



TESTIMONY BEFORE THE SUBCOMMITTEE ON FORESTS AND FOREST HEALTH ON
H.R. 975 AND H.R. 599 ON BEHALF OF AMERICANS FOR RESPONSIBLE
RECREATIONAL ACCESS – MARCH 16, 2005

Mr. Chairman:

On behalf of Americans for Responsible Recreational Access (ARRA), I would like to thank you for this opportunity to appear here today in support of H.R. 975 and H.R. 599. My name is Larry Smith, and I serve as Executive Director of ARRA.

ARRA has had the privilege of working closely with this Subcommittee for the last three years in support of legislation that would establish a set of consistent fines and penalties among all of the Federal land agencies. This Subcommittee has taken the lead in advocating such change and we were delighted when last year the House accepted your recommendation and enacted H.R. 3247. We were disappointed when the Senate did not have time to consider the merits of this legislation prior to its adjournment.

For this reason, we are especially pleased that this Subcommittee is holding this hearing on H.R. 599 and H.R. 975 so early in this session. With the full House leading the way on this legislative initiative, we are hopeful that the Senate will soon follow suit.

Without a doubt, Americans of all ages are using our public lands with greater frequency for all forms of recreation. Both the Forest Service and the Bureau of Land Management have reported that recreational activity on the lands under their stewardship is growing and will continue to increase in the decades ahead. Managing this growth and ensuring the public continues to have good experiences visiting public lands brings to the forefront a number of issues relating to access and appropriate use. For this reason, ARRA supported the efforts of the U.S. Forest Service to formulate a proposed rule governing OHV access to our National Forests. We were pleased when the Forest Service acknowledged that OHV recreation was appropriate for our National Forests. The question is how OHV recreation should be managed and where it should be permitted in our National Forests. ARRA is looking forward to the release of the Final Rule and we intend to work with the agency during the Rule's implementation phase.

As the recreational use of our lands increases, so does the pressure on our land managers who care for these lands. At times, user conflict poses a problem and at other times, user bad behavior is the problem. Depending upon the agency, those laws covering fines and penalties associated with bad behavior on public lands are all over the map. A different set of fines and penalties for the Forest Service, a different set for the BLM, a different set for the National Park Service...I could go on. Consistency among our four land agencies in terms of law enforcement tools is totally lacking and the times call for something better.

For these reasons, ARRA strongly supports the restructuring of various statutes as proposed by H.R. 975. We think it is entirely appropriate to have a different set of fines and penalties for those individuals or groups who “knowingly” violate regulations governing our public lands from those who do so unintentionally. We know that some users have expressed reservations about enhancing the tools available to law enforcement officers out of fear such tools might be abused. We believe, however, that there are adequate safeguards against such abuse especially since a defendant charged with a Class A misdemeanor would have the right to a jury trial.

We also strongly endorse H.R. 599 because the legislation would allow our land agencies to use fines collected as a result of violations for the restoration, protection and improvement of such lands. The legislation would also allow the use of moneys received from fines for public education programs to encourage proper land use behavior in hopes of reducing future violations or damage to our lands. Simply put, we believe that if someone causes damage to our public lands, whether it’s from illegal camping, unauthorized timber removal or inappropriate OHV use, they should bear the cost of paying for the repair of any damage they might have caused. Such cost should not be a direct burden on the American taxpayer. And increasing public awareness of proper user behavior will serve to enhance the recreational experience of all participants.

It’s exciting that more and more Americans are turning to our public lands for a variety of recreational pursuits. The policy of the Federal Government should be to encourage such activities, but in doing so, our land managers must be prepared to manage these activities at a whole new level of intensity. Both H.R. 599 and H.R. 975 provide our land managers with the appropriate tools to facilitate greater access to our public lands. Failure to provide these tools will only lead to more areas being placed “off limits” to the recreational user, something we do not want to see happen.

Mr. Chairman, we hope this subcommittee will explore combining H.R. 975 and H.R. 599 into a single piece of legislation prior to sending its recommendations to the full House. While we understand that another committee of the House might have a problem with allowing fines to flow directly to Federal land agencies, we hope that these differences can be resolved. As we have said, H.R. 975 and H.R. 599 provide our Federal land managers with the necessary tools to manage the ever increasing demand for access to our Federal lands for recreational purposes. The time has come to put these tools to work to the benefit of all Americans.