

**H.R. 930, H.R. 1319, H.R. 1380,
H.R. 1527, H.R. 1576, H.R. 1614,
H.R. 1642, AND H.R. 1667**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

Tuesday, March 28, 2023

Serial No. 118-12

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>

or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

51-753 PDF

WASHINGTON : 2024

COMMITTEE ON NATURAL RESOURCES

BRUCE WESTERMAN, AR, *Chairman*
DOUG LAMBORN, CO, *Vice Chairman*
RAÚL M. GRIJALVA, AZ, *Ranking Member*

Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Gregorio Kilili Camacho Sablan, CNMI
Tom McClintock, CA	Jared Huffman, CA
Paul Gosar, AZ	Ruben Gallego, AZ
Garret Graves, LA	Joe Neguse, CO
Aumua Amata C. Radewagen, AS	Mike Levin, CA
Doug LaMalfa, CA	Katie Porter, CA
Daniel Webster, FL	Teresa Leger Fernández, NM
Jennifer González-Colón, PR	Melanie A. Stansbury, NM
Russ Fulcher, ID	Mary Sattler Peltola, AK
Pete Stauber, MN	Alexandria Ocasio-Cortez, NY
John R. Curtis, UT	Kevin Mullin, CA
Tom Tiffany, WI	Val T. Hoyle, OR
Jerry Carl, AL	Sydney Kamlager-Dove, CA
Matt Rosendale, MT	Seth Magaziner, RI
Lauren Boebert, CO	Nydia M. Velázquez, NY
Cliff Bentz, OR	Ed Case, HI
Jen Kiggans, VA	Debbie Dingell, MI
Jim Moylan, GU	Susie Lee, NV
Wesley P. Hunt, TX	
Mike Collins, GA	
Anna Paulina Luna, FL	
John Duarte, CA	
Harriet M. Hageman, WY	

Vivian Moeglein, *Staff Director*
Tom Connally, *Chief Counsel*
Lora Snyder, *Democratic Staff Director*
<http://naturalresources.house.gov>

SUBCOMMITTEE ON FEDERAL LANDS

TOM TIFFANY, WI, *Chairman*
JOHN R. CURTIS, UT, *Vice Chair*
JOE NEGUSE, CO, *Ranking Member*

Doug Lamborn, CO	Katie Porter, CA
Tom McClintock, CA	Sydney Kamlager-Dove, CA
Russ Fulcher, ID	Gregorio Kilili Camacho Sablan, CNMI
Pete Stauber, MN	Mike Levin, CA
John R. Curtis, UT	Teresa Leger Fernández, NM
Cliff Bentz, OR	Mary Sattler Peltola, AK
Jen Kiggans, VA	Raúl M. Grijalva, AZ, <i>ex officio</i>
Jim Moylan, GU	
Bruce Westerman, AR, <i>ex officio</i>	

CONTENTS

	Page
Hearing held on Tuesday, March 28, 2023	1
Statement of Members:	
Tiffany, Hon. Tom, a Representative in Congress from the State of Wisconsin	2
Neguse, Hon. Joe, a Representative in Congress from the State of Colorado	4
Prepared statement of	13
Panel I:	
Fulcher, Hon. Russ, a Representative in Congress from the State of Idaho	14
Moore, Hon. Blake, a Representative in Congress from the State of Utah .	15
Prepared statement of	16
Statement of Witnesses:	
Panel II:	
French, Chris, Deputy Chief, National Forest System, U.S. Forest Service, Washington, DC	19
Prepared statement of	20
Questions submitted for the record	27
Mason, Corey, Executive Director, Dallas Safari Club, Dallas, Texas	28
Prepared statement of	29
Mills, Mike, Arkansas Department of Parks, Heritage, and Tourism, Little Rock, Arkansas	31
Prepared statement of	33
Winter, Chris, Executive Director, Access Fund, Boulder, Colorado	35
Prepared statement of	36
Link, Geraldine, Director of Public Policy, National Ski Areas Association, Lakewood, Colorado	44
Prepared statement of	45
Panel III:	
Reynolds, Mike, Deputy Director, Congressional and External Relations, National Park Service, Washington, DC	60
Prepared statement of	62
Questions submitted for the record	66
Bannon, Aaron, Executive Director, America Outdoors Association, Knoxville, Tennessee	67
Prepared statement of	69
D'Agostini, John, Retired Sheriff, Coroner, Public Administrator, El Dorado County, California	71
Prepared statement of	73
Ferguson, Fred, Vice President of Public Affairs, Vista Outdoor, and Chairman, Vista Outdoor Foundation, Anoka, Minnesota	75
Prepared statement of	76
Keller, Todd, Director of Government Affairs, International Mountain Bicycling Association, Boulder, Colorado	78
Prepared statement of	79
Additional Materials Submitted for the Record:	
Kuster, Hon. Anne M., a Representative in Congress from the State of New Hampshire, Statement for the Record on H.R. 930	86
Bureau of Land Management, Statement for the Record on H.R. 1614	86

IV

	Page
Additional Materials Submitted for the Record—Continued	
Submissions for the Record by Representative Tiffany	
Full Committee Chairman Bruce Westerman, Statement for the Record on H.R. 1667	17
Outdoor Recreation Roundtable Association, Letter of Support	60
American Whitewater, Letter of Support	88
Congressional Sportsmen’s Foundation, Letter of Support for H.R. 1614	92
On behalf of Rep. Westerman—American Alpine Club, Letter of Support for H.R. 1380	94
On behalf of Rep. Westerman—USA Climbing, Letter of Support for H.R. 1380	95
Submissions for the Record by Representative Westerman	
The Pew Charitable Trusts, Statement for the Record on H.R. 1380 ...	96
American Mountain Guides Association, Letter of Support for H.R. 1527 and H.R. 1380	96
Submissions for the Record by Representative Neguse	
Outdoor Alliance, Letter of Support for H.R. 1380, H.R. 1527, H.R. 1319, H.R. 930, H.R. 1576 and H.R. 1614	6
Backcountry Hunters & Anglers, Letter of Support for H.R. 1527, H.R. 1576 and H.R. 1614	9
Winter Wildlands Alliance, Letter of Support for H.R. 930	10
Submissions for the Record by Representative Fulcher	
Idaho Public Television, Statement for the Record on H.R. 1576 with attachments	100

LEGISLATIVE HEARING ON H.R. 930, TO AMEND THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996 TO PROVIDE FOR THE ESTABLISHMENT OF A SKI AREA FEE RETENTION ACCOUNT, AND FOR OTHER PURPOSES, “SKI HILL RESOURCES FOR ECONOMIC DEVELOPMENT (SHRED) ACT OF 2023”; H.R. 1319, TO REQUIRE THE SECRETARY OF THE INTERIOR AND THE SECRETARY OF AGRICULTURE TO DEVELOP LONG-DISTANCE BIKE TRAILS ON FEDERAL LAND, “BIKING ON LONG-DISTANCE TRAILS (BOLT) ACT”; H.R. 1380, TO REQUIRE THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF THE INTERIOR TO ISSUE GUIDANCE ON CLIMBING MANAGEMENT IN DESIGNATED WILDERNESS AREAS, AND FOR OTHER PURPOSES, “PROTECTING AMERICA’S ROCK CLIMBING (PARC) ACT”; H.R. 1527, TO IMPROVE ACCESS FOR OUTDOOR RECREATION THROUGH THE USE OF SPECIAL RECREATION PERMITS ON FEDERAL RECREATIONAL LANDS AND WATERS, AND FOR OTHER PURPOSES, “SIMPLIFYING OUTDOOR ACCESS FOR RECREATION (SOAR) ACT”; H.R. 1576, TO PROVIDE EXCEPTIONS FROM PERMITTING AND FEE REQUIREMENTS FOR CONTENT CREATION, REGARDLESS OF DISTRIBUTION PLATFORM, INCLUDING STILL PHOTOGRAPHY, DIGITAL OR ANALOG VIDEO, AND DIGITAL OR ANALOG AUDIO RECORDING ACTIVITIES, CONDUCTED ON LAND UNDER THE JURISDICTION OF THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF THE INTERIOR, AND FOR OTHER PURPOSES, “FEDERAL INTERIOR LAND MEDIA (FILM) ACT”; H.R. 1614, TO FACILITATE THE CREATION OF DESIGNATED SHOOTING RANGES ON NATIONAL FOREST SYSTEM LAND AND PUBLIC LAND ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT FOR THE PUBLIC TO USE FOR RECREATIONAL TARGET SHOOTING, AND FOR OTHER PURPOSES, “RANGE ACCESS ACT”; H.R. 1642, TO AMEND THE FEDERAL LANDS RECREATION ENHANCEMENT ACT TO PROVIDE FOR AN ANNUAL NATIONAL RECREATIONAL PASS FOR LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS, “LAW ENFORCEMENT OFFICER AND FIREFIGHTER RECREATION PASS ACT”; AND H.R. 1667, TO REQUIRE THE SECRETARY OF AGRICULTURE TO IDENTIFY AND DEVELOP CAMPSITES AND RELATED FACILITIES FOR PUBLIC USE IN THE OUACHITA NATIONAL FOREST, AND FOR OTHER PURPOSES, “OUACHITA NATIONAL FOREST OVERNIGHT CAMPING ACT”

**Tuesday, March 28, 2023
U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:15 a.m., in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, McClintock, Fulcher, Stauber, Curtis, Bentz, Moylan, Westerman; Neguse, Porter, Leger Fernández, and Grijalva.

Also present: Representative Moore.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to hear testimony on eight recreation bills: H.R. 930, the SHRED Act of 2023; H.R. 1319, the BOLT Act; H.R. 1380, the PARC Act; H.R. 1527, the SOAR Act; H.R. 1576, the FILM Act; H.R. 1614, the Range Access Act; H.R. 1642, the Law Enforcement Officer and Firefighter Recreation Pass Act; and H.R. 1667, the Ouachita National Forest Overnight Camping Act.

I ask unanimous consent that the following Members be allowed to participate in today's hearing from the dais; the gentleman from Utah, Mr. Moore.

Without objection, so ordered.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I will now recognize myself for an opening statement.

**STATEMENT OF THE HON. TOM TIFFANY, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. TIFFANY. Today, we are sitting indoors, but our focus will be outdoors. Specifically, the outdoor recreational opportunities our incredible country has to offer.

Every year, hundreds of millions of visitors are choosing to be outdoors and recreate at our national parks and public lands. There are abundant opportunities, such as: hunting, fishing, shooting, rafting, horseback riding, hiking, and snowmobiling, among several other activities, to be enjoyed. Outdoor recreation allows Americans to explore the beauty of our country, unite with family and friends, and discover new passions, strengths, and purpose.

While Americans have a deep love for national parks and Federal lands—think of Yosemite, the giant Sequoias, the Grand Canyon, and the Apostle Islands in my district—there are changes we can pursue to ensure all Americans have quality access to exploring and recreating outdoors.

House Republicans are committed to improving access to our public lands, including reforming Federal land management policies that disproportionately limit access to recreation. This is key to unlocking the full potential of the outdoor recreation economy, which already accounts for \$862 billion in economic output and more than 4.5 million jobs.

Most of the businesses operating in and around national parks and Federal lands are small businesses employing local people who have a passion for the outdoors. They are often in rural, gateway communities, whose livelihoods depend, in large part, on outdoor recreation. I know this firsthand. My wife and I owned and operated Wilderness Cruises near Wisconsin's beautiful Chequamegon-Nicolet National Forest for 20 years. Our business relied on access and use of public lands.

Federal lands provide for countless outdoor recreation opportunities and making memories to last a lifetime. While we boast of the multiple uses of Federal lands most people can enjoy, unfortunately, they are not accessible to all. Increasing costs, along with complex and inefficient permitting processes, often limit access and enjoyment, and prevent parks and Federal lands from meeting the needs of all Americans. This magnifies other challenges, including overcrowding, skyrocketing deferred maintenance backlogs, and closed or restricted recreation destinations.

Today, we will look at eight bipartisan bills that will address a wide range of access issues, specifically the quality and diversity of access. These bipartisan bills tackle challenges to some of the most popular outdoor recreation opportunities, such as skiing, biking, rock climbing, and camping. Each bill addresses a unique and pressing issue, such as lack of access, cumbersome and confusing permitting processes, and costly paperwork. Improving these barriers are key to fully enjoying our Federal lands.

I thank my colleagues for their work on the bills before us today. This is a good start, and I am confident we can do better and make real change. We will continue our work on these legislative initiatives and others, such as improving access to trails and roads that have been closed to hunters. I am hopeful we can address these issues in a common-sense, constructive manner to make real change for our constituents.

The legislation before us today will be the first of many recreation bills this Subcommittee will consider. This will set the stage for a broad, comprehensive, bipartisan recreation package. I look forward to working with Ranking Member Neguse and other Members across the dais to develop this package.

I would like to thank my Senate colleagues for also putting outdoor recreation in the spotlight. Senate Energy and Natural Resources Chairman Manchin and Ranking Member Barrasso recently renewed their commitment to outdoor recreation with the recent introduction of their recreation package.

Each of our witnesses today brings expertise in their area of outdoor recreation, and will help this Subcommittee understand how we can address some of the issues facing Americans as they seek to explore and discover this great country.

I want to thank the witnesses for being here, and I look forward to today's discussion.

With that, I will now recognize Ranking Member Neguse for his opening statement.

**STATEMENT OF THE HON. JOE NEGUSE, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. NEGUSE. Thank you, Mr. Chairman. I am still getting used to the Minority over here.

I very much appreciate the Chairman's remarks and him impaneling today's legislative hearing, and looking forward to the testimony that we will receive from the witnesses today.

As the Chairman articulated, we will be considering eight recreation bills, continuing important work on measures like the BOLT Act and the SOAR Act that we started last Congress.

I always enjoy the opportunity to hear public lands and outdoor recreation bills in this Subcommittee. Outdoor recreation is important not only to me personally, to my family, but to my constituents back home in Colorado, and something that I have been proud to work on during my time in Congress.

The first bill I would like to highlight today is my legislation, H.R. 1319, the Biking on Long-Distance Trails Act, or BOLT Act, which I introduced with my good friends and Natural Resource Committee Members, Representatives Curtis of Utah, and Lee of Nevada. This legislation would, in short, require DOI and USDA to establish long-distance bike trails across the country, not only making it safer and more accessible to Americans, but also providing opportunities to boost the outdoor recreation economy.

This bill is a bipartisan and bicameral piece of legislation, and I look forward to hearing from our witnesses later today to speak about its importance. I was certainly glad that this bill passed on unanimous consent out of this Committee a year ago in the last Congress, and also through the full House of Representatives on a strong bipartisan vote, and I certainly look forward to advancing this legislation out of the Committee again this year.

Next on the agenda is H.R. 1527 with, again, my good friend, Representative John Curtis out of Utah. The Simplifying Outdoor Access for Recreation, or SOAR Act, which, in short, would modernize special recreation permitting to increase access on public lands. It would, in turn, of course, grow the outdoor recreation economy and provide our communities with the physical and mental health benefits of enjoying time outside in our public lands. It is a major priority for small businesses across, certainly, Colorado and the Rocky Mountain West, the outfitter and guide community, and I am really hoping that we can get it all the way across the finish line before the end of this Congress.

We have also been working with Mr. Curtis, I know he has introduced another bill on today's agenda that we have partnered with him on as an original co-sponsor, and that is Protecting America's Rock Climbing Act, or the PARC Act, which aims to protect recreational climbing and establish consistency in climbing management on Federal lands by requiring the USDA and DOI to establish guidance on climbing in wilderness areas. I am looking forward to hearing from the witnesses on this particular piece of legislation, and ensuring that we also get this bill across the finish line.

Next up, H.R. 930, a bill that is incredibly important to the people of Colorado and to the mountain communities that I represent, and that is the Ski Hill Resources for Economic

Development, or SHRED Act of 2023, which I am proud to co-sponsor with Representative Kuster of New Hampshire. I am proud to co-lead this bill, and I am looking forward to discussing the legislation today.

The ski community consists of 122 ski areas across our nation's public lands, including many world-renowned ski areas that I am lucky enough to represent in my district. Many of you, I am sure, have visited places like Vail, Breckenridge, Winter Park, Keystone, and Copper Mountain, all of which I have the privilege and honor of representing. It is critical that these areas and our national forests are properly funded for the outdoor recreational economy and community, and to protect our lands and our resources.

The SHRED Act will provide needed funding for resources in national forests to support winter recreation by creating a ski fee area retention account, which essentially would allow the retainment of fees for reinvestment in our local forests. It is a really important bill, and I am looking forward to hearing more about it today.

Of course, we have H.R. 1614, the Range Access Act, introduced by a former Member of this august body who is now on an exclusive committee, I believe, but Mr. Moore of Utah. H.R. 1614 would establish free recreational shooting ranges in all qualifying national forests and Bureau of Land Management public land districts. Recreational shooting is already authorized on public lands, but these shooting ranges can provide a safe environment to engage in the sport.

H.R. 1642, a bill that I strongly support, introduced by my colleague Representative McClintock, the Law Enforcement Officer and Firefighter Recreation Pass Act, would amend the Federal Lands Recreation Enhancement Act to provide national parks and Federal recreational lands passes to law enforcement officers and firefighters. Currently, the NPS has a process in place to issue free passes to a select group of individuals, including U.S. military members and veterans. I commend the work of our law enforcement officers, our firefighters, and our first responders to keep our public lands, our communities, and our families safe, and I am very supportive of the legislation that has been introduced by Mr. McClintock.

Over the past couple of days, the Committee has received several letters from groups, including the Outdoor Alliance, Backcountry Hunters & Anglers, the Winter Wildlands Alliance, the American Mountain Guides Association, and the Outdoor Recreation Roundtable Association, and I would ask unanimous consent to enter these letters into the hearing record.

Mr. TIFFANY. So ordered.

[The information follows:]

OUTDOOR ALLIANCE

March 27, 2023

Hon. Tom Tiffany, Chairman
Hon. Joe Neguse, Ranking Member
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Re: March 28th Federal Lands Subcommittee legislative hearing on outdoor recreation

Dear Chairman Tiffany, Ranking Member Neguse, and members of the subcommittee:

Thank you for holding the March 28th legislative hearing to consider multiple bills of significance to the human-powered outdoor recreation community. A number of proposals before the subcommittee would greatly improve sustainable recreation access on federal public lands while providing strong public health and economic benefits to local communities. We also have concerns with several of these proposals, which we have noted below. We encourage you to work with the recreation community and other stakeholders to pass a strong bipartisan package of recreation policy in the 118th Congress.

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

Outdoor recreation is the most common way that Americans come to know their public lands and waters. It contributes immeasurably to people's lives and supports vibrant communities through better health, well-being, and the ability of recreation access and amenities to attract businesses and workers across a range of industries, particularly in rural communities.

Participation in outdoor recreation is on the rise nationally. The total number of participants in outdoor activities has increased nearly 7% since the beginning of the COVID-19 pandemic, with the newest cohort of recreationists being more diverse in terms of age and ethnicity.¹ This trend is also reflected in visitation data from federal land management agencies including the Forest Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service, which all show a steady increase in recreational visits over the past decade.² The increase in recreational use on federal public lands also supports the growing outdoor recreation economy, which accounted for \$862 billion in gross economic output, 1.9 percent of U.S. gross domestic product, and 4.5 million jobs in 2021.³

There is a need for Congress to modernize outdoor recreation policy on federal public lands and beyond in order to account for increased visitation, modern technology, and growing concerns about the resilience of public lands. During the 117th Congress, the Senate made considerable progress toward passing a bipartisan package of recreation policy via America's Outdoor Recreation Act.⁴ Outdoor Alliance is encouraged to see the Federal Lands Subcommittee build on this progress, and we are committed to working with the Subcommittee to refine and build support for a recreation package in 2023.

Our comments on individual bills are provided below.

¹Outdoor Industry Association, 2022 Outdoor Trends Report (2022). Available at <https://outdoorindustry.org/wp-content/uploads/2015/03/2022-Outdoor-Participation-Trends-Report-1.pdf>.

²Gwendolyn Aldrich and Evan Hjerpe, The Conservation Funding Crisis, Conservation Economics Institute (2022), available at <https://www.conservationecon.org/public-lands>.

³Bureau of Economic Analysis, BEA 22-55, Outdoor Recreation Satellite Account, U.S. and States, 2021 (2022), available at <https://www.bea.gov/news/2022/outdoor-recreation-satellite-account-us-andstates-2021>.

⁴The Senate version of America's Outdoor Recreation Act has been reintroduced in the 118th Congress as America's Outdoor Recreation Act of 2023.

Protecting America's Rock Climbing (PARC) Act (H.R. 1380)

Outdoor Alliance strongly supports the PARC Act, which would safeguard Wilderness climbing opportunities by directing the establishment of national-level guidance for the placement and maintenance of fixed climbing anchors in Wilderness areas. Wilderness areas are integral to America's climbing history, and climbers were among the original supporters of the Wilderness Act. Many of America's most iconic climbing areas, including Yosemite's El Capitan and the Diamond in Rocky Mountain National Park, lie within federal Wilderness areas, and climbers benefit greatly from the Wilderness character found in these areas.

Fixed anchors are essential tools in a climber's safety system. These include bolts, slings, pitons, and other tools long used by climbers to safely and sustainably ascend and descend technical terrain. Fixed anchors are found in Wilderness areas throughout the country, and many pre-date the Wilderness Act. Despite climbing's longtime status as an established use in Wilderness areas, there has never been a consistent federal policy for managing fixed anchors within Wilderness across agencies.

The PARC Act would restate Congress's intent that climbing is an allowable use within Wilderness areas and would require both the Department of Interior and the USDA Forest Service to establish consistent, national-level guidance on managing fixed anchors in Wilderness. The bill also clarifies that federal agencies must provide an opportunity for public comment on proposed changes to fixed anchor policy while providing agencies with authority to take emergency actions related to fixed anchor management if it is necessary to protect natural resources or public safety. These changes will provide certainty that climbers can continue to enjoy sustainable access to some of the world's most treasured climbing areas without amending the Wilderness Act or changing long established Wilderness management. We thank the bill sponsors for their attention to this critically important issue.

Simplifying Outdoor Access for Recreation (SOAR) Act (H.R. 1527)

Outdoor Alliance strongly supports the SOAR Act, which would facilitate meaningful outdoor experiences by improving the recreational permitting systems for outfitters and guides. For many people, guided outdoor experiences provide a first exposure to more adventurous forms of outdoor recreation and to the natural world. These opportunities are essential for allowing new participants to experience outdoor recreation activities in a safe environment that allows for skill building and helps participants become more conscientious visitors to sensitive landscapes.

The ability for facilitated access providers to offer these experiences is dependent on a challenging and dated system for special use permitting for public lands activities. The SOAR Act will improve the recreational permitting systems so more people can experience public lands through volunteer-based clubs or with an outfitter, guide, nonprofit outdoor leadership organization, or university outdoor program. We are particularly supportive of provisions in the SOAR Act that would:

- Direct the Secretaries of Agriculture and Interior to identify opportunities to improve the special recreation permitting process;
- Allow outfitters' unused surplus service days to be made available to other potential permittees;
- Make information about the availability of the special recreation permits available online;
- Allow outfitters and guides to engage in activities that are substantially similar to the activities specified in their permit;
- Allow agencies to provide permits for multi-jurisdictional trips under a single joint permit;
- Encourage agencies to allow purchasers to buy a federal and state recreation pass in a single transaction;
- Make the America the Beautiful Pass and other federal recreation passes available for purchase online;
- Extend the duration of the recreation season to cover a broader period of the year where recreational activities are occurring;
- Require the Forest Service and BLM to adopt recreation performance metrics that better reflect the quality and sustainability of the recreation experience;
- Encourage federal agencies to enhance recreation opportunities through private-sector volunteer programs.

Together, these changes would simplify and modernize recreation permitting to make guided outdoor experiences more easily accessible to the American public.

We strongly support this bill, which reflects years of thoughtful input from facilitated access providers, conservation organizations, and others.

Biking on Long-Distance Trails (BOLT) Act (H.R. 1319)

Outdoor Alliance strongly supports the BOLT Act, which would promote mountain biking as a sustainable recreation activity on federal lands by identifying opportunities for long-distance bike trails. This bipartisan legislation would diversify outdoor infrastructure by expanding long-distance bike trails across America's federal public lands. By providing opportunities for trail users, Congress can create pathways to positive physical and mental health, and this legislation supports these goals.

The Biking on Long-Distances Trails (BOLT) Act will direct federal land managers within the Department of Interior, and USDA Forest Service to 1) identify no fewer than 10 existing long-distance bike trails not shorter than 80 miles; 2) identify not fewer than 10 opportunities to develop or complete long-distance trails not less than 80 miles; 3) create maps, signage, and promotional materials for long-distance trails; and 4) issue a progress report no later than 2 years after enactment. We appreciate the bill's attention to these special opportunities and resources.

Ski Hill Resources for Economic Development (SHRED) Act of 2023 (H.R. 930)

Outdoor Alliance supports the intent behind the SHRED Act, to keep ski area fees within the National Forest system, but we have reservations over how the funds in the Ski Area Fee Retention Account would be disbursed. In general, ski areas effectively convert public land into highly developed private businesses; while these businesses provide a valued service to many outdoor recreationists, it is appropriate that these businesses pay for their essentially exclusive use of public lands, and those fees must serve a public purpose broader than facilitating additional development. Further, because we understand the bill to come with a budget score, we are concerned that any offset would likely come from elsewhere within the Forest Service's budget, effectively replacing resources that can go where most needed with money narrowly targeted for ski area permitting purposes.

As currently drafted, the SHRED Act would direct at least 60% of ski area permit fees back into the Forest Service ski area program for the direct benefit of the ski area(s) on the unit from which these fees were collected. This distribution does not match the agency's actual needs nor the act's intent to invest ski area fees into Forest Service recreation management for the benefit of all Americans and our natural resources.

This committee has previously received testimony from Outdoor Alliance, and many others, concerning the dire state of the Forest Service's recreation program. Outdoor recreation participation is at an all-time high, but agency staffing and resources are insufficient to meet public expectations, maintain infrastructure, or protect the resources the Forest Service is tasked with stewarding. The Ski Area Fee Retention Account could provide an important source of funds to supplement Congressional appropriations and help the Forest Service meet its capacity challenges, but as written, the SHRED Act fails to live up to this intent. We are not opposed to directing some portion of the Ski Area Fee Retention Account to the Forest Service ski area program as described in 5(A), but this amount should not exceed 40% of the fees collected. This would still provide ample funds and capacity for the agency's ski area program, which is considerably smaller and more narrowly focused than the Recreation, Heritage, and Volunteer Resources program in which it is housed. Likewise, the Act should direct at least 60% of the Ski Area Fee Retention Account to the activities described in paragraph (5)(B). Furthermore, we suggest expanding the activities described in paragraph (5)(B) to include

(vi) avalanche information and education activities carried out by the Secretary, state government, or nonprofit partners;

and

(ix) over-snow travel management planning under 36 CFR part 212, subpart C.

As currently written (5)(B)(vi) appears to not include state-run avalanche information centers, such as the Colorado Avalanche Information Center and the Utah Avalanche Center. Our suggested addition to (5)(B)(vi) will ensure these critical partners are eligible for Ski Area Fee Retention Account funds. Furthermore, by including over-snow travel management planning in the activities eligible for Ski Area Fee Retention Account funds, the SHRED Act can help to support a critical winter recreation management need.

Federal Interior Land Media (FILM) Act (H.R. 1576)

Outdoor Alliance appreciates the FILM Act's intent to update the permitting process for commercial filming to account for modern technology and modern formats for distributing media that blur the distinction between commercial and noncommercial activities. We appreciate the improvements made to H.R. 1576 from the version of the FILM Act introduced in the 117th Congress, particularly lowering the size threshold for film crews that require a permit. We support adding an additional requirement that commercial film crews acquire an online, no-cost permit that would provide an opportunity to educate production crews about best practices for filming on federal lands and establish a point of responsibility between film crews and federal agencies. This would provide an important opportunity to help minimize impacts on recreational, cultural, and ecological resources.

Range Access Act (H.R. 1614)

Outdoor Alliance supports judiciously sited designated shooting ranges on public land, as unmanaged and unregulated target shooting on public lands is a safety and resource protection hazard in many locations across the United States. Designated areas for this activity would improve public safety and reduce impacts to public lands. We are concerned, however, by several aspects of the Range Access Act.

First, we are concerned through Section 2(c)(2), could prevent closing areas of Federal land to shooting unless a target shooting range is made available. This creates a potential public safety hazard, especially given the Forest Service and BLM's limited ability to quickly designate target shooting ranges due to capacity constraints. Such closures have been necessary to protect National Forest lands and ensure public safety, particularly in high-use recreation areas in close proximity to urban areas.⁵ We request that the text be amended to allow for closures for public safety or resource protection in addition to "emergency situations."

Second, we believe that the presence of a minimum of one range per National Forest or BLM unit is arbitrary, and the legislation should, rather, encourage agencies to evaluate the need for additional developed shooting areas.

Finally, we would strongly support the addition of provisions to require planning for shooting area cleanup, including lead removal. Given these likely costs, we strongly support the elimination of the exemptions for these areas from collecting fees under the Federal Lands Recreation Enhancement Act, both as a matter of ensuring resources for management and as a matter of equitability with other public land users.

Thank you for holding this important hearing. We look forward to working with you to advance outdoor recreation policy in the 118th Congress.

Best regards,

LOUIS GELTMAN,
Policy Director

BACKCOUNTRY HUNTERS & ANGLERS
Missoula, MT

March 27, 2023

Hon. Bruce Westerman, Chairman
Hon. Raúl Grijalva, Ranking Member
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Westerman and Ranking Member Grijalva:

On behalf of Backcountry Hunters & Anglers (BHA), the voice for our wild public lands, waters, and wildlife, we write in support of the following legislation being considered by the House Natural Resources Committee. BHA encourages the

⁵An example is Closure Order 06-05-05-11-01 on the Mt. Baker-Snoqualmie National Forest that closed areas within the Middle Fork Snoqualmie and South Fork Snoqualmie River corridors to recreational shooting that are located within close proximity to the greater Seattle metro area.

committee to advance the Simplifying Outdoor Access for Recreation Act (H.R. 1527), the Federal Interior Land Media Act (H.R. 1576), and the Range Access Act (H.R. 1614). We commend the bill sponsors and committee leadership for their commitment to increasing and improving opportunities that would benefit sportsmen and women on our public lands and waters.

The Simplifying Outdoor Access for Recreation (SOAR) Act would expedite and simplify the permitting process for accessing public lands and waters by eliminating duplicative processes, reducing costs, and shortening processing times. It would also create greater flexibility and improve permitting for outfitters and guides through authorizing joint permits for activities covering lands managed by multiple agencies. Hunters, anglers, and other outdoor recreators would benefit from modernization and simplification of processes like these that will ultimately make more opportunities available.

The Federal Interior Land Media (FILM) Act would remove fees and permit requirements for filming and recording on lands expanding the current use of this policy on National Park System lands to all lands managed by the Department of the Interior and Department of Agriculture. This would eliminate red tape for small film crews on public lands while still allowing for the agencies to manage activities with their discretion such as to ensure wildlife are not disturbed.

The Range Access Act would require that the United States Forest Service and Bureau of Land Management (BLM) maintain a publicly accessible recreational shooting range that does not charge a user fee in each National Forest and BLM district. Importantly it will ensure safe and accessible opportunities for sportsmen and women to practice marksmanship ahead of hunting season. Doing so will also provide an established area for the public to practice safe shooting, and alleviate pressure and pollution created by non-designated shooting ranges on our public lands.

BHA supported the recent introduction of the America's Outdoor Recreation Act (S. 873) by Senate Energy and Natural Resources Committee Chairman Joe Manchin and Ranking Member John Barrasso. We urge you to not only advance H.R. 1527, H.R. 1576, and H.R. 1614, but to consider additional legislation that would create a comprehensive package of outdoor recreation priorities supported by important constituencies like hunters and anglers. These bills have important benefits for all those who enjoy recreating on our public lands and waters, and we look forward to working closely with you to advance our shared priorities into law.

Sincerely,

JOHN GALE,
Vice President—
Policy and Government Relations

WINTER WILDLANDS ALLIANCE
Bozeman, Montana

March 24, 2023

Hon. Tom Tiffany, Chairman
Hon. Joe Neguse, Ranking Member
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Re: March 28th Federal Lands Subcommittee legislative hearing on outdoor recreation

Dear Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee:

Thank you for holding a hearing on recreation legislation. Of the bills under consideration today, we are particularly interested in H.R. 930, the Ski Hill Resources for Economic Development (SHRED) Act of 2023. We strongly support the intent behind the SHRED Act, to keep ski area fees within the National Forest system, but have significant reservations over how the funds in the Ski Area Fee Retention Account would be disbursed. In this testimony, we offer suggestions for your consideration to ensure SHRED truly meets the intent to invest ski area fees

into Forest Service recreation management in a fair and equitable manner that benefits all Americans and our natural resources.

Winter Wildlands Alliance is a national non-profit working to inspire and empower people to protect America's wild snowscapes. Winter recreation management on public lands is of keen interest to us and our constituency. Our alliance includes 34 grassroots groups in 16 states and has a collective membership exceeding 130,000. Our members are backcountry skiers and snowboarders, cross-country skiers, ice climbers, fat tire bikers, and winter hikers. Collectively, these activities are the fastest growing segments of the winter sports industry, with up to 30 million participants each year (compared to around 10 million—and declining—who participate annually in resort skiing and snowboarding).¹

Part of this decline may be related to the increasingly high cost of resort skiing—midweek adult lift tickets for ski areas operating on National Forest lands average \$97 per day, and exceed \$200 per day for some Western resorts.² As ski areas ticket prices become increasingly out of reach to the average American, participation in non-resort winter recreation on National Forest lands, and the importance of supporting and investing in these public recreation resources, will continue to grow.

One hundred and twenty-two commercial ski resorts currently operate under special use permits on Forest Service lands. Although by acre ski areas make up a relatively tiny percentage of National Forest lands, these resorts have an outsized influence on the forests where they are located and the communities bordering those forests. As skiers and snowboarders, our members often have close ties to their local ski area in addition to being backcountry enthusiasts. However, our members have also expressed growing concern over proposed ski area development and expansion projects onto formerly undeveloped public lands and the accompanying potential effects to public access, local communities, wildlife, watersheds, and wildland fire. Because all winter recreationists generally seek similar combinations of snow quality and quantity, terrain, vegetation, and access, ski area expansions often occur at the expense of highly valued dispersed recreation opportunities, as well as watershed and ecosystem integrity. While we see a need to invest in Forest Service special use permitting, we fear the SHRED Act may incentivize the Forest Service to prioritize ski area permitting and development over management of other recreation resources, to the detriment of the recreating public and the national forests.

Ski areas pay a use fee based on the income they derive from use of public lands. As currently drafted, the SHRED Act would direct at least 60% of these fees back into the Forest Service ski area program, for the direct benefit of the ski area(s) on the unit from which these fees were collected. Only 20% of the fees would be available for use for general Forest Service recreation needs on the unit from which the fees were collected (as described in paragraph (5)(B)). An additional 20% of the funds would be available for the Forest Service to use for recreation needs on non-ski area forests, or to augment the funds already being directed to the Forest Service ski area program under paragraph 5(A) of the Act.

This distribution—at least 60% for the ski area program and no more than 40% for other recreation needs—does not match the Agency's actual capacity needs. While all Forest Service departments and programs face capacity challenges, even on ski area forests the ski area program and its needs are not larger than the rest of the recreation program. Likewise, while ski area forests do see significant visitation, non-ski area forests are feeling these same pressures. By restricting 80% of ski area fees collected for use only on the unit from which the fees originated, Congress will be reducing the Forest Service's ability to expand their capacity where it is most needed. We believe Congress should allow greater Forest Service discretion to determine where funds from the Ski Area Fee Retention Account can be used, within the sideboards outlined in paragraph (4)(B).

Outdoor recreation participation is at an all-time high while Forest Service staffing and resources are near an all-time low. Forest Service capacity is woefully insufficient to meet public expectations, maintain infrastructure, or manage visitor use. The Ski Area Fee Retention Account could provide an important source of funds to supplement Congressional appropriations and help the Forest Service meet its capacity challenges, but as written, the SHRED Act fails to live up to this potential. To do so, at least 60% of the Ski Area Fee Retention Account should be directed to the activities described in paragraph (5)(B) of the Act.

¹Snowsports Industry America (SIA) 2021-2022 Participation Study: 96% growth in backcountry skiing participation (4.3M unique users); 60% growth in Nordic and snowshoeing (22.3M human-powered users); 2.4M winter fat bikers + 67%. Report available for download at <https://tinyurl.com/bdh5vrcm>. National Ski Areas Association Industry Statistics available at www.nsa.org/NSAA/Media/Industry_Stats.aspx.

²See www.onthesnow.com/united-states/lift-tickets.

We support directing a portion of the Ski Area Fee Retention Account to the Forest Service ski area program as described in paragraph (5)(A) but believe this amount should not exceed 40% of the fees collected. This would still provide ample funds and capacity for the agency's ski area program, which is considerably smaller and more narrowly focused than the Recreation, Heritage, and Volunteer Resources program in which it is housed. The most straightforward way to make these adjustments would be to adjust the percentage in paragraph (4)(A)(ii)(I) to 25% and the percentage in paragraph (4)(A)(ii)(II) to 75%. Congress could also ensure greater equity between ski area forests and non-ski area forests by reducing the percentage of funds restricted to use on a covered unit as described in (4)(A)(i). These changes would require adjusting the percentages in paragraphs (4)(B) and (4)(C)(i) and (ii) as well. We welcome further conversations with Subcommittee members and staff concerning these adjustments.

In addition, we suggest expanding the activities described in paragraph (5)(B) to include:

(vi) avalanche information and education activities carried out by the Secretary, state government, or nonprofit partners;

and

(ix) over-snow travel management planning under 36 CFR part 212, subpart C.

As currently written, (5)(B)(vi) fails to include state-run avalanche information centers, such as the Colorado Avalanche Information Center and the Utah Avalanche Center. Our suggested addition to (5)(B)(vi) will ensure these critical partners are eligible for Ski Area Fee Retention Account funds. Furthermore, by including over-snow travel management planning in the activities eligible for Ski Area Fee Retention Account funds, the SHRED Act can help to support a critical winter recreation management need. Ski area forests support many forms of winter recreation, including snowmobiling. Over-snow vehicle travel management planning provides certainty for snowmobilers and other dispersed winter recreation visitors, by designating routes and areas for over-snow vehicle use in a manner that minimizes use conflict and natural resource impacts. Once completed, forest visitors have a clear understanding of where to go to enjoy their preferred winter activity on the national forest and certainty that this access will be preserved.

Finally, under Congressional rules, this legislation will require a funding offset. If this offset comes from the Forest Service's budget it will negatively impact general Forest Service budgeting, directing scarce funds to the ski area program at the expense of other programs within the agency. If the SHRED Act offset redirects general purpose Forest Service funds to the ski area program this will only exacerbate the agency's capacity challenges.

Thank you for the opportunity to provide testimony on this legislation.

Sincerely,

HILARY EISEN,
Policy Director

Mr. NEGUSE. Thank you, Mr. Chairman. With that being said, I look forward to hearing from the witnesses this morning and, again, want to thank them for taking the time to testify before the Subcommittee, and thank the Chairman for putting these bills on the legislative hearing today.

I yield back.

[The prepared statement of Mr. Neguse follows:]

PREPARED STATEMENT OF THE HON. JOE NEGUSE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF COLORADO

Thank you, Chair Tiffany. Today's legislative agenda will consider eight recreation bills, continuing important work on measures like the BOLT Act and SOAR Act that we started last Congress.

I always enjoy the opportunity to hear public lands and outdoor recreation bills in this Subcommittee, as outdoor recreation is important to not only me but my constituents back home in Colorado, and something I have been proud to work on during my time in Congress.

The first bill I would like to highlight is my legislation, H.R. 1319—the Biking on Long-Distance Trails, or BOLT Act—which I introduced with my good friends and Natural Resources Committee members, Representatives Curtis of Utah and Lee of Nevada.

My legislation would require DOI and USDA to establish long-distance bike trails across the country to promote biking on federal lands across the United States. Not only making it safer and accessible to more Americans, but also providing opportunities to boost the outdoor recreation economy.

The BOLT Act is bipartisan, bicameral legislation and I look forward to hearing from our witnesses later today to speak about its importance. I was glad to pass this bill on Unanimous Consent out of this Committee last Congress and also through the full House of Representatives in a bipartisan vote. I look forward to working to advance this legislation out of Committee again this year.

Next on the agenda is H.R. 1527—the Simplifying Outdoor Access for Recreation, or SOAR Act.

H.R. 1527 would modernize special recreation permitting to increase access on public lands. In turn, this would grow the outdoor recreation economy and provide our communities with the physical and mental health benefits of enjoying time outside in our public lands.

This is a major priority for the outfitter and guide community, and I really hope we can get it all the way across the finish line before the end of this Congress.

I have been working with Mr. Curtis to pass this bill over the past few Congresses, and I am glad to see we are taking up this bill again so early in the 118th Congress.

Speaking of Mr. Curtis, he introduced another bill on today's agenda that I am partnered with him on as an original co-sponsor.

H.R. 1380, Protecting America's Rock Climbing Act, or the PARC Act, aims to protect recreational climbing and establish consistency in climbing management on federal lands by requiring USDA and DOI to establish guidance on climbing in wilderness areas.

I understand that the Department of Interior has concerns about the specifics of this legislation, so I look forward to hearing how land management agencies are working to ensure access, and working with them and the sponsor on any concerns with the bill.

Next, we have H.R. 930—the Ski Hill Resources for Economic Development, or SHRED Act of 2023, introduced by Representative Kuster of New Hampshire.

I am proud to also co-lead this bill and look forward to discussing the legislation today.

The ski community consists of 122 ski areas across our nation's public lands, including many world-renowned ski areas that I am lucky enough to represent in my district. It is critical that these areas and our national forests are properly funded for the outdoor recreational economy and community and to protect our lands and resources.

The SHRED Act will provide needed funding for resources in National Forests to support winter recreation by creating a Ski Fee Area Retention Account to retain fees for reinvestment in local forests.

Next is H.R. 1614—the Range Access Act, introduced by former Natural Resources Member, Mr. Moore of Utah.

H.R. 1614 would establish free recreational shooting ranges in all qualifying National Forests and Bureau of Land Management public land districts. Recreational shooting is already authorized on public lands and these shooting ranges can provide a safe environment to engage in the sport.

H.R. 1642, the Law Enforcement Officer and Firefighter Recreation Pass Act, introduced by Representative McClintock of California would amend the Federal Lands Recreation Enhancement Act to provide National Parks and Federal Recreational Lands Passes to law enforcement officers and firefighters.

Currently, the National Park Service has a process in place to issue free National Parks and Federal Recreational Lands Passes to a select group of individuals,

including U.S. Military Members and Veterans. I commend the work of law enforcement officers and firefighters to keep our public lands safe.

I continue to support the goal of increasing access to our public lands and am happy to see this Committee prioritizing outdoor recreation, as this is critical to my communities and constituents in Colorado. There is clearly broad interest in outdoor recreation on public land. Over the past few days, the Committee has received several letters from groups including the Outdoor Alliance, Back County Hunters and Anglers and the Winter Wildlands Alliance, the American Mountain Guides Association, and the Outdoor Recreation Roundtable Association. I ask for unanimous consent to enter these letters into the hearing record.

I look forward to hearing from the witnesses this morning and thank them for taking the time to testify before the Subcommittee.

Mr. TIFFANY. Thank you to the Ranking Member for those comments.

Now, I would like to recognize Representative Fulcher for 5 minutes on H.R. 1576, the FILM Act.

**STATEMENT OF THE HON. RUSS FULCHER, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO**

Mr. FULCHER. Thank you, Mr. Chairman. Thank you for the opportunity to testify today in support of the Federal Interior Lands Media Act, or the FILM Act.

The FILM Act updates the permitting and fee requirements for capturing photography and video on Federal lands under the jurisdiction of the USDA and the Department of the Interior by providing exemptions for such fees for commercial or non-commercial creation, regardless of where the content is distributed.

Now, there is a bit of background here. In the year 2000, Congress passed a bill providing guidelines to the land management agencies for commercial film activities. However, the question of what is commercial, the definition of that, versus what was not, has prompted some concerns that relate to free speech and, overall, the access to Federal lands. Here are some specific but ongoing examples of the struggles we are talking about.

Idaho Public Television, or IPTV, is an entity funded in part by Idaho taxpayers, and it has increasingly been confronted with questions related to whether or not they need to acquire a permit to film on Federal lands for their TV show called "Outdoor Idaho." "Outdoor Idaho" is a television production showcasing Idaho's outdoor areas, most of which are held in the Federal estate. In submitted testimony, Bill Manny, the Executive Producer at Idaho Public Television, identified several examples for the need to update the statute relating to filming on Federal lands.

In four separate instances over the last 2 years, Mr. Manny received conflicting information from various land management agencies as to whether or not a permit was required prior to filming. In one instance, Mr. Manny's team sought to film in Idaho's Bitterroot Mountains. And given his prior working relationship with Federal land management agencies, Manny appropriately informed the relevant agencies of his activities, only to be told that he must first provide specific dates, times, and locations for all areas to be filmed. Manny was also encouraged to use old footage dating as far back as 1995, instead of taking new footage. Mr. Manny was told by one of the land management agencies that he

should have had trail volunteers shoot video footage for IPTV from their personal phone cameras, rather than let him compile video, as he typically would, with his multi-person professional crew.

Mr. Chairman and Committee Members, unfortunately, there are circumstances around the country where Federal agencies take a heavy-handed management position against reasonable public land use. This legislation clarifies that for purposes of filming on Federal lands, in that case, our Federal lands are just that, our Federal lands, and they need to be accessible to all content creators, in this case, those showcasing its beauty.

Lastly, a lot of work has gone into finding an appropriate legislative fix. So, to the Federal Land Subcommittee staff for working so hard on this FILM Act, please accept my thanks.

With that, I appreciate your consideration, and I yield back.

Mr. TIFFANY. Thank you, Congressman Fulcher. I now recognize the Representative from Utah, Mr. Moore, on the Range Access Act.

You have 5 minutes, sir.

**STATEMENT OF THE HON. BLAKE MOORE, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. MOORE. Thank you, Chairman Tiffany. It is wonderful to be back in this Committee room, the Committee that gets things done and bills passed.

And to the Ranking Member, my colleague from Colorado, Mr. Neguse, I trust you have seen the exceptional ski season that Utah has had this year, and I want to again extend an offer to, at any point you would like to visit the greatest snow on Earth, you are always welcome.

[Laughter.]

Mr. MOORE. I am truly grateful, with all jokes aside, to be back here with the opportunity to speak on the Range Access Act, which I introduced with my colleague and friend, Congressman Panetta from California. This is an important bill for my district and for our nation.

Conservation is an issue that all Americans care about. In 1937, Congress passed the Pittman-Robertson Act to help generate funding for conservation programs. At the time, wildlife and habitats across the nation were on the decline. Americans and industry stepped up and passed the Pittman-Robertson Act to bring money to state wildlife agencies. The program has been, for lack of a better word, a wild success.

Over the years, states have received more than \$15 billion in conservation funding. And according to the National Shooting Sportsmen Foundation, nearly 85 percent of the funding generated each year is derived from target ammunition. One of the first projects ever funded by the Pittman-Robertson Act was in my home state of Utah in 1938, to improve waterfowl habitat. Eighty-five years later, this funding has been used to teach hunter education classes, purchase property, develop shooting ranges, study deer populations, control invasive species, and much, much more.

This funding is crucial, since states face many challenges when managing public lands. Because of increased usage, drought, and other factors, states today have to work harder to manage lands

effectively. Working to ensure that our states have access to even more conservation funding is one way that we can all help alleviate this burden. I am grateful that the House Natural Resources Committee is holding this hearing today to consider my Range Access Act, which will help us accomplish this important goal.

The Range Access Act will make it easier for Americans to recreational shoot by requiring the Bureau of Land Management and the U.S. Forest Service to operate public, free-of-charge, shooting ranges in every district. These ranges will be located on sites that meet specific access and safety criteria identified by the agencies, in consultation with local and tribal governments, non-profits, wildlife agencies, shooting clubs, and more. They will also feature important safety features like berms, firing lines, and benches.

In addition to stimulating local economies, this bill will make it easier for Americans to safely recreate, assist more generally in our efforts to recruit a new generation of conservationists, and also improve the condition of our public lands.

Many of us have all planned family excursions to visit state or Federal lands, only to see shot-up toasters and old TVs, kind of done in impromptu targeting practice, and I believe I speak for all of us when I say that none of us would miss seeing this type of trash littered across our beautiful public lands. By establishing appropriate shooting ranges, we can clean up pollution, and the litter, and improve the conditions of the land that we all love.

The value of this cannot be overstated. The elusive win-win is not something we find frequently in Congress, but I am proud to lead this effort and can unite Americans from all backgrounds and political persuasions. This is about fulfilling the purpose of our lands.

Utah is home to some of our nation's most beautiful landscapes, and an exceptional snow ski season this year. We know and love these lands, and want to make them more accessible, more enjoyable, and more clean for future generations, and I believe we can accomplish these goals.

Thank you again for holding this important hearing, for considering this bill, and I yield back.

[The prepared statement of Mr. Moore follows:]

PREPARED STATEMENT OF THE HON. BLAKE MOORE, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF UTAH

Thank you, Chairman Tiffany, Ranking Member Neguse, and members of the Committee for holding this hearing today.

I am grateful for the opportunity to speak about the Range Access Act, which I introduced with my colleague, Congressman Panetta. This is an important bill for my district and for our nation.

Conservation is an issue that all Americans care about.

In 1937, Congress passed the Pittman-Robertson Act to help generate funding for conservation programs. At the time, wildlife and habitat across the nation were on the decline. Americans and industry stepped up and passed the Pittman-Robertson Act to bring money to state wildlife agencies.

The program has been a—for lack of a better word—*wild* success. Over the years, states have received more than \$15 billion in conservation funding.

According to the National Shooting Sports Foundation, nearly 85 percent of the funding generated each year is derived from target ammunition.

One of the first projects ever funded by the Pittman-Robertson Act was in my home state in Utah in 1938 to improve waterfowl habitat. Eight-five years later,

this funding has been used to teach hunter education classes, purchase property, develop shooting ranges, study deer populations, control invasive species, and much more.

This funding is crucial since states face many challenges when managing public lands. Because of increased usage, drought, and other factors, states today have to work harder to manage lands effectively.

Working to ensure that our states have access to even more conservation funding is one way we can help alleviate this burden.

I am grateful that the House Natural Resources Committee is holding this hearing today to consider my Range Access Act, which will help us accomplish this important goal.

The Range Access Act will make it easier for Americans to recreationally shoot by requiring the Bureau of Land Management and the U.S. Forest Service to operate public, free-of-charge shooting ranges in every district.

These ranges will be located on sites that meet specific access and safety criteria identified by the agencies in consultation with local and Tribal governments, non-profits, wildlife agencies, shooting clubs, and more. They will also feature important safety features like berms, firing lines, and benches.

In addition to stimulating local economies, this bill will make it easier for Americans to safely recreate, assist us more generally in our efforts to recruit a new generation of conservationists, and also improve the condition of our public lands.

Many of us have planned family excursions to visit state or federal lands only to see shot-up toasters and TVs. I believe I speak for all of us when I say none of us would miss seeing trash littered across public lands.

By establishing appropriate shooting ranges, we can clean up pollution and improve the conditions of the lands we all love.

The value of this cannot be overstated.

The elusive win-win is not something we find frequently in Congress, but I am proud to lead this effort that can unite Americans from all backgrounds and political persuasions. This is about fulfilling the purpose of our lands.

Utah is home to some of our nation's most beautiful landscapes. We know and love these lands and want to make them more accessible, more enjoyable, and more clean for future generations.

And I believe we can accomplish all these goals.

Thank you again for holding this important hearing today, and I yield back.

Mr. TIFFANY. Thank you, Representative Moore.

I would like to ask unanimous consent that Chairman Westerman's statement be entered into the record in support of his bill, H.R. 1667, the Ouachita National Forest Overnight Camping Act.

Without objection, so ordered.

[The prepared statement of Mr. Westerman follows:]

PREPARED STATEMENT OF THE HON. BRUCE WESTERMAN, CHAIRMAN, COMMITTEE ON
NATURAL RESOURCES

Public access to our public lands is crucial. All Americans should be able to get outdoors, recreate, and enjoy the beauty of our country. We need to take care of our lands to ensure the maximum outdoor experience. I have long been a proponent of conservation, stewardship, and recreation.

As Chairman of the House Natural Resources Committee, I am committed to serious oversight of our federal land management agencies. While many Americans enjoy public lands, the lands are not accessible to all. Committee Republicans will encourage diverse use of public lands, quality of access, and proper management of funds by our agencies to address the growing backlog of deferred maintenance.

This hearing sets up a series of hearings in which we will address the pressing issues hampering the outdoor recreation economy. From small businesses, to local, rural, and gateway communities, the importance of recreation is felt all over this country. Sadly, costly permits and bureaucratic processes are stifling some of the fastest and most popular outdoor activities like hunting, fishing, biking, climbing, hiking, and camping.

One of the best places to recreate is the Ouachita National Forest, in my district. Visitors can fish, swim, camp, hike, bike, trail ride horses, and enjoy the outdoors, among other activities.

The 1.8 million-acre Ouachita National Forest in Arkansas and Oklahoma is a recreation destination to hundreds of thousands of people annually. One of the most popular sites within the Ouachita National Forest is the Albert Pike Recreation Area, which features hiking, swimming, and other day uses. It was a popular place for overnight campers, with families and generations of families returning year after year.

The area was closed to overnight camping after a major flash flood tragically killed 20 people on June 11, 2010. In November 2020, the Forest Service initiated a planning process to determine which facilities and infrastructure would support the uses of the recreation area in the future. Under the Forest Service's final decision, no overnight camping would be permitted.

After the Forest Service's decision to permanently suspend all overnight camping, I have heard from countless constituents who expressed their disappointment and frustration at the decision. It would be a disservice to the community to permanently ban overnight camping and deprive folks who return to the area year after year to share the experiences they had as children with their families. I look forward to working with the Forest Service to allow for safe and responsible usage for years to come. We can safely refit the area to ensure the 2010 tragedy never occurs again.

That is why I introduced the Ouachita National Forest Overnight Camping Act to reopen overnight camping in the Ouachita National Forest closed as a result of the flood. First, the bill would require the Forest Service to re-open any campsites outside of the 100-year flood plain within thirty days of the bill's enactment. Second, it would identify areas suitable for overnight camping within six months. Finally, the bill would develop at least 54 campsites outside of the 100-year flood plain within 2 years of the bill's enactment.

I'd like to thank Mike Mills, the Secretary of the Arkansas Department of Parks, Heritage and Tourism for joining us today. Along with being a constituent of mine, Secretary Mills ran the Buffalo Outdoor Center for over forty years. Secretary Mills knows firsthand the value that well managed public lands can have for small businesses and gateway communities. I'd also like to thank our new Governor, Sarah Huckabee Sanders, for her leadership in outdoor recreation and for establishing the Natural State Initiative. Arkansas is already a world class destination for activities like mountain biking and rock climbing, and under her leadership we are poised to grow the Natural State's outdoor recreation economy even further.

As we continue to promote access to our federal lands, proper management, and enjoyment for all Americans, I know this Committee will be a leader in these conversations. I look forward to working in a bipartisan and bicameral fashion to advance comprehensive legislation supporting outdoor recreation on federal lands and waters in the 118th Congress.

Mr. TIFFANY. Next, I would like to recognize the gentleman from California, Mr. McClintock, on H.R. 1642.

Mr. MCCLINTOCK. Thank you, Mr. Chairman. In the interest of time, the sponsor of the bill, the fellow who brought it to us, is here today to testify on it. He can do a far better job explaining it than I can. So, I will eagerly await his testimony, and yield back the balance of my time.

Mr. TIFFANY. Thank you to the gentleman from California.

We are going to move on to our second panel now. Let me remind the witnesses that under Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the record.

To begin your testimony, please press the "on" button on the microphone. We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red, and I will ask you to please complete your statement.

I will also allow all witnesses to testify before Member questioning.

I would like to now introduce Mr. Chris French, who is the Deputy Chief of the National Forest System for the U.S. Department of Agriculture, Forest Service.

Deputy Chief French—first of all, welcome back.

Mr. FRENCH. Thanks.

Mr. TIFFANY. And you are now recognized for 5 minutes.

STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, WASHINGTON, DC

Mr. FRENCH. Thank you, Chairman Tiffany and Ranking Member Neguse, and members of the Subcommittee. I appreciate the opportunity to testify today.

I am Chris French, the Deputy Chief of the National Forest System for the USDA Forest Service. I have been with the agency for more than 30 years, and I am responsible for the policy, oversight, and direction for the natural resource and public service delivery programs across 193 million acres of national forests and grasslands. This includes all of our programs for managing recreation and special use permitting, which are the focus of the bills you are considering today.

I am a strong advocate for the Forest Service Recreation Program and am proud that we provide one of the widest arrays of recreational opportunities on our public lands today, including 159,000 miles of trails, 370,000 miles of roads, and nearly 30,000 recreation sites.

Recreation is, by large, the largest economic driver off of national forests, contributing more than \$13.7 billion to America's GDP and supporting more than 161,000 jobs. However, we have a budget and resources that are dwarfed by many of our other programs. This past year, the Forest Service began a National Strategy and Action plan effort called the Reimagine Recreation. Many of today's bills share the same spirit designed to help us move toward that strategy.

Reimagine Recreation challenges ourselves to think differently about how we deliver recreation into the future. That vision is grounded by engaging with others, including new and diverse audiences. To that end, I am excited to see Congress' focus on our recreation program, because they are the primary pathway used by more than 160 million American visitors as they connected with our national forests in just the past year.

In terms of the specific bills that are being discussed today, USDA supports the SHRED Act, which would improve our customer service, along with improving a variety of recreation opportunities on national forest lands that contribute to local economies. The SHRED Act recognizes the resources needed to support the 127 downhill ski areas that are located on National Forest System lands, and it allows us to provide a level of service deserving to this important use. Importantly, it also helps us deliver our entire recreation program.

We support the intent of the Range Access, BOLT, and Law Enforcement Officer and Firefighter Recreation Pass Acts, and we would welcome opportunities to work with you on how best to meet

the goals of these bills. In each of these bills, there are existing pathways to accomplish the bill objectives, and I think it is important to identify the costs and consequences of achieving the intent of the bills in light of a program that is currently challenged by its funding levels.

We generally support the SOAR Act as a means to streamline our permitting programs and provide greater access to our National Forest System. We manage over 30,000 special use authorizations, including more than 8,000 outfitter guide permits, 3,000 special event permits, and 1,500 communication sites. The SOAR Act establishes efficiencies and approaches that make that process more customer-driven. We would like to share with the Committee some of the agency improvements and changes we have undertaken since the bill was originally conceived.

USDA opposes the PARC Act. We recognize that climbing is an important activity in wilderness. However, our current policy development in response to existing congressional direction already meets the bill intent of providing climbing guidance without further legislation.

And while we have concerns with the FILM Act, we welcome any opportunity to work with the Subcommittee to improve the clarity of the proposed processes and consistency of the bill's approach with other laws and regulation.

On the Ouachita National Forest Overnight Camping Act, USDA would like to work with the bill's sponsor and the Subcommittee to make future management of the Albert Pike Recreation Area safe and enjoyable for the public. Albert Pike has safety challenges that we are all aware of, so we look forward to developing a collaborative solution that meets the needs of the public.

I appreciate the Subcommittee's focus on improving recreation delivery on our public lands. I look forward to working with you on these bills, and I welcome your questions today. Thank you.

[The prepared statement of Mr. French follows:]

PREPARED STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM,
U.S. DEPARTMENT OF AGRICULTURE—FOREST SERVICE

ON H.R. 930, H.R. 1380, H.R. 1667, H.R. 1642, H.R. 1319, H.R. 1614, H.R. 1576,
AND H.R. 1527

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA), Forest Service, regarding various Federal land management bills.

USDA appreciates the recognition by this Subcommittee of the importance of recreation on Federal lands to our national economy, as well as the sustained interest in finding solutions to recreation management challenges. We understand these challenges, and we know that we can further enhance recreation opportunities on Federal lands. Seeking to continue the momentum built through the Great America Outdoors Act and the Infrastructure, Investment and Jobs Act (IIJA), the Forest Service has initiated a national strategy and action plan called Reimagine Recreation. The Forest Service is also a foundational member of Federal Interagency Council on Outdoor Recreation (FICOR), which is partnering across all land and water management agencies to better coordinate delivery of opportunities and access for outdoor recreation. This effort will clarify and change the way we deliver recreation opportunities. We are building our vision by engaging with new and diverse audiences. Our goal is to develop a national recreation action plan by the end of this year that sets clear priorities for the agency and identifies the conditions and pathways to get us there. We look forward to keeping you apprised of this effort

and believe it can address many of the issues targeted by the proposed legislation we are discussing today.

Concerning the bills that are the subject of this hearing:

USDA supports H.R. 930 (the SHRED Act) and supports the intent of the Range Access, SOAR and BOLT Acts, as well as the Law Enforcement Officer and Firefighter Recreation Pass Act.

USDA opposes the PARC Act because we are in the midst of policy development that is required by existing legislation and believe this legislation is unnecessary. Given there is pending litigation associated with issues addressed by the FILM Act that may affect the proposed legislation, USDA would also like to work with the Subcommittee on the topic of commercial filming. On H.R. 1667, USDA would like to work with the Subcommittee to address the concerns expressed below and make future management of the Albert Pike Recreation Area safe and enjoyable for the public. USDA defers to the U.S. Department of the Interior (DOI) as to the effects of these bills on any DOI bureaus and the federal lands under their jurisdiction.

Background

The USDA Forest Service manages 155 national forests and 20 national grasslands, comprising 193 million acres in 41 states and Puerto Rico. National forest and grassland outdoor recreation offers the widest possible array of opportunities to experience Federal lands, which are home to three million acres of lakes, 400,000 miles of streams, 122 Wild and Scenic Rivers for rafting, kayaking and other watersports, and 159,000 miles of trails for horseback riding, hiking, snowmobiling, mountain biking, and more.

The Forest Service is deeply committed to connecting all Americans to the outdoors, and we value the important role played by outfitters and guides, resorts, non-profit organizations, and other concessioners in connecting people to recreation opportunities in the national forests and grasslands. Outdoor recreation attracts people to visit, live, and work in gateway and rural communities and supports the health, well-being, and economic vitality of those communities. In fiscal year 2021, recreation on National Forest System lands contributed more than \$13.7 billion to America's gross domestic product and supported more than 161,500 full and part-time jobs, the vast majority of which are in gateway and rural communities.¹

In fiscal year 2021, there were 156 million recreation visits to national forests and grasslands. When we include the number of people who pass through these beautiful forests and grasslands to enjoy the scenery and travel on scenic roads and byways, that number increases to 456 million visits. Recreation pressure has been particularly significant in national forests close to urban areas.

Moreover, the recreation program on National Forest System lands sustains more private sector jobs per program dollar than any other Forest Service program and provides the single largest economic stimulus for many local communities adjacent to or within National Forest System boundaries. Outdoor recreation opportunities and amenities are consistently ranked as one of the primary reasons people move to rural towns and can be a leading contributor to small town economies. The Forest Service administers over 30,000 commercial recreation special use authorizations for activities that generate nearly \$2 billion in revenue for special use authorization holders. In particular, the Forest Service administers 127 ski area permits and approximately 8,000 outfitting and guiding permits.

These permits enable private sector professionals and educational institutions to lead a range of activities on National Forest System lands, from whitewater rafting, downhill skiing, horseback riding, and big game hunting to educational trips for youth in the wilderness and scenic jeep tours. For many recreationists, these activities represent their exposure to the outdoors, and the outfitters and guides they employ are often small businesses that generate jobs and income for local communities. Forest Service permit holders help connect Americans to their natural world and these connections have proven benefits for mental health and overall wellbeing.

H.R. 930: Ski Hill Resources for Economic Development (SHRED) Act

The SHRED Act would amend the Omnibus Parks and Public Lands Management Act of 1996 to establish an account for ski area permit fees and to authorize the Forest Service to deposit ski area permit fee revenues into that account and retain and spend the revenues for specified purposes.

¹2021 National Visitor Use Monitoring survey. These numbers reflect total benefits (direct, indirect, and induced).

USDA supports the SHRED Act. The authority to retain and spend ski area permit fees would improve customer service through improved ski area permit administration. This bill would increase efficiencies in administering ski area permits and support staff training, coordinating wildfire preparedness, and providing avalanche-related safety education. The SHRED Act also would provide for some of the retained permit fee revenues to be used for administration of other types of commercial recreation permits, visitor services, and other purposes.

In 2021, \$77 million in ski area permit fees were collected by the Agency. The current ten-year average for annual ski area permit fees is \$44 million. Based on the formula in the bill, 100% of the ski area permit fees would be retained by the Forest Service annually. Retained ski area permit fees would be used to improve administration of recreation opportunities that contribute to local economic activity across 127 ski resort communities on National Forest System lands, primarily in rural areas, in 14 states. These recreation opportunities spur industry growth and generate revenue for ski areas.

H.R. 1380: Protecting America’s Rock Climbing (PARC) Act

H.R. 1380 would require the Secretaries of Agriculture and the Interior each to issue guidance on climbing management in wilderness areas under each Secretary’s jurisdiction. The guidance would have to recognize the appropriateness in wilderness areas of “allowable activities,” which are defined in the bill to include recreational climbing, the placement, use and maintenance of fixed anchors, and the use of other equipment necessary for recreational climbing. The bill specifies that allowable activities are appropriate only if undertaken in accordance with the Wilderness Act (16 U.S.C. 1131 *et. seq.*), other applicable laws and regulations, and any terms and conditions deemed necessary by each Secretary. Prior to any management action affecting “allowable activities” in wilderness, the public would have to be given notice and opportunity to comment. However, no guidance or public notice and comment would be required in the case of an “emergency action,” defined as a time-sensitive action with a duration of less than two years that is necessary to protect natural resources or public health and safety.

Climbing is a growing sport, with approximately 10 million Americans participating. We recognize that climbing is an appropriate activity in wilderness when conducted in accordance with applicable law and Forest Service directives and consistent with the applicable land management plan and climbing management plan. While almost one-third of all climbing opportunities on federally managed land are located on National Forest System lands, currently the Forest Service has no national-level direction on those climbing opportunities.

USDA opposes the PARC Act. In 2021, Congress required the Agency, through the Consolidated Appropriations Act to develop guidance on climbing opportunities on national forests and grasslands, including the application of the Wilderness Act and appropriate use of fixed anchors and fixed equipment in wilderness. In response, the Agency has been developing the guidance, in consultation with the U.S. Department of the Interior, and will publish the proposed guidance for public comment, as required by existing law. The Forest Service anticipates publishing the proposed policy for public comment later this spring. Tribal consultation on the proposed policy has already been completed. Because of the existing statutory requirement to develop the policy and its ongoing development, USDA does not believe legislation is necessary to accomplish the intent of this bill. We believe the directive currently under development will lead to climbing management plans that balance cultural and ecological objectives consistent with the agency’s multiple-use mandate and the Wilderness Act. USDA has strong concerns about ambiguity of terms in the bill and constraints on the Forest Service’s ability to address emergencies based on the definition of the term “emergency action” in the bill. Furthermore, creating new definitions for allowable uses in wilderness areas, as H.R. 1380 would do, has the practical effect of amending the Wilderness Act, which could have serious and harmful consequences for the management of wilderness areas across the nation.

H.R. 1667: Ouachita National Forest Overnight Camping Act

H.R. 1667 would require the Forest Service to identify areas within the Albert Pike Recreation Area on the Ouachita National Forest in Arkansas that may be suitable for overnight camping within six months of enactment. Within two years of enactment, the bill would require the Agency to select and establish campsites and related facilities for public use from identified areas. The bill would require the Forest Service to ensure that at least 54 campsites are available, that each campsite and related facilities are located outside the 1 percent annual exceedance probability flood elevation (100-year floodplain), and that at least 8 campsites have electric and water hookups. H.R. 1667 also would require the Forest Service to open within 30

days of enactment each existing campsite in the Albert Pike Recreation Area that is located outside the 100-year floodplain.

The Forest Service is deeply committed to connecting all Americans to the outdoors and values the important role camping plays in connecting visitors to nature and recreation opportunities in the national forests and grasslands. The Forest Service also agrees developed campsites should be located outside the 100-year floodplain for visitor safety reasons.

The landscape and weather patterns of the Ouachita National Forest present a very high risk of flash flooding in and near the Albert Pike Recreation Area. Existing developed campsites in the Albert Pike Recreation Area are located in the 100-year floodplain. A tragic flood in 2010 inundated the entire area, exceeding the 100-year floodplain, taking the lives of 20 people camping in the area and leading to multiple lawsuits against the United States.

To address public safety concerns and minimize potential liability of the United States, developed campsites in the Albert Pike Recreation Area must be outside the existing 100-year floodplain and above the documented elevation of previous flooding. However, it is questionable whether the Albert Pike Recreation Area can accommodate 54 campsites, or even the existing number of campsites, outside the existing 100-year floodplain. Although there is a small amount of acreage in the area that is outside the existing 100-year flood plain which could accommodate some campsites, the access road to that acreage would be in the existing 100-year flood plain, creating a risk of potential entrapment endangering the public and first responders. Twice since last fall, the bridge accessing parts of the area has been under water from storms.

Even assuming the Albert Pike Recreation Area has the potential to accommodate existing and additional campsites outside the existing 100-year floodplain, making that determination would require a site assessment and suitability analysis. The time needed to conduct a site assessment and suitability analysis, obtain the requisite funding, and reconstruct existing campsites and construct new campsites outside the existing 100-year floodplain would exceed the time frame specified in the bill.

The Ouachita National Forest has campgrounds in the vicinity of the Albert Pike Recreation Area that are not at capacity and that have desirable amenities. USDA would like to work with the Subcommittee and bill sponsors to explore how best to ensure that the Albert Pike Recreation Area provides safe and enjoyable recreation experiences for the public while minimizing the potential liability of the United States.

H.R. 1642: Law Enforcement Officer and Firefighter Recreation Pass Act

H.R. 1642, the Law Enforcement Officer and Firefighter Recreation Pass Act, would amend the Federal Lands Recreation Enhancement Act (FLREA) to provide for an annual National Recreational Pass free of charge for law enforcement officers and firefighters who provide adequate proof of eligibility as determined by the Secretary concerned. The bill defines a “firefighter” as any employee of the Federal Government, a State, a unit of local government, or an Indian Tribe who performs work directly related to suppressing fires, including wildland fires. A “law enforcement officer” is defined as any officer, agent, or employee of the Federal Government, a State, a unit of local government, or an Indian Tribe authorized by law or by a governmental agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law or who is authorized by law to supervise sentenced criminal offenders.

FLREA authorizes the Federal land management agencies to retain and spend the recreation fee revenues they collect, primarily at the sites where they are collected and can directly benefit visitors to those sites. It is important to consider a balanced approach to Federal recreation passes and the impact that free Federal recreation passes have on Federal land management agencies’ ability to offer the high-quality recreation services the public has come to expect. USDA works closely with other Federal land management agencies to support Federal lands across the nation, including the State of California, where FLREA is especially beneficial. USDA appreciates the intent of this bill, and we would like to work with the bill sponsor and the Subcommittee to see how we can best meet the goals of the proposed legislation.

Notably, over 20 percent of all Americans (58 to 79 million) are eligible for a free or low-cost Annual or Lifetime America the Beautiful—National Parks and Federal Recreational Lands Pass, including the annual Military Pass, lifetime Access Pass, 4th Grade Every Kid Outdoors Pass, annual and lifetime Senior Passes, and most recently, launched just last November, the new lifetime Veterans and Gold Star Families Pass. According to the U.S. Department of Justice, as of 2022, nearly 25

percent of law enforcement officers are veterans and would qualify for the lifetime Veterans and Gold Star Families Pass.

H.R. 1319: Biking On Long-Distance Trails Act

H.R. 1319, the Biking on Long-Distance Trails (BOLT) Act, would require the Federal land management agencies to identify at least 10 long-distance bike trails on the Federal lands they manage and to identify at least 10 areas where long-distance bike trails could be developed or completed on the Federal lands they manage. Long-distance bike trails are defined as trails being at least 80 miles in length that are available to mountain biking, road biking, touring, or cyclo-cross. The bill would provide for maps and other bike trail identification materials and would require submission of a report to Congress within two years of enactment on the identified bike trails.

USDA supports the goal of H.R. 1319 to identify and promote long-distance biking opportunities on National Forest System lands. Consistent with its multiple-use mission, the Forest Service considers mountain biking in the context of all possible uses of National Forest System trails, including hiking, horseback riding, and off-highway vehicle use. National Forest System lands provide numerous long-distance biking opportunities on local as well as regionally and nationally recognized trails such as the Colorado Trail, several National Recreation Trails, the Arizona National Scenic Trail, and portions of the Continental Divide National Scenic Trail.

We would welcome the opportunity to discuss existing biking opportunities on National Forest System lands and to work on technical improvements to the bill. For example, we would like to clarify expectations regarding each Secretary's contribution toward identifying and developing long-distance bike trails, including the development of maps and signage. We also note that there are costs associated with this bill. We estimate signage for each long-distance bike trail could cost up to \$10,000, with development of maps and other information costing an additional \$2,000 to 5,000 per trail. If new trail construction is needed, it would cost an additional \$20,000 to \$25,000 per mile.

H.R. 1614: Range Access Act

H.R. 1614, the Range Access Act, would require the Forest Service within 1 year of enactment to identify each national forest that has an existing target range meeting criteria specified in the bill. The bill would also require the Forest Service to identify each national forest that does not have a target range meeting those criteria and determine whether establishment of such a target range is prevented by existing law or the applicable land management plan. For each national forest where establishment of such a target range is not prevented by law or the applicable land management plan, the Forest Service would have to identify a suitable location for the target range based upon criteria specified in the bill and construct the target range within five years, subject to availability of appropriations, modify an existing target range to meet the bill's criteria, or enter into an agreement with another entity to establish or maintain such a target range. The Forest Service would be prohibited from requiring a user to pay a fee for use of a target range designated under the bill. Furthermore, prior to issuance of a non-emergency order prohibiting recreational shooting under the Dingell Act (16 U.S.C. 7913), the bill would require the Forest Service to seek to ensure that a target range meeting the criteria of the bill or an equivalent target range adjacent to National Forest System lands is available to the public. The bill would also apply to the U.S. Department of the Interior with respect to Federal lands administered by the Bureau of Land Management.

USDA supports the intent of H.R. 1614 to support target ranges on National Forest System lands. However, we have serious concerns with the bill as written, including the safety of those enjoying the sport as well as of those nearby, and we would welcome an opportunity to work with the bill sponsor and the Subcommittee on how best to support target ranges on National Forest System lands while addressing public safety concerns.

The Forest Service already has authority to identify appropriate sites for construction and operation of target ranges on National Forest System lands and is doing so where there is adequate demand, a suitable site, and available funding. H.R. 1614 would overlap with Section 4 of the Target Practice and Marksmanship Training Support Act, which facilitates the establishment of additional or expanded target ranges on Federal land. Assessing and ensuring site suitability for target ranges is critical because of the potential tort liability concerns they present, particularly if they are located close to homes, schools, or popular trails. Site selection may also be affected by environmental concerns associated with wildlife habitat and impacts of spent bullets.

Cost is also an important consideration. There are over 130 target ranges on National Forest System lands, which collectively need \$1.3 million in deferred maintenance. A target range being constructed in the Arapaho and Roosevelt National Forests and Pawnee National Grassland will cost \$4 million to complete, with estimated annual operating and maintenance costs of \$60,000 to \$75,000. H.R. 1614's prohibition on charging use fees would eliminate an important funding source for construction, operation, and maintenance costs. FLREA authorizes the Forest Service to charge recreation fees for the use of target ranges operated and maintained by the Forest Service, which can be retained and spent by the Forest Service. The Agency has authority under other Federal statutes to charge a land use fee to concessioners that operate and maintain target ranges on National Forest System lands. Public use fees and concessioner land use fees are vital to financing the safe and effective operation and maintenance of target ranges. For these reasons, USDA is very concerned about the prohibition in the bill on charging fees for use of these facilities.

H.R. 1576: Federal Interior Land Media Act or “FILM Act”

H.R. 1576, the Federal Interior Land Media Act or “FILM Act,” would preclude USDA from requiring a permit or land use fee for filming or still photography, regardless of the distribution platform, if the filming or still photography meets certain criteria, including occurring in a location where the public is allowed, compliance with visitor use policies, not impeding the experience of other visitors, not disturbing resource values and wildlife, not requiring the exclusive use of a site, compliance with Federal, State, and local law, and not involving a group larger than six individuals. The bill would allow USDA to require a permit and land use fee for filming that occurs in an area not generally open to the public, the agency accrues additional administrative costs associated with the filming, the filming occurs in a high-volume area, a set or staging equipment is required, or the filming involves a group of eight or more individuals. The bill would establish a new “de minimus” category under which a permit would be automatically issued upon submission of an application for groups of six to eight individuals that meet the other criteria in the bill. The bill deems that it creates no conflict with the Wilderness Act of 1964.

In *Price v. Garland*, a federal district court ruled that aspects of the statute authorizing permits and fees for filming and still photography on National Park Service lands violate the First Amendment. On appeal of the case, the Federal government prevailed on its argument that the statute is constitutional. However, the case is still pending, with a petition for a writ of certiorari before the Supreme Court. The National Park Service's filming and still photography statute is identical to the filming and still photography statute for the Forest Service and other Federal land management agencies.

In addition to USDA's concerns that this bill's approach to authorizing filming and still photography on Federal lands would create confusion for permit administrators and the public and could cause resource damage, resolution of the pending litigation will better inform the proposed legislation. We would therefore appreciate the opportunity to work with the Subcommittee and bill sponsors on potential improvements to the existing authority for issuing filming and still photography permits on Federal lands.

H.R. 1527: Simplifying Outdoor Access to Recreation (SOAR) Act

USDA generally supports the intent of H.R. 1527, the SOAR Act, to improve access to outdoor recreation through use of special recreation permits on Federal lands and waters. Since this bill was first introduced several years ago, the Forest Service has made great progress in meeting this intent through administrative improvements to increase the level of customer service provided to the Agency's permit holders and prospective applicants. For instance, the Agency continues to expand its capabilities with online permitting, and a current rulemaking effort will update the cost recovery regulations for special use permitting. Due to these intervening developments to address issues raised by the SOAR Act, USDA would like to work with the bill sponsors and Subcommittee on technical improvements to address any remaining issues in a manner that will be both administratively efficient and provide good customer service to the public.

Title 1—Modernizing Recreation Permitting

USDA supports the overall intent of Title I and has been working since 2016, in conjunction with many trade and industry partners, to modernize the Forest Service's recreation permitting program. Although we support the intent of this

Title, we would like to work with the Subcommittee and bill sponsor to ensure that the language accomplishes its intent.

Section 103: Permitting Process Improvements and Section 104: Permit Flexibilities

USDA supports the overall intent of these sections. Since 2016, the Forest Service has taken steps to implement several of the objectives of these sections, including reducing the number of expired permits by approximately 50 percent. Specifically, the Agency has conducted a Lean Six Sigma Analysis of its permitting process and is implementing recommended actions, many of which align with the intent of this bill. The Agency has also piloted an online application platform for special use permits and plans to continue expanding the capabilities of this digital platform as part of OMB's High Impact Service Provider initiative.

We would like to work with the bill sponsor and Subcommittee to ensure the language in these sections accomplishes their intent, considers existing program delivery, and allows sufficient time to complete ongoing revision of the Agency's regulations and policies. In addition, we want to ensure the language allows us to address visitor capacity issues, such as use conflicts and resource impacts, as appropriate or necessary.

Section 105: Permit Administration

This section would require the Forest Service to notify the public online of available permit opportunities and the status of permit applications. We would like to work with the Subcommittee and bill sponsor to ensure that the Agency's current practices and processes for operating seasons and prospectuses provide adequate notification of permit opportunities within the Agency's existing funding and staffing capabilities.

Section 106: Permits for Multijurisdictional Trips

We understand that the intent of this section is to authorize the issuance of a single joint permit for multijurisdictional trips issued by the lead agency under only the lead agency's authorities. To achieve this intent, technical changes are needed to apply the lead agency's authorities to Federal lands covered by the permit that are under the jurisdiction of another Federal agency. Under existing authority in the Service First statute, the lead agency merely has the delegated authority to issue and administer a separate permit for use of another Federal agency's lands under the laws applicable to that Federal agency, rather than a single joint permit that covers Federal lands administered by more than one Federal agency. We want to work with the Subcommittee to confirm the intent of this section and ensure that it aligns with that intent.

Section 107: Forest Service Permit Use Reviews

We would like to work with the Subcommittee to confirm the appropriate scope of this section so that it applies only to outfitting and guiding permits and to ensure that it does not duplicate existing Forest Service policy.

Section 108: Liability

Subsection (a) of section 108 would preclude the Forest Service from regulating waivers of liability for outfitting and guiding permits and recreation event permits. Subsection (b) would exempt state agencies and other entities from indemnifying the United States if they are precluded by state or local law from doing so. Since environmental liability is not limited by state law, we recommend that the limitations on indemnity apply only to tort liability, not environmental liability. We would like to work with the Subcommittee to make targeted changes regarding liability and indemnification to ensure proper implementation and protect the interests of the United States.

Section 109: Cost Recovery Reform

USDA supports efforts to responsibly apply cost recovery for processing permit applications. However, section 109 would reduce the Forest Service's ability to process simple and complex permit applications. Cost recovery has provided more resources to the Forest Service, enabling the Agency to enhance customer service by processing applications faster. Currently, commercial recreation service providers are exempt from cost recovery fees under Forest Service regulations for applications that take 50 hours or less to process. The Agency is undertaking a rulemaking effort to update the cost recovery regulations and remove the exemption for commercial recreation service providers. This proposed revision would help the Agency increase the level of customer service provided to permit holders and prospective applicants

and would treat commercial recreation service providers the same as non-recreation commercial service providers.

Expanding the scope of the cost recovery fee exemption as proposed in the bill would provide a significant benefit to large commercial recreation service providers by exempting the first 50 hours from a cost recovery fee for complex applications that require more than 50 hours to process. By substantially reducing the amount of cost recovery revenues available for collection, retention, and expenditure, this bill would adversely affect the Agency's ability to staff the processing of applications, thereby undermining the efficiencies gained from other provisions in the bill and revisions to the Forest Service's NEPA regulations. These efficiencies will sufficiently reduce processing times such that limitations on the Forest Service's cost recovery authority are unnecessary. We would like to work with the Subcommittee and bill sponsors to enhance the Agency's authority under the bill to recover costs for processing permit applications.

Section 110: Extension of Recreation Special Use Permits

This provision would provide for renewal of an existing permit rather than issuance of a new permit upon expiration, which is the Agency's current practice. We would like to work with the Subcommittee to preserve the Agency's ability to update permit forms, including new terms as necessary or appropriate, when a permit expires. This ability is particularly important when a permit has been in effect for many years. Additionally, priority use outfitting and guiding permits are currently renewable. Under the Administrative Procedure Act, there is no disruption of service upon expiration of an existing permit if a timely application has been submitted, as the existing permit remains in effect pending disposition of the application. We would like to work with the Subcommittee to ensure this section does not duplicate existing authority that is being fully and effectively utilized.

Title II—Making Recreation a Priority

USDA is generally supportive of Title II but would like to work with the Subcommittee to ensure its provisions align with implementation of other Administration priorities, such as addressing climate change and racial equity. We are also concerned the provision on recreation performance metrics could be interpreted as impairing the multiple-use mission of the Forest Service under the Multiple Use—Sustained Yield Act to the extent the provision purports to establish a statutory preference for recreation.

Title III—Maintenance of Public Land

USDA supports the intent of Title III and looks forward to working with the Subcommittee to ensure its provisions would include traditional and non-traditional partners undertaking this important work. We would like to work with the Subcommittee and bill sponsors to ensure that current Agency programs implemented under the Volunteers in the National Forests Act and existing cooperative authorities are not duplicated.

Conclusion

USDA appreciates the recognition by this Subcommittee of the importance of recreation on Federal lands to the national economy as well as the Subcommittee's sustained interest in finding solutions to recreation management challenges on Federal lands. We welcome opportunities to work with this Subcommittee and bill sponsors where we have noted concerns and the need for technical improvements on these bills. I look forward to your questions.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. CHRIS FRENCH, DEPUTY CHIEF FOR
NATIONAL FOREST SYSTEMS, U.S. FOREST SERVICE

Mr. French did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. I am concerned about the trend of closing campsites across the Ouachita National Forest.

1a) How many campgrounds and campsites are currently open in the Ouachita National Forest?

1b) How does this compare to campgrounds and campsites open on January 1, 2010?

1c) Does the Forest Service have plans to close or open any campgrounds or campsites in the Ouachita National Forest?

Question 2. This Committee has heard from people across this country about the closure of amenities on National Forest System Land.

2a) For Forest System lands, please provide the number of closures since 2000 for campsites, campgrounds, and day use areas. Please provide the number of closures of miles of trails, roads, and routes that served a recreational purpose, such as horseback riding, hiking, or motorized vehicle activities, since 2000 across Forest System lands.

Questions Submitted by Representative Tiffany

Question 1. Administrative rules and decisions can make it difficult to recreate outdoors. I have seen this in my district. There have been a number of boat ramp closures in the Chequamegon-Nicolet National Forest.

1a) How many have been closed in recent years? Have any reopened and does the Forest Service have plans to reopen closed boat ramps?

1b) Across the National Forest System Land, how many boat ramps have been closed in the last 10 years? Does the Forest Service have plans to reopen these boat ramps?

1c) What be done to stop the closure of boat ramps on Forest System Land?

1d) How can states partner with the Forest Service to take over management of these boat ramps?

Mr. TIFFANY. Thank you, Deputy Chief French. I would now like to introduce Mr. Corey Mason, who is the Executive Director of the Dallas Safari Club.

Mr. Mason, you are now recognized for 5 minutes.

STATEMENT OF COREY MASON, EXECUTIVE DIRECTOR, DALLAS SAFARI CLUB, DALLAS, TEXAS

Mr. MASON. Thank you, sir. Chairman Tiffany, Ranking Member Neguse, and members of the Committee, thank you for the opportunity to testify on H.R. 1614, the Range Access Act.

I am Corey Mason, CEO of Dallas Safari Club and DSC Foundation. DSC and DSC Foundation are United States-based conservation organizations that work with wildlife departments and ministries worldwide to promote science-based wildlife conservation and management programs. DSC and DSCF award millions of dollars in annual conservation grants to support wildlife resource and habitat management.

In addition to my duties as DSC and DSCF CEO, I also serve as a board member for the Congressional Sportsmen's Foundation, on advisory committees for mule deer, whitetail, and desert bighorn sheep. I am a member of IUCN's Sustainable Use and Livelihoods Group, and I am a certified wildlife biologist. Previously, I worked for Texas Parks and Wildlife, where I served as Regional Director, Program Leader, and Management Area Biologist.

These experiences have shown me how important public shooting ranges are to help ensure safe and competent shooters and ethical, skilled hunters in the United States. This is especially true in the Western United States, where there is a great deal of Federal land, yet very few places available to practice target shooting, range

safety and etiquette, or to siting a rifle. The more American gun owners and hunters have access to low or no-cost shooting areas, the more competent they become.

While there may be debates over firearm ownership, I think we can all agree that having safe, experienced, and skilled firearm owners in America is incredibly important. This bill will achieve this goal.

In 1937, Congress passed the Federal Aid in Wildlife Restoration Act, known today as Pittman-Robertson. This law has generated over \$15 billion to fund wildlife conservation, habitat enhancement, hunter education, and build shooting ranges in the United States. While I was in the Texas Parks and Wildlife Department, I saw the incredible impact of this funding firsthand. Using PR [Pittman-Robertson] funds, state conservation agencies employed biologists, technicians, and researchers to conduct wildlife surveys, manage state-owned lands, and meet with private landowners to develop management plans, and conduct needed research.

What most people do not realize is that this funding is generated through an excise tax on firearms, ammunition, and equipment, and that funding is then distributed by the U.S. Fish and Wildlife Service, to states. The results have been an overwhelming success. Whitetail deer, prevalent across most of the United States, were once in serious trouble, but have gone from a low of 300,000 to now over 30 million. The same story is true for hundreds of game and non-game species. From black bear to alligator, turkey to elk, the Pittman-Robertson Fund has enabled state fish and game agencies to conserve these species and their habitats for all Americans to enjoy.

This Range Access Act helps to solve a more modern problem. As the country grows, and more and more people move to suburbs, wildland-urban interface and cities expand, many times a shooting range that used to be on the outskirts of town, are now, no longer welcome in new developments. Combine this with a lack of private land in many Western states, and firearm owners have little opportunity to practice. This is where National Forest and BLM lands can make a huge difference and meaningful difference.

With the Forest Service and BLM having roughly 400 million acres under management, the agencies can identify areas where shooting ranges can safely be constructed, while still meeting multiple use mandates.

In closing, without hunters, shooters, and archers, the wildly successful conservation programs built across America, cease to exist. For these reasons, the Dallas Safari Club and DSC Foundation strongly support the Range Access Act, and encourage the Committee to pass the bill. Thank you.

[The prepared statement of Mr. Mason follows:]

PREPARED STATEMENT OF COREY MASON, CEO OF DALLAS SAFARI CLUB
ON H.R. 1614, THE RANGE ACCESS ACT

Chairman Tiffany, Ranking Member Neguse and members of the Committee, thank you for the opportunity to testify on H.R. 1614, the Range Access Act. I am Corey Mason, the CEO of Dallas Safari Club and Dallas Safari Club Foundation. DSC and DSCF are United States-based conservation organizations that work with Wildlife Ministries and Departments worldwide to promote science-based wildlife

management and conservation programs. DSC and DSCF award millions of dollars in annual conservation grants to support wildlife research, habitat management, and other support programs that work to reduce human-wildlife conflict abroad. Domestically, we have funded projects to support State Wildlife Agencies conservation initiatives, including bighorn sheep, mule deer, pronghorn, habitat restoration and connectivity, and water development. Additionally, we have supported many programs to educate and inform youth and the public on wildlife conservation principles and needs.

In addition to my duties as DSC and DSCF CEO, I also serve as a board member for the Congressional Sportsmen's Foundation, Frontline Foundation Board, Texas Advisory Committee for mule deer, whitetail deer and desert bighorn sheep, am a member of International Union for Conservation of Nature's Sustainable Use and Livelihoods Group and I am a Certified Wildlife Biologist. Previously, I worked for Texas Parks and Wildlife Department, where I served as regional director, program leader and management area biologist.

These experiences have shown me how important public shooting ranges are to help ensure safe and competent shooters and ethical, skilled hunters in the US. This is especially true in the western United States where there is a great deal of federal land and yet very few places available to practice target shooting, range safety and etiquette or sight in a rifle. As is the case with most sports, the more one practices, the better one gets. The more American gunowners have access to low or no-cost shooting areas, the more competent they become. The more hunters have access to low or no-cost shooting areas, the better their marksmanship and the more ethical they are while hunting. While there may be debates over firearm ownership, I think we can all agree that having safe, experienced, and skilled firearm owners in America is incredibly important. This bill will help to achieve this goal.

As a conservation organization that is funded and supported by hunters, you may wonder why we are testifying in support of a bill that would help create more ranges on federal lands. The answer to that question goes back to 1937 when Congress passed the Federal Aid in Wildlife Restoration Act—known today as Pittman Robertson. This law has generated over \$15 billion to fund wildlife conservation, habitat enhancement, hunter education and build shooting ranges in the US. While I was at Texas Parks and Wildlife Department, I saw the incredible impact of this funding firsthand. Using Pittman Robertson funds, state conservation agencies employ wildlife biologists, technicians, and researchers to conduct wildlife surveys, manage state owned lands, meet with private landowners to develop management plans, conduct needed research, and perform habitat projects. Turkeys are restored, waterfowl and shorebird habitat is created and maintained, and bighorn sheep habitat is conserved across mountain ranges.

What most people do not realize is this funding is generated through an excise tax on firearms, ammunition and archery equipment—whether or not the person purchasing the firearm or ammunition hunts, the excise tax is applied, and that funding is then distributed by the Fish and Wildlife Service to states.

The results have been an overwhelming success. Whitetail deer, prevalent across most of the US, were once in serious trouble, but have gone from a low of 300,000 to now over 30 million. The same story is true for hundreds of game and non-game species: from black bears to alligators and wild turkey to elk, the Pittman Robertson fund has enabled state fish and wildlife agencies to conserve these species for all Americans to enjoy. Further, the Federal Aid in Wildlife Restoration Act also authorized the construction and maintenance of shooting ranges and hunter education courses. Hunter education certification is required in the United States to ensure that all hunters are safe and ethical.

I also must mention a disastrous bill introduced last Congress—the RETURN Act (Repealing Excise Tax on Unalienable Right Now), which would repeal the Pittman Robertson excise tax. This would leave state fish and wildlife agencies with no way to fund conservation, hunter education or shooting ranges. While this is not the topic of today's hearing, I sincerely hope that this committee will oppose any attempt to move this bill forward, as it would be the demise of wildlife conservation in North America.

Back to H.R. 1614, this bill helps to solve a more modern problem. As the country grows and more and more people move to suburbs, wildland urban interface and cities expand, many times a shooting range that used to be on the outskirts of town is now no longer welcome in newly constructed residential areas. Combine this with the lack of private land in many western states, and firearm owners have little opportunity to practice. For many, in our fast-paced lives between working, raising a family and other obligations, there is little time left to drive an hour or two one-way to an already-crowded range. This is truly where National Forests and Bureau of Land Management lands can make a huge and meaningful difference. The Forest

Service manages almost 190 million acres and the BLM manages almost 260 million acres for the American people. With 450 million acres under management, the agencies should be able to easily identify areas where shooting ranges could safely be constructed while still meeting other multiple-use mandates.

The most important link between this bill and hunting and conservation is the future of Pittman Robertson funding. Currently, this fund is 100% dependent on firearm, ammunition, and archery equipment purchases. No general fund or taxpayer dollars contribute to this funding. Without hunters, shooters and archers, the wildly successful conservation programs built across America by state fish and wildlife agencies cease to exist. Additionally, it only seems fair that the PR fund, funded by taxes on firearms, ammo, and archery equipment, also provides a place for these purchasers to practice. For these reasons, the Dallas Safari Club and DSC Foundation strongly supports the Range Access Act and encourages the Committee to pass the bill.

Thank you.

Mr. TIFFANY. Thank you, Mr. Mason. And now I would like to recognize the Chairman of the Natural Resources Committee for the introduction of our next panel.

Mr. WESTERMAN. Thank you, Chairman Tiffany, and want to make a warm welcome to all the panelists that are here today, but I especially want to recognize one of my constituents, Mr. Mike Mills, who is serving as the Secretary of the Department of Parks, Heritage, and Tourism. It is a new job for him under our new governor, Sarah Sanders. But Mike has a long, long history of outdoor recreation. He has one of the most beautiful places in the world, Buffalo Outdoor Center, up on the headwaters of America's first wild and scenic national river, the Buffalo National River.

Mike, welcome, and I am glad you are here today.

**STATEMENT OF MIKE MILLS, ARKANSAS DEPARTMENT OF
PARKS, HERITAGE, AND TOURISM, LITTLE ROCK, ARKANSAS**

Mr. MILLS. Thank you, Congressman. I am pleased to join you today. I am really excited to be here at the Natural Resources Committee, which is chaired by you. And you are a friend and a fellow Arkansan, and we are proud of you and what you do for the state of Arkansas.

My name is Mike Mills, and I am the Secretary of the Department of Parks, Heritage, and Tourism. We try to seek to do what our mission is there, which is to protect and promote our state's natural, cultural, and historical resources, contributing to a thriving economy and a high quality of life.

Since January, I have had the honor to serve as Secretary under Governor Sarah Huckabee Sanders for the people of Arkansas. In her inaugural address, Governor Sanders cast a new vision to unlock the full potential of the Natural State by leveraging our state's unmatched natural beauty, and to promote tourism, and to grow our outdoor economy. We want to ensure that Arkansas does not just compete in this space, but rather we envision Arkansas as a true national leader in outdoor recreation and the outdoor economy. We plan to market the beauty and the potential of the Natural State to the world for recreational tourism and outdoor business opportunities.

My experiences have led me to this moment and this place. As Founder of the Buffalo Outdoor Center in Ponca, Arkansas, for over 40 years I have worked in partnership with the National Parks, the National Forest Service, and the surrounding community to build a business that provided access to our country's first national river. Buffalo Outdoor Center served as a guide and an access point for outdoor adventures along the Buffalo River, one of Arkansas', and, frankly, one of the world's, most beautiful and precious places.

Adventure runs through the heart of man, and to be able to discover, feel, and share that, it will leave a lasting impression for your heart. And it will be a gift that can span generations. When thinking of that gift, the importance of access to outdoor recreation is critical. Access provides our residents and visitors across the world the ability to engage with our greatest natural resources. These places are to be enjoyed, respected, and revered, and we must conserve and protect them for future generations.

The issue of access to these natural places leads me to the reason I am here today. I am here to offer my support and to convey the support of Governor Sanders for Congressman Westerman's legislation which seeks to identify and develop campsites at the Albert Pike Recreation Area. This unique area has long been a draw for tourism and for outdoor recreation.

An unfortunate and unforeseen tragedy led to the area's closure in 2010: a flood of the Little Missouri River resulted in the death of 20 people. Since the area's closure, we have come a long way in analyzing the flooding event and advancing technology to prevent a similar outcome in the future. I believe we are at a point in time where we must move forward to make this special place accessible once again. In doing so, we will open countless opportunities for young families, new residents, and visitors, while providing our seasonal residents with joy and adventure in a beloved location.

Arkansas and the access to her natural beauty is my life. I have spent my entire career working through challenges that come with building and operating an outdoor recreation business. My experiences give me a unique perspective in this new role, as we work to develop the next chapter of Arkansas' story. I am excited to help craft the outdoor recreation opportunities for future generations so that we can enjoy and care for our natural resources.

There is a purpose and, quite frankly today, a need, for children who spend more time inside hooked to screens and isolated from nature, and this isolation creates a loneliness and prevents a child from understanding community and greater world outside. People are not meant to be isolated. We are meant to explore, hike, hunt, fish, and discover and have fun. Those joys are slipping out of our hands as we clutch onto devices. The urgency is real. Our fight to get kids outside and healthy and learn the Natural State is now. Our access to the outdoors and these recreational opportunities give us the greatest chance to encourage kids to experience the excitement and rewards of nature.

[The prepared statement of Mr. Mills follows:]

PREPARED STATEMENT OF SECRETARY MIKE MILLS, ARKANSAS DEPARTMENT OF
PARKS, HERITAGE AND TOURISM
ON H.R. 1667, OUACHITA NATIONAL FOREST OVERNIGHT CAMPING ACT

I am pleased to join you today. It's particularly exciting to be here with the Natural Resources Committee, which is chaired by the Honorable Bruce Westerman, my fellow Arkansan. We are proud of him. And we are proud of the work he does in the service of Arkansas.

My name is Mike Mills. I am the Secretary of the Arkansas Department of Parks, Heritage and Tourism. Where, with the hard work of a dedicated staff of fellow Arkansans whom I'm deeply proud of, we seek to meet our mission to protect and promote our state's natural, cultural and historical resources, contributing to a thriving economy and high quality of life.

Since January, I've had the honor to serve as secretary under Governor Sarah Huckabee Sanders for the people of Arkansas. In her inaugural address, Gov. Sanders cast a new vision to unlock the full potential of The Natural State by leveraging our state's unmatched natural beauty to promote tourism and grow our outdoor economy.

We want to ensure that Arkansas does not just compete in this space, but rather, we envision Arkansas as a true national leader in outdoor recreation and the outdoor economy. We plan to market the beauty and potential of The Natural State to the world for recreation tourism and outdoor business opportunities.

All my experiences have led me to this moment and place. One of my most valuable experiences has been my work in developing the Buffalo Outdoor Center in Ponca. For over 40 years, I worked in partnership with the National Park Service and the surrounding community to build a business that provided access to our country's first national river, the Buffalo National River. Our business served as a guide and access point for outdoor adventures along the Buffalo River, one of Arkansas's, and frankly the country's, most beautiful and precious places.

Adventure runs through the heart of man and to be able to discover that, feel that, share that—it will leave a lasting impression in your heart forever. And it will be a gift that can span generations. I truly believe that.

When thinking of that gift, the importance of access to the outdoors is top of mind. Access provides our residents and visitors across the world the ability to engage with our greatest natural resources, which are gifts from God. These gifts are to be enjoyed, respected and revered by us today, and we must conserve and preserve them for future generations to also enjoy.

The issue of access to these natural places leads me to the reason I am here today. I am here to offer my support and to convey the support of Gov. Sanders for Congressman Westerman's legislation, which seeks to identify and develop campsites at Albert Pike Recreation Area. This unique area has long been a draw for tourism and outdoor recreation in Arkansas, largely due to its beauty and its natural offerings.

An unfortunate and unforeseen tragedy led to the area's closure. In 2010, a flash flood from the Little Missouri River resulted in the death of 20 people. Since the area's closure, we've come a long way in analyzing the flooding event and advancing technology to prevent a similar outcome in the future. I believe we are at a point in time where we must move forward to make this special place accessible once again.

In doing so, we will open countless opportunities for young families and new residents while providing our seasoned residents joy and adventure in a beloved location. The plan that the Congressman has set forth will allow thorough but pragmatic movement toward ultimately reopening the Albert Pike campgrounds. It will provide access to the rugged Ouachita Mountains and clear streams, providing hiking, fishing and other recreational opportunities for all. I fully support the new legislation and ask for your support.

Arkansas and the access to her natural beauty is my life. I've spent my life and career working through challenges that come with building and operating a business off that beauty. My experience gives me a unique perspective in this new role as we work to develop the next chapter in Arkansas's story. I'm excited to help craft outdoor recreation opportunities for future generations so that they can enjoy and care for nature just as we do.

My story of the Buffalo River is an important one, as it illustrates one of Arkansas's greatest attributes: our relationships and partnerships. Our people have long come together for our common good—whether it is in business where relationships created companies like Walmart, JB Hunt, Tyson, Dillard's and Stephens; and our conservation of public lands like the Buffalo River, which is managed by the

National Park Service; to the development of our 52-state park system—a crown jewel and arguably the best state parks system in the country.

The Natural State is the mountain biking capitol of the world. The Monument Trails are a collection of world-class, mountain biking destinations within Arkansas State parks. Oz Trails is a world-class network of shared-use trails in Bentonville, Arkansas that give experiences unrivaled elsewhere. The duck-hunting capitol of the world resides in our rice fields of the Delta.

Our relationships and partnerships have fostered immense opportunity and provided access to public areas, which we continue to build on today.

Gov. Sanders recently signed an Executive Order creating The Natural State Initiative and appointed her husband, First Gentleman and avid outdoorsman Bryan Sanders, to serve as chairman. The initiative brings together some of the brightest minds in outdoor recreation from across our state. These are businesspeople and conservationists who have pioneered, developed and supported entrepreneurship and recreational development, and excelled in their respective fields. We are banding together under the common goal of providing diverse access to our natural resources, focusing on our outdoor economy, both within government and in the private sector. Adventure, if shared with the world, will act as a powerful magnet that will benefit our state both in quality of life and economic opportunity.

In Arkansas, we have been hard at work on big goals and seeing some real movement. Places like Mena—where today our department is partnering with local, U.S. Forest Service and private partners to explore the full potential of trails that would connect our state park atop a nearby mountain, through the National Forest right to Main Street Mena, which is beautiful. In this way, we would capitalize on existing infrastructure, welcome new uses and thus become a destination for all to explore and enjoy. On the other side of the state, Arkansas and our partner, the Walton Family Foundation, have invested \$40 million to build the Delta Heritage Trail—a gravel trail that will span almost 100 miles from Barton to Lexa. This trail will wind through small Delta towns, revitalizing them by welcoming new businesses and serving as a new tourist destination.

Our first state park, Petit Jean State Park, just celebrated its 100th year. At this park, we have forged a public-private partnership to open access that will make it one of the best climbing destinations in our state. We are also evaluating a Via Ferrata climbing system that would allow the most novice climber to experience an epic climb.

Arkansas is home to various networked gravel routes, including the Arkansas High Country Route, made up of long-existing infrastructure that has become a gravel rider's dream. We are working alongside our various public land partners to provide infrastructure that makes these routes both exciting and supportive of travel.

Our state park system, in partnership with the nonprofit Arkansas Parks and Recreation Foundation, has created a collection of world-class mountain biking destinations that we call Monument Trails. These shared-use trails are professionally crafted by some of the world's best trail builders and are seamlessly woven into the beautiful landscape of the Arkansas State Parks.

Just like we've done with our trails and gravel routes, multi-agency and private partners are working to build greater access to our rivers. You see, it is not just conservation and preservation. Access to outdoor recreation inspires generations of Arkansans to care for and champion the future of our natural places, ensuring that we remain The Natural State.

All of this work is not just busy work. There is a purpose and, quite frankly, a need. Today, children spend more time inside, hooked to screens and isolated from nature. The isolation creates loneliness and prevents a child from understanding community and the greater world outside.

People are not meant to be isolated. We are meant to explore, run, enjoy, hike, hunt, fish, discover and have fun. Those joys are slipping out of our hands as we clutch onto devices. The urgency is real and our fight to get kids outside, be healthy and learn about The Natural State is now. We cannot wait. Our access to the outdoors and these recreational opportunities gives us the greatest chance to encourage kids to experience the excitement and rewards of time spent outdoors.

Mr. TIFFANY. Thank you, Secretary Mills, and I don't think you could say it any better about getting our children outside.

Now I will introduce Mr. Chris Winter, Executive Director of the Access Fund.

Mr. Winter, you are now recognized for 5 minutes.

**STATEMENT OF CHRIS WINTER, EXECUTIVE DIRECTOR,
ACCESS FUND, BOULDER, COLORADO**

Mr. WINTER. Good morning, everybody, it is nice to see everybody.

My name is Chris Winter, of course. I am here on behalf of Access Fund, which represents and advocates for more than 8 million climbers across the country. Thank you, Chairman Tiffany and Ranking Member Neguse and the rest of the Subcommittee members, for considering my testimony this morning, and we are honored to be here to support H.R. 1380, the Protecting America's Rock Climbing Act.

We would also like to thank Congressmen Curtis and Neguse for leading bipartisan support for this important initiative.

The Access Fund has worked for more than 30 years to ensure that climbers can enjoy safe and sustainable access for climbing, and we also lead our communities' efforts to protect and care for the land.

Wilderness climbing is especially important for our community, and wilderness climbing also epitomizes the primitive and unconfined recreational uses that are protected by the Wilderness Act. So, we strongly support the PARC Act, because it will protect safe and sustainable access for climbers on Federal public lands, establish consistent common-sense wilderness policy that supports the purposes of the Wilderness Act, promote economic development and job opportunities in rural communities, save taxpayers millions of dollars, and ensure ongoing support for new wilderness and land conservation efforts from the outdoor recreation community.

The PARC Act has also been endorsed by the Outdoor Industry Association, Outdoor Alliance, Outdoor Recreation Roundtable, American Mountain Guides Association, USA Climbing, the American Alpine Club, REI, as well as dozens of small businesses and local conservation organizations around the country.

At last count, climbing as a whole contributes to at least \$12.5 billion to the economy each year, and we are learning more and more every day about the benefits of spending time outside. Climbers feel a special connection to Federal wilderness areas across the country, because they offer some of the most iconic and historic climbing opportunities in the world. Places like El Capitan in Yosemite National Park, the Diamond on Longs Peak in Rocky Mountain National Park, these places draw people from around the world because they offer unmatched opportunities for primitive and unconfined recreation and solitude. And these are, indeed, the goals of the Wilderness Act.

Despite this long history, management of climbing has been inconsistent over the years and across the land management agencies, which has resulted in waste of taxpayer resources and serious threats to climbers' safety.

This confusion often relates to the use of fixed anchors in wilderness areas. I have one in my hand here: a hanger. And fixed anchors are essential pieces of the climbers' safety system that allow adventurers to safely and sustainably access what would otherwise be dangerous vertical terrain. Without fixed anchors,

many of the most inspiring places in America, like the walls of El Capitan, would be mainly inaccessible for the American public.

Although Federal land managers have allowed climbers and other adventurers to use fixed anchors in wilderness areas since the Act was passed almost 60 years ago, we are now facing an unprecedented level of uncertainty and inconsistency. The National Park Service and U.S. Forest Service have both moved toward implementing a new nationwide prohibition on the use of these fixed anchors in wilderness areas.

Under the new system being rolled out in Colorado and California right now, all fixed anchors, including all the existing fixed anchors that were lawfully placed over the last 60 years, would be deemed prohibited uses. They would be managed through an untested and burdensome exceptions process. This will result in land managers removing many appropriate historic fixed anchors and climbing routes. And indeed, Joshua Tree National Park has already announced that it will be removing essential safety equipment from dozens and perhaps hundreds of historic climbing routes.

The PARC Act, on the other hand, will bring consistency and predictability to climbing management by providing the community with clear direction from Congress, especially regarding climbing management within wilderness areas. So, it is a simple and elegant solution that will require the Secretaries to issue national guidance on management of climbing within wilderness areas; clarify that climbing and the placement, use, and maintenance of fixed anchors are allowable, and not prohibited uses within wilderness areas; preserve the existing authority of the land management agencies to regulate climbing to ensure it protects wilderness character and provides for public participation in decisions affecting climbing and climbers safety in wilderness areas.

Now, it is also important to note what the PARC Act does not do. It does not amend the Wilderness Act. The land management agencies have been treating fixed anchors and climbing as allowable and not prohibited uses ever since the Wilderness Act was passed in 1964, for almost 60 years. So, the PARC Act provides congressional direction that reinforces this existing and long-standing management approach. It does not amend the Wilderness Act. On the contrary, it ensures its consistent interpretation and application over time and across the country.

Again, we would like to strongly support the PARC Act, and thank you for considering our testimony.

[The prepared statement of Mr. Winter follows:]

PREPARED STATEMENT OF CHRISTOPHER WINTER, ESQ., EXECUTIVE DIRECTOR,
ACCESS FUND

ON H.R. 1380, PROTECT AMERICA'S ROCK CLIMBING ACT

My name is Chris Winter, and I am here today on behalf of Access Fund, which represents and advocates for the more than 8 million climbers across the United States. I thank Chairman Tiffany, Ranking Member Neguse, and the rest of the subcommittee members for considering my testimony.

We are honored to be here today to support H.R. 1380—the Protecting America's Rock Climbing Act (or PARC Act)—and we would like to thank Congressmen Curtis and Neguse for leading bipartisan support for this important initiative. Access Fund is the leading nonprofit advocating for climbers in the United States. We have

worked for more than 30 years to ensure that climbers can enjoy safe and sustainable access for climbing, and we also lead our community's efforts to protect and care for the land. Our experiences in wild places inspire us to become champions for conservation and protection of public lands.

We strongly support the PARC Act because it will:

1. protect safe and sustainable access for climbers on Federal public lands across the country;
2. establish consistent, common-sense Wilderness policy that supports the purposes of the Wilderness Act;
3. promote economic development and job opportunities in rural communities;
4. save taxpayers millions of dollars; and
5. ensure ongoing support for new Wilderness and land conservation efforts from the outdoor recreation community.

The PARC Act has also been endorsed by the Outdoor Industry Association, Outdoor Alliance, Outdoor Recreation Roundtable, American Mountain Guides Association, American Alpine Club, REI as well as dozens of small businesses and local conservation organizations around the country. We stand united in support of this bill.

I. Overview of the Protecting America's Rock Climbing Act

Climbing in the United States has a long and distinguished history that includes many of the leading conservationists of our time, including people like David Brower, William O. Douglas, Sally Jewell, and Tommy Caldwell. What started out as a fringe activity enjoyed by a few privileged adventurers has grown into a national pastime, with climbing gyms sprouting up in diverse communities all across the country and the debut of climbing at the most recent Olympics. At last count there are over 8 million climbers in the country, and climbing as a whole contributes at least \$12.5 billion to the economy each year (2019 State of Climbing Report). We are learning more and more every day about the health, social, and economic benefits of spending time outside and wilderness climbing is a key component of this experience.

There are approximately 40,000 crags in the United States—or individual climbing areas—and nearly 60% of those are on federal public lands. Climbers feel a special connection to federal Wilderness areas across the country because they offer some of the most iconic and historic climbing opportunities in the world. Places like El Capitan in Yosemite National Park and the Diamond on Longs Peak in Rocky Mountain National Park draw people from around the world because they offer unmatched opportunities for adventure, recreation, and solitude. The history of climbing in the United States dates back over a century and has played out amongst the mountains and cliffs of the nation's Wilderness areas.

Despite this long history, management of climbing has been inconsistent over the years and across the land management agencies, which has resulted in waste of taxpayer resources, serious threats to climber safety, and unpredictability for rural gateway communities attempting to build their outdoor recreation economies. Over the years, many important climbing management initiatives have been scrapped midway through the process because of confusion and uncertainty. This confusion often relates to the use of fixed anchors in Wilderness areas. Fixed anchors are essential pieces of the climber's safety system that allow adventurers to safely and sustainably access dangerous, vertical terrain. Without fixed anchors, many of the most inspiring places in America—like the walls on El Capitan—would be inaccessible to the American public.

Although federal land managers have allowed climbers and other adventurers to use fixed anchors in Wilderness areas for almost 60 years, we are now facing an unprecedented level of uncertainty and inconsistency. The NPS and U.S. Forest Service have both moved toward implementing a new nationwide prohibition on the use of fixed anchors in Wilderness areas. Under the new system being discussed, all fixed anchors, including all the existing fixed anchors that were lawfully placed over the last 60 years, would be deemed prohibited "installations" and would be managed through an untested and burdensome exceptions process that will result in land managers removing many appropriate, historic fixed anchors and climbing routes (including necessary descent anchors). The uncertainty and inconsistency of Wilderness climbing management are becoming more acute by the day.

The PARC Act, on the other hand, will bring consistency and predictability to climbing management by providing the land management community with clear direction from Congress, especially regarding climbing management within Wilderness areas. And this can be done all while protecting Wilderness character and sensitive resources. It is a simple and elegant solution that will:

- a. Require the Secretaries of Interior and Agriculture to issue national guidance on management of climbing within Wilderness areas;
- b. Clarify that climbing and the placement, use, and maintenance of fixed anchors are allowable, and not prohibited, uses within Wilderness areas;
- c. Preserves the existing authority of land management agencies to regulate climbing to ensure it protects Wilderness characteristics, natural resources, and cultural values; and
- d. Provides for public participation in decisions affecting climbing in Wilderness areas.

We do suggest limited but important technical amendments to the bill. The text of the PARC Act currently references “activities.” The Wilderness Act, however, refers to recreational and historic “uses.” To avoid confusion and to ensure consistency in the terminology, we recommend that references to “activities” in the PARC Act be amended to “uses.” In my written testimony, I have provided more detail on our suggested technical amendments.

If climbing anchors are managed as prohibited uses across the 110 million acres of the Wilderness system, we are going to drive a harmful wedge between the outdoor recreation community and the work to protect public lands and promote conservation. We’re facing the impacts of climate change, economic challenges, funding challenges, and challenges in getting people connected to the outdoors. Now more than ever, we need to grow the coalition of champions for public lands and conservation—not create new impediments to progress. The PARC Act will ensure that climbers and the outdoor recreation community can continue our long history of support for important conservation initiatives and work collaboratively in partnership with the land management community to protect Wilderness character while also allowing for appropriate access to our federal public lands.

II. Introduction to Fixed Anchors and the Historic Nature of Wilderness Climbing in America

Climbers have been exploring the mountains and cliffs of the United States for more than 100 years, and those adventures have inspired many people to become advocates for public lands and conservation. Throughout that history, climbers have depended on fixed anchors to safely ascend and descend dangerous, vertical terrain. We of course use ropes as a critical piece of our safety system, but the ropes themselves are often useless without some way of attaching those ropes to the snow, ice or rock that climbers navigate. Unless the ropes are attached to the mountain, if a climber falls, the ropes will simply fall down with them. If the rope is safely attached to the mountain, however, it can arrest the fall and prevent an injury or fatality.

Thus, fixed anchors are an essential and irreplaceable component of a climber’s safety system. Whenever possible, since the 1970s, climbers use removable protection that is not left behind. But many of the most popular and most well known Wilderness climbing opportunities in America would be inaccessible and unsafe without the use of fixed anchors. Climbers have relied on fixed anchors for many of the most historic ascents in the history of mountaineering, and climbers and guides of today continue to rely on these tools. Climbing and the use of fixed anchors are historic uses that long pre-date the Wilderness Act itself.

Pitons are one type of fixed anchor and consist of a small “pin” of metal that is hammered into a crack in the rock. Pitons are still used today although climbers have also developed more modern equipment, like 3-4” long metal expansion bolts. Both pitons and bolts are very difficult or impossible to see unless you are within a few feet of them, and they are usually invisible to everyone except the climbers who are looking for and using them. Fixed anchors often enhance the sustainability of outdoor recreation, because they allow people to use more durable surfaces when navigating difficult terrain and because they limit damage to vegetation and erosion that might otherwise result from using trees or other natural features as anchors. And peer-reviewed studies have shown that fixed anchors cause very little if any ecological damage on their own simply by their presence.

Climbers are notoriously compulsive about recording our history, and we have a wealth of knowledge about the historic use of fixed anchors in areas that are now designated as Wilderness areas. A few of those more well-known first ascents are

discussed below, but we could discuss many other examples, which are all well documented in climbing guide books, the American Alpine Journal, the publications of regional mountaineering clubs, and other historic publications like the Sierra Club Bulletin.

In 1920, Albert Ellingwood and Barton Hoag climbed Lizard Head Peak in Southwest Colorado using pitons along with their hemp rope and hobnailed boots. Congress designated this area as the Lizard Head Wilderness in 1980, 60 years after this historic climb.

In 1931, Norman Clyde led an ascent of the East Face of Mt. Whitney in California's Sierra Nevada range using pitons. Congress designated this area as the John Muir Wilderness in 1964, more than 30 years after this historic climb.

In 1960, Bob Kamps and David Rearick made the first ascent of the Diamond on Longs Peak in Rocky Mountain National Park using pitons as fixed anchors. Congress designated this area as the Rocky Mountain National Park Wilderness in 2009, 49 years after this historic first ascent.

These three examples begin to paint the picture of the rich history of climbing and mountaineering in this country, and they also show how climbing and use of fixed anchors long predate the Wilderness Act and the designation of Wilderness areas across the country. These are truly historic recreational uses—that Congress was aware of when enacting the Wilderness Act and passing individual Wilderness bills—that have contributed to outdoor legacy and mountain culture that Americans enjoy today.

Finally, it is worth mentioning one more example of the historic nature of climbing and the use of fixed anchors. President Biden recently created the Camp Hale—Continental Divide National Monument to honor the contributions of the 10th Mountain Division. The 10th Mountain Division of course trained at Camp Hale prior to fighting in World War II and developed many of the techniques used today for climbing, skiing, and moving through risky, vertical terrain. The Proclamation designating Camp Hale calls out the “original pitons used to train technical climbing” and then declares them to be “an object of scientific or historic interest in need of protection under 54 U.S.C. 320301.”

In short, the history of climbing and exploration of areas that are now designated as Wilderness contributes to the rich legacy and culture of outdoor adventure in the United States. The PARC Act will help to protect and celebrate this history so that it may inspire future generations of outdoor enthusiasts who will continue to visit and explore and fall in love with these special places.

III. Modern Management of Fixed Anchors in Wilderness Areas

Since the Wilderness Act was passed in 1964, federal agencies have managed climbing and fixed anchors as allowable uses in Wilderness areas around the country with few exceptions. Climbers partner in this work because we have a strong ethic of caring for the land and minimizing the use of fixed anchors, relying on removable protection whenever possible.

Modern management of climbing in wilderness areas typically involves the following elements:

- a. **The use of power drills in Wilderness areas is strictly prohibited.** All fixed anchors must be placed by hand without the use of motorized equipment. This is a time consuming and laborious process that serves as a natural and effective limitation on the proliferation of fixed anchors.
- b. **Each park unit or district has flexibility in managing fixed anchors so they can tailor their approach to local conditions.** For instance, Yosemite and Rocky Mountain National Parks provide programmatic authorization for the appropriate placement and use of fixed anchors. In some but not all places, prior approval is needed before placing new fixed anchors or replacing aging fixed anchors in Wilderness. Other public land units may manage climbing through a dedicated climbing management plan or have climbing provisions in a comprehensive land use plan.
- c. **Land managers retain authority under the Wilderness Act to close areas to climbing or to limit climbing to protect Wilderness characteristics, natural resources, or cultural values.** For instance, climbers and land managers often partner to implement seasonal closures of climbing areas to protect nesting raptors.
- d. **Individual national park units or U.S. Forest Service districts are encouraged to develop climbing management plans that lay out more detail on how they will manage sustainable climbing access and conserve and protect climbing areas.**

- e. **Climbers often partner with land managers to steward climbing areas and educate the climbing community on low impact practices and access regulations designed to protect Wilderness character and resource values.**

This approach to managing climbing is largely working, especially where collaborative, adaptive management principles are applied. In some places, like Joshua Tree National Park, visitation levels and environmental conditions require more regulation and management as well as public education and active stewardship. In other places, like the Brooks Range in Northern Alaska, Wilderness climbing takes place in extremely remote areas that are difficult for the public to access, requiring a much different approach to climbing management.

Climbing guides rely on fixed anchors in places like Yosemite and Zion National Parks to share the Wilderness climbing experience with their clients. Rural gateway communities like Joshua Tree, California, Moab, Utah, and Estes Park, Colorado depend on visitation to power their local economies and create jobs. And new generations of climbers continue to advocate for new Wilderness areas and the Wilderness Act itself.

Most recently, the climbing community advocated strongly in support of the 2019 John D. Dingell Conservation, Management, and Recreation Act. In that landmark piece of legislation, thanks in large part to the work of Congressman Curtis Conness, Congress designated approximately 663,000 acres of new Wilderness in Emery County, Utah, a place that has been explored by climbers for decades. The Dingell Act states explicitly that the Wilderness designation does not prohibit the placement, use or maintenance of fixed anchors. Access Fund generated over 7,000 comments in support of the Dingell Act. Currently other proposed Wilderness bills have similar language regarding climbing anchors, such as the CORE Act in Colorado, and the Northwest California Wilderness, Recreation, and Working Forests Act in California. The PARC Act will build on the Wilderness climbing guidance provided by Congress in 2019 with the Dingell Act and provide consistency for future Wilderness proposals.

IV. Land Management Agencies Are Moving Aggressively to Implement a nationwide Prohibition on Fixed Anchors in Wilderness, Which Threatens the Safety of Climbers Across the Country

Although federal land managers have allowed climbers to use fixed anchors in Wilderness areas since the Act was passed in 1964, the National Park Service and U.S. Forest Service have recently moved toward implementing a nationwide prohibition on fixed anchors as prohibited uses—“installations”—under Section 4(c) of the Act. Under this new approach, all existing and new fixed anchors would be allowed only as exceptions to the generally applicable prohibition and would be strictly regulated by an untested and burdensome exceptions process subject to environmental review, administrative appeal, and litigation by groups that oppose climbing in Wilderness areas. Thus, fixed anchors, the most basic safety equipment relied upon by climbers for primitive recreation for more than a hundred years, would now be generally prohibited in Wilderness areas like other prohibited uses in Section 4(c) such as “temporary roads,” “motor vehicles,” “motorboats,” “landing of aircraft” and “structures.” Moreover, the Park Service, for now, has decided on this course of action without allowing any public notice and comment on how the Wilderness Act should be interpreted and applied and without any nationwide rulemaking process.

Importantly, the climbing community has been collaborating with the National Park Service for decades on management and stewardship of climbing and fixed anchors across the country. These collaborations have been largely focused on the development and implementation of Director’s Order #41, issued in 2013 after public notice and comment, which plainly does not regulate fixed anchors as prohibited installations.¹ At no point since the Wilderness Act was passed in 1964 has the

¹DO41 states that:

Authorization will be required for the placement of new fixed anchors or fixed equipment. Authorization may be required for the replacement or removal of existing fixed anchors or fixed equipment. **The authorization process to be followed will be established at the park level and will be based on a consideration of resource issues (including the wilderness resource) and recreation opportunities.**

DO41, Section 7.2. If the NPS had decided in DO41 that fixed anchors are prohibited installations, this section would have instead referred to a Minimum Requirements Analysis as the authorization process for review of all fixed anchors. DO41 sections that regard prohibited uses, such as invasive species management, all assign the Minimum Requirements Analysis.

National Park Service managed fixed anchors as prohibited installations as a matter of national policy. The Park Service did not consult with its long-standing partners in the recreation and conservation communities before changing course.

The National Park Service first announced its new interpretation of the Wilderness Act as it was beginning to prepare a new Climbing Management Plan (CMP) for Joshua Tree National Park. On May 10, 2022, before a draft of the new CMP had even been released for public comment, the NPS announced in an email “Scoping Update” that it had predetermined that fixed anchors are prohibited installations under the Wilderness Act. In a public scoping meeting on the Joshua Tree Climbing Management Plan, the National Park Service stated that fixed anchors would be treated as a “prohibited use” akin to “any other kind of machine like that.”² It is extremely unusual for an agency to announce its interpretation of a statute in this way before a draft plan has been released or before formal public comment on that draft or the issue of statutory interpretation. The die had been cast.

Then, on December 23, 2022, the National Park Service published an Environmental Assessment and Finding of No Significant Impact for a Wilderness and Backcountry Management Plan for the Black Canyon of the Gunnison National Park in Colorado. In the EA/FONSI, the Park Service again stated that it had deemed fixed anchors to be prohibited installations under the Wilderness Act. The Park Service stated that every existing climbing route would be reviewed “as soon as possible” for prohibited fixed anchors. The Park Service did not describe how it would handle existing fixed anchors after this review, raising the specter that it would begin removing this critical safety equipment from historic climbing routes that are still enjoyed by the climbers of today. The Park Service did not invite public comment on how this new exceptions process should be set up and applied, nor did it seek input from partners that had been working collaboratively with the agency for decades on sustainable climbing access in NPS Wilderness areas.

We also understand that the U.S. Forest Service is in the process of preparing nationwide guidance that may treat fixed anchors as prohibited installations. We have yet to hear how the agency proposes to manage all the existing fixed anchors climbers have placed lawfully over the last 60 years at dozens of Wilderness areas across the country.

In response to these developments, on November 29, 2022 Colorado Governor Jared Polis wrote³ to Secretaries Haaland and Vilsack opposing this change in policy.

I understand that the National Park Service and U.S. Forest Service are considering a proposal to prohibit fixed anchors in designated Wilderness as ‘installations.’ I believe this would be a serious mistake, and I urge you to ensure that this does not happen.

* * *

If a prohibition on fixed anchors was implemented, all existing fixed anchors would be prohibited by law unless and until land management agencies determine that they are entitled to a statutory exception under Section 4(c) of the Wilderness Act. The exception process is wasteful and unnecessary because Federal agencies already have the authority to successfully manage sustainable climbing in Colorado Wilderness areas.

As Governor Polis notes, a prohibition on fixed anchors is completely unnecessary because federal land management agencies currently have all the legal authority they need to manage climbing effectively in Wilderness areas while protecting Wilderness character. Why is it necessary to suddenly treat fixed anchors as prohibited installations? The NPS and USFS have not identified any gaps in their existing legal authority that they are attempting to address through this change in policy.

Finally, we feel compelled to underscore the serious safety threats for the climbing community that will likely result from a change in policy. Fixed anchors are absolutely essential for the safety of climbers and other adventurers in dangerous

Indeed, the only mention of an MRA process in DO41 is right after the anchor authorization process discussion and relates only to agency search and rescue operations and not the permitting of fixed anchors for public recreational use.

²A video recording of the scoping meeting is available at <https://www.youtube.com/watch?v=bYIZp7agSk8>. The comments regarding the prohibition on fixed anchors can be viewed at 1:13.45.

³November 29, 2022 letter from Governor Polis to Secretaries Haaland and Vilsack, found at https://static1.squarespace.com/static/638927954320c12d8056bbbdt/64054f4f65d36f6d04fe6c56/1678069583277/DOI+_USFS+Fixed+Anchors+Wilderness+Policy+Letter.docx.pdf.

terrain and extreme conditions, and if federal land managers start removing existing fixed anchors, as the NPS has said that it intends to do, it will likely lead to injuries or fatalities. These concerns are based on real world experiences, as detailed in a recent story by NBC news about an accident in North Cascades National Park involving a fixed anchor that had been removed by NPS staff. While we can't know for certain whether this incident was caused directly by the removal of the fixed anchor, it may very well have been a contributing factor, and we feel for the family of the climber who must live with the uncertainty.

Moreover, climbers take it upon themselves to regularly maintain and replace aging fixed anchors, especially on more popular and moderate climbing routes frequented by guides and visiting climbers from around the world. The confusion and uncertainty created by a new nationwide prohibition is likely to interfere with these very important anchor maintenance activities, which will also add to unnecessary safety risks for the climbing community as well as unneeded stress on search and rescue teams and associated resources.

V. The PARC Act Will Protect Climber Safety, Promote Conservation, Save Taxpayer Dollars, and Promote the Outdoor Recreation Economy

The PARC Act, with the amendments we have suggested, will solve this problem for the climbing community, land managers, and the American public. It will likely save lives. It will save money. It will promote collaboration in the stewardship and protection of climbing areas. And it will protect the many small guides, outfitters and other small businesses around the country that are creating living-wage jobs and contributing to the growing outdoor recreation economy.

Importantly, the existing system is working, but land managers need help clarifying how it should be implemented and they need help getting it done. Whatever the policy used, it should not be a “one-size-fits all” solution akin to a national prohibition on fixed anchors: Joshua Tree National Park near Los Angeles is not the same as Wilderness in North Cascades National Park. The national guidance required in H.R. 1380 can provide that clarity. With that policy in place, land managers will be able to focus on developing site-specific climbing management plans that address climbing as allowable uses and that focus on how to manage those uses to protect wilderness characteristics, natural resources, and cultural values. The climbing community is eager to collaborate in that work, and we will help to get it done if we are not forced into a corner to defend the legitimacy of our most basic safety equipment.

All of these factors point to the urgent need for urgent Congressional direction. The PARC Act will set a baseline for the land management and climbing community, it will create the conditions necessary for effective collaboration, it will minimize conflict, and it will ultimately lead to better results for the land and for the American public. We strongly urge this Committee to pass the PARC Act with our suggested amendments, and we are ready to assist in any way we can.

VI. Proposed Technical Amendment to the PARC Act

To provide additional clarity and consistency, we have suggested limited technical amendments to the PARC Act, which are detailed below. Those suggestions include:

- Amend “activities” to “uses” to ensure that the terminology is consistent with the Wilderness Act and clarify that the allowable uses are not “prohibited.”
- Add Section 2(b), which refers to a joint explanatory statement from the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1185).
- Amend Section 2(c)(2) to change the emergency period to 1 year from 2 years.
- Add Section 2(c)(3) to ensure public notice and comment on the guidance required in Section 2(a)(1).

A BILL

To require the Secretary of Agriculture and the Secretary of the Interior to issue guidance on climbing management in designated wilderness areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting America’s Rock Climbing Act”.

SEC. 2. GUIDANCE ON CLIMBING MANAGEMENT IN DESIGNATED WILDERNESS AREAS.**(a) CLIMBING GUIDANCE REQUIRED.—**

(1) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Secretary concerned shall issue guidance on climbing management in designated wilderness areas that recognizes the appropriateness of the allowable activities described in paragraph (2) in **such the designated wilderness** areas, if the allowable activities are undertaken in accordance with—

- (A) The Wilderness Act (16 U.S.C. 1131 et 13 seq.);
- (B) other applicable laws (including regulations); and
- (C) any terms and conditions that are determined to be necessary by the Secretary concerned.

(2) **ALLOWABLE Activities Uses.**—The allowable, **and not prohibited, uses activities** referred to in paragraph (1) are—

- (A) recreational climbing;
- (B) the placement, use, and maintenance of fixed anchors; and
- (C) the use of other equipment necessary for recreational climbing.

(b) Forest Service Guidance.— Before finalizing guidance pursuant to the joint explanatory statement for division G (relating to the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2021) described in section 4 of the Consolidated Appropriations Act, 2021 (Public Law 116—260; 134 Stat. 1185), the Secretary of Agriculture shall ensure that such guidance is consistent with subsection (a).

(b) PUBLIC NOTICE AND COMMENT.—

(1) **REQUIREMENT.**— ~~Except as provided in paragraph (2),~~ **p** Prior to taking any significant management action affecting the allowable **activities uses** described in subsection (a)(2) on the land described in subsection (c)(1)(B), the Secretary concerned shall provide the public with notice and an opportunity to comment on the proposed action.

- (2) EXCEPTION WITH RESPECT TO EMERGENCY ACTIONS.—Paragraph (1) shall not apply to an emergency action that has a duration of less than 2 1 years.
- (3) Before finalizing guidance relating to climbing management under subsection (a)(1), the Secretary concerned shall provide to the public notice and an opportunity to comment regarding the proposed guidance.

(ed) DEFINITIONS.—In this section:

(1) DESIGNATED WILDERNESS AREA.—The term “designated wilderness area” means an area—

- (A) designated as a wilderness area pursuant to the Wilderness Act (16 U.S.C. 1131 et seq.); and
(B) located in—

- (i) National Forest System lands; or
(ii) lands under the administrative jurisdiction of the Secretary of the Interior.

(2) EMERGENCY ACTION.—The term “emergency action” means a time sensitive action necessary to protect natural resources or public health and safety.

(3) SECRETARY CONCERNED.—The term “Secretary concerned” means—

- (A) the Secretary of Agriculture, with respect to National Forest System lands; and
(B) the Secretary of the Interior, with respect to lands under the administrative jurisdiction of such Secretary.

Mr. TIFFANY. Thank you, Mr. Winter. I would like to introduce our final witness for the panel, Ms. Geraldine Link, Director of Public Policy at the National Ski Areas Association.

Ms. Link, you are now recognized for 5 minutes.

STATEMENT OF GERALDINE LINK, DIRECTOR OF PUBLIC POLICY, NATIONAL SKI AREAS ASSOCIATION, LAKEWOOD, COLORADO

Ms. LINK. Thank you. Chairman Tiffany, Ranking Member Neguse, and members of the Committee, thank you for the opportunity to provide testimony on H.R. 930, the SHRED Act.

On behalf of NSAA, I would like to thank Representatives Curtis, Kuster, Neguse, and LaMalfa for their leadership in introducing this bipartisan measure to retain ski area permit fees locally.

NSAA has over 330 ski area members, 124 of which operate on National Forest System lands across 13 states, and I want to say that I am completely neutral on which state has the greatest snow on Earth.

[Laughter.]

Ms. LINK. The SHRED Act would retain ski area permit fees in the forests in which they were generated. It would retain those fees and reinvest them in recreation, so that the Forest Service, our most important partner, has the capacity to administer ski area permits, review ski area infrastructure projects, carry out recreation maintenance, and support a whole range of much-needed visitor and trailhead services outside of ski area boundaries.

Over the past 10 years, ski areas nationwide have averaged about 55 million skier visits annually. Approximately 60 percent of

those visits occur on public land. In total, the ski industry supports over 530,000 jobs, and generates \$58 billion in economic activity. Public lands ski areas are often the largest employer in the communities in which they operate.

Fee retention, as outlined in the SHRED Act, is an important tool for dedicating funds to the Forest Service Recreation Program. This legislation would allow permittees to invest more and sooner in much-needed infrastructure. To provide an example, Alterra Mountain Company, with 15 resorts in its portfolio, recently announced a \$500 million capital investment program to enhance guest and employee experience across its resorts. These investments in chair lifts, snowmaking, summer adventures, guest amenities, and employee housing, are critical to the guest experience and the future success of the operations.

Ski area investment projects on public land are complex. They rely on Forest Service staffing and bandwidth to provide oversight, review, approval, monitoring, and administration. The reality we are facing as an industry is that funding and staffing of the Forest Service Recreation Program is lacking. And as a result, ski areas are less likely to receive timely reviews of project proposals. Many projects are put off to future years.

To be clear, I am not being critical of the Forest Service officials dedicated to the recreation program. Their hands are tied by lack of resources and staffing, because ski area fees are not currently being reinvested in recreation.

This need to dedicate ski area fees to recreation exists against a backdrop of spiking public demand. Of the 10 most visited forests nationwide, 9 of them host ski areas. During the 2021/2022 season, ski areas experienced an all-time record of 60.7 million skier-snowboarder visits. There is tremendous interest among resorts in harnessing this momentum and building the infrastructure necessary to support future growth. The SHRED Act is critical to allowing this to happen.

The SHRED Act is consistent with previous Federal actions, including the local retention of recreation fees under FLREA. It does not require new spending, but the CBO does score this legislation because it moves resources from one account to another. We ask that the Committee work with us for any clarifications necessary on that front as we continue to discuss this important issue.

In closing, we urge the Committee's support of the SHRED Act, and thank you for the opportunity to present this testimony.

[The prepared statement of Ms. Link follows:]

PREPARED STATEMENT OF GERALDINE LINK, DIRECTOR OF PUBLIC POLICY, NATIONAL SKI AREAS ASSOCIATION

ON H.R. 930—THE SKI HILL RESOURCES FOR ECONOMIC DEVELOPMENT ACT OF 2023

Chairman Westerman, Ranking Member Grijalva, and members of the Committee, thank you for the opportunity to provide testimony on H.R. 930, the Ski Hill Resources for Economic Development (SHRED) Act of 2023. On behalf of the National Ski Areas Association (NSAA), I would like to thank Representatives Kuster, Curtis, Neguse, and LaMalfa for their leadership in introducing this bipartisan measure to retain ski area permit fees locally.

NSAA has over 300 ski area members, 124 of which operate on National Forest System lands across 13 states. The SHRED Act would retain ski area permit fees in the forests where they were generated. It would retain those funds so that the Forest Service has the capacity to administer ski area permits, review ski area infrastructure projects, carry out recreation maintenance, and support visitor services.

Background

Public land resorts work in partnership with the U.S. Forest Service to deliver an outdoor recreation experience unmatched in the world. Dating back to the 1940s, it is a public-private partnership that benefits all Americans by supporting public health and fitness, fostering an appreciation for our natural environment, and providing returns to the US government through fees paid for use of the land.

Over the past ten years, ski areas nationwide have averaged over 55 million visits annually. Approximately 60 percent of those visits occur on public land. In total, the US ski and snowboard industries support over 533,000 jobs and generate \$58 billion in economic activity.

Public land ski areas are typically the largest employer for the communities in which they operate. Ski areas pay for all on-site improvements, including roads, parking lots, and chair lifts, along with the processes required to review and approve such projects. The ability of ski areas to move forward as a business is inextricably linked to our most important partner, the U.S. Forest Service, having the capacity to review proposals and render a decision.

Fee retention, as outlined in the SHRED Act, is an important tool for boosting the agency's capacity to review ski area proposals. This legislation would allow ski areas to invest *more and sooner* in much needed infrastructure at public land resorts.

Need for Ski Fee Retention

Retaining ski fees locally is necessary because funding and staffing of the Forest Service Recreation Program sits 40 percent below year 2000 levels. Meanwhile, visitation to these lands has steadily grown, increasing by over 30 percent in the last decade. The Forest Service's own data show that 85 percent of visitors to our national forests are seeking recreation opportunities. Of the 10 most visited forests nationwide, 9 of them host ski areas, attracting millions of visitors who spend money in local economies.

Ski areas are less likely to receive timely reviews of project proposals when forests are operating at low permit administration capacity. For example, ski areas have experienced "pauses" during which proposals are not accepted by the agency for extended periods of time. On some forests, the agency's lack of bandwidth limits them to reviewing one project at a time.

When projects are delayed and timelines are uncertain, ski areas—like all businesses—find it harder to invest significant resources. This means that ski areas are slower to replace ageing lifts, upgrade to energy efficient snow guns, and transition to a four-season model capable of supporting jobs and recreation all year long.

Benefits of Ski Fee Retention

The uncertainty resulting from the capacity shortages has delayed or, at times, shelved ski area infrastructure projects that would have benefited workers, guests, and communities. Dedicating part of the \$44 million in fees paid annually by ski areas to boost agency staffing will help unlock new investment opportunities and accommodate the spike in demand for outdoor recreation.

Since 2010, ski areas operating on Forest Service lands have experienced 36 percent revenue growth from winter sports activities and 126 percent from summer activities. During the 2021/2022 season, ski areas experienced an all-time record of 60.7M skier/snowboarder visits. There is tremendous interest among resorts in harnessing this momentum and building the infrastructure necessary to support future growth. The SHRED Act is critical to funding and staffing the agency at the levels needed to address increasing recreation demands.

The SHRED Act is consistent with previous federal actions, including the local retention of recreation user and permit fees through the Federal Land Recreation Enhancement Act. It does not require any new spending, but the Congressional Budget Office does score this legislation because it moves resources from one account to another. We ask that the Committee work with us for any clarifications necessary on that front as we continue to discuss this important issue.

In closing, we urge the Committee's support of the SHRED Act. Thank you for the opportunity to provide this testimony.

Mr. TIFFANY. Thank you, Ms. Link. And now I would like to recognize Members for 5 minutes for questions.

First, I would like to turn to the Chairman, Mr. Westerman.

Mr. WESTERMAN. Thank you, Chairman Tiffany, and thank you again to all the witnesses.

It is unfortunate that this hearing is on a day when H.R. 1 is on the House Floor. I have already been given the signal I need to leave, but I told them to give me just a few minutes, because this is so important. And it is very critical to the goals of what we have on our Committee, and that is to have access to public lands.

And when you think about recreation, and as I listened to the testimony, it all comes down to access. For the American public to be able to use American lands, for us to be good stewards of the public lands that we have, to leave them in better shape for future generations, we have so much potential with all the public lands that we have. I know with all the issues that the world faces and that take place in Congress, consistently since I have been here, I have gotten more questions from constituents about access to public lands. And I have two national forests, a couple of National Park properties, and five U.S. Fish and Wildlife refuges in my district, and there are issues with access.

And I will say this: Arkansas does it as well as anyone in the country, as far as providing access. But there is tremendous upside potential, and I hope that we can work in a bipartisan manner to make sure that Americans have more access to our public lands.

Secretary Mills, in your testimony, you mentioned Governor Sanders' Natural State Initiative, which is designed to help foster many new recreation partnerships and opportunities in Arkansas. As we look to craft comprehensive Federal legislation that addresses outdoor recreation, that addresses access, can you please tell us more about the initiative in Arkansas, and what Arkansas is doing to encourage recreation at a state level that, I would say, should be modeled at the Federal level?

And you might put a plug in for what I always say are the second-to-none state parks in the world. The Arkansas State Park System is phenomenal.

Mr. MILLS. Congressman, it is my honor to be in charge of all 52 state parks in Arkansas.

And the Governor has appointed her husband, Brian Sanders, as head of the Arkansas Natural Initiative. And that initiative is to put the state of Arkansas and its partners on the world stage of outdoor recreation.

We are fortunate to have the Walton Family Foundation, the Murphy Foundation, the Stephens Foundation, people in the private enterprise investing in outdoor recreation opportunities within Arkansas. We fully intend to make that a model for the United States. And in some ways, we want to play on the world stage.

Mr. WESTERMAN. Thank you. Godspeed to everyone.

I yield back.

Mr. TIFFANY. Thank you, Mr. Chairman. Next, I would like to turn to the Ranking Member, Mr. Neguse, for 5 minutes.

Mr. NEGUSE. I thank the Chairman and the Chairman of the Full Committee.

I think we have a great set of bills, as I said in my opening remarks, for this Subcommittee to consider today. And I couldn't agree more with the Chairman. I think every one of the bills is rooted in this principle of access, of trying to increase access to our beautiful outdoors. And most, if not all, members of this Committee have public lands within their respective Congressional districts, and access to outdoor recreation is an important priority that stretches across the partisan lines of Congress. So, I am very grateful for each of your testimonies.

And, of course, I am very excited to see these bills be marked up, in particular the SHRED Act. I thought your summary of the numerous benefits that will inure to local communities as a result of the SHRED Act was very well said. I mean, tens of millions of dollars for ski resorts and local communities, ultimately, to be able to leverage these resources back in our local communities and address some of the deferred maintenance challenges, the permit issues that you referenced. It is certainly very important in my state of Colorado.

And I know there has been a lot of talk about ski resorts and ski communities, and which states have the claim to being the best state. I will just say that Colorado has, I think, 32 ski resort communities, and Utah has 15. Mr. Moore has left the room, and isn't in a position to defend the propriety of his state.

But in any event, I digress, very glad to hear that the Forest Service is supportive of the SHRED Act, and also that you all are willing to work with the sponsors on some of the other bills that I have either introduced or am co-sponsoring, in particular the SOAR Act and the BOLT Act.

I wanted to talk a bit about, Representative Curtis isn't here, and I suspect he will talk about this during his 5 minutes, but the PARC Act, and kind of zero in on the issue that was described around the current rulemaking that the agency is engaged in. And I have to say I was surprised by the opposition from your agency to the bill, and I guess I am trying to better understand how the agency is making the argument that simultaneously the legislation is unnecessary because the agency is engaged in rulemaking, but then also making the argument that the legislation would essentially amend the Wilderness Act, and so therefore, on that basis, the agency opposes it. That seems like a contradiction.

Mr. FRENCH. I am assuming that question is for me, Ranking Member.

Mr. NEGUSE. Yes.

Mr. FRENCH. Yes, thank you. I mean, it comes down to two things. One, the guidance that tells us to derive these directives is already in place. It came through in the, I think, 2021 omnibus report language. We have been pursuing that and working directly with a number of constituents of how you do it.

The USDA believes that by creating a very specific call-out on an acceptable use of the Wilderness Act, that you are essentially creating a de facto change to the Wilderness Act, and believes that we can go forward and meet the goals that are stated in your bill and that we have heard through advocacy groups for climbing in wilderness in a manner that doesn't do that.

We are very close on delivering our directives that will address this going out for public comment. And I believe that you will see that almost every issue that has been brought forward in your bill will be addressed.

Mr. NEGUSE. On that front, I guess, because my understanding is, as we heard from one of the other witnesses, there are a number of national forests that have, in effect, changed the rules of the game, that have begun to treat these fixed anchoring devices differently than they have been treated previously during the sort of pendency of the Wilderness Act the last 60 years or so. Why not simply direct those forests, or rather the supervisors within those forests, to repeal the policies that they have enacted? Because that strikes me as—were the agency to do that, then it would render the legislation unnecessary.

But my concern, as you probably can imagine, is if the agency is arguing that this legislation is unnecessary because the agency intends to take steps to achieve the goals of the legislation, while simultaneously saying that it opposes the legislation because the legislation undermines, in their the agency's view, the Wilderness Act, that doesn't strike me as an agency that is likely to be concurring with my assessment and Representative Curtis' assessment and the assessment of many other stakeholders as to how fixed anchor devices and others should be treated.

Mr. FRENCH. Yes, I mean, I think it is a great question.

The examples that Mr. Winter brought forward, I believe they are all primarily Park Service examples. And I would focus those questions to the Park Service.

What is true and has created this problem is that there is a lack of guidance. And when you have a lack of guidance, you have inconsistency of local decision making. And the reason that we are going out with these directives, as required in the language of the omnibus, is to clarify that. And that will bring that consistency across the board, Ranking Member.

Mr. NEGUSE. Thank you, and I yield back my time.

Mr. TIFFANY. Thank you, Mr. Neguse. Now I would like to recognize the gentleman from California, Mr. McClintock.

Mr. MCCLINTOCK. Thank you, Mr. Chairman. When I served as Chairman of this Subcommittee, we set three overarching objectives: to restore good management of the public lands, to restore public access to the public lands, and to restore the Federal Government as a good neighbor to the communities that are directly affected by the public lands. And it is good to see this Subcommittee returning to those principles.

Preserving our Federal lands for future generations does not mean that we should close them to the current generation. We began setting aside lands with the Yosemite Grant Act that involved my district, signed by Abraham Lincoln in 1864. The purpose of that Act was to guarantee these lands for public "use, resort, and recreation for all times." Yet, in the last 50 years we have seen the environmental left replace this with a very different policy that can best be described as look, but don't touch.

We have watched increasingly draconian restrictions placed on the people's ability to use, resort, and recreate on the people's lands. That was the maxim of the king's forests. During the

Norman and Plantagenet era, a third of the English countryside was declared off limits to commoners. It was reserved exclusively for the king, the king's foresters, and the king's cronies. Public use of these lands was strictly prohibited. These policies were so resented by the English people that no fewer than five clauses of the Magna Carta were devoted to redress their grievances.

The purpose of America's public lands is exactly the opposite of the old kings of England. It is to set aside the most beautiful or bountiful lands in America, and to guarantee that the American people have full access to them to use, resort, and recreate, and to develop our bountiful resources to the benefit of the American people. It is good to see that the Subcommittee is returning to these principles, and that the House is returning to those principles. Soon, I hope we will see the entire Federal Government return to those principles.

Other than that, I have no questions of the panel. I will yield back the balance of my time.

Mr. TIFFANY. Thank you, Mr. McClintock. Next, I would like to recognize the gentlewoman from Alaska, Mrs. Peltola.

Mrs. PELTOLA. Thank you, Chairman Tiffany. I apologize for coming in late.

I was very interested to hear the remarks of Mr. Mills, but my question is really for Mr. Mason.

And Mr. Mills, I really identified with what you were talking about, with young people not getting outdoors enough. Five of my kids are grown now, and two are yet in high school. But when the older kids were in junior high, when it was time to go to a fish camp, it was almost painful to get them off of their devices and away from their games. But as soon as we got to the boat harbor, they were back in action. And all of their senses were there again, and they would have a great day outdoors. And by the time they were in high school, they were going out bird hunting after school, and really appreciating being outdoors. So, sometimes it is not easy introducing kids to the outdoors, and kind of forcing them away from their games, but I really appreciated what you said.

But Mr. Mason, I apologize for not hearing your testimony. I would like you to speak a little bit more about the positive impacts of the Pittman-Robertson funding, and the importance of making sure that we have access to ranges where we can teach our kids how to be good shots, how to handle firearms in a safe way, and make sure that we are not injuring our game and having to track them or not being able to track them, and just some of the conservation efforts that are accomplishable because of the Pittman-Robertson funds.

And I also want to commend Texas on your online hunter education course. It is applicable in other states, and it has been very useful for me, in particular. But if you could just expound on some of your comments, please.

Mr. MASON. Thank you for the question. The Pittman-Robertson Fund, this most current year, provided \$1.2 billion to game and fish agencies to do the needed conservation work in which they have the force multiplier of non-Federal dollars to match the Pittman-Robertson funds, a three-to-one match, and those dollars are used directly to put biologists, technicians, researchers in the

field to conduct needed restoration projects, needed on-the-ground habitat management projects, restoration projects, as well as development of access to public lands, shooting range development, et cetera, all across North America. It has been the direct result of the restoration of elk, wild turkey, whitetail deer from nearly extirpated numbers to numbers of whitetail deer now that exceed 30 million.

So, it has been the conservation success model that is truly modeled around the world. And as a former game and fish agency biologist, my salary was paid partially by Pittman-Robertson funds. So, when a private landowner called, or when I was managing public land, the resources that we used and the habitat projects that we undertook were only possible through Pittman-Robertson funds. It is the critical link to conservation across North America.

So, to speak to the benefit of public access to ranges, No. 1, when you look at, really, the driver behind Pittman-Robertson funds, 32 million recreational shooters provided 80 percent-plus of the Pittman-Robertson funds this last year. So, again, \$1.2 billion.

And the recreational shooter has a very direct impact in wildlife conservation across North America. Thus, they deserve to be a recipient of those funds, as well, from the sense of building additional shooting ranges, and have access to clean, appropriate, good, accessible ranges, but then also accomplish a number of things from cleaning up lands and providing safe access so then people are competent with firearms, and they are ethical and skilled hunters when they go to the field.

Mrs. PELTOLA. I just appreciate the opportunity to put a plug in for the many, many, many Americans who are responsible gun owners, and who take gun ownership very seriously and the safety of gun ownership, and the many good values and, basically, the love we can share by sharing hunting, ethical hunting and fishing, with our kids.

And you look at some of the tragedies that are occurring, and those aren't hunters, those aren't kids that have grown up with hunting and the good values that I think hunting and hunting families provide. So, I just really like the opportunity to give a plug for Second Amendment rights and good values. Thank you.

Mr. TIFFANY. Yes, thank you to the gentlewoman from Alaska. Next, I would like to recognize one of the gentlemen from Utah, Mr. Curtis.

Mr. CURTIS. Thank you.

And, Mrs. Peltola, you have prompted me just to take a minute of personal privilege. I used to build shooting ranges for a good portion of my career, and I am looking forward to being in Alaska this weekend. I think we actually share a stage, and I am looking forward to getting to know you better and being in your great state.

I would like to first address one of my bills, the PARC Act, P-A-R-C Act. This bill is critical to protect access to popular climbing, access, and wilderness areas on Federal lands, creating a predictable standard for the rock-climbing community, who has been using wilderness areas since their inception and, if I might say so, are among our most predictable caretakers of these wilderness areas, and who I know care deeply about protecting them.

Additionally, I was proud to champion over 600,000 acres of wilderness in Emery County. If areas like this retroactively become blocked off from climbing access, it would be a disincentive for any effort to do public lands legislation in the future.

Mr. Winter, would you just take a moment to express the importance of this bill, and why you would like to see this bill move forward?

Mr. WINTER. Yes. Thank you, Congressman Curtis.

On that historic note, I would just note in my home district of Colorado, and I am very lucky to have Congressman Neguse representing our interests there, climbers first ascended the Diamond on Longs Peak in the early 1960s. It is one of the most historic feats we celebrate in climbing in America. And that area was designated as wilderness in 2009.

So, under the direction that the agencies are currently going, climbers would have enjoyed historic access from the 1960s up until just recently, using fixed anchors to experience that place. And we also, like you mentioned, have become champions for taking care of those places.

And under the current direction of the land management agencies, we could lose access to that place now that it has been designated as wilderness in 2009 with this change in policy. And, of course, that was never part of the conversation when Governor Polis, who was at that time a Congressman, sponsored the bill that designated that area as wilderness. And we were champions for that bill, as well as we were for Emery County.

So, I think it is incredibly important to recognize the historic nature of climbing in wilderness areas, the access we have enjoyed, and how that has allowed us to be unfettered champions and caretakers for these wild places.

Mr. CURTIS. Thank you. And thanks to you and all of our witnesses for being here today.

Today, I would like to shift focus to the SHRED Act. I thank my colleague Ms. Kuster, for her support of this bill. The U.S. ski industry contributes an estimated \$29 billion to our GDP. If you haven't been skiing this year in Utah, it is not too late. To all of you, I welcome you to the state.

This bill would allow the Forest Service to keep pace with ski area permitting and forest treatment demands by allowing a portion of the fees that resorts generate annually to be used locally. Mr. Winter, I wonder if you could just comment on that and the importance of the SHRED Act.

Ms. LINK. Thank you.

Mr. TIFFANY. Ms. Link.

Mr. CURTIS. I am sorry.

[Laughter.]

Mr. CURTIS. I am looking at Mr. Winter, and I have written on my notes "Ms. Link," so please excuse my mistake, Ms. Link.

Ms. LINK. And "Winter" would be a better name for the ski industry, anyway.

Mr. CURTIS. Correct.

[Laughter.]

Ms. LINK. Anyway, so yes, this bill is absolutely crucial, and the National Ski Areas Association has been behind this bill for many

years because of all of the benefits that it would bring not only to ski areas, but also to the mountain communities in which ski areas operate. So, everything from permit administration to trail maintenance, there are a lot of things that happen outside of ski area boundaries that would be funded by this legislation, avalanche education and forecasting as an example. There are many, many benefits to different sectors of recreation from retaining these ski area permit fees.

Mr. CURTIS. Thank you. Thanks to all of our witnesses.

And Mr. Chairman, I yield my time.

Mr. TIFFANY. Thank you, Mr. Curtis.

Next, Ms. Leger Fernández, you have 5 minutes.

Ms. LEGER FERNÁNDEZ. Thank you so much, Chair, and thank you, Vice Chair, as well as the witnesses.

You know, I am from New Mexico, and we will compete with everybody on regards to the beauty of our mountains and the marvelousness of our skiing. I will say we don't have long lines.

[Laughter.]

Ms. LEGER FERNÁNDEZ. So, you get a lot more skiing in on that beautiful fluffy snow that we have. But my son did ski in Utah for his spring break.

I did want to talk a bit about the outdoor recreation. I appreciate the fact that we are focusing on that. New Mexico relies significantly on its outdoor recreation, as does our entire country. And the idea that we understand that these lands are indeed our lands, and that we utilize them in a wise and respectful way is so key.

We have a New Mexico True campaign, where we realize people didn't know enough. They knew about our art, which is second to only one other city. But they didn't know enough about our outdoor recreation. So, we have spent some good amount of time letting people know about that.

And skiing, I am a lover of skiing. I did not mess up the shoulder on skiing. That was putting luggage into the flight, since we go back and forth. But Ms. Link, in your testimony and speaking, you said that the ski and snowboarding industry supports 533,000 jobs. Can you describe a bit more about how the SHRED Act, which I co-sponsored last cycle, and intend to do the same this cycle, how would the SHRED Act help grow those job opportunities?

Ms. LINK. Thank you, and that is a great question. Ski areas are major employers in rural communities, and ski area projects and improvements, which would be facilitated by the SHRED Act being passed, the funding obviously wouldn't go to ski area improvements, but would support the Forest Service decision-makers and their review process when they are considering those kind of projects.

So, when we have growth at ski areas, and we have seen record ski area visitation, especially last season, we would like to reinvest a lot of that capital in improvements to improve the ski area experience for the future. In doing that, there are a lot of local benefits to ski area improvement projects and construction projects. And if we can, for example, have more snowmaking projects at ski areas, that snow-making benefits the entire community. So, when a ski

area is open, the restaurants, the hotels, the gas station, everybody benefits from that snowmaking.

So, all of those different aspects of ski area operations would be supported through the SHRED Act passage.

Ms. LEGER FERNÁNDEZ. Right. And I think the issue that the ski areas are not just places of outdoor recreation in the winter, but also in the summer, which you pointed out, there are the trails, the utilization of the lifts to get mountain bikers up to the top, I think that that is a really key thing that is not limited to only a single season.

The lack of bandwidth and the need across all of the agencies for more support. Last Congress, we led efforts to invest over a billion dollars for Federal permitting offices through the Inflation Reduction Act, because we recognize that we cannot move forward if we don't do that, and that we preserve that.

As was mentioned earlier, H.R. 1 is going to be on the Floor today. There are some ways in which that bill would undermine our ability to continue funding positions which are a bottleneck. I also have on the Floor today that we want to encourage local hiring to H.R. 1, so that the Forest Service, BLM, and the Park Service are looking to our local community for their hiring.

And I will just ask quickly of our Federal witnesses, would you say that that is really important, so that you have that local perspective?

I only have 30 seconds, so whoever wants to chime in.

Mr. FRENCH. I think I am the only Federal witness, and the answer is yes. Especially for the community links that we have, the housing issues we have, it makes a lot of sense.

Ms. LEGER FERNÁNDEZ. OK, thank you. I look forward to seeing these bills move forward so that we can continue to grow our outdoor recreation.

Thank you, Chairman, for holding this hearing. I yield back.

Mr. TIFFANY. Thank you for your questions. Next, I would like to recognize another gentleman from Utah, Mr. Moore.

Mr. MOORE. And I will just quickly state for the record that there have been two Utahns that have invited Representative Neguse to come over to the greatest snow on Earth, so I just want to keep that theme going as much as we possibly can this year.

Mr. Mason, I am going to ask a couple more questions with respect to the Range Access Act, but I would almost just want to call out the intent for this is being captured. My colleague from Utah has talked about it, and my new colleague from Alaska, Mrs. Peltola, has also talked about it. And I could actually just be sufficed just hearing your questioning and your comments on this, and recognizing the ethical nature of hunting, the ability to make sure people are properly trained, and have the access that they need to do this responsibly. So, I sincerely appreciate the comments that I am hearing from both sides of the aisle today on this, and that is truly the intent of this, and that is why Congressman Panetta and I came together to advance this, and would truly hope for folks to see the value in it, and come on board.

I will just give a brief story. The golden spike. So, in addition to our greatest snow on Earth, we are also very proud of the fact that Golden Spike, that last stake was driven in my district. And I was

out visiting some of the towns, the heritage sites associated with that from the old rail line. And when we got to one of these places, there was a sign that sort of oriented folks to what this town used to be, and it had some information, and it was riddled with bullet holes.

So, this is what we mean when we say irresponsible targeting practice going on on our public lands. And the fault of that is on the individuals that decided to do that, and I condemn that. And I can't stand when I am out in our public lands and I see that.

This is an opportunity to address this, recognizing that there is a huge surge in this interest in getting out into the great outdoors and the recreational aspect of this. That was that moment that I was, like, this is why we are introducing this bill. It was almost that same week that we were doing something simultaneously. Having access to responsible ranges in our BLM and Forest Service areas is designed to do this.

There is an enormous amount of support from all angles of the recreational industry. And Mr. Mason, I will just quickly ask, can you help add to the context that was even provided earlier, on what do you think are some of the most important benefits of having easier access to free public shooting ranges?

Mr. MASON. No. 1 is the opportunity for the public to engage the outdoors, to engage in opportunities that are typically family-based or friendship-based, and it is the opportunity to support conservation in a very broad sense, as well. Again, recognizing that the recreational shooter represents 80 percent of the funds generated for 80 percent-plus of funds generated for Pittman-Robertson fund and, again, the most widely celebrated and successful conservation model in the world.

So, the opportunity to participate in that from a recreational shooting standpoint, as well to increase and improve proficiency, to be more skilled and ethical hunters. There are a lot of bonds and relationships that are built in the outdoors. If that is hiking, the same thing occurs on the shooting range. Fellowship, friendship, time outdoors well spent.

I am a father of a 14-year-old daughter, and it is time that we spend together, and we cherish that time away from the world, unplugged to enjoy the outdoors that way. And this would increase and improve the ability to do that across much of the Western United States.

Mr. MOORE. Since 2020, have you seen an overcrowding issue?

And then, of course, if so, is this something that could actually alleviate some of that overcrowding issue out on our public lands?

Mr. MASON. I encounter overcrowding on a routine basis. The ability to get outdoors, if you look at the BLM as an example, managing 245 million acres, claiming 91 ranges, that is a range per 2.7 million acres. For a context, that is the size of the state of Delaware. So, that is not adequate opportunity for the public to get outside, and participate, and increase and improve firearm safety and proficiency.

Mr. MOORE. Thank you. We have addressed some of the litter issues and what we can do to clean that up. This is just an all-encompassing opportunity for us to come together, and I look forward to working with Committee leadership to advance this effort.

So, thank you, and I yield back.

Mr. TIFFANY. Thank you to the gentleman from Utah. Next, I would like to recognize my neighbor, the Representative from Minnesota, Mr. Stauber.

Mr. STAUBER. Thank you very much, Mr. Chair.

Mr. Mason, great to see you, and thank you for joining us today. You know better than most how crucial Pittman-Robertson is to our hunting traditions. Can you discuss the important role that recreational shooters play in funding this program, and how the expanded access to public land shooting ranges as a result of the Firearm Access Act would help to boost Pittman-Robertson?

Mr. MASON. Yes, sir. Thank you for that question. Again, the unparalleled success of the Pittman-Robertson fund is what state game and fish agencies absolutely rely on, from activities such as land acquisition, to fighting endangered and invasive species, to needed research. That may be repatriation of bighorn sheep to a mountain range in which they have been extirpated because of land use changes, whatever it might be. It may be needed research on bobwhite quail, everything in between, training of wildlife professionals.

So, the outdoor shooter, the recreational shooter, provides by and large, 80-plus percent of the funds associated and behind the Pittman-Robertson fund. So, when you look at 15.9 million licensed hunters, but you look at 32 million recreational shooters, the ability of the recreational shooter to have the ability to actively participate in ranges ethically and safely, it is absolutely paramount for the continuation of conservation North America as we know it.

Mr. STAUBER. Thank you. And can you speak to conservation projects funded by Pittman-Robertson from your time working for the Texas Parks and Wildlife Department?

Mr. MASON. Absolutely, yes, sir. For conservation projects, again, from purchasing needed acquisitions, maybe end holdings to get public access to tens of thousands of acres in which they didn't have reliable access, to projects that we did on the ground; needed reclamation projects; wetland improvement projects; projects that we did for research, for example, for white winged dove, for mourning dove, for white tailed deer.

All of those projects were only possible because of the enhanced funding that came as a force multiplier to states' dollars through Pittman-Robertson.

Mr. STAUBER. Thank you very much.

Deputy Chief French, thank you for joining us once again, not even a week later. In our district, we love to grouse hunt on our Federal lands. And last Congress, I introduced the Healthy Forests for Hunters Act, which has the twofold benefit of taking care of our Federal forests while creating good habitat for grouse hunting. Can you speak broadly about how properly-managed forests can

improve wildlife habitat and create new recreational opportunities for sportsmen and sportswomen?

Mr. FRENCH. Thank you. You bet. So, to put it concisely, you want to have healthy, resilient forests to support a wide variety of wildlife habitats.

I am also a wildlife biologist. We were constantly looking at what were the needs in any given forest area, whether it was creating different age classes or openings that you may need to provide the right distribution and variety of habitats needed to support wildlife, and that often comes down to proper management and broad management of those forests by forest managers.

Mr. STAUBER. Thank you.

And Mr. Chair, in closing, I don't have another question, but I wanted to mention the importance of more, and not less, access on our Federal lands. Last year, canoe permits were cut by 13 percent in the Superior National Forest. I am still frustrated by that decision, and I look forward to working with you on this Subcommittee, and fixing that problem.

Mr. Chair, I yield back.

Mr. TIFFANY. Would the gentleman yield to me?

Mr. STAUBER. I would, yes.

Mr. TIFFANY. So, the permits were cut by 13 percent on the Superior National Forest. So, it isn't just these important things that we do for our economic security, national security, and job security like mining and things like that. They are also cutting back on the recreational aspect of it, is that right?

Mr. STAUBER. That is right. The canoe permits were cut by 13 percent, and that was a decision by the Forest Service.

Mr. TIFFANY. Thank you for your questioning.

Mr. STAUBER. Thank you, I yield back.

Mr. TIFFANY. I would recognize myself for 5 minutes of questioning.

First of all, I am really glad to hear the concern about administrative rules, that there is concern about those rules that are inconsistent with the laws that we have. I am really glad that that has come up today, because it is a major problem before us at this point as the leviathan of the Federal Government really consumes people's lives.

The second thing that I would say is that I really appreciate the investment locally and what is being proposed there, I believe it is, with the SHRED Act. And I think we should do that across the board with revenues that are generated by activities on our Federal lands, including in this next farm bill. I am sure hoping that we expand the Good Neighbor Authority, which has been very successful. My state, when I was in the State Legislature, very first state east of the Mississippi that adopted that, and it has been quite successful.

The third thing that I would say is that I think we have to be very careful when we are doing these wilderness area designations. We saw all kinds of them last session. People view it as you are shutting down those areas, and I think you are running into that problem right now, in regards to rock climbing. And there is this preservationist mentality that takes hold that says we can't allow anything. And, of course, we see the litigation that goes along with

it. And that is why I think we need to be cautious when adding additional areas to be designated as wilderness area that has nothing motorized that can operate there, because we even see in the case of rock climbing that sometimes it goes too far.

Mr. French, thank you for joining us again today. There were a number of boat launches closed on the Chequamegon-Nicolet National Forest a few years ago.

First of all, do you know if they have been reopened, and what can we do to stop these, what is a recreational pursuit using a boat launch, from being closed?

Mr. FRENCH. I am not familiar with those particular closures, but I can certainly follow up with you.

Mr. TIFFANY. I think we were told at that time, I was once again in the State Legislature at that time, that there was not sufficient funding. Does that sound like it would be a rationale?

Mr. FRENCH. Yes. I mean, absolutely. So, I look at the variety of bills here. We all agree on providing more access and more infrastructure, like shooting ranges.

The problem I have as Deputy Chief is that the amount of infrastructure that I have to maintain is close to \$1 billion a year, and I have a budget that is maybe 25 percent of that. Every piece of infrastructure that we build, we have to create long-term maintenance of it. And if I can make those two meet, I want to say yes to everything.

Mr. TIFFANY. If a state wanted to take on that burden, would you consider that?

Mr. FRENCH. I think through a Good Neighbor agreement or opportunities like how states use Pittman-Robertson funds, yes.

Mr. TIFFANY. Last week, we talked about catastrophic wildfires burning, on average, about 7 million acres annually. Can you discuss the effects these wildfires and lack of proper forest management have on recreation opportunities?

Mr. FRENCH. On recreation? Well, you can clearly see in the West that areas that, whether it is a ski area that got completely burned over near Lake Tahoe, or it is trail systems or campgrounds, we have lost critical infrastructure from the huge fires we have had in the last 15 years. And we are not keeping up with replacing it.

Plus, it just changes the experience. I mean, you look at, like, the Plumas National Forest, where almost half that forest completely burned over. Those trails that you used to hike on or camp in used to be shaded. Now they are just wide open black landscapes.

Mr. TIFFANY. So, it restricts public access for recreation when we see these massive wildfires due to improper management?

Mr. FRENCH. Fires will certainly change access, and they block access when they are occurring.

Mr. TIFFANY. We talked about the ability to use fire retardant last week when you were here before us. Not being able to use that fire retardant, how is that going to affect recreational access on our Federal lands?

Mr. FRENCH. If we lose the ability to use retardant, that is a critical tool that we lose.

I mean, I could think of multiple examples where we have used fire retardant to pre-treat areas that help us to evacuate

communities and recreation facilities. I think the Mosquito Fire in 2020 was a good example of where we were using both ground crews and aerial-applied retardant on hillsides to create safe egress routes for when those areas eventually burned. So, we would lose a critical tool.

Mr. TIFFANY. One final question, real quickly, Mr. Mason. Do you expect that, if we see ranges proposed on some of these Federal lands, do you expect to see lawsuits trying to stop them?

Mr. MASON. I don't know that I could speculate to that, sir, but I do think it could be a joint partnership. It was just mentioned, the opportunity for, if it is BLM or the Forest Service, to work with their states and conservation partners to ensure the opportunity to safely participate in the out-of-doors.

Mr. TIFFANY. OK. So, I want to thank all the witnesses for joining us today. I think that completes our questioning here, and I really appreciate your testimony, and we would like to impanel our third panel at this time, if you will.

While the Clerk resets our witness table, I will remind the witnesses that, under Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the hearing record.

I would also like to remind our witnesses of the timing lights, which will turn red at the end of your 5-minute statement, and to please remember to turn on your microphone.

As with the first panel, I will allow all witnesses to testify before Member questioning.

I ask unanimous consent the following letter from the Outdoor Recreation Roundtable in support of the bills on today's hearing, which will ultimately form a larger recreation package, be added to the record for today's hearing.

The Outdoor Recreation Roundtable represents 48 outdoor recreation trade associations, businesses, and state offices of outdoor recreation. The letter states in part, "The bipartisan, bicameral legislative package would truly transform the way Americans access and enjoy their public lands and waters by streamlining permitting processes to ease burdens on outfitters and guides; improving access to recreational opportunities; ensuring access to green spaces in under-served communities; developing, improving, and completing long-range trails; investing in rural communities; and so much more."

Without objection, so ordered.

[The information follows:]

Outdoor Recreation Roundtable Association

March 27, 2023

Hon. Tom Tiffany, Chairman
 Hon. Joe Neguse, Ranking Member
 House Natural Resources Committee
 1324 Longworth House Office Building
 Washington, DC 20515

Dear Chairman Tiffany and Ranking Member Neguse:

The Outdoor Recreation Roundtable Association—on behalf of the 48 outdoor recreation trade associations, businesses, and state Offices of Outdoor Recreation we represent—writes to thank you for your upcoming hearing on components of an outdoor recreation legislative package. This historic legislation would revolutionize the \$862 billion outdoor recreation economy and pave the way for its continued growth.

This bipartisan, bicameral legislative package would truly transform the way Americans access and enjoy their public lands and waters by streamlining permitting processes to ease burdens on outfitters and guides; improving access to recreational opportunities; ensuring access to green spaces in underserved communities; developing, improving, and completing long-range trails; investing in rural communities; and so much more. All of this would be accomplished at no additional cost to the taxpayer. And this bill is well-timed: the U.S. Bureau of Economic Analysis reported that the outdoor recreation economy grew three times faster than the U.S. economy from 2020 to 2021.

We strongly support advancing this comprehensive piece of legislation that appropriately meets the growing demand for access to the outdoors while also protecting public lands and waters for future use. Most bills that are the focus of this hearing have been worked on by policymakers—including those on this Committee—and stakeholders for years. The strong support from the industry and conservation community, as well as both sides of the political aisle, highlight the importance of this bill. The members of the outdoor recreation economy look forward to working with you and your staffs on this package that could be a win-win for businesses, conservation, rural communities, and the economy.

Sincerely,

CHRIS PERKINS,
Senior Director

Mr. TIFFANY. I would like to now introduce Mr. Mike Reynolds, who is the Deputy Director for External and Congressional Affairs at the National Park Service.

Deputy Director Reynolds, you are now recognized for 5 minutes.

**STATEMENT OF MIKE REYNOLDS, DEPUTY CHIEF DIRECTOR
 FOR CONGRESSIONAL AFFAIRS AND EXTERNAL RELATIONS,
 NATIONAL PARK SERVICE, WASHINGTON, DC**

Mr. REYNOLDS. Thank you, Chairman Tiffany, and Ranking Member Neguse, and currently Congresswoman Peltola, thank you and members of the Subcommittee for the opportunity to present the Department of the Interior's views on five of the bills today on your agenda. I would like to submit our full statement for the record and summarize the Department's views.

In addition, the Bureau of Land Management has submitted a statement for the record on a sixth bill, H.R. 1614, the Range Access Act. The Bureau would be happy to respond in writing to any questions on that bill.

H.R. 1319 the Biking on Long Distance Trails, or BOLT Act, would require the Secretaries of the Interior and Agriculture to identify existing long-distance bike trails, as well as areas that could present an opportunity to develop or complete long-distance bike trails.

The Department supports the goals of establishing additional opportunities for bicycling on Federal lands. We would welcome the opportunity to work with the sponsor and the Committee to achieve additional clarity on some of the bill's provisions.

H.R. 1380, the Protecting America's Rock Climbing, or PARC Act, would require the Secretaries of Agriculture and Interior to issue guidance on climbing management in wilderness areas under the Secretary's jurisdiction.

I must first clarify that existing Department of the Interior guidance allows climbing, and provides for the placement of fixed anchors in designated wilderness in accordance with the Wilderness Act, and the Department has no intention of changing that. It is unclear whether H.R. 1380, as drafted, achieves the goal of supporting recreational climbing, and may actually have the opposite effect of imposing more significant administrative burdens and unnecessarily lengthening the permitting process.

Furthermore, mandating particular uses in designated wilderness, as H.R. 1380 would do, has the practical effect of amending the Wilderness Act, which is not only unnecessary, but could potentially have some serious, harmful consequences.

Additionally, just yesterday, the National Park Service noticed tribal consultation on a nationwide climbing policy. Legislating the types of requirements contemplated under H.R. 1380 before tribes have had a chance to weigh in with NPS would be premature.

So, for these reasons, the Department opposes H.R. 1380, but would welcome the opportunity to work with the sponsor and the Committee on ways to further promote recreational climbing.

On H.R. 1527, the Simplifying Outdoor Access to Recreation, or SOAR Act, would authorize single joint special recreation permits for multi-jurisdictional trips across Federal lands, and makes various amendments to the Federal Land Recreation Enhancement Act, FLREA, aimed at improving the process and reducing the cost of applying for and administering special recreation permits.

The Department supports the efforts to improve the permitting process for trips that cross jurisdictional boundaries, and would like to continue to work with the sponsors and the Committee on certain modifications of the bill.

H.R. 1576, the Federal Interior Land Media, or FILM, Act would provide exemptions from permitting and fee requirements for content creation, including still photography, video, audio recording activities conducted on land under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior.

This issue is currently pending litigation, but the Department would like to work with the Committee and bill's sponsor on this issue once litigation is concluded to consider legislative or other approaches to balance the interests and rights of those engaged in filming, photography, and audio recording with the government's interest in protecting lands and resources.

H.R. 1642, the Law Enforcement Officer and Firefighter Recreation Pass Act, would amend the Federal Lands Recreation Enhancement Act to provide for an annual national recreation pass free of charge for law enforcement officers and firefighters.

The Department supports the intent of the bill to honor the service of our law enforcement officers and firefighters. But we would note that, if passed, H.R. 1642 would result in reductions in the funding that would otherwise be available for maintaining these federally managed parks and recreation sites.

Chairman Tiffany, Ranking Member Neguse, Congresswoman Peltola, thank you again for the opportunity to appear for you today. I would be happy to answer any questions.

[The prepared statement of Mr. Reynolds follows:]

PREPARED STATEMENT OF MICHAEL T. REYNOLDS, DEPUTY DIRECTOR,
CONGRESSIONAL AND EXTERNAL RELATIONS, NATIONAL PARK SERVICE, U.S.
DEPARTMENT OF THE INTERIOR

ON H.R. 930, H.R. 1380, H.R. 1667, H.R. 1642, H.R. 1319, H.R. 1614, H.R. 1576,
AND H.R. 1527

Public Land Recreation Bills

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of the Interior on H.R. 1319, Biking On Long Distance Trails (BOLT) Act, H.R. 1380, Protecting America's Rock Climbing (PARC) Act, H.R. 1527, Simplifying Outdoor Access To Recreation (SOAR) Act, H.R. 1576, Federal Interior Land Media (FILM) Act, and H.R. 1642, Law Enforcement Officer and Firefighter Recreation Pass Act.

H.R. 1319 requires the identification of long-distance bike trails on Federal lands. H.R. 1380 would require the Secretary of Agriculture and the Secretary of the Interior to issue guidance on climbing management in designated wilderness areas. H.R. 1527 aims to improve the process and reduce the cost of applying for and administering Special Recreation Permits (SRPs) and authorizes single joint SRPs for multi-jurisdictional trips across Federal lands. H.R. 1576 would provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including digital or analog video and digital or analog audio recording activities, conducted on land under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior. Finally, H.R. 1642, Law Enforcement Officer and Firefighter Recreation Pass Act, would amend the Federal Lands Recreation Enhancement Act to provide for an annual National Recreational Pass for law enforcement officers and firefighters.

We defer to the Department of Agriculture regarding provisions affecting the management of lands administered by the U.S. Forest Service (Forest Service).

Background

Federal land management agencies oversee approximately 640 million surface acres. The Bureau of Land Management (BLM) is responsible for approximately 245 million of those acres while the Forest Service manages another 193 million. Most other Federal land is managed by the U.S. Fish and Wildlife Service (FWS), with over 92 million acres, and the National Park Service (NPS), with approximately 80 million acres. The Bureau of Reclamation (Reclamation) and the Army Corps of Engineers also manage Federal lands used for recreation.

The Department of the Interior's (Department) bureaus contribute to its overall recreation mission and to the Secretary's recreation and equitable access priorities. The National Park System, which preserves some of our nation's most important national treasures, hosts over 300 million visitors every year. The public lands managed by the BLM host a remarkable variety of recreational activities, and BLM lands supported more than 73 million recreational visits last year—an increase of three million from 2019. The National Wildlife Refuge System provides world-renowned places to see iconic wildlife and partake in a variety of outdoor activities, such as hiking, bird-watching, canoeing and hunting. The water projects of Reclamation, which is the largest wholesale water supplier in the nation, are among America's most popular sites for water-based outdoor recreation.

The Federal Lands Recreation and Enhancement Act (FLREA) authorizes the following four Interior Department bureaus to collect fees on Federal lands and waters: the BLM, Reclamation, FWS, and NPS. FLREA also provides the Forest Service in the Department of Agriculture authority to collect recreation fees. Revenues collected under FLREA allow the Federal government to implement projects that benefit visitors, such as improving accessibility, maintaining recreation sites, and building informational exhibits. FLREA also authorizes agencies to issue SRPs, which include authorizations for commercial, competitive event, and group recreation uses of the public lands and waters. These permits are issued to manage visitor use, protect recreational and natural resources, and provide for the health and safety of visitors.

The BLM administers approximately 4,700 SRPs per year. Other Interior bureaus use different authorities in addition to FLREA to manage recreation and collect associated fees: the FWS issues special use permits; Reclamation issues use authorizations; and NPS issues commercial use authorizations (CUAs) and special use permits.

H.R. 1319, Biking On Long Distance Trails (BOLT) Act

H.R. 1319 would require the Secretary of the Interior and Secretary of Agriculture to identify no less than 10 existing long-distance bike trails and 10 areas presenting an opportunity to develop or complete long-distance bike trails. The long-distance trails would cross no less than 80 miles of lands managed by the Department of the Interior and the Forest Service to provide opportunities for mountain biking, road biking, touring, and gravel biking. H.R. 1319 directs the long-distance trails to be consistent with the management requirements of the Federal lands crossed and requires coordination with stakeholders to evaluate resources and feasibility. Further, Federal agencies may publish maps, install signage, and issue promotional materials for any identified long-distance bike trails under the bill. Lastly, H.R. 1319 requires the Secretaries, in partnership with interested organizations, to prepare and publish a report listing the trails within two years.

The Department supports the goals of establishing additional opportunities for bicycling on Federal lands. The diverse lands managed by the various bureaus of the Department provide tremendous opportunities for cycling. The BLM, for example, has a long-standing partnership with external organizations to provide information, GPS trail maps, and interactive virtual tours for mountain biking on public lands, and promotes the “Top 20 Mountain Biking Opportunities” on BLM-managed lands.

We would also welcome the opportunity to work with the sponsor and the Committee on some of the bill’s provisions. For example, we would like clarification regarding each Secretary’s responsibilities toward achieving the number of identified areas conducive to long-distance bike trails and opportunities for developing trails. Additionally, the Department notes that some of the best opportunities for developing long-distance bike trail routes could likely traverse non-Federal lands, and we would like to work with the sponsor to allow for the inclusion of non-Federal land segments in the trails. We would also like to ensure sufficient time and resources are provided in the bill for consultation with Tribal Nations, as appropriate, stakeholder outreach, coordination of public input on the feasibility of the trails, completing environmental analyses and any changes to local land use plans—as well as for managing and maintaining the trails upon their establishment. Finally, the Department would like to discuss further with the sponsor how to best define the intended use of these trail segments, including how uses such as electric bicycles would affect that use and the management of other uses, such as hiking, or off-highway vehicles, as appropriate.

H.R. 1380, Protecting America’s Rock Climbing (PARC) Act

Recreational climbing is a legitimate and appropriate recreational activity that is growing in popularity on lands administered by the Department, including in designated wilderness areas. Promoting recreational climbing and ensuring public participation in the development of climbing policies are goals the Department shares and fully supports. Currently, Departmental guidance allows climbing and provides for the placement of fixed anchors in designated wilderness in accordance with the Wilderness Act, and the Department has no intention to change that.

It is unclear whether H.R. 1380, as drafted, achieves the goal of supporting recreational climbing and may actually have the opposite effect of imposing more significant administrative burdens and unnecessarily lengthening the permitting process. The Department is concerned that H.R. 1380, as drafted, may be interpreted to require public notice and comment for every action the Department undertakes, including the placement and replacement of individual fixed anchors in

addition to actions necessary to fulfill its broader mandate to administer the designated wilderness under its jurisdiction and preserve wilderness character while allowing recreation where appropriate in accordance with the Wilderness Act. Departmental policy already requires public notice and comment for climbing management plans in wilderness areas. The Department remains committed to ensuring that tribal consultation and an appropriate level of public review and participation occur in management planning and policy development processes and decisions related to climbing.

Furthermore, mandating particular uses in designated wilderness, as H.R. 1380 would do, has the practical effect of amending the Wilderness Act, which is not only unnecessary but could potentially have serious deleterious consequences. The Department feels it has sufficient authorities under the Wilderness Act to fully support recreational climbing opportunities in designated wilderness opportunities in a manner that balances tribal, recreational, environmental, and wilderness preservation values and interests and therefore does not believe legislation is necessary.

For these reasons, the Department opposes H.R. 1380. The Department welcomes the opportunity to work with the sponsor and the Committee on ways to further promote recreation climbing.

H.R. 1527, Simplifying Outdoor Access to Recreation (SOAR) Act

H.R. 1527 authorizes single joint SRPs for multi-jurisdictional trips across Federal lands and makes various amendments to FLREA aimed at improving the process and reducing the cost of applying for and administering SRPs.

Single Joint SRPs for Multi-Jurisdictional Trips

Section 106 of H.R. 1527 authorizes agencies to issue single joint SRPs for trips crossing jurisdictional boundaries of more than one Federal land managing agency. When a single joint SRP for a multi-jurisdictional trip is proposed, the bill authorizes each of the land management agencies to identify a lead agency for the SRP. This designation is determined by the relative length of the portions of the proposed trip, the land use designations of the areas to be accessed during the trip, the relative ability of each agency to properly administer the single joint SRP, and any other considerations. Under the bill, the agencies would not be permitted to recover the costs of this coordination. H.R. 1527 also authorizes agencies to delegate their respective enforcement authorities to the designated lead agency.

The Department supports efforts to improve the permitting process for trips that cross jurisdictional boundaries and would like to continue to work with the sponsors on certain modifications. For example, the Department supports delegating enforcement authorities among agencies, but would like to ensure these delegations conform with the statutory authorities for each agency. In addition, the Department would like some clarity on how an environmental analysis would be handled by the identified lead agency to ensure compliance with standards for other agencies. Specifically, the Department is concerned that the use of categorical exclusions authorized by the lead agency and applied to a single joint SRP for a multi-jurisdictional trip could result in conflicts with another agency's established National Environmental Policy Act (NEPA) processes.

Although the Department appreciates the bill's option for agencies to withdraw from single joint SRPs, the Department feels the requirements to issue substantially similar permits with no new application may cause processing issues and other limitations that could impact the timeliness of the permitting process. If an agency needs to withdraw from a single joint SRP, presumably it is because the agency needs to issue a permit under terms different from the single joint SRP, whether due to differing management concerns or other circumstances. The Department would like to continue to work with the sponsors to address opportunities to improve permitting efficiency that minimize the potential for conflicts involving divergent regulatory mandates and to determine appropriate cost recovery options.

Alignment of Permitting Authorities & Fees

Section 102 of H.R. 1527 defines each land management agency's recreation permitting instruments as SRPs under FLREA and lays out a formula for the fees associated with SRPs, including alternative fees. NPS is excluded from these fee-setting provisions in the bill; however, the Department is concerned that these provisions, coupled with the limited cost-recovery provided in the bill, would severely limit the NPS's ability to fund the program.

The Department generally supports expanding FLREA to coordinate recreation permitting across agencies. However, the Department believes the bill, as currently written, could create conflicts with existing statutory authorities. For example, the

NPS issues CUAs (to which parts of the bill apply) under the authority of the National Park Service Concessions Management Improvement Act of 1998, not under FLREA. The Department would like to continue to work with the sponsors and Subcommittee on modifications to these provisions.

Expedited Permitting

H.R. 1527 provides authority for agencies to improve recreation permitting processes. This includes the expanded use of categorical exclusions, programmatic NEPA, and expedited rulemaking. The bill also directs agencies to make online permit applications available. The Department supports these efforts as we continue to pursue opportunities to facilitate increased recreational access for all Americans, especially underserved communities. The BLM has already taken significant steps to develop online access to recreation information and permits, most recently through its launch of the pilot Recreation and Permit Tracking Online Reporting (RAPTOR) system. RAPTOR allows users to apply for and renew SRPs online. The BLM is fully deploying RAPTOR for the issuance of SRPs in 40 field offices in 2023 and has already issued 68 permits through the system to date. The BLM is targeting to have RAPTOR in use at all field offices by the end of calendar year 2025.

H.R. 1527 authorizes permittees to voluntarily return unused service days to be available for other permittees. The bill also authorizes the use of temporary SRPs and conversion of temporary permits to long-term permits. In addition, the bill includes provisions directing agencies to establish a permit administration protocol to automatically authorize permittees to engage in activities substantially similar to those for which they have a permit. The Department supports efforts to simplify the permitting process for applicants.

Permit Notifications

Section 105 of H.R. 1527 requires agencies to make notifications of permit opportunities available online. The Department supports these efforts and would welcome the opportunity to work further with the sponsors and the Subcommittee on necessary modifications to these provisions. For example, the Department is concerned that providing notification of all potential recreation permit opportunities could result in a speculative market for the most profitable ones. Additionally, recreation activities are generally proposed by the public, and bureaus then determine whether they require permits under Federal land management laws and regulations.

Liability & Cost Recovery

Section 108 of H.R. 1527 determines the terms under which agencies require permittees to waive the liability of the United States for permitted recreation activities. Section 109 also requires agencies to amend the cost recovery process for issuing and renewing SRPs. This section would exempt the first 50 hours of work from cost recovery in issuing and monitoring these permits, which is particularly problematic for the NPS, as under current authorities, NPS can recover the full costs of these activities. Under the bill, the exemption would be applied to multiple permit applications for similar services in the same area. The agencies would be required to determine the share of the aggregate amount to be allocated to each application on an equal or prorated basis. While the Department supports the goal of simplifying processes when they are overly burdensome, we would like to continue to work with the sponsors and the Subcommittee to determine appropriate cost recovery options for the agencies. For example, limiting full cost recovery on larger, more complex applications could unintentionally prevent the effective administration of all SRPs.

H.R. 1576, Federal Interior Land Media (FILM) Act

H.R. 1576 would provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including still photography, digital or analog video, and digital or analog audio recording activities, conducted on land under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior.

In pending litigation, a filmmaker argues that aspects of the existing commercial filming statute for the NPS violate the First Amendment. A federal district court ruled in his favor, but last year the U.S. Court of Appeals for the District of Columbia Circuit reversed that ruling. His petition for writ of certiorari is pending before the U.S. Supreme Court, *Price v. Garland*, No. 22-665. Judicial resolution of this pending litigation will inform whether and how Congress may choose to legislate in this area.

The Department would like to work with the Committee and bill sponsor on this issue once the litigation is concluded to consider legislative or other approaches to balance the interests and rights of those engaged in filming, photography, and audio recording activities with the government's interest in protecting lands and resources.

H.R. 1642, Law Enforcement Officer and Firefighter Recreation Pass Act

Law Enforcement Officers and Firefighters make tremendous sacrifices and contributions to this country every day. We have the utmost respect for their work because we see it first-hand: Federal recreational land agencies employ and work side-by-side with law enforcement officers and firefighters. The Department supports the intent of the bill to honor the service of our law enforcement officers and firefighters.

If passed, H.R. 1642 would result in a reduction to available funding that would otherwise be available for maintaining these federally managed parks and recreational sites. It would hamper efforts to maintain operational capacity in the National Park System that, since FY 2011, has seen over 30 new units and additional authorized sites added, and visitation increase by more than 30 million. Ensuring that Federal lands continue to play a vital role in American life and culture requires that we maintain and repair visitor facilities and enhance visitor services and opportunities. Recreation fee revenues are an important source of funding that enhances our efforts to address the deferred maintenance backlog at our National Parks, better manage other Federal lands, and respond quickly to changes in visitation levels and service requirements.

We highlight that almost a quarter of all Americans (58 to 79 million) are eligible for a free or low-cost Annual or Lifetime America the Beautiful—National Parks and Federal Recreational Lands Pass. Additionally, the NPS and other participating agencies have made available several fee-free days for all visitors, including law enforcement officers and firefighters.

We would welcome the opportunity to discuss these issues with the bill sponsor and the Committee.

Chairman Tiffany, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. MIKE REYNOLDS, DEPUTY DIRECTOR, CONGRESSIONAL AND EXTERNAL RELATIONS, NATIONAL PARK SERVICE

Mr. Reynolds did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. This Committee has heard from people across this country about the closure of amenities on land managed by the Department of the Interior (DOI).

1a) For all DOI managed federal lands, please provide the number of closures since 2000 for campsites, campgrounds, and day use areas. Please provide the number of closures of miles of trails, roads, and routes that served a recreational purpose, such as horseback riding, hiking, and motorized vehicle activities, since 2000 across DOI managed federal lands.

Mr. TIFFANY. Thank you very much, Deputy Director Reynolds. I would like to introduce Mr. Aaron Bannon, Executive Director of the American Outdoors Association.

Mr. Bannon, you are recognized for 5 minutes.

**STATEMENT OF AARON BANNON, EXECUTIVE DIRECTOR,
AMERICA OUTDOORS ASSOCIATION, KNOXVILLE, TENNESSEE**

Mr. BANNON. Chairman Tiffany, members of the Subcommittee, thank you for the opportunity to testify here in support of H.R. 1527, the Simplifying Outdoor Access for Recreation Act.

As one of many bills under consideration today, the SOAR Act, co-sponsored by Congressman Curtis and by Congressman Neguse, is going to be great for our industry.

As the Executive Director of America Outdoors, I strive to help our members, from whitewater guides and canoe liveries to mountaineering and outdoor education programs, sustain and grow their operations. Outdoor recreation companies have to manage a lot in their day-to-day: training guides, managing inventory and gear, mitigating the inherent risks of the activity, marketing their business, maintaining their bus fleets, and significantly sustaining access to the landscape they operate on.

Whether it is a river, a mountain, a forest, or an ocean, facilitated recreation providers are completely dependent upon their ability to access their destination, typically through a permit granted by the Federal Land and Water Management Agency. Much of these businesses' value proposition, regardless of their assets, is tied up in the integrity of their special recreation permits.

The vast majority of special recreation permits on public land are overseen by the U.S. Forest Service and the Bureau of Land Management. Other agencies like the U.S. Fish and Wildlife Service, the Bureau of Reclamation, and in certain aspects the National Park Service, also use the special recreation permit authority to grant access for facilitated outdoor recreation programs on landscapes in which they operate. For all, the permitting authority made permanent in the SOAR Act is a vital tool.

The SOAR Act takes a close look at the special recreation permitting program, streamlines much of the permitting processes that have made the prospect of approving an operator's request to do something new or different so challenging, so resource and so time intensive for permit administrators that many permit administrators who want nothing more than to expand recreational offerings in a reasonable manner in the areas they oversee, are stymied by the many steps required to process applications. And that could make the prospect a complete non-starter.

Consider the permit acquisition process. In order to approve a special use permit application, a permit administrator has to first consult their land management plan, determine if an activity is considered in that land management plan, and if not, consider a plan amendment process. This could be a full-blown environmental impact statement that may take 3 to 10 years and that may cost hundreds of thousands of dollars. If an activity is considered to be in a land management plan on the National Forest Service, and a project-level environmental review is determined to be completed, that is an environmental analysis. That may take less than a year, but it could cost somewhere between \$25,000 and \$100,000.

So, if an administrator is able to assemble a team to conduct the environmental analysis and consider the permit, and this is a big if, then the applicant is expected to cover the cost of this analysis with no guarantee of approval. For an outfitter running a less than

\$500,000 a year annual operation, which makes up 80 percent of America Outdoors operators, making a \$100,000 bet on a process to grow is just not a good business decision.

The Forest Service just announced in a proposed rule an intent to remove the 50-hour relief from cost recovery, which did not charge applicants for this process unless it took more than 50 hours. They also announced in this proposed rule a plan to more than double the cost of processing operations. So, when we were talking about \$25,000 to \$100,000 that you would pay as an operator for a process, the prospect is to more than double that. And this proposed rule is live right now.

Unlike the U.S. Forest Service, the Bureau of Land Management does not tend to require applicants to pay cost recovery and conduct an extensive environmental review process. Similarly, unlike the U.S. Forest Service, the National Park Service is required to fully cover all of its expenditures from the visiting public. There is an expectation in most cases that when you are visiting a National Park Service, you are going to pay an access fee.

But if you are a private individual, or you are part of a private group, and you head out into the vast majority of BLM or U.S. Forest Service lands, you don't expect to pay a fee. You just go, and you expect the agency responsible to maintain the infrastructure for your recreation experience: the roads, the culverts, the trails, the campgrounds, the signage, law enforcement, footbridges, boat ramps, corrals, parking lots, the list goes on, with funds based on what is appropriated from this body and what can be retained through fees.

Permitted operators, therefore, who pay a percentage of gross revenues retained through site fees in many cases become the predominant revenue stream for a Forest Service's entire recreation program, typically, in fact, representing a minor percentage of the overall use, and contributing outsized revenues.

I know I am over. If I could just conclude, please.

Mr. TIFFANY. You can wrap it up, please.

Mr. BANNON. Thank you. As a new or returning visitor to public lands, outfitters and guides, outdoor education facility recreation providers serve as early and accessible entry points and provide critical expertise, resources, and local knowledge for a particular outdoor experience. Whether renting kayaks, guiding horse packing trips, renting climbing camps, providing vectors or otherwise, they are bringing America's people to the public lands, and memories, and invigorating, authentic recreational experiences.

We strive to provide these when affordable and accessible. So, let's get together, let's pass the SOAR ACT. Let's help agencies like the Forest Service get out of their own way in facilitating more opportunities for guided recreation, and let's celebrate it together in one of the great world-class landscapes in some of your home states.

[The prepared statement of Mr. Bannon follows:]

PREPARED STATEMENT OF AARON BANNON, EXECUTIVE DIRECTOR, AMERICA
OUTDOORS ASSOCIATION

ON H.R. 1527, THE SIMPLIFYING OUTDOOR ACCESS FOR RECREATION (SOAR) ACT

Thank you for the opportunity to testify in support of H.R. 1527, the Simplifying Outdoor Access for Recreation (SOAR) Act. America Outdoors Association (AOA) is proud to continue supporting the SOAR Act as the 118th Congress takes it under consideration. We appreciate the swift conviction of this body to move this bill forward quickly. This bill enjoys broad support from numerous outdoor programs, associations, and organizations and has historically accumulated numerous democratic and republican co-sponsors in both the House and Senate. Outfitters need the provisions of this bill in place more than ever and appreciate the Federal Lands Subcommittee's effort. AOA hopes that the SOAR Act can move forward in its original inclusive and broad spirit, which passed this Committee by unanimous consent in both the 116th and 117th Congress.

The SOAR Act is designed to provide better opportunities for nonprofit and for-profit programs alike, including those focused on underserved communities, outdoor education programming, wilderness therapy, and traditional outfitting and guiding. In this testimony America Outdoors will call attention to a few provisions in particular, identify the challenges these provisions have been designed to address, and consider how they work together to improve the permitting paradigm for operators on public lands.

Specifically, by implementing the provisions designed to improve the permitting process (Sec. 103), to encourage permit flexibility (Sec. 104), and to provide cost recovery relief (Sec. 109), much can be done to at once streamline the application and approval process and reduce the fiscal burden imposed on the applicant.

Sec. 103. Permitting Process Improvements

Categorical exclusions, one of the few tools available to agency personnel seeking a swift and straightforward environmental review to consider a proposed activity, are limited in their applicability to outfitter and guide permitting. While the Forest Service has contemplated some categorical exclusions to streamline reissuance of an existing permit, more can be done. Section 103 directs agencies to do just that. Across affected agencies, the secretary concerned is directed to evaluate the permitting process and "identify opportunities to eliminate duplicative processes, to reduce costs, and to decrease processing times, including evaluating whether categorical exclusions would "reduce processing times and cost." For example, extending the existing categorical exclusion for one-year temporary permits to a two-year authorization will give the agency flexibility to authorize and evaluate new uses.

The costs are excessive to both the agency and the applicant. By specifically reviewing the permitting system with a mind toward reducing costs and redundant processes, agencies will be compelled to consider the impacts of their processes from the perspective of the operator. Operators are frequently burdened by overly complex processes, and inefficient systems to drive up costs.

The SOAR Act seeks to address one of these duplicative processes directly: the Needs Assessment. According to this bill, "the Secretary concerned shall not conduct a needs assessment as a condition of issuing a special recreation permit for a Federal land unit under this act," except as provided for in the Wilderness Act. The Forest Service likes to use a Needs Assessment, whether within designated Wilderness or beyond Wilderness boundaries, to ascertain the perceived need for allowance of an activity. Need, however, is a term given specific weight within the Wilderness Act. Commercial activities may only be permitted in Wilderness to the extent that they are necessary to fulfill the recreational purposes of the Act.

No such restriction exists outside of designated wilderness, but the process is used nonetheless. Conducting a Needs Assessment for non-wilderness areas is just one example of an undertaking that is duplicative, costly, and process-intensive, which serves only to increase the administrative backlog at a site and further delay the processing of permit applications. Eliminating needs assessments where they are not necessary is a great example of how agencies may liberate themselves to focus on the processes that will actually help connect more people with the outdoors: processing special recreation permit applications.

When the Senate Energy and Natural Resources Committee considered this Permitting Process improvements provision, they took it one step further, directing the Secretary concerned to "utilize available tools, including tiering to existing programmatic reviews, as appropriate, to facilitate an effective and efficient environmental review process for activities undertaken by the Secretary concerned relating to the issuance of special recreation permits." (America's Outdoor Recreation Act of

2023, Sec. 321(b)(1)). America Outdoors Association approves of this provision and recommends its inclusion in the SOAR Act. Programmatic reviews take the cost burden out of the hands of an individual operator or class of operators by considering an activity, or a set of activities, rather than a site-specific activity.

Section 104. Permit Flexibility

Two provisions in Section 104, Permit Flexibility, provide critical tools to make temporary permits more usable and to allow substantially similar uses to be approved while sidestepping cumbersome processes.

Significant obstacles stand in the way of a permit administrator's ability to consider an applied-for use to be permitted. On Forest Service lands, once the initial screening process is complete, the application process begins. The application process may include an environmental analysis on the part of the agency, which can consume significant time and resources. The office may not even have the team in place to conduct an environmental analysis, in which case a permit application cannot be processed. And in many cases districts have found themselves unable to process permits and consider new or additional uses.

Temporary Special Recreation Permits, which may be issued "for new or additional recreational uses" of Forest Service and BLM lands, can help ease this process paralysis. The Forest Service in particular has a history of using temporary permits to fill the role when resource impacts will be minimal, and the use is relatively minor. Temporary permits have been used more expansively in the past, and this provision encourages agencies to expand their use of these types of permits.

For Special Recreation Permit holders who are interested in providing a new experience that is "comparable in type, nature, scope, and ecological setting" to an activity that is already authorized under the permit, the provision regarding "Similar Activities" (Sec. 104(a)) is supportive. This provision directs the Secretary concerned to establish a protocol that authorizes permittees "to engage in recreational activity that is substantially similar to the specific activity authorized." Currently, a resource manager may think that a substantially similar activity still requires extensive environmental review. This perceived barrier can compel a permit administrator to not allow the activity as part of an existing permit. In one instance, an outfitter renting canoes and kayaks was told that NEPA analysis would be required to also rent stand-up-paddleboards.

Section 109. Cost Recovery Reform

The SOAR Act provision regarding cost recovery reform eases a cost burden that is significant for outfitters, but insignificant for agencies. Currently, when an existing or potential permittee would like to apply for a new activity or an expansion of an existing activity, the agency must conduct an environmental review of the request. If the review takes more than 50 agency hours to complete, the entire cost of the process is charged to the applicant, regardless of the outcome. If the agency concludes, therefore, that the request should not be approved as a result of the environmental review, the applicant is still expected to pay. This is an unreasonable burden to place on a business. Illogically, if the Environment Review exceeds 50 hours, then there is not credit for the first 50 hours and the included time spent on the analysis back to the first hour.

The SOAR Act would reduce this burden somewhat for outfitters by not charging them for the first 50 hours, which is only significant for relatively minimal environmental reviews. For significant environmental reviews requiring hundreds of hours, agencies could still seek to require the applicant to cover the vast majority of the cost through the cost recovery process. Already, agencies do not rely on cost recovery as a consistent source of income. Agency personnel are more likely to deny the request outright or recommend that the applicant pay a third-party contractor, as the agencies do not have the resources to conduct the necessary environmental review. Agencies will not lose significant revenue due to the changes in this section, but opportunities to expand outdoor recreation opportunities will increase significantly. The Bureau of Land Management uses cost recovery for major events, like Burning Man, but has figured out how to authorize most outfitting and guiding activities without incurring cost recovery.

Section 302. Enhancing Outdoor Recreation through Public Lands Service Organizations

While the thrust of Section 302 is sound, to promote projects that provide additional recreation opportunities, this provision needs to be carefully worded so as not to put traditional outfitters at a competitive disadvantage. AOA recommends that the scope of "projects" as encompassed by section 302 of the Act, for which the agencies would be required to use youth or conservation corps or non-profit wilderness and trails stewardship organizations "to the maximum extent practicable," be more

carefully defined. As currently drafted, this section would apply to any project on Federal recreational lands and waters “that would directly or indirectly enhance recreation.” The scope of projects that could “directly or indirectly enhance recreation” is exceedingly broad. As just one example, a hydroelectric project could include features that could provide additional recreation opportunities. Depending upon how it is interpreted, it could also have implications for permitting of outfitting and guiding and other recreational services. AOA strongly urges that this section be amended and specifically limited to “stewardship projects.”

Conclusion

As new and returning visitors explore their public lands, outfitters and guides serve as early and accessible entry points who provide critical expertise, resources, and local knowledge for a particular outdoor experience. Whether renting kayaks, guiding horsepacking trips, running climbing camps, providing bike tours, or otherwise helping the public enjoy the myriad outdoor recreation opportunities available across the nation, outfitters are making things happen. America’s outfitting and guiding industry offer the public lasting memories and invigorating, authentic outdoor recreation experiences.

Outfitters strive to keep the experiences they provide affordable and accessible. They face challenges, however, which the legislation being considered today can alleviate.

Mr. TIFFANY. OK. Thank you, Mr. Bannon.

Next, I would like to recognize Representative McClintock to do our next introduction. And I am anxious to hear the pronunciation of this gentleman’s last name.

Mr. MCCLINTOCK. Well, Mr. Chairman, if you ever watch the Sheriffs of El Dorado County, Sheriff D’Agostini needs no introduction.

[Laughter.]

Mr. MCCLINTOCK. His leadership was the inspiration for that series that ran between 2014 and 2019. He served as El Dorado County Sheriff for 12 years, until his retirement earlier this year.

Throughout his career, he served in practically every capacity in law enforcement. He was the moving force behind construction of the new public safety headquarters in Placerville. H.R. 1642 was actually first proposed by the Sheriff and his wife, Janine. And it is great to have him here today.

Mr. TIFFANY. You are recognized.

STATEMENT OF JOHN D’AGOSTINI, RETIRED SHERIFF, CORONER, PUBLIC ADMINISTRATOR, EL DORADO COUNTY, CALIFORNIA

Mr. D’AGOSTINI. Thank you very much. Chairman, honorable members of this Committee, I am honored to be here to testify today in support of Congressman McClintock’s bill, H.R. 1642.

My name is John D’Agostini, and I am the recently-retired Sheriff, Coroner, and Public Administrator for the County of El Dorado in California. In 2010, I was elected to that seat and served three terms, retiring just December 30 of this last year. Prior to that, I served as an investigator for the Amador County District Attorney’s Office for 8 years, and prior to that for the Amador County Sheriff’s Office for 10 years.

As sheriff, I was responsible for the safety and security of the entire unincorporated area of El Dorado County, 392 full-time employees and over 400 volunteers. I administered during catastrophic wildfires, floods, civil unrest, homicides, child abuse,

rapes, and every other issue our nation's peace officers deal with. Also during my administration, I led my agency through a line of duty death, and also through the tragedy of the loss of one of our own taking their own life.

When I first became sheriff, I instituted a vision statement. It directs the service style to this day. That vision statement is simple: a modern approach to traditional law enforcement values; total enforcement on crime and criminals; total care for victims, witnesses, and the community; and total professionalism through training and by example.

Another novel idea brought to the El Dorado County Sheriff's Office upon my arrival was a support group led by my wife, Janine. See, growing up in law enforcement there were numerous resources and programs available to me through my employer that provided mental and physical health services. However, there were no such services available to my family. Obviously, the families behind the officers are that officer's bedrock for mental health and well-being. That organization thrived with 10-35, 10-35 being the 10 code for backup, provided support and services for the families of those that served so that those that serve have the support and backup at home they need to mentally survive their career in law enforcement.

Other organizations such as How to Love Our Cops, Wounded Blue, and Warriors Rest also help our law enforcement officers and their families thrive throughout their career. This brings me to the purpose of this bill.

Of the many challenges that I overcame in my career, more specifically as sheriff, the challenge of leading and serving subordinates, recruiting and retaining quality staff have been some of the most daunting. It is no surprise that the last few decades have been challenging for law enforcement as it relates to public perception and acceptance.

It is also no revelation that the job of the American peace officer has become more challenging, especially in the last decade. Whether it is dealing with civil unrest, bad apples in the ranks and the resulting distrust, et cetera, the job of providing equal justice within and under the law has become increasingly demanding, both physically and mentally.

It was my wife who first presented the idea of this bill, providing some national benefit to our nation's law enforcement officers. It in no way is intended to reduce the appreciation we have for our nation's armed forces. It was just an idea to let our officers know that we support them, too. While our armed forces protect our national security and interests abroad, our law enforcement officers do the same within our nation's boundaries. The idea was presented to our Congressman, the Honorable Congressman McClintock. And after discussing the idea with our local veterans groups, he also saw the value in the idea.

While I am sitting here before you as a retired peace officer, we can't forget our brother-and-sister first responders, our nation's firefighters. They also stand at the front lines not for peacekeeping, but for safe keeping. Many times in my career they were side by side with me through horrendous situations, whether wildfires, floods, terrible traffic collisions with multiple casualties, airplane

crashes, violent crime scenes, et cetera. They are our brothers in red, and face similar nightmares and daydreams as our peace officers.

By providing an incentive for our peace officers and firefighters such as the benefit this bill provides, it not only shows them that our leaders value them, but it will incentivize them to get out into our gorgeous and historical national parks and Federal lands. I know that my time spent in these places helped me during my career to appreciate our nation's beauty and history, and in turn reduce stress and help serve my communities in a more even-keeled and calm manner. Incentivizing our nation's peace officers and firefighters to also visit these areas and spend valued time with their families will do the same.

This bill is important and appropriate at this time, given the temperature of our nation's posture toward law enforcement and firefighters. It serves a valuable purpose, recognizing and incentivizing a valuable population in our society. I humbly ask that this bill is supported. Thank you.

[The prepared statement of Mr. D'Agostini follows:]

PREPARED STATEMENT OF JOHN D'AGOSTINI, EL DORADO COUNTY SHERIFF,
CORONER, PUBLIC ADMINISTRATOR—RETIRED
ON H.R. 1642, "LAW ENFORCEMENT OFFICER AND FIREFIGHTER
RECREATION PASS ACT"

My name is John D'Agostini and I am the recently retired, duly elected, Sheriff—Coroner—Public Administrator for the County of El Dorado in California. El Dorado County was one of the original 18 counties when California became a state in 1850 and is comprised of more than 1,700 square miles. It spans from Sacramento County on the West to the Nevada State line on the East. Beautiful South Lake Tahoe, including Emerald Bay, is in El Dorado County.

I am a fourth generation resident of the county with my Great Grandparents settling in the Southern portion of the county in 1924. I was born and raised on the same ranch they settled back then. After attending local schools, I began my first career in the construction industry, eventually gaining my general building contractor's license and built many homes in the area.

In 1993, with three young daughters and a passion for community, I began my law enforcement career as a Deputy Sheriff for the Amador County Sheriff's Office. Amador County is the county directly south of El Dorado County. I was provided opportunities to work in various law enforcement fields including Patrol, Investigations and Narcotics Investigations. I was on the SWAT Team, was a firearms instructor, a Rangemaster and Armorer. In 1999 I promoted to Sergeant and after a short stint back on patrol, I supervised the Narcotics Unit until 2003.

In 2003 I transferred to the Amador County District Attorney's Office as an Investigator and was tasked with investigating general crimes encompassing everything from bad checks to homicides. In 2007 I was recruited, due to my experience in narcotics investigations, into a newly formed California State Narcotics Task Force and helped set policy and procedures for the ongoing success of that unit.

Also in 2003, while continuing my law enforcement career, I campaigned for and was elected to the Pioneer Union School District Board of Trustees. I was reelected in 2007 and served in that capacity until 2011.

In 2010, I was elected El Dorado County Sheriff—Coroner—Public Administrator and served three terms, retiring December 30th of this past year.

As Sheriff, I was responsible for safety and security of the entire unincorporated area of El Dorado County, 392 full time employees and over 400 volunteers. I administered during fires, floods, civil unrest, homicides, child abuse cases, rapes, and every other issue our nation's peace officers deal with. Also, during my administration, I led my agency through a line of duty death and also through the tragedy of one of our own taking their own life.

When I first became Sheriff, I instituted a "Vision Statement" in the agency that directs the service style and level to this day. "A Modern Approach to Traditional Law Enforcement Values . . . Total Enforcement on Crime and Criminals . . .

Total Care for Victims, Witnesses and the Community . . . Total Professionalism through Training and by Example.

Another simple but novel idea brought to the El Dorado County Sheriff's Office upon my arrival was a support group lead by my wife, Janine. Growing up in Law Enforcement, there were resources available to me through my employer that provided mental and physical health services however there were no such services available to the families of Peace Officers. Obviously, the families behind the Officer are that Officer's bedrock for mental health and wellbeing. That organization, Thrive with 10-35, 10-35 being the code for backup, provides support and services for the families of those that serve so that those that serve have the support and backup at home they need to mentally survive their career in law enforcement.

Other organizations such as "How to Love our Cops" and "Wounded Blue" also help our law enforcement officers and their families thrive throughout their career.

Throughout my life and career, I have learned the simple and what could be "cliché'd" as "Common Sense" that the "Golden Rule" is the Rule that governs nearly everything in our society and allows us to govern ourselves in our free society. This simple and obvious fact brings me to the purpose of this Bill.

Of the many challenges I have overcome in my career and more specifically, as Sheriff, the challenge of providing for, holding accountable and serving subordinates and recruiting and retaining quality staff have been some of the most daunting. It is no surprise that the last few decades have been challenging for Law Enforcement as it relates to public perception and acceptance. It is also no revelation that the job of the American Peace Office has become more challenging, especially in the last decade. Weather it is dealing with civil unrest, bad apples in the ranks, the resulting distrust, etc, the job of providing equal justice within and under the law has become increasingly demanding both physically and mentally.

When my wife first presented the idea of this bill, providing some national benefit to our nations law enforcement officers, it was in no way to reduce the appreciation and awe we have for our nations armed forces. It was just an idea to help let our officers know that we support them too. While our armed forces protect our national security and interests abroad, our law enforcement officers do the same within our nation's boundaries. The idea was presented to our Congressman, the Honorable Congressman McClintock. After discussing the idea with our local Veterans groups, Congressman McClintock saw the value in such an idea as well.

While I am sitting before you as a retired Peace Officer, we can't forget our brother and sister first responders, our nations Firefighters. They also stand at the front lines, not for peace keeping but rather for safe keeping. Many times in my career, they were side by side with me through horrendous situations. Weather wildfires, floods, terrible traffic collisions with multiple casualties, airplane crashes, violent crime scenes, etc. They are our "Brothers in Red" and face similar nightmares and daydreams as our peace officers.

By providing an incentive for our peace officers and firefighters such as the one this bill provides, not only shows them that our leaders, you, value them, but it will incentivize them to get out into our gorgeous and historical National Parks and Federal Lands. This will help with their mindset and mental wellness.

My wife Janine and I very much enjoy our time together visiting our National Parks and Federal Lands. While we haven't had the opportunity to visit many thus far in our lives, we plan on visiting many more in the future. Our times in Yellowstone, Petrified Forest, White Sands, Carlsbad Caverns, the Grand Canyon and Yosemite are some of the most valued times together we have had. I have also had the Opportunity to visit Zion, Great Basin, North Cascade and Bryce.

I know that my time spent in these places helped me during my career to appreciate our Nation's beauty and history and in turn reduce stress and help serve my communities in a more even keeled and calm manner. Incentivizing our nations Peace Officers and Firefighters to also visit these areas will do the same.

This bill is important and appropriate at this time given the temperature of our nations gratitude for Law Enforcement and Firefighters. It serves a valuable purpose recognizing and incentivizing a valuable population in our culture. I encourage you to support this Bill.

Thank you.

Mr. TIFFANY. Thank you very much, Mr. D'Agostini, and thank you for your service.

Next, I would like to introduce Mr. Fred Ferguson, Vice President of Public Affairs of Vista Outdoor, and Chairman of Vista Outdoor Foundation.

Mr. Ferguson, you are recognized for 5 minutes.

STATEMENT OF FRED FERGUSON, VICE PRESIDENT OF PUBLIC AFFAIRS, VISTA OUTDOOR, AND CHAIRMAN, VISTA OUTDOOR FOUNDATION, ANOKA, MINNESOTA

Mr. FERGUSON. Thank you and good morning, Chairman Tiffany, Ranking Member Peltola, and members of the Subcommittee. My name is Fred Ferguson, and I serve as Vice President of Public Affairs and Communications for Vista Outdoor, and as Member Representative of the Outdoor Recreation Roundtable. I am grateful for the chance to voice support for the bipartisan bills under consideration today.

Vista Outdoor is a leading manufacturer and designer of outdoor recreation gear. We are headquartered in Anoka, Minnesota, and employ more than 6,000 people across 16 states and Puerto Rico. We serve our consumers through a portfolio of 41 iconic brands, which include CamelBak, Simms Fishing, Fox Racing, QuietKat e-bikes, Bushnell, Federal, and many, many more.

We are a mission-driven company founded on the belief that when we do well, we can do good. This means we actively advocate for policies that expand recreational opportunities, and support organizations whose missions bring more people outside. The outdoors and, more specifically, our Federal lands and waters are for all Americans, and we believe that more people and kids should experience the wonders of being in the wild.

This mindset drives our business actions. We have invested more than \$1 billion acquiring new outdoor companies. The Vista Outdoor Foundation has funded over a dozen organizations focused on conservation and expanding youth access to the outdoors. We are one of the largest contributors to conservation through the Pittman-Robertson Act, with more than \$500 million since our founding.

Much of our business success, combined with bipartisan outdoor policy wins led by this Subcommittee, has contributed to the growth of the outdoor recreation economy. The latest Bureau of Economic Analysis Research shows that the outdoor recreation economy represents \$862 billion in gross output, 4.5 million jobs, and 1.9 percent of GDP. From 2020 to 2021, the outdoor recreation economy grew three times faster than the overall U.S. economy, as Americans flocked outdoors during the pandemic. This translates to job creation, economic development, diversification for our rural communities in and around Federal lands and waters.

Despite outdoor recreation's run of successes, the industry is not immune to the larger macroeconomic conditions. Rampant inflation and rising interest rates are harming consumers who must make the choice to buy groceries or plan an adventure. Long-term trends provided by the Outdoor Foundation show declines in core participation and outdoor outings. National park visitation shows that, even during the post-pandemic boom, overall visitation to our parks remains below 2019 levels and off of 2016 highs. And outdoor recreation companies have been harmed by Federal trade policies,

including the lapse of the generalized system of preferences and inconsistent 301 tariff policy.

The current climate and long-term outlook make today's bipartisan hearing essential, and we urge the Subcommittee to move with speed and conviction to enact these bills.

More specifically, we support the FILM Act. We need to recruit and activate the next generation of outdoor recreation champions, and the FILM Act will help us reach and inspire these future visitors, leaders, and those champions that we need.

We support the SOAR Act. This legislation fundamentally improves the way people access and experience the outdoors, and we thank the bipartisan leaders who have gotten us to this point.

We support the BOLT Act. Long-distance bike trails are one of the fastest-growing segments of gravel riding, and this bill will attract more users to our Federal lands.

We support the Range Access Act. Recreational shooting and hunting have grown in popularity, as participants have become more diverse and more active. Expanding range infrastructure will promote safety, minimize dispersed target shooting, and support wildlife conservation funding, as target shooting is the leading contributor to the Pittman-Robertson Wildlife Trust Fund.

We support the SHRED Act, legislation that would enable greater investments at U.S. Forest Service permitted ski areas.

And as a proud supporter of the Veterans and Parks Act law, which was championed by this Subcommittee, we are equally supportive of the Law Enforcement Officer and Firefighter Recreation Pass Act, and we look forward to this bill becoming law.

Again, on behalf of Vista Outdoor and the many stakeholders of the \$862 billion outdoor recreation industry, thank you for the opportunity to testify, and for the Subcommittee's focus on enacting an outdoor recreation package this Congress.

I would be happy to answer any questions. Thank you.

[The prepared statement of Mr. Ferguson follows:]

PREPARED STATEMENT OF FRED C. FERGUSON, VICE PRESIDENT, PUBLIC AFFAIRS AND COMMUNICATIONS, VISTA OUTDOOR; AND MEMBER, OUTDOOR RECREATION ROUNDTABLE

Good morning Chairman Tiffany, Ranking Member Neguse and members of the Subcommittee. My name is Fred Ferguson and I serve as Vice President of Public Affairs and Communications for Vista Outdoor and member-representative of the Outdoor Recreation Roundtable. I am grateful for the chance to voice support for the bipartisan bills under consideration today.

Vista Outdoor (NYSE: VSTO) is a leading manufacturer and designer of outdoor recreation gear. We are headquartered in Anoka, Minnesota, and employ more than 6,000 people across 16 states and Puerto Rico. We serve our consumers through a portfolio of 41 iconic brands, which include CamelBak, Simms Fishing, Fox Racing, QuietKat e-bikes, Bushnell and Federal.

We are a mission-driven company founded on the belief that when we do well, we can do good. This means we actively advocate for policies that expand recreational opportunities and directly fund organizations whose missions bring more people outside. The outdoors—and more specifically our federal lands and waters—are for all Americans and we believe that more people should experience the wonders of being in the wild.

This mindset drives our business actions: we've invested more than \$1 billion acquiring new outdoor companies. The Vista Outdoor Foundation has funded over a dozen outdoor organizations on the front lines of expanding access and conservation. We are one of the largest contributors to conservation through the Pittman-Robertson Act, with over \$500 million since our founding.

Much of our business success—combined with bipartisan outdoor policy wins led by this Committee—has contributed to the growth of the outdoor recreation economy. The latest Bureau of Economic Analysis research shows that the outdoor recreation economy represents 1.9% of GDP, 4.5 million jobs and \$862 billion in gross output. From 2020 to 2021, the outdoor recreation economy grew three times faster than the U.S. economy as a whole as Americans flocked outdoors during the pandemic. This translates into rural job creation and economic development and diversification for communities in and around federal lands and waters.

We appreciate the Subcommittee for holding today’s hearing. Despite outdoor recreation’s run of successes, the industry is not immune to the larger macro-economic conditions we face today. Rampant inflation and rising interest rates are harming consumers who may not have the option to buy groceries or plan an adventure.

Long-term trends provided by the Outdoor Foundation also show declines in “core” participation and outdoor outings.¹ National Park visitation shows that even during the post-pandemic boost, overall visitation to our parks remains below 2019 levels and off 2016 highs.² And outdoor recreation companies have been harmed by federal trade policies, including the lapse of the Generalized System of Preferences (GSP) and inconsistent 301 tariff policy.

Vista Outdoor and the Outdoor Recreation Roundtable support each of the bills under consideration today. The current climate and long-term outlook make today’s bipartisan hearing essential, and we urge the Subcommittee to move with speed and conviction to enact these bills.

More specifically, we support the FILM Act. We need to recruit and activate the next generation of outdoor recreation champions, and The FILM Act will help us reach and inspire these future visitors, leaders and champions.

We support the SOAR Act. This legislation fundamentally improves the way people access and experience the outdoors—and we thank the bipartisan leaders who have gotten us to this point. We appreciate the bill’s intent to create parity within permitting, and we want to ensure that includes guided bike trips. The new normal for guided bike trips includes a mix of traditional and e-bike users—and final SOAR Act language should ensure that traditional bikes and e-bikes operate under a single permit where e-bikes are allowed on public lands.

We support the BOLT Act. Long-distance bike trails are one of the fastest growing segments of gravel riding, and this bill will attract more users to their federal lands.

We support the Range Access Act. Recreational shooting and hunting have grown in popularity as shooting sports participants have become more diverse and active. Expanding range infrastructure will promote safety, minimize dispersed target shooting and support wildlife conservation funding, as target shooting is the leading contributor to the Pittman-Robertson trust fund.

Vista Outdoor supports the SHRED Act, legislation that would enable greater investments at U.S. Forest Service permitted ski areas.

Vista Outdoor is a proud supporter of the Veterans in Parks Act law, which was championed by this Subcommittee. We are equally supportive of the Law Enforcement Officer and Firefighter Recreation Pass Act and look forward to it becoming law.

Again, on behalf of Vista Outdoor and the many stakeholders of the \$862 billion outdoor recreation industry, thank you for the opportunity to testify and for the Subcommittee’s focus on enacting an outdoor recreation package this Congress.

I would be happy to answer any questions.

Mr. TIFFANY. Thank you, Mr. Ferguson. Next, we have Mr. Todd Keller, Director of Government Affairs for the International Mountain Biking Association.

Mr. Keller, you have 5 minutes.

¹ <https://www.bicycleretailer.com/announcements/2022/09/22/outdoor-participation-grows-record-levels#.ZB2qky-B1MA>

² <https://www.nps.gov/aboutus/visitation-numbers.htm>

STATEMENT OF TODD KELLER, DIRECTOR OF GOVERNMENT AFFAIRS, INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION, BOULDER, COLORADO

Mr. KELLER. Thank you, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee on Public Lands for the opportunity to testify today.

My name is Todd Keller. I serve as the Director of Government Affairs for the International Mountain Bicycling Association, commonly referred to as IMBA. I am here today to testify in support of H.R. 1319, the Biking on Long-Distance Trails, or BOLT Act.

IMBA creates, enhances, and protects great places to ride mountain bikes. We are focused on growing quantity and quality of mountain biking trail communities, so everyone has close-to-home access and rides iconic backcountry experiences. Since 1988, IMBA has been the worldwide leader in mountain bike advocacy, focused entirely on trails and access for mountain bikers in all parts of the United States through a network of 229 IMBA local member organizations, including 40,000 individual members. IMBA teaches and encourages low-impact riding, grassroots advocacy, sustainable trail design, innovative land management practices, and cooperation amongst trail user groups. IMBA is a national network of local groups, individual riders, and passionate volunteers working together for the benefit of the entire community.

The BOLT Act is a top legislative priority for our community, as it continues the investment in outdoor recreation, recognizing the importance of long-distance trails to create backcountry discovery, while supporting small rural communities. The legislation will require the Secretary of Agriculture and the Secretary of the Interior to: (1) identify no less than 10 existing long-distance bike trails on Federal lands in excess of 80 miles in distance; (2) identify 10 areas where opportunities exist to develop or complete long-distance bike trails on Federal lands in excess of 80 miles in distance; (3) coordinate with stakeholders on the feasibility of completing long-distance trails and the resources necessary for such projects; and (4) publish maps, signage, and promotional materials highlighting the positive aspects of long-distance trails and networks; and finally, issue a report with input from stakeholders outlining the details of existing and proposed long-distance trails and their promotion.

There are a number of trails that will benefit from this long-distance trails recognition, such as the Ouachita National Recreation Trail in Arkansas; the Colorado Trail in Colorado; the Maah Daah Hey Trail in North Dakota; the Continental Divide Trail running through various states, including New Mexico; and the Bonneville Shoreline Trail in Utah—are all mountain bike, multi-use trails that will benefit from the BOLT Act.

Long-distance bike trails have brought economic benefits to communities across the country, and the BOLT Act will further help bolster that economy.

The recent pandemic makes clear that access to public lands is essential for the health and well-being of Americans. IMBA believes that this is proven by the increase in cycling seen during this period. Trail access legislation is an important step forward in

utilizing existing bike trails for greater purpose and value to the public.

The BOLT Act also takes tangible steps toward identifying future trails that could be designated and developed in under-served areas of our country. Biking in all of its forms has numerous physical, mental, and social benefits. The BOLT Act is a common-sense, bipartisan way to increase pedal power and wellness through access to public lands.

IMBA appreciates the Committee's role in outdoor recreation across the United States and its important work on the BOLT Act. We stand ready to assist the Committee to ensure passage of this bill into law, and find additional opportunities to increase outdoor recreation to benefit our members and Americans nationwide.

Thank you for allowing me to testify before you today, and I am happy to answer any questions the Committee may have. Thank you.

[The prepared statement of Mr. Keller follows:]

PREPARED STATEMENT OF TODD KELLER, DIRECTOR OF GOVERNMENT AFFAIRS,
INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION
ON H.R. 1319, BIKING ON LONG-DISTANCE TRAILS (BOLT) ACT

On behalf of the International Mountain Bicycling Association (IMBA), which partners with over 200 local organizations and nearly 200,000 individual supporters, we appreciate the Subcommittee's meaningful work with regards to the importance of outdoor recreation and conservation. Specifically, IMBA strongly supports H.R. 1319, the Biking on Long-Distance Trails (BOLT) Act, which will improve access to quality outdoor recreation trail opportunities on public lands across America.

The International Mountain Bicycling Association (IMBA) creates, enhances and protects great places to ride mountain bikes. It is focused on creating more trails close to home to grow the quantity and quality of mountain bike trail communities across the U.S., so everyone has access to close-to-home rides and iconic backcountry experiences. Since 1988, IMBA has been the worldwide leader in mountain bike advocacy and the only organization focused entirely on trails and access for all types of mountain bikers in all parts of the U.S. IMBA teaches and encourages low-impact riding, grassroots advocacy, sustainable trail design, innovative land management practices and cooperation among trail user groups. IMBA U.S. is a national network of local groups, individual riders and passionate volunteers working together for the benefit of the entire community.

The Biking on Long-Distance Trails (BOLT) Act is a top legislative priority for our community as it continues the investment in outdoor recreation by recognizing the importance of long distance trails to create iconic backcountry discovery while supporting small rural communities. The legislation will require the Secretary of Agriculture and the Secretary of Interior to:

- Identify no less than 10 existing long-distance bike trails on Federal lands in excess of 80 miles in distance;
- Identify 10 areas where opportunity exists to develop or complete long-distance bike trails on federal lands in excess of 80 miles in distance;
- Coordinate with stakeholders on feasibility of completing long distance trails and the resources necessary for such projects;
- Publish maps, signage, and promotional materials highlighting the positive aspects of the long-distance trail network;
- Issue a report, with input from stakeholders, outlining the details of existing and proposed long-distance trails and their promotion.

There are a number of trails that will benefit from this long-distance trails recognition, such as the Ouachita National Recreation Trail in Arkansas, the High Country Pathway in Michigan, Maah Daah Hey trail in North Dakota, the Great Divide Mountain Bike Trail running from the Canada to Mexico border, and the Bonneville Shoreline Trail in Utah are all mountain bike trails that will benefit from the BOLT Act. Long-distance bike trails have brought incredible economic

benefits to communities across the country, and the BOLT Act will help further bolster the economy.

According to the Bureau of Economic Analysis the recreation economy accounted for \$454 billion in Gross Domestic Product (GDP), which is an increase of \$107 billion over 2020. Headwater Economics projects that these numbers present a significantly higher value than some of the traditional economic drivers such as motor vehicle manufacturing; oil, gas, and coal; air transportation; and the performing arts.

The recent pandemic makes clear that access to public lands is essential for the health and well-being of Americans. IMBA strongly believes that this is proven by the increase in cycling seen during the pandemic, which has held beyond the pandemic. This trail access legislation is an important step forward in utilizing existing bike trails for a greater purpose and value to the public. The BOLT Act also takes tangible steps toward identifying future trails that could be designated and developed in underserved areas of the country. Biking, in all of its forms, has numerous physical, mental, and social benefits. The BOLT Act is a commonsense, bipartisan way to increase pedal-power and wellness through concerted access to public lands trails.

IMBA appreciates the Committee's role in outdoor recreation across the United States and its important work on the BOLT Act. We stand ready to assist the Committee to ensure passage of this important bill into law and find any additional opportunities to increase outdoor recreation to benefit our members and Americans nationwide. Thank you for allowing us to testify before you today.

Mr. TIFFANY. Thank you very much, Mr. Keller. Next, we are going to move on to questioning.

Representative McClintock, you are up first if you want to take 5 minutes.

Mr. MCCLINTOCK. Thank you.

Sheriff D'Agostini, you and Janine proposed this legislation during the virulent anti-police agitation that we saw in 2020. What struck me about it is that it sends a tangible message to public safety officers across the country that the vast, vast majority of the American people stand behind them, and appreciate them, and honor their work. We depend upon them not only for our safety, we depend upon them for the rule of law itself. Without law enforcement, there is no law. And without law, there is no civilization, and people of cities like Portland, Seattle, San Francisco, Chicago, and New York are now learning that truth again the hard way.

Could you expand on the importance of local law enforcement, and the impact that Black Lives Matter, Antifa, and the defund the police movements are having on law enforcement morale, and the implications of this agitation?

Mr. D'AGOSTINI. So, the obvious that we are hearing everywhere in our industry is recruitment and retention. Right after the civil unrest issues in 2020, we saw a mass exodus. Retirements were at an all-time high, and a huge loss in applications to our industry. My office, where we like to run the industry standard of 5 to 7 percent vacancy rate, we were up to 19 and 20 percent. And it is worse in more urban areas.

It is starting to change a little bit right now because of what you just mentioned. It is well known, and polls show that the vast majority of the population supports law enforcement. We know that. However, when you are working the street, and you don't have that support from the people in your community, it becomes tough to do the job. It becomes tough to survive the job, and it becomes tough to go home to a family and tell them why you still do a job in such an environment.

I believe that the tide is turning. I believe that we will get back to where we were. But those organizations that defile law enforcement, do not like law enforcement, don't like the rule of law, they have a heck of an impact on our industry. And we saw that this last half a decade. We saw what happens to our agencies across this nation when that type of mindset sets in.

Mr. MCCLINTOCK. I know you were a little frustrated getting your remarks into 5 minutes. Was there anything you wanted to add to your testimony?

Mr. D'AGOSTINI. I am sorry, Congressman?

Mr. MCCLINTOCK. Was there anything you would like to add to your testimony? I know you were a little frustrated about the time limitations.

Mr. D'AGOSTINI. No, no, no. That is fine. I appreciate it. I am just honored to be here. I believe that it is time to start—any tool that we can use right now to recognize law enforcement and our fire-fighters, to help turn that around in this country for our rule of law and our way of society, they being a necessity to keep us all safe.

Mr. MCCLINTOCK. And we thank you for bringing the bill to me. Thank you for your service. Thank you for being here today.

And I yield back.

Mr. TIFFANY. Thank you, Representative McClintock. Next, I would like to recognize the Representative from Alaska, Mrs. Peltola.

Mrs. PELTOLA. Thank you, Mr. Chairman. Just following on the last remarks, Mr. D'Agostini, I really appreciate that you and your wife have put this idea forward. I think it is laudable.

In Alaska, we don't have nearly enough law enforcement. So, that movement that was just referred to is not something we broadly identify with, because so many of our communities don't even have a village public safety officer, and they are not even armed. They just have billy clubs. So, we really appreciate your work.

My husband is a former law enforcement person. He was what we call a brownshirt, a wildlife officer. And he thinks it is important just to even wave hello. You know, in a small town sometimes people don't wave at you. And even those small courtesies, I think, are appreciated. But I really appreciate your work.

My question, however, is for Mr. Reynolds. Across the world, we are seeing real variations in our seasons. And in terms of hunting, it is almost like you can throw the calendar out because moose are rutting 4 weeks late, salmon are showing up 2 or 3 weeks late, the different stocks. And I wonder how you are incorporating the variable weather into recreational planning and the permits and your seasons.

Mr. REYNOLDS. Yes, thank you very much for that question. The changes that we are seeing, especially in your state, in Alaska, that seems to be more compounded, there are a lot of funding coming in through the Inflation Reduction Act and some other aspects to make us more resilient, to look at our ecosystems, to look at our park management.

When it comes to recreation, we are trying to figure out how we could be more flexible. So, some of these tools that we are even talking about today with one permitted, kind of things under the

SOAR Act, these are all positive steps to try to make sure we could maybe change out from year to year, if the changes coming out with different schedules of somebody using or accessing areas.

And then we need to try to think broadly about alternatives, if something is to be closed or some storm damage has occurred.

So, those are some of the initial things we are looking at in our climate assessments.

Mrs. PELTOLA. Thank you, Mr. Chairman. I yield back.

Mr. TIFFANY. Thank you for your questioning, Mrs. Peltola. The gentleman from Utah is back for another panel.

Mr. Curtis, you have 5 minutes.

Mr. CURTIS. Thank you, Mr. Chairman. Thank you to our witnesses for being here. I would like to highlight two bills.

The SOAR Act, and it has been mentioned just a little bit today. The bill reduces the complexity and the cost of using and recreating on our Federal lands. And I don't think there is a better example than Utah of how these Federal lands can be used responsibly, how it helps the economy of the state, it helps the well-being of the state. There are so many benefits that comes from responsible use of our public lands.

Yet, when we unnecessarily throttle the ability to use these public lands, it forces people sometimes to use them without permits, and to use them irresponsibly. And I think the SOAR Act takes a good swing at the appropriate access without too much work for people. And particularly our guides and things, who are very, very responsible, public lands belong to the people, and these cumbersome and expensive regulations are problematic.

Mr. BANNON, can you comment on that? You are nodding your head, and you want to chime in with me on that?

Mr. BANNON. Absolutely, and thank you very much, Congressman Curtis, for sponsoring this bill and for asking me this question.

I absolutely agree. And as you think about the challenges that an access area faces, and the resources that they are trying to acquire from an outfitter to build a boat ramp, to sustain any kind of additional infrastructure, that money is going to come from the fees that are paid on an annual basis from that operator. So, if those fees are insufficient or otherwise, there are insufficient resources to sustain that recreation infrastructure, it is not just bad for our operation, it is bad for everybody who is trying to get out there.

So, on one hand, we want to make sure that our fees are being spent in the right places, but we want to make sure that agencies are well resourced to provide for the broader recreating public.

Mr. CURTIS. Thank you.

Let's talk about biking, Mr. Keller. I think you alluded to the Bonneville Shoreline Trail Act. And I just know in my district how beloved these trails are, how much they facilitate people getting outside, using the great outdoors responsibly, and having a good experience. If we are successful, that Bonneville Shoreline Trail will eventually span thousands of miles across our state, top to bottom.

You talked about a beautiful amenity, plus the ability for people to have healthy, wholesome recreation. Could you just comment

yourself on why this issue is important, and why these trails are an important part of our communities?

Mr. KELLER. Yes, of course. And thank you for sponsoring the BOLT Act, and then your work with us on the Bonneville Shoreline Trail Advancement Act last year. We appreciate that.

Cycling, we have seen cycling grow, as I alluded in my comments. It has grown exponentially over the pandemic. You couldn't find a bicycle in bike shops. They were back-ordered, and the secondary market went crazy. We have retained many of those people, as they have realized that cycling in all forms are a great way to stay not only physically healthy, but mentally healthy.

We have also seen trails as a backbone, as a cornerstone, essentially, of our outdoor recreation infrastructure, and that just builds that economy into rural communities, into large cities, and it is just amazing to see this grow, and how important our outdoor recreation infrastructure can be. And all access to trails is, in fact, that piece.

Mr. CURTIS. It has surprised me to see the popularity in high schools, in junior highs and high schools in Utah. And, of course, when I was in high school, nobody would have ever imagined a mountain bike team like that. But I think some of our strongest users are our youth getting out and recreating. And I can't think of a better thing for us to be facilitating. Thank you very much.

Mr. Ferguson, nice to have you here. I don't have any questions for you, but you would like to chime in? Please, go ahead.

Mr. FERGUSON. I will chime in on the SOAR Act.

So, my statements offered support. As a former policy staffer up here, we always thought about things in terms of resource conservation, protection. Now working for a consumer products company, I view the SOAR Act slightly differently. And the way that I think we all need to think about it is the guides and outfitters really become the de facto face and touch points for the Federal Government, because those guides and those outfitters are introducing people to the outdoors who may otherwise be too intimidated or too unsure of what to do.

For us at Simms Fishing, we have a network of 6,000-plus guides that we work with. They are doing the same thing for us, introducing people to fishing, our gear. So, I think the opportunity here is to embolden and support our guides, who become the best missionaries for our Federal lands.

Mr. CURTIS. I would agree. And just quickly, because I am out of time, I think those 6,000 and many others become the eyes and ears of the Federal Government, become hands of the Federal Government in protecting these lands and making sure they are used in the appropriate way, which I know they do very well, because their livelihoods and their futures depend on that.

Thank you, Mr. Chairman. I yield my time.

Mr. TIFFANY. Thank you, Mr. Curtis.

Let's follow up on that, Mr. Ferguson. Do you believe that the FILM Act will help promote hunting opportunities, delivering that message that you see many of these filmmakers go out on hunting expeditions, stuff like that, do you think this is going to help?

Mr. FERGUSON. I do. Again, we represent 41 different brands, and every single one of them has social media. They have digital

media equipment, they have digital media staff, because they know that in order to sell products, they need to inspire consumers on how to use our products. And in many cases, the canvas that we are using are public lands.

So, when we can do more to demonstrate, and highlight, and bring to life what it is like to be outdoors, that may push the enthusiast to do more, but it also may push the person who has never tried it to give it a try. And, ultimately, that is what we are all trying to do, to get more people into this system for many of the reasons that have been discussed previously. It is good for mental health, good for physical health. It is good for society at large, getting kids off screens.

It may be somewhat an oxymoron, but the more we can create digital content, I think we can get more people to get off their screens, and the FILM Act will help us to do that.

Mr. TIFFANY. Mr. D'Agostini, last week this Subcommittee heard in regards to illegal marijuana grows that are happening in our national forests. Have you experienced that in your county?

Mr. D'AGOSTINI. Absolutely.

Mr. TIFFANY. Does that impact recreation? Have you had to shut off areas as a result of that? Has law enforcement had to take an action to restrict access to an area when you have found an illegal grow like that?

Mr. D'AGOSTINI. So, not having the benefit of the testimony from last week, I will tell you what my experience is.

A large part of my career was working in the narcotics field, the drug field. Years ago, 12, 15 years ago, outdoor marijuana cultivation sites, cartel sites on our national lands, our forest lands were out of control. Since the legalization by states or decriminalization of marijuana, especially in the West, we have seen a dramatic decline. They have gone from the public lands to private lands. It is much easier and much safer to pay a landowner \$15,000, \$20,000, \$30,000 to rent their land for a year, put your workers on there, raise your crops, harvest them, and get the heck out.

Also, marijuana prices have gone through the floor. What used to be \$4,000 or \$5,000 a pound on the East Coast, \$2,000 a pound on the West Coast is down to literally hundreds of dollars a pound, \$300 or \$400 a pound on the West Coast and \$1,500 to \$2,000 a pound on the East Coast.

Mr. TIFFANY. Was it the cartels that controlled those grows?

Mr. D'AGOSTINI. Yes, predominantly.

Mr. TIFFANY. So, it was predominantly the Mexican cartels?

Mr. D'AGOSTINI. Predominantly, yes, sir. That was in my experience in El Dorado County, and this county surrounding my county in California.

What has replaced marijuana absolutely, just totally economics, to the cartels is methamphetamine and fentanyl. It is much more lucrative to get both across the border, get it up here, and sell it for a much higher profit than they ever could the marijuana.

Mr. TIFFANY. With any of those drugs, would it help if we secured the border to prevent them from coming across the southern border?

Mr. D'AGOSTINI. Rhetorical, but absolutely.

Mr. TIFFANY. Thank you.

Deputy Director Reynolds, there is currently, what, a \$22 billion maintenance backlog? Is that number right?

Mr. REYNOLDS. Yes.

Mr. TIFFANY. In our national parks.

Mr. REYNOLDS. Yes.

Mr. TIFFANY. And that has grown by about \$10 billion? Is that right?

Mr. REYNOLDS. Yes.

Mr. TIFFANY. Can you discuss the effects of this growing deferred backlog, and what is the impact on expanding recreational opportunities?

Mr. REYNOLDS. Sure. So, you are correct, we have a significant backlog. The good news is the LRF, the Land Resource Funds from the GAOA are investing \$6.5 billion over the next few years. We have been benefiting from 2 or 3 years of that, and we are hoping to have around \$3.5 billion invested into those assets at the end of this third year.

It is extremely appreciated by the parks. We were able to put a lot of the fundamental development, if you will, like sewer treatment plants, roads, trails, things like that brought up to speed, and get rid of the backlog as quickly as we can.

So, combined with also recreation fee dollars, and also just appropriated dollars we are able to start tackling this, and we hope to see those numbers go quite a bit down.

Mr. TIFFANY. Is the capacity out there to be able to deal with the maintenance backlog? Are there enough maintenance people, enough contractors to be able to do this?

Mr. REYNOLDS. We can always use more people, but we are doing a lot of that work through our contracting and through private sector. And we have been experiencing, as probably everyone has in their public or private lives, a lot of competition in this market, a lot of inflation problems. But we are seeing these contracts through, and we are seeing the investments happening.

Mr. TIFFANY. My time has expired. I have a bunch more questions, but we will save them for the future.

I want to thank all the witnesses for taking the time out of your days to come here to Washington, DC to testify. Thank you for all the work that you do, and we really appreciate that you would share your insights with us.

The members of the Committee may have some additional questions for both of our panels of witnesses today, and we will ask all witnesses to respond to these in writing. Under Committee Rule 3, members of the Committee must submit questions to the Subcommittee Clerk by 5 p.m. on Friday, March 31, 2023. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 12:26 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. ANN McLANE KUSTER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW HAMPSHIRE

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to provide testimony on H.R. 930, The Ski Hill Resources for Economic Development (SHRED) Act of 2023.

I have the pleasure of representing some of the best skiing in the country. New Hampshire is home to 32 ski areas. These ski areas serve millions of visitors each season and bring in over \$500 million to our local economies. Our ski areas operating on National Forest System lands generate roughly \$40 million in Ski Area Permitting fees annually for the treasury, but these funds never make it back to the agency, forests, and communities where it's needed most.

The SHRED Act will fix this oversight by creating the Ski Area Fee Retention Account. Rather than sending payments back to Washington, DC, ski areas on National Forest System lands will pay fees into the Ski Area Fee Retention Account. This account will be used to address local Forest Service needs, such as adequate staffing to administer ski area permits and reviews of ski area proposals for future growth. Improving the agency's capacity to administer permits and review proposals is important for providing ski areas with the certainty they need to make business decisions on private investments in public land infrastructure. This bill will also help facilitate the implementation of year-round recreation activities, thereby creating year-round jobs and boosting rural economies. Finally, the bill will help improve avalanche forecasting and education, wildfire preparedness planning and coordination, and support the leasing of USFS Administrative Sites for workforce housing and other community needs.

The SHRED Act is supported by the USDA, the U.S. Forest Service, and the National Ski Areas Association and their 325 ski area members.

Statement for the Record

**Bureau of Land Management
U.S. Department of the Interior**

on H.R. 1614, Range Access Act

Introduction

Thank you for the opportunity to provide this Statement for the Record on H.R. 1614, the Range Access Act, which would require the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) to establish and manage a developed shooting range in each of the respective agency's districts within five years of enactment.

Background

The Department of the Interior is committed to supporting the outdoor recreation economy and the many benefits that recreational activities offer for our communities and economies. President Biden reflected this priority by recommending increasing access for outdoor recreation as one of the six early focus areas of the America the Beautiful initiative, and re-launching the Federal Interagency Council on Outdoor Recreation. In addition, the Department is advancing these priorities as guided by the Great American Outdoors Act; the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act); Executive Order (E.O.) 14008, *Tackling the Climate Crisis at Home and Abroad*; and E.O. 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.

The BLM manages approximately 245 million surface acres, located primarily in 12 western states under the Federal Land Policy and Management Act. The BLM remains committed to its core mission of multiple use and sustained yield, which provides for a careful balancing across many uses and resources to steward the public lands for current and future generations. Under the BLM's multiple use mandate, the BLM manages public lands for a broad range of uses, such as renewable and conventional energy development, livestock grazing, timber production, hunting and fishing, recreation, and conservation—including protecting cultural and historic resources.

Outdoor recreation is one of the most popular activities on the public lands managed by the BLM. In 2022, BLM-managed public lands attracted approximately 81 million visitors—an increase of 8 million visitors from 2020. A remarkable variety of recreational activities are enjoyed on our nation’s public lands, including camping, off-highway vehicle riding, mountain biking, river running, hiking, horseback riding, climbing, hunting, fishing, and more.

In general, target shooting is allowed on the vast majority of BLM-administered public lands, being prohibited only on developed recreation sites and areas specifically closed to recreational shooting. The BLM works with local communities to determine whether to establish designated shooting ranges through evaluating appropriate locations, and assessing interest, need, public safety, and the level of development for the site. By working with local communities, the BLM has established nine shooting range sites in five different states, with plans to open two more in BLM Arizona’s Phoenix District in the near future.

H.R. 1614, Range Access Act

H.R. 1614 would require the BLM and USFS, after determining if allowable under law and management plan, to establish and manage a developed shooting range in each district managed by the agencies that does not already have a range, within five years of enactment and subject to available appropriations. The bill allows the agencies to enter into an agreement with another entity to establish and maintain the shooting range. The two agencies are also required to coordinate with several groups on the construction of the ranges, including Tribes, State and local agencies, and shooting clubs, and to consult with these groups on ways to maximize private funding for the construction. Additionally, under the bill, both BLM and the USFS are to cooperate with these stakeholders and partners to ensure that any shooting range constructed under the bill will not impact any nearby non-Federal shooting ranges.

The bill further requires the agencies seek to ensure that there is a designated shooting range meeting the requirements of the bill or located adjacent to BLM- or Forest Service-managed lands and available for public use prior to closing an area to recreational shooting, except in emergency situations. The bill also specifies that agencies may not require a user to pay a fee to use the shooting ranges. Finally, H.R. 1614 requires submission of an annual report to Congress on progress toward meeting the requirements of the law.

Analysis

While the BLM recognizes the sponsors’ interest in increasing access to designated shooting ranges and the need to do so in some places to ensure public safety and minimize user conflicts, the BLM cannot support the bill at this time due to the significant challenges in developing and maintaining the proposed number of shooting ranges, which would also involve removal of lead ammunition, clean-up of hazardous materials, and berm management. The BLM notes in some locations, exercising BLM’s authority to charge a user fee may be warranted for the purposes in the bill, given the large number of designated shooting ranges envisioned. In addition, the bill does not acknowledge the importance of public input and assessing community interest in development of designated shooting ranges in its districts.

Further, while some districts need designated shooting ranges to promote safety and discourage leaving trash and lead waste on our public lands, others do not. Nor does every district have sites that would be optimal for management of designated shooting ranges. The BLM notes that over 99 percent of public lands are open to recreational shooting, and the BLM works with local communities and our partners to provide safe access for these opportunities, while continuing to identify areas that would function best as designated shooting area on public lands. In addition to the nine designated shooting range sites currently managed by the BLM, there are also 26 shooting ranges on public lands that are administered by non-Federal entities through a Recreational & Public Purpose (R&PP) Act lease, and 56 shooting ranges that have been patented and conveyed under the R&PP Act. In total, the BLM has provided support for a total of 91 designated shooting ranges through direct management under the R&PP Act.

The BLM defers to USFS regarding the bill’s provisions affecting the management of lands under their jurisdiction.

Conclusion

Thank you for the opportunity to provide this statement for the record.

Submissions for the Record by Rep. Tiffany

AMERICAN WHITEWATER

March 28, 2023

Hon. Tom Tiffany, Chairman
 Hon. Joe Neguse, Ranking Member
 House Natural Resources Committee
 1324 Longworth House Office Building
 Washington, DC 20515

Re: House Committee on Natural Resources, Subcommittee on Federal Lands,
 Legislative Hearing; Tuesday, March 28, 2023, 10:15 AM.

Dear Chairman Tiffany and Ranking Member Neguse:

On behalf of the whitewater paddling community, American Whitewater writes to express our appreciation for holding a Subcommittee hearing on outdoor recreation. Several of the individual bills are of particular interest to the whitewater paddling community including H.R. 930 (Rep. Kuster), "Ski Hill Resources for Economic Development (SHRED) Act of 2023"; H.R. 1380 (Rep. Curtis), "Protecting America's Rock Climbing (PARC) Act"; H.R. 1527 (Rep. Curtis), "Simplifying Outdoor Access for Recreation (SOAR) Act"; H.R. 1576 (Rep. Fulcher), "Federal Interior Land Media (FILM) Act"; and H.R. 1614 (Rep. Moore of Utah), "Range Access Act." These legislative proposals before the Subcommittee would affect recreation management and elevate the importance of managing whitewater rivers and the public lands they flow through for their recreation value.

About American Whitewater

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 50,000 supporters, 7,000 dues-paying members, and 100 local-based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. Our vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates. In addition to being whitewater boaters, our members also engage in other outdoor recreational pursuits that include climbing, biking, hiking, skiing, and other activities that are relevant to the bills being considered before the Subcommittee.

H.R. 930 (Rep. Kuster), "Ski Hill Resources for Economic Development (SHRED) Act of 2023"

American Whitewater supports the intent of H.R. 930, Ski Hill Resources for Economic Development (SHRED) Act of 2023, introduced by Representative Kuster and co-sponsored by Representatives Curtis, Neguse, LaMalfa, and Pappas, but has concerns with fund distribution. Specifically, we support keeping ski area fees within the National Forest system, but have significant concerns with how the funds from the Ski Area Fee Retention Account would be disbursed and the fiscal impact this would have on support for other recreation programs. Ski areas pay a use fee based on the income they derive from use and occupancy of public lands. As currently drafted, the SHRED Act would direct at least 60% of these fees back into the Forest Service ski area program, for the direct benefit of the ski area(s) on the unit from which these fees were collected. With outdoor recreation participation at an all-time high, but with insufficient agency staffing and resources to meet this demand, the distribution of funds under the SHRED Act would only further exacerbate the agency's ability to meet public expectations, maintain recreational infrastructure, and protect the resources the Forest Service is tasked with stewarding. In our view at least 60% of the Ski Area Fee Retention Account should be directed to the activities described in paragraph (5)(B) of the Act that benefit all recreational users. The amount directed to the activities described in paragraph (5)(A) for ski area projects should not exceed 40% of the fees collected. This would still provide ample funds and capacity for the agency's ski area program, which is considerably

smaller and more narrowly focused than the Recreation, Heritage, and Volunteer Resources program in which it is housed.

We additionally have concerns with the implications of this legislation for the Forest Service budget given Congressional rules requiring funding offsets. If the off-set comes from the Forest Service budget it will negatively impact general Forest Service budgeting, directing scarce funds to the ski area program at the expense of other programs within the agency including those that provide resources for other outdoor recreation activities.

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

American Whitewater supports H.R. 1380, Protecting America’s Rock Climbing (PARC) Act, introduced by Representative Curtis and co-sponsored by Representative Neguse. This legislation would protect sustainable and historic recreational uses of wilderness. It recognizes that fixed anchors are critical tools for navigating technical terrain in wilderness that have been utilized and managed as allowable uses since the Wilderness Act became law in 1964. Fixed anchors include bolts, slings, pitons, and other tools to safely and sustainably ascend and descend technical terrain. Typically used for rock climbing, mountaineering, and backcountry skiing, fixed anchors are occasionally used in river environments for lowering boats and gear, rappelling, and securing boats or other gear. Federal agencies have the authority to manage, regulate and restrict fixed anchors without establishing a new standard that they are prohibited uses. The legislation would establish management consistency between federal agencies and make clear that “placement, use, and maintenance of fixed anchors” is an allowable activity in wilderness areas. This legislation is important and timely given proposed actions under consideration by federal agencies that would redefine fixed anchors as “installations,” under the Wilderness Act prohibiting their use. The bill also clarifies that federal agencies must provide an opportunity for public notice and comment on proposed changes to fixed anchor policy, while providing agencies with authority to take emergency actions related to fixed anchor management if it is necessary to protect natural resources or public safety.

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

American Whitewater supports H.R. 1527, Simplifying Outdoor Access for Recreation (SOAR) Act, introduced by Representative Curtis and co-sponsored by Representative Neguse. The SOAR Act includes several provisions that are of particular importance to the whitewater paddling community.

Capacity Limits and Allocations

While allocations and capacity limits for special recreation permits for areas in which use is allocated are not covered in this bill, the fact that the bill addresses permitting has raised questions on allocations for special recreation permits on fully allocated river systems. The majority of popular multi-day river trips in the West require these permits for both members of the public and guided trips; allocations are typically split into a set number of launches for outfitted trips and those available to the public through recreation.gov.¹ Many of these allocations were set decades ago in management plans that need to be updated. With advances in equipment and skill level, more and more people are capable of organizing their own trip and do not require the services of an outfitter and guide. The odds of securing a permit in the Four Rivers Lottery (Middle Fork Salmon, Main Salmon, Selway, and Snake Rivers) have been reduced from a 1-in-20 to a 1-in-80 chance in just the past few years. While some individuals have a means to buy a seat on an outfitted trip, the cost for this experience continues to increase, raising significant equity issues.

As the Subcommittee considers future legislation on outdoor recreation and oversight hearings with agency witnesses, we request that the Subcommittee work to ensure that opportunities to enjoy fully allocated rivers are equitably distributed with adequate opportunities for the public. In many cases this would require revisiting outdated river management plans, revisiting capacity limits and allocations based on modern social science, applying modern data analytics to assess

¹Allocating River Use: a review of approaches and existing systems for river professionals, Prepared by Doug Whittaker, Ph.D. and Bo Shelby, Ph.D. Confluence Research and Consulting; July 2008, <<https://www.river-management.org/assets/docs/Library/allocating%20river%20use-jan%202009.pdf>>.

demand and distribute user days accordingly, and providing sufficient appropriations to do this work.²

Title I, Section 102(d)

This section would permanently authorize certain existing sections of the Federal Lands Recreation Enhancement Act (FLREA) including definitions in Section 801; fees for use of highways or roads and specialized recreation uses of Federal recreational lands and waters (group activities, recreation events, motorized recreational vehicle use) in Section 803; and use of fees at a specific site or area, limitation on use of fees, and administrative costs in Section 808. While we do not oppose language to permanently authorize these provisions, we request that the Subcommittee conduct a more comprehensive oversight hearing on FLREA given the regular short-term extensions that occur through the appropriations process. FLREA should be more extensively evaluated by the Subcommittee to consider the need for revisions to the authority for fee collection it provides and better inform future extensions.

Title I, Section 104(b):

American Whitewater supports language that allows outfitters to “voluntarily and temporarily return to the Secretary concerned 1 or more surplus service days, to be made available to any other existing or potential permittee.” For special recreation permits, for an area in which use is fully allocated and a permit is required for all visitors, this would allow available service days to be made available to the public when not utilized by an outfitter.

Title I, Section 105(a):

We strongly support making information on availability of special recreation permits visible to the public through a transparent format on a website as well as an email notification system. This level of visibility will help everyone and take the administrative process associated with special recreation permits out of the backrooms of agencies ensuring that everyone has knowledge of where the agency might be making opportunities for special recreation permits available. A transparent notification process allows organizations like ours and the general public to track plans to issue new permits and raise any concerns early in the process. We believe this will enhance opportunities for public participation and engagement when the agency begins to consider new special recreation permits.

Title I, Section 107(a):

American Whitewater appreciates the careful wording of Section 107 on Forest Service permit reviews that an increase in actual use is “not to exceed the level allocated to the special recreation permit holder on the date on which the special recreation permit was issued.” This makes clear that a limit on allocation exists for special recreation permit holders consistent with underlying management plans.

Title I, Section 111(a):

We fully support changes to the Federal Lands Recreation Enhancement Act to “consult with States to coordinate the availability of Federal and State Recreation Passes to allow a purchaser to buy a Federal recreation pass and a State recreation pass in the same transaction.” We routinely receive complaints from our members on the myriad of passes that are often required in a small geographic area with different state and federal land management agencies that are typically not obvious or apparent to the public.³

Title I, Section 112:

We fully support making the America The Beautiful Pass readily available for purchase including through online sales channels. We also support options for online payment of entrance fees and amenity fees.

²We have previously raised these issues with the Senate Energy and Natural Resources Committee. See Written Testimony of Dr. Thomas C. O’Keefe, at page 8 at Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation, Hearing before the Committee on Energy and Natural Resources, U.S. Senate, One Hundred and Sixteenth Congress, March 14, 2019, Senate Hearing 116-290, <<https://www.energy.senate.gov/services/files/CD2D1A1B-1825-4878-B9A3-D61160D978E2>>.

³An example of a trailhead sign illustrating 15 different possible passes and which ones fulfill requirements to park at a recreation site: <<https://www.americanwhitewater.org/content/River/view/river-detail/2123/gallery/889244>>.

Title I, Section 113:

We appreciate careful language of this section to make clear that the bill does not affect concessions contracts for those providing services in National Parks and would therefore not create any new authority for the National Park Service to increase outfitter allocations on rivers like the Colorado in Grand Canyon National Park under any circumstances.

Title II, Section 201:

We support language in this section for federal land managers to “extend the recreation season or increase recreation use in a sustainable manner during the offseason.” The reality is this use is occurring but is not being actively managed. As an example, whitewater boaters who enjoy winter rains or the spring snowmelt engage in recreation that is not aligned with the typical Memorial Day to Labor Day summer recreation season. Too often we encounter locked gates, closed campgrounds, and areas that are not accessible during the peak of the whitewater boating season. Currently, “off-season” use is not being appropriately recognized or managed resulting in unacceptable resource impacts and safety concerns including sanitation issues or improperly parked vehicles. The bill provides direction for “improvement of access to the area to extend the season” and will provide better access to and management of opportunities that might take place outside of the summer recreation season. Fully realizing the benefits of this section requires a commensurate increase in appropriations.

Title II, Section 202:

We support adoption of recreation performance metrics for evaluation of land managers and strongly support inclusion of “quality of visitor experience” at Section 202(b)(2)(E) and “visitor satisfaction” at Section 202(b)(2)(G). Too often recreation is measured by the number of visitors or expansion of facilities. Opportunities to enjoy areas of low use levels, as well as access to high quality experiences for solitude and adventure, are important for many recreational experiences people seek; land managers who recognize this through their actions should be evaluated in consideration of this fact. Recreation is a core function of public lands with profound public benefits and, along with other uses of public lands, merits commensurate performance metrics.

Title III, Section 301:

American Whitewater supports this title that would provide authority for cooperative agreements between organizations like ours and federal agencies. Authorized programs could include on-the-ground projects like development or maintenance of a river put-in but also includes programs that “increase awareness, understanding, and stewardship of Federal land through the development, publication, or distribution of educational materials and products.” We believe this could provide new partnership opportunities for information sharing and coordination of recreational river resources.

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

American Whitewater supports the intent of H.R. 1576, the Federal Interior Land Media (FILM) Act sponsored by Representative Fulcher that would result in a much needed update to 54 U.S.C. § 100905. Federal law has not kept pace with the development of new technologies (e.g., high quality smartphones, GoPros, etc.) that allow individuals to produce films with minimal equipment and a light footprint. Additionally the line between what constitutes commercial and non-commercial filming has blurred with the myriad of new channels for content distribution. Current federal law includes exemptions to permit requirements for commercial photography if the activity takes place where members of the public are generally allowed and does not utilize models or props that are not a part of the site’s natural or cultural resources. This legislation would establish a corresponding set of exemptions for filming when eight conditions are met, but it is important for individuals to understand and adhere to these requirements. Given impacts we have seen from even the smallest film crews (e.g. tree limbing or brush clearing to get a shot), we would support establishment of a system for education and accountability for film projects to ensure that all filmmakers understand the requirements. One way to do this would be through a no cost (or low cost) permit that individuals could obtain online; we believe that should be considered either in the legislation or through a public process prior to implementation of new requirements and exemptions.

H.R. 1614 (Rep. Moore of Utah) “Range Access Act”

American Whitewater supports the intent of H.R. 1614, the Range Access Act sponsored by Representative Moore that would establish designated shooting ranges on public land, but we have concerns with some of the specific provisions. In many areas where our members recreate, they have reported resource impacts and safety concerns with unregulated target shooting. We appreciate the intent of this legislation to address the issue and provide designated shooting ranges. As drafted however, we are concerned that the legislation will not lead to the desired outcome and will only exacerbate resource impacts and safety issues and constrain the ability of agencies to manage these.

We have a specific concern with Section 2(c)(2) that would limit the ability of the agency to close an area to recreational shooting if a designated shooting range is not available. While we appreciate the intent of this section to provide a designated shooting range on all public land units, the legislation includes no appropriation to implement this measure. We are concerned that the practical result will be that agencies will be unable to construct designated shooting ranges on many land management units and will then be unable to close high-use recreational areas where target shooting is inappropriate and a safety issue.

We are also concerned with the language of Section 2(b)(3)(B)(iv) stating that the agency “may not require a user to pay a fee to use a designated shooting range.” To the extent these facilities provide the standard amenities under the Federal Lands Recreation Enhancement Act,⁴ all Forest users should be treated equitably. A lack of user fees could also result in a lack of agency resources for brass or lead clean up or other ongoing maintenance activities necessary to safely maintain these shooting ranges.

We recommend that these provisions limiting the ability of the agency to institute closures and exempting this user group from fees be removed from the legislation.

Conclusion

American Whitewater thanks the Subcommittee for holding this hearing on outdoor recreation. Please do not hesitate to contact us if you have any questions regarding our testimony.

Sincerely,

Kevin R. Colburn,
National Stewardship Director

Thomas O’Keefe, PhD,
Pacific Northwest Stewardship
Director

Congressional Sportsmen’s Foundation

March 27, 2023

Hon. Tom Tiffany, Chairman
Hon. Joe Neguse, Ranking Member
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Tiffany and Ranking Member Neguse:

In advance of your Subcommittee’s legislative hearing on Tuesday, March 28, the Congressional Sportsmen’s Foundation (CSF) would like to express our strong support for H.R. 1614, the Range Access Act. This legislation is led in a bipartisan fashion by Congressional Sportsmen’s Caucus (CSC) Member Rep. Blake Moore and CSC Co-Chair Rep. Jimmy Panetta. CSF would like to thank Reps. Moore and Panetta for their commitment to sportsmen and women as well as the Subcommittee for holding this hearing.

The Range Access Act will improve access opportunities for America’s 15.9 million paid hunting license holders and nearly 32 million recreational shooters who contribute more than \$55 billion to America’s GDP. Last year alone, through manufacturer level excise taxes on firearms, ammunition, and archery equipment,

⁴ 16 U.S. Code § 6802(f)(4).

hunters and target shooters contributed nearly \$1.2 billion for on-the-ground conservation through the Wildlife Restoration Act (Pittman-Robertson Act)—the largest source of wildlife conservation funding in the country. Approximately 80% of the funding provided through this Act is directly attributable to target shooters, who collectively spend more than hunters on firearms, ammunition, and equipment.

A recent study of recreational shooting by the National Shooting Sports Foundation, *Assessing the Quality and Availability of Hunting and Shooting Access in the United States*, clearly indicates the importance of federal public lands for target shooting. The report indicates that 21% of recreational shooters almost exclusively use public land for target shooting. In the report, the top recreational shooting access issues identified are “lack of land on which to shoot, land being too far away, and a lack of information about lands on which to shoot”. Given the financial contributions of recreational target shooters to conservation and local economies, it is critical to provide sufficient and accessible shooting ranges across federal lands.

The bipartisan Range Access Act requires the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) to have a minimum of at least one designated shooting range in each BLM and USFS district. Specifically, the legislation requires the Secretaries of the Interior and Agriculture to inventory existing target shooting ranges and identify at least one suitable location for a target shooting range in each BLM and USFS district. Within five years of enactment of H.R. 1614, BLM and USFS would be required to construct a minimum of one free public target shooting range in each of their respective districts.

Additionally, H.R. 1614 will help provide opportunities for adaptive shooting ranges that can increase access for persons identified as disabled. Dispersed shooting across federal lands can often be difficult for the 74 million disabled individuals. The National Center on Health, Physical Activity and Disability, a public health organization that promotes opportunities for persons with disabilities, states “Target Shooting is one of the easiest recreational sports and activities to adapt for people with disabilities. Shooting can be enjoyed by everyone, including individuals with limited hand and arm function and individuals who are visually impaired”. Fortunately, the Range Access Act can facilitate and improve opportunities for disabled persons to enjoy recreational shooting by providing established, structured ranges that are easily accessible.

Furthermore, the Range Access Act provides an opportunity to reduce waste and increase recycling across federal public lands. Recreational shooting ranges are often developed and designed using the Environmental Protection Agency’s Best Management Practices that assist and guide range managers in efforts to mitigate waste from spent bullets and shot. At firearm ranges, berms are designed to absorb and concentrate spent bullets in areas behind the target. This provides an opportunity for the reclamation and recycling of spent bullets through systems that separate vegetation and soils from the spent bullet and shot. Once separated, the spent bullets and shot may be recycled and reused in future ammunition and other metal-based products. By establishing designated ranges, the Range Access Act provides opportunities for federal and state agencies to work with non-governmental partners to reclaim and recycle spent bullets and shot at designated shooting ranges.

Finally, as the Subcommittee is aware, H.R. 1614 is consistent with BLM and USFS multiple use mandates as codified through the Federal Land Policy and Management Act (FLPMA) and the Multiple-Use Sustained Yield (MUSY) Act. Both FLPMA and MUSY require the BLM and USFS to support and provide recreational opportunities, to include target shooting. Recreational shooting was further codified as an appropriate use of federal lands through Secs. 4102–4103 of S. 47, the Dingell Act, which stated that “Federal land shall be open to hunting, fishing, and recreational shooting, in accordance with applicable law . . .”. Furthermore, Sec. 4104 of the Dingell Act provided the Secretaries of the Interior and Agriculture authority to lease and permit target shooting ranges within certain federal lands that includes the BLM and USFS. The Range Access Act will help fulfil Sec. 4104 of the Dingell Act.

In summary, the Range Access Act is an important step to enhance public access for America’s sportsmen and women and to reduce waste on federal public lands. The Congressional Sportsmen’s Foundation thanks Reps. Moore and Panetta for leading the Range Access Act and the Subcommittee for holding a hearing on this important bill.

Sincerely,

JEFF CRANE,
President and CEO

AMERICAN ALPINE CLUB
Golden, Colorado

Hon. Bruce Westerman, Chairman
 Hon. Raúl Grijalva, Ranking Member
 House Natural Resources Committee
 1324 Longworth House Office Building
 Washington, DC 20515

Re: March 28, 2023, Committee Hearing to Consider Legislation

Dear Chairman Westerman and Ranking Member Grijalva:

On behalf of the American Alpine Club, thank you for holding a hearing centering on bills that will certainly enhance and improve access to outdoor recreation on federal public lands to all Americans. We are grateful for the opportunity to provide a comment on The Protect America's Rock Climbing Act, H.R. 1380.

The American Alpine Club (AAC), based in Golden, Colorado, is a national climbing and mountaineering organization that represents the interests and values of both our members and the greater climbing community which consists of more than 8 million people and generates \$12.45 billion a year for the outdoor recreation economy. Created in 1902, our work centers around activating our members in support of the protection of climbing areas and critical landscapes, advancing access to public lands and climbing for all Americans, protecting and supporting outdoor recreation communities, and mitigating the climate crisis through thoughtful land management practices.

H.R. 1380, The Protect America's Rock Climbing Act

Many people enjoy their first time climbing outside in Wilderness through a facilitated recreation experience offered by groups like the American Alpine Club's volunteer chapters, other recreation non-profit organizations, or through a guide or outfitter. Specifically, many of the AAC's members work as climbing guides, or utilize guiding services to experience new climbing destinations or obtain climbing education. Guided recreation experiences of this nature, utilizing fixed-anchors, offer climbers new and experienced alike, the opportunity to participate in the sport in a safe environment that not only offers participants the ability to gain new skills, but the ability to learn how to recreate responsibly and be conscientious visitors in Wilderness. These facilitated experiences are particularly valuable for helping to connect underserved or environmental justice communities who have historically been deprived of engaging in recreation opportunities on public lands.

Wilderness plays a vital role in American climbing legacy and future. Some of the most iconic and historic climbing in the country is located within Wilderness, including areas like El Capitan, The Diamond on Longs Peak, Joshua Tree's Wonderland of Rocks, and North Carolina's Linville Gorge. Climbers have historically relied on the legal and conditional use, placement, and maintenance of bolts and other fixed anchors in Wilderness. These anchors help keep these areas pristine, while still allowing climbers, search and rescue teams, and others to safely ascend and descend technical routes. The Protect America's Rock Climbing Act would bring consistency to federal management of climbing in Wilderness areas across land management agencies, including the management of fixed anchors, bolts, and other hardware. It enjoys broad support from recreationists and conservationists across the country.

Conclusion

We appreciate the committee's thoughtful work to improve safety and access to outdoor recreation opportunities for all Americans on public lands across the country. Thank you for the opportunity to weigh in. As this process continues, we look forward to serving as a resource to the committee and welcome any further opportunity to be involved in assisting in advancing access to recreation on public lands.

Respectfully,

BYRON HARVISON,
 Director, Policy and Government Affairs

USA CLIMBING
Salt Lake City, Utah

March 27, 2023

House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Re: The Protect America's Rock Climbing Act, H.R. 1380

To the House Committee on Natural Resources:

Thank you for the opportunity to submit the following comments into the record in support of the Protect America's Rock Climbing Act, H.R. 1380. USA Climbing supports the well-being, development, and competitive excellence of our athletes as we advance the accessibility and growth of the climbing community nationwide. We serve as the national governing body of the sport of competition climbing in the United States, recognized by the U.S. Olympic & Paralympic Committee (USOPC), International Federation of Sport Climbing (IFSC), and the International Olympic Committee (IOC).

Our headquarters are in Salt Lake City, Utah, where we are surrounded by federal public lands and Wilderness areas that offer our community world-class recreational opportunities, including climbing. We chose to locate our headquarters in this community in part because of the recreational resources that are available here, which we believe contribute to the overall health, well-being, and happiness of our staff and athletes. Environmental Stewardship is one of our core values, and we believe strongly in the responsible use, protection, and preservation of the natural environment.

As an organization that is focused on sharing the benefits of rock climbing with a growing community, and on protecting the environment, we strongly support the PARC Act. Many of the most inspiring and historic climbing areas in the United States are in federal Wilderness areas, including places like El Capitan and Half Dome in Yosemite National Park, Mt. Whitney in the John Muir Wilderness, the Diamond on Longs Peak in Rocky Mountain National Park, and many others. In our community in Utah, local climbers have enjoyed climbing in Wilderness areas for over a hundred years in places like the Lone Peak Wilderness, the Twin Peaks Wilderness, and the Mt. Olympus Wilderness, which are all easily accessible from Salt Lake City.

The PARC Act would clarify that recreational climbing, including the placement, use, and maintenance of fixed anchors, are allowable uses in Wilderness areas. Further, it would require nationwide guidance on how federal land management agencies ought to manage these historic recreational uses for the benefit of the American people. This important guidance from Congress will help to ensure that the people of Utah and future generations of outdoor enthusiasts, including our athletes, will be able to enjoy the adventure, solitude, and challenge offered by Wilderness climbing well into the future. We are especially concerned that federal land management agencies appear set on redefining fixed anchors as prohibited installations under the Wilderness Act. We believe this move would seriously jeopardize the safety of our athletes and other members of the climbing community; it is completely unnecessary for managing climbing sustainably while protecting natural resources and cultural values.

USA Climbing believes strongly that sustainable access to climbing and other forms of outdoor recreation contributes to the overall economic vitality of Utah and the livability and attractiveness of a place like Salt Lake City. When we offer people the opportunity to connect to nature and to push their physical and mental limits, they develop a deeper connection to the land and will stand to advocate for its protection. Climbing is quickly growing into one of the best ways to connect youth to the outdoors—to set them on a path of physical, mental, and spiritual well-being. We need to facilitate this connection, not make it more difficult and dangerous. The PARC Act will help to ensure that climbers around the country can continue to experience and appreciate Wilderness areas and everything that they offer.

We urge the House Representatives to pass this legislation to support the outdoor recreation economy in Utah and around the country.

Respectfully,

MARC NORMAN,
Chief Executive Officer

Submissions for the Record by Rep. Westerman

Statement for the Record

The Pew Charitable Trusts

on H.R. 1380, Protecting America's Rock Climbing Act

The Pew Charitable Trusts' U.S. conservation work seeks to conserve ecologically and culturally significant lands and waters through collaboration with policymakers, communities and businesses, Tribes, and many others.

Pew supports the Protecting America's Rock Climbing Act (H.R. 1380). This bill would direct the Secretaries of Agriculture and the Interior to issue guidance on climbing management within designated wilderness areas, in accordance with the Wilderness Act. For decades, federal land management agencies have permitted the use of climbing using fixed anchors and other tools that are critical for the safe navigation of technical terrain on public lands. Recently, some land managers have proposed to reinterpret the Wilderness Act and reclassify these safety devices such that they would be prohibited within designated wilderness areas.

Conservation designations such as wilderness areas are supported by a broad cross-section of the public, including hunters, anglers, other recreational users, and local business owners and elected officials who understand how such designations can provide a significant boost to the local economy. Successful conservation designations depend on a shared understanding of the activities that are allowed. Reclassifying uses post-designation is a serious concern because it changes this shared understanding, creating uncertainty for agency staff, recreational users, and gateway communities.

H.R. 1380 emphasizes the importance of policy stability and ensures that the public will have ample opportunity to provide input before federal land management agencies make changes that significantly modify the allowable uses of public lands.

Thank you for considering Pew's views on this legislation. We look forward to working with Representatives Curtis and Neguse and the Committee as the bill moves through the legislative process.

Contacts:

Geoff Brown, gbrown@pewtrusts.org

John Seebach, jseebach@pewtrusts.org

American Mountain Guides Association Boulder, CO

March 28, 2023

Hon. Tom Tiffany, Chairman
Hon. Joe Neguse, Ranking Member
House Natural Resources Committee
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Tiffany and Ranking Member Neguse, and Members of the Subcommittee:

The American Mountain Guides Association (AMGA) respectfully submits this testimony for inclusion in the public record regarding the House Natural Resources Committee, Subcommittee on Federal Lands, Legislative Hearing on H.R. 1527, the Simplifying Outdoor Access for Recreation Act (SOAR Act), held on March 28, 2023. The AMGA also hereby provides testimony for inclusion in the public record regarding the House Natural Resources Committee, Subcommittee on Federal Lands, Legislative Hearing on H.R. 1380, the Protect America's Rock Climbing Act (PARC Act), also held on March 28, 2023. The American Mountain Guides Association supports both the SOAR Act and the PARC Act for the reasons stated herein.

About American Mountain Guides Association

The American Mountain Guides Association (AMGA) is a 501(c)(3) educational non-profit organization that provides training and certification for climbing instructors, mountain guides, and backcountry skiing guides throughout the United States. Founded in 1979, the AMGA has trained over 13,000 climbing and skiing guides who provide outdoor experiences for the public on federal lands. As the American representative to the International Federation of Mountain Guide Associations, the AMGA institutes international standards for the mountain guiding profession in the United States and serves as an educational body for land management agencies, outdoor businesses, clubs, and other recreation stakeholders. Of additional relevance to today's hearing, our membership includes outfitters and guides who have been operating on federal lands since the inception of the modern commercial recreation permitting system. We have extensive experience with federal land management systems, climbing management including fixed anchors, and recreation special use permitting. We welcome the opportunity to provide testimony on the SOAR Act and PARC Act.

AMGA Support for the SOAR Act

The American Mountain Guides Association appreciates the Subcommittee's recognition of the need to improve access to federal lands and we commend Chair Tom Tiffany, Ranking Member Joe Neguse, Vice-Chair John Curtis and the Federal Lands Subcommittee for taking steps to advance legislation that will enhance opportunities for Americans from all walks of life to access and enjoy federal lands. In particular, we believe there is a significant opportunity to increase access to recreational opportunities on federal lands by modernizing the outfitter and guide permitting systems of the federal land agencies. These systems are antiquated and inefficient, and they impose unnecessary and costly administrative burdens on land management agencies. These problems prevent outfitting and guiding businesses from growing to their full potential and limit opportunities for the public to benefit from the assistance of an outfitter, guide, outdoor education center, outdoor adaptive program, veteran's outdoor program, or organized outdoor club.

To illustrate the ways in which the SOAR Act will help to address these challenges, we share the following case studies.

1. The American Alpine Institute and the American Mountain Guides Association partner to offer guide training courses for veterans. These courses can be paid for with VA benefits and they prepare veterans for careers in the mountain guiding industry. Several courses are offered annually in the eastern Cascade Mountains of Washington State. The courses are very popular and there is typically a waitlist for each course. Despite the high level of interest, it is not possible to offer additional trainings because the Okanogan National Forest has been unable to complete the administrative steps that are necessary to authorize additional courses. Consequently, fewer opportunities are available for veterans to prepare for careers in the mountain guiding industry. Section 103 of the bill, *Permitting Process Improvements*, would alleviate these issues by directing the agencies to evaluate the special recreation permitting process and identify opportunities to eliminate duplicative processes, reduce costs, and decrease processing times. It would also direct the agencies to eliminating the requirement to conduct a needs assessment as a condition of issuing a special recreation permit, except where required by law.
2. The Colorado Mountain School (CMS), located in Boulder, Colorado, provides instruction and guiding in rock climbing, mountaineering, backcountry skiing, and avalanche awareness. CMS has been a permittee of the Arapaho-Roosevelt National Forest for over a decade and has maintained full compliance with the terms and conditions of their permit throughout that time. Despite acceptable performance, CMS is required to resubmit a temporary permit application every 180 days because the agency is unable to complete the analyses required to issue a longer-term permit. The repetitive reissuance of a short-term permit is unnecessarily time consuming and inefficient for both the Colorado Mountain School and the Forest Service. Section 104(c) of the bill, *Forest Service and Bureau of Land Management Temporary Special Recreation Permits*, would authorize the Forest Service to issue a temporary special recreation permit for a term up to two years in length. This will bring significant new efficiencies in the form of less frequent permit processing.

3. Climbing guide services based in the Sierra Nevada Mountains of California provide guided climbs of highly sought-after peaks that lie on the border between Sequoia-Kings Canyon National Park and the Inyo National Forest. Typically, these trips are 2–3 days in length with over 95% the trip spent on the Inyo National Forest and only a few hours spent in Sequoia-Kings Canyon National Park. Under the current system, a separate permit is required from each agency. It is time consuming and costly for guides to apply for and maintain multiple permits with different agencies. It is also inefficient for the agencies to issue two separate permits to the same outfitter for a single activity. Recognizing the problem, the agencies have expressed an interest in collaborating to issue a single, joint permit. However, existing authorities appear to be insufficient for such collaboration to occur. Section 106 of the bill, *Permits for Multijurisdictional Trips*, would establish the necessary authorities for the agencies to offer a single joint special recreation permit for guided trips that cross agency boundaries.

The Simplifying Outdoor Access for Recreation Act will clarify existing authorities and establish new authorities that will make special recreation permits easier for outfitters and guides to obtain and manage, and easier for the agencies to administer. In the following section, we outline several additional provisions in the bill that are particularly notable.

In Section 107(b), *Additional Capacity*, the Forest Service is authorized to assign additional visitor-use days to a recreation service provider at any time, provided capacity is available. This will enable recreation service providers to meet the growing demand for recreational experiences and contribute to the growth of the local economies, many of which are in rural areas adjacent to federal lands.

In Section 108, *Liability*, the bill authorizes the agencies to allow special recreation permit holders to use liability waivers to the extent they are authorized by applicable state law. Presently, there is inconsistency among land management agencies, and even within individual agencies, on the use of liability release forms. The Bureau of Land Management generally allows them, the U.S. Forest Service allows them in some locations but not others, and the National Park Service does not allow them at all. The bill would resolve these inconsistencies and establish the principle that State law controls the validity of liability waivers.

In Section 108(b), *Indemnification by Government Entities*, the bill directs the agencies to waive the existing indemnification requirement for state-based institutions that are prohibited by state or local law from providing indemnification to the United States provided they carry the minimum required amount of liability insurance. Under current law, state-based institutions such as colleges, universities, and municipalities are unable to hold special recreation permits due to their inability to fulfill the indemnification requirement. Section 108(b) of the bill would remedy this situation and enable college outdoor recreation programs and municipal recreation districts, many of which offer low-cost outdoor courses and trips, to provide outdoor programs on federal lands.

In Section 109, *Cost Recovery Reform*, the bill addresses a proposal released by the Forest Service on March 9, 2023 that would eliminate an existing fee exemption for the first 50 hours of agency time spent processing an application for a special recreation permit. If the Forest Service proposal is approved, special recreation permits will become significantly more costly. The additional cost will be a major barrier for small businesses and organizations, especially those who serve under-represented populations. Section 109 of the SOAR Act would uphold current regulations—which have existed for many years—by maintaining the fee exemption for the first 50 hours of application processing time for a special recreation permit. This will enable small businesses and non-profit organizations to continue providing high-quality outdoor experiences for the public while also creating jobs and contributing to their local economies.

The opportunities for improvement that are contained in the SOAR Act are truly bipartisan in nature. This is demonstrated by the wide range of Democrats, Republicans, and outdoor industry stakeholders who support the bill. As further evidence of bipartisan support, the bill was reported out of the House Natural Resources Committee with unanimous consent on July 29, 2020 and again on October 13, 2021. The broad array of support is not by accident. The SOAR Act has been developed over a period of 9 years with extensive input from the outdoor recreation community and in consultation with conservation groups and land management agencies. The bill has been carefully written and revised to accommodate the interests of diverse parties while promulgating change that is much needed and long overdue. With the SOAR Act, Congress has an opportunity to enact strong,

bipartisan legislation that will truly enhance the recreational benefits of federal lands and empower the American people to enjoy them.

AMGA Support for the PARC Act

The American Mountain Guides Association applauds the introduction of the Protect America's Rock Climbing Act by Utah Representative John Curtis and Colorado Representative Joe Neguse. The bill will preserve access to thousands of rock climbing routes in wilderness areas across the country.

Many climbs in wilderness areas have occasional fixed anchors—such as a nylon sling wrapped around a tree, a metal piton placed in a crack, or a small bolt affixed to the rock—to allow a climbing party to safely ascend and descend a rock face or a mountain. Guides are highly reliant upon these fixed anchors to provide an enjoyable and safety-oriented experience for their clients. If the ability to use and maintain these anchors is threatened, many of the “trade routes” that guides have been using for decades to operate their businesses would become unreasonably dangerous, or altogether impossible. These trade routes exist in iconic climbing areas such as Yosemite National Park, CA; Joshua Tree National Park, CA; the Uinta-Wasatch-Cache National Forest, UT; North Cascades National Park, WA; Shoshone National Forest, WY; and many others. Without reliable access to fixed anchors, the American public would be deprived of the opportunity to experience the unique character of wilderness climbing in these locations, and guiding businesses would face significant economic impacts. The economic impacts are not to be understated. Many climbing guide services are small businesses that employ local workers in rural communities adjacent to federal lands. If a guide service is forced to cease or limit its operations in wilderness, it could cause irreparable harm to the business, the workers, and the local economy.

Occasionally, while making an ascent of a climbing route, a guide will encounter a fixed anchor that must be maintained. For example, a nylon sling wrapped around a tree can become worn over time due to the effects of sun, temperature, and repeated use. Similarly, a metal piton that has been placed in a crack in the rock might need to be adjusted to remain secure. If a guide encounters a fixed anchor that needs maintenance, it is imperative that the guide be able to perform the necessary anchor maintenance for the safety of the climbing team.

The American Mountain Guides Association strongly supports the existing guidelines in National Park Service Director's Order #41¹ (DO41) which provide a comprehensive framework for the effective management of fixed anchors in wilderness. Issued in 2013, DO41 establishes the principle that fixed anchors should be rare in wilderness, it prohibits bolt-intensive climbs, and it requires prior authorization for the placement of new fixed anchors in wilderness. On the topic of fixed anchor maintenance, DO41 states that maintenance of fixed anchors “may” require prior authorization. This is a reasonable and practical approach that generally allows for critical maintenance to be performed on site without prior authorization, but which provides the agency with discretion to require prior authorization in specific, unique circumstances. The DO41 guidelines provide NPS land managers with effective tools to manage climbing and protect the climbing resource, including Wilderness character, while providing valuable visitor experiences and supporting local economies. The PARC Act would support DO41 by protecting the use, placement, and maintenance of climbing fixed anchors, and it would promote the development of similar climbing management policies in other land agencies that currently lack comprehensive guidelines (Forest Service, Bureau of Land Management).

For the aforementioned reasons, the American Mountain Guides Association strongly supports the Protect America's Rock Climbing Act. The PARC Act will ensure climbing guides are able to continue providing exceptional outdoor experiences for the public at a time when more and more Americans are seeking to experience the enjoyment, challenge, and connection to the natural world that is unique to rock climbing in wilderness areas.

Thank you for the opportunity to share our perspective. We look forward to working with Congress to implement the improvements and critical measures contained in the SOAR Act and the PARC Act.

Sincerely,

MATT WADE,
Deputy Director

¹See NPS Director's Order #41 found at https://www.nps.gov/policy/DOrders/DO_41.pdf.

Submissions for the Record by Rep. Fulcher

Statement for the Record

Jeff Tucker
General Manager, Idaho Public Television

Written Testimony for the FILM Act

Thank you for allowing Idaho Public Television the ability to submit written testimony on the FILM Act both S. 1616 and the markup version that is in process. Both make progress with the issues our staff have seen over the years regarding filming on public lands.

As background, IdahoPTV is a state agency under the Idaho State Board of Education. We operate transmitters and translators that cover almost 99% of the state. We are the only statewide broadcaster and the only media outlet producing long- and short-form content for Idahoans for broadcast (over-the-air, cable and satellite), streaming and social media platforms. We have a wide range of audience demographics and are known for not only being a PBS member station but also a strong and consistent producer of local content that is consistently ranked among the Top 10 most-viewed on IdahoPTV.

Outdoor Idaho, now in its 40th season, is a highly regarded show for its award-winning journalism about the Idaho outdoors, including coverage of public land issues and outdoor recreation. The series is educational in that it shows viewers the myriad of outdoor recreation activities and how to do them responsibly and safely. It also covers controversial topics and attempts to explain issues that focus on the state's natural resources and public lands uses.

Staff assigned to produce the series have seen its share of issues pertaining to permitting on federal and even state lands. Fortunately, we enjoy a good working relationship with land management agencies. Now, as in the past, we are typically able to work out any differences, including permitting requests, with area managers. We have great respect for the federal land managers in our area. And they typically have respect for our work too. But this does not fix an issue we see with the inconsistency across our region in respect to permitting for our work on public land. (Attachment 1)

This is not a new issue among media outlets in the West. We have documented permitting issues dating back to 2006. In 2014 the U.S. Forest Service (USFS) announced public sessions to gain input on the proposed directive for commercial photography on Forest Service lands. In his letter to Regional Foresters and others, former Chief Thomas Tidwell laid out the essential test for how journalistic work should define the regulatory decision-making. (Attachment 2). He starts by stating that journalism is not a commercial activity and asks, "Is the primary purpose of the filming activity to inform the public or is it to sell a product for profit?" His letter outlines many of the same rules as do S. 1616 and the markup for recognizing that journalistic work should not require a permit.

A report was produced titled, *Joint Comments of Public Broadcasters*, from a group of public media entities as an official response to the USFS public sessions. It outlined access issues from 2006 to 2014 encountered by IdahoPTV and Oregon Public Broadcasting. (Attachment 3)

Oregon Field Guide, another long running series that focuses on outdoor issues, produced by Oregon Public Broadcasting (OPB), has also seen its share of permitting issues. OPB was one of the partners listed in the 2014 Joint Comments of Public Broadcasters. We alerted Ed Jahn, executive producer for the program, to the proposed FILM act and he was very intrigued by the improvements offered by the legislation. The Oregon Field Guide staff has worked hard to facilitate in-person meetings to communicate the need for permit exemption uniformity across all National Forests. Land managers for Region 6 (Oregon and Washington) agreed to help facilitate that discussion.

Jahn agrees that with the explicit expansion in language in S. 1616, First amendment rights are reinforced. But he states that having S. 1616 cover both the Interior and Agricultural jurisdiction is also important. As does IdahoPTV, he sees wilderness as an important inclusion in the most recent markup.

We also communicated with Wyoming PBS, which accesses public lands for filming in their state. To them, defining "news" and "journalism" is also important.

This is not just a public media issue. Access issues are also encountered by privately owned production companies. Tom and Jennifer Isenhardt own an Idaho video-production company that often has focused work on public lands over the years. Since they are a for-profit company, they have followed the rules set by land

managers but have had a hard time getting through to them due to lack of staff at land management offices. They also see permits as being a form of double taxation and overregulation. (Attachment 4)

Thank you for allowing us to submit background and comments as you consider the FILM Act. We support the markup to S. 1616. We appreciate your efforts and the efforts of the House Natural Resources Committee. Please feel free to contact me with any additional questions.

Attachment 1

Idaho Public Television

Examples of Public Access Issues

Bill Manny-Executive Producer, IdahoPTV

March 23, 2023

Following the conflicts of 2014 and Chief Tidwell's directive, we operated largely without difficulty on public lands in Idaho. We often interviewed Forest Service, BLM and NPS officials on those lands with no requirement—or even mention—of having to obtain permits. It felt to us as if the agencies had embraced the spirit of the Tidwell guidelines.

But in recent years we have encountered an increase in friction over permits and access to federal lands. We recently had a forest PIO tell us that, in her opinion, we had gathered enough footage in previous decades, and that we should use alternative methods (and people) to gather video. And the friction is coming from both federal agencies as well as a new source: A proposed City of Boise film-regulation ordinance, which was halted after widespread protests about its onerous provisions and overreaching scope.

Here are recent examples documented by IdahoPTV over access to federal lands:

- In winter 2021, Idaho PTV's program Outdoor Idaho wanted to spend the year shooting video for a program about Idaho's Bitterroot Mountains. The producer of the program reached out to a U.S. Forest Service representative with the Lochsa/Powell/Moose Creek Ranger District on the recommendation of a local Nordic club, to get more information about Lolo Pass. The USFS employee asked for information about the production and said IdahoPTV would need to apply for a filming permit. In response, the producer sent over the 2014 memorandum by former USFS Chief Tom Tidwell that says non-commercial, informational and news organizations can film in national forests without a permit. The USFS employee told the producer over a phone call that the memorandum was dated and no longer applied. The producer filled out a filming application; many of the possible locations were undecided and would be weather-dependent, so the producer left dates and location blank. The USFS employee said dates and locations were required. The producer sent a new application with estimated dates and locations. The USFS employee responded with suggestions of her own ideas as to where Outdoor Idaho should and should not shoot video. She also recommended Outdoor Idaho use footage gathered as far back as 1995, which she said was adequate for the purposes. In another email, she suggested Outdoor Idaho ask a group of trail volunteers to shoot video on their phones instead of Outdoor Idaho's two-person team shooting their own video in the forest. That project got delayed, and our crews worked directly with civilians to document life in the Bitterroots.
- In July 2022, an Outdoor Idaho crew encountered a Forest Service law enforcement official in the backcountry of the Bitterroot National Forest asking if the crew had a permit to be filming. The officer had heard our drone flying at Baker Lake and had come to inquire. Our staff explained that we don't need a permit for our work, drone or otherwise, based on the Tidwell memorandum. We also explained that we were careful to fly the drone OUTSIDE the Selway-Bitterroot Wilderness Area boundary, as we always do when filming with drones near wilderness areas. The incident was satisfactorily resolved, but emblematic of the questions/issues we encounter.

- In September 2022 the Bureau of Reclamation required our team to obtain a permit to film a scientist who was researching fossils on the lakeshore of American Falls Reservoir. Our crew would not be digging, but simply filming the scientist who already had permission to do his research. The agency did not accept the rationale of the Tidwell USFS guidance, despite the fact that BuRec's stated policy says "News media do not require a permit." We were told we did not qualify as "news media" and that all filming required a permit. Idaho Public Television requested and received the endorsement of the Idaho Press Club that our staffers are, in fact, legitimate and recognized journalists and newsgatherers, and that our activities should not be subject to a permit. As the date for the interview neared, Idaho Public Television agreed to apply for the permit, stipulating that we still believed it was not required to film on public land. The nine-page, one-day license was expeditiously approved by courteous BuRec officials, and the fees waived, three days before the interview. But as it stands today, the agency maintains that it can require us to obtain a permit before we do any of our First Amendment-protected work on Bureau of Reclamation lands.
- In December 2022, IDPTV's Outdoor Idaho was preparing to shoot a winter bike race near Island Park, Idaho. The race organizer told an employee from the Caribou-Targhee National Forest that a film crew was coming. The USFS employee told the race organizer that IdahoPTV would need a film permit. When the Outdoor Idaho producer reached out to the USFS employee directly, he again said a film permit would be needed. The producer forwarded the USFS employee the memorandum from former USFS Chief Tidwell. The USFS employee said in that case, no permit would be required.

These incidents illustrate the random and unpredictable patchwork of treatment our work gets from Idaho federal land managers. These may seem like minor inconveniences in the larger world of resource management challenges, and it is true our producers and videographers usually find a workable arrangement when conflicts arise. It is also true that the vast majority of agency personnel are professional, accommodating and well-meaning; we do not want to jeopardize that good relationship or demonize hard-working agency officials. But we do encounter enough delays and obstacles to our project timelines that we are seriously concerned about this trend. And what happens when we encounter agency personnel who are not well-meaning or who don't like our project or personnel? How do unestablished journalists and documentarians fare if they do not have Outdoor Idaho's and IDPTV's connections, 50-year track record and credibility? Predicating access to federal lands on a producer's charm and a federal employee's good will is not a sufficient way to guarantee First Amendment right.

In its most simple form, we are asking that we be allowed to work unimpeded on public lands that are open to the general public. If we have no impact, no permit required. Simple for all concerned. Our crews are typically two or three people, and we have no more effect on the public land than does a forest hiking trio or a family on a lakeside picnic.

The patchwork of permission and permits presents a practical difficulty in scheduling and arranging filming projects, and subjects our productions to the caprice of land managers who can smooth the way for projects they like and delay projects that might cast them in a less-positive light.

A clear, simple process that is based solely on the actual impact to the resource would eliminate such barriers and allow the work of legitimate news-gatherers and documentarians. We need a clear policy that respects the promise that Congress "shall make no law . . . abridging freedom of speech, or of the press."

Attachment 2



Forest
Service

Washington
Office

1400 Independence Avenue, SW
Washington, DC 20250

File Code: 2720
Route To:

Date: November 4, 2014

Subject: Commercial Filming and Photography Permits

To: Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs
and WO Directors

There has been considerable response to the recent release of a proposed directive for commercial filming in wilderness. The release of the proposed directive raised significant concerns beyond the intended scope of the directive. The intent of this directive is to finalize a consistent set of criteria to be used to justify permitting commercial filming in wilderness within the authorities and restrictions of the Wilderness Act. The proposed directive never intended to restrict the appropriate use of National Forest System (NFS) lands for personal and commercial filming or photography activities. Nevertheless the directive raised significant concerns among journalists and the general public about access and the first amendment. The proposed wilderness directive does not define commercial filming or still photography, but the proposed directive did generate conversation around those activities.

I have spoken with agency leadership, members of the national press, leadership from the Society of Environmental Journalists, and the Outdoor Writers Association of America; and I want to ensure that my intent is clear at all levels of this agency. News coverage on NFS lands is protected by the Constitution, and it is our responsibility to safeguard this right on the lands we manage for all Americans. Journalists provide a critical public service, and this agency will ensure their access in the pursuit of that public service. Journalism is not to be considered a commercial activity for purposes of the regulations or our permit policies on any NFS lands. Journalism includes, but is not limited to: breaking news, b-roll, feature news, news documentaries, long-form pieces, background, blogs, and any other act that could be considered related to news-gathering.

To further help differentiate between journalism and other activities, the following question should be asked: Is the primary purpose of the filming activity to inform the public, or is it to sell a product for a profit? If the primary purpose is to inform the public, then no permit is required and no fees assessed.

I also want to emphasize that commercial photography only requires a permit if the photography takes place at locations where members of the public are not allowed, or uses models, sets, or props.

Commercial film and photography permit fees should be primarily viewed as land-use fees. If the activity presents no more impact on the land than that of the general public, then it shall be exempt from permit requirements.

We have planned a series of public sessions to gain input on the proposed directive to ensure we understand all concerns before issuing a final directive. Please ask any interested parties to consider participating in those sessions so that we can develop a well-informed final directive.



Regional Foresters, Station Directors, Area Director, IITF Director, Deputy Chiefs
and WO Directors

2

I ask you to help us through your contacts to share and discuss with the public and the media the intent of this proposed directive and those circumstances where a permit is not required. The Agency will fully and carefully address comments from journalists and all other public comments in developing the final directive and associated *Federal Register* notice as part of the rulemaking process. Over the last several weeks, I have had many conversations with agency leaders on this issue, and I have been encouraged by the passionate support within the Forest Service for the value of journalism on America's public lands. Thank you for your continued commitment to reasonable application of the laws and policies that protect these wild places while ensuring access for the people who play such a critical role in our democracy.

/s/ Thomas L. Tidwell
THOMAS L. TIDWELL
Chief



America's Working Forests – Caring Every Day in Every Way

Printed on Recycled Paper 

Attachment 3

This attachment is available for viewing at:

<https://current.org/wp-content/uploads/2014/12/Comments-of-Public-Broadcasters-Commercial-Filming-in-Wilderness-FR-D....pdf>

Attachment 4**Statement from Jennifer Isenhardt****Principal/Partner, Wide Eye Productions, Boise, Idaho**

S. 1616, or the FILM Act is a win-win-win—for the commercial film industry; for public lands managers; and for the future of public lands.

My husband and I own documentary and commercial film company based in Boise, Idaho. We've been working and filming in Idaho for more than 30 years. For decades, we've struggled with a patchwork system of film permits with various public lands agencies. We have always felt that the red tape and expense of film permits is double taxation and over regulation, as small film crews, such as our own, have no greater impact on public lands than the general public. We often film with 2 and 3 person crews, stay in areas where the public is allowed, and follow all existing regulations for public use.

Additionally, we regularly witness how difficult it is for many government agencies to manage film permitting. In fact, we have had difficulty with several different agencies in even obtaining permits, because there is no available staff to call us back, particularly during fire season. In one particular case, we tried for three months to get a permit to film in one of the national forests in Idaho and never did receive a call back from that forest. The protocols vary from agency to agency, and the eventual cost of a permit doesn't even pay for the staffing time required to administer it.

The FILM Act solves both sides of this issue, for small commercial filming companies and for public land management agencies. The FILM Act bars requiring a permit or assessing a fee for certain commercial or noncommercial photography or content creation on lands administered by the Departments of the Interior or Agriculture. The content creation must meet specified requirements, such as taking place in an area where the public is allowed and not intruding on the experience of others. But it doesn't open up commercial filming too much. Crews over 10 persons will still require special permits—as they should. Any filming operation that has a greater impact than the general public, or who wishes to work in areas not open to the general public—should undergo a review, planning and approval process with that land management agency. The FILM Act maintains this requirement for large crews.

In the modern world of Instagram influencers filming at every national park, mountain view or scenic vista . . . the concept of managing and permitting every small filming crew is no longer attainable. Fortunately, the regulations are already in place for the general public and these small filming crews. This protects our treasured public lands without over-regulating the people who want to capture and share these beautiful images—images which will only bolster the love of and support for these special places. In this way, the Senate FILM act is also a win for the future of our public lands.

Please vote YES on the S. 1616, the Senate FILM Act. Thank you.

