



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Federal Lands Republican Members
From: Subcommittee on Federal Lands, Aniela Butler and Taylor Wiseman –
Aniela@mail.house.gov and Taylor.Wiseman@mail.house.gov, x6-7736
Date: Tuesday, March 28, 2023
Subject: Legislative Hearing on Eight Recreation Bills

The Subcommittee on Federal Lands will hold a legislative hearing on eight recreation bills:

- H.R. 930 (Kuster), “*Ski Hill Resources for Economic Development (SHRED) Act of 2023*”
- H.R. 1319 (Neguse), “*Biking on Long-Distance Trails (BOLT) Act*”
- H.R. 1380 (Curtis), “*Protecting America’s Rock Climbing (PARC) Act*”
- H.R. 1527 (Curtis), “*Simplifying Outdoor Access for Recreation (SOAR) Act*”
- H.R. 1576 (Fulcher), “*Federal Interior Land Media (FILM) Act*”
- H.R. 1614 (Moore of Utah), “*Range Access Act*”
- H.R. 1642 (McClintock), “*Law Enforcement Officer and Firefighter Recreation Pass Act*”
- H.R. 1667 (Westerman), “*Ouachita National Forest Overnight Camping Act*”

The hearing will take place on Tuesday, March 28, 2023, at 10:15 a.m. in Room 1324 Longworth House Office Building.

Member offices are requested to notify Sophia Varnasidis (sophia@mail.house.gov) by 4:30 p.m. on Monday, March 27 if their Member intends to participate in the hearing.

I. KEY MESSAGES

- More Americans than ever are choosing to recreate outdoors at our national parks and public lands and taking advantage of the abundant opportunities those lands provide to camp, hunt, fish, hike, rock climb, bike, and ski, among other activities.
- However, our pristine national treasures are facing more challenges today than ever before due to historic overcrowding, skyrocketing deferred maintenance backlogs, persistent access issues, and bureaucratic inertia that has kept land management agencies stuck in the 20th Century.
- Improving access to our public lands, including reforming federal land management policies that disproportionately limit access to recreation, is key to unlocking the full potential of the outdoor recreation economy.

- The eight bipartisan bills on this hearing address various challenges to some of the most popular outdoor recreation opportunities such as skiing, biking, climbing, and camping. Each bill addresses a unique, pressing issue such as lack of access, cumbersome and confusing permitting processes, and costly paperwork, that are key barriers to fully enjoying our federal lands.
- This hearing is the first in a series of bipartisan initiatives to help Americans across the country get out and explore the unparalleled recreation opportunities on our federal lands.

II. WITNESSES

Panel I:

- **Member panel** (to be announced)

Panel II:

- **Mr. Chris French**, Deputy Chief for the National Forest System, U.S. Forest Service, Washington, DC [*All bills*]
- **Mr. Corey Mason**, Executive Director, Dallas Safari Club, Dallas, Texas [*H.R. 1614: Range Access Act (Moore of Utah)*]
- **Mr. Mike Mills**, Secretary, Arkansas Department of Parks, Heritage and Tourism, Little Rock, Arkansas [*H.R. 1667: Ouachita National Forest Overnight Camping Act (Westerman)*]
- **Mr. Chris Winter**, Executive Director, Access Fund, Boulder, Colorado [*H.R. 1380: PARC Act (Curtis)*]
- **Ms. Geraldine Link**, Director of Public Policy, National Ski Areas Association [*H.R. 930: SHRED Act (Kuster)*] [*Minority Witness*]

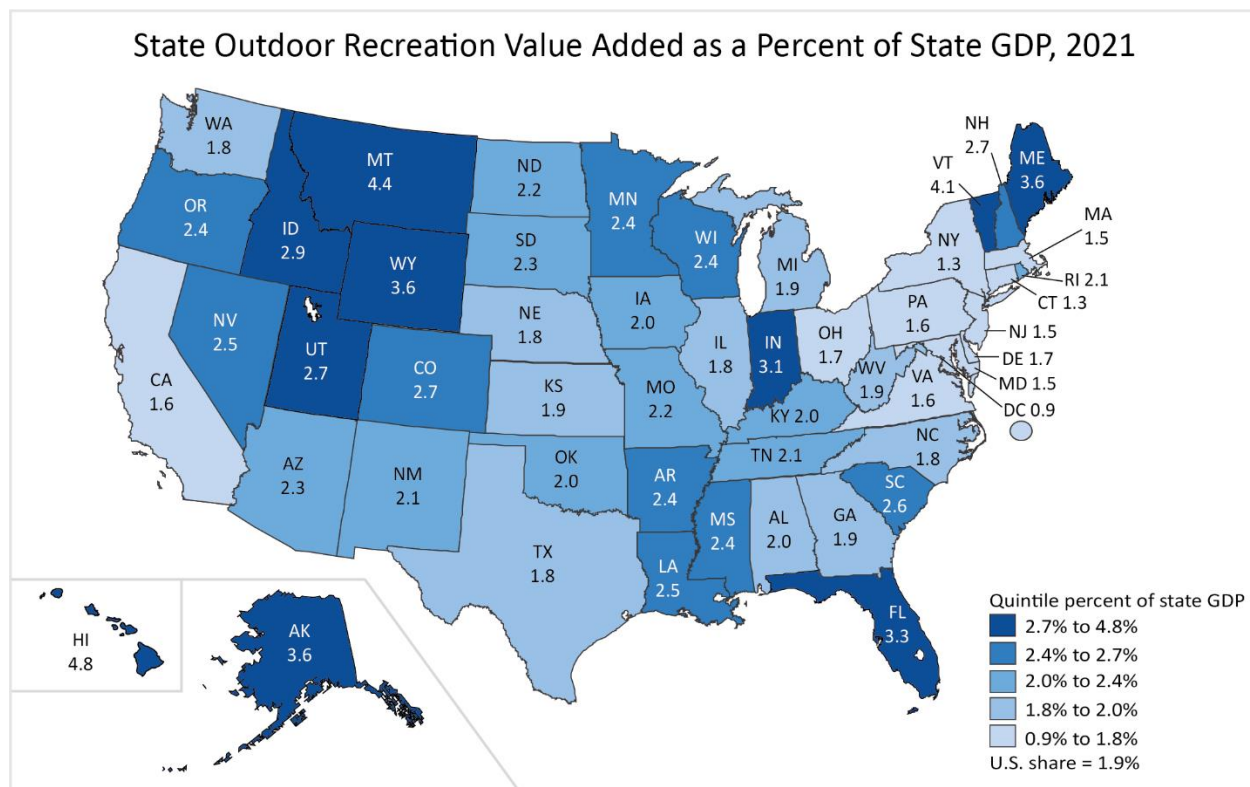
Panel III:

- **Mr. Mike Reynolds**, Deputy Director for Congressional Affairs and External Relations, National Park Service, Washington, DC [*All bills*]
- **Mr. Aaron Bannon**, Executive Director, America Outdoors Association, Knoxville, Tennessee [*H.R. 1527: SOAR Act (Curtis)*]
- **Mr. John D'Agostini**, Retired Sheriff, Coroner, Public Administrator, El Dorado County, California [*H.R. 1642: Law Enforcement Office and Firefighter Recreation Pass Act (McClintock)*]
- **Mr. Fred Ferguson**, Vice President of Public Affairs, Vista Outdoor and Chairman, Vista Outdoor Foundation, Anoka, Minnesota [*H.R. 1576: FILM Act (Fulcher)*]
- **Mr. Todd Keller**, Director of Government Affairs, International Mountain Bicycling Association [*H.R. 1319: BOLT Act (Neguse)*] [*Minority Witness*]

III. BACKGROUND

Outdoor Recreation on Federal Lands and the Outdoor Recreation Economy

Federal lands offer an abundance of outdoor recreation opportunities including hiking, biking, rock climbing, camping, kayaking, canoeing, skiing, hunting, fishing, and recreational shooting, among many more. More Americans than ever are choosing to recreate outdoors at national parks and public lands and the major federal land management agencies saw over 450 million visitors in 2022.¹ The most recent data shows approximately 312 million visitors to National Park Service (NPS) sites, 67 million to U.S. Fish and Wildlife Service (FWS) National Wildlife Refuge System lands, 42 million to Bureau of Land Management (BLM) public lands, and 31 million to U.S. Forest Service (FS) areas.²



Source: Bureau of Economic Analysis, 2022.

This growth in public lands recreation is in turn helping fuel the \$862 billion outdoor recreation economy.³ In 2021, the outdoor recreation economy accounted for nearly \$454 billion, or two percent of gross domestic product (GDP), and more than 4.5 million jobs.⁴ Compared to the year prior, outdoor recreation employment increased by 13.1 percent and real GDP increased by 18.9

¹ National Park Service, Visitation Numbers, <https://www.nps.gov/aboutus/visitation-numbers.htm>. U.S. Fish and Wildlife Service, Data Shared with Committee Staff, March 17, 2023. Bureau of Land Management, Public Land Statistics 2021, June 2022, https://www.blm.gov/sites/default/files/docs/2022-07/Public_Land_Statistics_2021_508.pdf. United States Forest Service, National Visitor Use Monitoring Survey Results National Summary Report 2020, <https://www.fs.usda.gov/sites/default/files/2021-National-Visitor-Use-Monitoring-Summary-Report.pdf>.

² *Id.*

³ Outdoor Recreation Roundtable, "Outdoor Recreation Drives The American Economy," <https://recreationroundtable.org/economic-impact/>.

⁴ Bureau of Economic Analysis, Outdoor Recreation Satellite Account, U.S. and States, 2021, November 9, 2022, <https://www.bea.gov/news/2022/outdoor-recreation-satellite-account-us-and-states-2021>.

percent, compared to just a 5.9 percent increase for the overall economy.⁵ At a local level, many gateway communities depend on visitation and well managed federal lands to sustain their rural economies.

Unfortunately, outdoor recreational opportunities are not always easily accessible. Recreating on federal lands often requires special permits and payment of fees. While fees are important to help maintain our federal lands, too often they involve confusing, cumbersome, and costly processes for both recreationists and recreation service providers. For individual recreation activities, there can be specific barriers such as closed trails or shooting ranges, dilapidated camping areas or boat ramps, or a lack of defined access to due bureaucratic red tape or cost-prohibitive fees.

H.R. 930: “Ski Hill Resources for Economic Development (SHRED) Act of 2023” (Rep. Kuster, D-NH)

Each year, U.S. ski resorts receive more than 60.6 million ski and snowboard visits.⁶ Currently, there are 473 ski areas in operation across 37 states, of which 122 operate on approximately 180,000 acres of National Forest System lands.⁷ According to research conducted by the National Ski Areas Association, ski and snowboard industries contribute an estimated \$29 billion to the GDP and support over 533,000 jobs.⁸ The growth and evolution of federal lands ski areas over the past century has been dramatic, from small lodges and rope tows to large resorts that now offer multi-season activities. Much of this success can be attributed to the partnership between the FS and privately-owned resorts.

The growth of four-season visitation at ski areas is spurring demand for expanded and updated facilities and amenities from recreational users. Unfortunately, the FS struggles to keep pace with permitting for needed infrastructure improvements and capital investments at existing resorts. Most capital expenditures require years of complex and



Sierra-at-Tahoe Ski Resort after the Caldor Fire. **Source:** Sierra-at-Tahoe, 2022.

⁵ *Id.*

⁶ National Ski Areas Association, Historical Skier Visits 1978/79-2021/22, https://nsaa.org/webdocs/Media_Public/IndustryStats/Historical_Skier_Days_1979_2022.pdf.

⁷ National Ski Areas Association, U.S. Ski Resorts in Operation During 2021/22 Season, September 2022, https://nsaa.org/webdocs/Media_Public/IndustryStats/ski_areas_per_season_thru_2022.pdf. United States Forest Service, Vicki Christiansen Remarks, January 14, 2020, <https://www.fs.usda.gov/speeches/ski-areas-strengthening-our-partnership>.

⁸ National Ski Areas Association, “The Economic Impact of Skiing and Snowboarding,” November 2020, https://nsaa.org/webdocs/Media_Public/IndustryStats/Economic_Impact_2020-21.pdf.

expensive planning, while public lands ski areas pay for the improvements and necessary environmental reviews. In fact, ski areas are often investing an average of \$18.60 per skier in capital expenditures.⁹ Like other neighbors to the federal government, federal lands ski resorts also face extreme wildfire risk due to overgrown and fire-prone federal lands. For example, in 2021, the Caldor Fire burned 80 percent of the vegetation on its ski slopes.¹⁰ Despite these clear risks, the FS is struggling to increase the pace and scale of forest management treatments necessary to reduce these fire risks.

H.R. 930 would help the FS keep pace with ski area permitting and forest treatment demands by allowing a portion of the fees that resorts located on National Forest System land generate annually to be retained and used by the FS. Retained funds are authorized to be used in support of ski area permit administration, other recreation permit administration, interpretation, visitor services, wildfire risk reduction, and avalanche safety programs. This bipartisan bill is cosponsored by Representatives Curtis (R-UT), Neguse (D-CO), LaMalfa (R-CA), and Pappas (D-NH) and a similar version was reported by the Natural Resources Committee by unanimous consent in the 117th Congress.

H.R. 1319: “Biking on Long-Distance Trails (BOLT) Act” (Rep. Joe Neguse, D-CO)

Biking is one of the fastest growing sectors in the outdoor recreation economy. Specifically, the mountain biking market was valued at \$7.9 billion in 2021, with expectations of growing to \$16.9 billion by 2030, or by 10 percent annually.¹¹ From April 2019 to April 2020, nationwide sales of mountain bikes rose by 150 percent.¹² Biking has become so popular that retailers like REI saw demand triple in a single year before a bike shortage in 2021 due to supply chain issues.¹³ With this huge increase in mountain bike



A biker enjoying the Bonneville Shoreline Trail in Utah. When completed, the route will stretch 280 miles. **Source:** Discover Utah Magazine, no date.

⁹ *Id.*

¹⁰ Rodgers, Jakob, “What happens when wildfire devastates a ski resort? The industry is watching Sierra-at-Tahoe to find out,” The Mercury News, February 22, 2022, <https://www.mercurynews.com/2022/02/21/what-happens-when-wildfire-devastates-a-ski-resort-the-industry-is-watching-sierra-at-tahoe-to-find-out/>.

¹¹ Market Research Future, Global Mountain Bike Market Overview, Swapnil Palwe, March 2023, <https://www.marketresearchfuture.com/reports/mountain-bike-market-5165>.

¹² Bike market skyrockets, with sales up 75% in April, Bicycle Retailer and Industry News, <https://www.bicycleretailer.com/studies-reports/2020/06/16/bike-market-skyrockets-sales-75-april#.YfMMcerMKUm> (last visited Jan 27, 2022).

¹³ NYT, “The Mountain Bike Cure: Exercise, Fresh Air and Fellowship,” May 22, 2021, <https://www.nytimes.com/2021/05/20/travel/mountain-biking-vacation.html>.

sales, many trails on public lands are becoming increasingly crowded with riders.

H.R. 1319 is intended to meet the needs of biking enthusiasts by increasing the number of long-distance biking trails on federal lands. To accomplish this goal, the bill would direct the Departments of the Interior and Agriculture to 1) identify at least 10 long-distance bike trails; 2) identify at least 10 areas in which there is an opportunity to develop or complete long-distance bike trails; and 3) coordinate with stakeholders via a public comment period on the feasibility of, and resources necessary for, completing the development of such trails. This bipartisan legislation is cosponsored by Representatives Curtis (R-UT) and Lee (D-NV). A similar version of the bill passed the House last Congress under suspension.

H.R. 1380: “Protecting America’s Rock Climbing (PARC) Act” (Rep. John Curtis, R-UT)

There are over eight million climbers in the U.S.¹⁴ In 2017, climbing contributed \$12.45 billion to the economy.¹⁵ Climbing is an incredibly important recreational activity on public lands, with federal land management agencies managing approximately 60 percent of the nation’s climbing areas encompassing “20,000 discrete cliffs, boulders and alpine objectives inside and outside of designated wilderness.”¹⁶



Rock climbing on El Capitan, Yosemite National Park. **Source:** The New York Times, 2015.

Some of the most iconic climbing destinations in the country are within wilderness areas, such as El Capitan in Yosemite National Park, Joshua Tree’s Wonderland of Rocks, the White Mountains National Forest, and Red Rock Canyon National Recreation Area.¹⁷ In order to climb properly and ensure safety, permanent bolts and fixed anchors are placed and maintained along routes, including in wilderness areas.¹⁸ While NPS and BLM currently provide national-level guidance allowing fixed anchors in wilderness areas, the FS does not have a national policy on fixed anchors.¹⁹

Unfortunately, the use of fixed anchors and other climbing equipment in wilderness areas is now being challenged by federal agencies. The Wilderness Act of 1964 established the National

¹⁴ Access Fund, “BREAKING: Protect America’s Rock Climbing Act Introduced into Congress,” March 8, 2023, <https://www.accessfund.org/latest-news/breaking-news-protect-americas-rock-climbing-act-introduced-into-congress>.

¹⁵ American Alpine Club, “State of Climbing” Report, 2019, https://aac-publications.s3.amazonaws.com/articles/State_of_Climbing_Report_2019_Web.pdf.

¹⁶ Access Fund et al., Letter in support of the Protecting America’s Rock Climbing Act, March 22, 2023, <https://static1.squarespace.com/static/638927954320c12d8056bbbd/t/641b285e73dcac627ce41eca/1679501406863/Sign-on+Letter+Supporting+Protect+America%27s+Rock+Climbing+Act-03222023-1000MT.pdf>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ National Park Service, Director’s Order #41: Wilderness Stewardship, May 13, 2013, https://www.nps.gov/policy/DOOrders/DO_41.pdf. Bureau of Land Management, Use of Permanent Fixed Anchors for Climbing in Designated Wilderness Areas Managed by BLM, March 15, 2007, <https://www.blm.gov/policy/im-2007-084>.

Wilderness Preservation System as undeveloped federal lands protected and managed to preserve their natural condition with “no structure or installation within any such area.”²⁰ FS and NPS are considering implementing new guidance that would consider fixed anchors as prohibited “installations” in wilderness areas.²¹ This would reverse long-standing precedent that has allowed the conditional use of fixed anchors on federally managed lands since the 1930s.²²

In addition to creating uncertainty within many local communities that depend on rock climbing revenues, this potential decision could create confusion by creating different, conflicting standards within the federal land management agencies on the appropriateness of fixed anchors. This would come at no benefit to the pristineness of wilderness areas, as “these tiny installations in rock, made of inert metals, have not been demonstrated to have any adverse impact on habitat or wildlife.”²³ In a recent letter to U.S. Department of Agriculture (USDA) Secretary Vilsack and Department of the Interior (DOI) Secretary Haaland, Colorado Governor Jared Polis (D-CO) stated: “[A] new prohibition on fixed anchors in Wilderness would jeopardize the safety of climbers, harm our recreation economy here in Colorado, establish unnecessary bureaucracy, and restrict access to some of the wildest places in America.”²⁴ A group of nearly 30 organizations also wrote in a recent letter that, a banning fixed anchors would “create a new presumption of illegality that sends a strong signal to climbers and other human-powered recreationists that they are no longer welcome in America’s wilderness areas.”²⁵

The “Protecting America’s Rock Climbing (PARC) Act” is a bipartisan bill that directs the Secretaries of Agriculture and the Interior to issue guidance recognizing the appropriateness of fixed anchors in wilderness areas on federal lands. The PARC Act would protect access to popular climbing spots in wilderness areas on federal lands while creating a uniform and predictable standard for the rock-climbing community. The bill is cosponsored by Representative Neguse.

[H.R. 1527: “Simplifying Outdoor Access for Recreation \(SOAR\) Act” \(Rep. John Curtis, R-UT\)](#)

In 2004, President George W. Bush signed the Federal Lands Recreation Enhancement Act (FLREA) into law.²⁶ FLREA provides the Secretary of the Interior and the Secretary of Agriculture the authority to issue a special recreation permit and charge a special recreation permit fee for specialized uses of federal lands, such as outfitting, group activities, recreation events, and motor vehicle use. Under FLREA, fees paid to the FS and BLM by permittees are retained by the agency. Most of the revenue is retained at the local site where the fees are collected. The permitting and fee retention authority provided by FLREA has been positive in many ways, allowing individual units to improve and expand visitor services and amenities.

²⁰ Congressional Research Service, Wilderness: Issues and Legislation, Anne Riddle, et. al, October 12, 2022, <https://www.crs.gov/reports/pdf/R41610/R41610.pdf>.

²¹ *Id.*

²² *Id.*

²³ Governor Polis, Letter to Secretaries Vilsack and Haaland, November 29, 2022,

<https://static1.squarespace.com/static/638927954320c12d8056bbbd/t/64054f4f65d36f6d04fe6c56/1678069583277/DOI+-USFS+Fixed+Anchor+Wilderness+Policy+Letter.docx.pdf>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ (Public Law 108-447, FLREA).

In the years since FLREA’s passage, a flood of complex rules, regulations, guidance, and court decisions have gradually increased the cost of permit administration. The SOAR Act is intended to reduce the cost and complexity of recreating on federal lands. The bill would improve the recreational permitting systems of federal land management agencies so more Americans can experience federal lands through commercial outfitters and guides, volunteer-based clubs, non-profit outdoor leadership organizations, or university outdoor programs. Among other provisions, the SOAR Act would:

1. Reduce special recreation permit fees.
2. Streamline the permitting process for recreation and increase recreational access.
3. Increase flexibility for outdoor leaders by allowing them to engage in activities that are substantially similar to the activity specified in their permit.
4. Make more recreation opportunities available by directing the agencies to offer more short-term permits and create a program for sharing unused permit service days between permit holders.
5. Simplify the permitting process for trips involving more than one land management agency by authorizing the agencies to issue a single joint permit covering the lands of multiple agencies.
6. Reduce barriers to access for State universities, city recreation departments, and school districts.

This bipartisan legislation is cosponsored by Representative Neguse. Similar legislation was reported by the Natural Resources Committee in the 117th Congress by unanimous consent.

H.R. 1576: “Federal Interior Land Media (FILM) Act” (Rep. Russ Fulcher, R-ID)



Filming on federal lands is an issue for sportsmen, who use small filming crews to promote hunting on federal lands. **Source:** The Wild Sheep Foundation, 2021.

In 2000, Congress passed Public Law 106-206, which standardized the collection of commercial film fees by agencies within DOI and USDA. The law directed the Secretaries of the Interior and of Agriculture to require a permit and establish a reasonable fee for commercial filming activities or similar projects on federal lands.²⁷ The Committee report for the law expressed its intent was

²⁷ 16 USC 4601-6d and 54 USC §100905. Congressional Research Service, Commercial Filming and Photography on Federal Lands, Mark K. DeSantis, March, 4, 2021, <https://crsreports.congress.gov/product/pdf/IF/IF10340>.

to regulate “significant disruption,” meaning that “the activity must be a major interference or excessive disturbance of regular visitor uses.”²⁸ In 2000, it was inconceivable that nearly every visitor to our federal lands would have the ability to record high resolution video and digital stills with their smartphone. As technology has rapidly changed, the law has sadly failed to reflect our new modern era of filming on federal lands and there have been serious divergences from the law’s original intent.

In 2019, filmmaker Gordon Price sued the U.S. Attorney General, the Secretary of the Interior, and the NPS Director.²⁹ The case stemmed from a citation issued to Mr. Price in 2018 by two NPS officers for filming without a permit in public areas of the Yorktown Battlefield in Colonial National Historical Park in Virginia.³⁰ In 2017, Mr. Price filmed scenes for a low-budget independent film titled Crawford Road, a feature about an area in York County that is home to unsolved murders and is rumored to be haunted. In filming Crawford Road, Mr. Price only used a camera tripod, a microphone, and a crew of four people.³¹

In 2021, the U.S. District Court for the District of Columbia held in *Price v. Barr* the permit and fee requirements applying to commercial filming on federal lands under 54 USC § 100905 and its implementing regulations were unconstitutional under the First Amendment.³² The District Court’s ruling was appealed by the Federal Government to the U.S. Court of Appeals for the D.C. Circuit, where they reversed the decision. In *Price v. Garland*, the court found the permit-and-fee requirements established to film on government property were reasonable.³³

The FILM Act would modernize the outdated and cumbersome film and photography permitting process by providing exemptions from permitting and fees for commercial or non-commercial content creation, regardless of distribution platform. The FILM Act would ensure regulations related to filming, photography, and recording on federal lands reflect modern technology. The FILM Act would account for evolving technology and social media by ensuring permitting determinations are based on actual impacts to resources instead of arbitrary distinctions between types of filming or photography, content, or financial gain. The bill would cut red tape by eliminating permitting requirements for certain small filming groups and streamlining the permitting process for larger filming groups.

²⁸ House Report 106-75 to accompany H.R. 154, March 23, 1999, <https://www.congress.gov/106/crpt/hrpt75/CRPT-106hrpt75.pdf>.

²⁹ *Price v. Barr*, No. 19-3672 (CKK), Mem. Op. & J. at 34 (D.C. Jan. 22, 2021), https://www.govinfo.gov/content/pkg/USCOURTS-dcd-1_19-cv-03672/pdf/USCOURTS-dcd-1_19-cv-03672-0.pdf.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Price vs. Garland*, Appeal from the U.S. District Court for the District of Columbia, (No. 1:19-cv-03672), [https://www.cadc.uscourts.gov/internet/opinions.nsf/21AC31DC99C1317F852588A7004EDDF8/\\$file/21-5073-1960362.pdf](https://www.cadc.uscourts.gov/internet/opinions.nsf/21AC31DC99C1317F852588A7004EDDF8/$file/21-5073-1960362.pdf).

H.R. 1614: “Range Access Act” (Rep. Blake Moore, R-UT)

Hunting, shooting, and trapping make up the third largest share of economic activity among conventional outdoor recreation activities, generating \$27.3 billion in economic output annually.³⁴ Research has shown that there are 32 million Americans who engage in target shooting annually and 101.6 million Americans (or roughly 40 percent of the population over



Source: U.S. Forest Service, no date.

the age of 16) who engage in some type of hunting, fishing, or wildlife-related activity.³⁵ Not only does this industry provide a significant benefit to the economy, but outdoor sporting activities are deeply engrained in the fabric of America’s culture and heritage. Values instilled by partaking in hunting, fishing, and recreational shooting activities are passed down through generations and sustain our nation’s rich outdoor sporting heritage. These activities also help protect America’s wildlife, as excise taxes generated by the sale of firearms and ammunition fund wildlife restoration and hunter education and recruitment.³⁶ Of these taxes, roughly 78 percent are generated by sales of target ammunition.³⁷

Much of this activity occurs on America’s federal lands and sportsmen and women across the nation depend on federal lands for reliable access to target shooting ranges. Unfortunately, federal agencies like the FS and BLM often prevent or impede access to federal lands for hunting, fishing, and recreational shooting that should otherwise be available for those activities. Since lack of access is one of the key reasons why sportsmen and women may stop participating in traditional outdoor sporting activities, it is paramount to expand access to new and existing target shooting ranges. Ensuring access and the proper infrastructure for shooting ranges is in place will also be key in inspiring the next generation of sportsmen and women to get involved in outdoor sporting activities.

H.R. 1614, the “Range Access Act,” directs the Secretaries of the Interior and Agriculture to identify and establish new target shooting ranges in every national forest and BLM district. The bill also directs the agencies to make a public list of national forests and BLM districts that

³⁴ *Id.*

³⁵ Department of the Interior, “New 5-Year Report Shows 101.6 Million Americans Participated in Hunting, Fishing & Wildlife Activities,” September 7, 2017, <https://www.doi.gov/pressreleases/new-5-year-report-shows-1016-million-americans-participated-hunting-fishing-wildlife>.

³⁶ Pittman-Robertson Wildlife Restoration Act; September 2, 1937; 50 Stat. 917; <https://www.govinfo.gov/content/pkg/COMPS-3013/pdf/COMPS-3013.pdf>.

³⁷ Information provided by NSSF.

currently have shooting ranges and those that do not currently have ranges. Finally, the bill includes provisions preventing the closures of target shooting ranges, except in the case of an emergency situation. This bipartisan bill is cosponsored by Rep. Panetta (D-CA).

H.R. 1642: “Law Enforcement Officer and Firefighter Recreation Pass Act” (Rep. Tom McClintock, R-CA)

Currently, FLREA authorizes each of the federal land management agencies to issue the “America the Beautiful—the National Parks and Federal Recreational Lands Pass,” which covers entrance fees and standard amenity fees at more than 2,000 federal recreation areas.³⁸ Since FLREA’s passage, Congress has enacted several laws to offer free or discounted recreation passes to senior citizens, individuals with disabilities, veterans, active-duty military service members, and Gold Star Family members.³⁹ Most recently, Congress enacted the “Alexander Lofgren Veterans in Parks (VIP) Act” in 2021 to provide free lifetime passes to veterans and Gold Star Families and free annual passes to active-duty military servicemembers.⁴⁰

H.R. 1642, the “Law Enforcement Officer and Firefighter Recreation Pass Act,” would provide free annual recreation passes to national parks and public lands to federal, state, tribal, or local law enforcement officers and firefighters. The bill seeks to honor the sacrifices of law enforcement officers and firefighters, who put their lives on the line daily to protect public safety. In many cases, particularly in the West, local law enforcement officers and firefighters are often the first line of defense for search and rescue operations, preventing crime and vandalism, and suppressing wildland fires that occur on public lands. Providing free access to the lands that these brave men and women defend and protect is the least we could do to show our appreciation for their continued service and sacrifice.

H.R. 1667: “Ouachita National Forest Overnight Camping Act” (Rep. Bruce Westerman, R-AR)

³⁸ 16 U.S. Code § 6804.

³⁹ *Id.*

⁴⁰ H.R. 4300; became law as part of the National Defense Authorization Act.

The 1.8 million-acre Ouachita National Forest (ONF) in Arkansas and Oklahoma is a recreation destination for hundreds of thousands of people annually.⁴¹ The ONF features popular hiking, swimming, and other day use activities. The forest is popular with families from Arkansas, Louisiana, Oklahoma and Texas, who return to the area year after year to enjoy the waters of the Little Missouri River.



Source: U.S. Forest Service, no date.

Unfortunately, the ONF made national news on June 11, 2010, when the Little Missouri River overtopped its banks, generating a major flash flood that tragically killed 20 people.⁴² The flood also damaged recreation facilities and infrastructure within the ONF including campsites and paved roads. Camping has not been allowed at the site since the 2010 flood. In November 2020, the FS initiated a planning process to determine which facilities and infrastructure would support the uses of ONF. During the planning process, the FS received many comments expressing support for rebuilding campsites within the ONF outside of the 100-year flood plain. Despite these comments, in December 2021, the FS’s final decision stated no overnight camping would be permitted in the recreation area impacted by the flood.⁴³ This decision continues a disappointing trend on the ONF, as 28 percent of developed campsites have been decommissioned since 2010.⁴⁴

The “Ouachita National Forest Overnight Camping Act” responds to the community’s desire to reopen overnight camping while addressing the need for safety. The bill would reopen any campsites above the 100-year floodplain within thirty days and direct the FS to identify and develop new locations outside the 100-year floodplain within two years. This bill strikes the appropriate balance between restoring overnight camping at a popular recreation destination without jeopardizing public safety.

⁴¹ USDA Forest Service – Ouachita National Forest, Accessed March 14, 2022, <https://www.fs.usda.gov/ouachita>.

⁴² National Weather Service, NWS Little Rock, AR – Flood Pictures on June 11, 2010, <https://www.weather.gov/lzk/rain0610picsyr.htm>.

⁴³ United States Forest Service, Final Decision Notice and Finding of No Significant Impact for Albert Pike Recreation Area Project Montgomery County, Arkansas, December 2021, <https://www.fs.usda.gov/detail/ouachita/home/?cid=fseprd863588>.

⁴⁴ Campsite data on the Ouachita National Forest January 1, 2010 compared to 2023, data provided by the Forest Service on March 17, 2023 and on file with the Committee.

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

H.R. 930: “Ski Hill Resources for Economic Development (SHRED) Act of 2023” (Rep. Ann Kuster, D-NH)

Section 2. Establishment of Ski Area Fee Retention Account

- Establishes in the Treasury a special Ski Area Fee Retention Account.
- Provides the Secretary of Agriculture availability to use funds without further appropriation for up to four fiscal years after the fiscal year in which the permit rental charge was deposited.
- Ensures 80 percent of the charges are spent at the areas which they were collected. The Secretary may reduce amounts retained to 60 percent if the amounts made available exceed the reasonable needs of a specific unit.
- Requires 75 percent of the total fees retained to be allocated to ski area-related purposes including permit administration, processing of ski area proposals, staff training, interpretive and visitor services, and wildfire preparedness planning and coordination.
- Requires 25 percent of the ski area permit fees retained by a forest to be allocated to other recreation (non-ski area) purposes on the forest or region, including habitat restoration, law enforcement, permit administration, avalanche forecasting and education, search and rescue activities, trailhead-related visitor services, and the leasing of FS administrative sites for workforce housing and other purposes.
- Prohibits the funds collected in the Ski Area Fee Retention Account from being used for wildfire suppression or for the acquisition of federal lands.
- Clarifies that retained ski area permit fees are in addition to appropriated funds, not in lieu of appropriated funds.

H.R. 1319: “Biking on Long-Distance Trails (BOLT) Act” (Rep. Joe Neguse, D-CO)

Section 2. Definitions

- Defines long-distant bike trail as a continuous route not less than 80 miles, primarily made of dirt or natural surfaces.
- Clarifies a long-distance bike trail does not apply to federal lands where mountain biking is not consistent with management plans.

Section 3. Long-Distance Bike Trails on Federal Land

- Requires the Secretaries of the Interior and of Agriculture to 1) Identify not fewer than 10 long-distance bike trails that make use of existing trails and roads; 2) Identify not fewer than 10 areas in which there is an opportunity to develop or complete long-distance bike trails; and 3) develop a process for a public comment period regarding the identification, development, and completing on trails in a geographically equitable manner.
- Authorizes the Secretaries to publish and distribute maps, install signage, and issue promotional materials for the trails.
- Emphasizes the trails do not conflict with existing trails or other uses of the land.
- Requires the Secretaries to prepare a report listing the identified trails no later than two years following the date of enactment of the Act.

H.R. 1380: “Protecting America’s Rock Climbing (PARC) Act” (Rep. John Curtis, R-UT)

Section 2. Guidance on Climbing management in Designated Wilderness Areas

- Within 18 months of passage, requires the Secretaries of the Interior and of Agriculture to issue guidance on climbing management in wilderness areas. The guidance will recognize recreational climbing, including the placement and use of fixed anchors and other equipment, as an allowable activity in wilderness.
- Requires a notice and comment period on the guidance, unless issued as emergency guidance, with a duration of less than two years.

H.R. 1527: “Simplifying Outdoor Access for Recreation (SOAR) Act” (Rep. John Curtis, R-UT)

Title I – Modernizing Recreation Permitting

Section 102. Special Recreation Permit and Fee

- Expands the authority to issue special recreation permits for outfitting, guiding, recreation events and other group recreational activities on federal lands and waters. Specifies how fees for permits should be calculated and how fee revenue may be used. Requires the agencies publish reports on the use of fee revenue.

Section 103. Permitting Process Improvements

- Simplifies the special recreation permitting process by directing the agencies to consider using programmatic reviews and developing additional categorical exclusions in the National Environmental Policy Act review process.
- Makes permit applications available online.

Section 104. Permit Flexibility

- Allows permit holders to engage in new activities that are substantially similar to those authorized in their permit.
- Allows permit holders to voluntarily return unused service days.
- Directs the FS and BLM to offer temporary permits that may be converted into a long-term permit.

Section 105. Permit Administration

- Improves notification of where and when new permits are available.
- Requires agencies to respond within 60 days of receipt of an application for a special recreation permit.

Section 106. Permits for Multijurisdictional Trips

- Authorizes the agencies to issue a single joint special recreation permit for recreation activities that cross multiple agency boundaries.

Section 107. Forest Service Permit Use Reviews

- Modifies FS rules regarding permit holder allocation reviews to make them more equitable.

- Waives allocation reviews for periods when non-use is due to circumstances beyond the permit holder's control.

Section 108. Liability

- Allows special recreation permit holders to use liability release forms. Provides an exemption from the indemnification requirement for state or local government entities that are prohibited from providing indemnification.

Section 109. Cost Recovery Reform

- Establishes an exemption from cost recovery for the first 50 hours of work to process a special recreation permit application or monitor a special recreation permit authorization.

Section 110. Extension of Special Recreation Permits

- Allows the FS and BLM to grant an extension of an expired long-term special recreation if a permit holder has made a request for renewal but the agency requires additional time to complete the renewal request.

Section 111. 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 112. Online Purchases of America the Beautiful – the National Parks and Federal Recreation Lands Pass

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

Title II – Making Recreation a Priority

Section 201. Extension of Seasonal Recreation Opportunities

- Encourages FS, BLM, and the 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 202. Recreation Performance Metrics

- Requires FS and BLM to include enhancing recreation experiences and advancement of stated recreation and tourism goals in performance evaluations of land managers.

Title III – Maintenance of Public Land

Section 301. Private-Sector Volunteer Enhancement Program

- Requires the Secretaries to develop an initiative to enhance private-sector volunteer programs and to promote private-sector volunteer opportunities.
- Authorizes the Secretaries of the Interior and of Agriculture 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 302. Enhancing Outdoor Recreation Through Public Lands Service Organizations

- Requires the Secretaries to use qualified youth or conservation corps and non-profit wilderness and trail stewardship organizations to carry out projects on federal lands that would directly or indirectly enhance recreation.
- Authorizes the Secretaries to enter into cooperative agreements with the Corps Network, the National Wilderness Stewardship Alliance, American Trails, and other public lands stewardship organizations for identifying appropriate projects, activities, and workforce development outcomes and waives any matching requirements.

H.R. 1576: “Federal Interior Land Media (FILM) Act” (Rep. Russ Fulcher, R-ID)

Section 2. Filming and Still Photography within the National Park System and on Other Federal Land

- Specifies the Secretaries of the Interior and of Agriculture must ensure that filming or still photography activities are consistent with laws, policies, and general management plans applicable to the Department concerned.
- Prohibits the Secretaries from requiring a permit or assessing a fee for filming or still photography activities on federal lands under their jurisdiction, regardless of distribution platform, if the activity involves fewer than six people and meets certain requirements. Requirements include not impeding or intruding on the experience of other visitors, not disturbing or negatively impacting a natural or cultural resource or an environmental or scenic value, not conducting the activity at a location in which the public is not allowed, not requiring exclusive use of the area, and not requiring use a set or staging equipment (except for tripods, monopods, and handheld lighting equipment).
- Prohibits the Secretaries from requiring a permit or assessing a fee for a filming or still photography activity on land under their jurisdiction that is merely incidental to an otherwise authorized or allowable activity.
- Directs the Secretaries to establish de minimis use authorization process for filming and photography activities that involve groups of six to eight people and that adhere to certain requirements related to resource impacts. Such authorizations are to be issued immediately upon request by an applicant.
- Authorizes the Secretaries to require a permit and assess a reasonable fee for a filming or still photography activity on lands under their jurisdiction that involves more than eight people or does not meet certain requirements.
- Authorizes the Secretaries to recover costs from a permit applicant including the cost of the review or issuance of the permit and related administrative and personnel costs.
- Authorizes the Secretaries to retained recovered costs without further appropriation.

- Requires the Secretaries to establish a process to ensure a timely response to permit applications.
- Requires the Secretaries to coordinate and select a lead agency if a permit is required for two or more federal agencies or federal land management units.

H.R. 1614: “Range Access Act” (Rep. Blake Moore, R-UT)

Section 2. Target Shooting Ranges

- Directs the Secretaries of the Interior and Agriculture to make a publicly available list identifying every national forest and BLM unit and whether those units have a target shooting range.
- Directs the Secretaries to identify and establish, within five years, at least one target shooting range on every national forest and BLM unit determined suitable by the Secretary. Sets up requirements for the establishment of the shooting ranges, including appropriate safety designs and features.
- Specifies target shooting ranges shall be open to the public, with exceptions for emergency closures.
- Directs the Secretaries to consult with identified stakeholders, including local and tribal governments and organizations experienced with target shooting.
- Allows the Secretaries to enter into partnerships to construct shooting ranges.
- Requires an annual report to Congress on the implementation of the Act.

H.R. 1642: “Law Enforcement Officer and Firefighter Recreation Pass Act” (Rep. Tom McClintock, R-CA)

Section 2. National Recreational Passes for Law Enforcement Officers

- Amends FLREA to provide free annual America the Beautiful passes to law enforcement officers and firefighters
- Defines law enforcement officer and firefighter to include employees of a federal, State, Tribal, or local government

H.R. 1667: “Ouachita National Forest Overnight Camping Act” (Rep. Bruce Westerman, R-AR)

Section 2. Restoration of Overnight Campsites

- Requires the FS to identify areas within the Ouachita National Forest that are suitable for overnight camping within six months.
- Instructs the development of at least 54 campsites, including at least eight with water and electric hookups, outside of the 100-year flood plain within two years of the bill’s enactment.
- Directs the FS to re-open any campsites outside of the 100-year flood plain within 30 days of the bill’s enactment.

V. COST

None of the bills on this hearing have received a formal Congressional Budget Office (CBO) cost analysis.

CBO previously determined legislation in the 117th Congress similar to H.R. 930 (SHRED Act) would increase direct spending outlays by \$440 million over the 10-year budget window.⁴⁵

CBO estimated legislation in the 117th Congress similar to H.R. 1527 (SOAR Act) would not affect direct spending or revenues (i.e., would have no “score”).⁴⁶

VI. ADMINISTRATION POSITION

USDA has previously testified in support of the establishment of a ski area permit fee retention account established in H.R. 930.⁴⁷ The administration testified in the 117th Congress on an earlier version of H.R. 1527 and indicated support for the overall goals and intent.⁴⁸

On December 2, 2021, DOI testified on a Senate companion bill similar to the FILM Act, S. 1616, introduced by Senator John Barrasso (R-WY), but did not take a position due to pending litigation.⁴⁹ The Biden administration’s position on the remaining bills, H.R. 1319, H.R. 1380, H.R. 1614, H.R. 1642, and H.R. 1667 is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 930](#)

[H.R. 1527](#)

[H.R. 1576](#)

[H.R. 1642](#)

⁴⁵ CBO, H.R. 3686, <https://www.cbo.gov/system/files/2022-12/hr3686.pdf>.

⁴⁶ CBO, Legislation considered under suspension of the Rules, July 18, 2022, https://www.cbo.gov/system/files/2022-07/suspensions_week_of_July_18_2022_POSTING_0.pdf.

⁴⁷ Subcommittee on National Parks, Forests, and Public Lands, Legislative Hearing, June 8, 2021. Transcripts, testimony, and supporting documents on file with the Committee.

⁴⁸ Subcommittee on National Parks, Forests, and Public Lands, Legislative Hearing, June 8, 2021. Transcripts, testimony, and supporting documents on file with the Committee.

⁴⁹ Statement of the U.S. Department of the Interior, Before the Senate Energy and Natural Resources Committee on “S. 3266, Outdoor Recreation Act S. 1229, Simplifying Outdoor Access for Recreation (SOAR) Act S. 1874, Recreation Not Red Tape Act S. 1269, Concerning Environmental Justice in Recreation Permitting S. 3264, Biking on Long-Distance Trails Act and S. 1616, Federal Interior Land Media Act S. 2258, Parks, Jobs, And Equity Act S. 2886, Cape and Antler Preservation Enhancement Act S. 2887, Outdoors For All Act,” December 2, 2021, <https://www.energy.senate.gov/services/files/873C8963-5313-41DE-AA94-1DE6FF862E71>