



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Federal Lands Republican Members
From: Subcommittee on Federal Lands; Aniela Butler and Jason Blore –
Aniela@mail.house.gov and Jason.Blore@mail.house.gov; x6-7736
Date: Thursday, November 30, 2023
Subject: Legislative Hearing on the “*Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act*”

The Subcommittee on Federal Lands will hold a legislative hearing on H.R. _____ (Rep. Westerman), the “*Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act*”. The hearing will take place on **Thursday, November 30 at 10:00 a.m. in room 1324 Longworth House Office Building.**

Member offices are requested to notify Colen Morrow (Colen.Morrow@mail.house.gov) by 4:30 p.m. on Tuesday, November 28, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- More Americans than ever are choosing to explore our national parks and public lands and take advantage of the abundant opportunities those lands provide to camp, hunt, fish, hike, rock climb, bike, paddle, horseback ride, and ski, among other activities.
- The EXPLORE Act is comprehensive, bipartisan, and bicameral legislation that is the culmination of the Subcommittee’s yearlong effort to advance legislation that increases access to outdoor recreation opportunities and unleashes the full potential of the \$1.1 trillion outdoor recreation economy.
- This first-of-its-kind legislation streamlines permitting and cuts red tape for recreation service providers, modernizes technology to improve visitor services, and creates new opportunities for individual recreation activities such as biking and rock climbing.
- The EXPLORE Act improves access and transforms outdoor recreation experiences for military servicemembers, veterans, Gold Star Families, individuals with disabilities, and kids.
- The bill addresses some of the most pressing issues vexing our federal land managers, such as park overcrowding, antiquated technology, lack of affordable housing, diminished visitor experiences, and dilapidated recreation infrastructure.
- The EXPLORE Act, which is led by Chairman Westerman and Ranking Member Grijalva, will help Americans across the country get out and explore the unparalleled recreation opportunities on our federal lands.

II. WITNESSES

- **Mr. Chris French**, Deputy Chief of the National Forest System, U.S. Forest Service, Washington, D.C.
- **Mr. Michael T. Reynolds**, Deputy Director for Congressional and External Relations, National Park Service, Washington, D.C.
- **Ms. Jessica Wahl Turner**, President, Outdoor Recreation Roundtable, Washington, D.C.
- **Ms. Katherine Andrews**, Director – Office of Outdoor Recreation, Arkansas Department of Parks, Heritage, and Tourism, Little Rock, Arkansas
- **Ms. Sasha DiGiulian**, Professional Rock Climber, Boulder, Colorado
- **Mr. Luis Benitez**, Chief Impact Officer, Trust for Public Land, Denver, Colorado
[Minority Witness]

III. BACKGROUND

[H.R. _____ \(Rep. Westerman\), the “Expanding Public Lands Outdoor Recreation Experiences \(EXPLORE\) Act”](#)

Overview



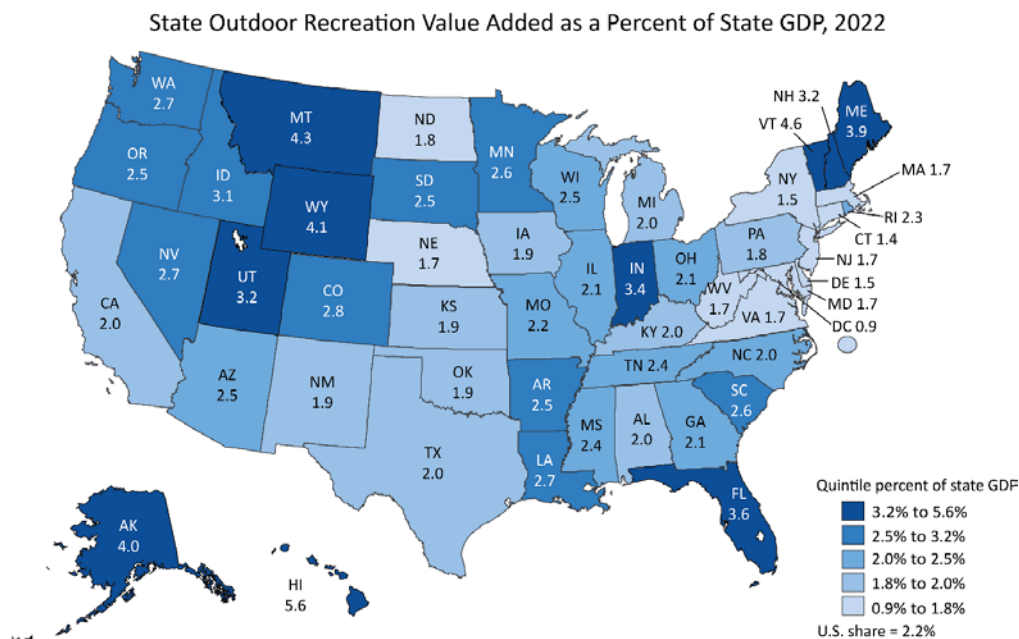
Federal lands offer an abundance of outdoor recreation opportunities including hiking, biking, rock climbing, camping, kayaking, canoeing, skiing, hunting, fishing, recreational shooting, and many more. More

Rock climbing in Yosemite National Park. **Source:** Miranda Oakley, no date.
Americans than ever are choosing to recreate outdoors at national parks and public lands and the major federal land management agencies saw over 580 million visitors last year.¹ The most

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

recent data shows approximately 312 million visitors to National Park Service (NPS) sites, 67 million to U.S. Fish and Wildlife Service (FWS) National Wildlife Refuge System lands, 42 million to Bureau of Land Management (BLM) public lands, and 159 million to U.S. Forest Service (USFS) areas.² Unfortunately, outdoor recreational opportunities are not always easily accessible. Barriers include cumbersome and costly permitting processes, closed recreation destinations, dilapidated infrastructure, outdated technology, and lack of defined access due to bureaucratic red tape or cost-prohibitive fees. To unleash the full potential of outdoor recreation on our public lands, Chairman Westerman (R-AR) and Ranking Member Grijalva (D-AZ) will introduce the bipartisan “Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act” during the week of November 27th.³

Title I: Outdoor Recreation and Infrastructure



Outdoor recreation on public lands helps fuel the \$1.1 trillion annual outdoor recreation economy.⁴ According to new data released this month by the U.S. Bureau of Economic Analysis (BEA), the total annual gross output of

Source: Bureau of Economic Analysis, November 2023.

the outdoor recreation economy grew by \$238 billion over the past year.⁵ The outdoor recreation economy accounts for \$563.7 billion, or 2.2 percent of gross domestic product (GDP), and supports nearly 5 million jobs.⁶ In terms of GDP, these numbers represent growth of nearly \$110 billion compared to the prior year.⁷ The outdoor recreation economy continues to outpace growth

National Visitor Use Monitoring Survey Results National Summary Report, September 2023, <https://www.fs.usda.gov/sites/default/files/2022-National-Visitor-Use-Monitoring-Summary-Report.pdf>.

² *Id.*

³ Senate Energy and Natural Resources Committee Chairman Manchin (D-WV) and Ranking Member Barrasso (R-WY) introduced sister legislation earlier this year. S. 873 (Manchin/Barrasso), “America’s Outdoor Recreation Act of 2023,” <https://www.congress.gov/bill/118th-congress/senate-bill/873>.

⁴ Bureau of Economic Analysis, “Outdoor Recreation Satellite Account, U.S. and States, 2022, November 17, 2023, <https://www.bea.gov/sites/default/files/2023-11/orsa1123.pdf>.

⁵ *Id.*

⁶ *Id.*

⁷ Bureau of Economic Analysis, “Outdoor Recreation Satellite Account, U.S. and States, 2021,” November 9, 2022, <https://www.bea.gov/news/2022/outdoor-recreation-satellite-account-us-and-states-2021>.

in the overall U.S. economy, with recreation growing by 4.8 percent compared to just 1.9 percent for the overall economy.⁸ Title I of the EXPLORE Act focuses on expanding and improving outdoor recreation opportunities and infrastructure to sustain and support the outdoor recreation economy.

The economic impact of recreating on federal lands stretches beyond park entrance gates and into surrounding areas, often referred to as gateway communities. At the local level, outdoor recreation generates \$59.2 billion in state and local tax revenue annually.⁹ Last year, visitors to national parks generated a record high of \$50.3 billion in economic benefits and spent an estimated \$23.9 billion in gateway communities.¹⁰ Title I of the EXPLORE Act addresses some of the most pressing challenges facing national parks and gateway communities, such as overcrowding, lack of affordable housing, and antiquated technologies. The bill contains several provisions that would improve technology and encourage innovative private partnerships to address strains to recreation infrastructure. For example, the bill improves visitor experiences by facilitating increased broadband deployment in national parks and developed recreation sites. The bill also creates pilot programs to provide real-time visitation data in heavily used recreation sites, which will provide the general public with more reliable data and alleviate overcrowding. Finally, the EXPLORE Act creates public-private partnerships to construct affordable housing in gateway communities near NPS and USFS lands.

The EXPLORE Act also maintains and improves access to some of the most beloved recreation activities in America. First, the bill protects the use of fixed anchors used by rock climbers in iconic wilderness destinations. Earlier this month, NPS and USFS announced a proposed



The White Rim Trail in Canyonlands National Park in Utah stretches over 100 miles long. The EXPLORE Act requires the completion of similar long-distance bike trails.

Source: Western Spirit Cycling Adventures, 2023.

⁸ *Id.*

⁹ Outdoor Industry Association, “The Outdoor Recreation Economy,” https://outdoorindustry.org/wp-content/uploads/2017/04/OIA_RecEconomy_FINAL_Single.pdf.

¹⁰ 2022 National Park Visitor Spending Effects, National Park Service, Accessed August 29, 2023, https://www.nps.gov/nature/customcf/NPS_Data_Visualization/docs/NPS_2022_Visitor_Spending_Effects.pdf.

directive that numerous outdoor recreationists slammed as jeopardizing climber safety and limiting access.¹¹ Section 122 of the bill would codify the use of fixed anchors in wilderness areas, creating certainty for the rock-climbing community and ensuring the continuation of rock climbing on public lands. Second, the bill incentivizes the creation of new long-distance bike trails. Biking is one of the fastest growing sectors in the outdoor recreation economy, with expectations that mountain biking will grow to \$16.9 billion by 2030.¹² Increases in ridership have pushed current trails to the limit, necessitating the creation of new trails to satisfy high biking demands. Along with non-motorized vehicles like bikes, the legislation also benefits motorized recreation by requiring agencies to update maps of off-highway vehicle areas. Finally, the legislation improves camping by restoring camping sites in places like Arkansas and creating public-private partnerships to renovate existing campsites.

Several provisions in the EXPLORE Act are targeted at promoting recreation opportunities among sportsmen and women. Hunting, shooting, and trapping make up the third largest share of economic activity among conventional outdoor recreation activities, generating \$27.3 billion in economic output annually.¹³ Reliable access to federal lands and waters is crucial for the approximately 32 million Americans who engage in target shooting annually and the 101.6 million Americans (or roughly 40 percent of the population over the age of 16) who engage in some type of hunting, fishing, or wildlife-related activity.¹⁴ The EXPLORE Act requires USFS and BLM to establish new target shooting ranges in every national forest and BLM district, make a public list of national forests and BLM districts that currently have shooting ranges, and prevent the closure of target shooting ranges. The bill also removes red tape and reduces costs for small filming crews on federal lands. This is a serious issue for hunters, who use promotional videos to encourage the next generation of sportsmen and women to participate in hunting activities. Finally, the bill allows for inspections and decontaminations of boats for fisherman in federal waters to address aquatic invasive species.

In addition to promoting these individual recreation activities, the EXPLORE Act ensures recreation remains a priority among federal land managers in accordance with existing multiple use mandates. The bill codifies the existing Federal Interagency Council on Outdoor Recreation so agencies can share best practices on increasing access to various recreation opportunities. Land managers must also assess existing recreation resources, evaluate their maintenance needs, and identify other underutilized recreation opportunities that may be promoted to lessen resource strains. Finally, the bill contains good governance provisions requiring agencies to track the amount of federal funding currently going towards outdoor recreation resources.

Title II: Access America

¹¹ Access Fund, “New NPS and USFS Proposals Would Limit Climbing and Threaten Iconic Routes,” November 17, 2023, <https://www.accessfund.org/latest-news/new-nps-and-usfs-proposals-would-limit-climbing-and-threaten-iconic-routes>.

¹² Market Research Future, Global Mountain Bike Market Overview, Swapnil Palwe, March 2023, <https://www.marketresearchfuture.com/reports/mountain-bike-market-5165>.

¹³ *Id.*

¹⁴ Department of the Interior, “New 5-Year Report Shows 101.6 Million Americans Participated in Hunting, Fishing & Wildlife Activities,” September 7, 2017, <https://www.doi.gov/pressreleases/new-5-year-report-shows-1016-million-americans-participated-hunting-fishing-wildlife>.

A growing body of research shows that, in addition to providing economic benefits, outdoor recreation is associated with considerable wellness advantages, including improved physical and mental health.¹⁵ Nature-based recreation has been shown to improve cognition, decrease anxiety, and alleviate symptoms of depression.¹⁶ For groups like veterans or individuals with disabilities, who disproportionately suffer from depression and mental distress, the health benefits of outdoor recreation take on a heightened significance. Public lands play an outsized role in providing affordable, accessible recreation opportunities for these groups, along with people of all ages. Therefore, Title II of the EXPLORE Act focuses on reducing barriers to access our public lands among key groups, including military servicemembers, veterans, and Gold Star Families; individuals with disabilities; and children.

Public lands play a uniquely critical role in ensuring affordable access to outdoor recreation opportunities for military service members, veterans, and Gold Star Families. Veterans “often describe distinctive connections between their service to the country and the public lands they later return to visit.”¹⁷ Numerous studies have shown that outdoor recreation, particularly on our public lands, can be very helpful and healing to veterans’ rehabilitation.¹⁸ Engaging in outdoor activities like hiking, camping, and nature-based therapies can provide a therapeutic environment that improves their mood and alleviates symptoms of post-traumatic stress disorder (PTSD), ultimately enhancing their recovery and overall well-being.¹⁹ Recreating outdoors is particularly important for the estimated 50 percent of post-9/11 veterans who experience some combination of combat-related emotional, psychological or physical injuries.²⁰ Despite the importance of our public lands to veterans and military service members, federal land managers often lack a cohesive national strategy that prioritizes outdoor programs for veterans. According to one study, “even as public land agencies begin to appreciate ways they can shape therapeutic landscapes, it will require a degree of intentionality to support [outdoor programs for veterans (OPVs)] and promote opportunities for people to gather, seek therapeutic experiences, or heal across physical and managerial landscapes.”²¹

Title II of the EXPLORE Act improves access and opportunities for military service members, veterans, and Gold Star Families to enjoy outdoor recreation on federal lands. The legislation develops a national strategy to increase recreation visits to federal lands by veterans, members of the Armed Forces, and Gold Star Families. The bill helps increase these recreation visits by promoting partnerships with various organizations to host more veterans’ recreation events on public lands and assisting in the planning and execution processes of those events. The bill also establishes liaisons at the U.S. Department of Agriculture (USDA), Department of the Interior (DOI), and the Department of Veterans Affairs to coordinate national recreation policy for

¹⁵ The Wellness Benefits of the Great Outdoors, U.S. Forest Service, March 24, 2021, <https://www.fs.usda.gov/features/wellness-benefits-great-outdoors>.

¹⁶ Nancy Qwynne Lackey, Deborah A. Tysor, G. David McNay, Leah Joyner, Kensey H. Baker & Camilla Hodge (2021) Mental health benefits of nature-based recreation: a systematic review, *Annals of Leisure Research*, 24:3, 379-393.

¹⁷ *Id.*

¹⁸ National Environmental Education Foundation, “Five Studies That Show How Spending Time In Nature Helps Veterans”, Sarah Hubbard, November 1, 2022, <https://www.neefusa.org/story/health-and-environment/five-studies-show-how-spending-time-nature-helps-veterans>. Forge Health, Hiking Can Help Veterans Heal and Find Peace, n.d., <https://forgehealth.com/hiking-can-help-veterans-heal-and-find-peace/>.

¹⁹ *Id.*

²⁰ Havlick, et al., “Therapeutic landscapes, outdoor programs for veterans, and public lands,” *Social Science & Medicine* 268 (2021) 113540.

²¹ *Id.*

veterans. Finally, the bill creates a pilot program to prioritize hiring veterans in recreation-focused positions.

Along with lacking a cohesive strategy for recreation, many national parks and public lands are not accessible to wounded warriors and to those with disabilities broadly.²² The presence of these accessibility barriers is no trivial matter; approximately 1 in 4 Americans has a disability, with roughly half of that population having a disability that affects their mobility, and individuals with disabilities disproportionately suffer from mental health issues.²³ While guidelines under the Architectural Barriers Act of 1969 (ABA) require outdoor recreation spaces such as campgrounds and trails to display accessibility information, this usually only applies to newly constructed trails.²⁴ Existing trails often lack sufficient information about accessibility features such as width, surface, slope, and obstacles. In many cases, trails have never been graded for accessibility.²⁵ Even if a trail or recreation opportunity is accessible, it can take “an insurmountable amount of work to find information on a park’s website” about which parts of the park are or are not accessible.²⁶



An example of an adaptive recreation in Rocky Mountain National Park, Colorado.

Source: Quinn Brett, 2022.

Creating new adaptive trails and recreation opportunities, as well as providing easily accessible and centralized information about these opportunities, can help wounded warriors and people with disabilities explore and enjoy more of our public

²² All In!: Accessibility in the National Park Service, 2015-2020, National Park Service, August, 29, 2014, https://www.nps.gov/aboutus/upload/All_In_Accessibility_in_the_NPS_2015-2020_FINAL.pdf.

²³ Greenberg, Alissa, “Adapting national parks for wheelchair hiking,” NOVA, April 12, 2022, <https://www.pbs.org/wgbh/nova/article/disability-hiking-national-parks-accessibility/>. Incidence, risk, and associated factors of depression in adults with physical and sensory disabilities: A nationwide population-based study, National Institute of Health, Szu-Ching Shen, *et al.*, March 31, 2017, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5376337/>. The Mental Health of People with Disabilities, Centers for Disease Control and Prevention, November 30, 2020, <https://www.cdc.gov/ncbddd/disabilityandhealth/features/mental-health-for-all.html>.

²⁴ A Rule by the Architectural and Transportation Barriers Compliance Board, “Architectural Barriers Act Accessibility Guidelines; Outdoor Developed Areas, September 26, 2013, <https://www.federalregister.gov/documents/2013/09/26/2013-22876/architectural-barriers-act-accessibility-guidelines-outdoor-developed-areas>.

²⁵ *Id.* “Our trails haven’t been measured probably since the beginning of time.”

²⁶ Grothjan, Sarah, “Our National Parks: How Accessible Are They?,” REI, September 21, 2022, <https://www.rei.com/blog/stewardship/national-parks-accessibility>.

lands. Title II of the EXPLORE Act would require USFS and DOI to conduct comprehensive assessments of trails, campsites, boat docks, and outdoor recreation facilities on National Forest System lands and DOI-administered public lands, respectively. The bill then directs the agencies to develop new accessible trails and recreation opportunities in each of the regions they manage. Information about these new accessible trails and opportunities must be posted on publicly available websites in a centralized location by each of the federal land management agencies.

Finally, this title supports increased recreation visits for young people. The EXPLORE Act directs the creation of a national strategy to increase youth recreation visits to federal lands and extends the Every Kid Outdoors Program for an additional 7 years. This program grants 4th graders free access to national parks and public lands for an entire



Fourth graders with their Every Kid Outdoors pass.

Source: In My Backyard PNW, no date.

year. Since its creation, more than 1.1 million passes have been distributed to children across the country.²⁷ Last year, 208,929 kids received free recreation passes through this program. According to NPS research, 73 percent of these children would not have been able to visit national parks without the free passes distributed under this program.²⁸

Title III: Simplifying Outdoor Access for Recreation

Most Americans rely on guides and outfitters to access and enjoy recreation opportunities on public lands, such as horseback riding, whitewater rafting, and canoe trips. Outfitters and guides are experienced and knowledgeable professionals who typically run small businesses in rural areas that depend on reliable access to federal lands. Outfitting and guiding businesses are frequently economic lifelines to the rural and gateway communities in which they operate.²⁹ As repeat visitors to favored outdoor spaces, outfitters and guides are often instrumental in promoting safer uses of public lands by providing visitors with the necessary equipment to partake in recreation activities safely.³⁰ Reforming the permitting process for outfitters and

²⁷ National Park Service Interpretation, Education, and Volunteers Directorate, "Every Kid Outdoors 2021-2022 Report," https://everykidoutdoors.gov/media/2021-2022_Every_Kid_Outdoors_Report_v2.pdf.

²⁸ *Id.*

²⁹ Congressional Research Service, Guides and Outfitters on Federal Lands: Issues for Congress, Mark K. DeSantis, June 14, 2022, <https://crsreports.congress.gov/product/pdf/R/R46381>.

³⁰ *Id.*

guides has huge potential to make recreational activities easier and more affordable for businesses and visitors alike.



Source: Montana Fly Fishing Guides, Andy Watson, 2011.

Approximately 15,000 outfitting and guiding businesses across the country rely on some type of authorization (including permits, contracts, or other authorizations) from federal land managers to provide their services on federal lands.³¹ Many of these authorizations occur under the Federal Lands Recreation Enhancement Act (FLREA), which provides USDA and DOI the authority to issue special recreation permits

and charge an associated fee for specialized uses of federal lands, such as outfitting, group activities, recreation events, and motor vehicle use.³² In the years since FLREA's enactment, a flood of complex rules, regulations, guidance, and court decisions gradually increased the cost of permit administration. This, in turn, raised the operational costs shouldered by the many small businesses that rely on federal permitting systems.³³ For those businesses whose activities span multiple federal jurisdictions, the administrative difficulties are even further compounded.³⁴ Under current permitting and regulatory frameworks, commonly cited challenges include the frustrating lack of standardization across permitting requirements and federal agencies' reported over-reliance on fees.³⁵

Title III of the EXPLORE Act would alleviate these difficulties by reducing the cost and complexity of recreating on federal lands. The bill would improve the recreational permitting systems of federal land management agencies so more Americans can experience federal lands through commercial outfitters and guides, volunteer-based clubs, non-profit outdoor leadership organizations, or university outdoor programs. Among other provisions, Title III would:

- Reduce special recreation permit fees.
- Streamline the permitting process for recreation and increase recreational access by making more information available online.
- Increase flexibility for outdoor leaders by allowing them to engage in activities that are substantially similar to the activity specified in their permit.

³¹ DeSantis, Mark, "Guides and Outfitters on Federal Lands: Issues for Congress," Congressional Research Service, June 14, 2022, R46381.

³² (Public Law 108-447, FLREA).

³³ Congressional Research Service, Guides and Outfitters on Federal Lands: Issues for Congress, Mark K. DeSantis, June 14, 2022, <https://crsreports.congress.gov/product/pdf/R/R46381>.

³⁴ *Id.*

³⁵ Congressional Research Service, Federal Lands Recreation Enhancement Act: Overview and Issues, Carol Hardy Vincent, October 6, 2023.

- Make more recreation opportunities available by directing the agencies to offer transitional permits and create a program for sharing unused permit service days between permit holders.
- Simplify the permitting process for trips involving more than one land management agency by authorizing the agencies to issue a single joint permit covering the lands of multiple agencies.
- Reduce barriers to access for State universities, city recreation departments, and school districts.

Title III of the EXPLORE Act also contains several provisions that improve visitor experiences to our national parks and public lands. First, it makes recreational passes, including annual and discounted passes, digital and available for purchase online. Passes may also be sold in conjunction with state and local passes, to minimize the amount of transactions necessary to access recreation and increase revenues for the federal government. Second, the bill allows individual land managers to extend recreation opportunities past the official close of the season. Encouraging more recreation during “shoulder seasons” will generate more revenues for gateway communities and help address overcrowding by more broadly dispersing visitation.

This Title also takes further action to reduce red tape for recreational access. First, the bill revamps existing authorities to encourage volunteerism at USFS and BLM. Volunteers are often able to address challenges like deferred maintenance if federal land managers are experiencing limited capacity. The bill also expands Good Neighbor Authority (GNA) for outdoor recreation infrastructure projects. GNA, which has proven itself to be an extremely successful tool used by USFS and BLM, is currently only available for timber sales. Many states and local entities often express the desire to upgrade federal recreation infrastructure, which in turn benefits local revenue streams, but are prevented from doing so. This provision would cut that red tape to allow infrastructure upgrades to proceed more expeditiously.

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

[H.R. _____ \(Rep. Westerman\), the “Expanding Public Lands Outdoor Recreation Experiences \(EXPLORE\) Act”](#)

V. COST

A formal cost estimate from the Congressional Budget Office (CBO) is not yet available.

VI. ADMINISTRATION POSITION

The administration position is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. _____ \(Rep. Westerman\), the “Expanding Public Lands Outdoor Recreation Experiences \(EXPLORE\) Act”](#)