

Statement
of
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Before the
Subcommittee on National Parks, Forests and Public Lands
House Natural Resources Committee
U.S. House of Representatives

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H.R. 2834, to recognize the heritage of recreational fishing, hunting, and shooting on federal public lands and ensure continued opportunities for these activities.

Mr. Chairman and Members of the Subcommittee, I am Joel Holtrop, Deputy Chief for the U.S. Forest Service. Thank you for the opportunity to appear before you to provide the views of the U.S. Department of Agriculture (USDA) Forest Service on H.R. 2834.

First, I would like to emphasize that the Forest Service has been a very strong supporter of fishing, hunting and shooting activities on National Forests and Grasslands since the agency was created in 1905. Not only does the Forest Service support these activities, the Forest Service provides opportunities to enjoy hunting and fishing and recreational shooting over much of the NFS land throughout the country. H.R. 2834 is intended to ensure continued recreational fishing, hunting and shooting opportunities on federal public lands, including the 193 million acres of National Forest System (NFS) lands on the 155 National Forests and 20 Grasslands administered by the U.S. Forest Service. The Department opposes H.R. 2834 which is unnecessary and would not enhance or improve existing fishing, hunting and shooting opportunities on National Forests and Grasslands. Additionally, we are concerned that certain provisions in the legislation would be in conflict with existing statutes and agency policy, establish unnecessary analysis and reporting requirements, require consultation with Executive Order advisory councils that already occur, and establish annual Congressional notification and approval processes for closures of National Forests and Grasslands determined by local land managers to be necessary to protect public health and safety. And finally, this act contains provisions that would undermine the Wilderness Act of 1964. H.R. 2834 was only formally introduced three days before this hearing, the Department has not had sufficient time to conduct an in-depth analysis of the legislation as introduced. Our testimony today is based upon a discussion draft of the bill. We would like to reserve the right to submit additional comments about the introduced bill.

The Forest Service coordinates with other federal agencies, states, non-profit organizations and community groups in efforts to provide fishing, hunting and shooting opportunities as well as a wide-spectrum of other recreational opportunities. The agency has relationships with the recreational fishing, hunting, and shooting communities such as the Shooting Sports Roundtable, Association of Fish and Wildlife Agencies, and the Wildlife Hunting Heritage Conservation Council and we keep them informed about pending federal actions through planning and environmental process requirements. We very much

appreciate the outstanding contributions from States and hunting and fishing organizations that support the conservation of fish and wildlife and their habitats on our public lands. Their steadfast support through partnership projects and volunteer work on public lands, as well as their willingness to support state management of fish and wildlife through fishing and hunting fees, are widely recognized as a significant factor in the success of fish and wildlife management in North America.

Although many other recreational activities are also popular on our National Forests and Grasslands, fishing, hunting and shooting sports remain very important to thousands of hunters and fishermen. The latest National Visitor Use Monitoring (NVUM) data shows that the U.S. Forest Service National Forests had 13,022,068 visitors that participated in hunting as their main activity, and 14,050,126 visitors that fished as their main activity. This represents 7.6% and 8.2% (respectively) of all annual recreation visitations to all National Forests.

Definitions – Section 3

Hunting, recreational fishing, and recreational shooting are defined very broadly to include these activities when authorized under special use permit, i.e. when hunting and fishing are authorized as outfitting and guiding, or when a shooting range is authorized as a facility.

Planning – Section 4(c)

The Forest Service analyzes opportunities for hunting, fishing and shooting as recreational activities in the Land Management Planning process. Section 4 (c)(1)(A) would add analysis requirements to various public land planning documents that would potentially add costs and time to federal decision making. Also, in regards to forest planning, the decision to allow or limit various recreation activities is complex. For example, it should be recognized that conflicts between uses can be a legitimate reason to limit or allow various recreation activities. These choices are best made in local planning efforts.

The Forest Service opposes the statement in section 4(c)(1)(B) of H.R. 2834 that any decisions made and actions taken on these or any other activities described in this H.R. 2834 shall not be deemed major Federal actions. Exempting these activities from current National Environmental Policy Act (NEPA) regulations and the attendant environmental review processes would impair the Forest Service's ability to accurately assess the likely impacts of our decisions to manage NFS lands. Properly developed NEPA reviews are a critical tool for public involvement and they improve decision-making by allowing the responsible official to evaluate ways to resolve resource use conflicts and address issues that the public raises. The Forest Service defers to the DOI regarding the implications of this section on the National Wildlife Refuge System.

Further, Section 4(c) (1) (B), of H.R. 2834 specifically prohibits the analysis of hunting, fishing, or shooting opportunities that occurs on adjacent public or private lands. Contrary to H.R. 2834, the Forest Service believes it is both prudent and important to consider cumulative effects for proposed actions on NFS lands during the decision making process, including consideration of activities that occur or can be expected to occur on private lands or other public lands adjacent to NFS lands. Additionally, cumulative effects analyses help avoid duplication of activities (such as shooting ranges that are on other lands nearby) and the resulting increased impacts. Conversely, Section 4 (c) (1) (A) would require more specific evaluations of the effects of other plans for the use of NFS lands (such as travel management, conservation, land resource management) on opportunities to engage in recreational fishing, hunting or shooting. Hunting and fishing activities currently are and should continue to be considered when developing these plans and accompanying NEPA analyses, rather than establishing a new process. The additional evaluation process required by this bill is unnecessary.

Public Notification – Section 4(d)(1).

Almost all of the National Forest System (NFS) land managed by the Forest Service has been, and continues to be, open to fishing, hunting and shooting. These are all valued recreational opportunities that the agency provides under our broad multiple-use mandate. However, Forest Service officials may authorize very localized closures on NFS lands under special circumstances, usually to protect public health and safety, such as areas in the vicinity of buildings and campgrounds. Due to the bills requirement for issuance of a public notice prior to implementation of closures or restrictions, emergency closures for public safety would not be allowed. This is not in the best interest of all forest users and adjacent communities. In addition to severely curtailing our ability to provide for public safety, advanced public notice on closures or restrictions on NFS lands such as individual closures or as a compilation of closures on an annual basis, would affect our ability to appropriately manage non-emergency situations that warrant closures, including habitat management and conservation for threatened and endangered species and areas recently burned by wildfire.

Leasing –Section 4(d) (2)

The bill would allow for leasing of NFS lands for shooting ranges (Section 4 (d) (2)). Currently, the Forest Service allows for shooting ranges through special use permits issued pursuant to the Term Permit Act. Utilizing special use permits adequately allows for shooting ranges, leasing is not a needed tool. The Forest Service allows for dispersed shooting opportunities (equivalent to “informal” shooting opportunities) on NFS lands without a special use permit or a lease.

Wilderness – Section 4(e)

The language in this bill regarding wilderness (Section 4 (e)) would supersede the Wilderness Act of 1964. Wilderness should be managed to provide opportunities for recreational use and enjoyment and understanding of the area as wilderness, consistent with the primary responsibility of preserving the wilderness character of the area. Hunting and fishing related opportunities are currently managed by the Forest Service to be consistent with preserving wilderness character.

Reporting – Section 4(f)

Section 4 (f) would add annual reporting requirements adding unnecessary costs to gather, maintain, and report data on the agencies business costs, including those associated with the Paperwork Reduction Act. The Shooting Sports Roundtable Memorandum of Understanding (signed by 40 federal, state and non-government partners) includes reporting on a number of hunting/shooting items of interest. Reporting on NFS closures can be accommodated through this very productive and effective partnership.

Preference – Section 4(h)

Section 4(h) states that no preference is given to shooting, hunting and fishing over other activities. However, other provisions in H.R. 2834 are clearly designed to limit the agency’s discretionary authority related to those activities. For example, section 4 (a) states that the Agency must facilitate use of, and access to, federal lands for fishing, sport hunting, and recreational shooting. Section 4 (b) (1) states that lands must be managed in a manner that supports and facilitates recreational fishing, hunting, and shooting opportunities. Section 4 (c) (1) requires that federal land planning documents evaluate effects on opportunities to engage in recreational fishing, hunting, or shooting. All of these requirements appear to favor these three activities at the expense of other activities on NFS lands. As an agency with multiple-use management responsibilities, the Forest Service is committed to providing fishing and hunting related activities as well as a spectrum of other uses where they can be conducted safely while minimizing conflicts among user groups and without environmental damage.

Consultation – Section 4(i)

Section 4 (i) directs the agencies to consult with respective advisory councils as established in Executive Order 12962 (Recreational Fisheries, June 1995) and Executive Order (EO) 13443 (Facilitation of

Hunting Heritage and Wildlife Conservation, August 2007) as amended. This direction is unnecessary, as the Forest Service is actively involved in carrying out EO 12962, actively participates in the National Recreational Fisheries Coordination Council, is actively involved in carrying out EO 13443, and is an “ex officio” member of the Wildlife Hunting Heritage Conservation Council, the Federal Advisory Committee established pursuant to EO 13443.

In summary, the Forest Service has a long history and active policy and practice of strongly supporting hunting, fishing and shooting recreational opportunities on the public’s National Forests and Grasslands. Almost all of the NFS lands are available for these recreational activities. The intent of this bill is already achieved through existing Statute and agency policy. We do not believe this legislation is necessary. This legislation does not enhance or improve existing fishing, hunting and shooting opportunities on our National Forests and Grasslands. We are concerned that some language would be in conflict with existing legislation and agency policy, establish unnecessary analysis and reporting requirements, require consultation with Executive Order advisory councils that already occurs, and establish annual Congressional notification and approval for necessary closures exceeding a total of 640 acres across the entire National Forest System.

Mr. Chairman and Members of the Subcommittee this concludes my testimony. I will be happy to answer any of your questions.

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H.R. 1444, a bill “To require that hunting activities be a land use in all management plans for Federal land under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed, and for other purposes”.

Mr. Chairman and Members of the Subcommittee, I am Joel Holtrop, Deputy Chief for the U.S. Forest Service. Thank you for the opportunity to appear before you to provide the views of the U.S. Department of Agriculture (USDA) Forest Service on H.R. 1444.

First, I would like to emphasize that the Forest Service has been a very strong supporter of hunting and fishing on the nation’s National Forests and Grasslands since the agency was created in 1905. The Forest Service supports these activities by providing opportunities to enjoy hunting and fishing over much of the National Forest System (NFS) land throughout the country. Furthermore, The America’s Great Outdoors Initiative (AGO), established by President Obama in 2010, supports these same activities by reconnecting Americans to our nation’s land, water and wildlife. We very much appreciate the outstanding contributions we receive from our partners, including States and hunting and fishing organizations that support the conservation of fish and wildlife and their habitats on our federal public lands. Their steadfast support through partnership projects and volunteer work on federal public lands, as well as, their willingness to support state management of fish and wildlife though fishing and hunting fees are widely recognized as a significant factor in the success of fish and wildlife management in North America.

H.R. 1444 is intended to ensure continued hunting and fishing opportunities on federal public lands, including the 193 million acres of NFS lands on 155 National Forests and 20 Grasslands administered by the U.S. Forest Service. Specifically, as it pertains to the Forest Service, H.R. 1444 would require the agency, when developing or approving a management plan or an amendment to a management plan, to ensure that hunting activities are allowed as a use of NFS lands to the extent that such use is not clearly incompatible with the purposes for which the Federal land is managed. In addition, the legislation would provide that fees charged related to hunting activities on NFS land are to be retained to offset costs directly related to management of hunting on NFS land and that the fees are to be limited to what the Secretary reasonably

estimates to be necessary to offset costs directly related to management of hunting on the NFS land upon which hunting activities related to the fee are conducted.

The Department does not support this legislation which is unnecessary and would not enhance or improve existing hunting and fishing on National Forests and Grasslands.

The Multiple-Use Sustained-Yield Act is an important statute that guides management of our NFS lands. Hunting and fishing activities are very important components of the Forest Service multiple-use mission. Although many other recreational activities are also popular on our National Forests and Grasslands, hunting and fishing remain very important to thousands of the Nation's sportsman and sportswomen. The latest National Visitor Use Monitoring (NVUM) data collected over the past 10 years shows that on an annual basis more than 13,022,068 visitors to NFS land participated in hunting as their main activity, and another 14,050,126 visitors fished as their main activity. This use represents 7.6% and 8.2% (respectively) of all annual recreation visitations to all NFS land.

Much of the NFS land has been, and continues to be, open to hunting and fishing. However, Forest Service officials may authorize very localized closures on NFS lands under special circumstances, usually to protect public health and safety, such as areas in the vicinity of buildings and campgrounds. For example, shooting is prohibited in areas near residences, buildings and campgrounds.

As part of the land management planning process, the Forest Service analyzes opportunities for hunting and fishing as recreational activities. Within the planning process, the decision to allow or limit various recreation activities is complex. Conflicts between user groups can be a legitimate reason to limit or allow various recreation activities. In the rare instances where hunting or fishing is restricted, the rationale for such a decision is clearly described.

Section 1(c)(2)(B) of H.R. 1444 provides that "a fee charged by any entity related to hunting activities on Federal land that is in excess of that needed to recoup costs of management of the Federal land shall be deemed to be a restriction on hunting." Additionally, section 1(d) of the bill would authorize the Forest Service to retain fees for hunting activities on NFS lands to offset the costs of managing hunting on NFS lands and would limit the amount of fees that may be collected by the Forest Service. The Forest Service does not charge fees to hunt or fish on NFS lands. Fees are charged by States and by outfitter and guides, neither of which is collected by the Forest Service.

In summary, the Forest Service has a long history and active policy and practice of strongly supporting hunting and fishing opportunities on the public's National Forests and Grasslands. Much of the NFS lands are available for these recreational activities. The intent of this bill is already achieved through existing laws and agency policy, and enactment would neither enhance nor improve existing hunting or fishing opportunities on our National Forests and Grasslands.

Mr. Chairman and Members of the Subcommittee this concludes my testimony. I will be happy to answer any of your questions.