

Testimony of
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Before the
House Natural Resources Committee
Subcommittee on Federal Lands

Regarding
**EXPLORE America250: Celebrating One Year of the Expanding Public Lands Outdoor
Recreation Experiences Act**

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Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, my name is Taylor Schmitz, and I serve as the Senior Vice President for the Congressional Sportsmen's Foundation (CSF). I would like to thank the Chairman, Ranking Member, and Members of the Subcommittee for holding this hearing on the bipartisan EXPLORE Act.

Established in 1989, CSF is a non-partisan organization that works with the bipartisan Congressional Sportsmen's Caucus (CSC), the largest, most active bipartisan and bicameral caucus on Capitol Hill, and with state legislators and governors across the country. The current House CSC Co-Chairs are Representatives Bruce Westerman (AR) and Jimmy Panetta (CA), and Vice Chairs are Representatives August Pfluger (TX) and Troy Carter (LA) and the current Senate CSC Leaders are Co-Chairs Sens. John Boozman (AR) and Angus King (ME) as well as Vice Chairs Sens. Roger Marshall (KS) and Gary Peters (MI).

At the outset, CSF would like to thank the Chairman of the full Committee and CSC Co-Chair Congressman Westerman, the late Congressman Grijalva, former CSC Co-Chair and current CSF Board Member Senator Manchin, CSC Member Senator Barrasso, and the other champions behind this legislation for their steadfast bipartisan leadership in seeing the EXPLORE Act become law.

CSF would also like to thank the champions in Congress who worked for years on many of the individual standalone pieces of legislation that made up the EXPLORE Act. These champions include: CSC Member Congressman Blake Moore and CSC Co-Chair Congressman Jimmy Panetta for leading the Range Access Act, Congressman Russ Fulcher and CSC Member Senator John Barrasso for leading the FILM Act, Senator Barrasso for leading the Cape and Antler Preservation Enhancement Act, and Congressman Fulcher, Congresswoman Gluesenkamp Perez and former CSC Co-Chair and CSC Member Sen. Jim Risch for leading the Treating Tribes and Counties as Good Neighbors Act.

It is important to recognize that the EXPLORE Act passed the House by voice vote and the Senate by unanimous consent, a sign of the universal support for this important effort. At a time when Americans are seemingly more divided than ever, the EXPLORE Act is yet another example of how our uniquely American outdoor heritage, especially our time-honored traditions of hunting, fishing, and recreational shooting, transcend party lines and serve as a conduit to bipartisan, meaningful victories that all Americans stand to benefit from. Our shared values and appreciation for public access, conservation, and our outdoor heritage unite us regardless of your income level, background, or political ideology. For many of us, our most cherished memories occur in the great outdoors – whether it is hearing a turkey respond to your call as the sun begins to peer through the forest, feeling a fish pull on the other end of your rod, or your first visit to a National Park – it is through these experiences that millions of Americans build lifelong family memories and forge deep and enduring friendships.

Lastly, CSF would also like to thank Secretary Burgum for signing Secretarial Order 3435, Implementation of the Expanding Public Lands Outdoor Recreation Experiences Act, which provides clarity and direction on the implementation of this historic law. CSF appreciates the

commitment of the Administration to implement the EXPLORE Act to improve the experiences of sportsmen and women as well as other outdoor recreationists on our federal public lands.

While the Congressional Sportsmen's Foundation was proud to support the entirety of the EXPLORE Act, we would like to draw attention to a few provisions that are particularly meaningful advancements for sportsmen and women:

Section 123 – Range Access

Section 123 seeks to improve access opportunities for the 52.7 million people who participate in target shooting, roughly 1/5th of adult Americans, according to the National Shooting Sports Foundation. Last year alone, through manufacturer level excise taxes on firearms, ammunition, and archery equipment, hunters and target shooters provided \$989 million for on-the-ground conservation and public access, including the construction of shooting ranges, through the Wildlife Restoration Act (Pittman-Robertson Act) – the largest source of wildlife conservation funding in the country. Approximately 80% of the funding provided through the Pittman-Robertson Act is directly attributable to target shooting related expenditures.

Since the Pittman-Robertson Act was first authorized in 1937, this critical effort has provided more than \$29 billion (adjusted for inflation) for on-the-ground conservation programming and access. The Pittman-Robertson Act is to thank for the recovery of wild turkey, white-tailed deer, and many other game species that are thriving today. Importantly, the Pittman-Robertson Act has also directly benefitted countless non-game species due to shared habitats with game species such as songbirds, reptiles, amphibians, and small mammals as good habitat management is beneficial for all fish and wildlife species. In this same time, the Pittman-Robertson Act has helped fund the development, construction, and maintenance of more than 850 target shooting ranges across the United States. Given the financial contributions of recreational target shooters to conservation and local economies, the EXPLORE Act recognizes the importance of providing sufficient and accessible shooting ranges across federal lands.

Despite the popularity of recreational shooting, lack of safe and readily accessible target shooting ranges is still a challenge. A recent study of recreational shooting by the National Shooting Sports Foundation clearly indicates the importance of federal public lands for target shooting. According to the study, nearly 60% of recreational shooters who traveled more than the median of 20 miles to target shoot strongly or moderately agreed that lack of access caused them to decrease their participation in target shooting. The top recreational shooting access issues identified were “lack of land on which to shoot, land being too far away, and a lack of information about lands on which to shoot”. Interestingly, for those individuals who traveled 20 miles or less to shoot, nearly 75% of these sportsmen and women responded that they target shoot mostly on public land, demonstrating a clear nexus between access to public land and increased recreational shooting participation.

Notably, recreational shooting is consistent with the Bureau of Land Management's (BLM) and the US Forest Service's (USFS) multiple use mandates as codified through the Federal Land Policy and Management Act (FLPMA) and the Multiple-Use Sustained Yield (MUSY) Act. Both FLPMA and MUSY require the BLM and USFS to support and provide recreational opportunities that include target shooting.

CSF strongly supports Section 123 of the EXPLORE Act, but we also fully support dispersed shooting, which is a longstanding and lawful use of both BLM and USFS lands. CSF believes it is important that sportsmen and women have the ability to access our public lands for target shooting to engage in dispersed shooting, not just at designated target shooting ranges. As the American population has continued to expand and the wildland-urban interface continues to grow, historically safe and accessible places on public land for target shooting are increasingly being slated for closure due to safety concerns. CSF believes that before any dispersed target shooting areas are closed, a formal target shooting range needs to be constructed to offset any potential loss of access. As recognized by the EXPLORE Act, it is critically important to maintain dispersed shooting on BLM and USFS lands and expand opportunities to designated ranges to reduce barriers to entry for sportsmen and women while simultaneously offsetting closures where recreational shooting has been determined unsafe given changes occurring around public lands. With this in mind, CSF would strongly encourage the BLM and USFS to examine areas where dispersed shooting has become a challenge or a safety concern and focus immediately on the development of shooting ranges within or reasonably near these areas as required by Section 123.

Section 123 of the EXPLORE Act requires the BLM and the USFS to identify and establish at least one suitable location for a target shooting range within five years of the enactment of the EXPLORE Act. These additional ranges will offer sportsmen and women opportunities to engage in target practice, sport shooting, sighting in firearms before hunting season, and a place to host hunter education and firearm safety courses.

Furthermore, Section 123 provides an opportunity to reduce waste and increase recycling across federal public lands. Target shooting ranges are often developed and designed using the Environmental Protection Agency's Best Management Practices that assist and guide range managers in efforts to mitigate waste from spent bullets and shot. At shooting ranges, berms are designed to absorb and concentrate spent bullets in areas behind the target. This provides avenues for reclamation and recycling of spent bullets through systems that separate vegetation and soils from the spent bullet and shot. Once separated, the spent bullets and shot may be recycled and reused in future ammunition and other metal-based products.

Importantly, Section 123 requires the BLM and the USFS to work collaboratively with non-governmental organizations, shooting clubs, Federal Advisory Councils related to hunting and the shooting sports, and other entities to develop the ranges required under this law. This requirement will better position our federal agency partners to develop and construct shooting ranges in a manner that will be most beneficial for sportsmen and women and acknowledges the expertise that the hunting and shooting sports community can offer the federal agencies as well as funding opportunities for range construction through the Pittman-Robertson Act.

We understand that the federal agencies are working to implement Section 123. The first action items required under Section 123 is for the BLM and USFS to publish a public list of each National Forest and BLM district that has a target shooting range that meets the criteria of the EXPLORE Act as well as each National Forest and BLM district that does not have a target shooting range that meets the requirements of the EXPLORE Act, and for each National Forest

and BLM district to provide a determination if they are prohibited by law or any land use plans to develop a target shooting range in a particular area. It is our understanding that the BLM is currently working with their 48 districts to meet the initial requirements of Section 123, and we appreciate their prioritization of this Section.

CSF recognizes that building shooting ranges requires financial investments, and we urge the BLM and the USFS to work collaboratively with state wildlife agencies, NGOs, and other entities as required by Section 123 to leverage Pittman-Robertson funds and private dollars to raise funds for the development of target shooting ranges. The 2019 enactment of the Target Practice and Marksmanship Training Support provided much-needed flexibility to state wildlife agencies to raise funds for the development of target shooting ranges through the Pittman-Robertson Act by reducing the non-federal match requirement and allowing states to complete projects over multiple budget cycles. Additionally, there are numerous NGOs and private businesses who contribute extensively to the development of public target shooting ranges such as MidwayUSA, who has provided over \$90 million in grants for range development, and the National Shooting Sports Foundation. With this in mind, CSF encourages both the BLM and USFS to work collaboratively with state agencies, NGOs, and private businesses when implementing Section 123 to identify mutual priority locations for the development of target ranges and leverage available funding outside of appropriated dollars.

It is also our understanding that the BLM is looking to incorporate valuable information regarding the location and accessibility of target shooting ranges into a geospatial map and database that is publicly available, which is strongly supported by CSF. We would like to express our appreciation to the BLM for taking this important step.

CSF also recommends the BLM and USFS develop shooting ranges that are diverse and meet different needs and interests of sportsmen and women. Section 123 requires that any shooting range shall be able to accommodate rifles and pistols and provides that ranges may include skeet, trap, and or sporting clay infrastructure. For example, one common complaint by sportsmen and women is the lack of available places to pattern their shotguns, which differs vastly from shooting a rifle or a pistol and clay target disciplines such as trap, skeet, and sporting clays. Many ranges often prohibit the use of shotguns, with the exception of slugs, which limits the ability of both hunters and target shooters to determine which shot shells work best in their firearms.

The EXPLORE Act provides discretionary authority to the BLM and USFS to include features such as shade structures, trash containers, restrooms, and benches. CSF would strongly encourage the BLM and USFS to include these features when developing new target shooting ranges to improve visitation experiences for sportsmen and women. Section 123 mandates the inclusion of safety features such as berms, but without features like benches, trash containers, and shade structures, developed shooting ranges are largely the same as undeveloped recreational shooting areas that already exist on BLM and USFS lands.

Section 125 – Federal Interior Land Media

Section 125 of the EXPLORE Act modernizes and improves photography and filming on federal public lands. Prior to the enactment of the EXPLORE Act, small-scale film crews (fewer than six people) who filmed on federal public lands were treated in the same manner as large-scale Hollywood productions. Under previous law, small film crews, including those merely filming or photographing a hunt or fishing trip were required to go through a robust and burdensome process to receive a permit to film on public lands.

The EXPLORE Act prohibits federal land management agencies from requiring a permit or a use fee for filming or photography if the activity involves fewer than six people. For sportsmen and women, this is important because it allows for hunters and anglers to capture key and memorable moments of their experiences in the field to enjoy for years to come without having to jump through overly bureaucratic and costly hurdles to obtain the previously required permits. CSF encourages the agencies to put out guidance for those interested in filming on public lands to provide clarity as this section is implemented.

Section 126 – Cape and Antler Preservation Enhancement

In the 2019 Dingell Act, Congress provided clarity and explicitly provided authority to the National Park Service (NPS) to leverage qualified volunteers to engage in wildlife management, such as managing overabundant deer within land managed by the National Park Service. However, the Dingell Act only authorized the Department of the Interior to allow for the donation and distribution of meat resulting from qualified volunteer management activities. Section 126 allows the NPS to donate the cape, horns and/or antlers from qualified volunteers who engage in wildlife management activities on NPS lands, which will allow for all parts of the harvested animal to be utilized to minimize any waste associated with harvest. For example, Grand Teton National Park often leverages qualified volunteers to cull non-native mountain goats with the goal of protecting native bighorn sheep. In 2020, there were 108 qualified volunteers who removed 43 mountain goats. Unfortunately, because of previous law, the volunteers were only allowed to remove edible portions of the goats and had to leave the cape and horns on the mountain. Section 126 is about fully respecting and valuing the taking of a particular species and reducing any waste associated with the removal of wildlife.

CSF strongly encourages the National Park Service to leverage qualified volunteers to manage excess wildlife across parks and units managed by NPS when and where appropriate. We recognize that not every NPS unit or species is appropriate for qualified volunteers; however, NPS has a demonstrated track record of successfully leveraging qualified volunteers to manage wildlife. Qualified volunteers place more value and appreciation on wildlife rather than the hiring of sharp shooters, which is typically standard protocol for NPS when the removal of wildlife is determined necessary. This section also provides an opportunity for cost savings to NPS as qualified volunteers pay into conservation rather than using taxpayer dollars to hire sharp shooters to carry out wildlife management activities.

Section 128 – Aquatic Resource Activities Assistance

This section established a much-needed framework to help protect America's waters from the spread of aquatic invasive species (AIS), recognizing that preventing invasive species from

spreading is far more effective and far less costly than trying to manage a harmful invasive organism after they become established. The law authorizes the Bureau of Land Management, Bureau of Reclamation, National Park Service, and Forest Service to conduct boat and vessel inspections and decontamination activities on federal lands and waters. In doing so, agencies are required to coordinate with one or more state, tribal, nonprofit, local, and private partners to leverage expertise and resources, and to consult with the Aquatic Nuisance Species Task Force to improve detection and management strategies. Importantly, the statute ensures that public access for anglers, boaters, and recreationists is not impeded simply because an inspection station or inspector is not available at a given location, ensuring the American public can continue to access federally managed waters for angling and boating.

To further bolster prevention efforts, the law creates a competitive grant program for Reclamation States that provides funding to partners to establish, operate, or maintain vessel inspection and decontamination stations. The federal share of these grants may cover up to 75 percent of project costs, encouraging local investment and collaboration while expanding inspection capacity at key water access points. By combining prevention-focused inspections with strategic partnerships and grant support, Section 128 helps safeguard aquatic ecosystems while supporting continued public enjoyment of America's waters.

Section 351 – Good Neighbor Authority for Recreation

Lastly, CSF would also like to highlight the importance of Section 351 to improve collaborative active forest management across both federal and non-federal lands. At a time when we continue to see devastating wildfires due to several factors that in many cases result from lack of active management of our public lands, it is critical that programs that are good for forest health, fish and wildlife habitat, and the American taxpayer are utilized. As such, CSF believes the Good Neighbor Authority (GNA) and the improvements provided through the EXPLORE Act are crucial to conduct restoration work on our federal lands. As enacted in the 2018 Farm Bill, GNA allowed the USFS and BLM to authorize states, counties, and tribes to carry out certain projects on federal lands to meet federal land management goals. Unfortunately, in 2018, Congress removed the allowance for restoration work to occur on adjacent non-federal lands, including state, tribal, and county lands, which disincentivizes non-federal partners from entering Good Neighbor Agreements and other collaborative agreements, like Shared Stewardship Agreements, that utilize Good Neighbor Agreements. Thankfully, the EXPLORE Act expanded flexibility to allow restoration work to occur on non-federal lands. By providing this flexibility, Congress recognizes the critical role that non-federal partners can, and often do, serve for forest management and restoration goals.

Further, the EXPLORE Act recognizes the importance of non-federal partners and allows them to retain receipts for conducting restoration work – providing an important incentive to enter and implement projects under Good Neighbor Agreements to improve forest and watershed health across landscapes for wildlife, communities, and sportsmen and women.

CSF strongly supports the Good Neighbor Authority and the improvements provided through the EXPLORE Act for several reasons. Most importantly, and as stated above, this program leverages partner resources to increase capacity of both the BLM and USFS to conduct

restoration work. As the Committee is aware, there are 63 million acres of USFS and another 54 million acres of DOI lands at high or very high wildfire risk. Despite the efforts of our federal land managers, the USFS and other agencies have typically not met forest or land management plans and objectives to improve wildlife habitat and forest and landscape health, and GNA is a necessary tool to accomplish these goals. Additionally, GNA strengthens relationships between federal land management agencies and states, counties, and tribal partners to address cross-boundary land management issues. Put simply, insects, diseases, and fire do not recognize man-made boundaries, and if management can only be conducted on one side of the boundary line, then the management fails to comprehensively address forest health at the landscape scale. GNA also allows non-federal partners to reduce the risk of federal lands impacting their lands such as large wildfires that occur on federal land due to overstocking, lack of treatment, etc.

Additionally, CSF supports the improvements contained in the EXPLORE Act to allow for the reinvestment of GNA receipts to be retained by tribes and counties to provide parity with states while simultaneously incentivizing tribes and counties to do more restoration work through GNA. Without the ability for tribes and counties to retain and reinvest receipts, they were not participating in GNA agreements at the same rate as states.

CSF also strongly supports the language in Section 351 to allow states, counties, and tribes to perform authorized recreation services with funds remaining after conducting restoration work under the Good Neighbor Agreement. Recreation services include, among others, restoring or constructing new or existing trails, campgrounds, shooting ranges, fishing piers, docks, boat landings, hunting and fishing sites, wildlife viewing platforms, and other activities that create, improve, or restore access to existing recreation areas. Utilizing funds from timber sales to fund recreation improvements is a sustainable model that incentivizes actively managing forests to increase resiliency to wildfire, improve habitat diversity for wildlife, and enhance access for outdoor recreation.

As the GNA improvements provided through the EXPLORE Act are being implemented, CSF would encourage the federal agencies to proactively seek new opportunities to partner with states, counties, and tribes to accelerate forest restoration activities. Additionally, CSF encourages federal agencies to continue using an “all lands” approach to identify restoration needs across landscapes to increase collaboration with states, counties, and tribal partners.

In closing, CSF would again like to thank the Subcommittee for holding this hearing on the EXPLORE Act and we again thank the champions in Congress who made the EXPLORE Act a reality. CSF looks forward to working with our federal, state, and tribal agencies as well as our NGO partners to see the EXPLORE Act fully implemented.