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OPPORTUNITIES TO IMPROVE ACCESS, INFRASTRUCTURE, AND PERMITTING FOR OUTDOOR RECREATION

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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OPPORTUNITIES TO IMPROVE ACCESS, INFRASTRUCTURE, AND PERMITTING FOR OUTDOOR RECREATION

THURSDAY, MARCH 14, 2019

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Committee met, pursuant to notice, at 10:04 a.m., in Room SD–366, Dirksen Senate Office Building, Hon. Lisa Murkowski, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR FROM ALASKA

The CHAIRMAN. Good morning, everyone. The Committee will come to order.

We are here today to focus on recreation on our nation's incredible public lands. This is a fun topic, one that should allow us to cover some things that we all enjoy, everything from guided bear hunts to four-wheeling to rock climbing.

In terms of timing, I don't think we could have timed this one any better. Just two days ago the Senate was able to work with the House, and the President on Tuesday signed our bipartisan lands package into law, marking the end of years-long efforts.

Again, I thank and acknowledge the great work of the Committee, certainly the strong support and assistance from Senator Cantwell, to get us there, and Senator Manchin, but really, Senator Heinrich, so many who were up to their eyeballs in the discussions, the negotiations and the assists, are so greatly, greatly appreciated.

The John D. Dingell, Jr. Conservation, Management, and Recreation Act is now law and, as its name suggests, it does promote recreation.

One of the most significant provisions for that purpose is the permanent reauthorization of the Land and Water Conservation Fund (LWCF). That provides a minimum of 40 percent to the state-side program and requires that at least 3 percent of funding, or $15 million, whichever is greater, be used to increase recreational public access.

Our lands package also ensures that BLM and Forest Service lands are "open" unless specifically "closed" to hunting, fishing, and recreational shooting. This is something that I worked on, that Senator Heinrich worked on, with the sportsmen and sportswomen for really, almost a decade. It has been a long, long time.

Our lands package also protects some of our most treasured landscapes and waterways across the West for future generations of recreationists to enjoy.

Again, I would like to thank President Trump for signing our bill, and I thank all of the members and the staff from both sides of the aisle in both chambers for their hard work to make sure it reached the finish line.

Senator Daines, you have just come in, but I have been acknowledging the good work of so many. The work that you and Senator Gardner did on our side to help, again, shepherd it, it was greatly, greatly appreciated.

The lands package is a victory for all of us, and I think it is a victory for the country. But we also recognize that there is more work to be done, which is why we are here today to focus on opportunities to improve access, infrastructure, and permitting for outdoor recreation.

We are seeing more and more folks who just want to be outside. They want to be active in our national parks. They want to be out there in our forests, in our refuges, and on our BLM lands. And that is all great.

We certainly know firsthand in Alaska how recreating on public lands, including our state lands, can enhance communities and foster economic development in rural areas.

If colleagues have not looked at the committee background memo that outlines the significant economic impact that we have from this industry and the opportunities that then come to us, the Outdoor Recreational Satellite Account, the economic analysis from the Bureau there, shows that in 2016 outdoor recreation generated $412 billion, accounted for 2.2 percent of the U.S. GDP, and grew at a rate of 1.7 percent. Those are real numbers. Those are real economic benefits, particularly into some of our smaller and more remote areas.

But as the number of visitors increases, the strain is also visible on our trail systems, on our roads, our campgrounds, and even our bathrooms. The maintenance backlog on our public lands is significant, totaling about $21.5 billion across Interior and Forest Service lands.

Competing land designations make it difficult to provide adequate access for motorized and non-motorized recreation.

Another matter we hear a lot about is that special recreation permits are taking way too long to be processed. We had a situation in the Chugach National Forest, there was a guide who wanted to offer an opportunity for people to go ice fishing. So this is a pretty low-key operation. He was told that there was a moratorium on permit applications and to check back in seven years. Seven years for a permit to take folks ice fishing. That is unacceptable.

Rather than encouraging individuals and small businesses to use our lands, federal bureaucracy and a lack of resources and capacity are oftentimes making it difficult to respond to the increasing and diverse needs of recreationists and to provide that quality visitor experience.

What I hope we will accomplish today is to hear from those on the ground who have encountered these issues. I want to start identifying the fixes that can be implemented, whether it is

through administrative action or through legislation, to ensure that federal lands are open for these incredible recreational experiences and continue to be a source of economic prosperity.

I am pleased to be able to welcome Mr. Dan Kirkwood. He is Co-Chair of the Visitor Products Cluster Working Group at the Juneau Economic Development Council. He is going to speak about the tourism that we are seeing in Southeast Alaska and really how tourism is impacting the local economy and the infrastructure there in the Tongass National Forest. So we welcome you to the Committee. Thank you for making the long trip back.

We also have Mr. Whit Fosburgh, who is President and CEO of the Theodore Roosevelt Conservation Partnership; Mr. Thomas O'Keefe, who is the Pacific Northwest Stewardship Director for American Whitewater; Mr. Jeffrey Lusk, who is the Executive Director of the Hatfield McCoy Regional Recreation Authority in West Virginia; and Ms. Sandra Mitchell, who is representing both the Idaho State Snowmobile Association and the Idaho Recreational Council.

So a good panel for discussion here this morning. We thank you all for being here. I will now turn to Senator Manchin for his opening comments.

STATEMENT OF HON. JOE MANCHIN III,
U.S. SENATOR FROM WEST VIRGINIA

Senator MANCHIN. Thank you, Madam Chairman, especially for holding this hearing today and prioritizing the topic on the Committee's agenda.

Outdoor recreation is a rapidly growing sector of our nation's economy. According to the Bureau of Economic Analysis, the recreation economy contributes 2.2 percent of the U.S. GDP and supports millions of jobs across the country which is particularly important to the economies of rural states like mine, of West Virginia, and yours, of Alaska.

In my home State, we boast wild and wonderful public lands and natural resources that bring tourists from around the world to enjoy the beauty that West Virginia has to offer—whether they be sportsmen, whitewater rafters, boaters, kayakers, hikers or climbers. These guests contribute $9 billion a year to the state in outdoor recreation in West Virginia.

Our state is truly a hub for recreation with Canaan National Wildlife Refuge, the New River Gorge National River, Dolly Sods in the Monongahela National Forest, and so many more beautiful sites truly making West Virginia almost heaven.

I am particularly excited about this hearing today, because this Committee is serious about outdoor recreation. I am committed to working with Chairman Murkowski and both of our staffs to promote, protect, and enhance all forms of recreation in our country.

I know there are numerous members of the Committee, especially my good friend, Senator Wyden, who has spent a lot of time examining what Congress can do to improve the opportunities we have around outdoor recreation.

As a former Governor of my state, I know the important role of the outdoor economy in West Virginia. These activities can inject new opportunity in areas with high unemployment and depleted

tax bases, providing a pathway to diversify economies and build economic resilience.

My colleagues on this Committee have heard me say it many times, but West Virginia needs economic development opportunities. And I believe the outdoor recreation sector offers us more of those and a better chance to survive.

I am excited that Mr. Lusk, my good friend, Jeff, has agreed to join us today to tell us about the 200 jobs his organization has helped to create in rural southern West Virginia. I have seen it since its infancy and where it has grown to.

The Hatfield McCoy Trail System is now bringing 50,000 people annually to rural West Virginia, 87 percent of whom reside outside of our state. It is a great example of how we can leverage our State's resources, love of the outdoors, and turn them into real economic drivers.

So thanks, Jeff, for all the jobs and all the hard work you have done. I know it has been a struggle, but by golly, you made it, buddy.

As Chairman Murkowski discussed in her statement just now, the public lands package that President Trump signed into law on Tuesday, which we were both present for, includes a lot of wins for communities across the nation. The bill permanently authorizes LWCF, designates 621 miles of wild and scenic rivers, and added 2,600 miles to the National Trails System. The bill also provided direction to all federal agencies to facilitate the expansion and enhancement of hunting, fishing, and recreational shooting opportunities on federal land.

But there is more that can be done to maximize the outdoor recreation opportunities in these spaces while balancing conservation needs. I am looking forward to hearing from the witnesses about ways this Committee can balance the need to conserve public lands and waterways with needed infrastructure investment, all with the focus of improving the experience of an outdoor enthusiast.

As evidenced by the overwhelming bipartisan support of the recently enacted public lands package, it is clear that the energy around our public lands and outdoor recreation is strong and continues to grow. We must take advantage of this momentum to work on additional commonsense solutions and work with our agency partners to ensure they are prioritizing recreational opportunities. We want to make it easier for businesses to locate in rural areas and thrive. We want to make it easier for members of the public to access and enjoy all of our public lands.

I know, Mr. Fosburgh, that you will be talking about the report your organization published last year, highlighting approximately 9.5 million acres of federal lands that Americans cannot, I repeat, cannot currently access because they are surrounded by private lands.

I am so proud that we were able to permanently authorize LWCF in the public lands bill and to carve out funding specifically to gaining access to lands like the ones highlighted in your report for hunting, fishing, and other types of recreation. I look forward to working with my colleagues in leading the effort to ensure that LWCF is permanently funded.

I know that we will be hearing a lot of ideas this morning on ways that we can improve the laws governing recreation and policy. And I am excited to hear about what specifically we can be doing to facilitate access and grow rural economies through outdoor recreation. And I am eager to learn more about the opportunities we have across the nation in my new role as the Ranking Member working with the Chairman.

So I want to thank all of you for being here today. And again, thank you to the Chairman for holding this hearing. And let's start.

The CHAIRMAN. Let's start. I think I have identified each of our witnesses and your affiliations, so we will skip over more detailed biographies. The Committee members certainly have that. We appreciate your leadership in various sectors and parts of the country and are grateful that you have made the trip to be here with us to provide your testimony this morning.

We would ask you to try to limit your comments to about five minutes. Your full statements will be included as part of the record.

Let's begin with you, Mr. Kirkwood, and again, welcome to the Committee.

Dan Kirkwood.

STATEMENT OF DANIEL KIRKWOOD, GENERAL MANAGER, PACK CREEK BEAR TOURS, AND CO-CHAIR, VISITOR PRODUCTS CLUSTER WORKING GROUP, JUNEAU ECONOMIC DEVELOPMENT COUNCIL

Mr. KIRKWOOD. Thank you.

Thank you to the Committee for the opportunity to testify.

Outdoor recreation on Alaska's public lands is the foundation of our state's tourism economy. In Southeast Alaska, people come to experience unique cultures. They come to experience a pristine wild place, glaciers, mountains and forests, bears, whales, wild salmon. Everyone who visits Southeast Alaska experiences the Tongass National Forest.

At Pack Creek Bear Tours, we provide what I'm sure is one of the most outstanding opportunities in the world for people to get face to face with Alaskan brown bears chasing wild salmon.

The CHAIRMAN. Just for the record, they are really not face to face.

[Laughter.]

They get up close, but we do take care of them, right?

Mr. KIRKWOOD. We take excellent care of them, but the bears can get quite close.

[Laughter.]

The CHAIRMAN. We don't want to scare anybody away.

Mr. KIRKWOOD. But like so many other businesses in Southeast Alaska, we rely on the Tongass National Forest for their recreation planning, for special use permitting and their management of tourism in the region.

At the Juneau Economic Development Council we've convened the Visitor Products Working Group since 2011. Now the goal has been to encourage positive growth in the business sector of tourism and to help our businesses and the Forest Service better understand each other's opportunities, needs, and challenges.

We've identified a decline in recreation program funding and understaffing is one of the key impediments to responsive management.

For many of our businesses, access really means permitting as much as it means infrastructure. Companies like mine, we need access to undeveloped places where a trail may be all the infrastructure we need.

On the other hand, places like the Mendenhall Glacier Visitor Center and Recreation Area, this is one of the most visited places in the National Forest System, certainly in Alaska. And this is a place where new infrastructure developments can increase capacity, can decrease impacts. We have supported fee increases at the Glacier Visitor Center, and the Forest Service is now working on a master plan that is forward thinking and was developed in collaboration with local communities as well as businesses.

But again, permitting is really the core issue for us. Our permit administrators do work very hard. They understand the resource, they understand our businesses, and we're very grateful for their work. However, understaffing means that there's at least a dozen ongoing planning projects on the Juneau Ranger District alone. There are long wait times for permits which impacts our ability to plan for the future and to sell tours, and there's a lack of flexibility. The Forest Service does desire and strive to be adaptive; however, we sometimes hear no because they can hardly keep up with the work that they have.

I think it's important to say that we are not asking for unregulated access. We're not asking for unlimited access. We want to work with the Forest Service to manage our growing sector.

So we have continued to advocate for a reverse in the decline of recreation funding. Tourism, including hunting and fishing, are huge economic drivers for Alaska and also a major contributor to the Forest Service in the economic sense.

So the Forest Service does need your direction to prioritize these programs and to help our businesses.

I want to specifically recognize you, Senator Murkowski, for the leadership you've shown on this issue, for the steps you've already taken in bringing this Committee to work on these important issues. So thank you.

I think that we need new metrics for the Forest Service, new targets that capture the value of these lands to our industry. The current metrics are vague, and what we measure matters. We need to measure things that are going to have real impacts for our businesses and communities.

Pilot metrics have been proposed for Region 10 in the Tongass National Forest using data that the Forest Service already collects. And I think that this could be a good way to capture again the significant economic benefits of tourism.

We will continue to advocate for collaboration. We need the Forest Service to have the ability to be a good partner. We need them to have the ability to think long-term, landscape level recreation planning and to work with the hundreds of tourism businesses in the 33 communities of Southeast Alaska.

Thank you very much.

[The prepared statement of Mr. Kirkwood follows:]

Opportunities to improve access, infrastructure and permitting for outdoor recreation.

Introduction

My name is Daniel Kirkwood of Juneau, Alaska. I am the General Manager of Pack Creek Bear Tours and the Co-Chair of the Visitor Products Cluster Working Group with the Juneau Economic Development Council. I am deeply grateful to be able to provide testimony on opportunities to improve access, infrastructure and permitting for outdoor recreation on public lands.

Alaska's public lands provide outstanding opportunities for our state's growing tourism sector. On the Tongass National Forest in southeast Alaska, the U.S. Forest Service provides essential services to operators including planning, permitting and managing commercial recreation. However, funding cuts and competing for limited agency resources has kept the Forest Service from adequately meeting the needs of our growing sector. Through the Juneau Economic Development Council, we have made specific recommendations to the Forest Service for improving the management of tourism. These recommendations, along with better ways of measuring the Forest Service's contribution to tourism, will help our sector continue to grow in Alaska.

Pack Creek Bear Tours

At Pack Creek Bear Tours we provide one of the most outstanding outdoor experiences in the world. We fly clients by float plane into the Alaskan wilderness to see and photograph wild brown bears that congregate to chase the wild salmon that return to the Tongass National Forest each summer. The islands that we visit have the highest concentration of brown bears, or "grizzlies" in the country. This is a premium small group adventure with experienced, professional Alaskan guides. While we are a small company, we are just one of the hundreds of local businesses that cater to the growing number of visitors who are coming to Alaska each year.

Outdoor recreation is at the core of the visitor experience. People come for hiking, hunting, fishing, whale watching, paddling and exploring. Spectacular scenery, iconic fish and wildlife and unique cultures make this a world-class tourism destination. Access to vast beautiful places with glaciers, mountains and forests, bears and wild salmon is the true Alaskan experience. In my travels outside of Alaska and abroad, eyes light up when you say "Alaska." It is a destination that is a once-in-a-lifetime opportunity for most people. This is brand-recognition most companies only dream of.

Tourism and Recreation Economics and growth projections

This year more than 1.3 million people will visit southeast Alaska on cruise ships, growing 14% in 2019 and with 5% additional growth 2020. According to Southeast Conference, tourism employment is up 12% from 2014 to 2017. During this time our earnings increased 23%. It's not just cruise ships. Air travel is up 13%, bringing the independent travelers who spend more money in our communities by staying in our hotels, eating in our restaurants. According to the McDowell Group, the tourism sector contributes over $1 billion in economic activity in southeast Alaska each year.

While this growth is an outstanding opportunity, the challenge to our industry and the Forest Service is to accommodate expansion while preserving the outstanding, authentic experience for visitors and locals. Our industry experienced similar growth in the 1990s. Kirby Day of Princess Cruises led the Tourism Best Management Practices in Juneau, a voluntary and collaborative community program to

identify and decrease tourism impacts on residents and businesses. This award-winning program continues to evolve and be successful in Juneau and has been replicated in other ports. Innovators in the Forest Service have used this "Best Management Practices" model to address conflicts in remote parts of the Forest, such as crowding conflicts. These are examples of how the tourism industry is committed to working hard to be a good neighbor in our communities.

While tourism has clear economic benefits, it is closely tied to outdoor recreation. Outdoor recreation is an important part of the Alaskan culture and economy. According to the University of Alaska Center for Economic Development, Alaska has the highest rate of participation in outdoor recreation in the country, tied with Montana. Recreation overlaps with other important local cultural values, such as hunting, fishing, gathering, subsistence and traditional cultural activities. The UA Center for Economic Development report found that in-state consumer spending on outdoor recreation was nearly $3.2 billion. Outdoor recreation was responsible for 29,000 direct jobs and contributed to 38,100 jobs state wide. One in ten jobs in Alaska is supported by outdoor recreation. Investments in trails, facilities and management will benefit Alaskans who use these resources.

JEDC Advocacy and working group

The Juneau Economic Development Council convened the Visitor Products Cluster Working Group in 2011 as part of a sector-by sector or "cluster" approach to helping encourage positive economic development in Southeast communities. This group has collaborated with Forest Service staff to address the sector's needs, concerns and opportunities. It has also become a way for the visitor sector to advocate to agency staff and elected officials. The success of this model has been the opportunity for the Forest Service to learn about how our businesses operate and for us to learn about their processes. The Visitor Products Working Group has brought competing businesses together with one voice. While we have had some positive developments and success, there is more to do.

Every single person who comes to southeast Alaska experiences the Tongass National Forest. Tourism is an important part of a working forest and the demands for outdoor recreation opportunities have changed drastically. The Forest Service provides essential support to the tourism economy by managing access and providing infrastructure but with growing visitor numbers the agency can't be expected to do so without more resources. We look to the agency to ensure that we balance the opportunity for growth with the need to preserve the world-class experiences that the Tongass provides. Our group has identified ways for the Forest Service to improve recreation management. These recommendations include;

- Reverse the decline in appropriated funding for Recreation programs.
- Invest in improved permitting and infrastructure.
- Restore leadership and other recreation positions that facilitate good recreation and tourism planning and management.
- Apply consistent permit standards across districts, while retaining the expertise of individual permit administrators.
- Use a collaborative approach with permit holders and residents.

Access

Tourism access is about ensuring that National Forest Recreation staff have the funding and direction to help us provide outstanding tourism products. The Mendenhall Glacier Visitor Center and Recreation Area is the most visited center in Alaska. Improvements to infrastructure here are essential to accommodate increased numbers. Conversely, companies like mine, are not looking for infrastructure, but rather permitted access to natural, pristine places. We require beautiful places to go where we can offer solitude and avoid other groups. This requires the adequate staffing capacity of the Forest Service to plan, process permits and manage use in ways that maintain the exclusivity and character of our products.

Big or small, tourism operators are not asking for unlimited access. Rather, we are asking for the agency to proactively manage growth and work with us to find solutions to the problems inherent to a growing, changing industry. Investing in proactive and collaborative Forest-wide recreation planning, staffing and self-sustaining infrastructure will benefit access to our incredible recreation resources.

Infrastructure

For remote-setting nature tours, undeveloped areas without significant infrastructure are key to meeting our client's expectations of Alaska. Our clients are no longer satisfied to just look, they want to touch and hike and explore. For example, companies like mine, Uncruise Adventures or Northwest Navigation may be looking for a few strategically located trails, or no trails at all. The undeveloped forest is what people want to experience. For front country sites like the Mendenhall Glacier Recreation Area, infrastructure is key to accommodating increased numbers. The Forest Service is currently undergoing a Master Plan process that could increase the sustainability and value of this Recreation Area to businesses and locals. We applaud the Forest Service for undertaking this Master Plan and thinking big-picture about both the challenges and opportunities. Through our collaborative efforts we have built trust and support for fees that will help pay for necessary improvements. We acknowledge that funds are tight nationwide for infrastructure, which is why we want to see more proactive, collaborative planning to develop self-sustaining infrastructure and support for existing facilities. Public private partnerships will continue to be an opportunity for this, but the agency needs to have the staff and time to be a good partner. For example, even if an operator wants to pay for a new project, the agency may not have the capacity to plan or maintain the project. Additionally, a company may offer to maintain a trail they use, but the agency cannot guarantee that they will be permitted to use that trail. If the Forest Service is going to rely on partnerships, they need to provide a workable and mutually beneficial partnership program.

Permitting

Timely and flexible Special Use Permitting is the key to commercial access. Our permit administrators do excellent work. They know the resource, they understand our businesses. However, they are severely under-staffed. This creates long wait times for new permits and renewals, which impacts our ability to sell tours and plan for future growth. Too often, I believe, people in the agency say "no" to new tour ideas simply because there is not enough staff to keep up with their existing work load.

We have advocated that Congress and the Forest Service increase investments in staffing recreation management to better plan for, permit and manage reasonable access. We have advocated the agency

apply consistent permit application process and respond in a timely manner to permit applications. We have asked the Forest Service to convene meetings with permit holders and residents to offer constructive feedback on permits, infrastructure and partnerships.

Funding

We recognize that the funding situation for the agency is challenging and constrained by increasing wildfire costs. We thank Senator Murkowski for her commitment to working with us and the Forest Service. Thank you, Senator, for sitting down with us and digging into these challenging issues. Thank you to this committee for addressing these funding challenges and seeking to meet our needs in Alaska. However, what funding is made available is still not enough to keep pace with the growing tourism sector, or plan for new tourism sector opportunities in rural communities.

Metrics for Measuring Success

What we measure matters. We need the Forest Service to have congressional direction and enough funding to meet the visitor sector's growing need. The current Region 10 Leader's Intent for Recreation charts a course for the Forest Service to provide less support and fewer services for recreation and tourism in the face of increasing demand. We are working with Forest Service staff who are not adequately evaluated on their success in supporting tourism outcomes. Existing metrics for tourism and recreation are vague and poorly defined. For example, with increasing visitation at the Mendenhall, staff are measured against successfully developing things like "new recreation programs," which, while these new programs would be positive, this target fails to encourage efficient, necessary outcomes. New metrics that capture visitor numbers and economic contributions have been proposed for piloting in Region 10. These could be incorporated into strategic plans, budget justifications, reports to congress and the public. These metrics can ensure that the Forest Service has data to justify supporting diverse tourism experiences. The agency deserves credit for the successes they deliver to visitors, businesses and locals in the Tongass. New metrics could provide clear direction to encourage the Forest Service to engage on these issues.

Collaboration

We believe that the Forest Service must embrace a proactive vision for tourism in the Tongass. This means engaging the industry to develop solutions, taking collaborative steps to support tourism businesses in southeast Alaska and ensuring that tourism resources remain intact. he Forest Service could mirror collaborative landscape-scale restoration programs underway in other parts of the country to deliver success for recreation and tourism. We need the Forest Service to plan, innovate and collaborate with the 33 communities of southeast Alaska. Due to the remote and rugged nature of Alaska, commercial guiding services are an essential part of helping Americans access their public lands. For our businesses, public lands are the key to our success. Places and resources for tourism should be maintained and improved for the economic contribution they make to the region's culture and economy. Thank you for your consideration and action on these important issues.

The CHAIRMAN. Thank you, Mr. Kirkwood. We greatly appreciate that.

Mr. Lusk, welcome to the Committee.

STATEMENT OF JEFFREY TODD LUSK, EXECUTIVE DIRECTOR, HATFIELD MCCOY REGIONAL RECREATION AUTHORITY

Mr. LUSK. Thank you.

I want to start first by thanking you, Madam Chairman and Ranking Member Manchin and members of the Committee, for allowing me the opportunity to be here today to talk about public opportunities and access.

My name is Jeffrey Lusk. I'm the Executive Director of the Hatfield McCoy Regional Recreation Authority. We're a quasi-governmental agency located in West Virginia. We were created by the West Virginia Legislature in 1996 for the purpose of managing ATV, UTV, off-road motorcycle trails on private property in southern West Virginia.

Currently the Authority works with over 90 coal, timber, and natural gas companies in southern West Virginia and landholding companies on managing these activities on over 250,000 acres of private property. It's unusual in the country. I don't know of another example where the private sector is providing such a vast resource in the form of their property for public recreation for no monetary consideration. And it's very unique, but I think it's very germane to what we're talking about today.

Our trail system is known as the Hatfield McCoy Trail System. This past year we had over 50,000 annual riders on our trail system. These riders came from throughout the country, from several foreign countries. Eighty-seven percent of our riders are non-West Virginia residents which means they are overnight visitors to our communities.

Our trail system charges a user permit for these riders to come and visit us. This is important in that it helps offset the money, the money needed from the public sector to run our trail system. A West Virginia resident pays $26.50 for a user permit. A non-West Virginia resident pays $50 for a permit. Last year those permits generated $2 million. They did not pay for our entire operations, but they did do a great deal toward our sustainability. By charging a small fee to the user, we're able to dramatically reduce the public funding necessary to operate our system. That's big for us and for all public projects that, if there's a small user fee attached, that fee can go a long way to helping maintain that public recreation area.

As I said earlier, we were created by the Legislature, and we were not created as a trail office. We were created as an economic development office. When you look at our code it actually says we're a multi-county economic development authority.

Trails are the venue that we use to be an economic development authority. Our agency was created to help diversify the economy of southern West Virginia. We use trails to do that economic diversification.

Our job is to create an atmosphere and a product, an infrastructure, which is the trail system, where entrepreneurs can open up

businesses to provide the needed services for the riders that visit our system.

And it's working. We've had over 50 businesses open up along the Hatfield McCoy trails. These are the usual businesses you would think about such as lodging, cabins, campgrounds, restaurants, but also some very unique trail-oriented businesses like ATV outfitters. We've also had some moonshine distilleries open up that are providing tours and showing people about what is a piece of West Virginia's history, this—what used to be a secret—lucrative business is now something where you can go into a regulated facility and take a tour. And it's driven by the fact that we have these non-West Virginia residents, these visitors to our trail system coming to our area, buying their permits, staying in our lodges. That's what supports all these businesses.

And I will say it's challenging for our entrepreneurs when you're in a rural area, and southern West Virginia is not unique. We've suffered, as many rural areas, with the change in our economy.

Southern West Virginia was built around mining, timber, natural gas extraction. Those industries have continued to mechanize and decline. And we had to diversify our economy. We saw tourism, trails, access to public recreation areas as a way to do that and entrepreneurship as a way to get to that vehicle.

As Senator Manchin had said, our project has created over 200 jobs in southern West Virginia. It's provided business opportunities to over 50 entrepreneurs. These are companies that are there, doing business in southern West Virginia, creating jobs.

And I will tell you there's a great value to a job in a rural area. When a job in a rural area is a whole lot harder to come by and it means a lot more than a job in a more prosperous area.

Going on to why we feel like what we're saying is germane today. You are the Federal Government, the largest neighbor to many of the rural communities throughout the country. There are great opportunities for those rural communities to use the property through trail development, outdoor recreation, to create and make their economy around your lands.

It will require investments. It will require coordination. I know that some of the property has been set aside for use for natural resource extraction. We're a great example of how that resource extraction can happen in tandem with public recreation. So as their neighbor, I feel that it's on all of us to look forward and to find ways that you can partner to not only preserve these lands but also make these lands available for economic development to help these rural communities.

I'd also like to end, and I'm getting to the end of my time, but to say that, you know, we've enjoyed many of the programs that you have developed here at Congress. The Appalachian Regional Commission, the federal EDA, the AML Pilot Program, all these programs provide funding that we've utilized and we do appreciate the investment you've already made in our rural communities.

Thank you, Madam Chairman.

[The prepared statement of Mr. Lusk follows:]

Jeffrey Todd Lusk
Executive Director
Hatfield McCoy Regional Recreation Authority

Madam Chairman, Ranking Member Manchin, members of the committee.

Thank you for the opportunity to be here today and to speak to your committee about recreational opportunities and access.

My name is Jeffrey Lusk, I am the Executive Director of the Hatfield McCoy Regional Recreation Authority "Authority", the Authority is a quasi-governmental agency created by the West Virginia Legislature for the purpose of building, maintaining and policing recreational trails in fourteen Southern West Virginia counties. The Authority was created by state statute in 1996 and opened its first trails to the public in October of 2000. Since its inception the concept has always been to provide recreational trails for public use as an economic development tool. The Authority currently manages 730 miles of all-terrain vehicle (ATV) trails on 250,000 acres of privately owned property in Southern West Virginia. The project is unique in that it utilizes land owned by coal, timber, natural gas and land holding companies to provide public recreation for no monetary consideration. There is to my knowledge no instance where such a vast resource of private property is being provided to the public sector for no fee nor monetary consideration. The relationship is one in which we provide indemnity, law enforcement, insurance and management services in exchange for a fee free license to cross the property with recreational trails.

The Authority has successfully negotiated and entered into over 90 of these types of agreements, covering over 250,000 acres, since its inception and has only had one agreement cancelled in it's over 20 years of operations. The agreements allow for recreational trails to be developed and connected to cities and towns throughout Southern West Virginia. Currently eleven incorporated municipalities are connected to the trail system. The Authorities primary goal is to create a culture of entrepreneurship utilizing public recreation as an economic development tool. The Authority provides the base infrastructure in the form of recreational trails, while allowing entrepreneurs to provide the for profit business services to the riders.

The project area is referred to as the Hatfield McCoy Trail System, the trail system contains over 700 miles of all-terrain vehicle (ATV), utility terrain vehicle (UTV) and off road motorcycle (Dirt Bike) trails. In calendar year 2018 the Hatfield McCoy Trail System hosted over 50,000 annual riders. These riders were made up of individuals from throughout the United States and from several foreign countries. Over 87% of these riders were non-West Virginia Residents and all were required to purchase an annual permit to ride the trails. The importance of this permit is that it provides needed supplemental revenue to support the trails. West Virginia residents pay $26.50 per year for a permit and non-residents pay $50.00 per year for their permit. This annual fee generated over $2,000,000 towards the maintenance and upkeep of the trails. It's important because we often fail in the public sector to adequately provide for the long term sustainability of public recreation assets; fees, permits and access charges are one way to ensure the financial viability of a public recreation asset, especially one like the Hatfield McCoy Trail System that

requires constant maintenance and upkeep to ensure public safety. The fee does not cover the total operational cost of the Authority, but does significantly reduce the amount of public sector support required, making the entire project more sustainable over time.

As I mentioned in my opening remarks, our project is an economic development tool. This aspect is one that is often overlooked when considering access to public recreation areas. Our project was conceived as a way to diversify the coalfields of Southern West Virginia. As a lifelong resident of Southern West Virginia I have witnessed firsthand what has happened to the economies of our communities. Southern West Virgina, my home, is an area that has saw a slow and steady downturn and mechanization of its primary industry (coal mining), it's an area that has been severely impacted by the national opioid epidemic and has experienced an outward migration of its population. The Hatfield McCoy Trail system is one of a multitude of efforts to try to reinvent our communities and diversify our economy. Our project serves as a primary infrastructure for entrepreneurs whom wish to stay and open a business in our area.

By providing a network of ATV, UTV and Dirt Bike trails the Hatfield McCoy Trail System creates an opportunity for entrepreneurship. Local and outside entrepreneurs have opened over 50 new businesses in the communities surrounding the trail system. These businesses range from lodges, cabins, hotels, and restaurants, to less traditional businesses such as ATV outfitters and licensed and regulated moonshine distilleries that give educational tours and historic information about this once secretive and lucrative mountain enterprise. A 2014 economic impact study conducted by Marshall University on the Hatfield McCoy Trail System showed these businesses had an overall impact of over 20 million dollars in the local economy and created over 200 new jobs. The entrepreneurs that created these jobs are my hero's. They made a choice to stay and invest or come into our area and invest their capital and time to create a business. The challenges that face rural entrepreneurs are many; they often have a decreased access to capital due to the rural area in which they operate, often times the workforce doesn't have the necessary skill sets or is limited in number and fellow entrepreneurs are often not there to serve as mentors or examples for them to follow or network with. The capital access issue is especially challenging since many of these programs and the high net worth investors whom create and fund them are centered around and in urban areas. Many people fail to understand the true value of a rural job verses a job in a more urban or prosperous area. The counties that make up the Hatfield McCoy Trail System suffer from some of the highest unemployment rates in the country, they meet almost every criteria for being economically distressed and lead the nation in percentage of population decline at the county level. Their core industries continue to decline or flatten and the average age of their population continues to increase due to outward migration of working age adults and families. A job created by an entrepreneur in this type of area has a vastly greater community and economic development value, due to its location, than it would in a more urban or prosperous area. We have to remember that fact as we make our public sector investments and understand that our investments are to try to save these communities and in my opinion worth every penny. The public sector could and should make every effort to assist these entrepreneurs and it is my opinion that rural communities across the country all face this same problem and that it is not a unique problem for Southern West Virginia.

The concept of public recreation being developed to support the economies of local communities is one in which the federal government, with its vast land holdings, could be an excellent partner to rural communities throughout the country whom, like Southern West Virginia, have experienced a dramatic change to their core economy. This partnership, could and should lead to recreational trails being developed throughout the country on these lands as an economic development project. The other aspect of our project that makes it unique is the ability of public recreation to exists in tandem with natural resource development. As I said in my opening remarks, the Hatfield McCoy Trail system exist on property that is owned by private land owners whose primary reason for holding the property is natural resource extraction and development. These companies coordinate their activities with the Authority in order to ensure that trail development and public recreation can be done in a safe manner in proximity to natural resource extraction activities. It is a very unique partnership that may be necessary and workable in locations where the federal land has already been or may be made available to industry for timber, coal or natural gas extraction.

The Authority has also participated in multiple new initiatives from the federal government that are yielding great results in our communities. These programs, such as the Federal Office of Surface Mining and Reclamation, Abandoned Mine Lands Pilot Program and the Appalachian Regional Commissions POWER initiative have assisted the Authority in its economic development efforts. These two programs have created new entrepreneurship initiatives, enticed private sector capital investments and created new public recreation areas. The Authority is also pursuing applications with the Federal Economic Development Administrations Assistance to Coal Impacted Communities Program to continue to grow the Hatfield McCoy Trail System. These new programs, when coupled with existing local and state resources which can be matched by federal resources through the Federal Recreational Trails Act Program (RTP), have created multiple new opportunities for entrepreneurs in Southern West Virginia.

In closing, the need for entrepreneurial development assistance in rural areas cannot be stressed enough. Rural communities, many of whom have the federal government as their largest land holding neighbor, require much greater entrepreneurial development assistance than more urban areas. The opportunities that exist with trails being developed on large publicly held land tracks cannot be fully monetized by rural communities without this type of assistance. The opportunities around the country are enormous but the challenges in rural America are quite different than more urban areas. I feel that our Hatfield McCoy Trail System is a great example of trails being utilized as an economic development tool. However for this model to be successful; property will need to be made available for the trail development, rural communities will require support to help them capitalize on the opportunity and the multiple stakeholders whom have interest in the property will need to work together to maximize the benefits to all participants. Our small project, based on a 2014 Marshall University Impact Study, has created over 200 new jobs and added over 20 million dollars to the local economy. Imagine the benefits that can be derived in repeating this process hundreds of times throughout rural communities across the country. The nation has shown a renewed interest in trails and outdoor recreation. Rural communities stand to be the greatest beneficiary of this renewed interest if they are given the tools to succeed. Trail development alone, will not succeed and economic development

without trails will fail. A well-managed approach to each will yield great dividends to the communities and the country.

Thank you Madam Chairman, Ranking Member Manchin and the members of the committee for this opportunity.

The CHAIRMAN. Thank you, Mr. Lusk, we appreciate that.

Mr. Fosburgh, welcome.

STATEMENT OF WHIT FOSBURGH, PRESIDENT AND CHIEF EXECUTIVE OFFICER, THEODORE ROOSEVELT CONSERVATION PARTNERSHIP

Mr. FOSBURGH. Thank you, Chair Murkowski, Senator Heinrich, Ranking Member Manchin. So privileged to be here today to talk about infrastructure for outdoor recreation and ways we can also improve access.

I'm Whit Fosburgh. I'm the President and CEO of the Theodore Roosevelt Conservation Partnership (TRCP), a national coalition of 58 sporting and conservation organizations plus about 92,000 individual members and supporters all united to ensure that all Americans have quality places to hunt and fish.

As was mentioned, according to the U.S. BEA, outdoor recreation accounts for 2.2 percent of GDP and about 4.5 million jobs. According to the U.S. Fish and Wildlife Service, more than 40 million Americans age 16 or older hunt and/or fish. Collectively, expenditures on hunting and fishing total about $61 billion a year, and 483,000 Americans are directly employed in the hunting and fishing industries. To put that number in context, about 180,000 Americans are directly employed by the oil and gas industries.

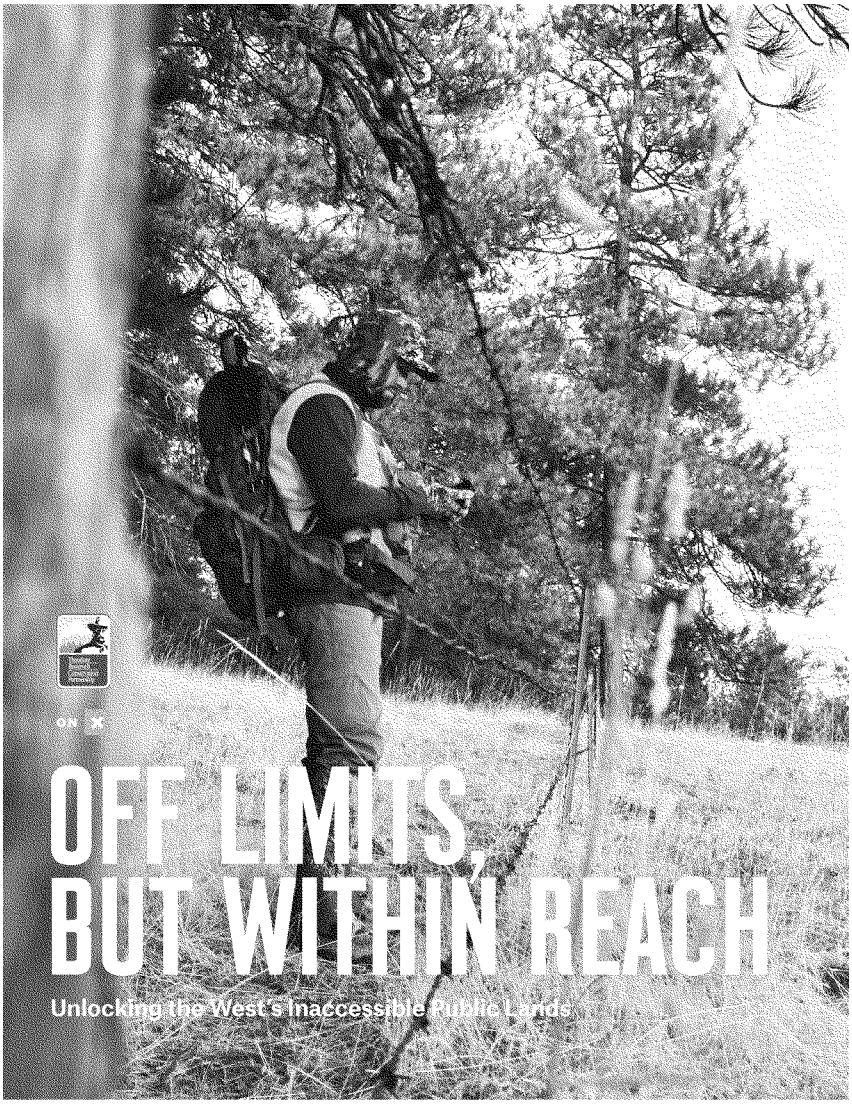
Yet there are warning signs about the future health of the hunting and fishing economy, especially on the hunting side. In 2011, about 13.5 million Americans hunted. In 2016, that number had dropped to 11.5 million.

There are several reasons for this decline that go well beyond the purview of this hearing. But when most people are asked why they stopped hunting, the number one reason that is given or the two top reasons are one, loss of places to hunt and too little time to hunt. And obviously those two can be related. As you lose close-to-home access and have to travel further, you lose those quality access opportunities.

So I'm going to summarize five steps I think Congress and the Committee can take to spur outdoor recreation and spur the outdoor recreation economy by improving access and the infrastructure related to recreation and hunting and fishing.

As Senator Manchin mentioned, last summer TRCP teamed up with onXmaps to produce a report called "Off Limits, But Within Reach." Copies of the report have been provided to the Committee and will be submitted for the hearing record.

[The information referred to follows:]


ON X
OFF LIMITS,
BUT WITHIN REACH
Unlocking the West's Inaccessible Public Lands

For more on this figure, see page 04 of this report, or visit unlockingpubliclands.org

LANDLOCKED PUBLIC LANDS ARE LOST OPPORTUNITIES

Across the West, 9.52 million acres of public lands—from forests and prairies to riverbanks and foothills—sit inaccessible. Although these lands, which offer some of our nation's best hunting and fishing opportunities, are owned by the American people and managed by public agencies, they can be accessed only with the permission of adjacent private landowners.

In some cases, isolated parcels of public land are wholly enclosed or "landlocked" by private-land holdings, through which no legal public road or trail passes. In other instances, a checkerboard of land ownership results in public and private parcels meeting corner to corner, and, by most interpretations, state trespass law prevents "corner-crossing" from one piece of public land to another.

Back when private-land permissions were readily acquired, this was not a serious obstacle to sporting access. But as land ownership patterns have shifted, sportsmen and women more and more frequently encounter no-trespassing signs and gated roads, and inaccessible public lands now present a major barrier to hunting and fishing.

In a poll conducted by Responsive Management, half of all respondents identified insufficient access as a factor that diminished their enjoyment of hunting or otherwise discouraged their participation.

So pressing is this concern that the current Secretary of the Interior has twice directed federal agencies to research ways in which access for outdoor recreation on public land—including hunting and fishing—can be improved.

Sportsmen's access is practically synonymous with public land in the American West. According to data collected by the U.S. Fish and Wildlife Service, 72 percent of Western hunters depend on public lands for some or all of their access. And recent innovations in smartphone and GPS technology have revolutionized the ways that sportsmen find quality places to hunt and fish.

Now, anyone with an up-to-date handheld GPS or cellphone application has the ability to pinpoint his or her location in relation to property boundaries with unprecedented precision. With these tools, sportsmen and women can even utilize public land parcels that are unmarked by any sort of government-issued signage—without the risk of private-land trespass.

This technology helps us find our way to public-land adventures as easily as we navigate city streets. It levels the playing field between those of us with the time to scout all summer and those of us who need to make the most of a single day off. But it also means that hard-won easements, access roads, and public land acquisitions provide even more value to the average hunter, who can confidently navigate the often tangled boundaries of the public-private landscape.

In recent years, locked-up public lands have fueled spirited conversations around campfires and in the sporting press. Surprisingly though, little has been done to understand the full scope of the problem, its effect on our hunting and fishing opportunities, or what it might take to systematically unlock these lands—until now.

> Although these lands are owned by the American people and managed by public agencies, they can be accessed only with the permission of adjacent private landowners.

Leveraging the brand's in-house expertise, onX has partnered with the Theodore Roosevelt Conservation Partnership to assess the extent of the landlocked public land problem across thirteen individual states in the American West using today's leading mapping technologies. This report offers the most comprehensive and sophisticated analysis to date of where locked gates prevent Americans from hunting and fishing on public land and just how much of that land is inaccessible to the citizens who own it. We also identify the single most important program for securing future public access to landlocked lands, and what decision-makers can do right now to ensure its continued success for decades to come.

A FRACTURED LANDSCAPE: WESTWARD EXPANSION AND ITS LASTING EFFECT ON ACCESS

Landlocked public land parcels are a product of history, rooted in the federal government's aggressive land disposal policies of the nineteenth century. For much of America's past, Western lands served as a source of in-kind revenue for the federal government, used at the will of policymakers to achieve their desired aims.

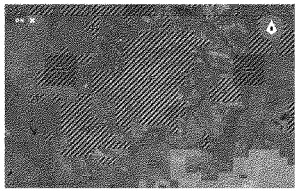
To facilitate the extension of commerce and settlement across the continent, Congress granted railroad companies ownership of alternating sections of land on either side of the tracks, fracturing the landscape into the public-private checkerboard pattern familiar to any Western hunter. The rationale behind this policy was that development spurred by the railroad would double the value of the remaining public lands, which could eventually be sold, negating the cost of the giveaway by the federal government while simultaneously driving private enterprise.

Meanwhile, in the piecemeal division of the public domain through the Homestead Act, public lands that had little economic value went unclaimed, and frequently became closed-in by adjacent private holdings. In other instances, some enterprising Western settlers accumulated so much land that public tracts were entirely surrounded by individual ranches or walled off against natural features like rivers and impassable terrain. Later, the abandonment of homesteaded farms and a high-profile railroad land scandal returned millions of acres of generally isolated and disjointed tracts of land to the Department of the Interior.

The idea of a permanently maintained system of public lands did not take hold until the turn of the twentieth century, when a dedicated model of conservation was championed by the likes of Theodore Roosevelt. It was not until decades later, in 1976, that the Bureau of Land Management, the nation's largest land management agency, shifted fully to a policy of land retention.

Now, we know better than ever before that these resources play a vital role in maintaining a vast $887-billion outdoor recreation economy, and Americans value our public lands as a means of escaping crowded cities and schedules. In fact, there is a growing need to open overlooked and off-limits public lands to the general public.

Checkboard Landlocked: This section of national forest land—nearly 4,000 acres of which is inaccessible—stretches along the East Humboldt Mountains in northeast Nevada. Note the corner-to-corner alignment of the individual parcels along the western slope.



Isolated Landlocked: The BLM lands shown here fall along the Wyoming-Montana border, in the Powder River Basin northeast of Gillette. Totaling more than 6,000 acres, the two largest, centermost parcels are surrounded on all sides by privately owned ranches.

USFS · BLM · STATE · PRIVATE PROPERTY
LANDLOCKED USFS · LANDLOCKED BLM · LANDLOCKED STATE

HOW IT ALL ADDS UP:

A behind-the-screens look at onX's work to quantify the true scope of the landlocked problem (and the fine print on what was included in this study)

Using its refined data on public lands and roads, onX conducted an analysis to determine the accessibility of every piece of federal public land in the West. This first-of-its-kind, multi-step process produced the total acreage of all landlocked lands administered by the Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service, Bureau of Reclamation, National Park Service, and other federal agencies in thirteen Western states.

For the purposes of this report, landlocked public lands are defined as federally managed lands that cannot be accessed directly from a public road (direct access) and cannot be accessed via adjoining public land by way of a public road (indirect access). Only permanent legal access was considered for this report, but existing access across some private lands may be given at the discretion of the landowner, and in many places permanent public access is assumed but not proven. Unless such access is legally documented, it was not included in our analysis.

To create the most comprehensive picture of land ownership, dirt roads, and trails in the United States, onX compines and refines data from a collection of carefully-vetted sources, including county, state, and federal agencies, using only the most trustworthy information from each after cross-referencing the various data.

The available road data, which was designed to convey information about road type rather than public access, rendered necessary certain assumptions. While unmaintained two-track routes are often found on public lands, rarely do they provide permanent, legal access across private property to what are otherwise isolated tracts of public land. In most instances, these are access routes controlled by the owner of the surrounding property.

Further, comprehensive public easement data is not available for federal public lands, so there is presently no broad-scale way of distinguishing between the overwhelming majority of primitive routes that do not offer legal public access in perpetuity and those few that do. Easements can be verified individually by contacting agency land specialists and county surveyors, however, and that step was taken with the largest public parcels in each state for which the available data raised questions about accessibility.

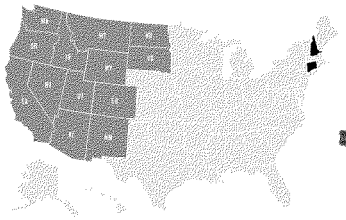
As a result, the overall acreage identified as landlocked represents the most accurate assessment possible, but it is reasonable to assume that a nominal percentage of these lands do, in fact, have legally-binding easements on unmaintained two-track routes across private land.

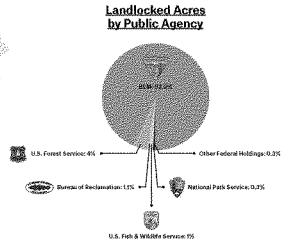
The analysis was further refined through various means. In Utah, we took state-owned lands factored into the indirect access assessments unless research revealed a particular type of easement or right-of-way. In Montana, lands about state school trust lands in Colorado are closed to hunting, fishing, and camping, similarly, lands on lakes, rivers, and oceans are not considered access, as a general rule. In Idaho, as an effort was made to remove the largest islands from the road probable calculations.

While this effort relied on the best available data, the data are not always perfect. In some instances, road rights-of-way next to public land parcels were removed by the data provider—for example, an existing right-of-way between road and cause by mark deer or other instances, road segments are simply missing from the data or their classifications are incorrect. Furthermore, because the data is not "survey grade" at these scales, and due have bad rounding, as the results, parcels corners might not be shown as corners in the data.

Numerous factors contribute to individual parcels could not be included in an analysis at this scale. For example, some landlocked public lands may be accessible by other means—such as by air or by crossing a body of water—either because of the landowner's generosity or due to special access permissions, as with state walk-in programs. Likewise, the report did not take into account seasonal closures that are in place that can construct access to a section of a public tract. These might include roads, or water, seasonal restrictions on road use, long geographic distances between access points, or extreme topography.

9.52 MILLION ACRES OF PUBLIC LAND—AN AREA GREATER THAN THE SIZE OF NEW HAMPSHIRE AND CONNECTICUT COMBINED—HAVE NO PERMANENT, LEGAL PUBLIC ACCESS





Arizona
243 K
Total Landlocked Acres

California
492 K
Total Landlocked Acres

Colorado
269 K
Total Landlocked Acres

Idaho
208 K
Total Landlocked Acres

Montana
1.52 M
Total Landlocked Acres

New Mexico
554 K
Total Landlocked Acres

Nevada
2.05 M
Total Landlocked Acres

N. Dakota
107 K
Total Landlocked Acres

Oregon
443 K
Total Landlocked Acres

S. Dakota
196 K
Total Landlocked Acres

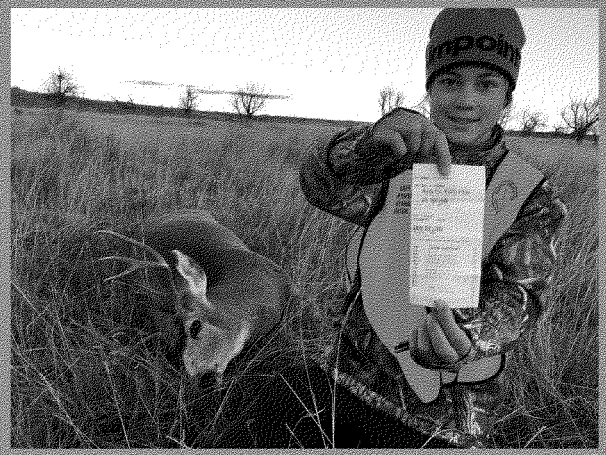
Utah
264 K
Total Landlocked Acres

Washington
121 K
Total Landlocked Acres

Wyoming
3.05 M
Total Landlocked Acres

For a full breakdown of the numbers, visit unlockingpubliclands.org

LOCKED OUT IN...SOUTHEAST MONTANA

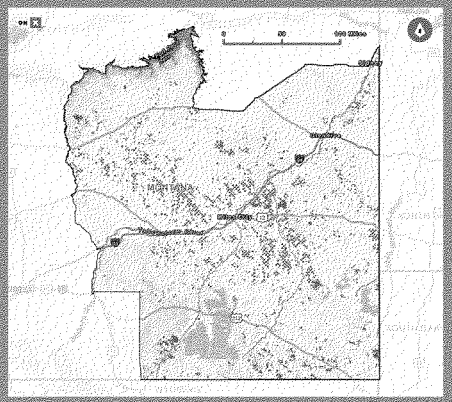


ANDREW ROLFSEN

These landlocked areas represent missed hunting opportunities for sportsmen and women, but the current access situation could also be depriving local communities of potential tourism spending. The breaks, badlands, and plains of southeast Montana are popular destinations for in-state and out-of-state hunters alike, and motels, diners, meat processors, and gas stations in towns like Jordan and Ashland receive a welcome boost in business each fall.

Other sub-regions throughout the West, including eastern Wyoming and northern Nevada, contain similarly high concentrations of landlocked lands. Unlocking inaccessible public lands in these and other areas would both expand hunting opportunities and benefit small-town economies.

Other sub-regions throughout the West, including eastern Wyoming and northern Nevada, contain similarly high concentrations of landlocked lands.



Montana FWP Region 7

LANDLOCKED FEDERAL LAND AVERAGE %

HUNTS

ALL

HUNTERS % MEANING DEPENDING DISTRICTS-AVERAGE

Landlocked Federal Acres

898 K

Total Acres of Federal Land

3.89 M

Montana Department of Fish, Wildlife and Parks Region 7 is a mule deer hunter's paradise—but it also contains a disproportionately high percentage of landlocked lands. From the shores of Fort Peck Lake to the Tongue and Powder Rivers, more than 898,000 acres of public land within Region 7 are not accessible, unless permission is granted from an adjacent private landowner.

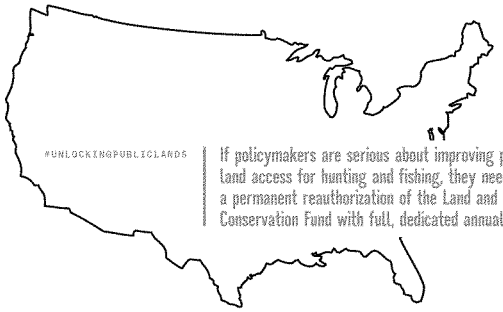
A CALL FOR MODERN DATA

As much as these findings identify a clear need for expanded access to public lands and waters, they also highlight the need for federal land management agencies to develop standardized data sets for easements, legal rights-of-way, and established corridors across private land to which the public has binding and legal public access. Many of these access rights were secured decades ago, and they remain housed locally at land management agency offices in paper and electronic files.

While this report's analysis is based on the most comprehensive road inventory currently available, the lack of readily obtainable data on easements and rights-of-way makes it all but impossible for anyone—including the agencies themselves—to have a complete understanding of where public access exists, or does not exist, across private lands.

Compiling these data and converting them into consistent datasets would enable private and public entities to create maps that provide sportsmen and women with greater certainty about where public access is guaranteed by law. This information would also help the federal agencies and land trusts prioritize acquisition projects that would open landlocked public lands.

THE LAND AND WATER CONSERVATION FUND: THE KEY TO UNLOCKING PUBLIC LANDS



#UNLOCKING@PUBLICLANDS

If policymakers are serious about improving public land access for hunting and fishing, they need to pass a permanent reauthorization of the Land and Water Conservation Fund with full, dedicated annual funding.

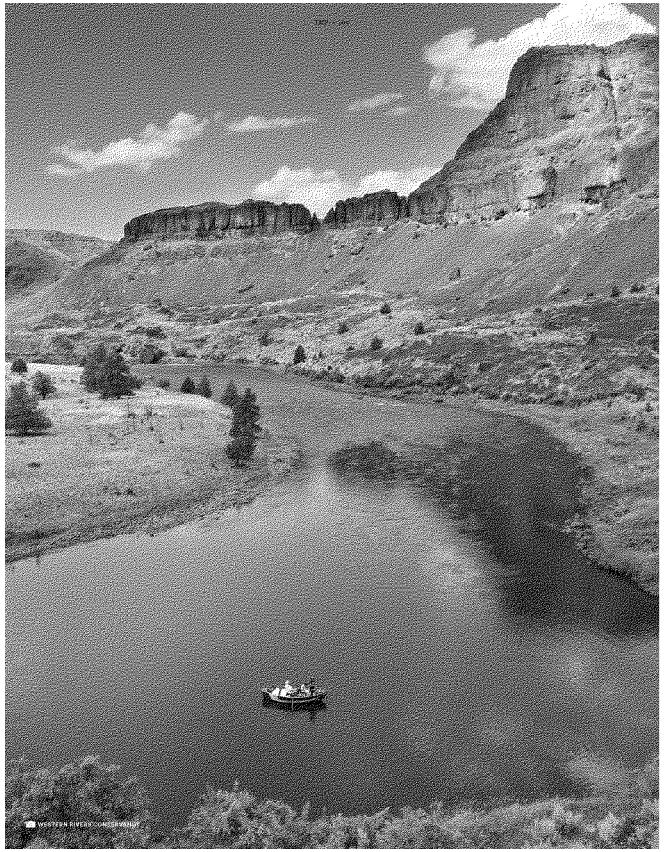
Policymakers have limited control over many of the forces shaping hunting and fishing participation in the United States. The increasingly fast-paced, urbanized, and digitally dependent ways of modern life have come between Americans and our sporting traditions, and it is difficult to address the impact of these changes through funding fixes, administrative rulemaking, or legislative action.

Access, however, stands as an immediate issue ready to be addressed. And if elected officials are serious about improving public land access for hunting and fishing, they need to pass a permanent reauthorization of the Land and Water Conservation Fund with full, dedicated annual funding.

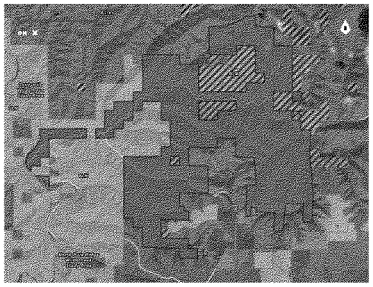
This fund has helped conserve habitat and create public access to hunting and fishing across America for more than fifty years. Better yet, the program is budget-neutral, relying on revenue generated by the success of America's energy sector—not taxpayer dollars. Since 1964, the LWCF has opened more than 5 million acres of public land, invested more than $16 billion in conservation and outdoor recreation, established new public fishing areas, unlocked previously inaccessible public lands, and enabled the strategic acquisition of additional public lands for the benefit of hunters, anglers, and everyone who enjoys the outdoors.

Even though the Land and Water Conservation Fund is the single most powerful tool for opening landlocked public lands and connecting even more Americans to their best days afield, the program is set to expire on September 30, 2018. If this were to occur, conservation groups and public land management agencies would have limited ability to open and expand access to America's public lands, despite the commitment of many public officials to do just that.

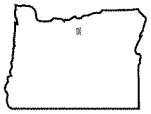
There are a number of groups currently doing excellent work with LWCF funds. The following examples highlight the types of projects that could come to a halt if lawmakers fail to act.



WESTERN RIVERS CONSERVANCY



In all, these efforts will add 11,148 acres of public hunting and fishing grounds to the public trust, unlock 2,323 acres of entirely landlocked BLM lands, and improve access to an additional 75,000+ hard-to-reach public acres.



LWCF ACCESS SUCCESS STORY:

THIRTYMILE CREEK

MIA SHEPPARD

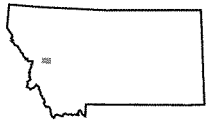
The John Day River and its tributaries have long been among the West's premier destinations for sportsmen and women. Anglers chase world-class steelhead and smallmouth bass in the unique setting of central Oregon's high desert, and hunters lucky enough to draw a tag for the area's elk, mule deer, or bighorn sheep will forever remember their time on this steep and rugged landscape.

Near the small town of Condon, the John Day is joined by Thirtymile Creek, a critical spawning area for some of the watershed's most significant runs of wild steelhead. Up and downstream from Thirtymile Creek, more than seventy miles of the John Day Wild and Scenic River canyon are flanked on both sides by BLM public lands, offering outstanding fishing, hunting, hiking, and boating opportunities. Until recently, however, the only direct access to the river in its lower nine miles was controlled by private ranches and reachable only by boat or with adjacent landowner permission.

In 2014, Western Rivers Conservancy began an ambitious, multi-phase effort to secure permanent public access to the John Day River at Thirtymile Creek and create new recreational access to the wealth of public lands above and below the tributary. Working with willing sellers, WRC purchased two ranches to conserve 11,148 acres of fish and wildlife habitat and enhance public access to the John Day.

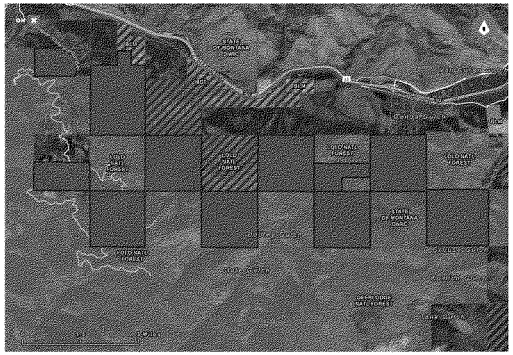
In 2018, WRC transferred the first 4,082 acres to the BLM using LWCF funding, forever securing access to the river and previously landlocked BLM parcels. The remaining ranchlands are slated for conveyance to the BLM by early 2019, again using funds from LWCF. In all, WRC's efforts will add 11,148 acres of public hunting and fishing grounds to the public trust, unlock 2,323 acres of entirely landlocked BLM lands, and improve access to an additional 75,000+ hard-to-reach public acres.

LWCF ACCESS SUCCESS STORY:



THE BEAVERTAIL-TO-BEARMOUTH CORRIDOR

KRISTIN KOVALIK/THE TRUST FOR PUBLIC LAND

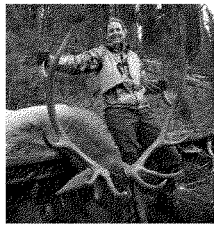


> If the Land and Water Conservation Fund were to lapse, this checkerboard acquisition project could be put on hold indefinitely.

Just east of Missoula, Montana, the John Long Mountains rise from the southern banks of the Clark Fork River. When the Northern Pacific Railway's tracks stretched across this land nearly 150 years ago, the densely treed hillsides attracted timber companies that cut ties and lumber from parcels acquired through the railroad's land grants. The checkerboarded holdings following the river down the valley are remnants of this history, but these days the slopes draw hunters in pursuit of deer, elk, grouse, and bears, while anglers in driftboats and rafts ply the waters below.

Upstream from the Rock Creek confluence, a ten-mile-long section of that checkerboard land is slated for consolidation into full public ownership under the management of the U.S. Forest Service, thanks to the efforts of the Trust for Public Land. Known as the Beavertail-to-Bearmouth Project, this planned acquisition of parcels from the Stimson Lumber Company will secure valuable wildlife habitat from potential fragmentation and development, and it will enhance public access in an area where some parcels lack public roads.

The Beavertail-to-Bearmouth Project is currently the Forest Service's highest-ranking LWCF priority in the country, and has already added 640 new acres to the Lolo National Forest, eliminating the potential for sportsmen and women to be denied future access to more than 1,900 acres of public land. The project's second phase, an acquisition of another 6,140 acres, has been proposed for funding in Fiscal Year 2019, after the LWCF reauthorization deadline. These federal dollars would ensure that public-land hunters and anglers have guaranteed access to more than fifty miles of roads stretching east across the forest into the Flint Creek Valley, as well as to the numerous drainages and streams rolling down to the Clark Fork. But if the Land and Water Conservation Fund were to lapse, this checkerboard acquisition project could be put on hold indefinitely.



LIZ BRADLEY & DAN CROCKETT

JOIN US. LET YOUR LAWMAKERS KNOW THAT THE FUTURE OF PUBLIC LAND ACCESS DEPENDS ON THE LAND AND WATER CONSERVATION FUND. WE ARE THE RIGHTFUL OWNERS OF 9.52 MILLION INACCESSIBLE PUBLIC ACRES, AND SPORTSMEN AND WOMEN WON'T STAND TO SEE THE BEST TOOL FOR UNLOCKING THESE LANDS CAST ASIDE.

To learn more and take action, go to unlockingpubliclands.org

ABOUT TRCP AND ONX

The Theodore Roosevelt Conservation Partnership is a coalition of leading hunting, fishing, and conservation organizations, individual grassroots partners, and outdoor related businesses. Our mission is to guarantee all Americans quality places to hunt and fish. The TRCP works with its partners to preserve the traditions of hunting and fishing in America by expanding access, conserving fish and wildlife habitat, and increasing funding for conservation and wildlife management.

ON X

The mission behind onX is to always know where you stand: to give outdoor enthusiasts more information about their surroundings than they ever thought possible. onX strives to create the most complete, current, and accurate mapping information available, including land ownership, roads, trails, and other access-related data. By providing people the most up-to-date data and GPS technology in the palm of their hand, onX seeks to help people have the best outdoor experiences possible.

COVER PHOTO CREDIT: REX WOLFERMAN

Mr. FOSBURGH. That report documents that 9.52 million acres that belong to all the public are essentially off limits to the public because they are landlocked without any legal access right.

The first priority for Congress should be getting public access to their public lands. This can be done through targeted Land and Water Conservation Fund projects, especially given the fact that the fund has now been permanently reauthorized and includes a requirement that three percent of expenditures be used to expand public access to public lands.

And I want to thank Chairman Murkowski, Senator Heinrich, and others for their dedication to this issue. On the access one, Senator Heinrich and his Hunt Act were a part of S. 47 and will go a long way to opening up a lot of these lands.

But fully funding Land and Water Conservation Fund is probably the single most important thing we can do to expand access to our landlocked public lands.

Second, neither the Forest Service nor the BLM are currently equipped to reliably identify where they do or do not hold legal access across private lands or where they ought to prioritize access projects. This is because many of the agency's access easement records are still held in paper files in the basements of local offices and cannot be integrated into the digital mapping systems that are foundational to public lands management in the 21st century. Congress should direct the Forest Service and BLM to digitize all easements into electronic databases and give the agencies funding to do that quickly.

Third, Congress should address the maintenance backlog on public lands because Congress fixed the fire funding mess in 2018. Thank you very much. In 2020, the Forest Service should have additional resources to fix degraded roads, trails, campgrounds, boat ramps, and other things that directly hamper recreational access.

But this alone will not solve the problem. If Congress decides to move forward with a maintenance backlog bill or an infrastructure bill, this is a huge opportunity to promote recreational access and the outdoor recreation economy.

Congress should also focus on nature-based solutions in any infrastructure bill. For example, rebuilding barrier islands can help protect coastal communities and provide important fish and wildlife habitat as to promote expensive, short-term solutions like bigger seawalls.

Fourth, Congress should support making recreational access a consideration in the BLM Land Disposal process. As part of FLPMA, BLM is required to identify lands that are suitable for disposal, but today access is not one of the criteria that they look at and this needs to change. The Committee should encourage Interior to add recreation access to the BLM disposal criteria and this should change—and this change should be codified in statutory law when and if FLPMA is reauthorized or amended. To his credit, Acting Secretary Bernhardt is looking at making this change administratively.

Finally, we need to address climate change with smart public lands policies. Perhaps the biggest threat to hunting and fishing and access in this country is climate change. We see it through changing migration patterns, fishing closures in places like Mon-

tana, algae blooms off the coast of Florida. All of these things impact the recreation economy. If properly managed, public lands can become a bulwark against the worst impacts of climate change and it does well, as we think about our public lands policies that help the climate are generally good for fish and wildlife and therefore, good for fishing and hunting.

Thank you and happy to answer any questions.

[The prepared statement of Mr. Fosburgh follows:]

Testimony of

Whit Fosburgh, President and Chief Executive Officer
Theodore Roosevelt Conservation Partnership

United States Senate
Committee on Energy and Natural Resources

Hearing to Examine Opportunities to Improve
Access, Infrastructure, and Permitting for Outdoor Recreation

March 14, 2019

Good morning Chairman Murkowski, Ranking Member Manchin, members of the Committee. Thank you for the opportunity to testify today about ways to improve access and infrastructure for outdoor recreation. My name is Whit Fosburgh and I am the president and CEO of the Theodore Roosevelt Conservation Partnership, a national coalition of sporting and conservation organizations, plus 92,000 individual members and supporters, united to ensure that all Americans have quality places to hunt and fish.

My comments today will focus on the importance of hunting and fishing as a part of the $887 billion outdoor recreation economy, and the challenges with access and infrastructure that must be overcome to sustain and grow that economy.

According to the United States Fish and Wildlife Service (USFWS), more than 40 million Americans over the age of 16 hunt and/or fish. Collectively, expenditures on hunting and fishing total about $61 billion a year, and 483,000 Americans are directly employed by the hunting and fishing industries. To put that number in context, 180,000 Americans are directly employed by the oil and gas industries.

Yet there are warning signs about the future health of the hunting and fishing economy, especially on the hunting side. According to the US Fish and Wildlife Service, in 2011, 13.7 million Americans hunted. In 2016, that number had declined to 11.5 million. There are several reasons for this decline that are outside the focus of this hearing, but most studies show that when hunters are asked why they stopped hunting, the two most common answers are 1) the loss of access to places to hunt, and 2) too little time to hunt. Of course those two answers may well be related. As close to home access is lost, people are forced to travel longer distances to get quality access opportunities.

So what is changing?

First, nearby access opportunities disappear when fish and wildlife habitat is lost. But lost access doesn't always mean a locked gate. When fields in northern Virginia are turned into subdivisions or shopping malls, habitat and access are lost. Access is lost when a South Dakota CRP field is converted to row crops. Access is lost when a waterfowl marsh in Louisiana disappears into the Gulf of Mexico because we've built levees along the Mississippi River that starve those wetlands of the sediments they need to survive. In Florida, boat launches sit empty in the face of algal blooms and red tides. Everyone can share their own examples of how habitat and access are lost or degraded.

Second, demographic changes have had profound changes on access, especially in the West, where 72% of hunters depend on public lands for their hunting access. Private land claims in the West were often staked on more productive ground in the river bottoms and foothills, while the mountains and areas less suitable for agriculture remained in the public domain. For much of the last century, a knock on the door and a friendly smile were often all it took to access or cross private lands in pursuit of fish and game. But in recent years, many working farms and ranches have changed hands. Some were subdivided, while others became second homes or recreational properties where "no trespassing" signs and locked gates replaced defacto open access. This effectively made large swaths of public land inaccessible to the public. Moreover, it has concentrated pressure on legal public access sites, such as national forest trailheads.

In 2018, TRCP released a report entitled *Off Limits, but within Reach*, in partnership with OnX maps, a handheld GPS app used by many hunters to know where they are located on the map and to stay legal when accessing public and private lands. According to our study, which I have submitted for the record,

there are 9.52 million acres of primarily BLM and US Forest Service public lands in the West that are entirely inaccessible to the public because there is no legal, permanent access across private lands to those public lands. In addition to landlocked lands, there are millions of additional acres of public lands with significantly restricted public access.

Fortunately, efforts are underway to open these lands to public access. Both chambers of Congress recently passed S. 47, the John D. Dingell, Jr. Conservation, Management, and Recreation Act, to help address this issue. Thanks to the leadership of many on this Committee, there are requirements that 3 percent of the Land and Water Conservation Fund be used each year to establish or improve public access to public lands. Further, this legislation directs the Forest Service and BLM, within one year, to develop a database of public lands where there is 1) no public access or where access is significantly restricted, and 2) develop a prioritized list for opening these public lands for public access.

Unfortunately, neither the Forest Service nor the BLM are currently equipped to reliably identify where they do or do not hold access across private lands, or where they should prioritize access acquisitions. This is because many of the agencies' access easement records are still held on paper files at local offices and cannot be integrated into digital mapping systems that are foundational to public lands management in the twenty-first century. As a result, the agencies are precluded from taking a holistic look at where access could be improved system-wide. While both agencies recognize the need to address this issue, the problem is national in scope, and will not be addressed for decades under current budging and staffing scenarios. We simply cannot wait that long.

Finally, maintenance backlogs among the various federal agencies impact access. The maintenance backlogs are generally broken out as follows: $11.6 billion for the National Park System; $2.2 billion for the USFWS/BLM, and $5 billion for the Forest Service. Much of this is unrelated to access, such as rebuilding Memorial Bridge here in Washington, DC, or repairing the roof on a visitor center somewhere. But for the Forest Service, for example, much of the $5 billion backlog manifests itself in degraded roads, trails, and campgrounds, all of which directly relate to quality access.

As the committee thinks about actions that Congress can take to support and expand public access and recreation, I have several recommendations.

1. Fully fund the Land and Water Conservation Fund. First, Congress did all of us who care about the outdoors a huge favor when it permanently reauthorized the LWCF. Thank you. What we now need is to fully fund the LWCF. This can help solve the issue of landlocked public lands, and it can create new (or historical but not legal) access routes to public lands across the country.

2. Direct the Forest Service and BLM to digitize all easements into electronic databases. It is 2019. The public should not have its knowledge about legal access routes across private lands reliant on someone finding a document in the basement of a rural office. The agencies should be directed to digitize all of their access records as soon as possible and the agencies should be specifically given the resources needed to make this happen. Strategic access retention and acquisition depends on it.

3. Address the maintenance backlog on public lands. Because Congress fixed the fire funding mess in 2018, the Forest Service should have additional resources to fix degraded roads, trails and campgrounds beginning in 2020. But if Congress decides to move forward with a maintenance

backlog or infrastructure bill, this is an opportunity to promote recreational access and address the access infrastructure on our public lands, such as roads, trails, boat launches, and campgrounds. Congress should also focus on nature-based solutions in an infrastructure package and approaches such as barrier islands to protect coastal communities and provide important fish and wildlife habitat instead of more short-term solutions like seawalls.

4. Support changes to include recreational access considerations in the BLM land disposal process. For the past year, 22 hunting, fishing, and conservation organizations have been encouraging the Department of the Interior to require that public access for outdoor recreation be added as a required consideration when the BLM evaluates lands for potential disposal through individual resource management plans. We see such measures as critical to preventing the sale of public lands important to the public, and we hope that you would support and encourage such direction from the interior department. Further, if and when FLPMA is reauthorized or amended, we request that this change be codified in statutory law.

5. Address climate change with smart public lands policies. Perhaps the biggest threat to quality access and the outdoor economy is climate change. Hunters and anglers are on the front lines of our changing climate, with shifting migratory patterns, fishing closures due to heat, low flows, or algae blooms, invasive species, and longer wildlife seasons, to name just a few of the most obvious impacts. Our nation's public lands, if properly funded and managed, can serve as a bulwark against the worst impacts of climate. As this committee considers how to legislate on climate change, it would do well to look to our public lands; the policies that help get us to our climate goals are generally good for fish and wildlife, and as such, are good for America's hunters and anglers.

The loss of access to the outdoors and public lands has happened over decades, and it won't turn around without a concentrated effort by Congress and the administration. We thank you for your attention to this issue and we are eager to work with you and your colleagues to take the next steps that will keep Americans in the woods, fields, and waters and contributing to the outdoor recreation economy.

The CHAIRMAN. Thank you, Mr. Fosburgh. I appreciate the very concrete suggestions that you have outlined and look forward to discussing them.

Dr. O'Keefe, welcome.

STATEMENT OF DR. THOMAS C. O'KEEFE, PACIFIC NORTHWEST STEWARDSHIP DIRECTOR, AMERICAN WHITEWATER

Dr. O'KEEFE. Yeah, thank you, Chairman Murkowski, Ranking Member Manchin, members of the Committee. My name is Thomas O'Keefe. I'm the Pacific Northwest Stewardship Director for American Whitewater.

Founded in 1954, American Whitewater is a national river conservation non-profit with a mission to protect and restore America's whitewater rivers and enhance opportunities to enjoy them safely.

I want to first say something about rural economic development which has been mentioned here. I grew up in rural Upstate New York, in the town of Norwich, population of 8,000 people. I've witnessed firsthand the struggles of a community that has seen locally-based manufacturing leave the town with a commensurate decline in the local economy.

But as a youth, I could hunt, fish, swim, boat, ski, simply by walking out the back door. Outdoor recreation, these opportunities provide real economic benefit to rural communities.

Our organization sponsors the Gauley River Festival in West Virginia. It generates over $1 million in direct spending in that local community which is significant in a town of 3,500 people.

But enhancing opportunities for outdoor recreation is about more than providing jobs for seasonal raft guides or bartenders serving a tourist town. It's about providing infrastructure, connectivity to global markets, access to outdoor recreation amenities that make communities desirable places to live, work and start a business. We need to think beyond tourism to build communities that have an economic base for workers and their families who value the opportunities for close to home recreation.

How do we do that? The recently passed Farm bill promoting synergy between rural development programs and the Forest Service at USDA is one example of this. But we need to do more of this, promote more of this within the Federal Government and between the states through the state outdoor recreation offices.

Access to public lands and waters and the experience the public can enjoy in them begins with smart agency planning as well as quantifying the diversity of activities occurring on public lands. With organic acts like the Wild and Scenic Rivers Act or the Wilderness Act, there's a requirement to inventory eligible areas for their conservation value during the land management planning process. No such requirement exists for land management agencies to prospectively evaluate where areas for outdoor recreation are suitable.

We also need to place a greater focus on outdoor recreation among a diversity of federal agencies including those where outdoor recreation is not the primary objective. We also need to quantify the quality of visitor experiences, not just the number of visitors. We need to support efforts of federal agencies to do this and

integrate the information to decision-making and personnel evaluations.

I want to speak to infrastructure. For our members, clean, healthy rivers are the real infrastructure for outdoor recreation. But we also need facilities, roads, trails and ways to access these public lands. And while national parks have received much of the attention, chronic underfunding of public lands and local parks applies broadly and solutions to this issue cannot be restricted to the national parks.

We need renewed partnership between the Federal Government, tribal, state and local authorities. We need to fully fund the Land and Water Conservation Fund.

Let me say something about outfitter and guide permits. Many of our members own or work in small businesses that provide guided opportunities for individuals and members of the public to safely enjoy public lands in an environmentally respectful way. To do this requires an outfitter guide permit.

Let me just tell you when—brief story. Sam Drevo owns eNRG Kayaking in Oregon. He was on a waiting list for 12 years to get a permit for his national forest, and he found that it was easier to take his clients and customers to Costa Rica than the national forest in his backyard. That's something we need to take a look at.

I want to touch on limited entry permit systems. Many of our popular rivers across this country have permits that are distributed on an annual basis through lotteries. For many of these rivers the allocations and capacity limits have not been updated in decades. Changes in the way people recreate, the equipment they use, and the experiences they seek necessitate a regular assessment as to whether current management strategies and the plans that guide them are meeting public needs.

Finally, I'd like to close by just saying that as you've—thank you for holding this hearing. And as you further consider the topic of access to our public lands and waters, I'd like to reflect on the fact that we come from an incredibly diverse country. Where I live tribes have had a long cultural connection to the landscape. I hope you will seek out their perspectives as well as those of other communities across this country, rural and urban communities, communities of color. We need to expand the conversation.

Thank you.

[The prepared statement of Dr. O'Keefe follows:]

TESTIMONY OF
DR. THOMAS C. O'KEEFE
PACIFIC NORTHWEST STEWARDSHIP DIRECTOR
AMERICAN WHITEWATER

BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

HEARING TO EXAMINE OPPORTUNITIES TO IMPROVE ACCESS, INFRASTRUCTURE, AND PERMITTING FOR OUTDOOR RECREATION

March 14, 2019

Chairman Murkowski, Ranking Member Manchin, and members of the Committee on Energy and Natural Resources:

My name is Thomas O'Keefe, and I am the Pacific Northwest Stewardship Director for American Whitewater.

Background

Founded in 1954, American Whitewater is a national river conservation nonprofit and our mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. Our conservation and restoration work is infused with recreational knowledge and enthusiasm, and our recreation work is driven by a deep conservation ethic. We call this integrated approach to our mission river stewardship and pursue it in three tracks: Protect, Restore, and Enjoy. When we spend more time on rivers, we become better stewards and better advocates for their protection.

I grew up in the northeast and I have spent my entire life exploring rivers; I have been to every region of the country and several places around the world where I have fished and hunted along beautiful mountain streams. I have kayaked remote gorges deep in the Appalachians, Rockies, Sierras, and Cascades; canoed the rivers of our Great Plains and the southeast; rafted rivers flowing through our deserts in the southwest; traveled along rivers in Alaska where the opportunities for exploration are endless; and enjoyed good times with friends and family on the waterfronts of our nation's cities that developed along rivers. Through these experiences I have traveled to every state in this country and spent time on several hundred rivers. My interest in rivers led me to a doctoral degree in aquatic ecology and for nearly a decade I coordinated a research

program on rivers at the University of Washington, where I also taught a course in Watershed Ecology and Management. For the past 14 years I have served as the Pacific Northwest Stewardship Director for American Whitewater. In addition, I serve as Chair of the Hydropower Reform Coalition, a Director for Mountains to Sound Greenway, Policy Advisor for Outdoor Alliance, Seattle City Light Environmental Advisory Group member, and an active member of the River Management Society.

I first want to thank this Committee for bipartisan leadership in passing a Public Lands Package, S.47 - John D. Dingell, Jr. Conservation, Management, and Recreation Act. The package of bills that formed the basis for this legislation, and the overwhelming support it received, demonstrates the fact that public lands and waters are important to all Americans regardless of their political perspectives. When we talk about infrastructure for outdoor recreation, clean water, ancient forests, deep canyons, and majestic vistas found across our country represent the most fundamental elements for the recreational experience. The conservation of these special places, where the outdoor recreation experience takes place, is critical. Outdoor recreation represents a growing segment of the United States economy, and I appreciate that this committee has now chosen to focus on how we manage these lands and waters.

Today I will focus my comments on enhancing opportunities to enjoy our public lands and waters.

Rural Economic Development

While I currently live on the West Coast, I grew up in the small town of Norwich in rural upstate New York, with a population of approximately 8,000 people. I have witnessed first-hand the struggles of a community that has seen locally-based manufacturing leave the town with commensurate decline in the local economy. But as a youth I could fish, hunt, boat, bike, ski, and explore the outdoors by simply walking out the back door. Access to the outdoors can be a competitive advantage, and increasingly, rural communities across this country are learning to capitalize on this advantage. Our organization sponsors the Gauley River Festival in Summersville, West Virginia every year. This one event generates over $1 million in direct spending, a significant number for the town of Summersville with less than 3,500 residents.[1] Approximately 85% of the total spending in the county is imported from outside the county. The State of West Virginia, outside of Nicholas County, also receives additional economic activity that would not otherwise occur if not for the Gauley River Festival.

[1] The Economic Impacts of the Gauley River Festival 2007, Crane Associates, Inc. <https://www.americanwhitewater.org/content/Document/view/documentid/384>

Enhancing opportunities for outdoor recreation is about more than just providing jobs for seasonal raft guides or bartenders serving a tourist town; it is about providing the infrastructure (e.g. transportation and broadband access that provide connectivity to global markets) and access to outdoor recreation amenities that make communities desirable places to live, work, and start businesses.[2] Indeed, a well-developed body of evidence exists illustrating the ability of outdoor recreation opportunities to attract employers and high-skill workers.[3] People may begin visiting a community for outdoor recreation, but we really need to think beyond tourism to build communities that have an economic base for workers and their families who value the opportunities for close-to-home recreation.

The question before us today, is what can Congress and this Committee do to further enhance these opportunities to improve the economic status of rural communities?

Congress has taken important incremental steps. The recently-passed Farm Bill includes language on recognizing the connection between outdoor recreation and rural economic development. The Conference Report states:

Separately, the Managers recognize that existing programs within the Rural Development Title may be used to support outdoor recreation investments that meet the applicable program requirements. To increase the impact of these programs on the outdoor recreation economy, the Managers expect the Secretary to identify and support opportunities for outdoor recreation-related investments that result in rural economic growth, including outdoor recreation businesses, facilities, infrastructure, planning, and marketing. The Managers also expect the Secretary to encourage coordination between Rural Development and U.S. Forest Service staff to identify opportunities to cooperate and leverage resources and investments.[4]

We need more of this kind of thinking to connect outdoor recreation with rural economic development and programs and initiatives that deepen this connection. We need to find

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[2] A peer-reviewed study by Rasker, Gude, and Delorey (2013) found a relationship between the amount of protected public land, higher per capita income levels in 2010, and faster growth of per capita income and investment earnings between 1990 and 2010. They concluded that this may be due to the fact that "in today's economy a premium is placed on the ability of communities to attract talented workers, and the environmental and recreational amenities provided by national parks and other protected lands serve to attract and retain talented people who earn above average wages, and have above average wealth, such as investment income." <https://headwaterseconomics.org/wp-content/uploads/ProtectedPublicLands_Manuscript_2012.pdf>

[3] See for example Hunting, D. 2013. The Capitalization of Our Climate, Attracting Highly Skilled Workers to Arizona's Sun Corridor, Sonoran Institute. <https://sonoraninstitute.org/files/pdf/the-capitalization-of-our-climate-attracting-highly-skilled-workers-to-arizonas-sun-corridor-09172013.pdf>

[4] At Page 677, Agriculture Improvement Act of 2018, Conference Report 115-1072, Title VI(61), <https://www.congress.gov/congressional-report/115th-congress/house-report/1072/1>

ways to further enhance the relationship between state recreation offices, that typically have a goal of economic development, towards policy outcomes that enhance the quality of recreational experiences and the economic benefits for local communities. We also need to think beyond agencies that typically serve outdoor recreation and instill an outdoor recreation approach to meeting specific agency goals wherever possible. Whether it is Darrington, Washington; Fayetteville, West Virginia; Banks, Idaho; Oakridge, Oregon; Oroville, California; or so many other communities across this country that are connected to public lands and waters, we need to find ways to improve access, infrastructure, and permitting for outdoor recreation in a manner that returns economic benefits to local communities.

Access

Agency Planning

Access to public lands and waters and the experiences the public can enjoy on them begins with smart agency planning. Planning forms the basis for decisions and implementation of actions that directly affect access for outdoor recreation. Too often, recreation is treated simply as a corollary benefit of conserving public lands. While this can work well in some circumstances, it is not an arrangement suited to precise management or protection of socially and economically important areas, particularly those lands or waters which may already have some level of impact from development. Identifying and designating areas for recreation as the predominant use, with accompanying management direction to protect access and enhance the recreational experience, begins with an assessment of where recreational activities are occurring or would be suitable.

While organic acts like the Wild and Scenic Rivers Act or Wilderness Act require an inventory of eligible areas for their conservation value during the land management planning process, no such requirement exists for land management agencies to prospectively evaluate areas suitable for recreation-focused management. To address this situation, a diversity of recreational experiences should be identified and recreation values evaluated with the development of land management plans by agencies.

Monitoring Recreation to Inform Access Needs

Identifying and quantifying the diversity of activities on public lands requires good data and new tools to survey visitors and their patterns of use on public lands and waters. On-site visitor monitoring efforts, such as the National Park Service Visitor Use Statistics Program and the Forest Service National Visitor Use Monitoring Program,

provide important information about recreation on public lands. However, the expanse of public lands and the cost of implementing such programs limits the spatial and temporal coverage possible from on-site monitoring efforts. The result is often an incomplete picture of how many people recreate on public lands and waters, when and where they go, and what they do.

Often times, land management agencies are not aware of the many activities that occur on lands and waters they manage – in a recent Forest Planning effort in California for example, we discovered that the Inyo National Forest was unaware of the value of the Middle Fork San Joaquin River for whitewater recreation, a destination that attracts expert paddlers from around the world. A lack of a comprehensive recreational resource inventory and visitor-use data has resulted in missed economic opportunities, sub-optimal land management plans, and unnecessary natural resource management conflicts. One way to address this problem, especially regarding outdoor recreation – the dominant way Americans experience public lands – could be through data available from public, private, and non-profit organizations. Resource agencies need to actively promote innovation and new approaches to quantify recreation, and should explore the best sources of data and information through public engagement, interdisciplinary team discussions, and consultation with the research community.

Site-Level Planning

While land management plans take a broad view of the landscape managed by a resource agency, we need better tools and guidance for site-level planning. In the case of the Pit River in California, a hydropower utility developed a boater access point as part of their responsibility to provide public access to project lands and waters as a condition of their federal hydropower license. The parking area is too far from the river, the trail to the river passes through a sensitive cultural site, and the launch point is just upstream of a river-wide hazard created by remnants of a dam. In short, the access is in the wrong place. We have also witnessed situations where a highway bridge is reconstructed and access is lost due to poor planning and design of the bridge. River runners and fishermen routinely use the public right-of-way at a bridge crossing to access waterways. When these uses are not considered, recreational opportunities and access can be lost. To address these challenges we need better site-level planning and technical resources; federal programs like the National Park Service Rivers and Trails Conservation Assistance Program can serve this need and should be further expanded. We also need a greater appreciation among a diversity of federal agencies, including those where outdoor recreation is not a primary focus, that it is important to consider outdoor recreation in agency planning and decisions.

Evaluating Visitor Experiences When They Access Public Lands and Waters

In Wyoming on the Bridger Teton National Forest at the West Table launch facility on the Wild and Scenic Snake River, a gasoline-powered pump sits adjacent to the launch ramp. This pump, provided and maintained by the Forest Service, enables river runners to more quickly inflate their craft, progress through the process of setting up their boats, and efficiently depart the launch area to enjoy a day on the river. Anyone who has spent time at a boat launch knows that inefficiencies and delays can quickly cause tempers to rise. Managers who take assertive actions to identify inefficiencies and apply creative solutions to address them should be recognized for their actions. While the Forest Service has taken some initiative to measure the quality of visitor experiences, and not just the quantity of visitors, we need to expand on this and integrate the information into decision making and personnel performance evaluations.

Infrastructure

As river runners, the basic infrastructure we need is clean healthy rivers and the ability to access them. This access includes roads and trails and associated day-use sites or campgrounds that can include launch facilities. Increasingly we are facing chronic underfunding of resource agencies to develop and maintain basic infrastructure necessary to access our public lands and waterways. Unmaintained trails, roads, and facilities fall into disrepair, diminish user experiences, and create public safety issues; ultimately the capital expenditures necessary to address the issues and bring facilities back to standard can greatly exceed the cost of what annual routine maintenance would have been and is fiscally irresponsible. In my work, finding resources to build a river access or recreational facility is challenging but being able to commit to or have stable long-term funding to maintain and manage a facility is often an insurmountable obstacle. The Forest Service Legacy Roads and Trails Program is one example of smart federal programing that was zeroed out this past year, but should be authorized by Congress.

While National Parks have received much of the attention, chronic underfunding of public lands and local parks applies broadly and solutions to this issue can not be restricted to National Parks. We need to fully fund the Land and Water Conservation Fund, commit to investment in all our public land management agencies, and identify opportunities for renewed partnership between the federal government and tribal, state, and local park authorities that will pay dividends for the health and well-being of people all across the country.

Partnerships and volunteers have stepped up to address some of these challenges. Even where these external resources exist, we need agency investment in capacity

building to manage these partnerships and volunteers to fully leverage and take advantage of the resources they represent.

Permitting

Outfitter-Guide Permits

Many of our members own or work in small businesses that provide guided opportunities for members of the public to safely enjoy rivers in an environmentally respectful way. My own initial experience on whitewater was as a youth on a day trip through Alpine Canyon on the Wild and Scenic Snake River in Wyoming. These types of businesses and outdoor programs often provide instructional opportunities for those who wish to enter the sport of whitewater boating, including youth and individuals from diverse communities who may not have had previous exposure to the outdoors. These facilitated access opportunities are essential to ensuring that Americans from all backgrounds have the opportunity to experience their public lands and waters, develop skills, and build a stewardship ethic. To provide these opportunities on public lands and waters, an outdoor program needs to obtain what is generally referred to as an "outfitter-guide permit."

Currently, recreational permitting systems managed by federal land management agencies make it difficult for guides, outfitters, and other outdoor programs to take people outdoors. I can illustrate this most vividly through the real-world experiences of our members and business partners:

- Sam Drevo, who owns eNRG Kayaking in Oregon was on a waiting list for 12 years to obtain a special use permit to provide guided trips and instruction for kayakers; ultimately it was easier for him to take kayakers on guided trips to Costa Rica than to the Mt. Hood National Forest in his own backyard.
- Zach Collier, the owner of Northwest Rafting Company in Oregon, sought to diversify his business beyond traditional raft trips by providing new opportunities for wilderness river exploration through lightweight inflatable boats known as packrafts. It took him hundreds of hours to navigate the permitting process to secure a permit to lead one or two trips a year on the Chetco River in southwest Oregon. When he was looking to add a few trips on the Illinois Wild and Scenic River, the process took nine years. He described it to me as the most challenging and frustrating experience he has ever been through.
- Pete Wallstrom, owner of Momentum Rafting in Southern Oregon, sought to provide opportunities for multi-sport adventures on the Klamath Wild and Scenic River that include an overnight experience. After a three-year permit process, he ran the new trips for four years and received perfect reviews from the agency.

Staff turnover in the agency occurred and they found that they had made a process mistake in the original permitting for his activity. First, the agency informed him that they did not have the capacity to correct their error and they would not allow the use in the future. This occurred seven months before the start of the 2019 season and with many 2019 trips already booked and paid for. After pressure, the agency is now conducting additional review but they have yet to issue a permit for his overnight camp for the season.

- We also have members who have sought to provide new opportunities for teaching and instruction, along with the ability to explore and discover new places. Current systems are not flexible enough to accomodate permits for backcountry exploration or low-impact access that could provide new business opportunities. Those interested in providing these experiences are often quickly overwhelmed by the complexity and labor-intensive process of obtaining a permit to do so.

This situation is not unique to Oregon. In many places around the country, outfitter-guide permits are difficult for outdoor leaders and businesses to obtain because the permitting process is difficult and labor-intensive for the agencies and outdoor leaders to navigate; the predominant reason for this is lack of staffing and staff turnover. In some places, the agencies simply refuse to issue permits because they do not have enough staff to administer them. The reality is recreation permitting and management takes a back seat to almost all other uses of public lands. In the U.S. Forest Service for example, 70% of the people responsible for administering permits have been assigned those responsibilities as a collateral duty on top of another job. As a result, they do not have the time to issue and administer new permits. This is the most common reason why permit applications are rejected or remain unprocessed. The review process for new permits is important because managers need to ensure that new uses or activities are environmentally and socially sustainable, but this basic agency function needs to be prioritized. More and more people want to travel and get outside, including schools and youth programs, and outfitters provide services that benefit rural economies. Delays in issuing permits means that outdoor businesses lose money and people lose opportunities to experience the outdoors. We need to improve these systems to increase access to the outdoors for outdoor programs, guides, and outfitters.

Limited Entry Permit Systems

In addition to outfitter-guide permits, many popular river trips have limited-entry permits that are distributed on an annual basis through lotteries. In many cases the allocations and capacity limits established for rivers have not been updated in decades (the Rogue River in Oregon and Selway River in Idaho are examples of rivers with management plans that date back to the 1970s). Changes in the way people recreate, the equipment they use, and the experiences they seek necessitate a regular assessment as to

whether current management strategies and the plans that guide them are meeting public needs. River management plans should be evaluated and updated to reflect changed conditions.

Closing

Thank you for the opportunity to come before you today. As you further consider the topic of access to our public lands and waters, and opportunities to improve outdoor recreation, I would ask you to also consider the fact that we come from a wonderfully diverse country. In the region of the country where I actively recreate, tribes have had a long cultural connection to the landscape. I hope you will seek out their perspectives as well as those of other communities across this country, including those from rural and urban communities and communities of color in pursuing opportunities to sustainably manage our public lands and provide outdoor recreation experiences we all can enjoy.

I would be happy to take any questions.

The CHAIRMAN. I absolutely agree. Thank you, Dr. O'Keefe.

Ms. Mitchell, welcome.

STATEMENT OF SANDRA F. MITCHELL, PUBLIC LANDS DIRECTOR, IDAHO STATE SNOWMOBILE ASSOCIATION, AND EXECUTIVE DIRECTOR, IDAHO RECREATION COUNCIL

Ms. MITCHELL. Thank you very much, Chairman Murkowski and Senators. My name is Sandra Mitchell, and I come before you today with the envious task of explaining the state of snowmobiling.

The CHAIRMAN. Microphone.

Ms. MITCHELL. Good point—explaining the state of snowmobiling.

Senator RISCH. Idahoans are technically challenged.

[Laughter.]

Ms. MITCHELL. Snowmobiling is woven into the fabric of Idaho and every snow state. It facilitates a sense of solitude in ever-crowded landscapes. Snowmobiling reveals the awe-inspiring beauty of this incredible country dressed in white at a time of year when most are in front of a couch, sitting on a couch in front of a fireplace. Most importantly, snowmobiling unites families and friends in play. After all, most of life's great memories are not created on a couch.

Snowmobiling in America is big business. It generates about $26 billion annually. In Idaho, snowmobiling's total economic impact is $197.5 million. Snowmobiling is not only important to the economic stability of Idaho. It is the main reason why many of our small communities will survive.

Snowmobiling is changing. It's getting younger. That's thanks to the growing popularity of snow bikes, fat tire bikes, the hybrid. The hybrid are folks who use a snowmobile to access the high country and then ski down. Many ATVers and UTVers are now putting tracks on their snowmobiling and using our groomed snowmobile trails. And we welcome them.

All recreationists use the public lands for the same reason. Every visitor study shows that. Regardless of the mode of transportation, all go to experience the backcountry because of the beauty, the wildlife, and for the adventure and challenge.

This does not mean that a snowmobile belongs on every acre of public land. There are places where there should be no use, places where motors belong and places that should be shared.

I think it's important to note, that as far as I know, there is no such thing as an exclusive snowmobile area. There are shared use areas where motors are allowed and there are non-motorized areas.

Snowmobiling is good for the economy, quality of life. Our tracks don't last because we ride on a cushion of snow. We go up, most wildlife goes down, so life must be easy for the snowmobile community, right? Well, we do have our challenges.

For example, the use of conflict as a reason to justify a snowmobile closure. We understand that there will be restrictions but they should be established on good scientific data, not preferences or perceptions or assumptions. Decisions driven by real and substantive resource problems or by Congressional designations are not at question. However, social issues, such as conflict, drive many

allocation decisions. All users of the public lands must be treated equitably. We suspect that when a motorized recreation is granted the first exclusive use area and it becomes evident that raising issues of conflict can hurt one side as much as the other, most of the shouts of conflict will abate.

The Management of Recommended Wilderness. In the Northern Region, Region 1, which includes 12 national forests, Recommended Wilderness is managed as Designated Wilderness. The policy was adapted around 2006. The assumption behind the policy statement seems to be that motorized and mechanized recreation is automatically incompatible with RWA's. The proper test is whether the specific motorized/mechanized activity somehow compromises the area's future potential for designation as wilderness. That is the official policy of the Forest Service but not the policy of Region 1. A consistent nationwide policy is needed. We believe that can be accomplished with a Secretarial Order.

Winter Travel Planning. I have yet to see a Forest Plan or a Travel Plan that has increased motorized recreational opportunities. In fact, every process in which I have worked, snowmobilers lose areas and summer motorized users lose trails. The solution would be to start every Forest Planning with a clean slate. Remove all the lines except for the designated areas and reevaluate those areas. The areas change. Nature changes them. Fire changes them. The uses change. Why don't we go back and reevaluate each time?

I thank you for this opportunity to talk about snowmobiling. We truly value the opportunity to ride on our public lands. The value is unmeasurable and we know that, because loss has taught us the worth of those lands. A young snowmobiler once told me that he had spent years and years sitting around listening to 'old timers' tell them about where they used to ride, and it motivates him to stay involved and to protect access so that he can show his children and grandchildren where they ride and let them experience the joy and wonder for themselves.

Thank you.

[The prepared statement of Ms. Mitchell follows:]

Sandra F Mitchell
Idaho State Snowmobile Association, Public Lands Director
Idaho Recreation Council, Executive Director

My name is Sandra Mitchell and I come before you today with the envious task of "explaining" the state of snowmobiling. Snowmobiling is woven into the fabric of Idaho and of every snow state. Snowmobiling facilitates a sense of solitude in an ever-crowded landscape. Snowmobiling reveals the awe-inspiring beauty of this incredible country dressed in white at a time of year when most are at home on a couch in front of a fireplace. Most importantly, snowmobiling unites families and friends in play. After all, life's best memories are seldom created from one's couch.

Snowmobiling in American is big business. It generates about 26 billion annually. In Idaho, snowmobiling's total economic impact is $197.5 million and over 100,000 full-time jobs are generated by the snowmobile industry. Snowmobiling is not only important to the quality of life of Americans but it is critical to the economic stability of many rural communities. Recreation may well be the deciding factor in whether or not many rural communities survive.

Snowmobilers are proud of the fact that they pay their own way. They do so by taxing themselves through a sticker program, often with a portion of state and federal gas tax. These funds are pooled and use to build the expensive infrastructure needed, which includes grooming trails, building and maintaining parking lots, education, law enforcement and signage. Every trail, every facility built is used year-around by non-motorized and summer motorized users as well. We gladly share all that we build including our groomed trails.

Snowmobiling is changing. It is getting younger thanks to the growing popularity of the snow bike, fat tire bike and the hybrid…backcountry skiers who use a snowmobile to access the mountains. They sled up and ski down. Also, many UTV's & ATV's users are putting tracks on their vehicles and riding the groomed trails. All are welcome.

All recreationists use the public lands for the same reason…every visitor study shows that. Regardless of the mode of transportation, all go to experience the backcountry because of its beauty, the wildlife--for the adventure and the challenge.

That does not mean that a snowmobile belongs on every acre. There are places where there should be no use, places where motors belong and places that should be shared. I think it important to note, that as far as I know, there is no such thing as an 'exclusive snowmobile area', there are shared use areas where motors are allowed and non- motorized areas.

So snowmobiling is good for the economy, quality of life, our tracks don't last because we ride on a cushion of snow, critters go down, we go up, so life must be good for the snowmobile community, right? We have challenges:

- Using 'conflict' as a reason to justify a snowmobile access closure:

  We understand that there will be restrictions but they should be established on good scientific data, not on perceptions or assumptions. Decisions driven by real and substantive resource problems or by congressional designations are not at question. However, social issues, such as conflict, drive many allocation decisions. All users of the public lands must be treated equitably. We suspect that when motorized recreation is granted its first exclusive use area, and it becomes evident that raising issues of conflict can hurt one side as much as the other, most of the shouts of conflict will abate.

- The Management of Recommended Wilderness:

  In the Northern Region, Region One, which includes 12 national forests, recommended Wilderness is managed as Designated Wilderness. This policy was adopted around 2006. The assumption behind the policy statement seems to be that motorized and mechanized recreation is automatically incompatible with RWA's. The proper test is whether the specific motorized/mechanized activity somehow compromises the area's future potential for designation as wilderness. That remains the official policy of the Forest Service today but not the policy of Region 1.

A consistent nationwide policy is needed. We believe that can be accomplished with a Secretarial Order.

- Winter Travel Planning:

  I have yet to see a Forest Plan or a Travel Plan increase motorized recreational opportunities. In fact, in every process in which I have been involved, snowmobilers lose areas and summer motorized users lose trails. The solution would be to start every Forest Planning process with a clean slate. Remove all the lines except for the designated areas and reevaluate the uses and the needs.

I thank you for this opportunity to talk about snowmobiling. We truly value the opportunity to ride on our Public Lands. Their value is unmeasurable and we know that, because loss has taught us the worth of those lands. A young snowmobiler told me that he had spent hours listening to 'old timers' talk about where they used to ride. He uses that as a source of motivation because he never wants to tell his children and grandchildren about where he rode, he wants to take them there and let them experience the wonder and joy for themselves.

In Region 1 there are two types of Wilderness; Congressional Designated and Administratively Created

Idaho:	acres
Congressionally Designated Wilderness:	4,796,559
Existing Recommended Wilderness Areas managed as Wilderness: acres	392,919

Only two Forests in Idaho are in Region 1, the Panhandle and the Nez Perce-Clearwater. The largest contiguous Wilderness in the lower 48 is in these two forests. (The Selway-Bitterroot, Gospel Hump, and the Frank Church River of No Return Wilderness)

The Nez Perce Clearwater Forest is in Forest Planning and additional acres may be designated RWA.

Montana:	
Existing Congressionally Designated Wilderness:	3,501,359
Existing Recommended Wilderness Areas and the Montana Wilderness Study Areas managed as Wilderness:	700,000 (Forest Service Only)

Another 130,000 is proposed to be designated as RWAs in the Gallatin Forest Plan Revision
Another 500,000 is proposed to be designated as RWA's in the Helena Lewis-Clark National Forest

We need more access, not less. We need to actively manage our public lands in a responsible and innovative manner responsive to public demands. We need clean air, clean water and healthy forests. These are our lands; they should be managed for our responsible and sustainable use...Art Seamans, Idaho Recreation Council and Retired Forest Service.

The CHAIRMAN. Thank you, Ms. Mitchell. I appreciate your testimony as well. The only disagreement that I might have with you is you all call it snowmobiling. In Alaska, it is snow machining.

We are all talking about the same means of getting around, and it is just the terminology. I think it is parochial stuff, or whatever it is, but thank you for this.

As I look to the members that have come in and out and are here to participate in this hearing, we are all hunters. We are all fishermen, hikers, those who really enjoy the great outdoors and whether it is on motorized, snow machine, snowmobile, or using your own legs to get you out skiing or just hiking around, it is a recognition that it is all ages, all parts of the country and in how we make this access available is important to us.

And you, several of you, have hit on what we are seeing of late with decreased access that comes about because you don't have the ability to go out and hunt and fish because you don't have availability of the lands as much as before.

But I want to focus a little bit on the permitting aspect of it because Dr. O'Keefe, you mentioned the situation in Oregon. It is easier to take your clients down to Costa Rica than to get out on a river there. Mr. Kirkwood, you had mentioned the challenges that go with the permitting in just the timeliness. Several of you have said you don't have a problem with small user fees, and what I am trying to understand here for purposes of today's testimony is we know that we need more people processing the permits, okay. We know we need to deal with this timeline and the uncertainty that is out there.

I am curious to know, from a cost perspective, how big of an impediment is that to a small, local outfitter. Are the fees, are the permit fees, higher than might be reasonable? Because really, that is a big barrier if you can't afford to get onto and use the public lands, that is an issue.

Dr. O'Keefe, you look at a river. A river just doesn't stay in Oregon. They might in Alaska, but most of them will cross multiple state jurisdictions. And you know, you need to get multiple permits if you are going to be guiding down a river that crosses certain areas.

So if we can have a three-and-a-half-minute conversation. Everyone can jump in here, but I need to understand better what the barriers are when it comes to the permitting process. Have at it. Dr. O'Keefe, you look like you are leaning in first.

Dr. O'KEEFE. Yeah, well, I'll jump in here.

I mean, I think, one of the things is just to make this a priority for land managers and river managers. And you also touched on, you know, rivers do cross jurisdictions and having better coordination for a river system that crosses between Bureau of Land Management land, Forest Service land, National Park Service land. Currently an outfitter has to interface directly with each of those agencies individually, and there are opportunities for better coordination.

The CHAIRMAN. So do they currently coordinate if you are moving from BLM?

Dr. O'KEEFE. No.

The CHAIRMAN. So it is literally, there is no place to go for a one stop shop permit if you are this river outfitter and you are going to go through BLM to Forest Service?

Dr. O'KEEFE. That's right. And it's even more complicated than that. There's often not even a person to go to at a lot of these agencies.

So, a lot of times, you know, you make a phone call to the district ranger. He sends you to someone. Then you get sent to someone else. And I've seen correspondence records from some of these outfitters where it's usually, literally taken them years and 12 different individuals they've spoken to within an agency and often requires a member of Congress to intervene to actually assist the process and move it along.

The CHAIRMAN. What about on the cost side? Who wants to speak to that? Are they reasonable?

Mr. Kirkwood?

Mr. KIRKWOOD. We don't think that the fees are unreasonable.

The CHAIRMAN. Okay.

Mr. KIRKWOOD. The fees are appropriate, and we're happy to help pay our way.

What we see as a challenge is the backlog of planning. And this is where collaboration for large landscape scale planning on recreation could be a big opportunity.

The CHAIRMAN. I think that was mentioned previously as well.

So, other issues with permitting? We've got backlog, timeliness. Would it help if there was a time period within which you know you should expect a response back on your permit?

Dr. O'KEEFE. I would say absolutely because, I mean, I've seen situations where someone contacts the agency and there's literally no response back, so.

The CHAIRMAN. Well, that is where we get involved.

Dr. O'KEEFE. Right, I know.

The CHAIRMAN. That is where they call their Senator and say, we need help because we are trying to get this heli-ski permit and we have already missed this season and we are going to miss next season. So you know, that, in fairness, should not be our job to help navigate you through this.

Dr. O'KEEFE. I agree, yeah.

The CHAIRMAN. That is why I am curious about what more we can be doing to make sure that we have a process that is reliable. One that says check back in seven years for your ice fishing permit, to me, is not a decent process.

Okay. Let me turn to Senator Manchin.

Senator MANCHIN. Thank you, Madam Chairman.

Let me apologize to all of you. I had another meeting. They just double book us sometimes, and I had to get that one going.

Anyway, I appreciate so much all of you being here with your expertise.

The western lands versus eastern lands are very different, and I am learning that. I am learning about BLM. I have never lived out West. I was born and raised in West Virginia.

My friend Jeff here, Jeff Lusk, he has come into it. He has always been from the coal fields. He is from where I am from. And I understand there are challenges you might have, Jeff.

You might explain a little bit, the successes you have had with Hatfield McCoy, how it came into fruition, how it took private-public partnerships, where we are at now to expand it. And you have the same challenges working with private landowners as the federal lands, like BLM. Kind of explain the differences you have there and the challenges and where you are.

Mr. LUSK. Thank you, Senator.

Yeah, so our project is on private property. We work with over 90 coal, timber, and natural gas companies who provide us——

Senator MANCHIN. Which would be equivalent to basically working with BLM?

Mr. LUSK. Yes.

[Laughter.]

Who provide us access to over 250,000 acres of their private property. And we work with these companies. They primarily hold the property for natural resource extraction.

We actually put a public recreation area in amongst this natural resource extraction. They, for no monetary consideration, they allow us to use the property. We provide policing, indemnity. We are stewards of the property. We manage this activity. In turn, we don't pay them for use of the property, but they do give us a limited license agreement to be on the property.

This has created a catalyst for economic development in southern West Virginia. And as you said, the challenge is we're working with 90 companies and you guys are working with the BLM. And it may be easier to work with these 90 companies, so I can understand that.

But we use the property. It's an economic development tool. And as the Federal Government being the largest neighbor to many small cities and towns, it's imperative that they do have access, that there is economic development activities just like the folks going bear hunting or the folks snowmobiling to these properties. For these communities, it's their lifeblood.

In southern West Virginia we are reinventing cities and towns by providing access to this historically closed off, private property for the use of ATVing, off-road motorcycling, UTVing, but it could just as easily be hiking or bear hunting or snowmobiling by providing access, by charging a fall permit, by policing the property, I think that there's a good marriage there.

And for the towns that are adjoined by federal lands or adjoined by vast tracts of private property, they need access. And I think it's tantamount on all of us to give them access. And I think it can be done in a good stewardship way and also be an economic development project.

Senator MANCHIN. Mr. Fosburgh, if you could. We just passed the John D. Dingell, Jr. Conservation, Management, and Recreation Act, which we call the Public Lands bill. In your estimation, how does it help with recreational access or is there still some challenges we have to overcome?

Mr. FOSBURGH. You know, thank you, Senator.

And first, you know, S. 47 was a great accomplishment. And I think it was really a team effort from both sides of the aisle and really shows these issues should not be partisan. This is something that ought to bring us together. I think that, you know, all sorts

of different aspects of that bill impact outdoor recreation and infrastructure.

The Land and Water Conservation Fund is obviously the great big one. And the fact that now, not only has it been permanently reauthorized, but that three percent of the expenditures are targeted toward access type projects, it's going to change, I think, the way the agencies look at this fund from the beginning, and it's going to change the way it gets implemented on the ground.

I mean, LWCF has got, sort of, a bad rap, I think, in the past for like funding a far-off butterfly habitat that doesn't impact average people, which is not true.

But this really, I think, brings the focus really back to recreation type projects—access, hunting, fishing projects. And I think, you know, with that, if we can fully fund that in particular, you know, we have, I think, real opportunity here.

Now part of the problem is you ask the agencies where are the key target parcels they need to, you know, go out and do an easement with or do an outright——

Senator MANCHIN. The nine and a half million acres that's inaccessible right now, how do we make that accessible and have the public be able to utilize that——

Mr. FOSBURGH. Exactly.

And if you were to ask the agencies, they'd give you a shrug of the shoulders because they don't even know where they right now have existing access routes across private land. So we've got to get that stuff digitized.

And then we also have to be thinking about instead of great big landscapes that may be a target for an LWCF project, there may be one section someplace——

Senator MANCHIN. Gotcha.

Mr. FOSBURGH. ——that opens up 10,000 acres of national forest behind it. And thus, the agencies have not looked at these, you know, projects in that way in the past.

So I think that it's, I think it will be a game changer in terms of the way we view these projects moving forward.

Senator MANCHIN. Thank you, Madam Chair.

I have more questions, but I will wait for another round.

The CHAIRMAN. Yes, thank you, good.

That is a good question though. I appreciate it.

Senator Daines.

Senator DAINES. Chair Murkowski, Ranking Member Manchin, thank you.

And Joe, I know they say West Virginia is almost heaven. We have to get you out West where you can experience heaven in Montana. We will do that.

Senator MANCHIN. You are a little bit higher than we are, but we are still almost heaven.

[Laughter.]

Senator DAINES. This has been a historic week for outdoor recreation and conservation with the enactment of the lands package signed Tuesday by the President.

I want to thank Senator Heinrich. Martin, it was great working with you and Chair Murkowski and many others on this Committee in a true bipartisan fashion to get this done. So thank you.

I truly believe that this bill will pay dividends to not only our outdoor economy, which is a booming $7 billion in Montana, but really for generations to come.

This permanent reauthorization of LWCF, I don't think can be overstated what this means—locking in these key reforms, increasing the dollars reserved for access easements, provisions requiring agencies to prioritize public land access and to keep them open unless the state or another statute authorizes their closure. More Montanans, more Americans will be able to enjoy our country's favorite outdoor activities.

Mr. Fosburgh, good to see you here.

According to TRCP, Montana alone has one and a half million acres of inaccessible lands, public lands. I wanted you to maybe comment on what permanent reauthorization means for LWCF and how that can help in some of these access issues we face in states like Montana?

Mr. FOSBURGH. Well, thank you, Senator Daines.

I think that as we were just talking about, I mean, now that it is permanent, we don't have to come back every three years and worry about the existence of the fund. We can really think longer term about where, strategically, individual projects really make some sense and it can be leveraged into something much bigger.

And I use the example of that individual section that may open up 10,000 acres. But I think that, you know, so I think that is the real opportunity moving forward, particularly if we can fully fund LWCF. But also, it's going to require also just the agencies to do things differently.

We've talked about the permits that are, I mean, the easements that are sitting in cardboard boxes in basements some place. We've asked the agencies how long, under the current situation, it would take for them to digitize all their access records and we got in the ballpark of 10 to 20 years. I mean, this is ridiculous. I mean, this is the 21st century. We ought to have this stuff digitized—if it takes a little bit more money to do it.

And hey, listen, I don't want to bash the agencies because they've been starved for years. They have guys doing permitting, I mean, this stuff, doing litigation work. I mean, you know, I feel badly for them. They need more resources to be able to make this a priority.

Senator DAINES. Thank you, Mr. Fosburgh.

Sometimes when people think about outdoor recreation, they think it is just about hiking and backpacking. By the way, those are two of my passions. That is what we spend most of our time doing in the summertime and occasionally in the winter.

However, according to the Bureau of Economic Analysis reporting the outdoor economy, it is boating and fishing that is some of the largest outdoor activities. In fact, by the way, LWCF provides 70 percent of the fishing accesses in Montana. That is huge if you think about access, and we have great stream access laws in Montana. I would invite other states to think about what we have done in Montana. The public can get from high water mark to high water mark on our streams.

But the largest outdoor activity generating nearly $37 billion in gross output was actually U.S. motorcycling and ATVing which is one of the fastest growing, highest grossing activities accounting

for about $20.3 billion. Snow activities, snowmobiling, we talked about this earlier, generate $11 billion.

I recently wrote the U.S. Forest Service about some concerns that we have regarding the planning process for closing historic trails in the Bitterroot National Forest. In that forest we recently saw closures on hundreds of miles of trails and thousands of acres to bikers, mountain bikers, and snowmobilers in the Sapphire and Blue Joint WSA despite decades of historical use.

Ms. Mitchell, how do you see the closures of historic trails like this hurt families and our outdoor recreation economy?

Ms. MITCHELL. Thank you.

Senator DAINES. You might want to hit your button there too. Thank you.

Ms. MITCHELL. There's that button thing again.

I thank you for the question.

It definitely damages opportunities. It hurts the families who have historically ridden in these areas. They can no longer ride in them. Then that puts them into other areas that they haven't ridden. And we're going to have more people riding those areas.

It's important to disperse recreation. This works against it.

But most importantly, it hurts the economies. There are many areas in Montana that have joined Idaho that were ridden for years and years and those people now come to Idaho to ride because they can no longer ride in Montana. We appreciate the benefits to Idaho, but we need to get the people back in Montana.

Senator DAINES. So I want to follow up about how the Forest Service manages what we call, RWAs, Recommended Wilderness Areas. Right now, there is no consistent standard for how the Forest Service manages recreational activities in areas they have recommended for wilderness but have not yet been designated by Congress. In some regions the Forest Service continues to manage for existing multiple use recreation such as snowmobiling and in other areas they prohibit every activity except horses and hikers.

Ms. Mitchell, could you speak briefly on how the inconsistency makes it difficult for outdoor recreation groups, like yours, and what do you think is the solution?

Ms. MITCHELL. Well, sir, this is an issue on which I have been working for about ten years, and it is a very frustrating issue.

In fact, the Gallatin National Forest just released their proposed action and they are going to add 116,302 more acres of recommended wilderness that will be managed as wilderness to that forest.

The Forest Service is doing the job of Congress. It's up to the people working with our elected officials to determine which lands qualify for wilderness. And that's a difficult job but it was meant to be difficult. Wilderness is very restrictive and we need to make sure it's in the right place for the right reasons.

Now, the Forest Service has decided, and on many occasions I have been told by Forest Service personnel, that the reason for this policy is because it eliminates the opposition to wilderness. And I do not believe that's their job.

It is costing the economies of Idaho and Montana because of this policy and I truly believe that because this is not a problem that Congress created, there's no directive. There's no law. There's no

policy from Congress that directs them to manage recommended wilderness as wilderness. This is an administrative issue that can best be solved with a Secretarial Order that provides a consistent policy for the management of recommended wilderness.

Senator DAINES. Okay, thank you. I am out of time.

Thanks, Madam Chairman.

The CHAIRMAN. Thank you, Senator Daines.

Senator Wyden, we are having the hearing that you and I have been talking about for some time. So, your turn.

Senator WYDEN. Well, we have, Madam Chair, and thank you for championing recreation, scheduling this hearing. Coming after the successful public lands legislation, I think, is the real one-two punch in favor of sensible resource policy.

So I want to thank you, and our Ranking Member is off to a strong start and has been enormously helpful as well. So I want to thank both of you.

I was just noting the hearing we already had on climate change. It has been a long time since that happened. So we are off to a really strong start.

The reason this hearing is so important, and I want to apologize to our guests because I am also going back and forth with the Finance Committee. We are having important hearings today, and otherwise I would be hanging on your every word, as I know Senator Heinrich is. He has been a great champion of recreation.

I think recreation has the potential to be a major economic engine for rural America. And I want to underline potential, because I think people really have not had a sense to capture what this could be all about.

In Oregon not long ago, a young man came up to me and said he was making kayaks. He has a big market for these kayaks, not just in Oregon but he told me he is looking to export them around the world. So this is a value-added kind of commodity. And I think there is so much potential here and the challenge is in the days of the smartphone to bring the permitting system and the regulatory systems in line with the times. That is what former House Chairman Rob Bishop and I have done with what we call the RNR bill, Recreation Not Red Tape.

I got into this when I saw, as the recreation season was beginning a couple years ago, that people would call me at home and they would say they got up in the middle of the night to call some agency and they were put on hold. And then after they waited a long time, they were told to call somebody else. I gather that Dr. O'Keefe has been walking people through some of these friendly, wonderful, enjoyable experiences as well. And we can do better.

That is what we did in the RNR bill, and much of it has absolutely nothing to do with being partisan. I mean, it is not Democratic or Republican to modernize the regulatory system so at least it gets into the relevant century because what we have today really has remnants of yesteryear.

So I think what I would like you to do, Dr. O'Keefe, because you have spent a lot of time in these precincts arguing that smart policy could really be an economic magnet for rural areas, is tell us a little bit about what your perspective is on how the Federal Gov-

ernment is handling the current system with respect to oversight of the recreation system.

Dr. O'KEEFE. Yeah, well, thank you, Mr. Wyden. Thank you for the question. And thank you for your leadership and everyone on this Committee on S. 47 and particularly all the wild and scenic rivers.

As you know, you come from a state with a lot of wild and scenic rivers and we have a——

Senator WYDEN. We are trying to catch Senator Murkowski in Alaska. We are coming on.

Dr. O'KEEFE. You're getting close. Thank you.

So you have a lot of rivers in the state and there's a lot of interest in realizing business opportunities on those rivers. You know, I shared a story earlier, I've got a whole boatload of these, but you've got, you know, constituents in the Portland area that are interested in providing guiding opportunities, taking people from outside the state, introducing them to the great rivers of Oregon.

Now I can go down to Ecuador and I can hire a guide in Ecuador and we can go all over the country and explore different places. It's extremely difficult to do that in Oregon, if you want to set up a business to be able to do it.

And as you articulated, the systems in place are very antiquated. It requires going in person to the offices, literally tracking people down.

I really appreciate what you've done in sort of launching this discussion with the Recreation Not Red Tape Act and doing so in a bipartisan fashion, because I sit here today and I listen to the issues that we're discussing and, you know, these aren't partisan issues. And you know, helping rural economies and helping people get outside, I think that's something that we can all agree on.

And so, given the leadership that really came out of this Committee to launch a bipartisan discussion on public lands and conservation issues, I think we can do the same thing on recreation.

I really appreciate the Chair and the Ranking Member holding this hearing, and I think we can do some great work together.

Senator WYDEN. Well said. I look forward to working with all five of you.

Thank you, Madam Chair.

The CHAIRMAN. Thank you, Senator Wyden.

We've got some work to do, but I know you are excited to do that.

Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

Let's start with the fact that recreation is now, by far, the biggest economic driver on our public lands. And as we heard from Senator Wyden, it has a lot of opportunity yet to go, especially for rural communities where we really need to be thinking about how we build and diversify our economies.

I wanted to give a shout out to the state lawmakers in my home state who last night passed through the second chamber now an Office of Outdoor Recreation as people are starting to realize that if you cultivate this, you can truly do even more than what is already an amazingly vibrant industry.

I used to be an outfitter guide. I used to do these permits. They are not a lot of fun. And I will tell you a little story, and I will try

and keep it short. But I worked for an organization who at the time had been around, oh, about 70 to 75 years. They have now been around a little longer. The Cibola National Forest was one of the places where every year we had a permit for Mount Taylor. I called up to check on my permit a month or two out before the summer season and I was told, sorry, I am working on a land swap this year and it is really important, so I won't have time to do your permit. And that is the kind of thing that we hear from Alaska to New Mexico and everywhere in between.

And so, one, I think we need to stop, within these agencies, treating this as an afterthought. Almost every one of these folks who approve permits have another job that is actually considered their primary job. There should be people whose primary job it is to process this recreation.

And I want to thank Senator Capito because she and I have been working on some recreation reform legislation now for several years that addresses the multijurisdictional issue. You oftentimes will cross two different agencies in multiple ranges or districts and several national forests to utilize one river or one wilderness area or one recreation area. We can fix that.

So I wanted to ask anybody on the panel if they had had a chance to look at that legislation? Last year it was Senate bill 3550. I know we have been deeply engaged with a number of the outfitter guide groups, a number of the non-profits, the NOLS (National Outdoor Leadership School) and Cottonwood Gulches of the world as well as The Wilderness Society and others, as well as some of the outfitter guide organizations and wanted to see if any of you had a chance to review that legislation. If not, I would highly encourage you to because we want to make this open for business. We want to make this work better all across the country. Please, if you have a chance, take a look at that.

Mr. Fosburgh, I want to shift real quickly to you on land and water. It was an enormous victory to see permanent authorization for the Land and Water Conservation Fund for habitat and for access, as you point out.

I was very disappointed to see that the President's budget that was just released effectively zeros out that program after we just permanently reauthorized it. I am going to urge my colleagues to treat that line item as purely advisory, but if Congress were to zero out the Land and Water Conservation Fund, what would it mean for access in the coming year? What would it mean for habitat? For sportsmen?

Mr. FOSBURGH. Thank you, Senator.

I think that we have a pretty good idea what it would mean is that right now we're losing the battle anyway and that's with LWCF at that $400 million, give or take, range annually and doing some great projects.

It has the opportunity to do a lot more, particularly of a target's access. But if we basically were to lose that program and lose funding for that program, everything dries up.

We've had projects that have been in the pipeline for years that are just waiting there, waiting for that green light for funding. And at some point, if you're a private landowner and you're willing to do a project like this, you're going to throw up your hands and just

go and do something else, sell out to that developer who is offering you a lot more money than this would give you in the first place.

Senator HEINRICH. Right.

Mr. FOSBURGH. So I think that the consequences of not funding LWCF are dire.

Senator HEINRICH. One of the things we included in S. 47, the public lands package, was actually language that I had originally introduced called the Hunt Act that just simply forces these agencies to figure out what they have access to and what they don't and to set priorities. So we intend to hold their feet to the fire moving forward to make sure that they do just that.

But I would really welcome your ideas as to how we address the digital divide that you talked about, the paper records and everything being in the basement rather than, you know, you and I probably both have onXmaps on our phones, right? You know exactly what land you are on, who the landowner is and it is all right there on your phone. Our public lands should be similarly responsive.

Mr. FOSBURGH. You're exactly right.

And I think that, you know, that is a big challenge that's only going to get done if it becomes a priority for the agencies, otherwise we're going to have that 10 to 20 years before they get these things fully digitized which is ridiculous.

Senator HEINRICH. Thank you all.

The CHAIRMAN. Thank you, Senator Heinrich.

Senator Cantwell.

Senator CANTWELL. Madam Chair, I see my colleague here from Nevada. Is she? Are you in line to——

Senator CORTEZ MASTO. No, go ahead.

Senator CANTWELL. Okay, thank you.

Thank you, Madam Chair.

I was hoping you were going to talk about Red Rock, but I will let you talk about Red Rock.

[Laughter.]

Thank you, Madam Chair. Thank you for this important hearing on the outdoor economy. Thank you for comments earlier about the President's signature to the lands package which included making permanent the Land and Water Conservation Fund which has been a lot of the discussion here this morning which is, I just want to note, a little bit of divine intervention here. Most people know that Scoop Jackson was the author of the Land and Water Conservation Fund in which he said, "I'd like to remind you that mostly it's to open areas that 90 percent of Americans go each year to seek refreshment in body and spirit."

Madam Chair, the interesting point is, is that after the debate in the Senate the Land and Water Conservation Fund was passed as a program with 92 votes. The other day when we had our vote, it was 92 votes as well. So somewhere in all of this is that Mother Nature is very supported by our colleagues and definitely something that people want to continue for the future. I look forward to ways in which we are going to do that.

Much of the discussion here has been about how to increase that continued access. To me, this $26 billion that is spent in my state, 200,000 direct jobs and $2.3 billion in annual tax revenues just

shows you that if we make more investment, we will get more return and that the coalition is a pretty broad group of people. How do we convince people to put more into this economy? How do we go about communicating, particularly for rural communities, the value of this equation?

I know we are going to have a discussion about park and maintenance backlog as well, but how do we convince people that the level of investment is just more recreational opportunity for Americans but it also is an economic value to those local communities?

Dr. O'Keefe or Mr. Fosburgh or Ms. Mitchell?

Dr. O'KEEFE. Yeah, so, I mean you touched on it with the Land and Water Conservation Fund. And I think about a community like the community of White Salmon where, you know, I know you've been and worked on the wild and scenic designation for the Upper White Salmon.

And you know, we have a situation there where the community is growing. We're seeing a lot more economic development there in that community and it's for access to that close to home recreation in telling that story. And we've got a Land and Water Conservation Fund project there in that community that is an opportunity that needs to get done to preserve the access to the river. And you know, the President's budget zeroed it out, so.

Senator CANTWELL. Well, there is one community in our state that is definitely very interested in this, Lewis County, in Centralia. They are very interested in telling the story of access and the connecting roads between Mount Rainier and Mount St. Helens and what you could do to create a scenic route there that were accessible to people.

So I think communities are trying to figure out how to take this resource that is, literally, in their backyard and translate that into access because they know that it is just as great a tool as anything else that they have for their economy but it is figuring it out.

I think both the Chair and others have mentioned this access issue that we have to solve as it relates to permits. I mean, we are literally holding people back from having access.

But I definitely think that we have to identify how much solving these problems really does generate rural economic development and what we have to do to prioritize some of these projects in a way that would help them.

I guess I went a long way around in saying I am sure right now if we wanted to improve that route, most people would say, why improve this route from Mount Rainier to St. Helens? People would be like, well, you know, how many people are going to go that route and how many people are going to do it? But in reality, it becomes a huge part of bringing tourists and recreation opportunity to a region.

I just think we have to figure out how to quantify this for rural communities so that they, so that somewhere our transportation officials and others value this.

Mr. FOSBURGH. Senator, I would just add, and I think those are great points, that this is like, you know, a perfect example of what should be a really great public-private partnership. I mean, the private sector is doing this stuff already as, you know, Jeff talks about or as Dan talks about.

I mean, this is happening across—and the states are coming to the table with Offices of Outdoor Recreation, as Senator Heinrich just mentioned. And right now, sort of the weak spot, is right on the fed side because we have these amazing public lands but the recreation infrastructure is in pretty poor shape in a lot of places. We can't get to those places in other spots.

I think that the priority that you guys are all making right now with the focus on this issue really helps the first step on bringing the feds and LWCF to the table in a much more meaningful way with the private sector and with the states.

Senator CANTWELL. Now we can hear about Red Rock.

[Laughter.]

The CHAIRMAN. Thank you, Senator Cantwell.

Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you and thank you, Chairwoman, for this great conversation. I so appreciate it.

I have been running in and out because I have two other hearings, but I have read the testimony and I thank you and could not agree more with what I am hearing from my colleagues and what I am hearing and saw from the panel.

Let me just say I am from Nevada. One of the areas that I do know is that our outdoor recreation is booming in Nevada, right? It generates about $12.6 billion annually, creates 87,000 jobs and that is because of the beautiful Red Rock Canyon National Conservation Area from Mount Charleston to Mount Wheeler to the Ruby Mountains to Lake Tahoe to Jobs Peak, you name it, I can go on and on and on. These are areas that are very exciting—and Gold Butte, let me add that.

I appreciate this idea of how do we balance everybody's interests, all the stakeholders, so everybody has the opportunity to participate and how do we streamline it so that if you want to get out there and you want to enjoy the mountain climbing or rock climbing or hiking or outdoor recreation on an ATV or we should be able to figure this out together. So I appreciate this conversation.

One of the things that I am going to be introducing with one of my colleagues, Senator Daines, is a bill called the Accelerating Veterans Recover Outdoors Act, and it is a Senate companion that I am working on with a bipartisan group from the House. It calls upon the VA and the Interior Department to collaborate to utilize public lands as a medical therapy resource for mental health, for physical therapies, for preventative care and other health care applications to the benefit of our veterans.

I am just curious. You haven't read it yet, but is that something you would support? And let me just go down the panel.

Ms. MITCHELL. Senator, yes, that is something I would support.

In fact, last week, last Saturday, the Idaho State Snowmobile Association had their sixth annual Disabled Veterans ride, and we bring veterans. They are required to be 50 percent or more disabled and we take them snowmobiling for a day. And it is an amazing experience.

The gentleman who started it is a disabled veteran and he spent weeks after coming back making lists everyday of all the things he couldn't do. And one day he's out in a field, he sees the guys with a snowmobile, and he says, hey, can I ride that? And the guy says,

I don't know why not. And it saved his life. It changed his life. And he is now an extreme snowmobiler. He boondocks with the best of them. And so, we're giving other people, these other disabled veterans, the opportunity to ride. And it is amazing. It really is. Getting them outdoors, letting them find a way that they can do something fun and exciting. It really does make a difference.

Senator CORTEZ MASTO. Thank you.

Anyone else?

Dr. O'KEEFE. Yeah, and we've done the same thing. We've had a lot of our members and volunteers who have worked with veteran's programs in getting those folks in the outdoors has been tremendous and we'd love to work with this body to find ways to better facilitate that.

And some of the permitting issues that I've talked about earlier and they're in my statement, you know, we've had issues with, you know, we've got a group of folks that we want to get out and just, you know, trying to get the permit to be able to do that safely and legally has been a challenge. So if we can work on that, we can—that will help with this too.

Senator CORTEZ MASTO. Right. No, I appreciate that. And that is why we have a close working relationship with our ATVs, snowmobilers.

Believe it or not, I grew up in Southern Nevada, but I also grew up appreciating the outdoors and riding snowmobiles and ATVs. It is an incredible experience. I think that everybody should have that opportunity to experience it if they have the ability, and we should provide those opportunities as well.

One thing I want to jump back to very quickly and maybe, Mr. Fosburgh, you can help me with this. My state is home to a large swath of unresolved checkerboard lands created in the 1800s, and it causes a lot of private and public land management issues, particularly for some of our local communities in our rural areas. Can you comment on land management efficiency issues that arise from checkerboard lands and how the checkerboard pattern impacts access and permitting on public lands?

Mr. FOSBURGH. Well Senator, thank you and it certainly presents a challenge because, you know, most states you don't require hopping that corner. That's not legal, that air space above that corner is private property. So you think you can get from one, you know, BLM section to another by jumping that corner, but in Montana for example, you can't do that. I'm not sure what all the other states are.

But what it really does is it shows that if you're strategic about projects from Land and Water Conservation Fund to voluntary public access programs through the Farm bill, you can essentially connect a lot of those areas and make management a lot easier. In certain cases, things like land swaps make a ton of sense.

Senator CORTEZ MASTO. Right.

Mr. FOSBURGH. But also, just negotiating easements with adjacent landowners, something like that. It makes it more complicated but, you know, those sections out there, checkerboard as they may be, provide great habitat.

Senator CORTEZ MASTO. Yes. Thank you.

Anyone else?

[No response.]

Senator CORTEZ MASTO. Alright, thank you very much. I notice my time is up. Thank you.

The CHAIRMAN. Thank you, Senator Cortez Masto.

Let's talk a little bit about the infrastructure needs and Ms. Mitchell, you note that when you are out in the winter, out on a snowmobile or snow machine, it is not like you need to have a maintained trail there, but there are other infrastructure needs that I think we all recognize have an impact.

It has an impact on access. It has an impact on the public's desire to go out and use certain areas if they realize that things are just run down or just not well cared for. So in the various areas, whether it is snow machining, whether it is the opportunities that you have out in the Tongass, Dan, with bear viewing and the like. Mr. Lusk, you talk about what you have created there in West Virginia on the rivers, but what would you view as the critical infrastructure needs? Does it just depend on where you are? Trail enhancements, or is it making sure that you have a road that can get you to the river?

We are going to have to prioritize here. I think we recognize that. We have an extraordinary maintenance backlog on our parks, but we have it on all of our public lands. If you were asked to prioritize when it comes to critical infrastructure needs that would help you within this outdoor recreation visitor opportunity, where do you put your money first? Everybody jump in, because you have all thought about this. Let's just start with Ms. Mitchell and then go this way.

Ms. MITCHELL. Thank you, Senator Murkowski.

The motorized recreation community is proud of the fact that we pay our own way. We tax ourselves through a sticker program and we combine that money, we pool that money, with some state gas tax and often federal gas tax and we build our own infrastructure.

We provide——

The CHAIRMAN. So you have a snowmobile association that helps build out the trails?

Mr. MITCHELL. We do it through the Idaho Department of Parks and Rec and that's where our money is pooled. And that goes for OHVs also. They tax themselves with a sticker. And if it were not for those funds, we would not be able to ride on the public lands the way we do. We build, we groom our own trails. And a groomer in Idaho, they cost about $325,000 each now, and we have about 30 of them. We build parking lots. We plow parking lots. We build bathroom facilities. And everything we build is open year-round to all users, both motorized and non-motorized. If it were not for those funds, we would not be recreating the way we are.

Our biggest problem in access is simply having the Forest Service allow us to use the lands.

The CHAIRMAN. Dr. O'Keefe?

Dr. O'KEEFE. Yeah, I've got two things.

So one, a lot of our access is on Forest Service lands and we depend on Forest Service roads. There's a program that's been around for about ten years, the Legacy Roads and Trails program, that actually proactively looks at access needs before roads wash out or problems occur. I think this body could take a look at, you know, creating authorization for that program as a formal program.

And the other thing that I'd like to touch on is private forest land. A lot of our members recreate on private forest land. That's becoming much more difficult. I don't know, you know, private forest landowners, it's their land, they're, you know, free to make their rules and regulations but it's becoming more and more challenging to enjoy those opportunities. So if we could develop more partnerships and encourage that, that would be helpful too.

The CHAIRMAN. Good enough.

Mr. Fosburgh?

Mr. FOSBURGH. Yeah, I would jump in on forest roads as well. I think you have, I believe, a two-fer there. You know, not only does it expand access and it makes management easier too and we're going to do more management on a lot of our national forest, particularly with invasive species and, you know, the fire risk.

So, but also, those areas are what, you know, pouring sediments into our streams. And if you're in, you know, with sensitive coldwater habitats with salmon or trout, you know, as those roads are washing out, not being maintained, that's a direct impact on habitat.

And the other thing I would think about, we don't often think about it when we think about recreation infrastructure is things like boat ramps. And I think that the boating industry in this country is huge. About 70 percent of the boating is done with, you know, according to NMM, National Marine Manufacturers, for fishing in mind, but you know, we need to really pay attention to that infrastructure as well, just boat ramps on rivers, on our coastline and Corps of Engineers, Bureau of Reclamation facilities. So infrastructure runs more broadly than just roads and trails and campsites.

The CHAIRMAN. Yes, yes.

Mr. Lusk?

Mr. LUSK. With our project we are on private property, but the reason our project has been successful is access to communities.

So, if you want a priority, I think that your funds should be first spent to ensure that the communities, these rural communities that are sometimes islands in the midst of these fast, federal tracks, have access to the trails.

We use user fees. And that is one of the things that you don't see a tremendous amount on federal lands but, you know, the folks that come into our recreation, it's a motorized recreation. It's a high-impact recreation. We have to get out there with bulldozers and maintain these trails. We have sediment control issues. We have parking areas. So, you know, it's not unfair to ask a user of a resource to pay a small fee to utilize that resource. We do it. Fifty thousand people a year come to southern West Virginia and pay to use that resource. We, in turn, take that money and reinvest it into the public access, into the infrastructure.

So I think that user fees shouldn't be overlooked as a way to maintain. It will certainly stretch the federal dollars much farther. And if you want the communities to be partners, then I think it's access. Those communities have to have access to these resources.

The CHAIRMAN. Good.

Dan, we all know that forest roads in the Tongass have been a long and a perennial issue. But other infrastructure issues?

Mr. KIRKWOOD. Yeah, I think certainly it's a balance because our clients have such an expectation of wild places in Alaska. And the demand is really changing. People want to get out.

You know, these generations that are visiting Alaska now are so much more active than the generations before. And of course, Alaskans have the highest rate of participation in outdoor recreation tied with Montana.

I think collaboration is key, collaboration with rural communities, collaboration with businesses.

At our Visitor Products Group we try to develop a priority list of infrastructure. And that was very difficult to do. It takes a more concerted effort. It takes a bigger circle of folks.

And I think the public-private partnerships will continue to be a positive way forward, but the Forest Service needs the ability to be a good partner. They need the staff and the ability to make partnerships that work for businesses.

The CHAIRMAN. Good enough.

Senator Manchin.

Senator MANCHIN. First of all, I want to thank all of you for a great hearing here. We are learning an awful lot.

It is important that you all give us the feedback. I mean, we really want to get something done. We want to, basically, remove the impediments.

A lot of the times we might think that we are doing something, and we write a piece of legislation of rules and regulations. By the time they get to you all, it is not what that was intended to do and it created more of an obstacle than it did an advantage. So this input is really, really important.

The big input that we are facing right now in both of our states is climate change, what climate has done and, you know, people—you have certain people that deny that it really is humans.

What they can't deny in the last 100 years is the horrific impact that humans have had. There has always been climate change, always will be a climate change but with human involvement, human activity, and everything else, we have accelerated it. And we know that.

Alaska is affected. West Virginia is affected. How has it affected the industry? And do you see it changing in what you all can do?

We will start with Mr. O'Keefe and, Dan, we will have you come in and anybody else who wants to. And I have one follow-up after that.

Dr. O'KEEFE. Yeah, well I would just say briefly, you know, summer rafting seasons and a lot of places throughout the West and across the country when the snow is melting, that's the fuel for their recreational economy around whitewater rafting. And if that snowpack is not there, it has a direct economic impact on local communities who depend on that.

Senator MANCHIN. I am hearing you are going to have a good year this year of rafting, right?

Dr. O'KEEFE. It's looking good this year.

[Laughter.]

Senator MANCHIN. Dan?

Mr. KIRKWOOD. Well, climate change is certainly something that is very visible in Alaska. The Mendenhall Glacier Visitor Center is

as much a climate change education center as anything else as we watch that glacier recede.

But I think, you know, the other thing that I think a lot about are our wild salmon. We need to make sure that they have a good place to come home to as things in the ocean are changing. And when salmon runs are low that really impacts our ability to show folks bears. We have something really special there with our wild salmon in Alaska.

Senator MANCHIN. Yes.

How about on the snowmobiles? It has to be affecting that. I mean, unless you are getting hit a little differently.

Ms. MITCHELL. Oh, definitely. It definitely impacts sales when there's no snow. Nobody buys snowmobiles.

Senator MANCHIN. You have seen a change because of——

Ms. MITCHELL. Oh, it definitely has. Where we get snow, when we get snow. I no longer think there's such a thing as a normal winter. They're all erratic.

But because it's changing, and the Forest Service needs to take that into consideration. For example, there's an area up in north Idaho called the Selkirks. It was caribou habitat and snowmobilers, by court order, have been eliminated from using the Selkirks even though it's opened in a forest plan. The caribou have now been, they're gone. The last caribou was exported back to Canada. That area should be open for snowmobiling. But they don't respond to that quickly, as you know.

So it does change and the Forest Service needs to change because that's the definition of the use, the landscape changing and the needs and the use changing. And they need to evaluate that and change their management——

Senator MANCHIN. We might be able to help you there.

Anybody else want to say something on this before I go to something else?

Mr. FOSBURGH. Yeah, I'm going to chime in on this one too because I think if you're a hunter or an angler, you're seeing it every place you look. I mean Minnesota does not have a moose season anymore because they're losing all their moose because they're dying of tick infestations. It's not getting cold enough to kill the ticks. The waterfowl migrations are on average about two weeks later now than they used to be. Elk aren't coming out of the mountains during the hunting season sometimes because it's not getting cold enough to push them down.

And we have a place like Montana where you have river closures routinely now on rivers like the Jefferson, the Blackfoot and others because it gets too hot and, you know, temperatures are getting too low.

We have algae blooms in a bunch of our Great Lakes, off the coast of Florida, all of which are, you know, pollution related but they're also the fact that it's getting hotter and staying hotter for longer periods.

So you can't ignore this stuff and again, as I said in my testimony, I think if we actually really invest in our public lands, reforestation, better management, things like that, that helps, you know, in part, solve this problem. Invest in migration corridors so these animals that are going to have to move can move. So I think

there's a lot of things that are not scary, but are really good things for hunting and fishing but also address the impacts of climate change.

Senator MANCHIN. Jeff?

Mr. LUSK. I'll just say in our area and, of course, we're in an area that's an area that produces carbon and what we saw is, you know, is the impact is, is we're having to reinvent our communities.

We think what we're talking about here today, trails, recreation, access to public lands, might be a good way of helping some of those communities that have been impacted as some of their core industries have decreased. And I think, you know, what we've talked about today is very relevant to that.

I know our season is getting much longer in West Virginia for trail riding, you know, winters are getting a little milder and it's increasing our season. It's increasing some recreational opportunities.

Senator MANCHIN. Let me just ask this and I will start with you again, Jeff, on this.

I know the challenges that we have in different areas, especially a lot of us depend on private investment, lodging, different ways that the private industry can get involved. In a hard-hit area, economically, like southern West Virginia, there are people who have a hard time getting access to capital.

Are there any programs that you see in the Federal Government that could help with promoting recreation to where people could have access to capital to build infrastructure for accommodations and the like?

Mr. LUSK. That is a true issue in all of rural America.

Senator MANCHIN. Yes.

Mr. LUSK. And southern West Virginia is no different.

What we see with our entrepreneurs is certainly access to capital becomes the primary issue. I know these folks are in rural areas. We don't have these——

Senator MANCHIN. Any programs that you know of? Any programs you know of that basically the Federal Government can help you access this capital for this purpose and intention?

Mr. LUSK. Yeah, I think the programs that most come to mind are things like our federal EDA programs, our ARC POWER program, POWER+ program which is providing some money to venture capital funds like the Natural Capital Investment Fund that is in southern West Virginia lending money right now.

But the SBA could actually wade in and help with loan guarantees in these businesses, make introductions to banks, actually get capital to providers in other parts of the country to maybe look at southern West Virginia. And I think those introductions can be best made by someone like the Small Business Administration.

Mr. FOSBURGH. And I think your situation where we look at we've lost a lot of the, you know, timber capacity in the western United States as mills have shut down. They're not going to come back by themselves unless, I think you want to look at things like a revolving loan fund out of USDA to help small mills come back to, you know, take care of a lot of that timber management we're going to need to see because it doesn't make any economic sense

to be able to truck those logs, you know, thousands of miles to someplace to get them processed.

Senator MANCHIN. Let me just say, thank you.

Anybody else, any comments?

[No response.]

I just want to thank you. I think it has been tremendously educational for us. But this is something that has to be a continuing conversation. We want you to converse with us, give us the top concerns you have and the impediments you are running into. If something might have been well-intended that didn't end up helpful when it got to you, we want to know.

Thank you.

The CHAIRMAN. Thank you, Senator Manchin.

I just have a couple of quick follow-ups, and then I am ready to wrap here as well.

But the issue that Senator Manchin has raised, the impact of climate change and what we are seeing—whether with winter sports and snow coming later or just not as good as snow for skiing, for snowmobiling, the like, for dog mushing. We recognize that that change has impact.

I think several of you have mentioned that one of the things you would like to see with the agency is a little more flexibility as they are dealing with this, recognizing that the season may not be the same calendar that the agency has been operating off of for the past 25 years. And so, I think that is important to recognize.

Senator Wyden said something in his conversation. He said the recreational season was beginning. I want us to think that the recreational season is 365 days a year. And in some parts of the country, that is a little bit challenging. It is like sports, you move from one different activity to another. But it is something that, in Alaska, we have long sought to build is greater winter tourism opportunities because we think we have extraordinary things.

Right now, in the State of Alaska, everyone in the state is following our biggest winter activity which is the 1,100-mile Iditarod race. The winner got to Nome yesterday. Nine days and some odd hours. But you think about that and some might not think that that is recreation. It is a lot of hard work. But it is an extraordinary part of, not only of our state's history, but it is something the tourists want to see when they go out to Juneau. They go up on top of the Mendenhall Glacier, and they are able to take a dog sled ride up there.

But how can we be doing more to help these rural communities, again, or these places that are just smaller? They need to be making money not just in June, July and August.

What we hear an awful lot—and, Dan, you probably know a lot of these folks. They work real hard in the summer and then in the winter we don't have that influx of tourists so they go down to Costa Rica and they will be river guides down there. It is a pretty nice life, but what we would really like to do is attempt to build out these opportunities in another or extended season, move out this shoulder season.

Do any of you feel that, again, trying to get it back to the things that we can unravel here, are there issues where you have agencies that just aren't used to dealing with these new asks? For instance,

up in Alaska we have more that are interested in doing heli-skiing opportunities. Well, we just really have not had much opportunity before so we didn't have the people that were focused on it. When we get to the permitting process, again, I am rambling a little bit but I am trying to determine if process-wise we are limiting, the agencies are limiting, our ability to try to expand more into the shoulder season to create a more year-round economic opportunity. Comments on that?

Dan?

Mr. KIRKWOOD. Yeah, thank you, Senator.

I'm familiar with the heli-skiing challenges and the challenges of planning for new recreation opportunities. And I think part of that derives from a planning effort that has been piece-by-piece. Okay, we'll plan for small ships. Okay, now we'll plan for hikes.

But I think that there might be an opportunity and not something I'm very familiar with but would love to talk with your office more about is are there opportunities to think collaboratively on the large scale so that we're not finding our permits ending a half mile away from the beach because no one has done the important NEPA work to think about the interior of the island, for example. Certainly the, you know, the agency has a responsibility and it's an important one to do that analysis, but I think there's a chance to think big scale and long-term about recreation.

And certainly winters are something that we're focused on in Alaska, and we do see our seasons growing both in the fall and the spring as well.

The CHAIRMAN. That is a good thing.

Dr. O'KEEFE. Let me, if I could, just share a quick anecdote with you.

So I had one of our members who was interested in providing a new opportunity as you described. And the response he got from the agency was this isn't a bad proposal. It's actually got a lot of merit, but we just have so much required work to do that we don't have time for discretionary projects like this.

The CHAIRMAN. So they view it as discretionary.

Dr. O'KEEFE. Yeah, so now when did outdoor recreation become a discretionary project?

And I think if this body could really change that conversation to make this an intentional part of the priorities for the agency and not just discretionary, that would be a huge benefit for these communities across the country.

The CHAIRMAN. Good. Important.

Ms. MITCHELL. We have a small community in central Idaho that used to have two populations when you drove in to their town. One was summer and one was winter, and it declined immensely in the winter. That has changed because of snowmobiling and winter sports, snowshoeing. People are now coming to this small community, and it's actually enlivened. It's given them a winter economy, and it saved them year-round.

The Forest Service will never be accused of being flexible, and they need to become advocates of adaptive management. They need to respond to the new forms of recreation.

Many times you'll look into the forest plan and in the standard they will say, no new forms of recreation are allowed. They simply have drawn a line. And that stops progress.

It stops these small rural communities that are literally starving. Their schools are crumbling. And they have all the resources around to build an amazing economy, but they're not allowed to because the Forest Service simply will not respond accordingly.

And he's absolutely right, they need to understand that recreation is the largest use of the federal land. It's the future for the economy of the rural communities.

The CHAIRMAN. Let me ask on that question because I know that certainly in the Southeast area what I have heard from others is that if you have a lot of area around you but with the permits and the process that is out there, more and more outfitters and guides are being pushed into the same areas and that you are not seeing other areas that are being opened. Limitations on, you know, if you are the new outfitter that wants to come on you really don't have that opportunity to create your own small business there.

Mr. Kirkwood, in terms of what we have been seeing, is it getting any better, is it getting worse in terms of just, kind of, the congestion into the same areas?

I know that we hear this coming out of Ketchikan a lot where you have a few areas where those who are getting off the cruise ships can go do a small float plane ride, touch down in a few chosen lakes but it is very limited. And so, what they are seeing is just increased pressure there on the limited number of permits.

Mr. KIRKWOOD. Yeah, thank you, Senator.

You know, the Tongass is such a large place, the largest national forest. But when it comes to the recreation resources, I think in the northern part of Southeast, where I live, we see a lot of crowding as well. And that's because the places that are both beautiful to hike or a good place to anchor a boat, you actually start to whittle down to a handful of really good places.

Now as our tourism season has expanded, what some are calling Alaska awakening in April and May, we're now seeing more visitors than ever before early in the season. We have folks who want to go into the wilderness and go on a hike in maybe some of the same places where a bear hunting guide is running their operation. We certainly have no argument with that but those are two very different experiences that neither wants to participate in together.

So this year I can report that, you know, leaders, I would say, innovators in the Forest Service have brought the bear hunters and the small ship cruise guides together.

The CHAIRMAN. Good.

Mr. KIRKWOOD. This has been a great success for everyone to learn about their different businesses and to create best management practices that have built on other programs like the Wilderness Best Management Practices in Tracy Arm, the Tourism Best Management Practices in Juneau that have really been successful at helping people stay out of each other's way and provide that very classic Alaskan experience.

The CHAIRMAN. A couple of final questions, I know I said my others were going to be the final. Whit, you mentioned the need for digitization which just seems so basic and commonsense. So mak-

ing sure that we address that is something that you would seemingly think would be easy. But it does appear that something just as routine as that could actually help facilitate some of the issues that you have raised in your testimony and with the report that has been prepared and handed down.

Dan, you also mentioned the metrics and making sure that we are gathering the data and understanding the value that is coming here. In terms of the metrics then that are currently being used, is it naive to assume that the agencies collect this and that they use the same metric or is this part of our problem?

Mr. KIRKWOOD. Thank you, Senator.

In advance of coming down here I spoke with a friend who works at the Forest Service and asked for what some of the metrics they were responsible were. And so, for a place that has visitors coming in increasing numbers with crowding and infrastructure issues, the response was well, the metric I need to meet is I need to create seven new recreation programs. Okay. What does that do? Where does the rubber meet the road? Why are we not measuring things that will have the positive impacts?

And I think that there are so many of them that new metrics, like I said, that have already been developed for piloting in Region 10 with data the Forest Service already captures will be really helpful for them to tell us, to tell you, what they're doing and how they're succeeding. They can deliver incredible success for us. They have and they can continue to. They deserve credit for it.

The CHAIRMAN. So others, do the agencies—is there a consistency in terms of the metrics, do we know?

Dr. O'KEEFE. I mean, I would add that the, you know, the Forest Service has a national visitor use monitoring program and it's standard methodology they have used for many years. But it doesn't capture the nuances of a lot of the different activities that are happening out on the national forests.

And it also, I believe, they don't currently do a sufficient job to look at the quality of visitor experiences. So it's not just, you know, the number of people that are going out there, but what's the quality of the experience. And they're doing some work in that regard, but I think we could do that in a much more intentional way.

The CHAIRMAN. Well, you have given us all some really good feedback here this morning.

Again, I noted the five reforms, I think, that you are suggesting, Mr. Fosburgh, that I think are some things that the Committee can look to in terms of—you mentioned the BLM disposal criteria within FLPMA—what more can be done to just really understand the inventory issue as it relates to BLM and Forest Service.

I think we have some things to look at with regards to the permitting, the metrics, but very, very helpful. I think there is a keen recognition that while at the same time many of us as users are just out there for fun, the men and women that help us get out there and have that fun, whether it is on the river or on the mountain or the outfitter who is making sure that you have your hunting permit and license, it is a real economy for them.

And this is a healthy, great way to utilize our lands in a way that we can all enjoy but also gain extraordinary economic benefit from.

So how we help facilitate that, how we make sure that it is not our agencies that are actually holding us back, that we all appreciate that there is a level of regulation that is smart and makes sense but we also want to make sure that it is smart and makes sense.

Thank you for the suggestions that you have provided to us today.

Senator Risch had to go to another committee and has asked that several questions be submitted for the record for your response, Ms. Mitchell, with regard to winter travel access and recommended wilderness issues. So you will be seeing those. Other members of the Committee may also wish to submit questions to you for the record, so we would look forward to those responses as well as all you have provided for us today.

We thank you for being here and thank you for the opportunity to continue this dialogue as we work to access our treasured federal lands.

Thank you so much.

The Committee is adjourned.

[Whereupon, at 11:52 a.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Energy and Natural Resources
March 14, 2019 Hearing: ***Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation***
Questions for the Record Submitted to Mr. Dan Kirkwood

Questions from Senator Mike Lee

Question 1: In your testimony, you comment on the difficulty of acquiring permits to access and recreate on federal lands. I understand that there are some beautiful state parks around Juneau. Would you say that it is easier to recreate on those state lands than the federal ones in the surrounding area? How would you describe the difference in acquiring permits on state versus federal land?

We operate on both State Parks and National Forest lands. I can only speak to our experience on one State Park which provides bear viewing opportunities. While the State Park permitting process is faster with less oversight, we are not able to offer the same high-quality experience as we can on the more rigorously managed Forest lands. The State Park where we operate a tour has become over-crowded due to the lack of oversight or management from the State Parks. This crowding directly impacts the quality of the visitor experience.

Question 2: Would you say that those lands are any less well maintained because of the ease with which people can recreate on them? Do you think that the state lands are any less well maintained because the lands are owned by the state of Alaska?

Yes, I believe that the State Parks lands are less well maintained or managed. Due to their remote nature, the State Parks I know of may not receive any maintenance or have any facilities and management issues are more about crowding and visitor experience. The lack of commercial management has resulted in crowding that has degraded the experience we provide. The bear viewing experience at the State Park we visit has suffered dramatically when large commercial groups arrive and scare off the bears. I approached State Parks about the need for more proactive management and they told me they would not get involved, due to a lack of resources.

Question 3: You also described your belief that sometimes the Forest Service says "no" to new tour ideas simply because they do not have the staff to process permits. Some of my colleagues have discussed ways to give states a larger role in processing permits and administering passes for use of federal land. What do you think of this reform idea? Do you think such a move would help approve more of these permit requests and help shift away from the default "no"?

I do not find the actual Forest Service process onerous. The Forest Service permitting staff have excellent knowledge of the places we go, they already have appropriate planning requirements and guidelines to ensure fairness. They need the resources and direction to be able to do this work. My concern would be the State of Alaska has even fewer resources for this kind of administration and planning.

U.S. Senate Committee on Energy and Natural Resources
March 14, 2019 Hearing: ***Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation***
Questions for the Record Submitted to Mr. Jeffrey T. Lusk

Questions from Senator Mike Lee

Questions: There seems to be a perception that private land owners are not thoughtful land managers. I imagine that it's important for your customers that you maintain a healthy and beautiful forest. Is that the case? What do you think is the best way of combatting the narrative that motorized recreation is not compatible with a healthy, sustainable forest?

Response from Mr. Lusk

Senator Lee,

We have found that large corporate land owners are in fact very good stewards of the land they manage. They keep professionally trained staff and consultants on their payroll and under contract to actively manage their property. They hold the property for long term gains for natural resource extraction, including but not limited to coal, natural gas and timber production, so it is truly in their interest to preserve the asset to maximize their gain from these activities. We operate public recreation on these lands and have found that professionally managed property is not only a safe place to do our activity but also an excellent place to do it due primarily to the property owners long planning for future growth and development.

Motorized recreation is a much higher impact activity than non-motorized recreation, to deny this would show a true lack of understanding of the sport. However, it is not an unmanageable activity and is not an activity that degrades, devalues or otherwise makes public or private land less valuable or usable for other activities. My experience in running one of the largest motorized recreational areas in the country is that management is the key to any motorized recreation area. We actively manage over 700 miles of all-terrain vehicle trails on over 250,000 acres of private land. These land owners receive no monetary benefit from our activities and only receive manager services, law enforcement, and limited liability insurance. If motorized recreation in any way devalued, degraded or otherwise damaged their property these owners would cancel their agreements. The key to successful motorized recreation is increased access to public lands and significantly increased management of the lands for this purpose. By providing adequate management and access, the public sector can reduce the trespass into unwanted areas and control the activity to well managed areas. Motorized recreation continues to grow with the

advent of utility terrain vehicles (UTVs) and should be properly managed to ensure safe places to ride for all forms of motorized recreation.

The negatives associated with motorized recreation are a byproduct of more and more riders being forced into an ever shrinking foot print. The motorized community would truly appreciate a more robust management strategy in which the sport could be provided additional access to areas to ride with adequate management and trail maintenance to ensure the impacts of the sport are limited.

Thank you for allowing me the opportunity to speak on this issue.

Jeffrey T. Lusk
Executive Director
Hatfield McCoy Regional Recreation Authority

U.S. Senate Committee on Energy and Natural Resources
March 14, 2019 Hearing: ***Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation***
Questions for the Record Submitted to Mr. Whit Fosburgh

Questions from Ranking Member Joe Manchin III

Question 1: Mr. Fosburgh, in your statement you talked about your partnership with On-X maps, which led to the creation of an app for people's phones that would tell them if they are located on land where it is legal to hunt. What would be required to create an app that could tell a person if a road or trail they wanted to use was currently open or closed?

Answer:

Dear Ranking Member Manchin:

onX is a successful GPS software company that creates and sells chips for handheld GPS units and smartphone apps that precisely delineate public and private lands, roads, rivers, and other topographical features to enable public-land users of all types to know where they stand on the landscape. In 2018, the TRCP worked with onX on http://www.unlockingpubliclands.org/ in the Western U.S.

The findings showed that 9.52 million acres of federal public land in the West are entirely inaccessible.

The modern GPS technologies provided to the recreating public by onX and other brands have changed the game for millions of Americans, facilitating access to public lands and preventing trespass of private lands. The technology that drives these products relies on accurate and complete information being developed, updated, and made available to the public by the federal land management agencies.

Right now, because of inadequacies in the federal agency data systems, it is not possible for these GPS companies to positively identify where roads are open or closed to the public. This data shortfall is limiting the access information available to busy Americans who want to be able to use our public lands and know that what they are accessing is open or closed without having to spend days scouting in advance.

In order to help the public know more about recreation opportunities and to help them follow the law, the federal land management agencies will need to modernize these information systems.

First, as I pointed out in my testimony, information on federal public road easements at the U.S. Forest Service and the Bureau of Land Management is still largely held on paper files in local agency offices. These agencies need to be directed to digitize easement maps so that the public—and the federal workforce—has a clear understanding of where public access currently exists and where it does not. This will not only help inform future access acquisition projects, but it will also help people know what trails and roads they can already use to access public lands.

Second, the federal agency information systems need to be modernized across-the-board so that public-land users can know with certainty where they can go, when, and with which type of vehicle. A clear understanding of what uses are permitted will help make the best use of people's time and reduce illegal activity and resource damage that is costly for federal agencies to remedy.

U.S. Senate Committee on Energy and Natural Resources
March 14, 2019 Hearing: ***Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation***
Questions for the Record Submitted to Mr. Whit Fosburgh

In order to expand and maintain Americans' access to public lands and waters, we recommend that the BLM, USFS, U.S. Fish and Wildlife Service, and National Park Service be directed to develop, update biennially, and make available to the public modern digital information systems that include the following data:

- All agency road and trail easements across private property
- Open or closed status of agency roads and trails
- Dates that agency roads and trails are open
- Types of vehicles that are allowed on each segment of agency roads and trails (off-highway vehicles, motorcycles, bicycles, passenger vehicles, etc.)
- Boundaries of no-shooting zones and areas with shooting restrictions
- Cross-country motorized travel open and closed areas
- Winter travel/snowmobiling open and closed areas
- Gates, berms, and other blockades
- Canoe/water trails, man-made structures, hazards
- If motorized use is allowed on rivers and lakes, what dates they are open, and horsepower limitations
- Areas closed (or potentially closed) to public access like municipal watersheds or mining claims

We also believe that these agencies should be directed to coordinate so that their data systems are formatted in ways that can easily be shared with one another and used by the public.

Question 2: Mr. Fosburgh, in your statement you talked about the need for the Forest Service to digitize its easements. Do you have an idea of how best this could be accomplished and approximately how much this would cost?

Answer:

Dear Ranking Member Manchin:

Both the U.S. Forest Service and the Bureau of Land Management desperately need to digitize their easements in order to easily identify existing access rights across private lands and prioritize future land acquisitions to retain, improve, or secure access. The solutions for each agency are as follows:

U.S. Forest Service

A large portion of USFS recorded road easements are only documented in paper files housed at USFS regional offices, national forest offices, district ranger stations, and in county archives. These hard-copy records are not available through the USFS Land Status Record System digital database, which the agency uses to evaluate existing access rights through their map service viewer.

This problem is national in scope, spanning all nine USFS regions, and so long as the current situation stands, the agency will lose opportunities to retain and secure public and administrative access to public lands. While the USFS has taken steps to convert its easement records from written to electronic files, the process to convert easements to digital mapping files could take decades to complete under current budget and staffing scenarios.

To address this problem in an efficient, comprehensive manner, the USFS needs to:

1. Consolidate all known easement information from national forests and ranger districts at the respective regional office for each, so that the data can be easily converted into digital form at one central location.
2. Direct sufficient resources to each of the nine regional offices to prioritize the digitization process and uploading of all existing easement data into the Land Status Record System database.

While it would be useful for congressional members to request an estimated project budget from the USFS on what it would require to complete this process in a three-year period, we believe $3 million annually would go a long way toward addressing the need.

Bureau of Land Management

The BLM is currently working to develop a National Public Lands Access Geodatabase that will help the agency create a fully integrated, digitized nationwide mapping platform with the ability to influence land-management planning efforts. This database is intended to include digital easements as part of the final product.

The TRCP has been very supportive of the BLM in their efforts to develop this database, but we are concerned that the digitizing of rights-of-way easements across private land could take a long time to complete under current project plans. The easement digitizing process at BLM is scheduled to be piloted at the Montana BLM state office before expanding to other states. We are worried that it could get significantly delayed and starved of necessary resources if merely piloted, and it could potentially be shelved when, at some later date, policy priorities shift at the Department of the Interior.

We believe congressional direction and $1 million annually for a three-year period could help the BLM prioritize this project and get it done.

For more information on these needs and processes at both the USFS and BLM, please see the attached handout on USFS easements as well as a letter from the Hunting and Shooting Sports Conservation Council on the developing BLM geodatabase.

Questions from Senator Mike Lee

Questions: The Bureau of Land Management holds the vast majority of grazing permits and leases in the federal government. As the BLM develops land use and management plans, especially with adjacent state

and private landholders, how do you think we should address the conflicts that sometimes arise between existing grazing and recreation uses of public lands? Does your organization continue to support the multiple use doctrine?

Answer:

Dear Senator Lee:

We are not aware of specific examples where recreation and grazing have been at odds on public lands, but we feel that any such conflicts can be resolved with thoughtful, science-based planning of multiple uses.

We strongly believe in multiple-use of our public lands, however multiple-use does not mean all uses on all acres all the time.

The TRCP supports public-land grazing and we see it as a vital component of working ranches across the West. We support responsible, sustainable grazing practices that balance with other uses of public lands, retain vegetative cover for wildlife species during periods of their life cycle (e.g., nesting, brood-rearing and wintering habitat for species like greater sage grouse and lesser prairie chickens), and minimize or eliminate potential negative impacts to water quality and riparian vegetation and function.

U.S. Senate Committee on Energy and Natural Resources
March 14, 2019 Hearing: *Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation*
Questions for the Record Submitted to Ms. Sandra Mitchell

Questions from Senator James E. Risch

Question 1: As you know, the Selkirk Mountains in the Idaho Panhandle National Forest, nearly a quarter-million acres, have been closed to over-snow motorized travel for over a decade waiting for the Forest Service to restart the winter travel planning process. Burdensome regulation has already diminished timber and other industry on these public lands. Can you speak to the further economic detriment this kind of stalling has on rural communities?

When the caribou were initially listed as endangered species in 1984, the resulting management changes on national forest lands caused severe timber impacts, but initially had little recreational impact. Snowmobiling was not regulated as it was presumed to have little impact on ungulates in deep snow-bound higher elevation terrain. Caribou winter range is concentrated on south facing steeper slopes at lower elevations around 4000 feet. Initial Forest Service management seasonally closed some temporary logging roads during calving, fawning, and hunting seasons, but these trails were kept open to snowmobiling, however, the 2005 law suit changed everything. The suit focused on the alleged failure of the Forest to analyze the effects of snowmobiling on caribou. On February 26, 2007, the court issued a modified injunction order to remain in effect until completion of consultation and release of a "winter recreation strategy" by the Forest. The clarifying the injunction was dated March 20, 2007 and resulted in snowmobile closures for about 239,588 acres of public lands.

The failure of the Idaho Panhandle National Forests to be able to complete a relatively simple over-snow motorized vehicle plan for over a decade shows how elevating "regulation" or "implementation" has failed in the multiple-use management of public lands. The Forest Service is stymied by regulations and the extreme financial impact on its budgets that over-regulation causes. The Forest Service cannot accomplish on the ground reasonable decision making and implementation time and time again. This leads to well-founded public disenfranchisement and distrust of both the process and any decision, if and when finally made. This leads to such uncertainty, that the communities that live in and work in the forest, are significantly economically impacted. The injunction entered regarding the Selkirk Mountains in the winter travel planning situation was in the Court's word overly broad, and it was expected to be short lived. No one would have thought that it would remain in place this long and for the reason that the Service is too tied down in analysis that it cannot take any action.

The winter season economy has declined significantly since 2005 when an injunction started limiting snowmobile activity in the Selkirk Mountains. In the winter months, snowmobiling kept most gas stations, convenience stores, and eating and drinking establishments open. More importantly, snowmobiling kept resorts open that had provided most winter jobs. Any more winter trade loss could close a number of these businesses during the winter. This would significantly impact the livability and lifestyle of permanent residents who also rely on these winter services. Residents would have to commute over thirty miles for many basic community services. This also affects the essential social functions of the permanent resident community.

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Questions for the Record Submitted to Ms. Sandra Mitchell

The caribou are now gone from the Selkirk Mountains. The two remaining females were exported to Canada. "Predation is obviously the No. 1 factor, *"Bart George, a wildlife biologist for the Kalispel Tribe, said; "That was kind of the straw that broke the camel's back at this point. All those other issues are concerns, but we don't really understand how snowmobiling would affect the animals in the long term, other than we know it disrupts animals in the winter."

We do know how the lack of snowmobiling impacts local economies. It is time the Forest Service acted. Without caribou, there is no excuse for the closure to continue. Using adaptative management, if there is reason to limit snowmobiling in the future based on sound science, they can modify their management plan. Until that time, citizen owners of the public lands should be allowed to use the public lands whenever possible. The quality of life of our citizens and the survival of our rural communities demand this response.

*The Spokesman-Review, March 25, 2018

Question 2: There have been further access restrictions on motorized recreation in the Fairfield Ranger District in the Sawtooth National Forest as well. Can you tell me more about those circumstances and the effect on the recreation industry?

The decision made by the Fairfield Ranger District in the Sawtooth National Forest opens 13.1 miles of a groomed snowmobile trail and closes 85,266 acres of land that is currently open to winter motorized use in the Forest Plan. The stated justification for this enormous closure is potential impacts on certain animal species: Mt. goat, wolverine, and lynx There is no quantifiable data/science to support their decision.

The trail was closed because of a recommendation from the Idaho Department of Fish and Game (IDFG) because of its proximity to an elk feeding station. The wolf population changed the feeding habits of the elk so the closure was no longer necessary. IDFG recommended it be opened. Instead of simply opening this trail, they tag on a huge unnecessary and unjustifiable closure.

The Forest Plan requires dispersed and diverse recreation opportunities throughout the District. This is no longer the case for snowmobilers. We would appreciate the Committee's investigation and inquiries to the Forest Service regarding this situation. Recreation closures, contrary to the goals of the Forest Plan and without any statutory or legal driver for the closures to be put in place, should not be the standard.

Question 3: In your testimony, you mention an issue that is unique to Region 1. Recommended Wilderness Areas, those designated by the Forest Service, and not Congress as provided for in the Wilderness Act, are being managed as Wilderness or Wilderness Study. Can you elaborate on how this is so different from all other Forest Service Regions and the impact it has on motorized and non-motorized access?

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The Northern Region, Region One, encompasses 25 million acres and is spread over 5 states. While Brad Powell was the Regional Forester, an in-house policy was adopted by the Region One Leadership Team, that required all Recommended Wilderness Areas (RWAs) and Wilderness Study Areas (WSAs) to be managed as designated wilderness. This policy was implemented in Montana and Idaho. With this policy of managing RWAs/WSAs as wilderness, Region 1 has become an advocate with a political agenda, not a neutral steward of the land.

The assumption behind the policy statement seems to be that motorized and mechanized recreation is automatically incompatible with RWA's. Our recreation pursuits are unquestionably prohibited in congressionally designated wilderness unless specifically exempted in the legislation but may well be compatible with recommended wilderness.

The proper test is whether the specific motorized/mechanized activity somehow compromises the area's future potential for designation as wilderness. That remains the official policy of the Forest Service today--- but not the policy of Region 1.

Only Congress can designate wilderness, having reserved that authority for itself in the Wilderness Act. The issue of designating these areas may or may not ever be addressed by Congress. Lacking any action by Congress, the Region 1 Policy has assured the management of RWAs and WSAs as wilderness in perpetuity.

What is needed is a consistent direction for all Forests. This direction should strike the proper balance between maintaining existing wilderness suitability, while allowing non-Wilderness uses to continue which have not diminished or will not diminish existing wilderness suitability. The proper balance will respect the sole authority of Congress to designate Wilderness and incentivize intelligent discussion between interest groups and land managers. This can be accomplished through legislation or by a Secretarial Order.

In over 10 years of working on this issue, I have not heard or seen any reason to believe that any other Region has adopted this policy. Idaho has two regions, 1 & 4. In Region 4, the national policy is followed.

Testimony For Hearing To Examine Opportunities To Improve Access, Infrastructure, And Permitting For Outdoor Recreation (Held March 14, 2019)

For Consideration By The United States Senate Committee On Energy And Natural Resources

March 27, 2019

Submitted by
Erik Murdock, Policy Director
Access Fund
www.accessfund.org

Chairman Murkowski, Ranking Member Manchin, and members of the Committee on Energy and Natural Resources:

The Access Fund is a national advocacy organization and accredited land trust whose mission keeps climbing areas open and conserves the climbing environment. A 501(c)(3) non-profit representing millions of climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is the largest US climbing advocacy organization with over 20,000 members and 120 local affiliate climbing organizations. The Access Fund provides climbing management expertise, stewardship, project specific funding, and educational outreach. Access Fund holds memorandums of understanding with National Park Service, US Forest Service and Bureau of Land Management.

Please find below Access Fund's comments for opportunities to improve access, infrastructure, and permitting for outdoor recreation. These comments are limited primarily to the management of rock climbing resources on National Forest System lands.

1. US Forest Service Lacks Climbing Management Guidelines Despite Longstanding Need and Extensive Rock Climbing Use of National Forest System Lands

National-level USFS climbing management guidelines are needed for all National Forest System designations. Approximately 30% of America's climbing occurs on United States Forest Service (USFS) lands—over 10,000 discrete cliffs provide exceptional opportunities for Americans to climb in our national forests. Much of this climbing activity occurs on National Forest System lands identified a recommended wilderness or as designated wilderness. The USFS has been considering national-level climbing management guidelines at least since the agency initiated a Negotiated Rulemaking process in 1999 "to develop recommendations for a proposed rulemaking for the placement, use, and removal of fixed anchors used for recreational rock climbing purposes in congressionally designated wilderness areas administered by the Forest Service." However, that negotiated rulemaking resulted in no management prescriptions on USFS lands despite analogous policies formalized by both the National Park Service and Bureau of Land Management.

This absence of basic management guidance for climbing on National Forest System lands has led to confusion among land managers and the climbing public as to best practices for both regulating and recreating on federal lands, both in and out of designated wilderness areas. Since the negotiated rulemaking process, the USFS has drafted national-level recreation management guidelines in the agency's Forest Service Manual 2320—which seeks to provide management prescriptions for a range of recreational activities within designated wilderness areas—but the USFS has failed to issue national-level regulations for climbing despite the obvious need for such policies.

Rock climbing resources within areas recommended for wilderness are often "managed as" wilderness and therefore restrict climbing activities that do not create lasting impacts and do not affect wilderness character, such as placing or replacing existing fixed climbing anchors with a power drill (the Wilderness Act prohibits the use of any motorized equipment). The 2012 USFS Planning Rule mandates the identification and recommendation of areas appropriate for new wilderness designations, yet often USFS planners are unaware if and where climbing resources are located within their jurisdictions. The issuance of guidance to USFS managers regarding the management of recommended wilderness would prevent stakeholder conflicts and protect wilderness character without unfairly restricting activities that do not result in negative impacts. Climbing management conflicts are not restricted to one region; they are evident in every USFS district that affords climbing opportunities, resulting in unsubstantiated climbing access restrictions and climbing management strategies that don't adhere to best management practices. The USFS needs clarity on wilderness (and non-wilderness) climbing management so that climbing is managed in a consistent, sustainable manner that allows for appropriate recreation and benefits local economies.

2. The US Forest Service Needs to Better Facilitate and Authorize Volunteer Recreation Stewardship Projects

The lack of climbing management guidelines (described above), combined with a measurable increase in visitation levels at USFS climbing areas (7 million estimated climbers in America), has resulted in many USFS climbing resources in need of stewardship attention (see Appendix A). Most climbing areas were not designed to accommodate the current levels of visitation evident at many popular climbing areas in the country. These areas can be protected, restored and enhanced to provide optimal recreation experiences through erosion control, trail work, fixed anchor replacement, waste management initiatives, parking solutions and other stewardship efforts.

Non-profit organization, such as Access Fund and its Conservation Team, stand willing and able to help steward and restore America's climbing areas. However, federal land agencies need improved processes for allowing volunteer stewardship initiatives on National Forest System lands that compliment the work of the agency. Bureaucratic obstacles often prevent well-intended stewardship efforts before they can be implemented, and streamlining such projects could significantly improve resource conditions at many USFS climbing areas.

3. Local Communities and Land Managers Should Better Capitalize on the Economic Benefits of Rock Climbing

Rock climbing use and visitation benefits many local economies, especially in rural areas where studies indicate[1] that rock climbing and associated activities generate millions of dollars in economic production. For example, an economic analysis of climbing areas in the Appalachian region (see Appendix B) shows that the location of climbing resources in this geographic area closely correlates with "at-risk" and "distressed" counties as

[1] See http://www.climbingmanagement.org/issues/economic-benefits-of-climbing

defined by the Appalachian Regional Commission. The economic benefits of climbing can help local economies by attracting visitors as well as new residents who seek to live near high-quality rock climbing resources. Currently, these benefits are largely untapped yet the opportunity to capture economic benefits for distressed and at-risk communities is growing given projections that the number of rock climbers will continue to grow as the sport's profile increases: rock climbing will be included in the 2020 Olympics and recent climbing-themed movies have earned international acclaim (e.g., *Dawn Wall* and Oscar-winning *Free Solo*). Better management, enhancement and promotion of climbing resources by USFS managers can significant assist many local communities looking to diversify their local economies.

4. The "Energy Dominance" Agenda Threatens Recreation Values

Nearly 60% of America's climbing areas are located on federal public lands, and the overlap of rock climbing landscapes with energy development and mining is substantial. Climbing resources, similar to other recreation resources, are not defined by merely the geology, but also the viewshed, airshed, soundscape, natural and cultural resources, and traditional values. Current resource extraction policies and practices by federal land managers threaten the integrity of conditions necessary for quality recreation experiences. The administration's "energy dominance" agenda has translated into shorter public comment periods for considering the impacts of energy production on recreation values and cursory analyses regarding the cumulative impacts of expanded energy development on public land recreation and related socioeconomics. These management changes have resulted in reduced economic benefits from climbing and diminished recreation experiences.

A more balanced approach to mining and oil/gas leasing that thoughtfully considers recreation resources is possible if federal agencies better understood recreation use patterns, which could be accomplished through expanded comment periods analyzing the relationship between recreation and energy development proposals. The USFS could also conduct more proactive stakeholder engagement to better understand potential conflicts before projects are initiated and recreation resources are diminished. Better integration of the recreation community in resource extraction projects could benefit land managers, recreation enthusiasts, and energy companies by avoiding multiple use conflicts that often extend administrative processes and impair recreation experiences.

5. Land Management Agencies Need Better Inventories and Monitoring of Recreation Use Patterns to Better Manage Recreation Activities

Land management agencies are not aware of the extent and location of America's 30,000 cliffs, towers, and alpine climbing objectives that define America's world class climbing resources. A lack of a comprehensive climbing resource inventory and visitor use data has resulted in missed economic opportunities, sub-optimal land management plans and unnecessary resource management conflicts.

Federal recreation resource inventories and visitor use estimates (such as the USFS's

National Visitor Use Monitoring protocol) are antiquated and do not adequately consider dispersed activities such as rock climbing. Furthermore, federal land management agencies have difficulty integrating crowd-sourced and social media data, which are increasingly common and offer an efficient solution for estimating visitor-use levels and cataloging recreation resource locations. Understanding recreation use patterns is critical for optimizing management strategies and providing accurate assessments of visitor use metrics. Better stakeholder engagement to understand recreation use patterns is key to optimizing USFS management practices.

* * *

Thank you for the opportunity to provide testimony to the United States Senate Committee on Energy and Natural Resources hearing to examine opportunities to improve access, infrastructure, and permitting for outdoor recreation.

Erik Murdock
Access Fund Policy Director

APPENDIX A

Access Fund – US Forest Service
Climbing Resource Areas In Need of Stewardship Attention

Ten Sleep Canyon
Powder River District, Big Horn National Forest, WY

- Several hundred sport climbing routes, popular summer destination
- Extensive cliff side erosion and social trail braiding
- Limited and at-capacity parking along highway
- Human waste management and camping challenges
- Forest staff downsizing and funding cuts especially limiting action/partnership

Red River Gorge
Cumberland & London Districts, Daniel Boone National Forest, KY

- Several hundred sport & traditional climbing routes, international destination
- New route moratorium (Cumberland District) since 2004; potential for new climbing resources extensive and manageable
- Existing sites heavily impacted, in need of maintenance
- Historical cultural resource concerns, generally mitigated
- Significant climbing use contribution to local economy (2016 Economic Study)

Boulder Canyon
Boulder District, Arapaho - Roosevelt National Forest, CO

- Several hundred sport & traditional routes, quick & easy access; growing level of use, located within minutes of Colorado's Front Range
- Numerous climbing areas (access trails, staging areas) heavily impacted and eroding
- Parking conflicts with County Highway corridor

Mills Canyon (Roy)
Kiowa National Grassland, Cibola National Forest, NM

- Increasingly popular bouldering area
- Numerous access roads necessary, not currently part of official USFS system
- Expanding dispersed camping, access trails and human waste concerns
- Surrounding communities historically from dust bowl ranching era, climbing could contribute to local economy

The Fins
Lost River Ranger District, Salmon-Challis National Forest, ID

- Several hundred sport climbing routes, increasing popularity, summer destination
- Area gaining more use and media attention
- Challenging road conditions: steep and 4x4 only access
- Growing human waste concerns & limited nearby camping
- Heavy cliff side erosion & steep slopes

- Salmon-Challis NF currently beginning planning process – wilderness inventory concerns
- USFS has limited knowledge of resource or concerns

Spearfish Canyon
Northern Hills Ranger District – Black Hills National Forest
- Extensive sport climbing area
- Very limited camping & human waste management
- High levels of access trail & cliff side erosion/run-off
- Limited interest by USFS staff in addressing concerns or acknowledging resource

Icicle & Tumwater Canyons
Leavenworth Ranger District – Okanogan-Wenatchee National Forest, WA
- Increasingly popular bouldering area with extensive traditional/alpine climbing
- Growing parking concerns and roadside safety
- Limited camping & human waste management concerns
- Area also popular with non-climbers
- Heavy erosion and expanding plant degradation
- USFS District has climbing ranger program, but continued delays in taking action

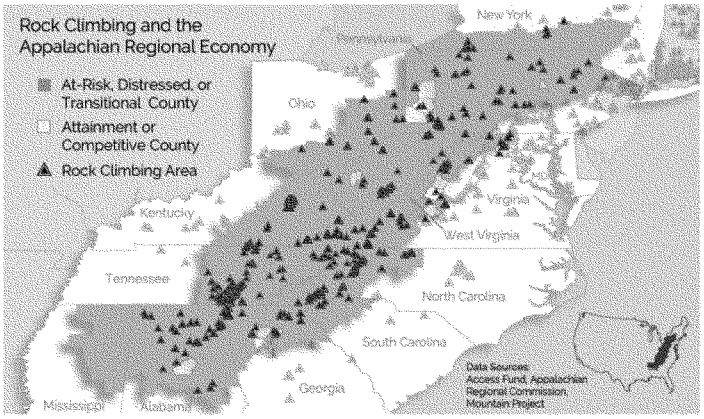
Rumney Rocks
Pemigewasset Ranger District – White Mountain National Forest, NH
- Most popular sport climbing destination in Northeast, several hundred routes
- One of only 2 USFS Ranger Districts with a climbing management plan
- Currently completed NEPA for extensive stewardship infrastructure initiative
- USFS, Access Fund, Local Climbing Organization partnership for 2019-2020 initiative
- AF & LCO launching fundraising campaign for AmeriCorp and AF Crew time

Little Cottonwood Canyon
Salt Lake Ranger District - Uinta-Wasatch-Cache National Forest, UT
- Heavily impacted climbing area minutes from Salt Lake City
- USFS, AF & Salt Lake Climbers Alliance joint effort
- Success story in partnerships and climbing area stewardship work
- Several years of extensive infrastructure work completed by AF and AmeriCorps partners
- Project success lead to additional private land partnerships

APPENDIX B

Rock Climbing Can Drive Economic Development in Appalachian Communities

The Appalachian region is home to some of the best climbing areas in the United States. From Pennsylvania to Alabama, there is a rich history of rock climbing dating back to at least the 1950s. The majority of these climbing areas are located in rural, economically at-risk or distressed counties, yet only hours away from large population centers (see image below). Today, climbing is one of America's fastest growing outdoor sports. The economic benefits of rock climbing areas on Appalachian communities are well known to economists, local governments, and land managers. For example, Eastern Kentucky University economists determined that just one popular climbing area, the Red River Gorge in Kentucky, generates over 3.6 million dollars of direct and indirect economic impacts as well as new jobs (Maples et al., 2016).



While the economic impact of rock climbing is quantifiable and growing, many Appalachian climbing areas shown above are closed to public access due to antiquated regulations, liability concerns, and public access challenges. If these areas were open to the public, the Appalachian region could enjoy the measurable economic benefits that are currently ready to come to fruition. Local governments, in concert with federal funding (e.g., Appalachian Regional Commission), can facilitate the development of the Appalachian recreation economy by promoting the health and wealth benefits of rock climbing destinations.

Access Fund, alongside Outdoor Alliance and over 100 local affiliate organizations, provides local communities and land managers with the necessary tools to open, develop, manage and steward climbing areas.

Access Fund is committed to open access to Appalachian climbing opportunities and has witnessed the significant economic and social benefits from successful projects in TN, AL, NC, KY, and WV.

Access Fund is in the process of developing an Appalachian Region Rock Climbing Plan to:

1. Inventory climbing areas
2. Conduct more economic studies
3. Increase outreach on the benefits of adventure tourism; and
4. Assist local communities to maximize the potential of untapped climbing opportunities.

Subject: FW: For the Record-Access to Public lands comment

From: Jim & Mary Allen <diamond4@wyoming.com>
Sent: Sunday, March 31, 2019 6:19 PM
To: 'fortherecord@energy-senate.gov' <fortherecord@energy-senate.gov>
Subject: Access to Public lands comment

Dear Senator Murkowski
Chairman, Senate Energy and Natural Resources committee
March 14, 2019

I attended your committee hearing this morning, March 14, 2019 in Washington, DC regarding access to public lands. After adjournment, I approached the dais and spoke to you directly with my comments. Thank you for being receptive.

My comment relates to an aspect of public access that was not mentioned by the panel of 5 speakers present today. Their comments all touched on limitations to access and some solutions to increase public access to public lands and waters including for new outfitters. But none of them testified on increasing access for existing, permitted outfitters.

For example, under the current USDA, Forest Service policy found in the Forest Service Handbook 2709.14, chapter 53.1 et. seq., the Forest Service "takes" away user days (allocated use) from existing permitted outfitters if the outfitter does not use all their use listed on the face of their permit. However, outfitters face situations out of their control such as drought which shortens river rafting seasons, wolf predation which decreases available hunting licenses, forest fires, a volatile or struggling national economy, and many weather related reasons. All these and other reasons can cause outfitters to show decreased use during their use review with the Forest Service. However, many of the reasons for decreased use are temporary and when conditions are favorable again and the outfitter desires full use of allocated user days, current Forest Service policy disallows it. This policy must change in order to meet public demand for access to public lands and waters. Congress can change it.

Outfitters are the vital link between the public and public land and waters.
Outfitters are permitted, licensed stewards of public resources and are held to a high standard by state and federal regulators. The public expects and deserves quality outfitters but public policy must also take into account existing outfitter viability when implementing outfitter policy. Currently permitted outfitters should be allowed to meet public demand before new outfitters are permitted.

I urge this committee to look closely at USDA Forest Service FSH 2709.14, Chapter 53.1 "Allocation of Use for Priority Use Permits" and revise it to:

1) Lengthen the priority use review period from 5 years to 10 years.
2) Waive use reviews and use reductions during natural events beyond the outfitter permittee's control.
3) Allow increased use on permit when existing outfitter shows a need and ability to meet public demand.
4) Encourage existing outfitter viability as an agency management goal. Economically viable outfitters are able to reinvest in equipment, facilities and staff training. This leads to safer guest experiences and better public resource stewardship.

5) Offer increased use to existing, permitted outfitters first before considering any new outfitter applicant.

Please accept my suggestions and contact me anytime for clarification and further discussion.
Sincerely,

Jim Allen, former Wyoming State Representative

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THE AMERICAN ALPINE CLUB

March 26, 2019

Senator Lisa Murkowski
Chair Energy & Natural Resource Committee
522 Hart Senate Office Building
Washington, D.C. 20510

Senator Joe Manchin
Ranking Member, ENR Committee
306 Hart Senate Office Building
Washington, D.C. 20510

Re: Hearing to Examine Opportunities To Improve Access, Infrastructure, and Permitting for Outdoor Recreation

Dear Chairman Murkowski and Ranking Member Manchin,

The American Alpine Club ("AAC") is a 501(c)(3) non-profit organization with 23,000 members dedicated to supporting climbers and healthy climbing landscapes nationally. Since its founding in 1902, the AAC has been devoted to safeguarding our country's wild landscapes and natural treasures. We focus on critical issues facing climbers and outdoor recreation nationally, such as keeping public lands pristine, wild, and open to human-powered recreation. We fund conservation projects and scientific research projects; own lodging facilities in New York, Wyoming, West Virginia, Texas, Alaska and New Hampshire; and provide educational and community building events across the nation, among other things.

On behalf of our nation's millions of climbers, we thank you for your work on the passage of the John D. Dingell Jr. Conservation, Management, and Recreation Act. Specifically, we appreciate the law's protection of beautiful and world-class climbing areas in Utah; the provision that ensures climbing practices can continue alongside the designation of new Wilderness areas; and of course, the permanent reauthorization of the Land and Water Conservation Fund.

As noted in the Senate Committee on Energy and Natural Resources hearing on March 14, 2019, there still exists much work to be done. Investments made by this Committee will ensure that the vibrant outdoor recreation economy, which supports communities across the nation, will continue to grow and prosper. The Outdoor Industry Association reports that the outdoor recreation economy generates $887 billion in consumer spending annually and 7.6 million direct national jobs.[1] Findings from the US Bureau of Economic Analysis show that Outdoor Recreation accounts for 2.2% of our nations GDP.[2] Several other economic reports have focused specifically on the economic impact of rock and ice climbing, finding further value added to communities, such as:

[1] Outdoor Industry Association. Outdoor Recreation Economy report. 2017.
[2] Bureau of Economic Analysis. "Outdoor recreation Satellite Account: Updated Statistics for 2012-2016." 2018. Available at: https://www.bea.gov/news/2018/outdoor-recreation-satellite-account-updated-statistics-2012-2016

- The economic impact of climbing in West Virginia's New River Gorge region generated $12.1 million in non-resident spending, supporting 168 jobs and $6.3 million in wages in 2018.[3]
- Rock climbing visitors to the Grand Mesa, Uncompahgre & Gunnison National Forests (GMUG) accounted for $6.2 million in non-resident spending, supporting 61 jobs and $1.8 million in job income in the surrounding area, as well as $5.2 million in annual spending outside of the GMUG but within Colorado.[4]
- Ice climbing visitors to Hyalite Canyon, Montana spend on average $76 to $135 per person per visit, or roughly $480 per person annually.[5]

Interest in climbing has grown exponentially in recent years and in 2018, roughly nine million people participated at least once in some form of climbing, whether indoors or outdoors.[6] Such growth in climbing points to a clear need for lawmakers to address the increasing number of public lands users though thoughtful land management solutions. The American Alpine Club would like to highlight several issues that concern our membership and propose potential pathways for moving forward.

Improve Access to Public Lands through Facilitated Experiences

Guides and outfitters provide important opportunities for the public to experience the outdoors. However, an onerous and outdated permitting structure has resulted in numerous challenges for commercial and educational groups. While federal land agencies value facilitated recreation and recognize the importance of the outdoor recreation economy in rural communities, the permitting system restricts these groups through fees, burdensome applications and unclear operating requirements. To ensure that lands are open for human powered recreation, the AAC encourages the Committee to streamline and update exclusionary permitting policies to ensure that climbers, guides and other organizations can get the permits they need to provide facilitated climbing experiences. To accomplish this, the AAC strongly supports legislation to improve permitting for commercial outfitters and other businesses on public lands by addressing multi-jurisdictional permits, eliminating duplicative processes and streamlining environmental reviews, among other things.

[3] Maples, J. Bradley, M. Giles, S. Leebrick, R. Clark, B. "The Economic Impact of Rock Climbing in the New River Gorge Region." 2019.
[4] Maples, J. Bradley, M. "Economic Impact of Rock Climbing in the Grand Mesa, Uncompahgre & Gunnison National Forests." 2018.
[5] Anderson, M. "Estimating the Economic Value of Ice Climbing in Hyalite Canyon: An Application of Travel Cost Count Data Models for Excess Zeros." Environmental Management. 2010.
[6] Outdoor Industry Association. "Outdoor Participation Report." 2018.

Ensure Conservation Funding Mechanisms are Preserved

The Department of the Interior is tasked with overseeing the management of more than 480 million acres of public land including important climbing landscapes such as Grand Teton, Rainier, Black Canyon of the Gunnison, Rocky Mountain and Yosemite National Parks.[7] However, the National Park Service has identified over $11 million in deferred maintenance and infrastructure needs.[8] Over 60% of climbing areas exist on federal public lands, as such, the degradation of these important places poses a threat to the climbing community. Additionally, access to numerous climbing areas on public lands are inaccessible due to private inholdings. To ensure public lands are adequately funded, maintained, and accessible, we recommend that the Committee:

1. *Address America's aging national park facilities and ensure that eroding trails, water systems, historic buildings and other infrastructure issues are adequately addressed.*

2. *Support additional recreation infrastructure through new revenue streams.*

3. *Fully fund the Land Water Conservation Fund.*

Address Threats to Outdoor Recreation by combatting Climate Change

The AAC represents an outdoor community whose livelihood is inextricably linked to healthy ecosystems and mountain environments. However, mountain regions are warming at twice the rate of other places on Earth and the health of our businesses and communities require comprehensive legislation and administrative action to address the impacts of climate change. From Denali to Mt. Washington, climbers are witnessing rapid changes to these snowscapes and high alpine peaks. Among its many effects, climate change is damaging the places we recreate and live. Increased prevalence of wildfire degrades air quality, melting glaciers and permafrost as well as increased rain, rather than snow, creates dangerous conditions due to expanding crevasses and rock fall. These changes limit the terrain climbers can access and impact the livelihoods of guides and outfitters.

1. *Track and restrict greenhouse gas emissions from Federal fossil fuel emissions that occur on public lands.*

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[7] DeSantis, M. "U.S. Department of the Interior: An Overview." Congressional Research Service. 2019.
[8] NPS Deferred Maintenance by State and Park. Data as of Sept. 30, 2018. Available at: https://www.nps.gov/subjects/infrastructure/upload/NPS-Deferred-Maintenance-FY18-State_and_Park_2018.pdf

Federal oil and gas leasing – both on land and offshore – account for a quarter of America's total carbon output.[9] If US public lands were their own country, they would rank fifth in the world for emissions.[10] As such, federal land managers must account for the cumulative impact of oil and gas development on public lands. A federal judge in Wyoming recently decided that the Interior Department violated the National Environmental Policy Act by failing to account for the climate impacts of its oil and gas leasing and temporarily blocked drilling on about 300,000 acres.[11] Judge Contreras's opinion said that the Department cannot consider individual drilling projects in a vacuum and must account for the greater context of the impact of oil and gas drilling on federal land before irretrievably committing to that drilling.[12] The AAC encourages Federal land managers to not only track the greenhouse gas emissions produced on public lands but also to set clear goals in an effort to restrict them. Effectively managing energy development on our public lands is an ideal place to start if we are to reduce our carbon emissions as a country.

Ensure Diverse Voices are Included

The future of our nation's public lands depends on broad stakeholders who value wild places and access to them. Without such, the number of advocates for our national parks and other treasured landscapes will decline as our country's demographics shift rapidly. We ask that this Committee strive to welcome and include diverse voices in a meaningful way through public hearings, dialogue with committee staff and through the creation of legislation. A broader tent will add important perspective as the Committee seeks solutions to the pressures of development, the loss of public access, deteriorating facilities and recreation infrastructure, and the impacts of a changing climate.

In Conclusion

The American Alpine Club is greatly appreciative for the opportunity to provide testimony to the Senate Committee on Energy and Natural Resources. We hope the insight provided here will encourage this Committee and other members of Congress to act swiftly on issues facing outdoor recreation access, infrastructure and permitting. Please feel free to reach out to our team at any point with your questions or concerns.

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[9] The Wilderness Society. "In The Dark: The hidden climate impacts of energy development on public lands." 2018.
[10] The Wilderness Society. "In The Dark."
[11] Eilperin, J. "Federal judge demands Trump administration reveal how its drilling plans will fuel climate change." The Washington Post. 2019.
[12] *WildEarth Guardians v. Zinke*, No. CV 16-1724 (RC)(D.D.C. Mar. 19, 2019)

Respectfully,

Phil Powers,
CEO, American Alpine Club

Taylor Luneau
Policy Manager, American Alpine Club

Maria Povec,
Policy and Programs Director, American Alpine Club

From: Jason Martin <jason@alpineinstitute.com>
Date: Thursday, March 21, 2019 at 9:17 PM

Subject: Recreation Access on Public Lands

To Whom it May Concern,

I am the executive director of the American Alpine Institute (AAI). We are a climbing school and guide service that has been operating consistently since 1975. We employ approximately sixty guides and instructors, and have a dozen office staff.

We teach climbing, mountaineering, backcountry skiing, technical rescue, avalanche awareness and wilderness skills. We have a recreational contingent to our company that teaches these skills to recreationalists, as well as a vocational program, that provides certification courses for people who wish to work as outdoor educators, guides, rangers and technical rescuers. We provide vocational programming for veterans; and we also provide several technical programs every year to active duty US military special operators.

AAI operates in eight states, including Alaska, Washington, California, Nevada, Arizona, Utah, Colorado and North Carolina. In order to legally and ethically run our programs, we hold two National Park Service Concessions, several National Park Service Commercial Use Authorizations, several US Forest Service Special Use Permits, and a few Bureau of Land Management Special Recreation Permits.

The most frustrating and complex thing that we deal with on a regular basis is permitting on US federal lands. We regularly have issues with the acquisition of new commercial permits. It's also difficult to expand existing permits. Every agency describes hurdles that keep them from issuing new permits or expanding old ones.

Here's a simple example of a problem that we've encountered countless times.

We have a BLM permit to operate in Red Rock Canyon National Conservation Area just outside of Las Vegas. As it gets hot in the spring and summer, operations in RRCNCA cease and the guides have to move to a different region in order to keep working. Nobody -- guide or guest -- wants to recreate in 100+ degree temperatures.

Standing above the city of Las Vegas are the Spring Mountains. This area -- which is 20-degrees cooler than the desert below -- is managed by the Humbolt-Toiyabee National Forest. This forest currently has a moritorium on new permits, so we cannot operate there.

If we could operate in the Spring Mountains, we could keep those guides employed throughout the summer locally. Instead, they have to move away from one of the largest tourist draws in the world during the summer season.

We run into an inability to obtain permits over and over again, throughout all eight states we operate in, in all three types of federally managed public lands.

Indeed, in many cases, we inquire about whether or not we can get a permit, and get no response at all. In part this is because the people who manage commercial permits often have other jobs.

It is our understanding that you are currently looking at legislation that would increase the ability of the public to access public lands through the modernization of commercial recreation permits. We strongly believe that this would help our company, and hundreds of others like it, to more effectively serve the public on our nation's public lands. As such, I would like my comments to be added to the public record for the "Full Committee Hearing to Examine Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation held on March 14, 2019.

If you have any questions whatsoever, please feel free to call or email.

Sincerely,

Jason D. Martin

Jason D. Martin
Executive Director
AMGA Certified Rock and Alpine Guide
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American Alpine Institute

TESTIMONY OF
AMERICAN MOUNTAIN GUIDES ASSOCIATION

FOR CONSIDERATION BY THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

FULL COMMITTEE HEARING TO EXAMINE OPPORTUNITIES TO IMPROVE
ACCESS, INFRASTRUCTURE, AND PERMITTING
FOR OUTDOOR RECREATION

HELD ON MARCH 14, 2019
SD 366

Submitted by Matt Wade, Advocacy and Policy Director
American Mountain Guides Association
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March 25, 2019

The Honorable Lisa Murkowski
Chair
Senate Energy and Natural Resources Committee
U.S. Senate
304 Dirksen Senate Building
Washington, D.C. 20510

The Honorable Joe Manchin
Ranking Member
Senate Energy and Natural Resources Committee
U.S. Senate
304 Dirksen Senate Building
Washington, D.C. 20510

Dear Chair Murkowski, Ranking Member Manchin, and Members of the Committee,

The American Mountain Guides Association respectfully submits this testimony for inclusion in the public record regarding the Full Committee Hearing to Examine Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation held on March 14, 2019.

The American Mountain Guides Association (AMGA) represents the interests of the American mountain guiding community, which includes climbing and skiing guides who provide educational and environmentally responsible outdoor experiences for the public on public lands. The AMGA institutes the professional standards by which mountain guiding is practiced in the United States and our educational branch has trained over 13,000 climbing instructors, skiing guides, and mountain guides across the nation. Of additional relevance to this discussion, our membership includes outfitters and guides who have been operating on public lands since the inception of the modern commercial recreation permitting system. We have extensive experience with public land management systems, philosophies, and permitting, and we welcome the opportunity to provide comment on opportunities to improve access for outdoor recreation on America's public lands.

We appreciate the Committee's recognition of the need to improve access for recreation. In particular, we would like to point out the tremendous opportunity that exists to improve access and support economic growth by modernizing the outfitter and guide permitting systems of the Federal land agencies. Our members have experienced decades-long challenges in gaining access to public lands due to unnecessary complexity in the permitting system and out-of-date, antiquated processes. This has limited opportunities for the public and has slowed economic growth, especially in rural communities adjacent to public lands. The stories below illustrate some of the challenges faced by our members and the public they serve. Following the stories, we will point out specific measures Congress can take to improve permitting systems and increase access for all Americans.

Examples of Access Challenges Faced by Outfitters and Guides

- Appalachian Mountain Guides, a climbing guide service in Fayetteville, West Virginia, was contracted by the Boy Scouts of America (BSA) to help them develop an outdoor climbing area at the Summit Bechtel Reserve, a BSA property near the New River Gorge National River. Both parties were excited to collaborate on the project to expand recreation opportunities for kids. The project was scheduled to be completed by summer 2019, just in time for the 24th World Scout Jamboree. When planning the project, the Boy Scouts of America approached the National Park Service (NPS) to get permission to cross a small section of NPS-managed land that lies adjacent to the Scouts' property where the climbing area is located. They were told it would take 3 years to issue the necessary permit due to the amount of paperwork required. As a result, the new climbing opportunity will not be available in time for the World Scout Jamboree.

- The Montana Wilderness School, located in Southwest Montana, provides youth mountaineering and backpacking courses that foster personal growth and help kids develop an appreciation for the outdoors. They often have to drive over six hours to run their courses because the local national forest in their backyard will only grant them a permit on an irregular basis, in some cases once every five years.

- Paradox Sports, an adaptive sports program, sought to arrange a guided climbing experience for adaptive athletes in Yosemite National Park. They contacted Yosemite Mountaineering School (YMS) which is the only guide service currently permitted to operate in Yosemite. No additional climbing guide permits are available due to a lack of administrative capacity to create and issue new permits. YMS was unable to accommodate the Paradox Sports request and it appeared there would be no avenue for the adaptive athletes to climb in Yosemite. Fortunately, at the last minute, the National Park Service granted temporary permission to an outside guide service to serve the Paradox Sports group. If new permits are not made available, this type of situation will continue to occur.

- Numerous climbing guide services in Washington State have requested permits from the Okanogan National Forest *for over a decade* to provide guided climbing experiences in the Cascade Mountains. They have been told no new permits are being issued because the Forest does not have the staff capacity to complete the required capacity analysis, needs assessment, and environmental review.

Opportunities to Improve Outfitter and Guide Permitting Systems

The permitting systems of the Federal land agencies are antiquated and layered with redundant analyses. There are significant opportunities to modernize these systems to improve access, reduce administrative burden for the agencies, and infuse new life into rural economies. Below, we list six opportunities to make the permitting systems work better for everyone and capitalize on growth opportunities in the increasingly vibrant recreation sector.

Authorize Multijurisdictional Permitting

Outdoor trips typically follow natural features such as rivers, canyons, and high mountain valleys for ease of travel and maximum scenic value. Often times, agency boundaries are not perfectly aligned with these landscape features and in some cases a group may cross an agency boundary (or multiple agency boundaries) in the course of a single trip. This requires a permit from each agency. It is time consuming and costly for guides to apply for and maintain multiple permits with different agencies to operate a single trip. This situation can be improved by establishing an authority for the agencies to cooperate and issue a single permit for trips that cross agency boundaries. Such an authority would dramatically enhance the efficiency of the permitting process for both agencies and guides when trips cross agency boundaries.

Permit Substantially Similar Activities

The land agencies are often required to undertake a lengthy analysis process before authorizing new uses requested by a permit holder. This analysis is unnecessary and redundant when the proposed uses are substantially similar to the activities the permit holder has already been authorized to conduct. For example, if a guide service is permitted to provide avalanche awareness courses in a popular backcountry skiing zone, additional analysis should not be required to allow the guide service to offer guided backcountry skiing tours in the same area, because these uses are substantially similar in type, nature, scope, and ecological setting. By providing the agencies with the authority to permit substantially similar activities, new recreational opportunities can be made available to the public and outdoor businesses can more easily expand and contribute to local economies.

Review and Establish Recreation Categorical Exclusions

The environmental analysis requirements that are currently applied to outfitting and guiding proposals are unnecessarily complex. This is placing undue administrative burden on agency personnel and resources, and it is hindering the ability of federal land managers to authorize guided recreation activities that connect people to public lands. In most instances, recreational outfitting and guiding activities take place on established recreational infrastructure that is already being used for the same activities by the general public. Furthermore, in many locations, outfitter-guide use is substantially less than that of the general public and has minimal impact on resources. For these reasons, we believe Congress should direct the agencies to review existing categorical exclusions (CEs) and identify ways to modify existing CEs and/or establish new CEs for recreational activities that are unlikely to have a significant impact on the human environment. These actions would substantially streamline the permitting process to reduce agency workload in areas where it is unnecessary or redundant, and enable outfitters and guides to focus on growing the recreation economy and serving the public.

Minimize Needs Assessments

Needs assessments are studies conducted by the agencies to assess the agency and public need for a service. These lengthy studies are a requirement in areas designated as wilderness. They are not required outside of wilderness areas, however, they are still used extensively in many non-

wilderness locations. The unnecessary use of needs assessments outside of wilderness is critically slowing down the permitting process and preventing the public from accessing public lands with a guide. Furthermore, it should not be necessary for the agency to assess need from the public—they should simply issue permits when capacity is available and allow the outfitting and guiding market to determine if a demand for the service exists.

Issue Temporary Permits for a Longer Term (2 Years)
Current Forest Service policy indicates temporary special use permits can be issued for a maximum term of 6 months. When these permits expire, the temporary permit holder must reapply and the agency must reprocess all of the application materials again. Many permit holders are resubmitting the exact same proposal every 6 months, over and over again, year after year. This is unnecessarily time consuming and inefficient for the both permit holder and the agency. Additionally, a 6-month permit term is too short for a guide service to invest in a business opportunity and actively pursue growth. A longer permit term would allow recreation businesses to fully assess opportunities and adequately plan for future growth. For these reasons, the Forest Service should be given the authority to issue temporary permits for a term up to two years.

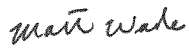
Move Permit Applications and Reporting Online
The permitting process can be made more efficient and user friendly by moving applications and reporting procedures online. Several agencies are already taking steps to enable permitting processes to occur online. Congress should ensure the agencies complete this process in a timely manner.

* * *

Thank you for the opportunity to share our perspective on ways in which Congress can improve access for outdoor recreation on America's public lands. We look forward to working with Congress to implement improvements that will increase agency efficiency, grow the outdoor recreation economy, and expand opportunities for the public to experience the legacy of America's public lands. Please let us know if we can be of assistance.

Sincerely,

Alex Kosseff
Executive Director
American Mountain Guides Association



Matt Wade
Advocacy and Policy Director
American Mountain Guides Association

COALITION FOR OUTDOOR ACCESS

March 28, 2019

The Honorable Lisa Murkowski
Chairwoman
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington DC 20510

The Honorable Joe Manchin
Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington DC 20510

Chairwoman Murkowski, Ranking Member Manchin, and members of the committee:

The Coalition for Outdoor Access respectfully submits these comments for the record in relation to the U.S. Senate Committee on Energy and Natural Resources (SENR) Full Committee Hearing to Examine Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation, held on Thursday, March 14, 2019.

The Coalition for Outdoor Access (COA) is a broad coalition of outdoor businesses and outdoor leadership and advocacy organizations that came together in 2014 to advocate for the improvement of the outfitter-guide permitting systems of the Federal land management agencies. Our coalition includes individual guides, for-profit outfitter and guide companies, nonprofit outdoor organizations, college and university outdoor programs, outdoor education programs and conservation advocacy organizations. The COA Steering Committee is made up of representatives of the following organizations:

- American Mountain Guides Association
- Angler's Covey
- Association of Outdoor Recreation and Education
- The Mountaineers
- National Outdoor Leadership School
- Outdoor Industry Association
- REI
- YMCA
- The Wilderness Society

COA believes in the value of transformative experiences in the outdoors. We also believe these experiences are often best provided by trained outdoor leaders, businesses and organizations. We recognize the need for managing facilitated recreational use through permitting systems, but believe those systems should be responsive, efficient, transparent and should provide plentiful and equitable access opportunities. The best way to achieve this is through collaboration between guides, outfitters, outdoor programs and the land management agencies.

We appreciate the SENR committee highlighting the role of recreation on our public lands with a hearing. Our testimony is focused on how the recreational permitting systems of the federal

land management agencies make it difficult for guides, outfitters and other outdoor programs to take people outdoors.

In many places around the country, outfitter-guide permits are difficult for outdoor leaders and businesses to obtain. There are a number of reasons for this. Common issues include:

- The current permitting process is complex and labor-intensive, often requiring careful analysis of a proposed activity even when the activity will take place on existing recreation infrastructure (trails, roads, campgrounds). In contrast, access for the unguided public is unlimited even though the unguided public makes up the overwhelming majority of overall use.
- Because the permitting process is labor-intensive, the agencies often do not have enough staff capacity to process applications or administer additional permits. For example, in the U.S. Forest Service, 70% of the people responsible for administering permits have been assigned those responsibilities as a collateral duty on top of another job. As a result, they do not have the staff time to issue and administer new permits. When this happens, the agencies will simply refuse to issue new permits. This is the most common reason why permits applications are rejected or remain unprocessed.
- It is often very difficult for an organization to determine if they need a permit for their activity, and if so, whether permits are available and how to apply for them. Requiring the agencies to notify the public of the availability of permits and to provide timely responses to permit applicants would help with this.
- Permit holders are generally not allowed to conduct different types of recreation activities under one permit. They are generally required to seek new authorizations for each activity. Allowing similar activities to be conducted under a single permit would allow recreation service providers to focus on helping people access public lands and create lasting outdoor memories, rather than dealing with bureaucratic barriers.
- Currently, agencies aren't able to collaborate with one another and issue a single permit for activities that cross agency boundaries. Being able to do so would significantly reduce administrative burdens for the agencies and simplify the permitting process for outfitters and guides.
- Permits are sometimes administered in a 'use it or lose it' basis. Under this system, if a permit holder doesn't use a certain number of their assigned permit service days, the unused days may be taken away from the permit holder. Providing permit holders with assurances that they will not lose service days in the event of natural disasters, wildfire, or other circumstances beyond a permit holder's control would provide much-needed certainty for permit holders to sustain their operations through good seasons and bad.
- State colleges and universities and other state entities are prohibited by state law from complying with the U.S. government indemnification requirement imposed as a condition for obtaining some permits. As a result, these entities are generally unable to obtain recreational permits to visit federal lands and waters. That means public school students often have no choice but to go to state land. Private schools have no such limitation.

- Establishing a universal policy of allowing outfitters, guides and other outdoor leaders to use liability release forms would be a major improvement for small family-run outdoor businesses, nonprofit organizations, and youth programs. Liability release forms are widely accepted under state law. Use of these forms is essential for controlling insurance costs and enables small businesses and organizations to continue to provide outdoor experiences.
- Clarifying existing law to allow agencies to use a percentage of permit fees to improve the operation of the permitting system would make the permitting process work better for everyone.

The members of the Coalition for Outdoor Access and all types of outfitters, guides, and outdoor trip leaders around the nation have struggled for decades to serve the public on America's public lands. This has limited the American public's ability to experience public lands and it has prevented recreation organizations and businesses from growing. We look forward to working with the committee to identify and implement bipartisan, common-sense solutions that will improve agency efficiency, enhance public access, and bolster the recreation economy.

Thank you for considering our comments.

Sincerely,

The Coalition for Outdoor Access

Jeannette Stawaski,
Chair, Coalition for Outdoor Access
Executive Director, Association of Outdoor Recreation and Education

Courtney Aber
National Director, YMCA BOLD and GOLD

Aaron Bannon
Environmental Stewardship Coordinator, NOLS

Rebecca Bear
Director of Outdoor Programs and Experiences, Recreational Equipment, Inc.

Katherine Hollis
Conservation and Advocacy Director, The Mountaineers

David Leinweber Chairman,
Pikes Peak Outdoor Recreation Alliance and Owner, Angler's Covey Inc.

Patricia Rojas-Unger
Vice President of Government Affairs, Outdoor Industry Association

Paul Sanford
National Director of Recreation Policy, The Wilderness Society

Matt Wade
Advocacy & Policy Director, American Mountain Guides Association

THE MOUNTAINEERS
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March 28, 2019

The Honorable Lisa Murkowski
Chairwoman
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington DC 20510

The Honorable Joe Manchin
Ranking Member
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington DC 20510

Chairwoman Murkowski, Ranking Member Manchin, and members of the committee:

The Mountaineers respectfully submits these comments for the record in relation to the U.S. Senate Committee on Energy and Natural Resources (SENR) Full Committee Hearing to Examine Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation, held on Thursday, March 14, 2019.

The Mountaineers, based in Seattle, Washington and founded in 1906, is a nonprofit outdoor education, conservation, and recreation organization whose mission is "to enrich the community by helping people explore, conserve, learn about and enjoy the lands and waters of the Pacific Northwest and beyond." The Mountaineers Books publishing division expands the mission internationally through award-winning publications including instructional guides, adventure narratives, and conservation photography. 1,800 skilled volunteers lead 3,200 outdoor education courses and activities annually for 15,500 members and guests. Our youth programs provide over 6,000 opportunities each year for children to get outside. We are a passionate, engaged, and knowledgeable community that cares about the outdoors, and protects the outdoor experience for current and future generations.

We appreciate the SENR committee highlighting the role of recreation on our public lands with the March 14th hearing. As an organization with significant focus on sustainable recreation on federal public lands, we are heartened that the committee is committed to approaching this work. We also share our thanks and congratulations on the committee's work in passing the recently signed public lands package. Our organization's mission - and all of our activities - are dependent upon the conservation and protection of the landscapes where we recreate, making conservation the bedrock that our recreation relies (as well as the growing outdoor economy our activities drive). In short, recreation, and planning for sustainable recreation on our public lands, is also a key part of the public lands equation.

As we approach the topic of recreational infrastructure, we encourage the committee to think of the natural world as the foundation of recreational infrastructure on our public lands. Rock faces, vast natural vistas, ancient forests, and clean water are the most fundamental elements for the recreational experience. From there, trails, parking lots, roads and buildings are integral building blocks for the recreational experience. Funding for programs and agencies must be improved to sustain these resources. As unmaintained trails, roads, and facilities fall into disrepair, user experiences are diminished and these unmaintained resources create public safety issues. Congress needs to fund these public land infrastructure resources and programs like Forest Service Legacy Roads and Trails Program

that help meet these needs. We support funding the National Park maintenance backlog, and ask that approaching chronic agency underfunding not to be limited to national parks. The Forest Service, and forests where so much of our organization's recreational activities take place, have also experienced the impacts of shrinking budgets and need funding levels to reflect the growing recreational use on these lands and waters. We need to fully fund the Land and Water Conservation Fund, commit to investment in all our public land management agencies, and identify opportunities for renewed partnership between the federal government and tribal, state, and regional authorities that will pay dividends for future generations.

We also need to ensure that everyone has access to our public lands. Many people's first experience recreating on public lands is through an outdoor program like what The Mountaineers offers, or through guide or outfitter. However, the recreational permitting systems of the federal land management agencies make it difficult for guides, outfitters and other outdoor programs to take people outdoors. This has limited the American public's ability to experience public lands and it has prevented recreation organizations and businesses from growing. As an outdoor organization based in the Pacific Northwest, we continue to feel the negative effects of the bureaucratic barriers of outfitter/guide permitting.

Common issues with permitting across the country include:

- The current permitting process is complex and labor-intensive, often requiring careful analysis of a proposed activity even when the activity will take place on existing recreation infrastructure (trails, roads, campgrounds). In contrast, access for the unguided public is unlimited even though the unguided public makes up the overwhelming majority of overall use.
- Because the permitting process is labor-intensive, the agencies often do not have enough staff capacity to process applications or administer additional permits. For example, in the U.S. Forest Service, 70% of the people responsible for administering permits have been assigned those responsibilities as a collateral duty on top of another job. As a result, they do not have the staff time to issue and administer new permits. When this happens, the agencies will simply refuse to issue new permits. This is the most common reason why permits applications are rejected or remain unprocessed.
- It is often very difficult for an organization to determine if they need a permit for their activity, and if so, whether permits are available and how to apply for them. Requiring the agencies to notify the public of the availability of permits and to provide timely responses to permit applicants would help with this.
- Permit holders are generally not allowed to conduct different types of recreation activities under one permit. They are generally required to seek new authorizations for each activity. Allowing similar activities to be conducted under a single permit would allow recreation service providers to focus on helping people access public lands and create lasting outdoor memories, rather than dealing with bureaucratic barriers.
- Permits are sometimes administered in a 'use it or lose it' basis. Under this system, if a permit holder doesn't use a certain number of their assigned permit service days, the unused days may be taken away from the permit holder. Providing permit holders with assurances that they will not lose service days in the event of natural disasters, wildfire, or other circumstances beyond a permit holder's control would provide much-needed certainty for permit holders to sustain their operations.

We look forward to working with the committee and Senate champions on these permitting issues faced by outdoor programs like ours.

Impacting the above-mentioned issues of public lands conservation, funding and recreational permitting, is the need to establish outdoor recreation as a priority for federal land management

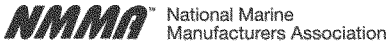
agencies, which would further improve recreational opportunities on public lands. Access to public lands and waters and the experiences the public can enjoy on them begins with smart agency planning. Planning forms the basis for decisions and implementation of actions that directly affect access for outdoor recreation. Too often, recreation is treated simply as a corollary benefit of conserving public lands. We support solutions that direct land managers to evaluate landscapes for recreational values, much like the Wilderness Act and other organic acts require an inventory of eligible areas for their conservation value. Ensuring that all federal public land management agencies have a recreation mission and improving opportunities for stewardship are also important to support recreation.

Lastly, as the committee considers ways to improve outdoor recreation opportunities, we strongly encourage outreach to a diversity of voices, particularly communities of color, LGBTQ communities, and people in a diversity of geographic settings, from urban to rural. Congress must work to proactively include communities historically excluded from outdoor recreation opportunities and public lands policy conversations. We emphatically believe that this will lead to better public lands policy and solutions that benefit the interest of all Americans.

Thank you for considering our comments. We look forward to working with the committee and Senate champions to improve sustainable recreation on our national public lands.

Sincerely,

Katherine Hollis,
Conservation and Advocacy Director



March 11, 2019

The Honorable Lisa Murkowski
Chairwoman, Committee on Energy and Natural Resources
U.S. Senate
522 Hart Senate Office Building
Washington, DC 20510

The Honorable Joe Manchin
Ranking Member, Committee on Energy and Natural Resources
U.S. Senate
306 Hart Senate Office Building
Washington, DC 20510

Dear Chairwoman Murkowski and Ranking Member Manchin,

On Behalf of the National Marine Manufacturers Association (NMMA) – the leading recreational marine trade association in North America, representing nearly 1,300 boat, engine, and accessory manufacturers – I thank you for convening a full committee hearing to examine opportunities to improve access, infrastructure, and permitting for outdoor recreation. NMMA applauds your collaborative leadership in prioritizing outdoor recreation and shining a light on the wide-spread bi-partisan support behind the outdoor recreation industry. As the committee continues this very important discussion, we look forward to working with you to advance growth-oriented policies to improve both terrestrial and water-based outdoor recreation on federal lands and waters.

A recent report from the Department of Commerce's Bureau of Economic Analysis (BEA) determined that the outdoor recreation industry accounts for 2.2 percent of U.S. GDP and supports 4.6 million jobs across the country. In terms of GDP, outdoor recreation's economic contribution level is larger than mining, utilities, and chemical products manufacturing.

Generating $170.3 billion in annual economic impact and supporting more than 35,000 businesses and 690,000 jobs, BEA identified recreational boating as a leading contributor to the overall outdoor recreation industry's economic output. Given the significance of boating to our nation's economy, we hope you will consider maritime recreation as you look to develop comprehensive solutions to improve access, infrastructure, and permitting for outdoor recreation. Below is a list of some of the issues impacting recreational boating – which have received broad bipartisan, bicameral support in recent years – that we encourage you to consider this Congress.

I. <u>Improve Water Infrastructure and Expand Access to Critical Waterways</u>

Congress should ensure America's estimated 142 million boaters and 46 million anglers have access to the nation's waters by investing in "full service" boating facilities and improved waterway infrastructure. The Sport Fish Restoration and Boating Trust Fund, initiated in the 1950's at the behest of the boating and angling community, is a user fee-user benefit system, that provides $600 million annually for aquatic conservation and

infrastructure projects. From boat ramps and docks to boating safety to fish habitat conservation, this Trust Fund aims at re-investing in outdoor recreation and infrastructure. Yet, the Trust Fund cannot meet all the outdoor recreation needs. We see a particular lack funding for recreational maritime infrastructure, including: sufficient parking for vehicles with trailers, outdated ramp utilities, paved roads and ramps, and sufficient bathrooms and trash receptacles at public boating facilities. Congress should invest in facilities at boat ramps, which serve as the gateway to water recreation. Insufficient parking and outdated ramps cause delays at boat ramps, sometimes lasting several hours, and exacerbate user conflict among motorized and non-motorized participants. Facility improvements, such as trash and decontamination stations, will ensure boaters have proper facilities to be good stewards of the environment, and prevent environmental harms, including the spread of aquatic invasive species. Improperly dredged ramp channels can also result in safety concerns for marine vessels and operators, and shut out coastal access for small communities and marina businesses.

II. Improve Access to Broadband for Rural Areas

According to the Brookings Institution, at least ten percent of American's lack access to a broadband internet connection. Many those Americans live in what would be considered "rural" areas. Federal Communications Commission (FCC) regulations on Internet Service Providers (ISPs) have improved access to broadband for rural areas, however the access divide remains stark. In some states, such as Alaska, 14% fewer Americans have access to broadband when compared to urban areas.

For recreational boating and angling, access to broadband is a critical safety and enjoyment issue for navigating our nation's waterways. Lack of broadband can put boaters at perilous risk without information about navigational channels, changes in weather, and access points. For example, lack of broadband access at Channel Islands National Marine Sanctuary has posed a risk for some boaters in obtaining accurate weather during changing conditions. This can pose as a serious safety concern for vessels on the water. From a user enjoyment perspective, broadband access improves the overall recreational experience on the water, allowing consumers to connect with others and boost their enjoyment.

III. Eliminate the Deferred Maintenance Backlog

The National Park Service (NPS) currently faces a $12 billion maintenance backlog. Recreational infrastructure suffers from this deficit, which hampers the NPS's ability to offer premier outdoor recreation experiences on our shared public lands and waters. NPS sites, such as Acadia National Park, Lake Powell National Recreation Area, Pictured Rocks National Seashore, and Sleeping Bear Dunes that offer picture-perfect destinations for maritime recreation, will continue to be in jeopardy as this systemic problem continues.

The outdoor recreation economy is among our Nation's leading economic sectors, and public lands and waters are the backbone of our industry. Water-based recreational infrastructure provide significant economic benefits, particularly for nearby coastal communities, and improved access, maintenance, and permitting are essential towards ensuring the full economic impact of the recreational boating and the outdoor recreation industry as a whole are realized.

NMMA appreciates your consideration and stands ready to assist you and the committee throughout this important endeavor.

Sincerely,

Nicole Vasilaros
Senior Vice President of Government Relations and Legal Affairs
National Marine Manufacturers Association

FULL COMMITTEE HEARING TO EXAMINE OPPORTUNITIES TO IMPROVE ACCESS, INFRASTRUCTURE, AND PERMITTING FOR OUTDOOR RECREATION

WRITTEN TESTIMONY BY AARON BANNON
ENVIRONMENTAL STEWARDSHIP AND SUSTAINABILITY DIRECTOR
NATIONAL OUTDOOR LEADERSHIP SCHOOL

COMMITTEE ON ENERGY AND NATURAL RESOURCES
U.S. SENATE

MARCH 14, 2019

NOLS, the National Outdoor Leadership School, would like to thank the Senate Environment and Natural Resources Committee for holding a hearing so early in the 116th Congress that focuses on outdoor recreation, access, infrastructure, and permitting for commercial outfitters operating on public lands. As the members of this committee understand, pursuing opportunities for outdoor recreation in our Great Outdoors is every American's birthright. And, this congress has an historic opportunity to facilitate outdoor opportunities for all by addressing persistent challenges in the permit renewal process that hamstring organizations and commercial outfitters who are guiding these experiences.

NOLS is a non-profit, outdoor educational institution, utilizing the wilderness classroom through month-long expedition-style courses, wilderness medicine classes, and similar programming to educate approximately 21,000 students every year. NOLS boasts over 280,000 graduates that include high school and college students, Naval Academy Cadets, Corporate CEOs, returning veterans, and NASA astronauts. NOLS was founded over fifty years ago in Lander, Wyoming, and has since grown to be one of the largest commercial outfitters in the country offering courses in fifteen states, ten countries, and six continents.

As such, NOLS operates under access permissions of every size and shape. Permitting systems that provide access to public lands are complex, and for many permit seekers and permit administrators who lack adequate training, experience, or resources, it is unwieldy. By providing those on the front lines of recreation access with additional tools to streamline the processes when it makes sense to do so, and by aligning planning and permitting management with existing activities on the ground, much progress can be made to shift the current paradigm in a favorable direction.

NEED FOR RECREATION LEGISLATION

Special Recreation Permitting Authorization is needed to both clarify for federal land management agencies the appropriate process to authorize outfitted recreation use on public lands and to reform permitting regulations so

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WORLDWIDE LOCATIONS
ALASKA / AUSTRALIA / EAST AFRICA / INDIA / MEXICO / NEW ZEALAND / NORTHEAST / PACIFIC NORTHWEST / PATAGONIA / RIVER BASE / ROCKY MOUNTAIN / SCANDINAVIA / SOUTHWEST / TETON VALLEY / THREE PEAKS RANCH / WYSS CAMPUS / YUKON

that they better serve guided recreation enthusiasts. Special recreation permitting is currently authorized under the Federal Lands Recreation Enhancement Act (FLREA), which expires in 2020.

To meet this need, stakeholders are negotiating a bill that will have broad support from a diverse array of trade associations, non-profit organizations, for-profit companies, and members of congress from both parties and from both houses of congress. The envisioned bill will reauthorize the federal special recreation permitting authority, including additional provisions to address persistent permitting issues. To be effective, a special recreation permitting bill should:

- Reauthorize outfitter and guide permitting authority for special recreation permits issued by U.S. land management agencies
- Authorize agencies to develop categorical exclusions for permitting processes under certain conditions;
- Authorize, but not require, one permit to be issued when a trip crosses multiple agency boundaries;
- Eliminate fees based on goods and services delivered and consumed off federal lands;
- Set the special recreation permit fee at 3% of gross;
- Authorize a percentage of permit fees for permit administration and streamlining processes as well as for related recreation infrastructure and other purposes;
- Authorize temporary permits for new uses and provide for conversion to long term permits when appropriate (though conversion is not mandated);
- Authorize allocated capacity to be turned in for use pools without penalty;
- Direct agencies to streamline permitting processes and authorize programmatic Environmental Assessments (EAs) to reduce site specific National Environmental Policy Act (NEPA) documentation;
- Reform cost recovery by giving a 50-hour credit for each permit when a group of permits is renewed and by providing waivers to the cost recovery requirement;
- Upon an adjustment of the assignment of use as part of permit administration, assign actual use plus 25% up to the original allocation. Unused capacity may be temporarily assigned for use by current permit holders and other groups.

These provisions have been generally agreed to by the diverse interests negotiating a merged bill. NOLS is optimistic that carefully vetted permitting legislation will be available for this committee's review in the near future.

Beyond the scope of this recreation legislation, NOLS has identified additional developments in how group size and length-of-stay restrictions are evolving, that would benefit from congressional review.

IMPACTS FROM GROUP SIZE RESTRICTIONS

Through planning processes and the permit renewal process, agency offices often take the opportunity to adjust allowable limits for organized groups to travel in the backcountry. Often land management planners are not aware of the range of current outfitting activities on their forest, and in their plan development introduce constraints that have real and measurable impacts on both outdoor schools and their students. Restricting allowable group sizes is one of the most common prescriptions that planners take. In doing so, they impose hardships on operators that are providing experiences the forest would normally like to support.

There are more effective alternatives to manage wilderness experiences available to forest planners than group size restrictions. In fact, current research indicates that the techniques a group uses and how it behaves in the backcountry are more important factors than the size of the group in determining impact. Similarly, most wilderness visitors rank interactions with large groups as significantly lower in importance than other social and site factors.

More than 50 years in the field have provided NOLS with the experience to develop a sound educational model that balances student safety, resource protection, and economic feasibility. The size of NOLS field courses is critical because it directly affects the effectiveness of the teaching, the financial health of the school, the ability to properly train staff, and the diversity and safety of our students. And the style of NOLS camping ensures that

our group size minimally impacts other users and the natural resource due to stringent Leave-No-Trace camping practices.

IMPACTS FROM LENGTH-OF-STAY RESTRICTIONS

In addition to group size limits, the U.S. Forest Service also provides its regions and individual forests with language to limit the length-of-stay an individual may spend on the resource. While the language of length-of-stay orders differs from forest to forest, they tend to impose a 14-day restriction with some caveats.
The need for this order, to discourage people from living on the land indefinitely, is well understood, but it is written in a way that threatens to move longer, expedition-style experiences out of compliance with forest rules.

A forest or region's length-of-stay order should be written in a way that ensures ongoing, desirable, and permitted activities remain in compliance. Forests have latitude in how they describe their length-of-stay orders. NOLS recommends language specifying that permitted outfitters, or operators who are pursuing an educational outcome, or permittees who provide progressive expedition-style trips, are not subject to the length of stay order. Alternatively, an order may state that dispersed campers may remain on the forest for longer than 14 days, but not more than 30 days, if they do not remain in any one camp for more than three days and do not return to previous campsites on the same trip.

IN CONCLUSION

Many in the outdoor recreation industry feel that there are achievable, concrete steps agencies can take, which congress can encourage through enabling legislation, that will be beneficial to operators and administrators alike. The pursuit of this legislation has already led to promising partnerships between private industries and federal agencies. The culture of permitted outdoor recreation is evolving. Those engaged in the conversation recognize that so many outfitters, including NOLS, are furthering the missions of the agencies they operate on. And, while is a need to reform the permitting process, there are many positive and productive models to study. In many cases, the relationship between agency and operator feels like true partnership. We look forward to expanding that dynamic.

OUTDOOR ALLIANCE

March 27, 2019

Senator Lisa Murkowski
Chair, Senate Committee on Energy and Natural Resources
522 Hart Senate Office Building
Washington, DC 20510

Senator Joe Manchin
Ranking Member, Senate Committee on Energy and Natural Resources
306 Hart Senate Office Building
Washington, DC 20510

Re: Hearing to Examine Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation

Dear Chairman Murkowski and Ranking Member Manchin:

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

On behalf of the outdoor recreation community, thank you for your attention to protecting and improving outdoor recreation opportunities on our country's public lands and waters. Additionally, please accept our heartfelt thanks and congratulations for the committee's work in passing the recently signed public lands package. The pursuits enjoyed by our community and membership—from peaks to oceans—are entirely dependent upon the conservation and protection of the landscapes in which our activities occur, and conservation is the bedrock upon which outdoor recreation and the outdoor recreation economy rests.

Conservation, however, while absolutely essential to protecting and providing outdoor recreation opportunities, is only one part of the equation regarding public

lands management, and we are appreciative of the committee's consideration of policy changes to support outdoor recreation, rural economic development, and the outdoor recreation economy. With careful adjustments to land management practices around issues from land management planning to special use permitting to infrastructure maintenance and improvement, Congress can help to ensure that conservation successes support economic opportunity and quality of life benefits and give all Americans more meaningful and accessible opportunities to connect with their public lands and waters.

Each year, outdoor recreation supports 7.6 million direct jobs, $887 billion in consumer spending, $65.3 billion in federal tax revenue, and $59.2 billion in state and local tax revenue.[1] While these numbers are almost incomprehensibly large, they are in many ways just the tip of the iceberg with regard to the role of outdoor recreation opportunities in fostering rural economic development. Protected public lands, outdoor recreation infrastructure, and recreation opportunities play a substantial role in building economically vibrant communities by attracting employers and high-skill workers in industries well beyond those traditionally considered a part of the outdoor recreation economy. A study of employers in the Phoenix-Tucson area, for example, found that 7.6 percent of the overall "worker attraction" attraction value of the area was due to outdoor recreation opportunities.[2] In a study of the outdoor recreation economy in the area surrounding the Nantahala-Pisgah National Forest in North Carolina, 95 percent of respondents indicated that they chose to live in Western North Carolina because of access to outdoor recreation.[3]

Congress has a substantial role to play in helping communities across the country derive maximum benefit from outdoor recreation and conservation wins. We believe that attention to the areas outlined below will help support public lands communities and make recreation opportunities available to all Americans.

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[1] https://outdoorindustry.org/advocacy/

[2] THE SONORAN INSTITUTE, THE CAPITALIZATION OF OUR CLIMATE (2013).

[3] Outdoor Alliance, The Economic Influence of Human Powered Recreation in Western North Carolina (2017), *available at* https://static1.squarespace.com/static/54aabb14e4b01142027654ee/t/5bb7ac4d104c7ba0aad3b24c/1538763858288/Attachment+2+-+Economic+Impact+Study+of+Human+Powered+Recreation+in+NPNF+copy.pdf.

OUTDOOR ALLIANCE

As the committee considers ways to improve outdoor recreation opportunities, we strongly encourage outreach to a diversity of voices, particularly communities of color, LGBTQ communities, and people in a diversity of geographic settings, from urban to rural. Congress must work to proactively include communities historically excluded from outdoor recreation opportunities and conversations around the future of the public lands system in the U.S., and that outreach, in turn, will lead to more durable and equitable solutions that work in the interest of all Americans.

Precise Management

Recreation opportunities and associated economic development is best supported through precise management of public lands and waters. Over the past decades, our country has developed a system of protective public lands to take pride in. Although we can and must continue to improve, our country has done, and continues to do, an outstanding job of protecting landscapes for their intrinsic and ecological values, particularly marquee landscapes like those contained in our National Parks System.

Although this system serves outdoor recreation exceptionally well in some respects, treating recreation merely as a secondary benefit of conservation can leave some key landscapes—particularly close-to-home, frontcountry areas—without appropriate management or protection. It can also prevent communities from realizing the full potential for economic development that can come from leveraging outdoor recreation opportunities.

Data

Managing public lands for outdoor recreation opportunities and attendant economic benefits—as well as protecting conservation and other resource values—begins with developing sound data, including where people go, why people go there, the values that attract people to favored locations, and the economic effects of use patterns.

Good data, including patterns of visitor use, is necessary for crafting smart and equitable public land policy, but this data is often limited. On-site visitor monitoring efforts, such as the National Park Service Visitor Use Statistics program and the

Forest Service National Visitor Use Monitoring Program, provide important information about recreation on public lands. However, the expanse of public lands and the cost of implementing such programs limits the spatial and temporal coverage possible from on-site monitoring efforts. The result is often an incomplete picture of how many people recreate on public lands, when and where they go, and what they do. Land management prescriptions based on suboptimal data can result in misallocated resources, access restrictions, and resource damage. One way to address this problem, especially regarding outdoor recreation, could be through crowdsourced data.

Crowdsourced data may provide substantial and cost-effective information at unprecedented spatial and temporal resolution that could be used to better understand outdoor recreation activities and support recreation access, infrastructure, facilities, and economic insights. Use of this data—and its validation—is becoming more common. For example, researchers at the University of Washington and the U.S. Forest Service have used crowdsourced data in the Mount Baker-Snoqualmie National Forest to better understand recreational use.[4] Congress should consider ways to support these efforts.

Planning

Data development often occurs in the context of land management planning, and improved data collection and sharing has the potential to improve the efficacy of planning efforts, not just from the standpoint of outdoor recreation, but also through its potential to minimize disputes and lead to more durable land management decisions.

Outdoor Alliance strongly supports the Forest Service's 2012 Planning Rule, and believe its successful implementation is yielding improved decisions for outdoor recreation and public lands communities. Travel management is a similarly important process that helps to reduce user conflict and ensure that a diversity of recreation experiences are available on public lands and snowscapes. Our community was disappointed by the decision of Congress to stop implementation

[4] Fisher, D. M., Wood, S. A., White, E. M., Blahna, D. J., Lange, S., Weinberg, A., ... & Lia, E. (2018). Recreational use in dispersed public lands measured using social media data and on-site counts. Journal of Environmental Management, 222, 465-474.

of the Bureau of Land Management's "Planning 2.0" initiative, and believe that the committee should look for ways to facilitate the implementation of, at minimum, some portions of BLM's important modernizations—particularly those related to incorporation of non-agency data and information into the planning process. Similarly, BLM's Master Leasing Plan program, ended by this administration, was proving to be an effective model for landscape-scale planning to help minimize areas of conflict and protect key recreational resources.

All successful planning efforts begin with gathering data, including information about outdoor recreation, and we strongly support steps to enhance these efforts. In our experience, the success of the Wilderness Act and the Wild and Scenic Rivers Act stems, in part, from the requirement that land management agencies inventory for places that meet Wilderness or Wild and Scenic criteria, and we believe this successful model could be replicated to ensure that land managers inventory for landscapes of importance for outdoor recreation during planning processes, empowering Congress to pursue flexible protective designations appropriate for recreation-priority landscapes.

Managing for recreation

Managing public lands and waters appropriately to support sustainable recreation requires some targeted changes to existing processes and policies. In general, we strongly support encouraging land managers to make recreation a priority and engage in creative problem solving through the use of recreation-focused performance metrics for the evaluation of land managers, including based around the quality of the visitor experience.

Additionally, we believe there are specific areas where land managers need encouragement to address longstanding administrative obstacles to sustainable recreation.

Specifically, we support:

- Direction to ensure that rock climbing is treated as an appropriate use of Wilderness, including through the use of fixed anchors as appropriate.

- Direction to ensure that access restrictions are based on sound science and public process; carefully tailored (spatially and temporally) to meet the needs requiring restrictions; and reviewed periodically.
- Direction to ensure mountain bike access on Forest Service lands is not closed arbitrarily without consideration of less-restrictive steps to address resource protection or user conflict needs.

Infrastructure and Access

Supporting outdoor recreation—and community economic development through outdoor recreation opportunities—depends on recreation infrastructure. Recreation infrastructure includes healthy, ecologically sound, protected public lands, but also more discrete resources like trail systems, trailheads and restroom facilities, and river access points. Congress should explore opportunities to invest in these essential resources, potentially through new, recreation-focused funding mechanisms.

Outdoor Alliance strongly supports the decision of Congress in the most recent Farm Bill to recognize the connection between recreation infrastructure and rural economic develop by clarifying the appropriateness of using Rural Development resources for recreation projects. We believe that the committee should continue to explore additional ways to support rural development and recreation opportunities in tandem, particularly given the strong and well documented link between them.

Investing in recreation access infrastructure also should begin with ensuring full, dedicated funding for the Land and Water Conservation Fund. The outdoor recreation community greatly appreciates the committee's efforts leading to permanent reauthorization of this successful program, and we believe ensuring the program's full funding is an essential next step in seeing the program's promise fulfilled.

In addition to specific infrastructure investments, access to outdoor recreation for some members of the public is enhanced by—or dependent upon—the ability of educators, outfitters and guides, and others to provide facilitated access through special use permits. Educational or other guided programs are often the first exposure many people may have to the outdoors, and the ability of competent

OUTDOOR ALLIANCE

entities to provide these services is essential to introducing new generations or underserved communities to the outdoors and to ensuring that interested individuals have an opportunity to develop skills, etiquette, a stewardship ethic, and a connection to public lands and waters in a safe and supportive environment. The challenges to efficient administration of the existing special use permitting system are well documented, and we strongly support the efforts of stakeholders in this system—including members of the public who do not use these services—to thoughtfully modernize this system.

* * *

Thank you for the Committee's attention to improving recreation policy for our country's public lands, and we look forward to continuing to work with you to build on the success of the public lands package.

Best regards,

Louis Geltman
Policy Director
Outdoor Alliance

cc: Adam Cramer, Executive Director, Outdoor Alliance
Chris Winter, Executive Director, Access Fund
Wade Blackwood, Executive Director, American Canoe Association
Mark Singleton, Executive Director, American Whitewater
Dave Wiens, Executive Director, International Mountain Bicycling Association
David Page, Interim Executive Director, Winter Wildlands Alliance
Tom Vogl, Chief Executive Officer, The Mountaineers
Phil Powers, Chief Executive Officer, American Alpine Club
Sarah Bradham, Acting Executive Director, the Mazamas
Keegan Young, Executive Director, Colorado Mountain Club
Chad Nelson, CEO, Surfrider Foundation

TESTIMONY FOR THE RECORD

OF

PATRICIA ROJAS-UNGAR
VICE PRESIDENT, GOVERNMENT AFFAIRS OF THE OUTDOOR INDUSTRY ASSOCIATION

ON

"OPPORTUNITIES TO IMPROVE ACCESS, INFRASTRUCTURE, AND PERMITTING FOR OUTDOOR RECREATION"

BEFORE THE

U.S. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

MARCH 14, 2019

Patricia Rojas-Ungar
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202.891.3700

Chairman Murkowski, Ranking Member Manchin and members of the Committee:

I am pleased to offer testimony on behalf of the Outdoor Industry Association (OIA), the national trade association for suppliers, manufacturers, and retailers in the $887 billion outdoor recreation industry, with more than 1,300 member companies nationwide. The outdoor recreation economy supports more than 7.6 million good American jobs and makes other significant contributions toward the goal of healthy communities and healthy economies across the United States. On behalf of our member businesses, we thank you for holding today's hearing on ways to increase access and improve infrastructure for outdoor recreation.

The outdoors unites Americans and creates a sense of community. Our country has breathtaking glaciers in Alaska and whitewater rafting in West Virginia, along with greenspaces that are unique to each city and state. Whether Americans are using the outdoors to hike, kayak, or bike, this is a unique industry in that the outdoors is (or should be) accessible to everybody regardless of where they live or where they work. At OIA, we see the health and social benefits from the outdoors every day and hope to continue working with your committee on this important topic.

Land and Water Conservation Fund (LWCF)

Access to public lands to hike, swim, paddle, camp, fish, ski, and other recreation activities all depends on the protection of places to provide opportunities for people to get outdoors. From backyards to backcountry, LWCF is the primary federal program investing in access to our public lands and waters. These areas range from our iconic National Parks and National trail system to community playgrounds and state forests. LWCF has gone to every state and nearly every county across the country, making it one of the most successful programs for protecting access to our outdoors no matter where you live, boosting the national recreation economy. According to the Department of Interior, over 90% of LWCF funding has gone toward providing public access. We are grateful for the overwhelming support from Congress through the recently passed public lands bill and look forward to working with this Committee to ensure that LWCF gets the dedicated full funding to meet the growing recreation needs in every state throughout the country.

Improving Recreation Permitting and Access on Public Lands

Ensuring that more Americans have ready access to recreation on America's public lands is a top priority for the outdoor industry. Unfortunately, unnecessary hurdles prevent many people from accessing our public lands for recreation. For example, recreational permitting systems managed by federal land management agencies are outdated and full of unnecessary bureaucratic barriers. This can make it extremely difficult for guides, outfitters and outdoor programs to take children and adults outdoors.

We believe that with some simple reforms – many of which were previously introduced in the Senate and will likely be reintroduce this Congress – the permitting systems could be more responsive, efficient and transparent. We urge you to consider ideas such as providing dedicated staff to agencies to process applications, allowing a single permit to be used for similar activities and directing agencies to collaborate with one another and issue a single permit for activities that cross agency boundaries. We believe with your support we can improve the recreational permitting systems to make it easier for all Americans to experience public lands with the help of a guide, outfitter or educational program.

It is also important to establish outdoor recreation as a priority for federal land management agencies, further improving recreational opportunities on public lands. That's why we support the reintroduction of the Recreation Not Red Tape act which would instruct land managers, during their existing planning processes, to inventory for places of recreational significance, just as they currently are required to inventory for potential new Wilderness or Wild and Scenic Rivers designations. This process will assist Congress in developing new National Recreation Area designations and help to ensure that management plans appropriately account for recreation. We are constantly working with our members, partner organizations, and Congress to ensure that those who wish to get outdoors do not face major hurdles to do so.

Restore Our Parks Act (ROPA)

Our nation's national parks are some of the most iconic and majestic places in America and a huge draw for many to the outdoors. In fact, in 2018, there were 318 million visits to our country's beautiful national parks with visitors spending billions in gateway communities. To properly accommodate so many visitors, national parks need to be well maintained. Unfortunately, our nation's national parks have failed to receive the federal funding to address serious and significant maintenance problems. Needed repairs range from unmaintained trails to crumbling roads to visitor centers built 50 years ago in need of updating. One-third of the backlog is critical projects that must be completed to avoid irreparable damage. More than $1 billion of the nearly $12 billion maintenance backlog is on recreation assets, such as trails, campgrounds and marinas. Senators Portman (R-OH), Warner (D-VA), Alexander (R-TN) and King (I-ME) have introduced S. 500, the Restore Our Parks Act, with the goal of repairing the maintenance challenges in our national park system by dedicating $6.5 billion (over 5 years) in new funding drawn from royalties collected from resource extraction on public lands and waters. None of the new funding would be diverted from the Land and Water Conservation Fund, which also collects funding from this source. OIA strongly supports this legislation and applauds the Committee approving the measure last year. We hope the Committee will once again demonstrate its support for the bill this Congress.

Our Climate

Changes to our climate have led to longer and hotter summers, prolonged droughts, increasingly devastating forest fires, rising sea levels, warming waters, reduced river flows and an unreliable snowpack. These changes, in turn, impact the safety and quality of outdoor experiences. They also result in a decrease in predictability, impacting businesses across the industry: manufacturers decisions regarding the types and numbers of product they make, retailers trying to forecast for future seasons knowing the past few have had major fluctuations and guides whose livelihoods rely on the outdoors being accessible and safe.

There is an increased need and urgency to address the causes of climate change and mitigate and adapt to their impacts. We hope to work with members of the committee on bipartisan policies that will result in carbon emission reductions, promote energy innovation and address the causes and effects of climate change.

OIA thanks the committee for exploring access to outdoor recreation. Our members appreciate the bipartisan and resounding passage of the public lands package earlier this year and hope to continue this momentum with many important outdoor recreation policy priorities still on the table. We look

forward to working with the committee as it explores innovative, bipartisan, and efficient solutions to increasing the number of Americans who can access the great outdoors.

Senate Energy and Natural Resources Committee; Hearing on Recreation
Thursday, March 14, 2019 at 10:00 a.m.
366 Dirksen Senate Office Building

Statement for the Record
Outdoor Recreation Roundtable

Dear Chairman Murkowski, Ranking Member Manchin and Members of the Committee:

The undersigned organizations representing the Outdoor Recreation Roundtable (ORR) -- the nation's leading coalition of U.S. outdoor recreation trade associations -- thank the committee for recognizing the importance of outdoor recreation to our nation's communities and economies.

A recent report from the Department of Commerce's Bureau of Economic Analysis (BEA) calculated that outdoor recreation generated $734 billion in economic activity in 2016, surpassing other sectors such as agriculture, petroleum and coal, and computer and electronic products. Outdoor recreation makes up 2.2% percent of U.S. GDP, supports 4.5 million jobs and is growing faster than the economy as a whole.

This impressive data shows that the outdoor recreation economy is among our nation's leading economic sectors. However, improved access, infrastructure and permitting are crucial to ensuring that the full economic impact of the outdoor recreation industry is realized, and our lands and waters are managed sustainably so future generations can enjoy these outdoor experiences as much as we do today.

I. Access:

Improved access - to the physical places and to information and technology - will allow this critical aspect of America's economy to grow and provide more opportunities for the enjoyment of all forms of outdoor recreation.

1) Fully-funding the Land and Water Conservation Fund (LWCF).

Access can be improved and enhanced by fully funding the Land and Water Conservation Fund (LWCF). Ninety-eight percent of LWCF projects have a recreation benefit and these projects have touched almost every community in the country. Many projects connect multi-use trails to the public and open access points to multi-use recreation assets. Full and dedicated funding would ensure that local communities have the certainty they need to make strategic investments around outdoor recreation. The outdoor recreation community is ready to work with Congress and other local stakeholders to identify areas where LWCF projects have the support of recreation users, businesses and elected officials and could grow jobs and the economy and achieve strategic access outcomes through volunteers, private capital investments or policy adjustments.

1200 G Street NW, Suite 650, Washington, D.C. 20005 202-682-9530

2) Managing for recreation

Congress has tools to designate Wilderness, Monuments and Wild and Scenic Rivers, but needs a new tool to designate areas with high-quality recreation assets that help local communities and economies thrive. Congress should create a National Recreation Area system that prioritizes and manages recreation to ensure multi-use recreation opportunities can remain sustainable economic drivers in areas where recreation is the main use of the natural resource.

3) State Outdoor Recreation Directors

There should be recognition in Congress that these types offices and/or commissions are good for recreation management, business development and recruiting and retaining jobs in and around the recreation economy, with a goal of all 50 states creating an office/commission by 2022.

4) Electronic passes

Electronic passes are necessary to improve the visitor experience, better track visitation and ensure collected entrance fees are going toward recreation enhancement projects. Passes should be available online and eventually incorporate peak/off-peak pricing. The incorporation of a donation option and up-to-date information on trails, campgrounds, fire danger, closures, and more would greatly help with access issues at entrance sites and could potentially provide additional funding for our special places.

5) Recreation.gov

ORR is uniquely qualified to work with the government to achieve full implementation of Recreation.gov 2.0. The improved site should provide third-party booking options and a catalogue of opportunities for customers to explore the outdoors near reserved campsites. This will help visitors book through sites they trust and explore all an area has to offer, while supporting rural and gateway businesses that provide the public with world-class recreation opportunities.

6) Programs and Opportunities for Veterans

With growing data on the health benefits of outdoor recreation, we must ensure recreation opportunities, jobs and programs are provided to returning service members and veterans through the Departments of Defense and Veterans Affairs. ORR members are looking for a skilled workforce as well as ways to support those affected by PTSD and TBI. The outdoor industry provides a full spectrum of opportunities for veterans and their families to work, socialize, heal and re-connect.

7) Broadband

Bringing broadband to rural areas doesn't just help tourists who want to stay connected during their outdoor trip, it ensures the businesses located in these communities have the access they need to connect with their customers and recruit and retain employees.

8) Rural Development Programs

The 2018 Farm Bill's conference report language provides clear recognition by Congress that outdoor recreation investments can and should be competing for funding from Rural Development (RD) programs. ORR stands ready to support federal agencies in implementing

Congress's direction by helping state directors of outdoor recreation and state agencies better understand aspects of the outdoor recreation economy, identify communities and businesses interested in marketing or growing outdoor recreation opportunities, and work to connect them with RD resources to improve access by making strategic recreation-related investments in "business, facilities, infrastructure, planning and marketing."

II. Infrastructure:

Public lands and waters are the backbone of our industry and recreation around these special places provides significant economic benefits, particularly for nearby rural communities. Infrastructure must keep pace with consumer trends, and we need to invest in sustainable ways to ensure the public can continue to enjoy, and care for, recreation assets.

1) Maintenance Backlog

Recreation infrastructure such as roads, bridges, trails, campgrounds, marinas, water systems and more suffer from a growing deferred maintenance backlog that negatively impacts access, enjoyment, and safety on public lands for the rapidly growing community of outdoor recreation enthusiasts. ORR urges action to address the $18.62 billion combined deferred maintenance and repair backlog of the major federal land management agencies, (National Park Service, Fish and Wildlife Service, Bureau of Land Management and the U.S. Forest Service).

2) Public Private Partnerships and Recreation Fees

In addition to new federal financing to address the maintenance backlog, policies that effectively prioritize resources and facilitate public-private partnerships would help ease the maintenance backlog and significantly enhance the experience for visitors to public lands and waters.

Much of America's recreation infrastructure on public lands and waters is already associated with revenue streams from recreational activity – fishing and hunting licenses; entrance and activity fees; campground, slip and launch fees; recreation permits and registration fees; and excise and fuel taxes. The Recreational Trails Program (RTP) provides funding to states to develop and maintain trail infrastructure and is funded by a federal tax on off-highway vehicles. Congress needs an accurate estimate of the total amount of these fuel taxes collected so we can ensure the appropriate amounts are returned to states for their infrastructure projects and to help inform future national infrastructure legislation. We are paying in to the system and look forward to working with Congress on opportunities to advance our grey and green infrastructure by incorporating a recreation title addressing the backlog and other necessary recreation improvements in any infrastructure measure that comes together.

We encourage you take into account the significant leveraging of limited federal resources Conservation Corps accomplish in partnership with land management agencies and ensure these cost-effective public-private partnerships continue. By partnering with Corps, agencies achieve more with their budgets and accomplish cost-effective projects to help address the multi-billion-dollar maintenance backlog; remediate wildfires and invasive species; improve access to public lands; build and maintain multi-use trails and increase recreation opportunities and ensure productive fish and wildlife habitat for enthusiasts, hunters, and fishers.

ORR members have models of innovation around the recreation experience and modernized campgrounds and marinas, as well as a vision for the future, accounting for the growing and changing recreational activities and infrastructure needed to engage the next generation of enthusiasts. It is imperative that as we look at infrastructure backlog and improvements, we are building the infrastructure and programming needed for diverse high-quality customer experiences in the years to come.

RVX and KOA's partnership on Campgrounds of the Future or the conservation finance model that supported a mountain biking trail in Wayne National Forest are examples of updating infrastructure in ways that keep pace with the changing outdoor recreation landscape. ORR stands ready to work with Congress on pilot projects that can modernize, manage and market campgrounds, trails, fishing programs and more in rural communities, which could benefit from additional visitation and visitor spending.

These projects also underscore the importance of the recent Farm Bill authority connecting outdoor recreation to rural economies and forest restoration projects. There is an opportunity to look at the forest restoration workload with a recreation lens and identify projects where multiple objectives can be met and where the agencies can more directly consider how restoration and recreation projects can overlap or where outdoor recreation investments should be considered as the Forest Service designs priority restoration projects. This should give U.S. Forest Service staff the space to add recreation outcomes back into the mix as part of top priority work, rather than after (and if) top priority work is done. ORR can support pilot projects that better integrate the mutual objectives of recreation and restoration into the scope of work.

III. <u>Permitting:</u>

As the country urbanizes and more Americans are disconnected from the outdoors, public demand is growing for guided outings. These trips provide safe and often transformative experiences on our public lands and waters, contributing to the recreation economy in local communities and growing the next generation of outdoor advocates and stewards.

From fishing to skiing to mountaineering, rafting and biking, the antiquated permitting system is inhibiting the growth of businesses across the country and hampering the ability of facilitated outdoor recreation providers -- including for-profit and non-profit outfitters and guides, university recreation programs and volunteer-based clubs -- to introduce more people to the outdoors. ORR suggests legislation that makes the permitting systems more efficient, transparent, and responsive to the needs of guides and outfitters across all sustainable recreation activities.

1) Tackle multi-jurisdictional permitting. This will reduce administration for the agencies and streamline the permitting process for permit holders. This is already happening to a limited degree but for it to become commonplace, one agency needs to enforce the rules of the other agency.
2) Utilize contemporary online technology and streamlined application and management processes to overcome the current dysfunction of district-level permit processing and ensure a transparent and timely process. This should have a public interface so guides and outfitters know areas that are already at maximum user-days and the system can find nearby opportunities where permits are readily available.

3) Institute a feedback system where all permit applications will receive a timely response and additional information if the permit process is taking longer than expected.
4) Solve the indemnification issue preventing state universities from taking trips on federal lands.

Improving the permitting system on our public lands also requires adding recreation as a priority to the management in certain areas where outdoor recreation is prevalent, and the local economy could benefit from improved management of all forms of outdoor recreation. This -- in addition to the agencies being responsible on the back end for their improvements in recreation management, and bringing recreation into the mission of agencies like Army Corps of Engineers and the Bureau of Reclamation -- could go a long way to ensuring recreation and the critical jobs, health and social benefits it provides is not seen as an afterthought.

ORR stands ready to partner with this committee and Congress as they come together to improve outdoor recreation access, infrastructure and permitting and grow our nation's outdoor recreation economy. Comprised of the leading trade associations covering the breadth of the outdoor recreation landscape, we can provide contemporary and thoughtful solutions that will improve the health and vibrancy of communities and economies across the country. We stand ready to be part of the discussion on strategic improvements that will preserve recreation opportunities for future generations, while updating infrastructure and access for the 21st century user community.

We look forward to working with you to achieve a historic and important step forward by passing a Recreation Package this session of Congress.

Sincerely,

Jessica Wahl

Executive Director
Outdoor Recreation Roundtable

American Horse Council
American Sportfishing Association
American Trails
Association of Marina Industries
Boat Owners Association of the United States
The Corps Network
International Snowmobile Manufacturers Association
Marine Retailers Association of the Americas
Motorcycle Industry Council
National Marine Manufacturers Association
National Park Hospitality Association
National Shooting Sports Foundation
PeopleForBikes
RV Industry Association
Specialty Equipment Market Association

peopleforbikes

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Testimony Submitted to the Senate Energy and Natural Resources Committee
"Examining Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation."
March 14, 2019

Chairman Murkowski and Ranking Member Manchin:

On behalf of PeopleForBikes, I would first like to express my appreciation for the historic public lands bill that this committee helped pass through the Senate and ultimately get signed into law by the president. Not only did the legislation contain critical provisions for our industry, including the permanent authorization of the Land and Water Conservation Fund, but it also represented the bipartisan approach that is needed to protect our public lands for future generations to enjoy.

As you may know, PeopleForBikes represents the companies that manufacture and distribute bicycles, bicycle parts, and bicycle accessories. The bicycle industry in the United States is an $88 billion industry that provides Americans with an inexpensive and increasingly popular, clean, and low-cost mode of transportation and outdoor recreation. Given that our public lands provide an important venue for cyclists to ride, we appreciate this hearing's focus on "opportunities to improve access, infrastructure, and permitting for outdoor recreation."

There are several bills that were introduced last year that remain a priority for our industry. We continue to support the Recreation Not Red Tape Act, which would help to better manage public lands for recreation by creating National Recreation Areas and establishing recreation-based metrics. Its an important bill that reduces existing burdens to more easily access our public lands and provides a significant step forward in prioritizing recreation within the decision-making process.

Additionally, we strongly support several efforts the members of this committee have explored as it relates to permit streamlining. Bicycle tourism continues to grow in popularity and tour operators are bringing many trips onto public lands. The permitting process is burdensome, has significant time constraints that don't usually align with planning these trips, and there is little or no collaboration among agencies, especially when a trip crosses multiple jurisdictions. There should be simple reforms to ensure a more transparent and timely process as well as a better coordination between multiple agencies, which legislative proposals last year prioritized. We appreciate your leadership in finding ways to move these reforms forward this year.

We have also been very supportive of the innovative solutions proposed last year to help fund the maintenance backlog on our public lands. We share your strong concern over the backlog and the impact it has on visitors and recreation, including trails that are not able to be accessed. We are hopeful that you will continue to advance the Restore Our Parks Act.

We welcome your interest in new policy ideas that can help strengthen recreation opportunities. I would like to highlight several proposals that we strongly support and encourage your consideration.

- Electric Bicycles on Public Lands: Electric bicycles are the fastest growing sector of bicycle sales in the United States. However, state and federal regulations are outdated and treat bicycles like mopeds or motorcycles. At the federal level, longstanding regulatory structures for bike path and trail management have divided trails into motorized and non-motorized uses. Yet electric bicycles blend human and electric power in a hybrid device that has a motor but shares more characteristics of non-motorized transportation. This results in many cases of e-bikes being restricted from both non-motorized bicycle facilities and motorized vehicle facilities. As such, the bicycle industry is updating and clarifying state and federal guidance surrounding access for low speed Class 1, 2, and 3 electric bicycles. Ten states (and counting) adopted laws establishing the three-class model system for electric bikes, and many state public land agencies are following suit.

  We encourage the committee to evaluate policies around low speed electric bikes on public lands, especially regarding the definition of an electric bike as a motor vehicle, to ensure local, state, and federal law consistency. This will help regional land managers clear up the use of e-bikes on paved and unpaved transportation and recreational trails: decrease public confusion about e-bike laws; and increase bicycle tourism, transportation, and recreation on public lands.

- Providing More Information on Bike Trails and Bike Routes: As the public land agencies promotes the many recreational opportunities our federal lands provide, we believe more can be done to educate the public about the existing network of bike routes and trails and help users easily find and navigate routes. Further, trail confusion can cause safety issues and tax our emergency response services.

  PeopleForBikes is developing a free Bike Guide app that will help bicyclists navigate trails. We encourage land managers to partner with PeopleForBikes to post popular bicycle routes to make trails easy to find and convey the type of experience users are looking for in terrain and skill level.

- Opening Recommended Wilderness Areas and Wilderness Study Areas: Bicycles are caught in a grey area and allowed in some Wilderness Study Areas (WSAs) and proposed wilderness, while being banned in other areas with the same classification. Bicycle use remains in limbo while Congress decides how to designate these lands. In most cases, this period can last many years and even decades. We recommend that the committee consider legislative provisions that would turn the decision over to local land managers whether to open WSAs and similar lands to bicycles while the process is pending.

- Bicycle Parity on Public Lands: The building or repair of roads on our public lands can increase safe places to ride if the design guidelines for these roadways are updated to incorporate all users of the road, including bicyclists. Improving bike infrastructure on these roadways will also improve the movement of people throughout our public lands. We recommend adopting a Complete Streets approach to management of roadways,

which ensures transportation infrastructure is designed to accommodate all users, including bicyclists.

- Providing More Access to Bikes on Public Lands at the Discretion of Land Managers: We would strongly support allowing federal lands to be open to bikes in accordance with all federal law outside of Wilderness Areas or areas expressly banning bicycles. A similar provision was included in S. 47 for hunting and fishing and we support one for bikes on our public lands.

- Expanding Use of Public Lands for the Treatment of Veterans: We believe that bicycling and many other recreation opportunities are increasingly being studied and used as a form of treatment for veterans. While this an important step to helping serve our veterans, there should be more coordination and understanding of existing hurdles among federal agencies. We strongly support the Outdoor Recreation Therapy for Veterans Act, which is expected to be the introduced in the House and Senate soon. This legislation would establish a federal task force to study the use of the outdoors for treatment of our veterans, identify any hurdles that could be limiting the use of public lands for treating our veterans, and provide recommendations to Congress.

It goes without saying that this year has already been an historic one in terms of advancing policy that strengthens our public lands and provides more opportunity for outdoor recreation. Our industry believes that better bike infrastructure and effective policy on our public lands helps to open access to more cyclists and to grow the recreation economy.

We appreciate your leadership and look forward to working with the committee on these important recreation issues going forward.

Testimony of Marc Berejka
Director, Government & Community Affairs
Recreational Equipment, Inc.

Submitted to the Senate Energy and Natural Resources Committee
Examining Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation

Chairman Murkowski and Ranking Member Manchin:

On behalf of REI Co-op, I would like to express my strong appreciation for this hearing on "Examining Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation."

As you may know, REI is an 80-year-old co-op and retailer of outdoor gear and apparel. We are dedicated to the notion that a life outdoors is a life well-lived. We now have over 150 stores, plus a robust online platform as well as over 17 million co-op members across the country. We also provide classes, outings and travel adventure to hundreds of thousands of Americans every year. Our mission is to awaken in people a lifelong love of the outdoors – to educate and outfit them – and help them enjoy the many benefits of time in nature.

This hearing covers the policies related to outdoor recreation, which will build on the recent success of the lands package (S. 47) signed into law by the President earlier in the month. This committee and its leadership deserve tremendous credit for helping to bring all sides together around that legislation. It will strengthen our public lands and create more opportunities for outdoor recreation. At REI, we found the bipartisan effort around this historic legislative victory to epitomize the notion we commonly refer to as #UnitedOutside. Today's hearing continues that #UnitedOutside spirit, bringing Republicans and Democrats together around our public lands.

Looking ahead at the policy landscape and the opportunity for additional legislation, there are several bills we strongly support from the last Congress that we'd like to see addressed this year, if possible.

Permit streamlining continues to be a solution to reducing the regulatory burden on guides and outfitters, while also creating an easier path for more people to access public lands through whatever form of outdoor recreation they enjoy. At REI, our Adventure Travel group and our Outdoor School lead trips into the outdoors, including thousands of trips per year on our public lands. Many guides and small outfitters do the same. These trips are complicated to plan, require a significant lead time, and – when federal lands are involved – are fully reliant on the federal agencies' processes for permit approval. In many cases, the process has become outdated, bureaucratic and difficult, and has placed an additional burden on obtaining permits, especially when trips may be under the jurisdiction of more than one federal and/or state agency. We are hopeful that the permit streamlining bills introduced last year – including the GO Act, the Public Lands Recreation Investment Act, and the Recreation Not Red Tape Act – could advance this year.

I would also like to recognize the innovative approach introduced last year to reduce the maintenance backlog on our public lands, which was championed by several members of this committee. The Restore our Parks Act and its House companion bill represent a bipartisan and bicameral solution to ensure that maintenance backlogs on our public lands are finally prioritized. These backlogs pose a risk to the places

we all enjoy and reduce the visitor experience significantly. I believe that we should be aggressive in our approach to fixing the backlog and am hopeful that you will make this approach a priority this year.

Additionally, REI has been very focused on the connection between human health and well-being and the outdoors. We are especially drawn to the possibility of addressing some of veterans' most pressing ailments via outdoor recreation, as a complement to counselling and fewer pills. Research is increasingly pointing to outdoor recreation as a form of healing for our nation's veterans, especially those with post traumatic stress disorder (PTSD). We strongly support the Outdoor Recreation Therapy for Veterans Act, which will hopefully be introduced in the House and Senate soon. This bill establishes a task force that would identify existing barriers to leveraging our public lands for the treatment of veterans and make recommendations to Congress in that regard. The task force would include representation from several agencies, including the Department of Veterans Affairs, the Department of the Interior, and the Department of Agriculture. This is an important step towards increasing coordination and developing a better understanding of the benefits of outdoor recreation for our nation's veterans.

Lastly, I would like to mention the importance of addressing climate change. The op-ed that the Chair and Ranking Member recently published in the *Washington Post* – calling for responsible action on climate change – is greatly appreciated. Climate change is now affecting the broader discussion around, and the economics of, outdoor recreation on our public lands. Whether skiing, kayaking, biking or backpacking on our public lands and waters, climate change will have (and in many cases already is having) an impact on those who appreciate the value of experiencing America's scenic public lands. I only mention this because any recreation policy should also consider the long-term threats to recreation, and climate change is certainly a significant one. Winter activities are at risk, as snow pack becomes more variable and precipitation trends towards more rain. Summer activities are threatened by more scorching heat and by the overhang of wildfire smoke. The consequences are felt most deeply in more rural destinations that rely on their natural beauty to attract travelers from across the country. I hope we can work together on mitigation and adaptation solutions in this area going forward.

As this committee knows well, the outdoor recreation economy is currently 2.2% of the country's GDP and is responsible for at least 4.5 million jobs in urban and rural communities throughout the country. This sector of our economy is strong and growing, especially where it's well-curated in rural America. We appreciate your focus on the importance of the economic impact that recreation has throughout the nation, and we look forward to working with you and your colleagues on making sure sound recreation policy moves through the legislative process. It would be a phenomenal testament to the uniting power of the nation's outdoors if the 116th Congress, under your leadership, enacted a second history-making set of legislative reforms, all aimed at better connecting Americans to the beauty of this nation.

RIVER RUNNERS FOR WILDERNESS

A PROJECT OF LIVING Rivers

Comments of River Runners For Wilderness to be included in the hearing record for the Senate Energy and Natural Resources Committee hearing on Outdoor Recreation held on March 14th, 2019.

U.S. Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

March 21, 2019

Honorable Chairman Murkowski,

My name is Tom Martin and I am a Council Member of River Runners For Wilderness (RRFW). Founded in 2002 and based out of Flagstaff, Arizona, RRFW is a project of the non-profit Living Rivers. RRFW represents a broad spectrum of do-it-yourself river runners, wilderness lovers, and American citizens who care about America's wilderness river and backcountry resources. Our members, now numbering over two thousand with outreach to over 70,000 whitewater enthusiasts, continue to have a deep concern for management of the wilderness values of America's watersheds and the future of our federal lands as the national treasures they are.

Besides advocating for muscle powered do-it-yourself recreation, my wife and I operate a small book publishing company out of our house. I write whitewater and hiking guidebooks for the do-it-yourself public. These include guidebooks on the San Juan, Canyonlands of the Green and Colorado, the Grand Canyon, and the Arkansas River headwaters. We focus on educating our readers about the ecology, geology, and history of the country they are traveling through. I also write history books about river running.

So it is with much interest that I have reviewed Senator Heinrich's legislation, S.3550. This legislation appears to be beneficial in some areas, and in need of work in others.

As we review the Federal Lands Recreation Enhancement Act, the proposed GO Act, the Public Land Recreational Opportunities Improvement Act and S.3550, it is important to understand who the do-it-yourself recreating public is and how these pieces of legislation impact all recreationists, including the do-it-yourself public.

We are told by the sponsors of these legislative attempts that the legislative initiatives above will "help more Americans gain access to the outdoors." Earlier this month, Grand Canyon National Park held a lottery for under 400 do-it-yourself river trips to raft through the Grand Canyon. There were over 7,200 lottery applications for these permits. Two months ago, the US Forest Service held the annual Four Rivers lottery for do-it-yourself permits to run the Selway, Hell's Canyon, the Middle Fork and Main Salmon. Over 13,000 lottery applications were

submitted for under 400 applications. Do-it-yourself river runners are losing lotteries year after year. Some do-it-yourself recreationists charter commercial trips simply to get timely access to their federal lands. I bring up these figures because when an august committee such as this one considers special interest legislation for one use group who claims they are trying to "help more Americans gain access to the outdoors" by seeking guaranteed access to our federal lands, another use group and the resource itself suffers. In this case, if I may be so bold, it is possible we are indeed loving our resources to death. Helping special interests get yet more people into already overcrowded federal lands is not the answer.

We are told the "outdoor provider community has consistently struggled with the complexity of the federal recreational permit system." Welcome to the world of the do-it-yourselfers. Maybe we have common ground here because we too must manage the complexities of the federal recreational permit system. It's time to be open minded and look at the complexity of the entire system of access to federal lands. We too feel there is a way to streamline the permit system, as we explain below.

We are certain you understand that do-it-yourself recreationists include families, church groups, and Scouting organizations, the elderly, small children and students of all ages. They include people who want to recreate away from worries about legislation that will adversely impact their access to federal lands, managed under the doctrines of Public Trust and Public Domain.

Do-it-yourself recreationists purchase outdoor equipment all across the country from small local sporting goods stores, and they purchase at retail prices. They travel to rivers and mountains and canyons all across the country, pumping large amounts of funds into regional economies. And that's just the river runners. There are do-it-yourself backpackers, horse packers, fishermen, and hunters who will all be adversely impacted by yet more commercialization of our federal lands.

As to S.3550, the first thing we note is the creation of a term for use across all agencies called a "Special Recreation Permit." This permit is identified as being used for "outfitting, guiding, or other recreation services, recreational or competitive events, including incidental sales." We can appreciate this type of permit has many different names across the different agencies and we have no problem with streamlining this name.

It is good to see consideration given to streamlining permitting across an agency use area, across state lines and between agencies. A very few of our members are travelling the Green River from the town of Green River, Wyoming, to the reservoir behind Hoover Dam, a distance of nearly 1,000 miles. This river journey is the one traveled by John Wesley Powell in 1869, one hundred and fifty years ago this year. Today, permits to make this run are required from one unit of the United States Forest Service, one unit of the Bureau of Land Management, three units of the National Park Service, as well as the State of Utah. Each of the permits has its own unique requirements. Much more commonly, our members paddle the Ruby-Horsethief section

of the Colorado River. This river section starts in Colorado and ends in Utah. The permit is obtained from the Bureau of Land Management out of Grand Junction, Colorado. Many of our members proceed further downstream into Westwater Canyon in Utah. That permit, also from the Bureau of Land Management, is out of the Moab, Utah, office. We look forward to seeing the details of how this agency permitting streamlining might work.

We then read in S.3550 that the Special Recreation Permit will be allowed in areas "in which use is allocated."

At this point, I would like to unpackage the word "allocated." The concept of limiting visitation to an area is critically important. This is especially true in wilderness areas. President Lyndon Johnson, when he signed the Wilderness Act, noted "We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it." That quote implies restraint. Use (visitation) limits occur in areas outside of wilderness areas as well. We at RRFW understand and appreciate these limitations to access as we know they are in place to control the experience of crowding on our federal lands as well as to protect the fragile ecology of these lands.

Once the agency sets a ceiling of use, that use can be divided among the various use groups. Dividing limited access into parts is called allocation. I hope this committee understands that the concept of allocating recreational access to federal lands had a role to play back in the last century. Since then, we have made no new Grand Canyons, no new Rocky Mountains, no new Dinosaur National Monuments or Sierra Nevadas, but our population has doubled since the start of allocations in 1955. I would argue the concept of dividing a resource's use ceiling into allocations should now be considered a dinosaur when it comes to management planning tools.

It might be beneficial to stop at this point and present a very brief review of the history of federal lands recreational allocations. In the last decade I have searched the National Archives from Riverside, California, to Kansas City, Missouri, to Washington, DC, as well as many private institutions and university archives to gain a better understanding of how allocations came about.

The first official permit to float the Colorado River in Grand Canyon was begrudgingly awarded by the National Park Service to Norm Nevills to conduct a commercial rafting trip in 1947. I say begrudgingly because the agency clearly did not want any river runners on their rivers after the tragic death of two NPS employees on the Colorado River in Grand Canyon in 1929. A legal opinion by the Park service solicitor in 1951 noted that do-it-yourself river runners who had no prior knowledge of the river could file tort claims against the agency if they were injured. With that information and with recommendations by Norm Nevills, the NPS decided to allow commercial use to grow and to attempt to stop all visitation by the public the agency identified as "venturesome" do-it-yourself river runners. By 1956, both Grand Canyon National Park and Dinosaur National Monument had taken a position that they only wanted commercial river

operators. Do-it-yourself river runners were turned away in their hundreds unless they had someone on their river trip who had run the river before.

It is important to note do-it-yourself river running was experiencing major growth before World War II when the 1940 and 1941 United States National Championships in canoe and kayak were held in Maine. This growth took off again immediately after the end of WW II, and the Wind River Races in Wyoming and the First Through Royal Gorge races (today's FIBARK) in Colorado were conducted in 1949 with thousands of people attending these events.

Do-it-yourself river use continued to grow on all of America's rivers in the 1950s. Glen Canyon, Hell's Canyon of the Snake, and the Salmon, to name a few, all saw increased do-it-yourself public use except where it was regulated in Grand Canyon and at Dinosaur. Commercial use increased in Dinosaur and Grand Canyon due to the potential damming of the rivers. The public wanted to see these areas before they were dammed, and the only way to do that was by using commercial services. I should note my research shows these services were no less dangerous than the do-it-yourself public.

There is an interesting similarity between the private business at that time conducting commercial river trips, called commercial operators, as today's "Special Recreation Permitees."

When annual use on the Colorado River in Grand Canyon passed the 3,000 persons-a-year mark in 1967, the NPS became very alarmed at the damage being done to Park resources. The NPS realized the only way they could stop the growth of their "Special Recreation Permitees" was to make them into concessionaires, each one getting a fixed amount of annual use. By the time the "Special Recreation Permitees" were turned into concessionaires (without NEPA compliance), commercial use had more than doubled from the 3,000 persons-a-year figure. The transition to concessions stopped commercial growth and the same strategy was conducted in Dinosaur National Monument as well.

At this point the do-it-yourselfers sued to gain more of the allocation pie. The NPS, seeing they would lose in court, increased do-it-yourself use, adding yet more river traffic to an already very overcrowded house. I should note the do-it-yourselfers sued Grand Canyon National Park again in the late 1990s, and the NPS again increased do-it-yourself use.

In the 1970s, agencies across the west looked at the Dinosaur and Grand Canyon allocation ratios between the concessionaires and do-it-yourself public and modeled their allocation amounts accordingly, totally unaware of the above history. A new justification for allocating use emerged based on the premise that the public who needed commercial services to experience their federal lands would have a guaranteed mechanism to do so. But, commercial services were strictly defined and supported by the private businesses operating guided river trips. To this day the public is not allowed to hire a person to accompany them on their river trip as a consultant. Non-profits like NOLS and the YMCA are not allowed to operate, nor are individuals allowed to conduct one-off safety courses. This clearly would cut into the profits of the private-

company commercial outfitters turn-key trips. Allowing these new commercial services to take away access form the do-it-yourself public is not fair, nor is it advisable to add new commercial use to already maxed out federal lands. Yet, there is a way to move forward.

The concept behind allocations is that they were to be flexible, following demand. When the global finances are shaky, demand for private business outfitting drops, and in theory, unused allocation should shift to the do-it-yourself public. Sadly, Dinosaur has not conducted a new river management plan and has not revisited their allocations for forty years. The Grand Canyon river concessionaires are still operating on allocations granted them in the 1970s as well.

I hope the brief historical review above points out the major flaws in fixed allocations. Not only do they run the risk of being unable to reflect real demand, but they severely limit the public in the spectrum of services offered. Additional differences between the various use groups, such as group size, seasonality allowing the majority of commercial use in the summer, and the use of motors on commercial watercraft all benefit one use group over another. It is for these reasons many see today's allocations as dinosaurs. I can't begin to tell you how much contention these differences cause among the different use groups in allocated resources.

Fortunately, there is a way to move forward that can be used across the entire spectrum of public recreation, not just river running.

The first step is for the agencies to use best available science to establish use limits where they are needed. In most areas, this has already been done.

Within those limits, the next step is to understand and define the many types of use groups. There is the passenger who wants turn-key services provided by private companies setting up their tents and chairs, catering to their individual dietary needs and such. Then there are the people who want to set up their own tents, cook their own food, and row their own boats, but they want to hire a consultant to come along on their trip to provide advice. There are people who want to conduct a once-a-year whitewater safety class. There are non-profit groups like the YMCA, NOLS, and REI who want to conduct very tailored non-profit trips. Of course, there are the do-it-yourself recreationists, many who rent boats, food packs, and shuttles from local liveries, and finally, there are many Americans who have their own boats, purchase their own food, and do their own shuttles.

We now have two components to recreational areas. The limits of use for an area and the spectrum of services allowed in that area. The next step is for the agency to set a standard maximum group size limit for all use groups, and a daily limit on the number of parties allowed to enter a use area. There may be monthly limits, which may change throughout the year. Most agencies have already established these, and some have different group sizes based on pressure from their private outfitted companies.

RIVER RUNNERS FOR WILDERNESS

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The key here is the agency defines all these parameters. Then the agency has a lottery to distribute those permits. The lucky winners do with the permit what they want within the scope of use defined by the agency including the many allowable commercial services, as well as choosing to use no commercial services. This very exact model of fairly distributing access to fixed federal land resources is being used on the Deschutes River in Oregon and on the Boundary Waters in Minnesota.

I own a small business. I understand the concept of subsidized business certainty. I also know I must compete in a very uncertain market. Some use groups on our federal lands have been enjoying subsidies given them long ago. Others now want the same treatment as is demonstrated by the language of S.3550 allowing Special Recreation Permits to come with actual use plus 25% additional use. Please be sure I do not mean to be flippant, but when in the history of our country did we increase the size of North America by 25%? Just whose allocation ox is going to be gored by this increase?

It is time to move beyond 20th Century thinking and special use set asides. It is time to move forward into the 21st Century and set an example of how to accommodate many use groups with fairness. It is time to embrace models of distributing access to scarce resources that can be used around the world as our populations increase and our lands do not. Otherwise, we run the risk of special interest pulling the access blanket to themselves, and the fights of the past will only accelerate. Let us be bold and think outside the boxes made in the past to solve long ago problems we have since passed by.

Thank you so much for allowing me this opportunity to submit comments on behalf of River Runners For Wilderness to be included in the hearing record for the Senate Energy and Natural Resources Committee hearing on Outdoor Recreation held on March 14th, 2019. I look forward to working with your staff to craft legislation that accommodates all Americans, no matter their recreational needs, on our magnificent federal lands. I thank you for your service to the American public and our nations national treasures, our federal lands.

Sincerely yours,

Tom Martin PT
Council Member
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* American Rivers * American Whitewater * Cascade Forest Conservancy * Conservation Northwest *
* Olympic Forest Coalition * Pilchuck Audubon Society * The Wilderness Society * Trout Unlimited *
*WA Trails Association * WA Wild * WildEarth Guardians*

March 27, 2019

The Honorable Senator Lisa Murkowski
Chairman – Senate Committee on Energy and Natural Resources
U.S. Senate
522 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Senator Joe Manchin
Ranking Member – Senate Committee on Energy and Natural Resources
U.S. Senate
306 Hart Senate Office Building
Washington, D.C. 20510

Subject: Written testimony regarding the hearing on opportunities to improve access, infrastructure, and permitting for outdoor recreation.

Dear Chairman Murkowski and Ranking Member Manchin,

We are writing to thank you for hosting this hearing and for your efforts to improve infrastructure important to federal lands and recreation. As conservation and recreation groups actively working and playing on federal lands, we are deeply concerned about the trajectory we have been on for far too long. We look forward to working with you as you begin charting a path forward.

Among the topics for the hearing was outdoor recreation on federal land, which is the single greatest use of the National Forest System. The number of recreation visits on national forests rose from about 5 million in 1925 to nearly 147 million today—a growth rate of 2,800%![1] This huge growth supports thousands of jobs and with a $10.3 billion contribution to the Gross Domestic Product, recreation surpasses the combined contribution of grazing, forest products and energy/mineral production on forest service lands.[2] Ski areas (27%) and other recreation (23%) account for half of the USFS' fee receipts.[3]

We are excited to see so many Americans getting out and enjoying public lands. But we also understand and have experienced how the neglect of investment in infrastructure has threatened the public's ability to access trails, campgrounds, kayak launch sites and fishing holes. It is not only the infrastructure such as toilets, signs, picnic tables, but it all starts with the roads that people use to get to the places they love.

Nationally, the U.S. Forest Service has over 370,000 miles of road—that's equivalent to driving roundtrip from Washington D.C. to Anchorage 43 times. Only 18% of these roads are maintained for passenger cars, with the remaining 72% maintained for high-clearance vehicles. The U.S. Forest Service does its best to maintain as many miles of roads as possible, but with shrinking budgets, the agency can usually only lightly maintain about 15% of the 370,000 miles per year.

The chronic underfunding and lack of routine maintenance means that deferred maintenance grows and grows. For the U.S. Forest Service, deferred maintenance in 2018 reached $5.2 billion, with 60% due to roads.[4] When roads are neglected, they are highly vulnerable to any weather event. For example two winters ago, in one watershed in the Mt. Baker-Snoqualmie National Forest (WA-Nooksack), 45% of the roads were closed because they washed out during storms. The forest sustained $2M in damage due to the storms while the Gifford Pinchot National Forest (WA) sustained $3.5M in storm-related road damage and it has taken years to re-open access. More closures are bound to be in store this spring/summer. If we want to support access to national forests and the economic growth of gateway communities that depend on the outdoor recreation economy, then the road infrastructure must be addressed.

We are also concerned with the priorities outlined by the U.S. Forest Service in the FY2020 Budget Justification specifically on page 83 which states: "Given that timber is a priority, the agency is making careful choices within

[1] USDA Forest Service. A Sustainable Recreation Future. December 2015.
[2] USDA Forest Service. A Sustainable Recreation Future. December 2015.
[3] USDA Forest Service. Receipts Summary Report. 2015.
[4] USDA Forest Service. National Forest System Statistics FY 2018. February 2019.

budget constraints; therefore, all requested capital improvement funding directed towards the roads program will support timber production and public safety.[5]" Already less then 15% of the agency's roads receive minimal maintenance and now the agency is directing those funds towards supporting timber roads (which recreationists usually avoid) and public safety (which are the high-cost mainline roads, not the dirt roads leading to trailheads and dispersed campsites). It is surprising that although recreation accounts for half of the USFS fee receipts, the agency fails to prioritize investments for recreational access.

Washington State, as one example:

In Washington State, the Forest Service road challenge is compounded by the weather (large amounts of rainfall), soils (unstable in many portions), geography (roads built in the wrong place) and endangered/threatened fish listings (salmon redds buried by sediment and/or salmon and trout having access to spawning grounds blocked by undersized culverts). Additionally:

- The Forest Service road system is old: built decades ago and financed nearly 75% by appropriations.
- Road maintenance budgets in Oregon and Washington dropped 85% from a high of $120M in 1990 to $17M in 2018.[6]
- The road network continues to support forest management activities but also supports a strong recreation economy in Washington with 12 million visitor days a year and over $535 million in annual expenditures[7].
- Road and culvert failures eliminate access to forests and dump tons of sediment into streams harming fish. This impacts the $1.1B sportfishing industry, the $535M national forest recreation industry and the $92M shellfish economy in Washington.
- Reduced annual road maintenance budgets translate to increased deferred maintenance liability—now over $385M. At the current rate, it will take over 200 years to address the deferred maintenance needs of all national forests in Washington State.
- Nearly 86% of the state's population[8] depends on drinking water from national forest lands. Poorly maintained roads bleed sediment into waterways, increasing turbidity and increasing costs to filter water for public drinking water supplies. Effective forest management can decrease drinking water treatment and chemical costs by 20 percent[9].
- Washington State is under a court order to repair hundreds of culverts that block passage for salmon to spawning grounds. Washington's national forests still have over 1,000 barriers to fish passage (61 are barriers for anadromous fish).

Washington State is not alone. All national forests are burdened by this infrastructure liability that looms larger every day, but the specific challenges may differ across the country.

Moving Forward:

For over a decade, our coalition has advocated for smart solutions to this problem. This starts with a plan to "right-size" the road system. Some of this work has been done when the U.S. Forest Service completed Travel Analysis Reports to determine the access needs, environmental risks and costs of the road system in each national forest. Some forests are using this information to determine where targeted investments should be made. Rightsizing the road system to a more manageable size over time reduces both its fiscal and

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[5] U.S. Forest Service. FY 2020 Budget Justification. March 2019.
[6] U.S. Forest Service Region 6. Road maintenance budget allocations. 2016.
[7] Economic Analysis of Outdoor Recreation in Washington State. Earth Economics. January 2015.
[8] U.S. Forest Service. Water and the Forest Service. January 2000.
[9] Ernst, Caryn. 2004. Protecting the Source. Published by the Trust for Public Land & American Water Works Association. Available at https://www.tpl.org/sites/default/files/cloud.tpl.org/pubs/water-protecting_the_source_final.pdf.

environmental burden. It also enables the agency to keep a significantly higher portion of the road system maintained to standard allowing better and more reliable access.

The Legacy Roads and Trails program is one particularly successful program that has played an important complementary role to the general road maintenance budget by targeting projects to protect the nation's rivers and streams, endangered salmon and trout runs, and community drinking water systems. Projects include repairing roads and trails used for public access, replacing failed or undersized culverts to reconnect fish habitat, fixing old bridges and stormproofing or reclaiming roads to prevent sediment pollution from entering waterways important for salmon, trout, and drinking water. The Legacy Roads & Trails program not only delivers environmental, recreational, and economic benefits, it also produces high-skilled, local jobs on the ground. From 2008-2017, Congress's nearly $0.5 Billion investment nationally resulted in:

- 19,067 miles of needed roads maintained and/or stormproofed to increase their ability to stand-up during powerful storms and ensure access;
- 1,030 culverts replaced to restore fish passage and provide access to more than 1,000 miles of upstream habitat;
- 7,053 miles of unneeded roads decommissioned (less than 2% of the system) to reconnect habitat, greatly reduce the delivery of sediment to streams, and reduce the overall maintenance burden;
- 141 bridges constructed or reconstructed for safety;
- 5,020 miles of trails fixed to guarantee recreationists can reliably use the areas they love;
- 800-1,200 jobs created or maintained on average annually; and
- $3.5 million per year approximate reduction in annual road maintenance costs.

Legacy Roads and Trails works because it is targeted to the key problem areas, which also makes it easy to account for the use of the funds. Infrastructure problems are addressed in real time, which enables the Forest Service to efficiently plan, design, and implement treatments. It is a successful tool for leveraging non-federal funds resulting in stronger projects and enhanced community engagement. And because funds primarily go to actual work on the ground, Legacy Roads and Trails creates high wage jobs for contractors, including those who specialize in stream restoration, environmental design, and heavy equipment operation. With its 10 year proven track record, the Legacy Roads and Trails Program enjoys broad support and partner engagement.

There are few programs that have such clear goals and accountability, which is why it was a surprise to us that the FY2019 Interior Appropriations Act did not include funding for this program. At a time when we are discussing solutions for our nation's failing infrastructure, we offer that effective, proven programs such as Legacy Roads and Trails be elevated as examples of success rather then be dismantled. For FY2020, we are asking that Legacy Roads and Trails be permanently authorized and adequately funded in order to make real progress on the growing infrastructure liability.

Conclusion:

We all wish to continue accessing public lands and recreate in our own unique ways but we are deeply concerned about losing that access due to neglect and lack of investment in the infrastructure that gets us to the places we love. Investing maintenance dollars in roads that are needed for recreation, investing legacy roads and trails dollars in reducing road-related impacts to drinking water and fisheries and rightsizing the overall road network is one way to begin to make a tangible difference on the ground. The great news is that these investments will pay off with job creation, recreational spending, reduced costs to drinking water systems, increased commercial, tribal and sportfishing opportunities and more-guaranteed access.

Thank you for having this important discussion!

Sincerely,

Members of the Washington Watershed Restoration Initiative

Marlies Wierenga
Pacific Northwest Conservation Manager
WildEarth Guardians

Thomas O'Keefe
Pacific Northwest Stewardship Director
American Whitewater

Shiloh Halsey
Conservation Science Director
Cascade Forest Conservancy

Andrea Imler
Advocacy Director
WA Trails Association

Cindy Easterson
President
Pilchuck Audubon Society

Luke Kelly
Olympic Peninsula Restoration Project Manager
Trout Unlimited

Mike Anderson
Senior Policy Analyst
The Wilderness Society

Tom Uniack
Executive Director
Washington Wild

Wendy D. McDermott
Director, Rivers of Puget Sound-Columbia Basin
American Rivers

Patricia A. Jones, PhD
Executive Director
Olympic Forest Coalition

Dave Werntz
Science and Conservation Director
Conservation Northwest

March 28, 2019

Senator Lisa Murkowski
Chair, Senate Committee on Energy and Natural Resources
522 Hart Senate Office Building
Washington, DC 20510

Senator Joe Manchin
Ranking Member, Senate Committee on Energy and Natural Resources
306 Hart Senate Office Building
Washington, DC 20510

Re: Hearing to Examine Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation

Dear Chairman Murkowski and Ranking Member Manchin:

Winter Wildlands Alliance (WWA) is a national nonprofit organization dedicated to promoting and preserving winter wildlands and quality human-powered snowsports experiences on public lands. WWA represents over 50,000 members and 41 grassroots partner organizations in 16 states working on public lands access and management issues. Through our national SnowSchool program, we engage over 33,000 kids (K-12) annually across 65 sites in outdoor science-based experiential education programs. WWA is also a founding member of the Outdoor Alliance, a coalition of ten member-based organizations representing the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

On behalf of the broader outdoor recreation community, we thank you for your attention to protecting and improving a wide range of outdoor recreation opportunities on our country's public lands and waters. Additionally, please accept our heartfelt thanks and congratulations for the committee's work in passing the recently signed public lands package. The pursuits enjoyed by our community and membership are entirely dependent on the conservation and protection of the landscapes in which our activities occur, and conservation is the bedrock upon which outdoor recreation and the outdoor recreation economy rests.

We greatly appreciate the committee's attention to considering policy changes to better support outdoor recreation, rural economic development, and the outdoor recreation economy. With careful adjustments to policies guiding issues from land management planning to special use permitting to infrastructure maintenance and improvement, Congress can help ensure that conservation successes also support economic opportunity and quality of life benefits and give all Americans more meaningful and accessible opportunities to connect with their public lands and waters.

As you know, outdoor recreation supports 7.6 million direct jobs, $887 billion in annual consumer spending, $65.3 billion in annual federal tax revenue, and $59.2 billion in annual state and local tax revenue.[1] Protected public lands, outdoor recreation infrastructure, and recreation opportunities clearly play a substantial role in building and sustaining economically vibrant communities by attracting employers and high-skill workers in industries well beyond those sectors traditionally considered a part of the outdoor recreation economy. A study of employers in the Phoenix-Tucson area, for example, found that 7.6 percent of the overall "worker attraction" attraction value of the area was due to outdoor recreation opportunities.[2] In a study of the outdoor recreation economy in the area surrounding the Nantahala-Pisgah National Forest in North Carolina, 95 percent of respondents indicated that they chose to live in Western North Carolina because of access to outdoor recreation.[3]

With regard to winter recreation specifically, we appreciate the testimony before the committee of Sandra Mitchell of the Idaho State Snowmobile Association on the economic impact to rural communities of snowmobiling and other motorized recreation. We must also add to that testimony the equally significant—and in fact much faster growing—impact of non-motorized recreation in those same communities. With well over 10 million participants each season and more than $4.8 billion in direct consumer spending, human-powered snowsports—including backcountry skiing, alpine ski touring, mountaineering, snowshoeing and cross-country skiing—constitute the fastest growing segment of winter recreation in the United States.

We all know that the more diverse we can make our local economies can be, the more resilient they will be in the long term. Congress has a substantial role to play in helping communities across the country derive maximum benefit from outdoor recreation on public lands, and in making sure that a full range and diversity of recreation opportunities and access are available, both motorized and non-motorized, to local communities and their visitors.

We believe that attention to the areas outlined below will help to support public lands communities and make a broad range of recreation opportunities available to all Americans. As the committee considers ways to improve outdoor recreation opportunities, we strongly encourage outreach to a diversity of voices, particularly communities that may have felt excluded from outdoor recreation opportunities and conversations around the future of the public lands system in the U.S.

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[1] https://outdoorindustry.org/advocacy/

[2] The Sonoran Institute, the Capitalization of Our Climate (2013).

[3] Outdoor Alliance, The Economic Influence of Human Powered Recreation in Western North Carolina (2017), available at https://static1.squarespace.com/static/54aabb14e4b0142027654ee/t/5bb7ac4d104c7ba0aad3b24c/1538763858288/Attachment+2+Economic+Impact+Study+of+Human+Powered+Recreation+in+NPNF+copy.pdf.

Precise Management

Recreation opportunities and associated economic development is best supported through precise management of public lands and waters. Over the past decades, our country has developed a system of protective public lands to take pride in. Although we can and must continue to improve, our country has done, and continues to do, an outstanding job of protecting landscapes for their intrinsic and ecological values, particularly marquee landscapes like those contained in our National Parks System.

Although this system serves outdoor recreation exceptionally well in some respects, treating recreation merely as a secondary benefit of conservation can leave some key landscapes—particularly close-to-home, frontcountry areas—without appropriate management or protection. It can also prevent communities from realizing the full potential for economic development that can come from leveraging outdoor recreation opportunities.

Data

Managing public lands for outdoor recreation opportunities and attendant economic benefits—as well as protecting conservation and other resource values—begins with developing sound data, including where people go, why people go there, the values that attract people to favored locations, and the economic effects of use patterns.

Good data, including patterns of visitor use, is necessary for crafting smart and equitable public land policy, but this data is often limited. On-site visitor monitoring efforts, such as the National Park Service Visitor Use Statistics program and the Forest Service National Visitor Use Monitoring Program, provide important information about recreation on public lands. However, the expanse of public lands and the cost of implementing such programs limits the spatial and temporal coverage possible from on-site monitoring efforts. The result is often an incomplete picture of how many people recreate on public lands, when and where they go, and what they do. Land management prescriptions based on suboptimal data can result in misallocated resources, access restrictions, and resource damage. One way to address this problem, especially regarding outdoor recreation, could be through crowdsourced data.

Crowdsourced data may provide substantial and cost-effective information at unprecedented spatial and temporal resolution that could be used to better understand human-powered outdoor recreation activities and support recreation access, infrastructure, facilities, and economic insights.

Planning

Data development often occurs in the context of land management planning, and improved data collection and sharing has the potential to improve the efficacy of planning efforts, not just from the standpoint of outdoor recreation, but also through its potential to minimize disputes and lead to more durable land management decisions.

Winter Wildlands Alliance strongly supports the Forest Service's 2012 Planning Rule and the 2015 Over-Snow Vehicle (OSV) Rule, and believe the successful implementation of these processes is yielding improved decisions for outdoor recreation and public lands communities. Travel management is an important process that helps to reduce user conflict and impact to resources, and to ensure that a diversity of recreation experiences are available on public lands and snowscapes for the benefit of local economies and the American people.

Our community was disappointed by the decision of Congress to stop implementation of the Bureau of Land Management's "Planning 2.0" initiative, and believe that the committee should look for ways to facilitate the implementation of, at minimum, some portions of BLM's important modernizations—particularly those related to incorporation of non-agency data and information into the planning process. Similarly, BLM's Master Leasing Plan program, ended by this administration, was proving to be an effective model for landscape-scale planning to help minimize areas of conflict and protect key recreational resources.

All successful planning efforts begin with gathering data, including information about outdoor recreation, and we strongly support steps to enhance these efforts. In our experience, the success of the Wilderness Act and the Wild and Scenic Rivers Act stems, in part, from the requirement that land management agencies inventory for places that meet Wilderness or Wild and Scenic criteria, and we believe this successful model could be replicated to ensure that land managers inventory for landscapes of importance for outdoor recreation during planning processes, empowering Congress to pursue flexible protective designations appropriate for recreation-priority landscapes.

Managing for recreation

Managing public lands and waters appropriately to support sustainable recreation requires some targeted changes to existing processes and policies. In general, we strongly support encouraging land managers to make recreation a priority and engage in creative problem solving through the use of recreation-focused performance metrics for the evaluation of land managers, including based around the quality of the visitor experience.

Infrastructure and Access

Supporting outdoor recreation—and community economic development through outdoor recreation opportunities—depends on recreation infrastructure. Recreation infrastructure includes healthy, ecologically sound, protected public lands, but also more discrete resources like trail systems, trailheads and restroom facilities, and river access points. Congress should explore opportunities to invest in these essential resources, potentially through new, recreation-focused funding mechanisms.

Investing in recreation access infrastructure also should begin with ensuring full, dedicated funding for the Land and Water Conservation Fund. The outdoor recreation community greatly

appreciates the committee's efforts leading to permanent reauthorization of this successful program, and we believe ensuring the program's full funding is an essential next step in seeing the program's promise fulfilled.

In addition to specific infrastructure investments, access to outdoor recreation for some members of the public is enhanced by—or dependent upon—the ability of educators, outfitters and guides, and others to provide facilitated access through special use permits. Educational or other guided programs are often the first exposure many people may have to the outdoors, and the ability of competent entities to provide these services is essential to introducing new generations or underserved communities to the outdoors and to ensuring that interested individuals have an opportunity to develop skills, etiquette, a stewardship ethic, and a connection to public lands and waters in a safe and supportive environment. The challenges to efficient administration of the existing special use permitting system are well-documented, and we strongly support the efforts of stakeholders in this system—including members of the public who do not use these services—to thoughtfully modernize this system.

* * *

Thank you for the Committee's attention to improving recreation policy for our country's public lands, and we look forward to continuing to work with you to build on the success of the public lands package.

Best regards,

David Page
Advocacy Director
Winter Wildlands Alliance

From: Laurie Marcovitz
To: Ripchensky, Darla (Energy)
Subject: US Senate-comment letter for board review/approval
Date: Monday, April 15, 2019 2:12:42 PM

Dear Senator Murkowski
Chairman, Senate Energy and Natural Resources committee

The Wyoming Outfitters and Guides Association (WYOGA) is commenting today in regard to your committee hearing on March 14, 2019 in Washington, DC regarding access to public lands. After adjournment, one of our outfitter members approached the dais and spoke to you directly with comments. Thank you for being receptive. WYOGA is a trade association comprising 150 licensed and permitted outfitters and some 50-100 guides. Most western states also have associations with rafting, hunting, fishing, dude ranching, snowmobiling, skiing, climbing and camping outfitter members serving the public.

Our comment relates to an aspect of public access that was not mentioned by the panel of 5 speakers present today. Their comments all touched on the limitations to access and some solutions to increase public access to public lands and waters including for new outfitters. But none of them testified on increasing access for existing, permitted outfitters.

For example, under the current USDA, Forest Service policy found in the Forest Service Handbook 2709.14, chapter 53.1 et. seq., the Forest Service "takes" away user days (allocated use) from existing permitted outfitters if the outfitter does not use all their use listed on the face of their permit. However, outfitters face situations out of their control such as drought which shortens river rafting seasons, wolf predation which decreases available hunting licenses, forest fires, periodic national economic slowdowns, and many weather related reasons. All these and other reasons can cause outfitters to show decreased use during their use review with the Forest Service. However, many of the reasons for decreased use are temporary and when conditions are favorable again and the outfitter desires full use of allocated user days, current Forest Service policy disallows it. This policy must change in order to meet public demand for access to public lands and waters. Congress can change it and WYOGA urges Congress to do so.

Outfitters are the vital link between the public and public land and waters. Outfitters are permitted, licensed stewards of public resources and are held to a high standard by state and federal regulators. The public expects and deserves quality outfitters but public policy must also take into account existing outfitter viability when implementing outfitter policy. Currently permitted outfitters should be allowed to meet public demand before new outfitters are permitted.

I urge this committee to look closely at USDA Forest Service FSH 2709.14, Chapter 53.1 "Allocation of Use for Priority Use Permits" and revise it to:

1. Lengthen the priority use review period from 5 years to 10 years.
2. Waive use reviews and use reductions during natural events beyond the outfitter permittee's control.
3. Allow increased use on permit when existing outfitter shows a need and ability to meet public demand.
4. Encourage existing outfitter viability as an agency management goal. Economically viable outfitters are able to reinvest in equipment, facilities and staff training. This leads to safer guest experiences and better public resource stewardship.
5. Offer increased use to existing, permitted outfitters first before considering any new outfitter applicant.
6. Vote for the final version of the public lands outfitter permitting bill currently being drafted that was previously called the GO Act.

Please accept these suggestions and contact WYOGA anytime for clarification and further discussion.

WYOGA also looks forward to future Energy and Natural Resource Committee hearings on outdoor recreation this year and would gladly send a representative to testify before the committee.

Sincerely,

Sy Gilliland, President
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Click the cover below to view the digital copy of the Wyoming Outdoors.