

**IMPROVING ACCESS AND OPPORTUNITIES
FOR HUNTING, FISHING, AND OUTDOOR
RECREATION ON AMERICA'S
FEDERAL LANDS**

OVERSIGHT FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

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**OVERSIGHT FIELD HEARING ON IMPROVING
ACCESS AND OPPORTUNITIES FOR
HUNTING, FISHING, AND OUTDOOR
RECREATION ON AMERICA'S FEDERAL LANDS**

**Monday, May 13, 2024
U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Hayward, Wisconsin**

The Subcommittee met, pursuant to notice, at 2 p.m. CDT, at The Steakhouse and Lodge, 15860 T Bone Lane, Hayward, Wisconsin, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany and Stauber.

Also present: Representative Collins.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order. I would like to welcome everybody to an official Subcommittee on Federal Lands oversight field hearing entitled "Improving Access and Opportunities for Hunting, Fishing, and Outdoor Recreation on America's Federal Lands."

My name is Tom Tiffany, and I represent Wisconsin's 7th Congressional District. I also serve as the Chairman of the Federal Lands Subcommittee for the House Committee on Natural Resources.

I am thankful to be joined today by two of my colleagues from the Natural Resources Committee. Just to my right, Representative Pete Stauber represents Minnesota's 8th Congressional District and serves as the Chairman of the Energy and Mineral Resources Subcommittee. Representative Mike Collins represents Georgia's 10th Congressional District and serves as the Vice Chair of the Subcommittee on Oversight and Investigations.

The Subcommittee is gathered here today to hold an official hearing examining barriers that sportsmen and women face to accessing our Federal lands and common-sense solutions that promote greater hunting, fishing, and outdoor recreation opportunities. I can truly think of no better place to discuss such an important topic than northern Wisconsin, which is surrounded by pristine lakes, trails, and forestland.

Before we begin, I would like to remind everybody about the rules of decorum for official congressional proceedings. I ask that there not be any kind of disruption regarding the testimony given here today. It is important that we respect the rules of the Committee and of the House, and to allow the Members and the public to hear our proceedings.

I would like to welcome a couple of special guests that we have here today. First of all, Chequamegon-Nicolet Supervisor Jenn Youngblood is here. Jenn, if you would raise your hand, please.

Thank you very much, Jenn, for joining us today. We really appreciate it.

Also from the State Legislature, Representative Chanz Green is here. Representative Green, it is good to have you joining us today.

And with that, Representative Green, if you would lead us in the Pledge of Allegiance, we would really appreciate it.

ALL. I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Mr. TIFFANY. Thank you, Representative Green.

Finally, I would like to address a few housekeeping items. Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

I ask unanimous consent that the gentleman from Georgia, Mr. Collins, be allowed to participate in today's hearing from the dais. 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. I want to begin by thanking the people of Hayward for hosting us here today, including the local superintendent of schools. Thank you so much for joining us today.

It is my privilege to welcome my colleagues from the Natural Resources Committee to the Badger State, a place that I am blessed to call home and honored to represent in Congress.

Today's hearing is focused on ways we can improve access and opportunities for sportsmen and women on America's Federal lands—hunting, fishing, trapping, shooting, and we talked about berry picking earlier also—and many other forms of outdoor recreation are engrained in our American culture and heritage.

Here in Wisconsin, we have some of the greatest places to recreate in the country. There are over 6.6 million acres of land open for recreation in Wisconsin, along with over 15,000 lakes and 84,000 miles of rivers. The lands and waters provide excellent habitat for a wide variety of fish and wildlife, which is why Wisconsin is ranked among the top 10 states in the country for hunting and fishing participation.

I know firsthand how critical access and proper management of our public lands is for small businesses and local gateway communities. For over 20 years, my wife and I owned and operated Wilderness Cruises, a riverboat excursion business in Wisconsin's beautiful North Woods.

Sadly, the public lands access that sustains the lifeblood of our communities is under attack. Public lands in Wisconsin and across the nation are under threat from extreme preservationists that want to lock up lands, limit access, prevent responsible manage-

ment, close roads and trails, and shut down many of the activities Americans love participating in on our public lands.

Since taking office, President Biden has been using tools like the Antiquities Act to lock up lands in pursuit of his radical 30x30 agenda, which has set a goal to preserve 30 percent of the land and water in the United States by 2030. For hunters and sportsmen, this radical agenda is unfolding in a death by a thousand cuts.

One prominent example of this is the Biden administration's attempts to ban lead ammunition and tackle in Fish and Wildlife Service refuges. Radical environmentalists have also weaponized laws like the Endangered Species Act to prevent the delisting of recovered species like the gray wolf, an issue that we are all too familiar with in Wisconsin. And these are just the threats to access that have been grabbing national headlines.

A lesser-known but still important threat to access is the closure and decommissioning of roads and trails. Since 1991, the Forest Service has decommissioned an average of 2,000 miles of roads per year. Many of these road closures correlate with a decline in the local forest products industry. Wisconsin has historically been a leader in forest management and responsible timber harvesting.

In addition to important economic benefits, forest management is a critically important tool for maintaining forest health, supporting wildlife populations, and providing outdoor recreation areas and opportunities. A vibrant forest products industry also ensures that forest roads are well maintained so all Americans can readily access their public lands, regardless of physical ability. Maintaining and increasing motorized access is not only vital to both public access and enjoyment but also instrumental in better managing our Federal lands.

Wisconsin has unfortunately seen far too many of these road closures. Just this morning, my colleagues and I visited a Forest Service road that has been closed indefinitely. There are many similar closures throughout the Chequamegon-Nicolet. I am committed to finding solutions to increase access here in Wisconsin, including making sure these roads stay open.

Why does this matter? A lack of access to our public lands is commonly cited as one of the primary reasons why sportsmen and women stop hunting. The more difficult we make it to enjoy these lands, the more we risk participation of the next generation of sportsmen and sportswomen.

The Natural Resources Committee has traveled to Wisconsin today not only to highlight these issues but to continue our fight against the radical Biden agenda. This year, we have advanced innovative, common-sense, and bipartisan solutions that will help restore access to our public lands for hunting, fishing, and outdoor recreation. Last month, the House passed the EXPLORE Act, a comprehensive outdoor recreation package that cuts red tape for small recreation businesses, improves access to Federal lands, and creates new opportunities for hunting, fishing, shooting, and other forms of outdoor recreation.

And just a few short weeks ago, the House passed the Trust the Science Act and the Protecting Access for Hunters and Anglers Act. These two bills would delist the gray wolf from the Endangered

Species List and permanently protect the use of lead ammunition for hunters and anglers.

These pieces of legislation will improve the management of our Federal lands to leave them in better condition for future generations. They are good pieces of legislation for Wisconsin and good for the nation.

I would like to thank everybody for joining us here today so we can continue our discussion on this important topic. I would especially like to thank our esteemed panel of witnesses for providing their expert insights that we are about to hear on this important topic.

Thank you, and I yield back the balance of my time.

By the way, I would like to thank local law enforcement for joining us today. Thank you very much for being here. We appreciate that very much. And we also want to thank our hosts here at the Steakhouse for opening up their facility for us today. Thank you very much.

We are going to move on to our panel of witnesses. Let me remind the witnesses that under Committee Rules, you must limit your oral statement to 5 minutes, but your entire statement will appear in the hearing record.

To begin your testimony, 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 wrap up your statement.

I would now like to recognize our first witness, the Honorable Rob Stafsholt, Wisconsin State Senator for the 10th Senate District, and a very capable guide here in our tour this morning.

State Senator Stafsholt, you have 5 minutes.

**STATEMENT OF THE HON. ROB STAFSHOLT, STATE SENATOR,
NEW RICHMOND, WISCONSIN**

Mr. STAFSHOLT. Good afternoon. I would like to start by thanking the Chair and the Committee for coming here today. In your roles as Federal representatives, you face many issues from all areas of our great country as well as from an array of places around the world that require your attention. So, thank you very much for taking the time and the hassle of arrangements to be here today. I really do appreciate it.

A little background on me first. Although it is true that I am before you today as a member of the Wisconsin State Senate, and in my role there I am the Chair of the Senate Committee on Sporting Heritage and Financial Institutions, perhaps that is not my most applicable trait for the hearing today. What is more relevant in today's discussion is that I am a lifelong fan of our national forests. My father began hunting in the Chequamegon National Forest in the early 1960s, so by my arrival some years later, multiple trips to the Chequamegon National Forest were a normal occurrence in my family activities each year.

My love of the Chequamegon began with hunting, but during college years I made spending cash by getting the required permit from the Forestry Office and harvesting balsam boughs to sell to the people who make Christmas trees and other holiday decorations. A few years after that, as a husband and a father, I started

bringing my own family to the Chequamegon to share and enjoy the beauty it had to offer on hiking trips, going boating, taking pictures, berry and mushroom harvesting, believe it or not, ATV riding, wilderness exploring, and many other activities, all which involved getting off the main roads and seeing what was really out there in our national forest.

In my early twenties, I managed to purchase a chunk of land with an old single-wide trailer house on it, a rough bunkhouse, and an outhouse, within the borders of the national forest. I still have that property today, although I now have a small cabin there with more modern facilities, and I go there as much as my schedule permits, maybe even more than it permits if you would ask my staff.

My point is the conservation of, and the appreciation of, the Chequamegon National Forest is in the backbone of who I am. Over all these years, one of the things that I believe threatens the Chequamegon National Forest the most is a slow but determined reduction in access to the forest, which slowly reduces the number of people who come here. My greatest concern is that with the continued loss of access to the Chequamegon National Forest there will be a loss of use of the forest, which then slowly leads us to a reduction of the percentage of the general public who appreciates our National Forest.

If any of you on the Committee have been in politics very long, you probably have figured out that we begin to question why we preserve things and fund things if not many people care about them.

We need to re-open closed access roads and make sure people continue to cherish our forests and not just consider them to be fly-over areas.

Some time ago, the forest established the Travel Use Map. The Travel Use Map is flawed in the fact that it did not catch all of the access roads that already existed in the forest at that time, some of which had, or still have, Federal forest road numbers on them. It is a big task to map it all, no doubt. The problem is, when roads did not make it on the map they were deemed unauthorized roads. I have called in or attended meetings and brought certain roads to their attention, only to be told, "Someone must have put that in there illegally and it can't be used."

That simply is not the case. Almost all roads were made with a bulldozer for the sole purpose of a forestry logging job. Regardless, those roads are now closed.

Lately there has been a significant increase in logging in the Chequamegon Forest due to some court cases and policy decisions, and that is great. Logging is fundamental in the health of our national forests. It revitalizes the forest with new growth that creates better habitat for a vast array of wildlife that live here. Logging also helps prevent mass forest fires that would sweep through and be detrimental to the forest and private property as well, and logging definitely generates revenue for our forestry to use in the maintenance of this great public land. But it is also important to local economies that rely on those jobs and support service revenues.

However, there is an issue with the logging contract, or the policy if you will, on how we manage the roads that are required to be able to be completed on a logging job. Currently it is my understanding from discussions with local loggers that are out there doing the work, that they are required to berm these roads off at the end of a logging project. Now I can understand if this area was riddled with roads everywhere, and adding all the new roads would really make a forest an area of roads with some woodland in between them. But the truth is they are massive tracts of land, most not square in shape, that are often 5 miles by 7 miles in size, between major fire lanes.

We should also consider the cost of putting in these roads to the taxpayers who fund the forest. We do not write out checks for road development or improvement on these logging roads, but the loggers who bid these jobs take that into account on how they bid their job. I believe that if we are paying for these roads to be built that we should be able to use them to access these massive tracts of land after the logging job is over.

Even more egregious to me is that when we have logging roads that are on the Travel Use Map, and have been in existence for decades and decades, and been used by the public the entire time, and these roads are used, or at least partially used, to get back to log a new logging job, these roads are sometimes bermed off at the end of the logging operation at that site. I have asked the loggers, "That road has been here for 30 years. Just because you used the first mile of it to get to the logging site, why are you berming it now that you are done?" And the response that I get—

Mr. TIFFANY. Senator Stafsholt, we have reached the end of your time, if you could wrap up your testimony.

Mr. STAFSHOLT. Sure. The response I get is that because it was used as part of a logging contract, it must be bermed up.

I just want to reiterate my thanks for the Committee coming here, and emphasis how important these access roads are.

[The prepared statement of Mr. Stafsholt follows:]

PREPARED STATEMENT OF SENATOR ROB STAFSHOLT,
WISCONSIN 10TH SENATE DISTRICT

Good afternoon. I would like to start by thanking the Chair and the Committee for coming here today. In your roles as federal representatives, you face many issues from all areas of our great country as well as from an array of places around the world that require your attention, so thank you so much for taking the time and the hassle of arrangements to be here today. I really do appreciate it.

A little background on me first, although it is true that I am before you today as a member of the Wisconsin State Senate, and in my role there, I am the Chair of the Senate Committee on Sporting Heritage & Financial Institutions. Perhaps that is not my most applicable trait for the hearing today. What is more relevant in today's discussion is that I am a life-long fan of our National Forests. My father began hunting in the Chequamegon National Forest in the early 1960s, so by my arrival some years later, multiple trips to the Chequamegon Forest were a normal occurrence in my family activities each year. My love of the Chequamegon began with hunting, but during college years, I made spending cash by getting the required permit from the Forestry office and harvesting balsam boughs to sell to people making Christmas wreaths and other decorations. A few years later as a husband and a father, I started bringing my own family to the Chequamegon Forest to share and enjoy the beauty it had to offer on hiking trips, going boating, picture taking, berry and mushroom harvesting, ATV riding, wilderness exploring, and many other activities, all of which involved getting off the main roads and seeing what was really out there in the National Forest. In my early 20s, I managed to

purchase a chunk of land with an old, single-wide trailer house, a rough bunkhouse, and an outhouse on it within the borders of the Forest. I still have that property today, although I now have a small cabin there with more modern facilities and I go there as much as my schedule permits, maybe even more than it permits! My point is, the conservation of, and an appreciation of the Chequamegon National Forest is in the backbone of who I am.

Over all these years, one of the things that I believe threatens the Chequamegon National Forest the most is a slow but determined reduction in access to the Forest, which slowly reduces the number of people who come here. My greatest concern is that with a continued loss of access of the Chequamegon National Forest, there will be a loss of use of the Forest, which slowly leads us to a reduction of the percentage of the general public that appreciates our National Forests. If any of you have been in politics very long, you probably have figured out we begin to question why we preserve things if not very many people care. We need to reopen closed access roads and make sure people continue to cherish our Forests and not just consider them to be "fly-over areas".

Some time ago, the Forest established the Travel Use Map. The Travel Use Map is flawed in the fact that it did not catch all the access roads that already existed in the Forest, some of which had or still have Federal Forest Road numbers on them. It is a big task to map it all, no doubt. The problem is, when access roads did not make it on the map, they are deemed "unauthorized roads". I have called in or attended meetings and brought certain roads to their attention, only to be told "Someone must have put that in there illegally and it can't be used". That simply is not the case. Almost all roads were made with a bulldozer for the purpose of a Forestry logging job. Regardless, those roads are now closed.

Lately, there has been a significant increase in logging in the Chequamegon Forest due to some court cases and policy decisions, and that is great. Logging is fundamental in the health of our National Forest. It revitalizes the forest with new growth that creates better habitat for our vast array of wildlife that live here. Logging also helps prevent mass forest fires that would sweep through and be detrimental to the Forest and private property as well. And logging definitely generates revenue for our Forestry to use in the maintenance of this great public land, but it is also important to local economies that rely on those jobs and support service revenues. However, there is an issue with the logging contract term, or the policy, if you will, on how we manage the roads that are required to be able to complete a logging job. Currently, it is my understanding from my discussions with the loggers themselves that are out there doing the work that they are required to berm these roads off at the end of the logging project. Now, I can understand if this area was riddled with roads everywhere and adding all the new roads would really make the Forest an area of roads with some woodland in between them here and there, but the truth is, these are massive tracts of land, most not square in shape, that are often 5 miles by 7 miles in size between fire lanes. We should also consider the cost of putting in these roads to the taxpayers who fund the Forest. We do not write out checks for road development or improvement on these logging roads, but the loggers who bid these jobs take that into account on how high their bid is. I believe that if we are paying for these roads to be built that we should be able to use them to access these massive tracts of public land after the log job is over.

Even more egregious to me is when we have logging roads that are on the Travel Use Map and have been in existence for decades and decades, and been used by the public the entire time, and those roads are used, or at least partially used, to get back to a log job, those roads are sometimes bermed off at the end of the logging operation at that site. I have asked the loggers, "That road has been here for 30 years. Just because you used the first mile of it to get to the logging site, why are you berming it now that you are done?" The response I got was, "I know, and I don't want to, but it is required in my logging contract." I believe, and I hope I am right, that this is simply an oversight in the Forest's logging management and not an intentional method to conveniently reduce access to our National Forest.

Lastly, you may wonder why all these "two-track" logging roads that are almost all dead ends are so important. That's a great question and deserves an answer. There are a few main reasons I would like to highlight. When these roads are not used by the public, they grow in with vegetation and are no longer passable with motor vehicles or equipment. In the unfortunate event that we do get a wildfire, our firefighting teams will not be able to use these roads to get ahead of the fire faster. We also have a wide array of users of the Forest. As officials entrusted to do what is best for the general public, we should seek to reduce user conflicts. Bow hunters use these two-track roads to get off main fire lanes to access hunting areas, but also so vehicles are not parked out where log trucks would have to navigate around them. With a little rain at the right time, we usually get a pretty good berry crop

out in the Forest, and both local residents and tourists will tell you some of the best berry picking is at the far end of these logging roads where there is usually a primitive cul-de-sac that the log trucks used to turn around. If the public can't use these roads, they can't get there to pick the berries and enjoy our resource. Trout fishermen/women use these two-track trails to get to the middle of these land tracts to get to fishing holes that are not accessible when they are closed. Bear hunting is a very popular sport in the Chequamegon National Forest and is often done in groups. I have talked to many of these groups over the years, and almost all of them would prefer to be on two-track roads with their bait sites and not out on main fire lanes. Although gun deer hunters in the Chequamegon are in a definite decline in their numbers, in previous times of higher hunter numbers, these access roads were almost required just to allow people to spread out and get away from each other in order to have some solitude to experience. Bough cutters, like I mentioned I was back in the day, use these roads to get to new areas to cut boughs, ensuring we don't overharvest along all the main fire lanes. Bird hunters use these two-tracks to hunt on, and you might think they would be better off if the road was closed so they could walk it without interruption, but after a few years without vehicle access, the grow up and the bird don't use those areas anymore. So in a nutshell, we need all these access roads to allow user groups access to the resources and elbow room away from others.

Again, I really want to thank all of you for coming here today and listening to me talk about how important access roads are in the Chequamegon Forest historically, in today's use, and for the future appreciation of the Forest by the general public, because they can get to the remote areas and enjoy it!

Mr. TIFFANY. Thank you very much, Senator Stafsholt.

I now recognize Mr. Henry Schienebeck, Executive Director of the Great Lakes Timber Professionals Association. Mr. Schienebeck, you have 5 minutes.

STATEMENT OF HENRY SCHIENEBECK, EXECUTIVE DIRECTOR, GREAT LAKES TIMBER PROFESSIONALS ASSOCIATION, RHINELANDER, WISCONSIN

Mr. SCHIENEBECK. Thank you, Mr. Chairman and Committee members, for the opportunity to appear before you today. My name is Henry Schienebeck, Executive Director of Great Lakes Timber Professionals Association. I am also a member of the Federal Forest Resource Coalition Policy Committee and Legislative Chair for the American Loggers Council.

Most U.S. Forest Service roads in the Lake States region were built to provide access for timber harvest, which remains a major economic driver for the Lake States and the United States. In addition, most recreational opportunities such as snowmobiling, off-road vehicle trails, hunting, and fishing access are possible because of roads built for forest management.

According to the 1986 Chequamegon National Forest plan, the forest transportation system consisted of over 2,000 miles of forest system roads, 231 miles of state and county Forest Service highways, and 3,600 miles of low-standard roads, mostly primitive, two-track dirt roads that required high-clearance vehicles to traverse, which were not included in the roads inventory used for the 1986 plan.

With inclusion of the 3,600 miles of uninventoried roads, the average total road density for the Chequamegon Forest was estimated at 3.5 miles per square mile of forest in 1986. Current access restrictions on the Chequamegon-Nicolet are based on a 2004 Forest Plan, which calls for a target forest-wide road density of 3 miles per square mile of forest, a reduction from the forest-

wide Chequamegon-Nicolet plan road density of 3.9 miles per square mile of forest in the 1986 plan.

In general, the road closures have been focused on non-motorized areas, low-density areas, wolfpack areas, and areas where roads were causing negative environmental impacts. In November 2004, the Forest Service released its final rule for Motorized Recreation in National Forests and Grasslands, which began limiting access for recreational motor vehicles, including all-terrain vehicles, off-highway motorcycles, and off-road vehicles such as 4x4 trucks or jeeps.

In 2008, the 2008 Travel Management Rule began a more intensive push to further reduce recreational motorized vehicle use access to national forestlands. With a flat or declining road budget, the Forest Service adopted a new transportation policy, Roads Analysis, with the objective of reducing the number of roads needing costly repair and maintenance. Beginning in 2000, the Roads Analysis is required for all project-level management decisions, including all forest-wide analysis of higher-standard roads.

The final EIS for the Chequamegon-Nicolet Forest Plan states that, "Achieving the road density upper limits set for the forests will require targeted road closures and obliterations to gradually reduce the number of roads traveled by public motorized vehicles. Road closures and other obliterations will focus on lower-standard roads." Basically, Maintenance Level 2 and higher standard roads are unaffected.

In examination of the Forest Plan, what appears to be happening is that Congress' failure to fully fund the Forest Service roads program has given the agency cause to have to place restrictions on roads having a significant investment in them to be used for future management activities. However, a person must question why there is so much time and money being spent to block the use of Level 2 roads built by the forest industry for logging operations, which, in turn, provides recreational opportunities until they are no longer passable because of natural regeneration.

The reality is that Congress' lack of funding is not only delaying needed forest management, but misdirecting scarce resources by forcing the Forest Service to spend money closing roads when it should be expanding access for taxpayers. Recreation and healthy forests go hand in hand. For these to occur it is essential that the access roads on the landscape currently in place be made available for use by taxpayers.

Increased timber harvest focusing on economically viable timber sales that meet the needs of local industry can generate revenue which could be used for repair of existing roads while benefiting wildlife habitat and recreation. In the short to medium term, however, Congress should prioritize funding used for road maintenance and repair to provide not only access to timber but provide hunters, anglers, outdoor recreationalists, and first responders like firefighters and search and rescue, greater access.

Thank you for your leadership on these forest issues, and I would be happy to take any questions.

[The prepared statement of Mr. Schienebeck follows:]

PREPARED STATEMENT OF HENRY SCHIENEBECK, EXECUTIVE DIRECTOR, GREAT LAKES
TIMBER PROFESSIONALS ASSOCIATION

Chairman Tiffany, and Committee members,

Thank you for the opportunity to appear before you today. My name is Henry Schienebeck, Executive Director of the Great Lakes Timber Professionals Association (GLTPA). GLTPA is a Michigan/Wisconsin organization representing 1,000 members with a mission of "Enhancing Multiple Use Forests for Future Generations." I am also a member of the Federal Forest Resource Coalition Policy Committee and Legislative Chair for the American Loggers Council.

The national forest road system has several maintenance levels, all of which are designed to provide access to the forest for multiple use purposes. Most USFS roads in the Lake States Regions were built to provide access for timber harvest, which remains a major economic driver for the Lakes States and the United States. In addition, most recreational opportunities such as snowmobiling, off-road vehicle trails, hunting and fishing access are possible because of roads built for forest management.

According to the 1986 Chequamegon National Forest Plan the Forest Transportation system consisted of over 2,200 miles of Forest System Roads with an additional 231 miles of state and county Forest Service highways. In addition, a more comprehensive inventory showed that there were an additional 3,600 miles of low standard roads, mostly primitive two-track dirt roads that require a high clearance vehicle to traverse—which were not included in the roads inventory used for the 1986 Plan. With the inclusion of the 3,600 miles of uninventoried roads, the average Total Road Density for the Chequamegon Forest was estimated at 3.5 mi/sq. mile of forest in 1986.

Total Road Density measures the total miles of all open or closed roads per square mile of National Forest Land. This includes roads under jurisdiction of the FS as well as those managed by the state, county, and local governments, and other federal authorities.

Current access restrictions on the Chequamegon-Nicolet National Forest (CNNF) are based on the 2004 Forest Plan which calls for a target forest wide road density of 3.0 mi/sq mile of forest, a reduction from the forest wide CNNF road density of 3.9 mi/sq mile of forest in the 1986 Forest Plan. In general, the road closures have been focused on non-motorized areas, low road density areas, wolf pack areas, and areas where roads were causing negative environmental impacts.

In November 2004 the USFS released its final rule for Motorized Recreation in National Forest and Grasslands which began limiting access for recreational motor vehicles including Off Highway Vehicles, (OHVs), all-terrain vehicles (ATVs), off-highway motorcycles (OHMs) and off-road vehicles (ORVs), such as 4-by-4 trucks or Jeeps. In 2008 the "Travel Management Rule" began a more intensive push to further reduce recreational motorized vehicle use access to national forest lands.

For the last three decades or more, the USFS has been consistently underfunded to meet its needs for Capital Improvements, Maintenance, and Roads (CMRD). The Forest Service estimates the current road maintenance backlog at \$5.3 billion. One significant budget decrease came during the 2013 "Sequester" which was supposed to be a 2.5% decrease across the board for all discretionary spending programs. Instead, it wound up being a 13% budget cut in the CMRD by the Obama administration from which the USFS has still not recovered. With flat or declining road budgets, the FS adopted a new transportation policy (Roads Analysis) with the objective of reducing the number of roads needing costly repair and maintenance. Beginning in 2000, the Roads Analysis is required for all project level management decisions including all forest wide analysis of higher standard roads.

As part of the development of a "Roads Analysis" process, improved technology has led to the development of more accurate estimates of total road densities. The current average road density, for instance, in the Chequamegon National Forest is 3.1 mi/sq mi and the Nicolet has a total road density of 4.9 mi/sq mi of road. To achieve the total road density target of 3.0 mi/sq mi of road on both forests, another 2% and 39% respectively will have to be decommissioned on the CNNF, which according to the final EIS will require a significant amount of time and funding to accomplish.

The final EIS for the CNNF Forest Plan states that "Achieving the road density upper limits set for the forests will require targeted road closures and obliterations to gradually reduce the number of roads traveled by public motorized vehicles. Road closures will affect only Forest Service roads; the Forest Service cannot close roads managed and maintained by State, County, or local authorities. Road closures and obliterations will focus on lower standard roads (Maintenance Level 2). The higher standard roads that comprise much of the forest road network will be largely

unaffected by road closures, and many will remain open to licensed street vehicles. Recreationalists who enjoy driving lower standard roads will have fewer opportunities over time.”

As a representative of the forest industry and an avid sportsman, I am very concerned about recent and ongoing closures on Maintenance Level 2 roads and the movement toward the more expensive Maintenance Level 3 Roads, Maintenance Level 2 and 3 roads are described as follows:

Maintenance Level 2: Applies to infrequently traveled, primitive roads that are drivable by high clearance vehicles *or used for transporting timber*. These roads are usually too rugged for passenger car traffic.

Maintenance Level 3: Assigned to roads that are drivable by standard passenger cars. Most are single land roads designed for low-speed travel. Part or all of the roads may be surfaced with native or processed material.

Given the lower value of wood in the Lake States as compared to other parts of the county, Level 2 roads provide critical, economically feasible access to commercial timber and these are precisely the low maintenance roads which provide access for hunting and fishing activities. GLTPA would strongly question any move to require all logging roads to be built to Maintenance Level 3 standards. Doing so will drive up logging costs, reducing the competitiveness of the Lake States timber industry.

Higher standard roads could also lead to additional acres being restricted for access by recreational vehicles. Recreational vehicles operators are not necessarily known for being easy on road surfaces. The higher the value of the road surface such as that provided with the use of crushed gravel, the higher the maintenance costs. In addition, increased road costs could also make it easier to justify bypassing timber that may not have the highest on the stump value, but still needed for local markets and require management to maintain forest health as opposed to dropping them from consideration for treatment.

In examination of the forest plan what appears to be happening, is that Congress’s failure to fully fund the USFS roads program has given the agency cause to have to place restrictions on roads having a significant investment in them to be used for future management activities. However, a person must question why there is so much time and money being spent to block the use of Level 2 roads built by the forest industry for logging operations, which in turn provides recreational opportunities until they are no longer passible because of natural regeneration.

The reality is that Congress’s lack of funding is not only delaying needed forest management, but misdirecting scarce resources by forcing the FS to spend money closing roads when it should be expanding access for taxpayers. Recreation and healthy forests go hand in hand. For these to occur, it is essential that access roads on the landscape currently in place be made available for use by taxpayers.

Increased timber harvest focusing on economically viable timber sales that meet the needs of local industry, can generate revenue which could be used to repair existing roads while benefiting wildlife habitat and recreation. In the short to medium term, however, Congress should prioritize funding used for road maintenance and repair to provide not only access to timber, but provide hunters, anglers, outdoor recreationists, and first responders like firefighters and search and rescue greater access as well.

Thank you for your leadership on forestry issues, and I’d be happy to take any questions.

Mr. TIFFANY. Thank you, Mr. Schienebeck.

I will now recognize Mr. Luke Hilgemann, Executive Director for the International Order of Theodore Roosevelt, for 5 minutes.

Mr. Hilgemann.

**STATEMENT OF LUKE HILGEMANN, EXECUTIVE DIRECTOR,
INTERNATIONAL ORDER OF T. ROOSEVELT, MADISON,
WISCONSIN**

Mr. HILGEMANN. Thank you, Chairman Tiffany and distinguished members of the Subcommittee on Federal Lands. It is my pleasure to be here with you today to testify on the importance of Federal land access for hunters and anglers. My name is Luke Hilgemann, and I am the Executive Director of the International

Order of T. Roosevelt. Our organization has been in existence since 1975, and we are dedicated to upholding President Theodore Roosevelt's conservation legacy and advocating for the preservation of our sporting heritage.

Over the past several decades, the decline in hunter numbers is a troubling trend that cannot be ignored. In just the last 5 years alone here in America, we have seen our hunter numbers decline by nearly 2 million. One of the top reasons cited by hunters for leaving the sport is the lack of access to public lands.

Why does it matter if we lose hunters? It matters because hunters are the lifeblood of funding for conservation. The North American Model of Conservation, recognized worldwide for its success in restoring and maintaining healthy populations of game and non-game animals, relies on the financial contributions of hunters, anglers, trappers, and recreational shooters. According to the U.S. Fish and Wildlife Service, in 2022 alone, hunting, fishing, and other wildlife-related activities generated \$394 billion in combined economic activity. It is a user-pay system, and it is the hunters, anglers, and trappers who willingly invest in licenses, stamps, and conservation efforts, benefiting us all.

However, the threats to our sports extend beyond access. Predator management is a critical issue, and none more so than right here in Wisconsin. A study conducted in Wisconsin revealed that wolves killed more deer than hunters in five northern counties, highlighting the need for effective predator control measures. Without proper management, our game species suffer, and our hunting traditions will be jeopardized. After all, if there is no game to pursue on our public lands, access will no longer be the issue. We applaud Chairman Tiffany and his colleagues for passing the Trust the Science Act, a bipartisan legislative proposal that will return management of the recovered wolf populations to the states. And we now call on Senator Baldwin to take up that bill and pass it through the U.S. Senate as quickly as possible.

Another concerning issue is the lead bullet and hook ban that was recently passed by the Biden administration. While environmental concerns are important, expanding the ban on lead bullets and fishing equipment will only make the problem worse when it comes to hunter and angler numbers. Lead ammunition and hooks have been affordable and widely accessible, enabling participation in our sports. We applaud Representative Wittman and his colleagues in the House of Representatives for passing H.R. 615.

To address these challenges, though, and threats to our outdoor traditions, it is imperative that we prioritize the preservation and enhancement of public lands. IOTR has developed some suggested policy benchmarks for public land access for the Subcommittee to consider. These include:

1. **Responsible Management.** Encouraging coordination between Federal agencies, state wildlife agencies, and local stakeholders to ensure that access decisions are made with the input of those who rely on these lands for hunting and fishing. Limiting onerous land designations that often prohibit access for these recreational opportunities is critically important.

2. **Balanced Conservation.** Recognizing that responsible hunting and fishing are integral components of effective wildlife management and conservation.

3. **Streamlined Permitting.** Simplifying the permitting process for hunting and fishing activities on Federal lands, reducing bureaucratic hurdles, and ensuring timely access for the use of these lands by sportsmen and women.

4. **Infrastructure Investment.** Allocating resources to improve and maintain access to roads, trails, and facilities on Federal lands, ensuring that everyone that enjoys the outdoors has an opportunity to get there and use these vital resources.

5. **Education and Outreach.** Promoting public awareness and education about the importance of hunting and fishing as conservation tools.

Taking these steps will ensure continued access and availability for hunters, anglers, and other recreational users to enjoy our greatest outdoor resources.

In conclusion, Chairman Tiffany and members of the Subcommittee, the threats to our sports are real and growing. The decline in hunter numbers, the need for effective predator management, and the potential impacts of lead bullet bans are all significant challenges that must be addressed. By prioritizing the needs of hunters and anglers, you can ensure the preservation of our natural resources, support local economies, and uphold the legacy of one of our nation's greatest conservationists, President Theodore Roosevelt.

Thank you very much.

[The prepared statement of Mr. Hilgemann follows:]

PREPARED STATEMENT OF LUKE HILGEMANN, EXECUTIVE DIRECTOR, INTERNATIONAL ORDER OF T. ROOSEVELT

Chairman Tiffany and distinguished members of the Subcommittee on Federal Lands,

Thank you for the opportunity to testify today on the critical issue of federal public lands access for hunters and anglers. My name is Luke Hilgemann, and I am the Executive Director of the International Order of T. Roosevelt (IOTR). Our organization is dedicated to upholding President Theodore Roosevelt's conservation legacy and advocating for the preservation of our sporting heritage.

Over the past several decades, the decline in hunter numbers is a troubling trend that cannot be ignored. In the last five years alone, American hunter numbers have decreased by 2 million. One of the top reasons cited by hunters for leaving the sport is the lack of access to public lands (Source: NSSF study 2021).

Why does it matter if we lose hunters? It matters because hunters are the lifeblood of funding for conservation. The North American Model of Conservation, lauded worldwide for its success in restoring and maintaining healthy populations of game and non-game animals, relies on the financial contributions of hunters, anglers, trappers, and recreational shooters. According to the U.S. Fish and Wildlife Service, in 2022 hunting, fishing, and other wildlife-related activities generated \$394 billion in combined economic activity—securing public lands, habitat restoration, and the entire suite of wildlife conservation work across North America. (Source: 2022 FHWAR). It is a user-pay system, and it is the hunters, anglers, and trappers who willingly invest in licenses, stamps, and conservation efforts, benefiting us all.

However, the threats to our sports extend beyond access. Predator management is a critical issue that must be addressed to maintain healthy game populations and sustain hunting opportunities on federal public lands. A study conducted in Wisconsin revealed that wolves killed more deer than hunters in five northern counties, highlighting the need for effective predator control measures (Source: Deer and Deer Hunting 2019). Without proper management, our game species will suffer,

and our hunting traditions will be jeopardized. After all, if there is no game to pursue on our public lands, access will no longer be the issue. We applaud the efforts of Subcommittee Chairman Tiffany and his colleagues for passing the Trust the Science Act, H.R. 764 bipartisan legislation that will return management of the recovered wolf populations to the states.

Another concerning issue is the lead bullet and hook ban recently passed by President Biden's administration. While environmental concerns are important, expanding the ban on lead bullets and fishing equipment will only exacerbate the decline in hunters and anglers. Lead ammunition has been affordable and widely accessible, enabling participation in our sports. Increasing costs and limiting options for ammunition will only discourage participation and hinder access to public lands. We applaud Rep. Wittman and his colleagues in the House of Representatives for passing H.R. 615—the Protecting Access for Hunters and Anglers Act which establishes a process for evaluating the use of lead ammo and fishing equipment on federal public lands that allows for public input rather than blanket policies that deny public input.

To address these challenges and threats to our outdoor traditions, it is imperative that we prioritize the preservation and enhancement of public lands access for hunters, anglers, and other wildlife-related activities. IOTR has developed some suggested policy benchmarks for public land access for the Subcommittee to consider. These include:

1. **Responsible Management:** Encouraging coordination between federal agencies, state wildlife agencies, and local stakeholders to ensure that access decisions are made with the input of those who rely on these lands for hunting and fishing. Limit onerous land designations that often prohibit access for hunting, fishing, and other outdoor pursuits without clear justification.

2. **Balanced Conservation:** Recognizing that responsible hunting and fishing are integral components of effective wildlife management and conservation. By maintaining healthy populations of game species, we can also protect the habitats and ecosystems they depend on.

3. **Streamlined Permitting:** Simplifying the permitting process for hunting and fishing activities on federal lands, reducing bureaucratic hurdles, and ensuring timely access for sportsmen and women.

4. **Infrastructure Investment:** Allocating resources to improve and maintain access roads, trails, and facilities on federal lands, ensuring that hunters and anglers can reach their desired destinations safely and efficiently.

5. **Education and Outreach:** Promoting public awareness and education about the importance of hunting and fishing as conservation tools, fostering a sense of stewardship among current and future generations.

Taking these steps will ensure continued access and availability for hunters, anglers, and other recreational users to enjoy our greatest outdoor resources.

In conclusion, Chairman Tiffany and members of the Subcommittee, the threats to our sports are real and growing. The decline in hunter numbers, the need for effective predator management, and the potential impacts of lead bullet bans are all significant challenges that must be addressed. By prioritizing the needs of hunters and anglers, you can ensure the preservation of our natural resources, support local economies, and uphold the legacy of one of our nation's greatest conservationists, President Theodore Roosevelt.

Thank you for your attention, and I am ready to answer any questions you may have.

References:

1. Deer and Deer Hunting Magazine. "More Wolves Killed by Deer than hunters." December 2019.
2. "Making Public Lands Public: Access to Our Nation's Public Lands." 2023.
3. 2022 National Survey on Fishing, Hunting and Wildlife Associated Recreation. U.S. Dept of Interior—U.S. Fish and Wildlife Service
4. Wisconsin Department of Natural Resources. "Predation by Wolves on White-tailed Deer in Wisconsin: A Review and Meta-Analysis." 2017.

Mr. TIFFANY. Thank you, Mr. Hilgemann.

Next, I would like to introduce Mr. Tom Dougherty, President of the Voyageur Country Houseboat Operators Association in International Falls, Minnesota. Good to have you down here in Hayward, Wisconsin, Mr. Dougherty. You have 5 minutes.

STATEMENT OF TOM DOUGHERTY, PRESIDENT, VOYAGEUR COUNTRY HOUSEBOAT OPERATORS ASSOCIATION, INTERNATIONAL FALLS, MINNESOTA

Mr. DOUGHERTY. Thank you, Mr. Chairman and members of the Committee, for this opportunity to testify on this very important matter involving water access and opportunities to our outdoor recreation within Voyageurs National Park, a water-based national park in northern Minnesota.

I am Tom Dougherty, President of the Voyageur Country Houseboat Operators Association, representing area houseboat rental operations, including my family's business, Rainy Lake Houseboats. I also serve on the Board of Directors for the Voyageur Country ATV Club.

I am here today to speak on behalf of stakeholders surrounding Voyageurs gateway communities, advocating for local outfitting operators, fishing guides, resort owners, houseboat operators, local government, visitors, and locals alike. We are faced with the unnecessary barriers when accessing the vast waterways in Voyageurs.

When Voyageurs was formed nearly 50 years ago, the park was intended to complement the neighboring Boundary Waters Canoe Area Wilderness, allowing Voyageurs to boast a broader range of outdoor recreational opportunities that are prohibited in BWCAW. The newly formed national park would allow the use of motorized crafts, boats of all sizes, snowmobiles, and other forms of mechanized travel, a unique, best-of-both-worlds scenario for the region.

Fast forward 50 years. The National Park Service has enforced new water rights restrictions on more than 50 percent of the park. We now fight for easy access to more than 218,000 acres of Voyageurs National Park, including one-third of it which is underwater. Unrestricted water access is critical to our livelihood, local tourism economy, and necessary for an inclusive visitor experience.

The state of Minnesota contends that it did not cede jurisdiction to the waters of Voyageurs National Park, and now the Federal over-reach into the state-managed waters has led to conflicts and challenges for local stakeholders and visitors alike.

According to State Statute 84B.061, "none of the navigable waters in Voyageurs National Park and the lands under them have been donated to the United States." The lack of cooperation and support from the NPS has strange relationships among Federal and state authorities and stakeholders.

The NPS now deems state-regulated waterways within park parameters an extension of Federal land once they are frozen over. The new policies have restricted traditional winter activities, such as snowmobiling and ATV use, which previously contributed to the local tourism economy and outdoor recreation.

There once was 100 miles of snowmobile trails on the Kabetogama peninsula. Today, there are only 18 miles of land trails.

Recently, a truck portage through Mukooda Lake was restricted to permit-only access, making it no longer accessible by automobile and ATV. The route provided a safe passage around dangerous ice conditions from Crane Lake, Mukooda, Sand Point, and Namakan Lake, ending in Ontario, Canada.

The public has long relied on access to the frozen lake surfaces for winter recreational activities. Access by all types of vehicles is crucial to providing opportunities, especially those with disabilities.

The economic impact on local operators has been detrimental, with reduced access limiting the scope of their operations and ultimately restricting access to the public.

Increased Federal law enforcement presence has resulted in a less welcoming environment for park visitors.

The NPS has introduced new Commercial Use Authorization guidelines that impose additional regulatory burdens on local businesses who are not concessionaires. These new regulations threaten to undermine local operators and the area's tourism economy. The local operators have been working aggressively to obtain CUAs since December 2023. As of the 2024 Fishing Opener, some of our CUAs are still pending approval.

The proposed CUAs will limit access by hindering the ability of businesses to operate effectively within Voyageurs as they have in the past. The visitor experience is compromised as fewer services and recreational opportunities are available, especially for those with disabilities. The local tourism and recreation economy is at risk due to the restrictive policies.

In conclusion, we urge Congress to recognize the challenges posed by the current management policies of the NPS by taking decisive action and considering the following solutions:

Introduce an amendment to CFR 36 to clarify and reaffirm state water rights by eliminating the need for restrictive CUAs and water-based constraints.

A Federal audit surrounding decision-making about Voyageurs' water right jurisdiction and CUA guidelines.

The state of Minnesota's jurisdiction over the park's waters should be reaffirmed to prevent Federal over-reach and support public access to all. We want to offer full access to our nation's uniquely water-based Voyageurs National Park.

We sincerely thank the members of this Committee for considering our request.

[The prepared statement of Mr. Dougherty follows:]

PREPARED STATEMENT OF TOM DOUGHERTY, PRESIDENT, VOYAGEUR COUNTRY
HOUSEBOAT OPERATORS ASSOCIATION

INTRODUCTION

Thank you Mr. Chairman and members of the committee for the opportunity to testify on this very important matter of improving water access and opportunities for outdoor recreation within Voyageurs National Park—a water-based park in northern Minnesota.

I am Tom Dougherty, president of Voyageur Country Houseboat Operators Association, representing area houseboat rental operators, including my family's

business—Rainy Lake Houseboats. I also serve on the board of directors for Voyageur Country ATV Club.

I am here today to speak on behalf of stakeholders surrounding Voyageurs gateway communities—advocating for local outfitting operators, fishing guide services, resort owners, houseboat operators, local government, visitors and locals alike. We are faced with unnecessary barriers when accessing the vast waterways.

When Voyageurs National Park was formed nearly 50 years ago, the park was intended to complement neighboring Boundary Waters Canoe Area Wilderness (BWCAW), allowing Voyageurs to boast broader outdoor recreational opportunities that are prohibited in BWCAW. The newly-formed National Park would allow the use of motorized crafts (boats of all sizes, snowmobiles, and other forms of mechanized travel, etc.)—a unique, best of both world’s scenario for the region.

Fast forward 50 years, the National Park Service (NPS) has enforced new water rights restrictions around more than 50% of the park. We now fight for easy access to more than 218,000 acres of Voyageurs National Park, including 1/3 of that acreage which is water. Unrestricted water access is critical to our livelihood, local tourism economy, and necessary for an inclusive visitor experience.

BACKGROUND

I. Minnesota Not Ceding Jurisdiction

The state of Minnesota contends that it did not cede the waters of Voyageurs National Park, and now federal overreach into state-managed waters has led to conflicts and challenges for local stakeholder and visitors alike.

- A. According to state statute 84B.061, “none of the navigable waters within Voyageurs National Park and the lands under them have been donated to the United States.”
- B. The lack of cooperation and support from the NPS has strained the relationship among federal and state authorities, and local stakeholders.

(See Exhibit A)

II. Frozen Lake Surface Plan

The NPS now deems state-regulated waterways within park parameters an extension of federal land once frozen over.

New policies have restricted traditional winter activities such as snowmobiling, which previously contributed to the local tourism and outdoor recreation economy.

- A. There once was 100 miles of snowmobile trails on Kabetogama peninsula. Today there are only 18 miles of land trails.
- B. Recently, the truck portage through Mukooda Lake was restricted to permit-only access making it no longer accessible by automobile and ATV. The route provided a safe passage around dangerous ice conditions from Crane Lake, Mukooda, Sand Point, and Namakan lakes, ending in Ontario, Canada.
- C. The public has long relied on access to the frozen lake surfaces for winter recreational activities. Access by all types of vehicles is crucial to providing opportunities, especially those with disabilities.
- D. The economic impact on local operators has been detrimental, with reduced access limiting the scope of their operations and ultimately restricting access to the public.
- E. Increased federal law enforcement presence has resulted in a less welcoming environment for park visitors.

(See Exhibit B)

III. New Commercial Use Authorization (CUA)

The NPS has proposed new CUA guidelines that impose additional regulatory burdens on local businesses who are not concessionaires. These new regulations threaten to undermine local operators and the area’s tourism economy.

- A. Local operators have been working aggressively to obtain CUAs since December 2023. As of the 2024 Minnesota Fishing Opener, some of our CUAs are still under approval.
- B. The proposed CUAs will limit public access by hindering the ability of businesses to operate effectively within Voyageurs.

- C. The visitor experience is compromised as fewer services and recreational opportunities are available, especially for those with disabilities.
 - D. The local tourism and recreation economy is at risk due to restrictive policies.
- (See Exhibits C + D)

CONCLUSION

In conclusion, we urge Congress to recognize the challenges posed by the current management practices of the NPS by taking decisive action and considering the following solutions.

- A. Introduce an Amendment to CFR 36 to clarify and reaffirm state water rights by eliminating the need for restrictive CUA's and water-based constraints.
- B. A federal audit surrounding decision-making about Voyageurs' water right jurisdiction and CUA guidelines.

The state of Minnesota's jurisdiction over the park's waters should be reaffirmed to prevent federal overreach and support public access to all. We want to offer full access to our nation's uniquely water-based Voyageurs National Park to all people.

We sincerely thank the members of this committee for considering our request.

Exhibit A

1

MINNESOTA STATUTES 2022

84B.061

84B.061 STATE JURISDICTION OVER RAINY LAKE AND OTHER NAVIGABLE WATERS; DUTIES OF GOVERNOR, ATTORNEY GENERAL, AND OTHER PUBLIC OFFICERS.

As required by this chapter and the act of Congress authorizing Voyageurs National Park, the state of Minnesota donated in excess of 35,000 acres of state and other publicly owned land for the park, roughly one-fourth of the land area of the park, at a cost of over \$5,000,000 to the state. More than 24,000 acres of this land was state trust fund land which the state condemned before making its donation. Pursuant to section 84B.06, lands donated by the state, along with other lands acquired by the National Park Service for the park, were made subject to concurrent jurisdiction by the state and the United States under section 1.041. In making these donations, none of the navigable waters within the park and the lands under them have been donated to the United States. These navigable waters include the following: Rainy, Kabetogama, Namakan, Sand Point, and Crane Lakes. Pursuant to applicable federal and state law, navigable waters and their beds are owned by the state. Ownership of and jurisdiction over these waters and their beds has not been ceded by the state, either expressly or implicitly, to the United States. Unlike section 1.044 relating to the Upper Mississippi Wildlife and Fish Refuge, where the state expressly granted its consent and jurisdiction to the United States to acquire interests in water, as well as land, the consent granted by the state in section 84B.06 to acquisitions by the United States for Voyageurs National Park is limited to land, only. In the discharge of their official duties, the governor, attorney general, other constitutional officers, and other public officials, such as the commissioner of natural resources, shall vigorously assert and defend, in all forums, the state's ownership of and jurisdiction over these waters and their beds and related natural resources, together with associated rights of the state and its citizens arising from the state's ownership and jurisdiction. In discharging their duties, the governor, attorney general, other constitutional officers, and other public officials shall, additionally, be especially cognizant of the free rights of travel afforded to citizens of Minnesota and others under the Webster-Ashburton Treaty (proclaimed November 10, 1842) and the Root-Bryce Treaty (proclaimed May 13, 1910) on international and associated boundary waters. Also, in furtherance of duties under this section, the commissioner of natural resources shall continue in effect the commercial removal of rough fish, as defined in section 97A.015, subdivision 43, from these waters, together with any rights to do so possessed by any person on January 1, 1995, so long as the commissioner determines that such taking is desirable to the management of the native fishery.

History: 1995 c 124 s 2

Exhibit B



MN Department of Natural Resources
NE Region Headquarters
1201 East US 2
Grand Rapids, MN 55744

June 2, 2023

Frozen Lake Surface Access and Use Plan
Public Comment Submissions
Voyageurs National Park
360 Hwy 11 East
International Falls, MN 56649

To Whom It May Concern:

The Minnesota Department of Natural Resources (DNR) thanks you for the opportunity to provide comment to the National Park Service (NPS) on the proposed Project for the Voyageurs National Park (VNP) captioned the "The Frozen Lake Surface Access and Use Plan" (Frozen Lake Plan or Project). The stated purpose of this Project is "to guide the management of access and use of frozen lake surfaces in the park while protecting natural and cultural resources and providing for a variety of visitor experiences, consistent with the park's enabling legislation and NPS regulation." NPS-VNP, *Fact Sheet: Frozen Lake Surface Access and Use Plan Civic Engagement*, at 1 (Spring 2023)

Before sharing some background and the DNR's more detailed comments, I want to convey our surprise and disappointment with VNP's decision to come forward with such a sweeping proposal without prior consultation with the DNR, riparian property owners, and the general public. There is a long history of cooperative management and active public use of the State's public waters within the boundaries of the VNP. We would have hoped and expected to have conversations about the NPS's management objectives and an opportunity to explore potential approaches to addressing those objectives. Instead, we were presented with a specific proposal that seeks to impose significant restrictions on longstanding winter uses of the State's public waters within the park.

Despite our significant concerns with the Frozen Lake Plan as presented, I also want to emphasize that the DNR is fully prepared to participate in more inclusive NPS process that engages all relevant parties,

Exhibit B

including local and tribal governments, business owners, community members, private landowners, and other park users.

Background – History of Cooperative Management

As I noted above, the DNR and the NPS have had a long and cooperative history when it comes to managing the State's public waters within the boundaries of VNP. This cooperation is essential due to the vastness of these waters, the extensive public use they receive, the private property ownership on lakes within the VNP boundary, and the fact that, although the NPS exercises jurisdiction over these waters, ownership of the waters, the beds, and the wildlife therein remain the property of Minnesota. Additionally, VNP has recognized DNR's regulatory authority to regulate private docks, aquatic plant management, and work in public waters and relies on state programs for aquatic invasive species management and regulation and licensure of anglers. Within the boundaries of VNP, DNR also manages wildlife, shares law enforcement authority with NPS and local jurisdictions, undertakes water-based search and rescue missions, and addresses wildlife issues on private lands. Further the VNP enabling legislation itself requires the NPS to allow fishing under the laws of both the state and the federal government and requires that regulations affecting fishing may only be adopted by VNP after consultation with the state.

Comments

The DNR is responsible for managing all of Minnesota's public waters for the benefit of Minnesotans, as public trust resources. From this perspective, we write to share our concerns with the NPS's proposed Frozen Lake Plan. Additionally, I want to underscore that, given the limited detail presented about the proposal, our comments reflect our most fundamental concerns about the Frozen Lake Plan, based on the information available to us and should not be construed as encompassing the breadth of concerns that we may have about the Project.

***Proposal:** VNP proposes to limit all all-terrain vehicle (ATV), truck and other off-road vehicle frozen water travel to the approximately 1 to 25 miles of ice roads established and maintained by VNP on the State's public waters. VNP also proposes to require users to pay the VNP to access these ice roads. The proposal would not allow ATVs and other off road vehicles free rights of travel off these roads and onto the frozen waters of Rainy, Kabetogama, Namakan, and Sand Point Lakes.*

At the outset, it is important to note that while the NPS obtained jurisdiction of lakes within the boundary of the park, VNP's federal enabling act required the state to convey lands within the boundaries but not its public waters nor their bed. Additionally, at the time VNP was created, the Minnesota Legislature authorized the State to convey lands for the establishment of VNP but no authorization was granted to convey the state's public waters or the beds of the waters to the federal government (Minn. Stat. § 84B.06). Thus, while the NPS may exercise jurisdiction over these public waters, it cannot strip either the State or riparian property owners of their legal rights to access these public waters because NPS does not own them.

1. The Frozen Lake Plan's treatment of the State's public waters, when frozen, as a land mass and applying regulations to the frozen surface as if they are a land mass is contrary to law.

Exhibit B

VNP cites as its authority to regulate access to and across the surface of the State's frozen public waters 36 CFR § 4.10, which governs the travel on park roads. The argument advanced by VNP to apply this regulation and restrict access to frozen lake surfaces is based on its mistaken belief that when a public water freezes it ceases to be a water body and is, rather a continuation of the land. This rationale is inconsistent with applicable water law.

Upon admission to the Union, Minnesota was conferred "the *absolute* right to all . . . [its] navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the constitution to the federal government." *State Anthony Falls Water-Power Co. v. Bd. Of Water Comm'rs of Saint Paul Minn.*, 168 U.S. 349, 359 (1897). It is important to note that no U.S. Supreme Court case nor any case authored by the Minnesota Supreme Court contains a caveat to this important principle that says that "the State has an absolute right to these waters only so long as they are not frozen." In fact, such a conclusion is inconsistent with the Minnesota Supreme Court decision in *Sanborn v. People's Ice Co.*, 92 Minn. 43, 84 N.W. 641 (1900), in which the court found the taking of an excessive amount of ice from White Bear Lake to be a taking of water from the State's public water. And in *Lamprey v. Metcalf*, 52 Minn. 181, 7 N.W. 2d 342 (Minn. 1943), the Minnesota Supreme court expressly stated that the public and riparian owners' uses of the State's public waters included the public's right to skate and to cut ice for personal use. In short, the ice is not an extension of the land. The frozen water body is remains a public water and does not become a land mass subject to 36 CFR § 4.10, and thus the regulations established under 36 CFR § 4.10 cannot be applied to the State's public waters to restrict access across the surface of the public water, be it open or frozen.

2. The NPS has no legal authority to strip the State or the riparian owners of their interests in the State's public waters or its beds including the right to access the frozen surface, which the Frozen Lake Plan appears to do.

For generations, when frozen, public waters within the boundaries of the VNP have been used by the public to recreate and by service businesses designed to assist the public in accessing and using the State's public waters (e.g., fishing guides and ice house rentals). These frozen public waters are also used by private property owners to access their properties and transport goods to their properties that cannot be readily transported during the open water season. Indeed, use of these frozen public waters dates back to the early 1900s, when sleds loaded with timber traversed these frozen public waters to bring timber to markets in the U.S..

When Minnesota acquired these public waters at statehood it acquired them with an express obligation – to hold ownership of these public waters as a trustee for the people, for public use. *Illinois Central Railroad Co. v. Illinois*, 146 U.S. 387 (1892) and *In re Application of Union Depot St. Ry. & Transfer Co. of Stillwater*, 31 Minn. 297 17 N.W. 626 (1883). The State is precluded from transferring title to these public waters and from relinquishing its obligations to the public to make these public waters available for public use. *Id.* Nor may the State relinquish these obligations by conveying ownership of its public waters to a third party, including the NPS. The public's rights to these public waters extend across the entire surface of each public water within the VNP boundary and include the right to fish, to skate, to swim, to boat, and the free right to travel. These are indices of State ownership and cannot be stripped from the State and its people unless the NPS had acquired the lakes

Exhibit B

and the beds. To the extent that the Frozen Lake Plan would limit this right of public access to the entire frozen surface of State public waters, it would effectively take what the State refused to convey, the rights of ownership to the public water and beds within VNP.

The DNR also notes that it has an obligation to provide access to the public at large, including an obligation to make these frozen public waters available to persons with disabilities under the Americans with Disabilities Act. Snowmobiles are not an acceptable means of transportation for many people with limited mobility. The Frozen Lake Plan does not appear to allow persons with disabilities alternative vehicles as reasonable accommodations to access the frozen lake surfaces, including remote areas – these accommodations often include cars, trucks, or Class 2 ATVs. DNR is committed to providing equitable access to its lake surfaces, be they open or frozen. The Frozen Lake Plan as proposed does not provide that access.

Finally, owners of property riparian to the State's waters, including those within the VNP boundary, have certain "usufructuary" rights that cannot be stripped from them without payment of just compensation by the federal government. *Pinney vv. Luce* 44 Minn. 367, 46 N.W. 561 (Minn. 1890) and *Johnson v. Siefert*, 257 N.W. 689 (Minn. 1960). These rights extend across the entire water body and can be exercised by the riparian owner so long as that owner does not interfere with the riparian rights of others or the right to public access. *Id.* The right to access one's property over the entirety of a frozen public water and to place fish houses is a private right held by individual property owners. This right cannot be abridged by the federal government without a legal taking of that right. The Frozen Lake Plan would strip these owners of their riparian rights without just compensation.

Proposal: *VPN proposes to limit the number, type, transportation of, occupancy, and weight limits on ice shelters (fish houses) on lakes within the park's boundaries. It also proposes to require a permit for any ice shelter (fish house) left on the lake overnight.*

P.L 91-661 (the Voyageur Act), which established the VNP, expressly addressed fishing within the boundaries the Park. ORVs and fish houses have been used on the ice within the park boundary since well before the park was formed. The Voyageur Act expressly provides that "the Secretary shall permit recreational fishing on lands and waters under his jurisdiction within the boundaries of the park in accordance with the applicable laws of the United States and of the State of Minnesota Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate agency of the State of Minnesota." This requirement is consistent with and embodies the intent of the Root-Bryce Treaty, which requires both federal legislative and executive action "before the regulation as to fishing in international waters is withdrawn from the state within whose territory the waters may be." *State v. Dove*, 183 Minn. 272, 274, 2236 N.W. 322, 323 (Minn. 1931).

The regulation of fishing (both ice fishing and open waters fishing) includes not only harvest limits but the method, and location of harvest. For generations, Minnesotans have used fish houses for recreational fishing, many of which they leave in place during the entire winter harvest season. The placement of fish houses falls within Minn. Stat. Ch. 97C, which regulates the harvest and method of fish harvest and is a recreational fishing regulation. Minnesota Statute § 97C.355, in particular, regulates the placement of such fish houses and authorizes persons to leave fish houses unattended

Exhibit B

until March. The Frozen Lake Plan contradicts the State's fish house fishing regulation. Pursuant to the Enabling Act, the NPS is required to consult with the DNR about restrictions of this type. Furthermore, DNR does not consider the placement of fish houses by guides or the rental of fish houses to individual recreational anglers to be commercial fishing. Under Minnesota law, commercial fishing, is defined as the "taking [of] fish, except minnows, for sale." Minn. Stat. § 97A.015. Minnesota requires that each angler renting a fish house or going out with a guide hold their own recreational fishing license. Therefore, the treatment of the businesses as commercial fishing (requiring a commercial use permit) is contrary to state law and VNP must consult with the state before it imposes additional burdens on rental or guiding businesses during the winter harvest season.

Finally, DNR would again direct you to its comments above related to private riparian rights and the rights of Minnesotans. These rights entitle the public and riparian owners to place fish houses on the State's frozen public waters, and precluding these persons from placing fish houses overnight on the lake or restricting placement across major portions of a frozen lake surface would violate their rights to access the entire water body to, among other uses, fish. *State v. Kuluvar*, 266 Minn. 408, 418, 123 N.W.2d 699, 706 (Minn. 1963) (finding the public's right to access the state's public waters includes the right to fish).

Conclusion

After review of the Frozen Lake Plan and attending the public comment sessions, the DNR has significant concerns, as detailed above. The proposed Frozen Lake Plan would have serious adverse impacts on the State's property interest in its public waters and our obligations associated with the public waters the State owns within the boundaries of VNP. It would also have adverse impacts on property owners, Minnesotans, businesses, surrounding communities, and visitors to the area. We therefore request that the provisions related to public access and ice shelters be withdrawn.

Sincerely,

Shelly Patten
NE Region Director – MN Department of Natural Resources

CC: Bob DeGross – VNP Superintendent

Equal Opportunity Employer

Exhibit C



United States Department of the Interior

NATIONAL PARK SERVICE
 Voyageurs National Park
 360 Highway 11 East
 International Falls, MN 56649



File Code:
 5B

07/21/2022

CUA Holder:

Greetings from Voyageurs National Park. First, I would like to thank you all for the valuable services you provide to park visitors in helping them explore and enjoy the area. I know the last few months have been challenging as we have all dealt with record setting floods and damage to docks, homes, resorts and other infrastructure.

My primary purpose in sending out this letter is to inform you all of an error in our CUA conditions that was recently pointed out by Judd Sturm and Paul Peterson at almost the same time. So, a big thank you to Judd and Paul for finding this.


We have for years established a 6-person capacity limit for CUA holders offering fish guiding services, water taxi services, and private boat tours throughout the park. It was pointed out that Title 46 United States Code § 4105(c) allows for: "...with respect to an uninspected vessel of less than 25 feet overall in length that carries passengers on Crane Lake or waters contiguous to such lake in St. Louis County, Minnesota, the Secretary shall substitute "12 passengers" for "6 passengers" each place it appears in section 2101(51)."

What this means in simple terms is that any CUA holder with a 6-pack license may, per US Coast Guard regulations, transport up to 12 people aboard a vessel 25' or less while traveling upon park waters in Kabetogama, Namakan, and Sand Point Lakes. However, you may not exceed the weight or carrying capacity indicated on your vessel's capacity plate. So, if your vessel is only rated to carry 8 persons you would not be able to exceed that amount and carry 12 persons aboard. It is also worth noting this statute does not apply to Rainy Lake where the 6-person limit continues to apply. I have confirmed this information with a Lieutenant from the US Coast Guard and he states the interpretation of the statute is accurate.

To that end, and effective immediately, CUA holders operating in the park upon Kabetogama, Namakan, and Sand Point Lakes in St. Louis County with all appropriate license requirements may carry up to 12 persons aboard provided their vessel meets conditions to do so. The CUA must also reflect fishing guide, private tour boat, or water taxi/shuttle as an approved service for this to be applicable. As CUA's come up for renewal we will update language in the terms and conditions to accurately reflect this change and the appropriate statute.

Thank you,

Exhibit C



Josh Wentz
Chief Ranger
Voyageurs National Park

*Hard copy letter to follow

Form 10-115
Rev. 11/15/2023

Exhibit D

D

UNITED STATES DEPARTMENT OF THE INTERIOR
National Park Service
Voyageurs National Park
Park Contact: Josh Wentz
Phone Number: (218) 283-6658
COMMERCIAL USE AUTHORIZATION
UNDER THE AUTHORITY OF P.L. 105-391 Section 418, (54 U.S.C. 101925)

Authorization Holder Information:

Business Name: [Redacted] CUA Number: [Redacted]
Contact Name: William (Bill) and Thomas Dougherty Authorization Date: 02/2024
Address: 2011 County Road 102 Expiration Date: 12/31/2024
[Redacted]
Phone and Email: (218) 283-3391
[Redacted]

1. Authorized Activity:

- Houseboat and Camper Support Services (William Dougherty and Thomas Dougherty)
- Marine Repair & Towing (William Dougherty and Thomas Dougherty)
- Water Taxi Services (Thomas Dougherty)
- Fishing Guide – Summer (Thomas Dougherty)

2. Summary of Authorized Activity:

- **Houseboat and Camper Support Services:**
 - Towing of damaged or grounded vessels owned or leased by Holder.
 - Movement of the boat/vessel: piloting and anchoring of boat for customers.
 - Emergency repairs to hull, propulsion, or steering systems required to return the owned or leased vessel to port.
 - Repair of operating systems.
 - Delivery of groceries, beverages (including alcoholic beverages) and ice.
 - Delivery and replacing propane tanks for cooking grills, appliances, and systems.
 - Filling freshwater tanks.
 - Stocking cooking/pantry supplies and utensils, paper products, bedding/linen supplies, and general cleaning materials, first aid supplies, fire extinguishers, and lifesaving equipment.
 - Replacement of light bulbs in general illumination fixtures located in the cabin or used for deck lighting.
 - Replacement of minor plug-in appliances.
 - Provision of fuel for vessels and gas-powered equipment.
 - Pumping of black and grey water holding tanks
 - Garbage removal
 - Firewood delivery
- Incidental towing of disabled vessels encountered provided it does not significantly interfere with the purpose of the trip.
- **Marine Repair and Towing:**
 - Towing of damaged vessels.
 - Minor repair and maintenance of damaged vessels limited to:
 - Propeller replacement
 - Battery jump/replacement
 - Checking and adding engine fluids
- **Water Taxi Services:**
 - Transport of persons and equipment to pre-arranged locations.
 - Pickup of passengers and equipment at pre-arranged locations, dates, and times.
- **Fishing Guide - Summer:**
 - Transport of persons and fishing equipment via vessel.
 - Supplying fishing equipment for use to include rods, reels, line, lures, nets, and bait.
 - Transport of live or dead fish in a manner and quantity allowed by state law.

Exhibit D

3. Owner and Authorized Agents: William Dougherty and Thomas Dougherty

4. Does the CUA authorize the business to operate vehicles/vessels/aircraft within NPS boundaries?

Vehicles: Yes No Additional information: Insurance value is \$1 Million per incident. Hired and Scheduled autos only. Must renew by 11/15/2024.

Vessels: Yes No Additional information: Insurance value is \$1 Million per incident. Must renew by 11/15/2024.

Aircraft: Yes No

5. SIGNATURES

The parties below hereby accept this authorization subject to the conditions, covenants, obligations, and reservations, expressed or implied herein.

Authorization Holder: _____
Signature Title Date

Authorizing NPS Official: _____
Signature Title Date

Mr. TIFFANY. Thank you, Mr. Dougherty.
Finally, I would like to recognize Mr. Duane Taylor, Director of Safe and Responsible Use Programs for the Motorcycle Industry Council, the Specialty Vehicle Institute of America, and Recreational Off-Highway Highway Vehicle Association.
Mr. Taylor, you are recognized for 5 minutes.

STATEMENT OF DUANE TAYLOR, DIRECTOR OF SAFE AND RESPONSIBLE USE PROGRAMS, MOTORCYCLE INDUSTRY COUNCIL, SPECIALTY VEHICLE INSTITUTE OF AMERICA, RECREATIONAL OFF-HIGHWAY VEHICLE ASSOCIATION, WASHINGTON, DC

Mr. TAYLOR. Thank you. Chairman Tiffany and members of the Subcommittee, on behalf MIC, SVIA, and ROHVA, together referenced as the Associations, thank you for this opportunity to provide testimony.

The Associations have a long-standing interest in the protection of the values and natural resources found on Forest Service lands. And to open, the Multiple Use Sustained Yield Act is clear. It states, "it is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes."

As a result, the Forest Service should implement its multiple use mission by ensuring that any policies it develops, including managing for climate resilience and wildfire mitigation, integrate recreation.

There is no question recreation on Forest Service lands are in high demand and result in significant economic impact to the communities in which they are located. The Forest Service's National Visitor Use Monitoring Survey results state national forests average 150 million visits annually, that contribute more than \$11 billion to the economy.

As far as OHV recreation, the power sports industry, motorcycles, all-terrain vehicles, recreational off-highway vehicles, sometimes referred to as side-by-sides, are a \$47.7 billion-a-year industry in the United States, with a significant number of these vehicles being utilized off-road.

The Forest Service continues pushing new proposed rules, environmental impact statements, and other regulations in accordance with its Climate Adaptation Plan, Wildfire Crisis Strategy, and other plans and strategies. This concerns us, as these strategies often ignore recreation, or worse yet, establish that providing for recreation is adversarial to other priorities.

The Climate Adaptation Plan states, "Climate change will affect the ability of the nation's forests and grasslands to furnish important services to the public, including clean water and air, carbon storage and uptake, timber and nontimber forest products, productive grazing land, and recreation opportunities. These benefits may be lost or altered due to changes in wildfire, extreme events, and chronic stresses on watersheds and ecosystems."

It is important to note that recreation and other multiple uses are referred to as "benefits." This is not accurate. Again, the Multiple Use Sustained Yield Act established national forests to provide for recreation and other multiple uses.

We assert that recreation can help the Forest Service become more resilient and able to respond to climate change and prepare for and mitigate wildfires. We encourage the Forest Service to follow the lead of the FHWA, which has already recognized the role that trails can play in helping to manage for resilience. We refer the Forest Service and other land management agencies to FHWA's 2023 Trails as Resilient Infrastructure guidebook. This guide

demonstrates how trails are part of resilient transportation infrastructure, how trails can be planned and designed to be resilient and sustainable, and how trails have a role in emergency planning and response.

Trails as Resilient Infrastructure recognizes that trails, and by extension recreation, can, with proper research, benefit resilience and provide tools to respond to weather and fire events and to mitigate impacts from climate change. We submit that this is where the Forest Service should start any rulemaking, policy, or guidance.

Trails as Resilient Infrastructure also includes a case study on the utility of OHV trails during a natural disaster. It says, "In 2011, Tropical Storm Irene caused floods that damaged roadway bridges throughout Vermont. Residents used ATVs on trails to move people and supplies to and from isolated communities. Following the initial response effort, local officials decided to create trails more accommodating of ATV use to support future disaster response needs."

I would also like to note that Trails as Resilient Infrastructure highlights the Prison Hill Recreation Area in Carson City, Nevada. At the time, I served as Executive Director of the National Off-Highway Vehicle Conservation Council, which led efforts to improve recreational opportunities at Prison Hill while mitigating impacts from climate change and wildfires.

Trails as Resilient Infrastructure notes, "A 100-year rain event in November 2021 tested the trails' design, with successful results. Culverts and trail grading improvements allowed the trail tread to shed water rather than convey it and contribute to erosion. Trails have been used to respond to wildland fires, including an incident where water was air-dropped by helicopter directly onto a trail. The trail design and infrastructure performed well under the heavy load of water. Trails have also been used for search and rescue along the Carson River."

These are exactly the type of combined responses that should be inherent in Forest Service's decision-making processes.

Finally, the Associations would like to call attention to volunteers helping in any number of ways with resilience and recovery. We highlight the post-wildfire OHV Recovery Alliance, a national organization founded to protect and restore sustainable OHV recreation from the devastating effects of intense wildfires and other natural disasters. Any Forest Service rulemakings and strategies should include continued opportunities for volunteers to help the USFS meet resilience and recovery goals.

Thank you for your consideration.

[The prepared statement of Mr. Taylor follows:]

PREPARED STATEMENT OF DUANE TAYLOR, DIRECTOR, SAFE AND RESPONSIBLE
USE PROGRAMS

Chairman Tiffany and Members of the Subcommittee—On behalf of the Motorcycle Industry Council¹ (MIC), Specialty Vehicle Institute of America² (SVIA), and Recreational Off-Highway Vehicle Association³ (ROHVA)—together referenced as the Associations, I appreciate the opportunity to submit testimony relevant to Improving Access and Opportunities for Hunting, Fishing, and Outdoor Recreation on America's Federal Lands.

The Associations have a long-standing interest in the protection of the values and natural resources found on public lands, including Forest Service lands, and we regularly work with land managers to provide recreation opportunities, sustain resources, and promote cooperation between public land visitors. The Associations also prioritize educating enthusiasts and the public about responsible off-highway vehicle (OHV) recreation, including practicing Tread Lightly principals, wearing appropriate safety gear, and avoiding the on-road use of vehicles designed solely for off-highway use.

To open—The Multiple Use Sustained Yield Act is clear. It states (emphasis added):

. . . it is the policy of the Congress that the national forests are established and *shall* be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes.

As a result, the Forest Service should implement its multiple use mission by ensuring that any policies it develops including managing for climate resilience and wildfire mitigation, integrate recreation and find ways to utilize the conservation ethic inherent in recreational activities to help the Forest Service meet its ecological, social, and economic goals.

There is no question recreation on Forest Service lands are in high demand and result in significant economic impact to the communities in which they are located. The Forest Service's National Visitor Use Monitoring Survey Results state:

Outdoor recreation is the most popular activity supported by America's public lands. National forests average 150 million visits annually that contribute more than \$11 billion to the economy.

As for off-highway vehicle recreation—The powersports industry (motorcycles, all-terrain vehicles (ATVs), and recreational off highway vehicles (ROVs or side-by-sides)) are a \$47.7 billion/year industry in the United States with a significant number of the vehicles being utilized off-road. This includes dual sport and adventure motorcycles which are the quickest growing segment of motorcycle sales in the U.S. As a result, the Associations strongly support ensuring sustainable off-highway vehicle (OHV) recreation opportunities continue to be available on our public lands including National Forests as appropriate.

The Forest Service continues pushing new proposed rules, Environmental Impact Statements, and other regulations in accordance with its Climate Adaptation Plan, Wildfire Crisis Strategy and other plans and strategies. This concerns us as these strategies often ignore recreation, or worse yet, establish that providing for recreation is adversarial to other priorities, which is simply not the case. Consider this from the Climate Adaptation Plan (emphases added):

Climate change *will affect the ability of the Nation's forests and grasslands to furnish important services to the public, including clean water and air, carbon storage and uptake, timber and nontimber forest products, productive grazing land, and recreation opportunities. These benefits may be lost*

¹The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

²The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.

³The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs—sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. More information on the standard can be found at <https://rohva.org/ansi-standard/>.

or altered due to changes in wildfire, extreme events, and chronic stresses on watersheds and ecosystems.

It is important to note that recreation and other multiple uses are referred to as “benefits.” This is just not accurate. Again, the Multiple Use Sustained Yield Act established National Forests to provide for recreation and other multiple uses.

We assert that recreation can *help* the Forest Service become more resilient and able to respond to climate change and prepare for and mitigate wildfires. We urge the Forest Service to develop strategies that recognize recreation and other multiple uses are not distractions that must be provided for in some de minimis way. Instead, any new plans or proposed rules must carefully consider how recreation and recreationists can be preserved as assets to managing for resilience.

We encourage the Forest Service to follow the lead of the Federal Highway Administration which has already recognized the role that trails can play in helping to manage for resilience. We refer the Forest Service and other land management agencies to FHWA’s 2023 *Trails as Resilient Infrastructure* guidebook:

This guidebook (“the Guide”) demonstrates how trails are part of resilient transportation infrastructure, how trails can be planned and designed to be resilient and sustainable, and how trails have a role in emergency planning and response. Trails of all kinds are places for recreation, exercise, and time outside. Trails are used for active transportation, whether for daily commuting or errand running, and also during unique events or emergencies. Trails are also a crucial tool for making communities more resilient in the face of climate change and other emergencies. This guidebook examines the ways in which trails can be made more resilient and how trails can serve as resilient infrastructure, providing information and guidance in support of these goals.

Trails as Resilient Infrastructure recognizes that trails (and by extension recreation) can, with proper research, benefit resilience, provide tools to respond to weather and fire events, and can be designed in such a way to mitigate impacts from climate change. We submit that this is where the Forest Service should start any rulemaking, policy, or guidance.

Trails as Resilient Infrastructure also includes a case study on the utility of OHV trails during a natural disaster:

In 2011 Tropical Storm Irene caused floods that damaged roadway bridges throughout Vermont. Residents used ATVs on trails to move people and supplies to and from isolated communities. Following the initial response effort, local officials decided to create trails more accommodating of ATV use to support future disaster response needs.

I would also like to note that *Trails as Resilient Infrastructure* highlights the Prison Hill Recreation Area in Carson City, Nevada. At the time, I served as Executive Director of the National Off-Highway Vehicle Conservation Council which led efforts to improve Prison Hill.

The Prison Hill Recreation Area was conveyed to Carson City by the Bureau of Land Management in 2015. NOHVCC was subsequently contracted to improve recreational opportunities while mitigating impacts from climate change and wildfires. NOHVCC’s efforts were a huge success. *Trails as Resilient Infrastructure* notes:

A 100-year rain event in November 2021 tested the trails’ design, with successful results. Culverts and trail grading improvements allowed the trail tread to shed water rather than convey it and contribute to erosion. Trails have been used to respond to wildland fires, including an incident where water was air dropped by helicopter directly onto a trail. The trail design and infrastructure performed well under the heavy load of water. Trails have also been used for search and rescue along the Carson River.

These are exactly the type of combined responses (using a recreational opportunity to address a broader resource issue) that should be inherent in the Forest Service’s decision-making processes.

Finally, the Associations would like to call attention to recreationists who serve as volunteers helping in any number of ways with resilience and recovery. For example, we highlight the Post Wildfire OHV Recovery Alliance (PWORA), a national organization founded to protect and restore sustainable OHV recreation from the devastating effects of intense wildfires and other natural disasters. PWORA collaborates with a diverse array of multi-interest strategic partners to

mobilize volunteers and deploy resources to mitigate post-disaster impacts to recreation areas.

Any Forest Service rulemakings and strategies should include continued opportunities for motorized volunteers to help the USFS meet resilience and recovery goals.

Thank you for your consideration.

Mr. TIFFANY. Mr. Taylor and all of you, thank you for your testimony. We are now going to turn to the Members for a round of questions, and first we are going to start out with my neighbor, Representative Stauber, for 5 minutes.

Mr. STAUBER. Thank you very much, Chair Tiffany. I want to thank you for inviting us to your beautiful district in Hayward here, where one of the greatest KOAs is just down the roadway. I spent many nights there.

The district I have the honor to represent just over the border in Minnesota is very similar to the Chairman's, as it is home to significant tracts of Federal land, including Voyageurs National Park and borders the Chippewa and Superior National Forests. Our great public lands are part of our way of life in northern Minnesota. That is why it is so important to my constituents that we are ensuring the greatest access possible.

And I can't help but note that like here in northwestern Wisconsin, in northern Minnesota, our public lands often look like a checkerboard. Our Federal lands are mixed in with state, county, tribal, and private lands. It is impossible for any land manager to manage their respective acreage without working with those around them.

That is why I am such a big supporter of the Good Neighbor Authority. It has been a successful program in Minnesota, and we need to expand it to bring tribes and counties into the fold, as well. I am proud to stand with my Republican colleagues on this Committee in leading the charge past the legislation that will do just that.

I want to welcome a great constituent of mine in Minnesota's 8th Congressional District, Tom Dougherty, who traveled here from International Falls, and as he states, he operates a multi-generation, family-run houseboat rental business on Rainy Lake, right along the U.S.-Canadian border.

Mr. Dougherty, I want to ask you to expand upon the economic impact that the recreation economy has in northern Minnesota, and can you share a little bit with the Subcommittee about how important this is for the communities that surround Rainy Lake?

Mr. DOUGHERTY. Mr. Chair and Members, I would be happy to talk about that. We have the gateway communities of Crane Lake, Ash River, Kabetogama and International Falls. When the park was first formed, we were promised an increase in visitors to the area. We really haven't seen that, although the visitorship is good and it is solid. But it is important to the area community. The number of resorts that are there, it is astronomical. Some of the resorts have been there for a number of years, and then some new ones have popped up along the way.

As to put a number on it, I am not prepared to do that today, but I certainly could submit something in the next few days that could back up a number.

Mr. STAUBER. That would be great. We would ask you to do that. Over the past year, I know you and other operators within Voyageurs National Park have been facing new policies that basically make it harder and much more expensive to obtain commercial use authorizations, or CUAs, from the National Park Service to operate your business. Very briefly, can you share how the CUA process has changed, and what was the historic process to obtain a CUA, and what kind of hoops will you now have to jump through to obtain a CUA under the National Park Service's new policies?

Mr. DOUGHERTY. Mr. Chairman and Members, the previous process was rather simple. It was just basically one paragraph. Now we have several pages of stipulations, essentially, is what they are. For instance, for the houseboat operators, they developed a list of stipulations due to a set of unfortunate circumstances that arose in 2022, where we had an operator actually get arrested, a disagreement with law enforcement, and then out of that these stipulations were developed.

And the stipulations are broad. When you rent a houseboat, for instance, there are a number of things that are on board the boat and could possibly go wrong, at no fault of anybody, and you need to go out and take care of those issues for your customers. We basically spent the entire winter negotiating with Superintendent DeGross who was accommodating. I think that most of the recommendations for these stipulations and things are coming from Region and possibly Washington.

Mr. STAUBER. As we talk about the Winter Use Plan, do you feel comfortable that it is going to increase access, or restrict access, from your point of view, at this moment? And I know it is not finalized.

Mr. DOUGHERTY. Mr. Chairman and Members, the best example I can use of the Frozen Lake Surface Plan would be Lake Kabetogama, for instance. It is 27,000 acres in size. Right now, you have access to all of it, with an ATV, a vehicle providing that you can get around on the lake surface, there is not too much snow or slush ice conditions.

They are going to take that and shrink it down significantly. With one of the preferred plans, it will be less than 800 acres would be available to take an ATV or a motor vehicle to pull a fish house, to access your favorite fishing area.

Mr. STAUBER. And I suspect the locals will not support it, and that I will be in that fight with you.

Mr. Chair, I yield back.

Mr. TIFFANY. The gentleman yields. I now turn to Mr. Collins, from Georgia, for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman, and I don't think you had to tell these folks I was from Georgia. They probably know I am not from around here. I have kind of a little bit of a different accent.

I like to tell people, first of all, I am a freshman in Congress. I spent over 30 years in the private sector. I am second generation in the trucking industry. We started moving over to road building products some 30-odd years ago, and I actually started my career at the age of 12. My parents hauled logs out of the woods. I tell people I have had pine sap and resin in every nook and cranny of

my body you can think of over the years, working on those log trailers.

And I always take a look, when we come to these field hearings, and I kind of ask myself, what is the problem, what is the solution, and how do we ensure that that never happens again? And I want to focus right now just on timber and on forestry, since that was kind of my background growing up.

And if you take a look, we are just down the road from the Lumberjack Championship arena of the world. The forestry industry here in the state of Wisconsin produces 64,000 jobs, \$24 billion in annual revenue. You are the largest producer in paper in the nation, and you are one of the top 10 timber producers in the Federal national forestry system. And Wisconsin continues to be responsible when it comes to forestry products and producing, and you have added to the timber that you cut out there with a net gain of 185 million cubic feet of saw timber yearly. And just to put that in context, that is enough to frame up over 139,000 homes a year.

So, with that in mind, I am going to start out with Mr. Schienebeck. In my home state of Georgia, we have harvested more timber than any other state, and the overall tree volume in our forests has still increased every year since 1953. And while that may seem pretty simple, here is the kicker. Many of our forests in Georgia are private working forests with fuel restrictions than what you have on Federal forest lands.

So, here is my question. What can we do to empower our Western states to start managing their forests, many of which are federally owned, more like what we do in the state of Georgia?

Mr. SCHIENEBECK. Well, I think the issue is over-regulation and over-reach in the Western states. When I look at the Western states, they pretty much destroyed the infrastructure that they had. And I know when all the fires started there was a lot of discussion about, oh, we need to manage more forests. Well, they had that opportunity to manage those forests and got rid of the infrastructure that was there. Now, what do you do with the wood, once you have cut it?

And that is one of the things that we are afraid of that could end up happening in the Lake States, if we keep seeing more restrictions on business. I mean, we have lost a lot of mills. Georgia is losing mills. Why is that? We are totally under pressure of foreign ownership of our mills, which I see is an issue, because even though we have the jobs and stuff here, they are not loyal to the United States in their jobs and in their forest management. They are obviously going to be loyal to the home country, just like we would be.

But I think we really need to start looking at the regulation, and we need to start going back to science for forest management. I think that would be a big step in the right direction.

Mr. COLLINS. Leading over into the pulp and paper industry side of it, I know you have different levels for different type of timber that you cut. Can you speak more, I was reading on the Level 2 maintenance versus the Level 3 maintenance on these roads that the timber industry is providing.

Mr. SCHIENEBECK. Yes. So, Level 2 maintenance applies to infrequently traveled, primitive roads that are drivable by high-clearance vehicles, used basically for transportation of timber. Those are usually too rugged for passenger cars. I think we saw an example of that today.

Level 3 is assigned to roads that are drivable by standard passenger cars. Most are single-lane roads designed for low-speed travel. And part or all of the road may be surfaced with native re-processed material. We saw an example of that on the field trip today too. The one road actually had crushed granite for probably the first 100–150 yards, and then after that it was a lot of native material. And actually for forest management, you do not need a superhighway because you are not going to be going back in there for probably 20 or 25 years, or whatever the timber growth is.

Mr. COLLINS. Right. I appreciate that. Mr. Chairman, before we finish up, too, we saw these roads. And the thing is, you are talking about a timber industry which has very little profit. And when you start making a timber company pay more to have a Level 3 maintenance road instead of a Level 2, that is going to take away from the profit to the point where they can't make any money on it. And then on top of that you make them go in there, and when they get through with it they are having to barricade these roads. We just saw that this morning, where no one has access to it. And it really does not make sense.

And I think you hit the nail on the head when you first said it. It is over-regulation from Federal Governments that are out of control.

With that, Mr. Chairman, I know I am out of time, and I yield back. Thank you.

Mr. TIFFANY. Yes, thank you, Mr. Collins. I would put out this one little silver lining as I start my questioning, is that we are fortunate here with Chequamegon-Nicolet that it is probably the best managed in terms of timber management of the national forests in America. Now Jenn, I am not going to let you off the hook with that, but it is worth mentioning that the Chequamegon-Nicolet is probably the best managed. Oftentimes, we see the most harvest coming off from the forest here in the Upper Great Lakes states, including the Chequamegon-Nicolet, which is a good thing. And if you look back to 10 years ago, I know when we were raising these issues when I was in the State Legislature, we have gotten better since then on the national forests.

So, that is a ray of sunshine that is going on, but to me, the dividing line was in 1988, when they decided to go to a preservationist mentality at the Federal level, rather than a management mentality. And ever since then, we have seen the decline in harvest that has gone on across the United States of America. And we also have a very good graph. I don't think we have it along with us. While we see this decline in harvest, we see an upward climb on that same graph of the number of fires and the amount of fire here in America, especially in the West. There really is not a reason for that to be the case.

Senator Stafsholt, we really appreciate the tour that you gave for us today. Could you kind of summarize what you showed us today and the concerns that you have been raising, certainly with my

office, and over the last, what, 30 years that you have been coming up here?

Mr. STAFSHOLT. Sure, and I appreciate you guys taking the time to come on the tour so we could show you some real examples. I think that is time well spent.

What I tried to do today was show you some recent logging jobs that had concluded. In those jobs, we showed how the roads had been improved, both with new culverts, large rocks to prevent erosion, as well as gravel on top of the roads, and 3-inch crushed rock on the roads, and then also the berm that was put over the end of those roads once the logging job is concluded.

We went to a couple of other sites that had been closed off some time ago, and I think it is important to notice that we talk about how we closed them off and some of them are deemed foot travel only, but we looked at some of those that had grown so shut that foot travel wasn't even possible. And I think Henry here talked about it, as we keep these roads for future harvest, we are going to have to bulldoze them right back out like they were never even there. So, leaving those roads open for access for the public maintains those roads better than it does closing them down. That is kind of what we tried to show you today.

Mr. TIFFANY. We have heard from some people, as a justification for doing this, that the roads get rutted up. If you just allow public unfettered access you are going to end up with roads that are all rutted up. You are going to see people just tearing through the forest, tearing it up.

Was that your experience 20 to 30 years ago?

Mr. STAFSHOLT. Sure, that is a great question. I am just an old farm kid, but we build these roads to hold 80,000-pound logging trucks, so suggestions that a 5,000- or 6,000-pound passenger vehicle is going to make them impassible and extinguish them seems a little crazy to me. Are there some that have mud puddles on them that we drive through? Absolutely. But if you are talking about overall erosion and things of that nature, they are built to withstand 18-wheeler log trucks. So, over time, over the last 20 or 30 years, I have just seen a continued reduction in the access for all members of the public to use those roads.

Mr. TIFFANY. Mr. Hilgemann, I was surprised to hear you say that, and I want to make sure that we clarify this, there were more deer taken by wolves in how many counties here in northern Wisconsin than by hunters?

Mr. HILGEMANN. Yes, that was a study that was done by a partner organization of ours called Wisconsin Wolf Facts. And they went in and looked at the number of deer that were harvested in five northern counties in comparison to the harvest by hunters. And what they found was, according to the science, yes, five northern counties here in northern Wisconsin had more deer harvested by wolves than by hunters for the first time in our state's history, since hunting has been allowed.

Mr. TIFFANY. So, with more predators, less access, what is happening in northern Wisconsin to the hunter?

Mr. HILGEMANN. The hunters are being pushed out. As a hunter who spent a significant amount of time up here in the North Woods, driving around on a lot of the roads that we just talked

about, we saw 10 times more predator tracks than we did any other type of wildlife in forestlands that have been open for hunting for decades. And what that is doing is it is pushing hunters out. We are losing access, and my numbers indicate it. We have less participation from hunters buying licenses in the state of Wisconsin because we have an uncontrolled predator population that is killing the harvestable game that most hunters pursue.

Mr. TIFFANY. I always enjoy when I read the Wisconsin Outdoor News, you go back through the years and you look back 50, 60 years ago at the deer poles that were put out, and people would have the picture of the deer hanging from their deer poles. And inevitably you would see it was communities here in northern Wisconsin that were in the subtitle, whether it was Siren or Spring Brook or wherever it may be. And you no longer see that happening. It has to have had a great economic impact. Is that right?

Mr. HILGEMANN. Without a doubt. And I think that is one of the areas of study that our organization is going to be looking a lot more into, is to figure out what has been the detriment of property values here in the North Woods of Wisconsin, where we see more For Sale signs up on hunting land that have been held for generations in this state, that now, because of a lack of deer to hunt, are being put on the market. We are losing a generation of people that have passed on these traditions here in this state, and it is a real detriment to our local economy.

And all you have to do is look around up here during the winter months, when usually the bars, the restaurants, and the hotels are busy, packed with hunters. That is just not happening anymore.

Mr. TIFFANY. If I may take the liberty, isn't there also an environmental impact to this?

Mr. HILGEMANN. Without a doubt.

Mr. TIFFANY. Because people will say, "OK, sure, it has an economic impact. But this is benefiting the environment by reducing the access, by having these predators on the landscape. That while there may be an economic impact, it is simply benefiting the environment."

Mr. HILGEMANN. Again, what you have to look at is the number of animals that you don't see up here anymore. The diversity of the ecosystem has gone down as a result of an overpopulation of predators. I spent some time with Senator Stafsholt, touring around Iron County, where it used to be one of the biggest populations of hunters in the state of Wisconsin. This year they harvested and registered 330 deer in Iron County, total, 330 deer.

So, you go from a population that used to be in the thousands now down to 330, clearly that is going to have an environmental impact. And worse yet, what people in the southern part of the state don't realize is that those animals, those predators, are starting to move further south. And that is one of the biggest problems we have with our wolf-counting operation here, or statistics and science here in Wisconsin, is we don't count wolves that move into the southern part of the state. It is not even a consideration.

Mr. TIFFANY. If I may, I am going to continue with a couple more minutes. I am going to take another round of questioning, and I am going to kick it off here.

Senator Stafsholt, aren't we actually, by reducing access, you have a lot of different people that utilize the forest, right, I mean, for a variety of purposes. Are we starting to push those people together in terms of the user groups, where sometimes you will have conflicts?

Mr. STAFSHOLT. Sure. As representatives of the public, when we have a public asset like our national forests, or our public lands, I think it is our responsibility to try to reduce user conflict as much as possible. We looked at a lot of roads today. I think your average bow hunter for deer would just as soon drive in off a main fire lane and park in there and find a deer stand. He is being forced back out to the main fire lane.

I spent a lot of time at Clam Lake, Wisconsin. There are some local ladies up there that like to go out and pick the raspberries when they are in season, and they tell me the best spot to do that is at the end of a dead-end road where the log landing was because it is open, there are no trees over the top of it, and that is where the best crop is. And you are forcing them out to the main fire lanes too.

Bear hunters are forced out to the main fire lanes. They would just as soon have their hunting locations not out on the main road.

Basically, we take all these groups, and again, back in the day when we had a high deer population we had a ton of people up here deer hunting during the 9-day gun deer season. We had to have all those roads to kind of get people to be able to spread out. It is not such an issue now anymore because we have lost a whole ton of hunters because we don't have the deer population.

But we literally force all of the user groups onto the main fire lanes, and that increases user conflict.

Mr. TIFFANY. With the advent of so many predators, including wolves, hasn't that also reduced the number of game animals? I hear anecdotally from hunters, you see far fewer snowshoe hares than you used to, as well as grouse hunters are starting to now become very concerned about bringing their dogs to northern Wisconsin, which if you go right over to Park Falls, as you well know, rough grouse capital of the world, where some grouse hunters will no longer come to northern Wisconsin because of the number of wolves. Is that accurate?

Mr. STAFSHOLT. Yes. In my time at Clam Lake, like I said, I have grown up there. We spent all of our family recreation time. I remember back in the day when there were lots and lots of groups of bird hunters that would come from Kentucky, Georgia, Alabama, the Carolinas, Tennessee. They would come up for a couple, 3 weeks at a time and bird hunt. And all of those guys, they are not used to dealing with wolves down home, so they are in fear, and they don't come anymore. That, combined, I think, with some of the access issues.

There used to be a big group that used to camp out on Fire Lane 182, that we went by today and we didn't point that out. But they used to pull off into a clearing that was part of the old E.L.F. site, and they would set up camp there. And because they would park off the road for safety they were told they couldn't park in there. So, that whole group doesn't come here anymore. I actually found them. They are over by Gordon, on County Line.

Mr. TIFFANY. That is really taking us way back, when you bring back the E.L.F. site.

Mr. STAFSHOLT. I didn't suggest to bring back the E.L.F. site.

[Laughter.]

Mr. TIFFANY. For sure.

Mr. Taylor, are we meeting the multi-use mandate at this point? Is the Federal Government meeting the multiple use mandate?

Mr. TAYLOR. That, to me, is an interesting question. It is easy to say no, but what I would like to highlight is I have had the opportunity to work with a lot of great land management folks in the Forest Service, BLM, and we are basically ending up with silos. We have some recreation staff who are firmly committed to recreation goals, and who really want to see opportunities for OHV and other recreational access occur on their lands. But then you have other staff who are not focused on recreation, who are focused on wildfire or climate resilience, or those sorts of things. And they do not seem to all have the same ideas.

I think what we really need to ensure we have our multiple use mandate met is to get everybody on the same page. And there are ways to provide for recreation that can meet resiliency goals, that can help us fight wildfires, and that can make the forests more sustainable and more healthy in the future. And if we do that we can absolutely meet our multiple use goals.

Mr. TIFFANY. Some people view this just as recreation as a use and do not say that there is a benefit. Talk a little bit about that, those two things, use versus benefit.

Mr. TAYLOR. Sure. To some extent, of course, it is a use, but there are all these myriad benefits that aren't sort of readily apparent. Most of us who love the outdoors love it because we have a chance to get out there. You have heard most of the panelists today talk about their personal experience getting outside and seeing something. Well, if we lock up lands and eliminate recreation or other ways to get out there, we are not going to be growing future stewards of our public land. We need to make sure that young people get out there and see it.

And by the way, young people get a bad rap a lot of times from gray-haired people like me. But I find that when we have young people in the Forest Service and the Bureau of Land Management, other land management agencies, they want to go on an ATV ride one day, they want to fish the next day, they want to hike the next day, they want to do it all. So, if we give them room to say, hey, let's not only allow for this recreational use, let's find a way to make sure this recreational use helps us meet our resilience goals, I think we could go a long way.

Mr. TIFFANY. I yield and turn to the gentleman from Minnesota, Mr. Stauber.

Mr. STAUBER. Thank you very much. Mr. Taylor, thanks for those comments. I agree that the multiple use concept can be met. But you have to remember, and I think you know this, there are bureaucrats in these agencies that have been there for years, and they do not want to change, and that is a frustrating thing. And that is why I think these hearings are very important.

Senator, I appreciate your tour today. And one of the things that I find striking is these logging roads that went in where they

harvested the timber, they came out, they are really nice logging roads. And then you see the berm built up. And, in fact, one of them, you said that you normally could walk or drive your 4-wheeler to a beautiful trout lake, which now they are probably not going to walk 2½ miles in to the trout lake. So, you have lost most of the trout fishing, you have lost the ability for the ATV-ers to drive down there.

And it is frustrating because it is taxpayer money that helped put that road in, and the loggers are not able to get their last dumpage check until that road is checked off. And Mr. Taylor brings up the youth. We all remember where we were when we shot our first deer. We all remember specifically where we shot our first grouse. I have six children. I want them to enjoy this. And when you restrict access like this and you make it more difficult, we are not growing those recreational opportunities.

And it is not just here in Minnesota and northwest Wisconsin. It is across the nation. And I think that leadership at the Federal level really needs to understand that. I am not so sure they do.

And I want to talk to you, Senator, about the economic benefits. We talked about the ATVs and the hunters. I know that in Minnesota the 2 weeks or 3 weekends, it used to be just busy up in northern Minnesota. These businesses are hurting right now because the young hunters aren't coming. The old ones aren't seeing anything because of the wolf issue. Talk to me more about the economic issue here in northwest Wisconsin.

Mr. STAFSHOLT. Yes, and we toured a couple of spots where I know there used to be deer camps that would show up, and they were third-generation deer camps. And a couple of things have happened. Those camps aren't there anymore. They don't show up anymore.

In the National Forest you can camp for up to, I believe, 21 days in one spot without moving, and people used to come up for the deer season and they would do that. And two things have kind of happened. One, the depletion of the population of deer and the things that they are here to hunt. A lot of those folks come from southern Wisconsin, maybe from the Twin Cities of Minnesota, and they drive from areas that are farmland, that have more deer, and they see deer every night at home. It is hard to get that youth to come up here for 9 days in northern Wisconsin where it is a little colder, and the snow is a little deeper, and stay in a tent, and they do not see any deer.

The second thing that has happened is some of those camps are in locations, and we pointed out some today, where they used to be able to camp. They could pull their vehicle off the road, and the policy has been if it is not on the Travel Use Map that vehicle cannot be off the main fire line, so they have to put their vehicles back out on the road. It is not safe for them. It is not safe for the log trucks going back. Everybody would be in a better spot if they could just pull off and camp where they are going to camp.

Mr. STAUBER. Grouse hunting is very important, all recreation but grouse hunting, in particular. My mother is from Glidden, Wisconsin. My mother is 89. She still grouse hunts. My father is 91. They still grouse hunt. And they started down near Glidden, and it is near and dear to their hearts.

When we talk about recreational opportunities, I can tell you the three of us on this panel understand it. We have to get more people educated on how awesome it is. For those of us who represent rural America, I think it is important that we have conversations like this.

In just my time left, I can't remember which panelist mentioned this, but you talked about overburdened rules and regulations. I have to tell you, under this Administration, thus far, there has been \$400 billion, and that is with a B, \$400 billion of additional rules and regulations on American small businessmen and women, and I am looking at them right here. I mean, that is challenging.

Mr. Dougherty, when you talk about an extra several thousand dollars a year, just because of rules and regulations, you add that up year after year, and then other resort owners, that is a lot of money, and I think that some folks just don't think it is worth it, and leave the resort business, et cetera. We don't want that. We want to grow it. And we live in the North Woods and Midwest for a reason. We want to be able to go out our door and get on the best walleye lake or the best grouse hunting within minutes of our home. That is why we live here.

And I want to thank all the panelists for coming and sharing your experience with us, and Mr. Chair, I yield back.

Mr. TIFFANY. The gentleman yields. Mr. Collins, would you like to take a few more minutes for questions?

Mr. COLLINS. Yes, thank you, Mr. Chairman. Actually, I think I should get 8 minutes because I talk a lot slower, but we are not going to argue too much about it.

Look, I want to pick up right where Congressman Stauber left off, and that is focusing on these regulations. Mr. Dougherty, I would love to hear just a little more, because I read your testimony, about water rights, and about the frozen lakes and how they are taking the state land.

Mr. DOUGHERTY. Thank you, Mr. Chairman and Members. Water rights in Minnesota is an interesting topic. In our Minnesota state constitution, all of the water in the state is held in trust for the citizens of Minnesota. It is a non-negotiable item. They can't sell it. They can't give it away. It is held in trust for the citizens of Minnesota.

And there was a recent court case in Alaska. I believe it was called *Sturgeon v. U.S.A.*. And there is an exemption now in CFR 36 for the state of Alaska, where the state water rights were reaffirmed. We feel that this solution that we are offering is viable. It is a heavy lift, but it would certainly solve a lot of our problems in Voyageurs, because it was never intended that they would have jurisdiction over the waters in Minnesota.

The DNR is behind us. On your packet of supporting documents, there are comments from Shelly Patten, who is the Northeast Director for the Minnesota DNR. We conferred with Mrs. Patten on our testimony here, and she is all on board. The state of Minnesota is on board with it. Senator Hauschild read a resolution in the Senate just a couple of weeks ago, in the Minnesota Senate. That resolution passed. And we are going to keep moving with this, with the fact that we never relinquished and ceded the jurisdiction to those rights.

Mr. COLLINS. I appreciate that. Mr. Hilgemann, I was reading in yours, you were talking about streamlining the permitting process on the other side, for hunting and fishing activities on Federal lands. I didn't know if you wanted to mention a little bit of that.

Mr. HILGEMANN. Yes. When we look at nationwide, when you look at the reasons why hunters are walking away from the sport, complex regulations is usually one or two, depending on your source. And for us, when it comes to those regulations, I think the perfect illustration of this is here in Wisconsin. When we started hunting deer we had a one-page regulation, one page. It was one page. Now our regulation is 73 pages for hunting deer, and it says on the bottom, in very small print, that this is not the regulations in their entirety. You are supposed to go to Statute Chapter 73 for the full book. It is over 200 pages of regulation just to hunt deer in Wisconsin. You feel like you need to walk into the woods with an attorney to tell you what you can shoot, what you can't shoot, and when. And that is the type of regulations that we have to get a grasp on, because it is one of the leading drivers as to why the next generation is not taking up this sport.

Mr. COLLINS. I appreciate that. Mr. Chairman, I know I don't have much time left, but I want to tell you, I think you all have been hitting the nail on the head in what we have been seeing is the problem here. And I have had the opportunity to go all over the country and do field hearings, whether it be on mining issues, Mr. Stauber, whether it be on border issues, whether it be on fisheries, just all over.

When we sit up here and we sit across from communities, and we look at business owners and families, I see the concern and I see the worry, not just for you, not just for your business, but for the next generation. Because all small businesses are generational, and they are family businesses.

And the problem is very easy. I think it has even been mentioned here over and over. It is an over-reaching, out of control Federal bureaucracy. And it has been that way as far as I can remember. And I think it picked up steam during the Obama administration. It is Federal agencies that feel like they don't have to answer to anyone.

We have passed good legislation. Mr. Hilgemann, you are exactly right. We passed tons of legislation. You notice we don't have anybody from the other side of the aisle sitting here today? We have legislation that has been sitting in the Senate for 300-plus days that they won't take up. They don't plan on taking it up. It is because there is a socialistic movement out there. There is a socialistic movement to get everybody on the same page to where you don't want to hunt, to where you don't want to own guns, to where you just want to be urbanized, where you want to live in apartments and everybody be the same. Just earn enough money just to get by, and then let the Federal Government take care of you from that point on.

Well, I have news for you. We can do things in Congress. One of the big things we can do right now is pass appropriations. If we do our appropriation bills and we do our job in Congress, then we can rein in some of these crazy regulations that are killing us out there, either you personally or small businesses.

So, Congress needs to wake up and do their job. We need to do that in the House. That is what we fail at doing.

Another thing, we have the REINS Act out there, Mr. Chairman. That needs to be passed. I encourage you. Write these down and make sure that the people who represent you understand that, and call folks that don't.

And the last thing I think we need out there to rein in these environmentalists that are putting up lawsuit after lawsuit, we need some good tort reform in this country, to where when these people bring up these crazy lawsuits, by God, we can get money back from them when they lose these suits, because all they do is flip over to the next one, just bottom fishing.

The other good thing I want to tell you, Mr. Chairman, I think there is change coming in this country, and it is coming fast. Be here in November. With that, I am sorry I went over, but I yield back.

Mr. TIFFANY. The gentleman yields. I appreciate Mr. Hilgemann's comments in regard to solutions. I would turn to Mr. Schienebeck. Tell us what you think would be a few solutions here to the concerns that we have brought up here today in regard to access to Federal lands.

Mr. SCHIENEBECK. That is a big question. There is a lot that can be done, and regulation is something we have talked about.

We have lost a lot of our pulp industry in the state of Wisconsin. We have lost that because we are not competitive. We are not competitive with transportation. We don't have rail. In fact, we have lost more rail in this state than we have gained for quite a few years, and that was a big part of it.

Meanwhile, I am seeing other countries build new pulp mills and export that over here without any regulation attached to it, no tariffs, whatever. I think that is one thing, but the regulation, I will just give you one example. When Huber Industries decided not to build in Minnesota, after 2½ years of trying to get that mill permitted to build, I called the owner of Huber up and I asked him, "Why not Wisconsin?" And what he said to me was, "We are going to go someplace where we can get that done in much quicker time." And I did talk to another gentleman about building a new pulp mill in the state of Wisconsin and he said it would be \$2 billion. And he is a retired environmental engineer, after 35 years. But he said, "That's not the problem. The problem is that it would take 10 years to get it permitted." 10 years.

When Huber left Minnesota, they went down south and they got that thing done in 8 months, 8 months from start to finish to get a brand new mill built. Why aren't we doing that here? And we are lucky that we have the infrastructure we have, so transportation is one thing that could be done. I think removing some of the regulation. I mean, it is no secret right now the Forest Service, I think they are about \$5.3 billion behind in their infrastructure. A lot of that started during the sequester period, under the Obama administration, when the sequester was supposed to see a cut of 2.6 percent across the board. They actually saw a 13 percent cut across the board, which has led to some of what we are seeing today with these roads.

But, ultimately, I don't think we need to be maintaining a lot of these Class 1 and Class 2 roads. I don't know why they are not open, because they don't need much maintenance. They are just forest roads, right, so why aren't we able to use them?

I think attracting some industry here, making sure that we have a place. I mean, we are growing 2.7 times more timber than we are harvesting. We are going to run into more problems with forest regeneration. We are going to run into more problems with a lot of different things.

Mr. TIFFANY. Are we growing over twice as much timber as we are harvesting?

Mr. SCHIENEBECK. Absolutely.

Mr. TIFFANY. Is that in Wisconsin?

Mr. SCHIENEBECK. That is all over.

Mr. TIFFANY. Nationwide?

Mr. SCHIENEBECK. If you look at the Forest Inventory Analysis, we are losing more timber to mortality than we are to harvesting. That is a big number. And we can't even get a cotton-picking renewable fuel standard passed. We have a lot of companies that want to make fuel from wood, right. We can't even get regulations. We have two people hanging us up in the EPA. Why is that? And Congress is not allowed any oversight on that? To me, that is almost a crime that Congress isn't being able to have some oversight on those regulation when the EPA passes them, and driving our costs up. Ridiculously high.

So, I think those are a couple of things that could be done, rein in the Environmental Protection Agency. I mean, we have rules for a reason, and some of the permits that we are not getting are not because of the rules. It is just simply because of the time that is being stalled to get the permits done. I mean, I have a hard time contacting people in agencies anymore because ever since COVID they are not in their offices, and that has made it difficult. That adds a lot of time onto what we are doing and what we are trying to get accomplished.

And Representative Stauber, you mentioned before about these roads and stuff. A lot of times I look at these roads and I am thinking, what is more important, a little bit of gravel and maybe some roadwork to fix the road up or freedom to actually be able to use them? To me that is a big deal.

Mr. TIFFANY. Thank you for your comments. Any closing comment you want to make, Senator Stafsholt?

Mr. STAFSHOLT. Again, I would just like to show my appreciation for you guys coming here. It is important that you come to sparsely populated northern Wisconsin to see what is truly going on, and I appreciate that.

One of the things that has been talked about is where do we go from here, and I guess my suggestion would be that we have some interaction between the forestry and maybe local folks, or maybe local user groups. We would like to have some input onto what roads are closed or which ones are open, hopefully some roads that are opening back up. And I would volunteer to be a part of that.

Mr. TIFFANY. We appreciate that very much, and that, I think, would go to the issue of coordination, which we won't open that up

right now or we will be here for another couple of hours, which is a very important issue.

I want to thank Committee staff who helped put this together today. Thank you very much for the time and effort that you put into this and coming to Wisconsin. I want to thank the House recording studio for joining us today and making the trip from DC. I hope you enjoyed your trip here to northern Wisconsin.

With that, thank you, witnesses, for your testimony, and Members for your questions.

Members of the Committee may have some additional questions for our witnesses today, and we will ask that you respond to those in writing. Under Committee Rule 3, members of the Committee must submit questions to the Committee Clerk by 5 p.m. on Thursday, May 16, 2024. The hearing record will be held open for 10 business days for those responses.

If there is no further business, without objection, the Committee on Natural Resources stands adjourned.

[Whereupon, at 3:23 p.m., the Subcommittee was adjourned.]

