

Committee on Natural Resources

Rob Bishop Chairman
Mark-Up Memorandum

April 13, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Terry Camp
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 3400 (Rep. Rob Bishop)**, To promote innovative approaches to outdoor recreation on Federal land and to open up opportunities for collaboration with non-Federal partners, and for other purposes.
April 18, 2018, at 10:15 AM; 1324 Longworth House Office Building

H.R. 3400, “Recreation Not Red Tape Act”

Summary of the Bill

H.R. 3400, the “Recreation Not Red Tape Act,” introduced by Congressman Rob Bishop (R-UT-1), includes four titles that will increase access to recreational opportunities for Americans nation-wide by modernizing and streamlining the special recreation permitting process; holding land managers accountable for recreation outcomes; establishing a new National Recreation Area System; increasing veteran participation in outdoor stewardship and rehabilitation programs; and by facilitating private-sector volunteer maintenance programs on our nation’s public lands.

Cosponsors

Rep. Donald S. Beyer [D-VA-08], Rep. Mia B. Love [R-UT-04], Rep. Jared Polis [D-CO-02], Rep. Dennis A. Ross [R-FL-15], and Rep. Michael K. Simpson [R-ID-02]

Background

The United States has a long tradition of love for the outdoors, and outdoor recreation and sporting activities are deeply engrained in the fabric of our nation’s history and culture. Outdoor recreation is also vital to our nation’s economy. In 2016, nearly half of all Americans — 48.6% — reported participating in at least one outdoor activity.¹

Unfortunately, outdoor recreational opportunities are not easily accessible to many Americans. In recent decades, population growth and urbanization have forced millions of Americans to traverse miles of crowded highways to access the great outdoors. Moreover, recreating on our nation’s public lands often requires special permits, parking passes, and payment of fees that, while important to help maintain our public lands, too often involve confusing, cumbersome, and costly processes.

¹ Outdoor Foundation. “Outdoor Recreation Participation Topline Report 2017.” 2017. Accessed September 29, 2017. https://outdoorindustry.org/wp-content/uploads/2017/04/2017-Topline-Report_FINAL.pdf

The Recreation Not Red Tape (RNR) Act seeks to expand outdoor recreation opportunities for all Americans by removing burdensome barriers and supporting recreation programs. Among other provisions, the RNR Act expedites the special recreation permitting process, makes it easier for visitors to purchase federal lands recreation passes, ensures that federal land managers are held accountable for increasing recreation in their areas, and establishes a new National Recreation Area System to ensure that areas are set aside specifically for recreational uses.

Section-By-Section

Section 1. Short Title; Table of Contents

Section 2. Definitions

Section 3. Sense of Congress Regarding Outdoor Recreation

Expresses support for outdoor recreation, volunteerism on public lands, and the work States are doing to attract outdoor recreation businesses and tourism. Praises the work that States like Utah, Colorado, and Washington have done to create outdoor recreation sector leadership positions within the State economic development offices.

Title I – Modernizing Recreation Permitting

Section 101: Special Recreation Permitting

Requires the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to adopt a consistent and uniform permitting process including standard paperwork, a standard submission process, consistent deadlines, and outreach materials to help outfitter guides navigate the process.

Authorizes the Secretaries of Agriculture and the Interior to issue joint permits for trips that cross jurisdictional boundaries.

Encourages the land management agencies to make applications for special recreation permits available online.

Section 102: 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 103: Online Purchases of National Parks and Federal Recreational Lands Passes

Requires that 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 the land management agencies to establish a system to allow visitors to pay entrance fees, standard amenity fees, and expanded amenity fees, online.

Title II – Accessing the Outdoors

Section 201: Access for Servicemembers and Veterans

Encourages the Secretaries of Agriculture and the Interior to work with the Secretaries of Defense and Veterans Affairs on ways to ensure veterans have access to the outdoors and to outdoor programs as a part of the basic services provided to veterans.

Encourages all branches of the military to include information about outdoor recreation in the materials and counseling services provided in transition programs, which help members of the military transition from active duty to reserve, or out of the military after they are discharged.

Encourages all branches of the military to allow service members on active duty status, at their commander's discretion, to use up to 7 days of permissive temporary duty assignment to attend an outdoor recreation program following deployment.

Title III – Making Recreation a Priority

Section 301: Extension of Seasonal Recreation Opportunities

Encourages the USFS, BLM, and the National Park Service (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 302: Recreation Performance Metrics for Forests

Adds detail to what the Chief of USFS and the Director of BLM must include in performance evaluations of land managers to include taking into account the manager's efforts at promoting enhanced recreational opportunities consistent with stated recreation and tourism goals.

Section 303: Recreation Mission

Requires that the Army Corps of Engineers, Bureau of Reclamation, and the Federal Energy Regulatory Commission, consider how land and water management decisions would impact recreation opportunities and the recreation economy.

Section 304: Deposit of Ski Area Permit Rental Charge Revenues

Authorizes retention of fees paid by ski areas for use by the land management agency at the covered unit to assist in improving and maintaining the area. This provision authorizes fee retention similar to the authority provided by the Federal Lands Recreation Enhancement Act (FLREA, Public Law 108-447).

Section 305: National Recreation Area System

Establishes a National Recreation Area System that recognizes and protects areas that possess remarkable recreational values, as well as other important values including ecological, geological, hydrological, cultural, and historic features that accommodate a variety of outdoor recreation activities.

Requires that the Secretaries of Agriculture and the Interior prepare a comprehensive management plan for each system unit.

Requires the Secretaries of Agriculture and the Interior to identify and maintain lists of areas potentially qualifying for future additions to the system.

Title IV – Maintenance of Public Land

Section 401: Private-Sector Volunteer Enhancement Program

Requires the Secretaries of Agriculture and the Interior to develop an initiative to enhance private-sector volunteer programs and to promote private-sector volunteer opportunities.

Authorizes the Secretaries of Agriculture and the Interior 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 411: Priority Trail Maintenance Program

Requires the Secretaries of Agriculture and the Interior to establish interagency trail management under which federal land management agencies coordinate so that trails that cross jurisdictional boundaries between federal land management agencies are managed and maintained in a uniform manner.

Similar legislation, S. 1633 was introduced in the Senate by Senator Wyden (D-OR).

The Subcommittee on Federal Lands held a hearing on H.R. 3400 on October 3, 2017.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

The Administration's position is currently unknown.

Anticipated Amendments

Chairman Rob Bishop (R-UT) will offer an amendment in the nature of a substitute (ANS) to H.R. 3400. The major provisions of the ANS are summarized as follows:

Streamlining Recreation Permitting

In addition to fee-related stipulations in the bill as introduced (requiring the online sale of National Parks and Federal Recreation passes, reciprocal availability of State and federal pass sales at facilities, and authorization of joint permits for trips crossing multiple agency boundaries), this section: 1) amends FLREA to authorize individual, outfitter and guide and competitive event permits and fees, and; 2) establishes a basis for setting fee rates and allows permit holders to publish the fees charged by agencies; 3) amends FLREA to authorize the use of permit fees for permit administration and streamlining, and related recreation infrastructure, but not for ESA biological monitoring; 4) amends and standardizes the USFS' basis for reviews of utilization of permitted capacity and allows existing permit holders to volunteer capacity for use by others without incurring a penalty for doing so; 5) authorizes BLM and USFS to issue temporary permits for new uses for a term not to exceed two years; 6) aligns federal land-management agencies policies regarding indemnification for State institutions and restrains the agencies from prohibiting the use of exculpatory agreements; 7) requires BLM and USFS to streamline processes for permit issuance and renewal including shortening application processing times and minimizing administrative costs; authorizes programmatic environmental assessments and categorical exclusions to the greatest extent consistent with existing law; authorizes online applications for permits; 8) revises BLM and USFS cost recovery regulations to ensure that the current 50-hour credit for work done on a permit applies to each permit authorization; 9) authorizes the extension of existing permits for no more than five years to avoid an interruption of services while the agency completes required documentation.

21st Century Conservation Corps

The ANS codifies and expands the 21st Century Conservation Service Corps (21CSC) program. The Public Lands Corps would be officially renamed as the 21st Century Conservation Service Corps. The provision expands participation to include veterans of the U.S. Armed Forces in the corps, increases the number of federal agencies authorized to use the program, and

authorizes a program specifically for Indian youth to carry out projects on Tribal lands. This section also establishes standards for data collection and measuring the effectiveness of 21CSC programs.

Changes to the National Recreation Area System

The ANS clarifies that the National Recreation Area System does not affect any valid existing rights, including grazing, within System units. Additionally, the ANS revises the potential additions provision to require agencies to study and inventory potential new additions to the National Recreation Area System and submit those recommendations Congress, but does not authorize the agencies to manage the potential additions as National Recreation Areas prior to Congressional designation.

Every Kid Outdoors

The ANS establishes the “Every Kid Outdoors” program, which provides free access for fourth-grade students to federal lands and waters. The Secretaries of the Interior and Agriculture are directed to issue an annual pass to participating students for access to federal lands and waters where entrance, standard amenity, or day use fees are charged. Each Secretary may collaborate with State park systems to implement a complementary Every Kid Outdoor State Park pass. The Secretary of the Interior will prepare a comprehensive report to Congress each year describing the use and success of the program. The provision sunsets seven years from the date of enactment.

Ski Area Permit Rental Charge Revenues

The ANS removes a section of the bill that authorized retention of a portion of fees paid by ski areas for use by the land management agency at the covered unit. These fees were to be used to assist in improving and maintaining the area.

[Effect on Current Law \(Ramseyer\)](#)