



To: House Committee on Natural Resources Republican Members
From: Subcommittee on National Parks, Forests, and Public Lands Republican Staff;
Terry Camp (Terry.Camp@mail.house.gov)
Date: June 7, 2021
Subject: Legislative Hearing on Four Recreation Bills

The Subcommittee on National Parks, Forests, and Public Lands will hold a legislative hearing on four bills: H.R. 3113 (Rep. Blake Moore), the Modernizing Access to Our Public Land (MAPLand) Act; H.R. 3670 (Rep. Neguse), the Simplifying Outdoor Access for Recreation (SOAR) Act; H.R.____ (Rep. Tlaib), the Environmental Justice in Recreation Permitting Act; and H.R.____ (Rep. Kuster), the Ski Hill Resources for Economic Development (SHRED) Act on **Tuesday, June 8, 2021, at 12:00 p.m. EDT** via Cisco WebEx.

Member offices are requested to notify Terry Camp **no later than Monday, June 7, at 12:00 p.m. EDT**, if their Member intends to participate in person in the hearing room or remotely from his/her laptop from another location. Submissions for the hearing record must be submitted through the Committee's electronic repository at HNRCDOCS@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (EverettWinnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Outdoor recreation is vital to our nation's economy. In 2019 the outdoor recreation economy accounted for 2.1 percent (\$459.8 billion) of current-dollar U.S. GDP.¹
- Unfortunately, outdoor recreational opportunities are not always easily accessible. Recreating on federal lands often requires special permits and payment of fees that, while important to help maintain our federal lands, too often involve confusing, cumbersome, and costly processes for both recreationists and recreation service providers.
- Democrats pay lip service to reducing barriers and promoting access to federal lands for diverse user groups, while simultaneously supporting increasingly restrictive federal land designations. Restrictive designations such as wilderness, national monuments,

¹ Outdoor Recreation Satellite Account, U.S. and States, 2019, Outdoor Recreation Satellite Account, U.S. and States, 2019 | U.S. Bureau of Economic Analysis (BEA) (2020), <https://www.bea.gov/news/2020/outdoor-recreation-satellite-account-us-and-states-2019> (last visited Jun 2, 2021).



and roadless areas, reduce access to the American people, including the various minority groups Democrats claim to be helping.

- Following a disturbing trend, two of the bills in this hearing were previously Republican-led efforts and are now being introduced by Democrats. In one instance (the SOAR Act), the bill is no longer bipartisan and has only been introduced with Democratic cosponsors.

II. WITNESSES

Panel I:

- **Representative Ann Kuster**, New Hampshire, 2nd District
- **Representative Blake Moore**, Utah, 1st District
- **Representative Joe Neguse**, Colorado, 2nd District
- **Representative Rashida Tlaib**, Michigan, 13th District

Panel II:

- **Mr. Mark Lambrecht**, Assistant Director, National Conservation Lands and Community Partnerships, Bureau of Land Management
- **Ms. Jennifer Eberlien**, Associate Deputy Chief, National Forest System, U.S. Forest Service

Panel III:

- **Mr. Joel Pedersen**, President & CEO, Mule Deer Foundation [*Republican Witness*]
- **Ms. Rue Mapp**, Founder and CEO, Outdoor Afro
- **Ms. Betsy Robblee**, Conservation and Advocacy Director, The Mountaineers
- **Mr. Alan Henceroth**, CEO & Vice President, Arapahoe Basin Ski Area

III. BACKGROUND

[H.R. 3113 \(Moore\)](#)

The federal government owns an estimated 640 million acres, about 28% of the 2.27 billion acres of land in the United States.² The four major federal land management agencies, the Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service (FWS), and the National Park Service (NPS) within the Department of the Interior (DOI) and the U.S. Forest Service (FS) within the Department of Agriculture (USDA) collectively administer approximately 606.5 million acres of this land.³ Unfortunately, these acreage totals are just estimates of land ownership by federal land management agencies and the exact amount is unknown.

² Carol Hardy Vincent & Laura A. Hanson, Congressional Research Service (2020), <https://crsreports.congress.gov/product/pdf/R/R42346> (last visited Jun 2, 2021).

³ Id.

Starting in 2003, the Government Accountability Office (GAO) began listing federal real property management on its High Risk List due to the likelihood of “fraud, waste, abuse, and mismanagement” and the need for reforms.⁴ In a 2012 report, GAO asked the BLM, FWS, NPS, FS, and the Bureau of Reclamation (BOR) for over 100 data points related to the land the agencies owned. Each agency failed to provide information for 33 data points.⁵ In fact, *only four* data points got a complete response from all five agencies.⁶ None of the agencies possessed a single, uniform system to access all of the data points requested by GAO.

Following GAO’s analysis, the federal government began taking steps to better address management and ownership challenges with federal lands. In 2004, President Bush signed Executive Order 13327, which established the Federal Real Property Council. The Council, in coordination with the General Services Administration, created the Federal Real Property Profile (FRPP) to begin collecting data on federal lands from the various federal land management agencies.⁷ Despite these efforts, GAO found in 2016 that challenges in managing real property still exist due to a lack of reliable data.⁸ In particular, GAO found the FRPP’s data “unreliable due to challenges with accuracy and consistency of data reported by federal agencies.”⁹

The MAPLand Act, H.R. 3113, would direct federal land management agencies to consolidate, digitize, and make publicly available recreational access information as geospatial files. These records would include information about legal easements and rights-of-way across private land; year-round or seasonal closures on roads and trails, as well as restrictions on vehicle-type; boundaries of areas where special rules or prohibitions apply to hunting and shooting; and areas of public waters that are closed to watercraft or have horsepower restrictions.¹⁰ Currently, many of the easement records that identify legal means of access onto FS or BLM-managed lands are stored at the local level in paper files, which makes it difficult for hunters, anglers, and even the agencies themselves to identify public access opportunities.¹¹ In addition to improving the public’s ability to access public lands, the MAPLand Act will help land management agencies, in cooperation with private landowners, prioritize projects to address management challenges, create new means of access and improve existing public lands access. Digitizing easement records would be the first step towards addressing this challenge systematically.¹² **Staff contact: Terry Camp (x67736)**

⁴ Federal Real Property: Current Efforts, GAO Recommendations, and Proposed Legislation Could Address Challenges [Reissued on June 24, 2015] (2015), <https://www.gao.gov/products/gao-15-688t> (last visited Jun 3, 2021).

⁵ Federal Land Management: Availability and Potential Reliability of Selected Data Elements at Five Agencies (2012), <https://www.gao.gov/products/gao-12-691t> (last visited Jun 2, 2021).

⁶ Id.

⁷ Federal Real Property: Continued Efforts, Legislation, and Implementing GAO Recommendation Could Address Challenges (2015), <https://www.gao.gov/products/gao-15-689t> (last visited Jun 2, 2021).

⁸ Federal Real Property: Efforts Made, but Challenges Remain in Reducing Unneeded Facilities (2016), <https://www.gao.gov/products/gao-16-869t> (last visited Jun 2, 2021).

⁹ Id.

¹⁰ Randall Williams, MAPLand Act: The Basics Theodore Roosevelt Conservation Partnership (2020), <https://www.trcp.org/2020/03/20/mapland-the-basics/> (last visited Jun 3, 2021).

¹¹ Id.

¹² Id.

H.R. 3670 (Neguse)

In 2004, President George W. Bush signed the Federal Lands Recreation Enhancement Act (Public Law 108-447, FLREA)). This Act provides the Secretary of the Interior and the Secretary of Agriculture the authority to issue a special recreation permit and charge a special recreation permit fee for specialized uses of federal lands, such as outfitting, group activities, recreation events, and motor vehicle use. Under FLREA, fees paid to the FS and BLM by permittees, including outfitters and guides, are retained by the agency. Most of the revenue is retained at the local site where the fees are collected.

While the permitting and fee retention authority provided by FLREA has been positive in many ways, in the intervening years since its passage, a flood of complex rules, regulations, guidance, and court decisions have gradually increased the cost of permit administration.

The Simplifying Outdoor Access for Recreation (SOAR) Act, is intended to reduce the cost and complexity of recreating on federal lands. The bill would improve the recreational permitting systems of federal land management agencies so more Americans can experience federal lands through commercial outfitters and guides, volunteer-based clubs, non-profit outdoor leadership organizations, or university outdoor programs. Among other provisions, the SOAR Act will:

- 1) reduce special recreation permit fees;
- 2) streamline the permitting process for recreation and increase recreational access;
- 3) increase flexibility for outdoor leaders by allowing them to engage in activities that are substantially similar to the activity specified in their permit;
- 4) make more recreation opportunities available by directing the agencies to offer more short-term permits and create a program for sharing unused permit service days between permit holders;
- 5) simplify the permitting process for trips involving more than one land management agency by authorizing the agencies to issue a single joint permit covering the lands of multiple agencies; and
- 6) reduce barriers to access for State universities, city recreation departments, and school districts.

This bill was originally a Republican-led effort in previous Congresses and is now being introduced by Representative Neguse (D-CO) with no Republican cosponsors. **Staff contact: Terry Camp (x67736).**

H.R. ____ (Tlaib)

In 2020, the NPS reported that just 23% of visitors to NPS lands were people of color, despite minorities making up roughly 42% of the U.S. population.¹³ In an attempt to improve visitation and access to federal lands by communities of color, low-income communities, and Tribal communities, the Environmental Justice in Recreation Permitting Act requires DOI and USDA to complete a report on the use of special recreation permits by recreation service providers serving environmental justice communities. The report is intended to inform policymakers and help DOI and USDA improve the special recreation permitting processes to maximize the accessibility of federal lands. At the start of the 117th Congress this measure passed the House as an amendment to H.R. 803, the Protecting America's Wilderness and Public Lands Act. *Staff contact: Terry Camp (x67736).*

H.R. ____ (Kuster)

Each year U.S. ski resorts receive over 50 million ski and snowboard visits.¹⁴ Currently, there are 470 ski areas in operation in the United States, of which 122 operate on approximately 180,000 acres of National Forest System lands.¹⁵¹⁶ The growth and evolution of federal lands ski areas over the past century has been dramatic, from small lodges and rope tows to large resorts that now offer multi-season activities. Much of this success can be attributed to the partnership between the FS and privately-owned resorts. Federal lands ski areas are significant contributors to the outdoor recreation economy and each year these resorts pay roughly \$39 million (10-year average) in rental fees to the U.S. Treasury.

The growth of four-season visitation at ski areas is spurring demand for expanded and updated facilities and amenities from recreational users. Unfortunately, the FS struggles to keep pace with permitting for needed infrastructure improvements and capital investments at existing resorts. Most capital expenditures require years of complex and expensive planning, while public lands ski areas pay for the improvements and necessary environmental reviews. The Ski Hill Resources for Economic Development (SHRED) Act is intended to help the FS keep pace with ski area permitting demand by allowing a portion of the fees that federal land resorts generate annually to be retained and used by FS. Retained funds are authorized to be used in support of ski area permit administration, other recreation permit administration, interpretation, visitor services, and avalanche safety programs.

¹³ Stephanie Ebbs & Devin Dwyer, America's national parks face existential crisis over race ABC News (2020), <https://abcnews.go.com/Politics/americas-national-parks-face-existential-crisis-race/story?id=71528972> (last visited Jun 2, 2021).

¹⁴ KOTTKE END OF SEASON AND DEMOGRAPHIC REPORT 2019/20, National Ski Areas Association, https://nsaa.org/webdocs/Media_Public/IndustryStats/Historical_Skier_Days_1979_1920.pdf.

¹⁵ Adrienne Saia Isaac, The Economic Impact of Skiing and Snowboarding National Ski Areas Association (2020), https://nsaa.org/webdocs/Media_Public/IndustryStats/Economic_Impact_2020-21.pdf (last visited Jun 2, 2021).

¹⁶ Vicki Christiansen, Ski Areas: Strengthening Our Partnership: US Forest Service U.S. Forest Service (2020), <https://www.fs.usda.gov/speeches/ski-areas-strengthening-our-partnership> (last visited Jun 2, 2021).

The legislation was sponsored by Rep. Scott Tipton (R-CO) in the 116th Congress. *Staff contact: Terry Camp (x67736).*

IV. MAJOR PROVISIONS & ANALYSIS

[H.R. 3113 \(Moore\)](#)

Section 4. Interagency Data Standardization.

- Requires the Secretaries of the Interior, Agriculture, and the Army to jointly develop and adopt interagency standards to ensure compatibility and interoperability among applicable Federal databases with respect to outdoor recreation data on federal land.

Section 5. Data Consolidation, Digitization, and Publication.

- Requires the Secretaries to digitize and make publicly available on agency websites geographic information system mapping data that includes all federal interests, including easements and rights-of-way, in private land: 1) to which the Federal Government does not have a fee title interest; 2) that is used to provide recreational access to the Federal land; 3) status information with respect to whether roads and trails on the Federal land are open or closed; 4) the dates on which roads and trails on the Federal land are seasonally opened and closed; 5) the types of vehicles that are allowed on each segment of the roads and trails on the Federal land, including the permissibility of off-highway vehicles, motorcycles, bicycles, and passenger vehicles; 6) the boundaries of areas where hunting or recreational shooting is regulated or closed on the Federal land; and 7) the boundaries of any portion of a body of water on the Federal land that is closed to entry, is closed to watercraft, or has horsepower limitations for watercraft.

Section 6. Reports.

- Requires the Secretaries to submit annual reports to Congress on progress made regarding the data required in section 5.

Section 7. Authorization of Appropriations.

- Authorizes \$2.5 million for FY 22 and \$5.5 million for FY 2023 and FY 2024 to each of the Secretaries to carry out the Act.

[H.R. 3670 \(Neguse\)](#)

Title I – Modernizing Recreation Permitting

Section 102. Special Recreation Permit and Fee.

- Expands the authority to issue special recreation permits for outfitting, guiding, recreation events and other group recreational activities on federal lands and waters. Specifies how fees for permits should be calculated and how fee revenue may be used. Requires the agencies publish reports on the use of fee revenue.

Section 103. Permitting Process Improvements.

- Simplifies the special recreation permitting process by directing the agencies to consider using programmatic reviews and developing additional categorical exclusions in the National Environmental Policy Act review process. Makes permit applications available online.

Section 104. Permit Flexibility.

- Allows permit holders to engage in new activities that are substantially similar to those authorized in their permit. Allows permit holders to voluntarily return unused service days. Directs the FS and BLM to offer temporary permits that may be converted into a long-term permit.

Section 105. Permit Administration.

- Improves notification of where and when new permits are available. Requires agencies to respond within 60 days of receipt of an application for a special recreation permit.

Section 106. Permits for Multijurisdictional Trips.

- Authorizes the agencies to issue a single joint special recreation permit for recreation activities that cross multiple agency boundaries.

Section 107. Forest Service Permit Use Reviews.

- Modifies FS rules regarding permit holder allocation reviews to make them more equitable. Waives allocation reviews for periods when non-use is due to circumstances beyond the permit holder's control.

Section 108. Liability.

- Allows special recreation permit holders to use liability release forms. Provides an exemption from the indemnification requirement for State or local government entities that are prohibited from providing indemnification.

Section 109. Cost Recovery Reform.

- Establishes an exemption from cost recovery for the first 50 hours of work to process a special recreation permit application or monitor a special recreation permit authorization.

Section 110. Extension of Special Recreation Permits.

- Allows the FS and BLM to grant an extension of an expired long-term special recreation if a permit holder has made a request for renewal but the agency requires additional time to complete the renewal request.

Section 111. Availability of Federal and State Recreation Passes.

- Encourages the Secretaries of Agriculture and the Interior to enter into agreements with States to allow for the purchase of federal and State recreation passes at one location in the same transaction.

Section 112. Online Purchases of America the Beautiful-the National Parks and Federal Recreation Lands Pass.

- Requires that the America the Beautiful National Parks and Federal Recreational Lands Pass must be available through the website of each of the federal land management agencies, with the link displayed prominently on the website. Requires land management agencies to establish a system to allow visitors to pay entrance fees, standard amenity fees, and expanded amenity fees online.

Title II – Making Recreation a Priority

Section 201. Extension of Seasonal Recreation Opportunities.

- Encourages FS, BLM, and the NPS to identify areas of recreational land and water that are highly seasonal and develop a plan for extending the recreation season or increasing recreation during the offseason in a sustainable way. The plan can include the addition of facilities and the improvement of access to the area to extend the season.

Section 202. Recreation Performance Metrics.

- Requires FS and BLM to include enhancing recreation experiences and advancement of stated recreation and tourism goals in performance evaluations of land managers.

Title III – Maintenance of Public Land

Section 301. Private-Sector Volunteer Enhancement Program.

- Requires the Secretaries to develop an initiative to enhance private-sector volunteer programs and to promote private-sector volunteer opportunities. Authorizes the Secretaries of the Interior and Agriculture to enter into cooperative agreements with private agencies, organizations, institutions, corporations, individuals, or other entities to carry out one or more projects or programs with the federal land management agency.

Section 302. Enhancing Outdoor Recreation Through Public Lands Service Organizations

- Requires the Secretaries to use qualified youth or conservation corps and non-profit wilderness and trail stewardship organizations to carry out projects on federal lands that would directly or indirectly enhance recreation. Authorizes the Secretaries to enter into cooperative agreements with the Corps Network, the National Wilderness Stewardship Alliance, American Trails, and other public lands stewardship organizations for identifying appropriate projects, activities, and workforce development outcomes and waives any matching requirements.

H.R (Tlaib)

- Requires DOI and USDA to complete an interagency report to Congress with the following information: 1) the use of special recreation permits by recreation

service providers serving environmental justice communities; 2) any national, regional, State, local, or site specific policies, including any policies required under FLREA that facilitate public land access for recreation service providers serving environmental justice communities; 3) any case studies that may provide illustrative examples of the manner in which special recreation permits, partnerships, or cooperative agreements are being effectively used by land managers for the purpose of providing public land access to recreation service providers serving environmental justice communities; 4) any barriers to public land access for recreation service providers serving environmental justice communities; and 5) any recommendations for agency policy, or if necessary, action by Congress, to encourage and simplify public land access for recreation service providers serving environmental justice communities.

- Requires the Secretaries to contact all current or prospective special recreation providers to request a voluntary estimation of how many user days are used by individuals from environmental justice communities.

H.R. (Kuster)

- Establishes in the Treasury a special 'Ski Area Fee Retention Account', and provides that national forests with ski area fee revenues in excess of \$15M annually shall retain, without further appropriation, 60% of the fees locally with the remaining 40% being deposited in the Treasury. National forests with ski area fee revenues at or below \$15M annually shall retain, without further appropriation, 75% of the fees locally with the remaining 25% going to the Treasury.
- Requires 75% of the total fees retained to be allocated to ski area-related purposes including permit administration, processing of ski area proposals, staff training, interpretive and visitor services, and wildfire preparedness planning and coordination.
- Requires 25% of the ski area permit fees retained by a forest to be allocated to other recreation (non-ski area) purposes on the forest or region, including permit administration, avalanche forecasting and education, trailhead-related visitor services, and the leasing of FS administrative sites for workforce housing and other purposes.
- Authorizes the Secretary of Agriculture to allocate to other forests or regions for the same ski-related purposes any retained fees that can't reasonably be spent on a forest with greater than \$15M in annual ski area permit fees.
- Authorizes the Secretary of Agriculture to allocate to other forests or regions for the same ski-related purposes any retained fees that can't reasonably be spent on a forest with \$15M or less in annual ski area permit fees.
- Authorizes the Secretary of Agriculture to allocate to other (non-ski) recreation purposes, visitor services, and administrative sites leasing any remaining retained fees if the Secretary determines that all ski area-related needs have been met across all regions.
- Prohibits retained fees from being used for wildfire suppression outside a ski area permit boundary or for the acquisition of federal lands.

- Clarifies that retained ski area permit fees are in addition to appropriated funds, not in lieu of appropriated funds.

V. COST

None of the bills on this hearing have received a Congressional Budget Office cost analysis.

VI. ADMINISTRATION POSITION

The Administration's position on each of these bills is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 3670 \(Neguse\)](#)

[H.R. _____ \(Kuster\)](#)