

# Committee on Natural Resources

Rob Bishop Chairman  
Mark-Up Memorandum

December 11, 2017

To: All Natural Resources Committee Members

From: Majority Committee Staff – Terry Camp  
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 3400 (Rep. Rob Bishop)**, To promote innovative approaches to outdoor recreation on Federal land and to open up opportunities for collaboration with non-Federal partners, and for other purposes.  
**December 12 & 13, 2017; 1324 Longworth House Office Building**

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## **H.R. 3400, “Recreation Not Red Tape Act”**

### **Summary of the Bill**

H.R. 3400, the “Recreation Not Red Tape Act,” introduced by Congressman Rob Bishop (R-UT), includes four titles that will increase access to recreational opportunities for Americans nation-wide by modernizing and streamlining the special recreation permitting process; holding land managers accountable for recreation outcomes; establishing a new National Recreation Area System; increasing veteran participation in outdoor stewardship and rehabilitation programs; and by facilitating private-sector volunteer maintenance programs on our nation’s public lands.

### **Cosponsors**

Rep. Jared Polis [D-CO], Rep. Michael Simpson [R-ID], Rep. Donald Beyer Jr. [D-VA] Rep. Mia Love [R-UT] and Rep. Dennis Ross [R-FL]

### **Background**

Outdoor recreation and sporting activities are deeply engrained in the fabric of our nation’s history and culture. These activities are also vital to our nation’s economy. In 2016, nearly half of all Americans — 48.6% — reported participating in at least one outdoor activity.<sup>1</sup>

Unfortunately, outdoor recreational opportunities are not easily accessible to many Americans. In recent decades, population growth and urbanization has forced millions of Americans to traverse miles of crowded highways to access the great outdoors. Moreover, recreating on our nation’s public lands often requires special permits, parking passes, and payment of fees that, while important to help maintain our public lands, too often involve confusing, cumbersome, and costly processes.

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<sup>1</sup> Outdoor Foundation. “Outdoor Recreation Participation Topline Report 2017.” 2017. Accessed September 29, 2017. [https://outdoorindustry.org/wp-content/uploads/2017/04/2017-Topline-Report\\_FINAL.pdf](https://outdoorindustry.org/wp-content/uploads/2017/04/2017-Topline-Report_FINAL.pdf)

The Recreation Not Red Tape (RNR) Act seeks to expand outdoor recreation opportunities for all Americans by removing burdensome barriers and helping support recreation programs. Among other provisions, the RNR Act expedites the special recreation permitting process, makes it easier for visitors to purchase federal lands recreation passes, ensures that federal land managers are held accountable for increasing recreation in their areas, and establishes a new National Recreation Area System to ensure that areas are set aside specifically for recreational uses.

### **Section-By-Section**

Section 1. Short Title; Table of Contents

Section 2. Definitions

Section 3. Sense of Congress Regarding Outdoor Recreation

- Expresses support for outdoor recreation, volunteerism on public lands, and the work States are doing to attract outdoor recreation businesses and tourism. Praises the work that States like Utah, Colorado, and Washington have done to create outdoor industry manufacturing sector leadership positions within the state economic development offices.

### **Title I – Modernizing Recreation Permitting**

#### **Section 101: Special Recreation Permitting**

- Requires the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to adopt a consistent and uniform permitting process including standard paperwork, standard submission process, consistent deadlines, and outreach materials to help outfitter guides navigate the process.
- Authorizes the Secretaries of Agriculture and the Interior to issue joint permits for trips that cross jurisdictional boundaries.
- Encourages the land management agencies to make applications for special recreation permits available to be filled out online.

#### **Section 102: Availability of Federal and State Recreation Passes**

- Encourages the Secretaries of Agriculture and the Interior to enter into agreements with States to allow for the purchase of federal and State recreation passes at one location in the same transaction.

#### **Section 103: Online Purchases of National Parks and Federal Recreational Lands Passes**

- Requires that National Parks and Federal Recreational Lands Pass must be available through the website of each of the federal land management agencies, with the link displayed prominently on the website.

- Requires the land management agencies to establish a system to allow visitors to pay entrance fees, standard amenity fees, and expanded amenity fees online.

## **Title II – Accessing the Outdoors**

### **Section 201: Access for Service Members and Veterans**

- Encourages the Secretaries of Agriculture and the Interior to work with the Secretaries of Defense and Veterans Affairs on ways to ensure veterans have access to the outdoors and to outdoor programs as a part of the basic services provided to veterans.
- Encourages all branches of the military to include information about outdoor recreation in the materials and counseling services provided in transition programs, which help members of the military transition from active duty to reserve, or out of the military after they are discharged.
- Encourages all branches of the military to allow service members on active duty status, at their commander's discretion, to use up to 7 days of permissive temporary duty assignment to attend an outdoor recreation program following deployment.

## **Title III – Making Recreation a Priority**

### **Section 301: Extension of Seasonal Recreation Opportunities**

- Encourages the USFS, BLM, and the National Park Service (NPS) to identify areas of recreational land and water that are highly seasonal and develop a plan for extending the recreation season or increasing recreation during the offseason in a sustainable way. The plan can include the addition of facilities and the improvement of access to the area to extend the season.

### **Section 302: Recreation Performance Metrics for Forests**

- Adds detail to what the Chief of the USFS and the Director of the BLM must include in performance evaluations of land managers to include recreation uses and achievement of stated recreation and tourism goals.

### **Section 303: Recreation Mission**

- Requires that the Army Corps of Engineers, Bureau of Reclamation, and the Federal Energy Regulatory Commission consider how land and water management decisions would impact recreation opportunities and the recreation economy.

### **Section 304: Deposit of Ski Area Permit Rental Charge Revenues**

- Authorizes retention of fees paid by ski areas for use by the land management agency at the covered unit to assist in improving and maintaining the area. This provision authorizes fee retention similar to the authority provided by the Federal Lands Recreation Enhancement Act (FLREA).

### **Section 305: National Recreation Area System**

- Establishes a National Recreation Area System that recognizes and protects areas that possess remarkable recreational values, as well as other important values including ecological, geological, hydrological, cultural, and historic features that accommodate a variety of outdoor recreation activities.
- Requires that the Secretaries of Agriculture and the Interior prepare a comprehensive management plan for each system unit.
- Requires the Secretaries of Agriculture and the Interior to identify and maintain lists of areas potential additions to the system.

## **Title IV – Maintenance of Public Lands**

### **Section 401: Private-Sector Volunteer Enhancement Program**

- Requires the Secretaries of Agriculture and the Interior to develop an initiative to enhance private-sector volunteer programs and to promote private-sector volunteer opportunities.
- Authorizes the Secretaries of Agriculture and the Interior to enter into cooperative agreements with private agencies, organizations, institutions, corporations, individuals, or other entities to carry out one or more projects or programs with the federal land management agency.

### **Section 411: Priority Trail Maintenance Program**

- Requires the Secretaries of Agriculture and the Interior to establish an interagency trail management under which federal land management agencies coordinate so that trails that cross jurisdictional boundaries between federal land management agencies are managed and maintained in a uniform manner.

### **Cost**

A Congressional Budget Office cost estimate has not yet been completed for this bill.

### **Administration Position**

The Administration's position is currently unknown.

### **Anticipated Amendments**

- Rep. Rob Bishop (R-UT) will offer an amendment that will make the following changes:
  - Includes most of the Guides and Outfitters Act (H.R. 289), which passed the House earlier this year by voice vote.
  - Makes changes the recreation performance metrics in section 302.

- Makes changes to the National Recreation Area System established by section 305 to reduce the potential for litigation and the creation of additional red tape.
- Rep. Tipton (R-CO-03) will offer an amendment adding language similar to the House introduced version of H.R. 3186, “Every Kid Outdoors Act.”
- Rep. Tipton (R-CO-03) will offer an amendment adding the text of the House introduced version of H.R. 2987.

**Effect on Current Law (Ramseyer)**