



September 19, 2023

The Honorable Tom Tiffany
Chairperson, Subcommittee on Federal
Lands
House Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

The Honorable Joe Neguse
Ranking Member, Subcommittee on Federal
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House Committee on Natural Resources
U.S. House of Representatives
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Chairperson Tiffany, Ranking Member Neguse, and members of the House Committee on Natural Resources Subcommittee on Federal Lands:

On behalf of our more than one million members and supporters, The Wilderness Society (TWS) writes to express views on two of the bills being considered by the House Committee on Natural Resources Subcommittee on Federal Lands during a hearing on September 19, 2023. We respectfully request that this letter be included in the hearing record.

In general, we are pleased that the Committee is holding hearings on recreation bills that can be incorporated into a House recreation package later this year. Doing so moves us closer to getting a bill through Congress. Unfortunately, we think two of the bills on today's docket will need additional work before they will be ready for inclusion in a recreation package. We detail our concerns about both bills below.

H.R. 3107 -- Improving Outdoor Recreation Coordination Act

TWS supports H.R. 3107 in its goal of making permanent the Federal Interagency Council on Outdoor Recreation (FICOR). However, we have several concerns with the bill as it is currently written. These concerns need to be addressed for the FICOR to function effectively and achieve its goals.

TWS joined in the views statement submitted by the Outdoors Alliance for Kids (OAK). That statement enumerated our concerns with the FICOR bill. We urge the committee to incorporate the changes set forth in the OAK views statement when it prepares the FICOR bill for markup. We have attached the OAK views statement to this letter.

H.R. 3200 -- Gateway Community and Recreation Enhancement Act

TWS does not support H.R. 3200 as it is currently written. Our concerns with the bill are described in detail below.

Significant unfunded mandates

Two sections of this bill impose significant unfunded mandates upon the agencies:

1. Section 3(a) directs the agencies to “collaborate with State and local governments, Indian Tribes, housing authorities, applicable trade associations, nonprofit organizations, and other relevant stakeholders to identify needs and economic impacts in gateway communities...”
2. Section 5(b) requires the Secretaries to create a data pilot program that predicts visitation in real time and make that data available to the public through multiple media platforms.

In both cases, the agencies are instructed to carry out this work “using existing funds available to the Secretaries.”

Both of these tasks are major undertakings that will require significant agency resources. The second task in particular will be very labor intensive and will require the integration of data sets from multiple sources. This will be a challenging technological development process. Congress should not require the agencies to take on this work with existing funds available. Doing so will force the agencies to neglect their other assigned responsibilities in order to comply with these mandates. If Congress intends to impose new mandates on the agencies, it has a responsibility to provide the additional funding necessary to carry out those mandates.

Conflicting signals regarding technical assistance to communities

Sections 3(b)(1) and 3(b)(2) are internally inconsistent in a way that raises questions about the agencies’ obligations to provide technical assistance to communities. Section 3(b)(1) requires the Secretary of Agriculture to provide to businesses in gateway communities the assistance described in section 3(b)(2). However, section 3(b)(2) says the secretary “may provide assistance under paragraph (1)” through certain enumerated means. Thus, the bill is ambiguous as to whether this assistance is required or is merely authorized and discretionary. Congress should resolve this ambiguity before taking further action on this bill.

Unrealistic expectations regarding visitor use data

Section 5(a) requires the agencies to establish a single visitation data reporting system that provides an estimate of the number of visitors broken down by recreational activity. Developing a unified visitation data reporting system would be a significant improvement over the current piecemeal system. However, we urge the committee to be

realistic about the challenges of producing unified data across multiple federal land management agencies. This task will be difficult for several reasons.

1. Of the five agencies covered by this bill (BLM, BOR, NPS, USFWS, USFS) only two have entrance gates at which visitors can be counted as they arrive (NPS and USFWS). Two of the five agencies (BLM and USFWS) have completely porous boundaries that make it very difficult to count people upon their arrival.
2. Although some NPS and USFWS units have entrance gates at which the agencies are able to count visitors, this data paints an incomplete picture of visitation at Park Service units and Wildlife Refuges. The reason for this is because even units with gates have other entry points through which people can gain access without being counted. In addition, some NPS and USFWS have no entrance gates. As a result, visitation data for NPS and USFWS units is, inherently, an underestimation of visitation.
3. Because their borders are porous, BLM and USFS must use other methods for measuring visitation. Some of the alternative methods currently being used involve labor intensive field surveys that can only be conducted once every five years. This makes the task of producing unified visitation data on an annual basis more difficult.

The differences in data collection methodologies and collection frequency will make it challenging for the agencies to produce unified annual visitation data. Some evolution in the agencies' data collection strategies may be required. If so, the two-year deadline imposed by the bill is likely unrealistic. For these reasons, we urge the committee to revise the bill to give the agencies more time to comply with this mandate.

Thank you for considering our views.

Sincerely

A handwritten signature in black ink that reads "Paul Sanford". The signature is written in a cursive, flowing style.

Paul Sanford
Director of Policy Analysis



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Chairperson Tiffany, Ranking Member Neguse, and members of the House Committee on Natural Resources Subcommittee on Federal Lands:

We, the undersigned members and partners of the [Outdoors Alliance for Kids](#) (OAK) thank you for prioritizing legislation that improves access to the outdoors for children, youth and families. We write to express our views in support of H.R. 3107, the Improving Outdoor Recreation Coordination Act sponsored by Mr. Neguse and Mr. Lawler, although we recommend a series of changes to improve the bill. Our recommendations are set forth below.

OAK is a national strategic partnership of more than 100 businesses and organizations representing more than 60 million Americans with a common interest in getting young people outdoors playing and learning in nature. Our members and supporters believe that the need to increase access to the outdoors has never been more apparent.

OAK supports H.R. 3107 in its goal of making permanent the Federal Interagency Council on Outdoor Recreation (FICOR). FICOR is a council made up of eight federal agencies that manage recreation on federal lands and waters. The Council was originally chartered during a previous administration and was reestablished through administrative action in 2022. Passing legislation that makes the Council permanent will ensure that the Council is able to work together to improve recreational access over the long term.

Although we support legislation making FICOR permanent, we have several concerns with the bill as it is currently written. These concerns need to be addressed for the FICOR to function effectively and achieve its goals. Our concerns are as follows:

1. H.R. 3107 places the FICOR under the authority of the Department of the Interior. This is inconsistent with the FICOR's current structure and mode of operation under which all four of the member departments have equal authority over the council. This balanced operating structure is essential to ensure equal representation and commitment from each of the FICOR members. We recommend that the Committee amend the language in H.R. 3107 to grant all member agencies equal authority over the FICOR.

2. The bill defines “federal land management agency” and “federal recreational lands and waters” by cross-referencing definitions in the Federal Lands Recreation Enhancement Act, 16 U.S.C. § 6801 *et seq.* (FLREA). These definitions should not be used in H.R. 3107 because they exclude three of the eight FICOR member agencies – the Bureau of Indian Affairs, the National Oceanic and Atmospheric Administration, and the United States Army Corps of Engineers. We recommend that the Committee formulate definitions for these terms that are specific to H.R. 3107 and that include all FICOR member agencies.
3. The Department of Commerce agency identified as a FICOR member in section (b)(1) of the bill is different from the current FICOR membership and is not the right agency to represent Commerce on the FICOR. Section (b)(1) identifies the National Marine Fisheries Service as a FICOR member. This is the wrong agency. The National Oceanic and Atmospheric Administration should be the identified Department of Commerce FICOR representative.
4. In addition to the eight federal land and water management agencies, Congress should consider assigning a formal role to two additional agencies within the federal government.
 - a. Assigning a role to the Department of Agriculture’s Under Secretary for Rural Development would recognize that outdoor recreation is an important type of rural development that can be cost effective because it does not generally rely on heavily built infrastructure. Bringing USDA Rural Development into the FICOR community should help expand rural development opportunities relating to sustainable outdoor recreation activities.
 - b. Working through its Office of Community Revitalization, EPA runs a technical assistance program to support the recreation economy in rural communities. EPA also manages the Urban Waters Federal Partnership program. Through these programs, EPA plays an important role in the nation’s recreation economy. To recognize this, Congress should consider assigning EPA a formal role within the Federal Interagency Council on Outdoor Recreation.
5. FICOR representatives have reported to us that rotating the FICOR leadership on an annual basis provides too short of a time frame for effective management of the Council. We recommend amending (b)(4) to rotate leadership among the Council members on an interval to be determined by the Council and not to exceed 3 years.
6. The Additional Participants provision in section (b)(2) of the bill identifies specific federal departments and agencies that may be invited to participate in the FICOR meetings and activities. We think this enumerated list is unwise and unnecessary. The goal of collaboration with additional federal agencies can be achieved by using language from section 5(e) of the Memorandum of Understanding establishing the existing FICOR.

This MOU language broadly welcomes participation from other federal entities as the FICOR sees fit and does not limit the agencies with which the FICOR may collaborate.

7. We recommend that section (b)(3) be revised to address two problems with the bill. First, the bill does not explicitly call out collaboration with Tribal, Territorial or local governments, which is an important part of the Council's work. Second, we believe that section (c)(8), which identifies the FICOR's work with partners outside of the federal government, is too vague and is out of place in its current location in the bill. To address these issues, we recommend expanding section (b)(3) "State Coordination" to read as follows:

- (3) Other Coordination. --In determining additional participants under this subsection, the Secretaries may –
 - (A) invite participation in the Council's meetings or other activities from representatives of State, Tribal, Territorial, and local governments.
 - (B) build partnerships between the parties and a range of private, public, Tribal, and non-profit entities.

8. Section (c)(1) specifically calls out the implementation of the FLREA as one of the purposes of the Council's work. As explained above, three of the FICOR agencies are not covered by FLREA. We recommend revising this statement to cover existing and future policies more broadly in a manner similar to the FICOR MOU. This can be accomplished by changing the language of section (c)(1) to read:

- (1) recreation management policies across Federal agencies, including implementation of new and existing recreation legislation;

9. Finally, it is essential that Congress identify a sustainable and reliable funding source for FICOR operations and operational capacity. Without it, the Council will not succeed. Expecting the agencies to absorb the operating costs of the Council without an identified funding source is simply unrealistic. Congress should address this issue in H.R. 3107.

For questions related to this views statement, contact Paul Sanford, OAK Vice Chair and Director of Policy Analysis at The Wilderness Society. Mr. Sanford can be reached at psanford@twc.org or at 202.429.2615.

Thank you for the opportunity to submit our views on H.R. 3107. We look forward to working with the Committee to improve§ and pass this vital piece of recreation legislation.

Sincerely,

[OAK member organizations]