% of the thousands of Park streams is far more than a mere 14% of the 410 miles of Snake River headwaters Wild and Scenics.

**GYC 6:** “In Yellowstone, only five of the Park’s 168 lakes are closed to boating and there are limitless opportunities on a wide variety of waters immediately surrounding the park.”

**Response 6:** GYC is conflating paddling lakes with paddling rivers. YNP and GTNP both allow paddling on many of their lakes, but river paddling and lake paddling are as different from each other as hiking is to mountaineering. They utilize different equipment, require different skills and training, and largely serve a different purpose.

**GYC 7:** “Cong. Lummis’s legislation is not the right mechanism to address recreational use in our national parks and would set a dangerous precedent. It is a blunt approach that fails to consider the existing recreational activities and natural values provided by waters in some of the world’s most iconic places – Yellowstone and Grand Teton national parks.”

**Response 4a:** This legislation is a means to correct an unintended consequence of the 60-year-old CFR paddling bans. The NPS points to these antiquated regulations as a primary reason to avoid evaluating additional paddling opportunities in the Parks. The bill directly addresses this Catch 22 stalemate by instructing the NPS to perform a study and rulemaking process. The bill delays the start until funds can be acquired, and strikes the CFR bans after the new regulations are in place. Lastly, the bill is written to trigger a full NEPA process with the accompanying environmental assessment and formal public input process. This is not a blunt approach.

**Response 4b:** We do not see this legislation as setting a “dangerous precedent” or “open[ing] the door” to other recreational uses. Paddling rivers in small boats is a well-established and accepted recreational use in every National Park and Monument (as well as Wilderness Areas, National Forests, and BLM units). If other land management units can manage river paddling in a sustainable manner, so can Yellowstone and Grand Teton. These Parks are off-mission largely because of the two antiquated CFRs. Suing the NPS is not going to clear these regulatory hurdles. Only a new rulemaking campaign by the NPS, which is not forthcoming, or an act of Congress can do it. It is time to take a serious look at river paddling opportunities and enable local Park officials to manage their paddling resources alongside other recreational uses in these Parks.
River inventory Links:
A detailed survey of rivers and streams in Yellowstone and Grand Teton NPs was conducted by the American Packrafting Association in 2014. GIS and Google Earth satellite imagery were used to identify likely navigable rivers, trace their course, and estimate their mileage.

Spreadsheet: [http://tinyurl.com/korz3j7](http://tinyurl.com/korz3j7)
Google Earth Map File: [http://tinyurl.com/kj9hjld](http://tinyurl.com/kj9hjld)

Map Legend:
Red – hiking trails
Blue – proposed for study
Teal – exclude, lower priority
Brown – park boundaries
Green – exclude, currently open
Yellow – exclude, known conflicts
Dear Senator Barrasso,

As you may be aware, Wyoming U.S. House of Representatives member, Cong. Cynthia Lummis, recently introduced a revised "paddling in the parks" bill, H.R. 974, into the 114th U.S. Congress. This is a new version of the 2014 bill, HR 3492. The legislation proposes opening the rivers and streams of Yellowstone National Park and Grand Teton National Park to boating.

The Greater Yellowstone Coalition joins many business, recreation, conservation and outdoor enthusiast organizations in opposition to H.R. 974. We encourage you to ensure that this legislation does not pass and does not become law. There are a number of very important reasons for our opposition to this proposed legislation.

Yellowstone National Park and Grand Teton National Park are crown jewels of America’s National Park System. The wildlife and stunning vistas found in these two parks attract visitors from around the world and inspire the world with their conservation legacies. Each new use or activity proposed inside Yellowstone should be carefully analyzed and weighed by biologists and National Park Service managers tasked with conserving this special place. Deference should always be given to protecting park resources. The Greater Yellowstone Coalition has always held that legislating new uses into national parks and tying the hands of local managers is not a sound way to steward Yellowstone and Grand Teton’s world famous lands, waters and wildlife. Establishing a precedent for legislating new uses into the nation’s national parks, specifically the first and most iconic park, opens the door to every activity that is currently not permitted in our most cherished places.

There are continually new and innovative developments in the world of outdoor recreation. With this legislation as a precedent, what is to stop each new user group from asking Congress for access to national parks and other public lands?

Proponents of the bill have asserted that this measure does not take away the discretion of the National Park Service. The way the bill is currently written, it directs the Secretary of the Interior to “promulgate regulations to allow the use of hand-propelled vessels...” It appears this language would indeed tie the hands of park service managers by forcing them to allow boating in Yellowstone and Grand Teton national parks.

Congressional intervention on behalf of a single new use ignores highly controversial issues such as user conflicts, the need for new infrastructure at put-ins and take-outs, new costs associated with management and search and rescue, park service funding, and impacts to wildlife and their habitats. For these and other reasons, we oppose legislation that would mandate paddling in more areas of Yellowstone and Grand Teton national parks.

As you are aware, there are countless opportunities for outdoor and water-based recreation in the Greater Yellowstone Ecosystem. Yellowstone and Grand Teton national parks have been
managed under long-standing regulations that allow boating in many areas. The draft Snake River Comprehensive River Management Plan already proposes to provide paddling access to more than 300 miles – 86 percent – of rivers in and around Grand Teton. The National Park Service and National Elk Refuge have determined that maintaining a paddling closure on the remaining 14 percent is not only consistent with current law and policy, but also will provide for appropriate protections for sensitive park and refuge wildlife while ensuring a range of non-boating recreational experiences. In Yellowstone, only five of the park’s 168 lakes are closed to boating and there are limitless opportunities on a wide variety of waters immediately surrounding the park.

Cong. Lummis’s legislation is not the right mechanism to address recreational use in our national parks and would set a dangerous precedent. It is a blunt approach that fails to consider the existing recreational activities and natural values provided by waters in some of the world’s most iconic places – Yellowstone and Grand Teton national parks. Much more pressing conservation issues exist in our region and there are far better uses of limited taxpayer resources in the Greater Yellowstone Ecosystem.

Thank you for your consideration of our opposition to this legislation, H.R. 974, as you evaluate any stance you may take on this matter. We look forward to a written response to this letter regarding our opposition to this legislation.

Thank you for all you do for our country and for the people of Idaho. Sincerely,

Caroline Byrd

Executive Director
The Greater Yellowstone Coalition