



April 16, 2010

Ms. Helen Hankins  
Director, Colorado State Office  
Bureau of Land Management  
2850 Youngfield St.  
Lakewood, CO 80215-7093

Subject: Improved access to BLM managed rivers

Dear Ms. Hankins,

Steve Gunderson, President of the board of Colorado Discover Ability (CDA, [www.coloradodiscoverability.org](http://www.coloradodiscoverability.org)), has asked us to insure that you have appropriate background documentation for our conference call on April 23, 2010 at 11:30 am. Pete Winn is the Secretary of the board and will participate in the call, and Martin Wiesiolek, a board member and our river program manager, will also participate in the call. There is also a possibility that Tom Minerick, one of our volunteers who met you at the Club 20 meeting in Grand Junction, will participate in the call.

CDA has been in contact with the Utah and Colorado BLM field offices and the Utah State BLM office to issue special permits to float rivers managed by BLM. CDA has the support of Team River Runner (TRR, [www.teamriverrunner.org](http://www.teamriverrunner.org)) and Disabled Sports USA (DSUSA, [www.dsusa.org](http://www.dsusa.org)). All of these organizations specialize in teaching sports to Americans with disabilities as a form of physical and cognitive therapy. This has been documented to be an effective method for about forty years (reports available).

In particular, during the past decade or so, there has been a rapid increase in the disabled population due to the Afghanistan and Iraq wars. Many of these disabled service members are cognitively able to learn to raft or kayak whitewater rivers but need physical assistance and training. The organizations listed above are largely run by volunteers and they obtain funds to provide these educational and therapeutic services from foundation grants and from donations by businesses and individuals.

Not only do these organizations specialize in providing services to the disabled, but they can do so at a cost that is 40% to 60% lower than that provided by commercial river outfitters. For instance TRR contracted with a Grand Canyon commercial rafting outfitter to provide support for a group of disabled veterans and wounded service members in 2009 at a cost of nearly \$3,000 each, but was able to obtain its own permit for a similar group in 2010 at a cost of about \$1,000 each. The result is that donated funds can be used to provide services to a greater number of disabled Americans. We do not believe the commercial outfitters which we are currently required to utilize by BLM regulations can provide these services at a cost and level

of service comparable to that provided by CDA, TRR or other DSUSA chapters.

Furthermore, the National Park Service, another agency under the Department of Interior, has instituted regulations that allow organizations such as CDA and TRR and many others to obtain special permits for access by their clients to rivers managed by Dinosaur National Monument, Canyonlands National Park and Grand Canyon National Park. Also, the U.S. Forest Service, an agency of the Department of Agriculture, requires ski areas in public lands under its management to provide adaptive sports programs. For some reason, the BLM has chosen to require non-profit organizations like CDA and TRR, which are largely run by trained volunteers, to use the services of commercial river outfitters in order to gain access to rivers flowing through public lands that it manages.

Utah BLM claims that SPLORE, a Utah non-profit organization that provides similar services to CDA and has commercial permits for BLM managed rivers in Utah, can provide these services, but its ability to do so is limited, in part because many of the trips they operate are for the fully able-bodied at competitive commercial prices and the profit from these trips is used to provide scholarships for low income clients with disabilities. SPLORE has told CDA that it cannot provide support for CDA clients (communication available).

CDA has taken the following steps to obtain increased access to BLM-managed rivers in Utah and Colorado at fair cost for its clients:

1. Pete Winn personally filed a FOIA request for documents regarding commercial use of rivers managed by Utah BLM (Colorado River through Westwater Canyon, San Juan from Sand Island to Clay Hills and Green River from Sand Wash to Swasys Bar). A summary of the FOIA and BLM's response by Aaron Curtis (Recreation Specialist for Utah BLM) are available.
2. CDA convinced Colorado Congressmen John Salazar to write a letter to BLM's national director, Robert Abbey, who was not supportive. The letter and Director Abbey's response are available.
3. CDA convinced Congressman Salazar and Colorado Senators Mark Udall and Michael Bennet to write a letter to Secretary of the Interior Ken Salazar, who was also not supportive. The letter from our Colorado delegation included a draft Memorandum of Understanding (MOU), based on an MOU the BLM entered into with Wilderness Inquiry for improved access to BLM-managed lands, that would allow short-term access to BLM-managed rivers while pursuing long-term change in BLM regulations. The letter, the MOU, and the response by Deputy Secretary of the Interior David Hayes are available.
4. CDA has communicated with Robert Ratcliffe, BLM's Chief of Recreation and Visitor Services and has initiated contact with you as suggested in Deputy Secretary Hayes' letter. Communications with Mr. Ratcliffe and his responses are available.

Please let us know if you need any of the documents listed in #1-#4 and those referred to in paragraphs two and six.

Our future plans include the following:

1. TRR plans to send to Secretary of Veterans Affairs Shinseki and Secretary of Defense Gates a

letter requesting that they contact President Obama regarding this issue. Some of TRR's funding is provided by grants from VA and DoD.

2. CDA is planning to contact President Obama via Valerie Jarrett, Senior Advisor and Assistant to the President for Intergovernmental Affairs and Public Engagement. CDA is providing river rafting and kayaking services to disabled veterans and wounded service members from military medical centers, including Walter Reed. We know that the President wants to ensure that these wounded service members receive the fullest recreational services possible and they are not discriminated against by agencies of the federal government which is trying to assist in their rehabilitation. We have been trying to avoid this approach, but Deputy Secretary Hayes' letter leaves us no choice.

3. DSUSA is in the process of initiating a nationwide movement to encourage its one hundred member organizations to convince their Congressional representatives to write letters to President Obama requesting improved access by disabled Americans to rivers managed by BLM. Many of these chapters are funded in part by veterans organizations and retired or active duty military personnel and their families. We have been trying to avoid this approach, but Deputy Secretary Hayes' letter is forcing us to take this issue to a national forum.

4. As a last resort, we are considering a lawsuit against BLM, possibly financed by one or more of the large American veterans associations. Unfortunately, this will probably result in an expensive and time-consuming effort by BLM to comply with the National Environmental Policy Act of 1969 (NEPA) with regard to the process by which Special Recreation Permits were issued by BLM in the 1970s. BLM essentially gave certain companies exclusive, lifetime ownership of access to rivers managed by the BLM via Special Recreation Permits (SRPs), including the right to sell their SRPs at market prices. The National Park Service (NPS) recently completed a highly contested river management plan for Grand Canyon NP as a result of more than one lawsuit. Contact NPS if you'd like to know more about the multi-year process and the high cost to taxpayers.

We appreciate your offer to discuss the issue of improved access to BLM-managed rivers by Americans with disabilities. However, discussions with the acting Utah State Director, Suzanne Garcia, in June 2009 resulted in a recommendation to contact Director Abbey, which was a dead end for our efforts. We hope that our discussions with you will not result in the same recommendation.

We look forward to a productive discussion with you. Thanks for your attention,

*Peter S. Winn*

Pete Winn  
Secretary, Colorado Discover Ability Board of Directors  
E-mail: [petewinn@coloradodiscoverability.org](mailto:petewinn@coloradodiscoverability.org)  
Phone: 970-242-7108

*Martin Wiesiolek*

Martin Wiesiolek  
Member, Colorado Discover Ability Board of Directors  
E-mail: [martinw@coloradodiscoverability.org](mailto:martinw@coloradodiscoverability.org)  
Phone: 970-254-0404