

PENDING LEGISLATION

HEARING
BEFORE THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION

ON

S. 1229	S. 1874	S. 2887
S. 1269	S. 2258	S. 3264
S. 1616	S. 2886	S. 3266

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DECEMBER 2, 2021
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Committee on Energy and Natural Resources

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The text for each of the bills that were addressed in this hearing can be found on the Committee's website at: <https://www.energy.senate.gov/hearings/2021/12/full-committee-hearing-to-consider-legislation>

PENDING LEGISLATION

THURSDAY, DECEMBER 2, 2021

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

The Committee met, pursuant to notice, at 10:06 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Joe Manchin III, Chairman of the Committee, presiding.

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

The CHAIRMAN. This morning, we will discuss nine bills related to outdoor recreation. I want to commend the sponsors of the bills on today's agenda for exploring innovative ways to improve outdoor recreation opportunities and for seeking to help both the public and the businesses that serve them. I am especially proud to have partnered with Ranking Member Barrasso on the Outdoor Recreation Act, and I will talk about our bill in more detail shortly.

But first, I want to acknowledge that we will have Senator Luján joining us this morning to speak about his bill, and I welcome him to the Committee.

Let me begin by saying outdoor recreation has been a powerful economic driver in states across the country, and West Virginia is no exception. I have been seeing firsthand the jobs that the outdoor recreation economy has brought to rural areas in West Virginia. The outdoor recreation industry generates 1.8 percent of my state's gross domestic product and supports over 18,000 jobs, and almost three percent of our workforce is now employed in the outdoor recreation sector, having earned \$641 million in salaries just last year alone. However, the COVID-19 pandemic has particularly impacted the outdoor recreation industry. According to a recent Department of Commerce report, employment rates, generally, across the U.S. dropped five percent from 2019 to 2020, but outdoor recreation-related employment decreased 17.1 percent. As we discuss legislation this morning, I believe that we must keep in mind how the ideas in these bills can help grow the \$374 billion annual contribution that outdoor recreation makes to the economies in our rural America.

Now, our Committee has talked at length about making it easier for people to enjoy our nation's treasures in a responsible way, as well as the importance of the outdoor recreation economy. That is exactly the reason why Ranking Member Barrasso and I introduced the Outdoor Recreation Act. Our bill enjoys the support of dozens of groups, including the Outdoor Alliance, the National Shooting

Sports Foundation, local businesses—like Water Stone Outdoors in West Virginia, and by over 20 national outdoor recreation associations, from the RV Industry Association to the Motorcycle Industry Council. The Outdoor Recreation Act authorizes agencies like the Forest Service and the Department of the Interior to accept money from the outside organizations that want to invest in outdoor recreation infrastructure on federal lands. It also contains proactive measures related to climbing, biking, and target shooting on federal land. These are common-sense ways to improve the public's experience as they recreate on public lands.

All of the bills before the Committee today seek to address recreation and resource management from the different angles. Senator Heinrich's bill would assist those leading backpacking trips on federal land. Senator Hickenlooper's bill would help to fund parks in urban areas. Senator Wyden's bill proposes to establish a system of national recreation areas. I will remind everyone that West Virginia was actually home to the first national recreation area, designated in 1965. It is the Spruce Knob-Seneca Rocks National Recreation Area, and is still widely used. Senator Cortez Masto's bill would help recreation organizations better serve under-resourced and low-income communities. Ranking Member Barrasso's bill would help the hunting community.

The nine bills on today's agenda all have a common theme—facilitating people's ability to enjoy our public lands while supporting jobs and local economies. With that, I want to thank the witnesses for being here today to help us get a better understanding of the bills before us. Following this hearing, Ranking Member Barrasso and I, along with our colleagues, will get to work preparing the bipartisan recreation package that we can report out of this Committee.

With that, I am going to turn it over to Ranking Member Barrasso for his opening statement.

**OPENING STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Well, thanks so much, Mr. Chairman. Thanks for holding this important hearing today. Today, we are discussing a number of bills important to my home state and other states as well that have an interest in promoting recreational opportunities and access on public lands. These include S. 3266, the Outdoor Recreation Act, and I am delighted to be co-sponsoring it with you, Mr. Chairman.

Our bipartisan legislation is going to increase and improve outdoor recreation opportunities all across America. It is going to help modernize public campgrounds. It is going to establish shooting ranges on federal forests, and it is going to ensure increased access to America's public lands. The bill will also leverage private funding to create new recreational opportunities on our public lands. Wyoming is the home to some of the most incredible national parks and public lands in the nation. The Outdoor Recreation Act will help Americans better enjoy everything that Wyoming has to offer. Our Wyoming Governor, Mark Gordon, stated that, "If passed, the bill will not only support Wyoming's efforts to protect our world-class waters and lands, but provide residents and visitors with im-

proved infrastructure and increased recreational opportunities on Wyoming's federal lands." So thanks, Mr. Chairman, for working with me in a bipartisan way to develop and introduce this important piece of legislation.

Additionally, I would like to also highlight two other bills I have introduced for today's hearing that are on the agenda. The first is S. 1616, the Federal Interior Land Media Act, or the FILM Act. To keep pace with evolving social media and changing technology, this legislation modernizes film permitting on public lands. It gives outdoor enthusiasts the ability to share their adventures without having to deal with burdensome red tape. In the 21st century, it simply does not make sense to make people jump through a gauntlet of bureaucratic hoops just to film and upload their public land adventures. The FILM Act fixes this by exempting certain video, digital, and audio recording activities from unnecessary fees and arbitrary permitting rules while also ensuring the protection of our public lands.

I also want to highlight S. 2886, the Cape and Antler Preservation Enhancement Act—the CAPE Act. In Grand Teton National Park, non-native mountain goats threaten the struggling native bighorn sheep herd. Through coordinated efforts with the National Park Service, volunteers play a major role in helping to conserve the bighorn sheep by removing the non-native goats. Current law gives discretion to the Park Service to donate the meat obtained from these non-native species during these authorized wildlife management activities, yet the hide, the horn, and antlers go to waste. The CAPE Act recognizes conservation efforts by allowing for the donation of hides and horns to volunteers who help protect our native bighorn sheep.

Again, Mr. Chairman, I want to thank you for having this important hearing. Recreation and tourism is one of the cornerstones of my home state's economy. It is also part of what makes Wyoming a premier travel destination for millions of visitors from around the world. The pieces of legislation I have highlighted here today will help ensure Americans can enjoy more of what Wyoming and our nation has to offer. Thank you, Mr. Chairman, for working along with me on these important bills.

The CHAIRMAN. Thank you, Senator Barrasso.

And before we get started with our witnesses' testimonies, we are going to have some of our Senators speak about their bills.

And right now, I am going to turn to Senator Heinrich.

**OPENING STATEMENT OF HON. MARTIN HEINRICH,
U.S. SENATOR FROM NEW MEXICO**

Senator HEINRICH. Thank you, Chairman, and I want to thank both you and Ranking Member Barrasso for holding this hearing. I want to speak just really briefly about the SOAR Act. This is really about permit reform, and before I had this job, I used to do this kind of thing for a living. I took people into the backcountry for backpacking, for rafting trips, for educational trips, and I can speak from experience about how difficult the permitting process is, how burdensome, how Byzantine, and usually, in many cases, not with a better outcome for the lands that are used in all of this.

This legislation really seeks to streamline that process to make it more user-friendly—to make it more flexible, especially in the face of some of the challenges we have. You could lose a whole season to a wildfire under current circumstances, and the current system was just not built to flexibly respond to some of those huge events. So I look forward to discussing it more with my colleagues. I want to thank Senator Capito, who is my primary co-sponsor, and all the members on this Committee and off on both sides of the aisle who have co-sponsored this legislation.

The CHAIRMAN. Thank you, Senator.

Do any other Senators want to make a comment on any of their bills?

Senator Cortez Masto.

**OPENING STATEMENT OF HON. CATHERINE CORTEZ MASTO,
U.S. SENATOR FROM NEVADA**

Senator CORTEZ MASTO. Thank you. I, too, want to thank the Chairman and Ranking Member for holding this legislative hearing today. Thank you to all the witnesses for joining. Really, the importance of this hearing is underscoring the important access to public lands for all, and that is the motivation behind my bill and every bill that is on the agenda today.

S.1269 is the Environmental Justice in Recreation Permitting Act. It was actually introduced by Interior Secretary Haaland last Congress, and it requires the Secretaries of the Department of the Interior and the Department of Agriculture to produce an inter-agency report regarding the impacts and challenges that the current recreational permitting process pose on public access to lands for people in low-income communities, or for communities of color, or for our tribal and indigenous communities. Clearly, we are all here today to make sure we open up our public lands for access to all. And we want to make sure we are tearing down any barriers to those who might not have an opportunity to enjoy our great outdoors. That is the purpose behind this bill as well.

So thank you. I look forward to the hearing today.

The CHAIRMAN. Thank you.

Senator King.

**OPENING STATEMENT OF HON. ANGUS S. KING,
U.S. SENATOR FROM MAINE**

Senator KING. I just wanted to add my support to the comments of Senator Heinrich. It may surprise members of this Committee—because it is outdoor recreation, we often think of the West. Maine is the third-ranked state, as it has the third highest portion of our GDP coming from outdoor recreation of any state in the country. Acadia National Park, this year, had four million visitors, up from a record of 3.7 several years ago. And it is an incredible part of our economy.

Unfortunately, during the pandemic, we lost 24 percent of our jobs in outdoor recreation. So I think it is so important. I am a co-sponsor of the Simplifying Outdoor Access for Recreation Act.

Also, I wanted to commend the Outdoors for All Act, of which I am also a co-sponsor, because park resources are not equitably distributed, and there are millions of Americans who really do not

have access to outdoor recreation areas, and that bill is about encouraging a program within the National Park Service providing partnerships with local park facilities.

So this is a very important hearing. I commend the Committee for taking this on. Thank you.

The CHAIRMAN. Thank you.

Now we have Senator Luján for an introduction of his bill.

**OPENING STATEMENT OF HON. BEN RAY LUJÁN,
U.S. SENATOR FROM NEW MEXICO**

Senator LUJÁN. Good morning, everyone. I want to thank the Chairman and the Ranking Member, Mr. Barrasso, for holding this hearing on a range of important bills, including my bipartisan Biking on Long Distance Trails Act. I also want to thank co-sponsors and colleagues that I worked with on this bill, Senator Cramer, Senator Heinrich, as well as Chairman Manchin and Ranking Member Barrasso.

New Mexico is blessed to have extraordinary mountain ranges and scenic views with incredible trails to bike and explore. When I am back home, I have always enjoyed getting on my mountain bike to explore New Mexico's beautiful landscapes. In addition to mountain biking, these trails also provide a boost to our local economy. We have seen increases in opportunities throughout the West. In New Mexico, New Mexico's outdoor economy accounts for over 35,000 jobs and \$1.2 billion in wages. States across the country, like North Dakota, West Virginia, and Wyoming all have rich landscapes that offer incredible opportunities for mountain biking and the economic boost that it provides. This bipartisan legislation will use the millions of acres of federal lands that have gone untapped and will identify bike trails that are more accessible and safe all across America. This bill would allow the Department of the Interior to pinpoint opportunities to develop or complete long-distance bike trails as well as allow the Department to promote these exciting opportunities to the American people. As mountain biking's popularity continues to increase, this legislation will make these outdoor spaces more accessible to Americans and bolster outdoor economies nationwide.

Again, I want to thank the leadership on the Committee. I also want to thank the staff for their vision on what they put together here. I am excited about this, and while I may not be able to trek all the way from New Mexico up to North Dakota, once we get a trail put in place, I will do segments of it, and I look forward to inviting all of our friends to join us after we get that done.

Thank you again to the staff and to the Chair and to the Ranking Member for their work on this important package.

The CHAIRMAN. Thank you, Senators, I appreciate that.

Now we are going to turn to our panel.

We have with us today Deputy Chief Chris French from the Forest Service.

We have Mr. Mark Lambrecht from the Department of the Interior's Bureau of Land Management.

We have Ms. Jess Turner, Executive Director of the Outdoor Recreation Roundtable.

And we have Mr. Fred Ferguson, Vice President of Vista Outdoors.

Now we are going to Mr. French for his opening statement.

STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, USDA FOREST SERVICE

Mr. FRENCH. Good morning Chairman Manchin, Ranking Member Barrasso, and members of the Committee. Thanks for the opportunity to provide the perspective of the USDA on these public land bills that are under consideration today. I appreciate Congress's work to help us provide more efficient and more effective delivery of approaches to connecting people with their public lands. Delivering high-quality recreation experiences is a key focus of this Administration and our leadership in the agency. Outdoor recreation is a powerful driver of local and national economies by providing jobs and revenue from goods, services, and tourism. Cities and towns across the country are tapping the business of outdoor recreation—for good reason. They recognize that outdoor recreation and open spaces are key ingredients to healthy communities, a high quality of life, and the ability of a community to attract and sustain businesses and families.

Recreation is the largest economic output of our National Forest System. It is the single greatest driver of connecting the American people to our national forests and grasslands. In fact, recreation, hunting, fishing, and wildlife viewing, together, sustain more jobs than any other activity on or in our national forests and grasslands. Like others, last year we experienced record-setting, unprecedented visitation levels to our National Forest System lands—168 million visitors with 18 million new visitors in one year, and change. As the agency has driven more resources to address our wildfire crisis, our ability and focus on delivering this premier program is not meeting the current public demand. Therefore, Congressional action has been helpful in helping us, such as those bills being discussed today. One example I might give of a great success has been the Great American Outdoors Act, which has been critical to address our nearly \$6 billion in infrastructure deferred maintenance backlog. In the last three years, we have addressed nearly 500 recreation sites, 106 water systems, 99 trail bridges, and other public-facing facilities.

Our program is huge. We manage more than 25,000 recreation sites, 14,000 bathrooms, 160,000 miles of hiking trails, 400,000 miles of forest roads, 22 national recreation areas, 122 wild and scenic rivers, 60 percent of all the downhill skiing occurs under permit on 122 sites on National Forest System lands, and we oversee and manage nearly 30,000 special-use permits for recreation businesses that provide for river rafting, horseback riding, and other outfitter guide services. All of this totals nearly \$13.5 billion in domestic product and over 160,000 jobs. To support access to our national forests, we believe it is critically important to identify barriers impacting environmental justice communities and permit holders when trying to enjoy those public lands. We therefore support the intent of S. 1269, and would like to work with the Committee to ensure the language is drafted in a way that supports successful implementation.

Additionally, we really welcome tools such as those proposed in S. 3266, the Outdoor Recreation Act, that assist us in building back better to undertake more robust recreation planning, partnerships, conservation finance agreements, and improve our infrastructure. We support the overall goals of the bill, and we look forward to working with the Committee and its sponsors to ensure those goals can be achieved and do not duplicate or add burden to some of our current planning processes.

The USDA is supportive of identifying and promoting long-distance biking opportunities on National Forest System lands such as those identified in S. 3264, the BOLT Act. We welcome the opportunity to discuss the biking opportunities and trail designation authorities on National Forest System lands with the Committee and the bill sponsor and, if desired, to work on technical improvements with the bill.

As I said, we administer over 30,000 recreation special-use authorizations for activities that generate nearly \$2 billion for their holders. We support the goals and provisions that aim to streamline and improve those processes. S. 1229, the SOAR Act, and S. 1874, the Recreation Not Red Tape Act, address those. We have some concerns about the liability and cost recovery provisions and would like to work with the Committee to amend the language, but overall, we support the goals and intent of the bills. S. 1874 also includes provisions to improve veterans' access to the outdoors, provide new planning and management requirements for national recreation areas, promote volunteerism to enhance recreational access, and establish an interagency trail management plan. We are supportive, generally, of these goals and provisions and would like to continue to work with the Committee.

Finally, S. 1616, the FILM Act, directs the USDA not to require a permit or land-use fee for commercial filming if certain conditions are met. There is pending litigation relevant to this issue, and USDA would like to work with the Committee and bill sponsor on this issue once a decision is rendered in that case.

That concludes my remarks, and I appreciate the time this morning. Thank you.

[The prepared statement of Mr. French follows:]

STATEMENT OF
CHRIS FRENCH
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
U.S. DEPARTMENT OF AGRICULTURE - FOREST SERVICE
BEFORE THE
UNITED STATES SENATE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
Regarding
S. 1229, Simplifying Outdoor Access for Recreation (SOAR) Act,
S. 1874, Recreation Not Red Tape Act
S. 1616, Federal Interior Land Media (FILM) Act
S. 3266, Outdoor Recreation Act
S. 3264, Biking on Long-Distance Trails (BOLT) Act
S. 1269: Report on the effects of special recreation permits on EJ communities
December 2, 2021

Chairman Manchin, Ranking Member Barrasso, and Members of the Committee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA), Forest Service, regarding various public land management bills.

S. 1229, Simplifying Outdoor Access for Recreation (SOAR) Act, and
S. 1874, Recreation Not Red Tape Act

The USDA Forest Service manages 155 national forests and 20 national grasslands, comprising 193 million acres in 41 states and Puerto Rico. Outdoor recreation is a significant use of these lands which contain three million acres of lakes, 400,000 miles of streams, 122 Wild and Scenic Rivers for rafting, kayaking and other watersports, and 159,000 miles of trails for horseback riding, hiking, snowmobiling, mountain biking, and more.

The Forest Service is deeply committed to connecting all Americans to the outdoors, and we value the important role played by outfitters and guides, resorts, non-profit organizations, and others as partners in connecting people to recreation opportunities in the national forests and grasslands. Outdoor recreation attracts people to visit, live, and work in gateway and rural communities and supports the health, well-being, and economic vitality of those communities. Recreation on National Forest System lands contributes more than \$13.5 billion to America's gross domestic product and supports more than 161,000 full and part-time jobs, the vast majority of which are in gateway and rural communities.¹

In fiscal year 2020, the number of recreation visits to the National Forest System rose to 168 million, which represents a 12% increase compared to 2019. Annual visitation to national forests and grasslands increases to 450 million visitors if we account for the number of people who pass

¹ 2020 National Visitor Use Monitoring survey. These numbers reflect total benefits (direct, indirect, and induced).

through these beautiful forests to enjoy the scenery and travel on our scenic roads and byways. Recreation pressure has been particularly significant on national forests close to urban areas. Now, more than any other time in recent history, people have been making their way out to the national forests as Americans turn to their public lands for respite and relaxation during the COVID-19 pandemic.

Moreover, recreation on National Forest System lands sustains more private sector jobs than any other Forest Service program and provides the single largest economic stimulus for many local communities adjacent to or within National Forest System lands. Outdoor recreation opportunities and amenities are consistently ranked as one of the primary reasons people move to rural towns and can be a leading contributor to small town economies, and the Forest Service administers over 30,000 recreation special use authorizations for activities that generate nearly \$2 billion to their special use authorization holders. In particular, the Forest Service administers 122 ski area permits and approximately 8,000 outfitting and guiding permits.

These permits enable private sector professionals and educational institutions to lead a range of activities on National Forest System lands, from whitewater rafting, downhill skiing, horseback riding, and big game hunting to youth education trips in the wilderness and scenic jeep tours. For many, these activities represent their first introduction to the outdoors, and the outfitters and guides they employ are often small businesses that generate jobs and income for local communities. Forest Service permit holders help connect Americans to their natural world and help restore mental health and maintain healthy lifestyles.

With certain exceptions discussed below, USDA supports the goals of S.1229, Simplifying Outdoor Access for Recreation (SOAR) Act, and S.1874, Recreation Not Red Tape Act. These bills improve recreational access to National Forest System lands and we look forward to working with the bills' sponsors and the Committee to effect changes necessary to achieve those goals. Our comments on these bills pertain to their effects on the Forest Service, including management of National Forest System lands. USDA defers to the U.S. Department of the Interior (DOI) as to the effects of these bills on DOI bureaus and the federal lands under their jurisdiction.

Provisions Common to S. 1229, the SOAR Act, and S. 1874, Recreation Not Red Tape Act

S. 1229 (Section 2) and S. 1874 (Section 101): Definitions

We would like to work with the Committee to ensure the definitions in these sections are consistent with existing definitions in the Federal Lands Recreation Enhancement Act and Forest Service regulations and guidance documents.

S. 1229 (Section 3) and S. 1874 (Section 102): Special Recreation Permit and Fee

The Agency is supportive of the intent of these sections. We would like to work with the Committee to ensure the provisions do not duplicate existing Forest Service policies for land use fee determination or conflict with provisions in the Federal Lands Recreation Enhancement Act

and Forest Service guidance documents governing noncommercial special recreation permits. Additionally, we would like to work with the Committee to clarify the scope of the permits to be affected by this legislation.

S. 1229 (Section 4) and S. 1874 (Section 103): Permitting Process Improvements

The Forest Service supports the overall intent of these sections. Since 2016, we have taken steps to implement several of the objectives of these sections, including reducing the number of expired permits by more than 50% in the last 5 years. Specifically, we conducted a Lean Six Sigma Analysis of our permitting process and are currently implementing recommended actions, many of which align with the intent of this bill. Additionally, in November 2020 we published a final rule revising the Forest Service's NEPA regulations, which include a revised categorical exclusion for reissuance of special use permits and a new categorical exclusion for issuance of new permits for recreational activities in locations where those types of activities are generally allowed (36 CFR 220.6(d)(11) and (12)). As with all administrative categories, both require consideration of extraordinary circumstances. We believe these actions have already met the intent of Section 4(b)/Section 103(b) and will allow the Forest Service to issue and reissue recreation special use permits efficiently while still meeting environmental requirements. Although the Agency is supportive of the intent of these sections, we are concerned that the language duplicates our current work. We would like to work with the Committee to remove any redundancy and ensure that the language accomplishes its intent.

S. 1229 (Section 5) and S. 1874 (Section 104): Permit Flexibility

The Agency is supportive of these sections. We would like to work with the Committee to better understand the intent of Section 5(c), as we have a temporary outfitting and guiding permit system established through public notice and comment in our guidance documents.

S. 1229 (Section 6) and S. 1874 (Section 105): Permit Administration

These sections would require the Forest Service to notify the public of available permit opportunities online. The Agency would like to work with the Committee to ensure that the Agency's current practices and processes of open seasons and prospectus announcements provide adequate notification of permit opportunities within our existing resource capabilities.

S. 1229 (Section 7) and S. 1874 (Section 106): Multi-Jurisdictional Permits

We support the intent of these sections to streamline permitting by authorizing issuance of a single joint permit by a lead agency for multi-jurisdictional trips. We would like to work with the Committee to provide technical changes to the bill language that would achieve this intent consistent with existing authorities that apply to each affected agency and that would ensure the language complements our existing Service First Authorities. We also would like to work with the Committee on appropriate cost recovery provisions for implementation of this program.

S. 1229 (Section 8) and S. 1874 (Section 107): Forest Service Permit Use Reviews

We support the intent of these sections and would like to work with the Committee to ensure that they do not duplicate current permitting policy.

S. 1229 (Section 9) and S. 1874 (Section 108): Liability

Subsection (a) would prohibit the Agency from administering any guidance or taking any actions related to exculpatory or liability agreements between a permit holder and their clientele. While we support authorizing use of waivers of liability, we do not support the language in this subsection, as it would preclude the Forest Service from ensuring that waivers of liability cover the United States as well as the concessioner. We would like to work with the Committee to amend this language.

Subsection (b) would exempt state governmental entities from indemnifying the United States if they are precluded by state or local law from doing so. This provision should be clarified to state the exemption would apply only to indemnity for tort and not environmental liability, since environmental liability is not limited by state law. Additionally, state governmental entities' self-insurance is generally an insufficient substitute for indemnification of the United States because states' self-insurance typically covers only state employees and cannot be extended to the United States. Commercial general liability insurance policies obtained by states do not cover the United States unless they contain an endorsement that includes the United States as an additional insured. Further, many states can unconditionally indemnify the United States under their state law, and even those states that cannot do so can typically indemnify the United States up to the liability limits under their state tort claims act. We would like to work with the Committee to make targeted changes to address these important issues.

S. 1229 (Section 10) and S. 1874 (Section 109): Cost Recovery Reform

While the Forest Service supports efforts to responsibly apply cost recovery for processing permit applications, we do not support these provisions in the bills because they would reduce our ability to process both simple and complex permit applications. Cost recovery has provided more resources to the agency for processing permit applications, thereby enabling the Forest Service to enhance customer service by processing applications faster. Small recreation service providers such as outfitters and guides are generally exempt from cost recovery fees under Forest Service regulations. Expanding the exemption as proposed in the bill would generally benefit large recreation service providers and would adversely affect customer service, thereby counteracting efficiencies gained from other provisions in the bill. The Agency believes these additional efficiencies would reduce processing times sufficiently to obviate the need to further limit our cost recovery authority.

S. 1229 (Section 11) and S. 1874 (Section 110): Extension of Special Recreation Permits

This provision would provide for renewal of an existing permit rather than issuance of a new permit upon expiration, which is the Agency's current practice for all types of special use permits. We would like to work with the Committee to preserve the Agency's ability to update permit forms, including new terms as necessary or appropriate, when a permit expires. This ability is particularly important when a permit has been in effect for many years to allow the Agency to make assessments and adjustments as needed to address current resource conditions. Additionally, the use and occupancy authorized under priority use outfitting and guiding permits are currently renewable under a Forest Service guidance document that was published for public notice and comment. Per the Administrative Procedure Act, there is no disruption of service upon expiration of an existing permit if a timely application has been submitted: the expired permit remains in effect until the application is processed. We support the intent of these sections and would like to work with the bill sponsors and the Committee to ensure these sections do not duplicate existing authority that is being fully utilized and that provides for updating authorizations when they are reissued upon expiration.

Provisions Unique to S. 1874, the Recreation Not Red Tape Act

Section 111 amends the Federal Lands Recreation Enhancement Act (FLREA) (16 U.S.C. 6804) by establishing a program to allow a purchaser to buy a federal recreation pass and a state recreation pass in the same transaction. This provision duplicates authority already available under FLREA.

Section 112 amends FLREA to mandate online sales of the America the Beautiful—the National Parks and Federal Recreational Lands Pass. This provision is unnecessary as the Forest Service and other federal land management agencies are already implementing online sales of this pass as a regular course of business.

Title II – Accessing the Outdoors

USDA supports Section 201, which would encourage the Secretary of Agriculture to work with the Secretaries of Defense and Veterans Affairs to ensure service members and veterans have access to outdoor recreation and outdoor-related volunteer and wellness programs. USDA defers to the Departments of Defense and Veterans Affairs on the portions of Title II under their jurisdiction.

Title III – Making Recreation a Priority

USDA is generally supportive of Title III and would like to work with the Committee to ensure the provisions align with implementation of other Administration priorities such as addressing climate change and racial equity and take into account the multiple-use mission of the Forest Service and statutory requirements under the Multiple Use–Sustained Yield Act.

Section 304 would establish policy and requirements for management of National Recreation Areas (NRAs). The Forest Service manages 22 NRAs, which draw visitors from across the

nation and around the world. NRAs provide both jobs and revenue to local, state, and regional economies. NRAs also contribute to the sense of place and quality of life for local communities. We look forward to improving and expanding benefits from NRAs to further strengthen economies, enhance local communities, instill public conservation values, and encourage shared stewardship. We would like to work with the Committee and bill sponsors to ensure the necessary skill sets and capacity are available and strategically placed to address the associated workload to achieve the bill's intent.

Title IV – Maintenance of Public Land

USDA fully supports the intent of Section 401 to promote volunteerism and service to enhance stewardship of, recreational access to, and sustainability of National Forest System resources and facilities. We would like to work with the Committee and bill sponsors to ensure current Agency efforts through the Volunteers in the National Forests Act and existing cooperative authorities are not duplicated.

Section 411 would direct the Secretaries of Agriculture and the Interior to establish an interagency trail management plan to uniformly maintain and manage federal trails that cross jurisdictional boundaries between federal land management agencies. USDA supports the intent of Section 411 to ensure consistency in trail management across jurisdictional boundaries. Trails crossing multiple federal jurisdictions include National Scenic and National Historic Trails, as well as hundreds and possibly thousands of other trails. In compliance with the National Trails System Act, National Scenic and National Historic Trails are managed in accordance with comprehensive management plans that establish trail-wide management guidance and trail marking standards. Additionally, federally managed trails are subject to federal land management plans. Incorporating and applying standard management tools such as the Forest Service's Trail Management Objectives and working collaboratively through the interagency National Trails System Council to implement the intent of Section 411 could be an effective means for accomplishing the objectives of Section 411 without further legislative action.

S. 1616, the Federal Interior Land Media Act or "FILM Act"

Our comments on S. 1616, the Federal Interior Land Media Act or "FILM Act" pertain to the impact on the Forest Service, including management of National Forest System lands. USDA defers to the U.S. Department of the Interior (DOI) on the effects of this bill on DOI bureaus and the federal lands under their jurisdiction.

S. 1616 would direct USDA not to require a permit or land use fee for commercial filming, regardless of the distribution platform, if the commercial filming occurs in a location where the public is allowed, complies with visitor use policies, does not impede the experience of other visitors, will not disturb resource values and wildlife, does not require the exclusive use of a site, complies with Federal, State, and local law, and does not involve a group larger than 10 individuals. Furthermore, the bill would allow USDA to require a permit and land use fee if the

filming occurs in an area not generally open to the public, the agency accrues additional administrative costs associated with the filming, the filming occurs in a high-volume area, a set or staging equipment is required, or the filming involves a group of 11 or more individuals.

In *Price v. Barr*, a federal district court ruled that aspects of the existing commercial filming statute for the National Park Service violate the First Amendment. The National Park Service's commercial filming statute is identical to the commercial filming statute for the Forest Service and other federal land management agencies. The federal government has appealed *Price v. Barr* to the D.C. Circuit, in a case now captioned *Price v. Garland*, and is arguing that the commercial filming statute is constitutional. USDA believes that judicial resolution of this pending litigation would inform whether and how Congress legislates in this area. Accordingly, USDA would like to work with the committee and bill sponsor on this issue once a decision is rendered in the case.

S. 3266, Outdoor Recreation Act

Outdoor recreation has dramatically increased in recent years, especially as Americans turned to federal lands for respite and relaxation during the COVID-19 pandemic. National forests play a vital role in the recreation economy by supporting millions of recreation visits annually, and spending by those visitors contributes greatly to local, state and national economies. Cities and towns across the country are tapping into the business of outdoor recreation, and for good reason. They recognize that outdoor recreation and open spaces are key ingredients to healthy communities, contribute to a high quality of life, and most importantly, attract and sustain businesses and families.

The Forest Service is working to rebuild its capacity to deliver high-quality recreation opportunities and services for the public. We welcome tools that assist us in undertaking more robust recreation planning, building new partnerships, investing in innovative conservation finance agreements with the private sector, improving our infrastructure, and making the recreation economy even stronger.

In fiscal year 2019, there were 150 million visits to national forests and grasslands. Consumer spending associated with these visits supported local businesses that provide food and lodging, guides, outfitting, transportation, and other services. Recreation visitor use on National Forests supported about 153,800 jobs and contributed \$12.6 billion to the nation's gross domestic product in 2019. National Forest System lands experienced unprecedented visitation levels in fiscal year 2020 as Americans sought refuge and relaxation from outdoor experiences during the COVID-19 pandemic. In fiscal year 2020, the 168 million recreation visits supported about 161,000 jobs and contributed \$13.5 billion to the nation's gross domestic product.

The recreation industry is a powerful driver of local and national economies by providing jobs, revenue from goods, services, and tourism. The Forest Service plays a crucial role in managing federal lands that are drawing record numbers of recreationists, including campers, bikers, canoeers, skiers, snowmobilers, hikers, fishers, birders, hunters, and off-highway vehicle

enthusiasts. In fact, recreation, hunting, fishing, and wildlife viewing together sustain more jobs than any other activity in the national forests and grasslands.

The S. 3266, the Outdoor Recreation Act addresses a wide variety of recreation issues on federal lands and in rural communities adjacent to federal lands. USDA supports the overall goals of this bill to improve recreation opportunities and infrastructure on National Forest System lands and looks forward to working with the Committee and the bill's sponsors to ensure these goals can be achieved and do not duplicate or conflict with existing authorities.

Title I – Increasing Recreation Opportunities

Title I seeks to increase recreation opportunities through changes in permitting and recreation planning policy as well as mandates for climbing guidance and target ranges in national forests.

USDA supports the intent of Section 101 to increase recreational use by youth groups and to better understand recreational use of federal lands by youth groups. We would like to work with the Committee to ensure the Forest Service has the authority to require a permit if needed to address liability or resource concerns and to conduct a visitor capacity assessment if legally required or appropriate based on resource impacts. We would also like to work with the Committee to ensure that it is feasible to meet any permitting deadlines while complying with all applicable environmental requirements.

Section 102 duplicates and potentially conflicts with requirements in the National Forest Management Act and existing Forest Service protocols for developed recreation site inventory, visitor use management, and operation and maintenance of developed recreation sites. In addition to these legal concerns, the assessment requirements for Forest Service land management plan revisions at 36 CFR Part 219 and Forest Service Handbook 1909.12 already require consideration of recreation opportunities and demand. This provision would require a degree of data collection and outyear speculation that would add to the challenges of revising land management plans. We are actively trying to streamline and focus such assessments, and this one-size approach would expand the time and cost of land management plan revisions.

Section 103 directs the Forest Service to issue guidance on recreational climbing on National Forest System lands, including in wilderness areas. This provision, including requirements for public notice and comment, duplicates existing law and policy. The Forest Service has developed proposed recreational climbing directives, which will be published for public comment when they have completed the tribal consultation process.

Section 104 would require the Forest Service to identify suitable locations for designated target ranges on National Forest System lands and, to the maximum extent practical, ensure that each national forest has at least one designated target range. The Forest Service would be prohibited from charging a fee for use of a target range designated under this provision. USDA does not support this provision, as the Forest Service already has authority to identify appropriate sites for construction and operation of target ranges on National Forest System lands and is doing so where there is adequate demand, a suitable site, and available funding. Assessing site suitability

for target ranges is critical because of the potential tort liability concerns they present, particularly if they are located close to homes, schools, or popular trails. Site selection may also be affected by environmental concerns associated with wildlife habitat and impacts of spent bullets. Section 104 does not take into account Section 4104(b) of the John D. Dingell, Jr. Conservation, Management and Recreation Act of 2019, which prohibits authorizing a target range on certain specified federal lands managed by the Bureau of Land Management or the Forest Service, such as congressionally designated wilderness, wild and scenic rivers, and national monuments. In addition, Section 104 would overlap with Section 4 of the Target Practice and Marksmanship Training Support Act, which facilitates the establishment of additional or expanded target ranges on federal land. Under the Federal Lands Recreation Enhancement Act (FLREA), the Forest Service is authorized to charge recreation fees for the use of target ranges operated and maintained by the Forest Service, which can be retained and spent by the Forest Service and are vital to finance continued operation and maintenance of these facilities. The agency has authority under other federal statutes to charge a land use fee to concessioners that operate and maintain target ranges on National Forest System lands.

Title II – Improving Recreation Opportunities

Title II aims to improve recreation opportunities on federal lands with requirements for providing broadband connectivity at recreation sites, increased collection of visitor data, and changes to travel management policy and procedures.

Although USDA supports the intent of Section 201 to increase availability of broadband connectivity for recreational users, we have concerns with the scope and requirements of this provision. Federal land management agencies do not provide communications services, including broadband, to the public, nor do they install, operate, or maintain equipment that provides communications services to the public. Federal land management agencies do authorize communications uses, including broadband, and we are very willing to continue working with private entities to authorize broadband infrastructure on National Forest System lands where it is feasible and in demand. It may not be feasible or commercially viable to provide broadband service at many recreation sites on National Forest System lands, which tend to be in remote locations.

Section 203 requires USDA to work in concert with other federal land managers to establish a single visitation data management and modeling system for public recreation to provide accurate, real-time visitation data at a site-specific level. USDA would like to work with the Committee and bill sponsors to better understand the purpose and goals for visitation data requirements in Section 203. As written, it is unlikely that this provision could be implemented. A single system for all agencies could not produce data with the level of precision each agency's system currently produces. Each agency currently makes its visitation data publicly available on its website.

USDA supports the goals of Section 204 to finalize summer and winter motor vehicle use designations and improve associated maps. We are working diligently to address these goals and making good progress. Nearly all Forest Service administrative units have completed their

summer motor vehicle use designations. Units where there is sufficient snow for winter motor vehicle use are moving forward with designations for that use. We are concerned that Section 204 would duplicate existing travel management authorities and in some ways contradict them. In particular, we are concerned that to the extent the designation criteria in Section 204 are different from the designation criteria in existing authorities, Section 204 would require the Forest Service to revisit every designation decision for both summer and winter motor vehicle use. The resulting work would be very time-consuming and would entail additional litigation risk. We also have technical concerns with the data and mapping requirements which we would like to address with the Committee and bill sponsors.

Title III – Investing in Recreation Infrastructure and Rural Communities

Title III addresses recreation-related investments in communities adjacent to federal lands (gateway communities), conservation finance partnerships, availability of recreation facilities during shoulder seasons, and public-private partnerships to modernize federally owned campgrounds operated by concessioners on federal lands.

USDA strongly supports the goals in Section 301 of working with rural communities to undertake comprehensive recreation planning including providing technical and financial assistance to them. We would welcome an opportunity to work with the Committee and bill sponsors to improve upon the current legislation in support of these goals, in particular, by clarifying the scope of Section 301.

Section 302 would promote conservation finance partnerships as an innovative funding model to develop and maintain recreation infrastructure on federal lands. USDA supports the goal of expanding the use of conservation finance agreements for recreation facilities and enhancing authorities to support that goal. For conservation finance to succeed at larger scales, it is critical to provide the long-term certainty needed to guarantee the agency's financial commitment to large-scale public-private partnerships that leverage external capital. It is also important to establish objective measures for determining the value of the contributions of the parties under these types of agreements. USDA would like to work with the Committee and bill sponsors on technical amendments to clarify and enhance the conservation finance agreement authority in Section 302.

Section 303 seeks to expand the availability of recreation facilities during shoulder seasons. This practice is already ongoing. The Forest Service may operate campgrounds that are not under concession during shoulder seasons and may operate campground concessions during shoulder seasons when a concessioner has not agreed to do so. The Forest Service has authority under the Cooperative Funds Act to enter into the type of agreements outlined in Section 303(c).

Section 304 authorizes a pilot program for agreements with private entities to provide for capital improvements, management, and maintenance of federally owned campgrounds operated by concessioners on federal lands. USDA would be interested in exploring the concepts of this provision further with the Committee and bill sponsors to ensure the scope of the provision is commensurate with its intent.

S. 3264 Biking on Long-Distance Bike Trails on Federal Lands Act

S. 3264 would require the federal land management agencies to identify at least 10 long-distance bike trails on the federal lands they manage and to identify at least 10 areas where there is an opportunity to develop or complete long-distance bike trails. Long-distance bike trails are defined as trails being at least 80 miles in length that are available to mountain biking, road biking, touring, or cyclo-cross. The bill would provide for maps and other bike trail identification materials and would require a report to congress on the identified bike trails within two years of enactment.

USDA supports the goal of S. 3264 to identify and promote long-distance biking opportunities on National Forest System lands. However, we do not believe legislation is necessary. Consistent with its multiple-use mission, the Forest Service considers mountain biking in the context of all possible types of trail uses on National Forest System trails, including hiking and horseback riding. We would welcome the opportunity to discuss biking opportunities and trail designation authorities on National Forest System lands with the Committee and bill sponsors, and if desired, to work on technical improvements that would minimize litigation risk.

S. 1269: Report on the effects of special recreation permits on EJ communities

USDA supports the intent of this bill, specifically the identification of barriers impacting environmental justice communities and permit holders when trying to access and enjoy public lands. We value the data being requested and would like to work with the Committee to ensure the language is drafted in a way that ensures successful implementation. Additionally, we would like to work with the Committee to ensure the bill accounts for current Agency efforts under Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government."

That concludes my testimony, Chairman. I would be happy to answer any questions you or the other members have for me.

The CHAIRMAN. Thank you.
Now we are going to hear from Mr. Mark Lambrecht.

**STATEMENT OF MARK LAMBRECHT, ASSISTANT DIRECTOR,
NATIONAL CONSERVATION LANDS AND COMMUNITY PART-
NERSHIPS, BUREAU OF LAND MANAGEMENT; ACCOMPANIED
BY REGINALD CHAPPLE, ACTING ASSISTANT DIRECTOR OF
PARTNERSHIPS AND CIVIC ENGAGEMENT, NATIONAL PARK
SERVICE**

Mr. LAMBRECHT. Chairman Manchin, Ranking Member Barrasso, and members of the Committee, my name is Mark Lambrecht. I am Assistant Director for National Conservation Lands for the Bureau of Land Management. It is my privilege to be with you this morning to testify on behalf of S. 3266, the Outdoor Recreation Act; S. 1229, the Simplifying Outdoor Access for Recreation Act; S. 1874, the Recreation Not Red Tape Act; S. 1269, a bill concerning environmental justice and recreation permitting; and S. 3264, the Biking on Long-Distance Trails Act. The BLM supports the overall goals of these bills and looks forward to working with the sponsors and the Committee on them further.

I am also pleased to be accompanied today by Reginald Chapple, Acting Assistant Director of Partnerships and Civic Engagement for the National Park Service, who is available to answer any questions on S. 1616, the Federal Interior Land Media Act; S. 2258, the Parks, Jobs, and Equity Act; S. 2886, the Cape and Antler Preservation Enhancement Act; and S. 2887, the Outdoors for All Act.

Increasing public access to the outdoors for all people and offering opportunities to fully enjoy our nation's public lands, including for communities that have disproportionately less access to nature, is an important priority for Secretary Haaland. Additionally, President Biden's Call to Action in Executive Order 14008, tackling the climate crisis at home and abroad, supports improving access to recreation, revitalizing local economies, creating opportunities for underrepresented communities, and protecting our national treasures. The BLM is one of several land management agencies within the Department offering tremendous outdoor recreation opportunities on our nation's shared public lands. BLM-managed public lands host a remarkable variety of recreational opportunities, and they supported more than 73 million recreational visits last year, an increase of 3 million from 2019.

I will now briefly touch on the bills addressed in my written testimony.

S. 3266 proposes to modernize and improve outdoor recreation on federal lands. The BLM appreciates the sponsor's interests in finding innovative ways to modernize facilities and meet the growing demand for outdoor recreation opportunities.

S. 1229, the SOAR Act, aims to improve the process and reduce the cost of applying for and administering recreation permits and authorizes single joint permits for multi-jurisdictional trips across federal lands. The Department supports efforts to improve the process for recreation permits as we continue to pursue opportunities to facilitate increased recreational access for all Americans, especially underserved communities.

S. 1874 contains substantially similar provisions on recreation permits to those in S. 1229. Additional provisions of S. 1874 address access to public lands for recreation, job opportunities for veterans at federal land management agencies, and establishment of a national recreation area system and a trail management provision. The Department strongly supports expanding opportunities for our military families and veterans, and we look forward to working with the sponsors on other provisions.

S. 1269 requires the Department to submit a report to Congress on the estimated use of recreation permits by recreation service providers serving environmental justice communities. The Department strongly supports the goal of promoting equitable use of public lands by all Americans, especially communities of color, low-income communities, and rural and indigenous communities that have long suffered disproportionate and cumulative harm from air and water pollution and toxic sites.

S. 3264 requires the Department to identify no less than 10 existing long-distance bike trails and 10 areas with potential for future long-distance bike trails. The Department supports the goals of establishing additional opportunities for biking on federal lands.

In conclusion, the BLM appreciates the Committee's effort to promote recreational use of public lands. I appreciate the opportunity to testify today, and I would be happy to answer any questions you may have on the BLM-related bills. Thank you.

[The prepared statement of Mr. Lambrecht follows:]

**Statement of the
U.S. Department of the Interior
Before the
Senate Energy and Natural Resources Committee
on
S. 3266, Outdoor Recreation Act
S. 1229, Simplifying Outdoor Access for Recreation (SOAR) Act
S. 1874, Recreation Not Red Tape Act
S. 1269, Concerning Environmental Justice in Recreation Permitting
S. 3264, Biking on Long-Distance Trails Act
and
S. 1616, Federal Interior Land Media Act
S. 2258, Parks, Jobs, And Equity Act
S. 2886, Cape and Antler Preservation Enhancement Act
S. 2887, Outdoors for All Act**

December 2, 2021

Public Land Recreation Bills

Thank you for the opportunity to provide testimony on S. 3266, the Outdoor Recreation Act; S. 1229, the Simplifying Outdoor Access for Recreation (SOAR) Act; S. 1874, the Recreation Not Red Tape Act; S. 1269, concerning environmental justice in recreation permitting; and S. 3264, the Biking on Long-Distance Trails Act.

S. 3266 proposes to modernize and improve outdoor recreation opportunities and encourage economic growth in rural communities through a variety of provisions. S. 1229 aims to improve the process and reduce the cost of applying for and administering Special Recreation Permits (SRPs) and authorizes single joint SRPs for multi-jurisdictional trips across Federal lands. S. 1874 contains substantially similar provisions to those of S. 1229 regarding SRPs, but also provides for online sales of interagency “America the Beautiful – the National Parks and Federal Recreational Lands” passes and establishes a National Recreation Area System, among other provisions. S. 1269 requires the Secretary of the Interior to submit a report to Congress on the estimated use of SRPs by recreation service providers serving “environmental justice communities.” Finally, S. 3264 requires the identification of long-distance bike trails on Federal lands.

The Department of the Interior (Department) supports the overall goals of these bills, which align with the Secretary’s priorities to build healthy communities and economies, advance environmental justice, and provide safe and equitable access to outdoor recreation opportunities for all Americans. The Department is advancing these priorities as guided by the Great American Outdoors Act; the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Dingell Act); Executive Order (E.O.) 14008, *Tackling the Climate Crisis at Home and Abroad*; and E.O. 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. Given this direction from Congress and the Administration, the Department is actively seeking ways to encourage, facilitate, and improve partnerships with and access for youth, Tribes, and underserved communities to public lands. This includes improving

public health, safety, and climate resiliency at developed recreation sites and areas by updating and modernizing infrastructure, with special consideration to meeting accessibility standards for people with disabilities.

We believe these bills have the potential to address some long-standing challenges, and we look forward to working with the sponsors and the Committee to address a number of technical issues in the measures. We defer to the Department of Agriculture regarding provisions affecting the management of lands administered by the U.S. Forest Service (Forest Service).

Background

Federal land management agencies oversee approximately 640 million surface acres. The Bureau of Land Management (BLM) is responsible for approximately 245 million of those acres while the Forest Service manages another 193 million. Most other Federal land is managed by the U.S. Fish and Wildlife Service (FWS), with over 92 million acres, and the National Park Service (NPS), with approximately 80 million acres. The Bureau of Reclamation (Reclamation) and the Army Corps of Engineers also manage Federal lands used for recreation.

The Department's bureaus contribute to its overall recreation mission and to the Secretary's recreation and equitable access priorities. The National Park System, which preserves some of our most important national treasures, hosts over 300 million visitors every year. The public lands managed by the BLM host a remarkable variety of recreational activities, and BLM lands supported more than 73 million recreational visits last year – an increase of three million from 2019. The National Wildlife Refuge System provides world-renowned places to see iconic wildlife and partake in a variety of outdoor activities, such as hiking, bird-watching, canoeing and hunting. The water projects of Reclamation, which is the largest wholesale water supplier in the nation, are among America's most popular sites for water-based outdoor recreation.

The Federal Lands Recreation and Enhancement Act (FLREA) authorizes the following four Interior Department agencies to collect fees on Federal lands and waters: the BLM, Reclamation, FWS, and NPS. FLREA also provides the Forest Service in the Department of Agriculture authority to collect recreation fees. Revenues collected under FLREA allow the Federal government to implement projects that benefit visitors, such as improving accessibility, maintaining recreation sites, and building informational exhibits. FLREA also authorizes agencies to issue SRPs, which include authorizations for commercial, competitive event, and group recreation uses of the public lands and waters. These permits are issued to manage visitor use, protect recreational and natural resources, and provide for the health and safety of visitors. The BLM administers approximately 4,700 SRPs per year. Other Interior bureaus use different authorities in addition to FLREA to manage recreation and collect associated fees: the FWS issues special use permits; Reclamation issues use authorizations; and NPS issues commercial use authorizations (CUAs) and special use permits.

S. 3266, Outdoor Recreation Act

S. 3266 proposes to modernize and improve outdoor recreation on Federal lands by addressing permitting processes, land management planning, broadband connectivity at recreation sites, visitation data analysis, travel management, and public-private partnerships to renovate campgrounds on Federal lands, among other provisions.

Title I

Title I of S. 3266 aims to increase outdoor recreation opportunities by directing a study on permitting challenges that hinder youth groups' ability to access and recreate on Federal land and easing permit requirements for outfitters and guides serving fewer than 40 clients at picnic areas. Title I also outlines additional requirements for the BLM and Forest Service land use planning process by requiring recreation resource inventories and consideration of future recreation needs in developing land use plans. Finally, Title I requires at least one designated shooting range to be established in each National Forest and BLM district.

Regarding designated shooting ranges in Section 104 of the bill, the BLM notes that it currently manages only six designated shooting ranges, with plans to open four more in BLM Arizona's Phoenix District in the near future. To determine whether to establish such ranges, the BLM works with the local communities to assess the demand and viability. While the BLM recognizes the sponsors' interest in increasing access to designated shooting ranges, we note that significant resources are required to develop and maintain shooting ranges, including removal of lead ammunition, clean-up of hazardous materials, and berm management. The BLM further notes that, given the many uses of the public lands that compete for resources, it would be challenging to manage such a large number of designated shooting ranges, as envisioned in the bill, without the ability to charge a user fee, which the bill currently prohibits. Finally, the BLM notes that over 99 percent of public lands are open to recreational shooting and the BLM works with local communities and our partners to provide access for these opportunities. Currently, there are over 20 shooting ranges on public lands that are administered by non-Federal entities through a Recreational & Public Purpose (R&PP) Act lease, and over 50 shooting ranges that have been patented and conveyed under the R&PP Act.

Title II

Title II of the bill seeks to modernize and improve recreation on public land by requiring the Department and the Forest Service to publish a list of high priority Federal recreation sites that lack broadband access and estimate the cost of facilitating that access. The bill directs the Department and the Forest Service to partner with the Department of Agriculture's Rural Utilities Service to construct broadband infrastructure at recreation sites. Title II also establishes a competitive grant program to enable non-Federal partners to help with inspection and decontamination of watercraft at reservoirs managed by the Department to prevent the introduction and spread of aquatic invasive species.

Title II requires collection and publication of real-time visitation data on a single interagency system and directs the Forest Service and BLM to prioritize completion of travel management plans. Section 204 of Title II requires the BLM to develop a ground transportation linear feature or motor vehicle and over-snow vehicle use map for each BLM district in a GIS-compliant format within five years of enactment. The bill also requires the BLM to update any travel management plan that is fifteen years or older.

The BLM recognizes how important visitation data is to enhancing recreational opportunities and experiences for visitors while protecting natural and cultural resources. Most recreational opportunities on BLM-managed public lands are not directly tied to developed sites and

facilities. Due to the dispersed nature of these recreational activities, it would be challenging for the BLM to provide the real-time, site-specific visitation data required by the bill, and thus we are concerned that the provision could not be implemented as currently drafted. The Department would like to work with the Committee and bill sponsors to address technical issues in order to achieve the sponsors' goals.

Additionally, to date, the BLM has incorporated 90,000 miles of roads and trail routes into its transportation system through completion of 153 travel plans, but there are an estimated 400,000 miles of routes remaining that would need to be inventoried, evaluated, and incorporated into the transportation system as appropriate. Given the sheer volume of roads and trails on BLM lands and the process required to complete each travel plan, it may not be feasible to obtain the required road and trail information for the linear feature within five years of enactment. The BLM further recognizes that it must balance the need for public access with protecting natural and cultural resources through upholding the long-standing minimization criteria for travel management planning when designating travel and trail routes.

Title III

Title III seeks to encourage economic growth by providing for financial and technical assistance to develop visitation infrastructure in rural communities adjacent to recreation destinations. Specifically, Title III directs the Department and the Forest Service to explore extending recreation shoulder season opportunities and establishes a pilot program for public-private partnership agreements to modernize campgrounds on Forest Service and BLM-managed lands. In addition, Section 304 of the bill requires the BLM to enter into at least 1 public-private partnership agreement to modernize campgrounds in no fewer than 5 states in which the BLM administers public lands.

The BLM appreciates the sponsors' interest in finding innovative ways to modernize recreation facilities and meet the growing demand for outdoor recreation opportunities. The BLM notes that it does not currently have the authority to enter into concessions agreements, and the pilot program established in section 304 gives the BLM a similar authority for modernizing campgrounds covered by the pilot program. Finally, section 304 only allows the Secretaries to enter into agreements for modernizing campgrounds with private entities. Since the BLM currently engages with non-profit groups and local, state, and Tribal governments to cooperatively manage sites, the BLM recommends that the sponsors consider expanding this pilot program to include those entities, as they may also benefit from participating.

S. 1229, SOAR Act

S. 1229 authorizes single joint SRPs for multi-jurisdictional trips across Federal lands and makes various amendments to FLREA aimed at improving the process and reducing the cost of applying for and administering SRPs.

Single Joint SRPs for Multi-Jurisdictional Trips

Section 7 of S. 1229 authorizes agencies to issue single joint SRPs for trips crossing jurisdictional boundaries of more than one Federal land managing agency. When a single joint SRP for a multi-jurisdictional trip is proposed, the bill authorizes each of the land management

agencies to identify a lead agency for the SRP. This designation is determined by the relative length of the portions of the proposed trip, the land use designations of the areas to be accessed during the trip, the relative ability of each agency to properly administer the single joint SRP, and any other considerations. Under the bill, the agencies would not be permitted to recover the costs of this coordination. S. 1229 also authorizes agencies to delegate their respective enforcement authorities to the designated lead agency.

The Department supports efforts to improve the permitting process for trips that cross jurisdictional boundaries and would like to continue to work with the sponsors on certain modifications. For example, the Department supports delegating enforcement authorities among agencies, but would like to ensure these delegations conform with the statutory authorities for each agency. In addition, the Department would like some clarity on how an environmental analysis would be handled by the identified lead agency to ensure compliance with standards for other agencies. Specifically, the Department is concerned that the use of categorical exclusions authorized by the lead agency and applied to a single joint SRP for a multi-jurisdictional trip could result in conflicts with another agency's established National Environmental Policy Act (NEPA) processes.

Although the Department appreciates the bill's option for agencies to withdraw from single joint SRPs, the Department feels the requirements to issue substantially similar permits with no new application may cause processing issues and other limitations that could impact the timeliness of the permitting process. If an agency needs to withdraw from a single joint SRP, presumably it is because the agency needs to issue a permit under terms different from the single joint SRP, whether due to differing management concerns or other circumstances. Lastly, the Department would like to continue to work with the sponsors to determine appropriate cost recovery options.

Alignment of Permitting Authorities & Fees

Section 3 of S. 1229 defines each land management agency's recreation permitting instruments as SRPs under FLREA and lays out a formula for the fees associated with SRPs, including alternative fees. NPS is excluded from these fee-setting provisions in the bill; however, the Department is concerned that these provisions, coupled with the limited cost-recovery provided in the bill, would severely limit the NPS's ability to fund the program.

The Department generally supports expanding FLREA to coordinate recreation permitting across agencies. However, the Department believes the bill, as currently written, could create conflicts with existing statutory authorities. For example, the NPS issues CUAs (for activities included in the definition of SRPs under the bill) under the authority of the National Park Service Concessions Management Improvement Act of 1998, not under FLREA. Additionally, the NPS issues special use permits and recovers associated costs under 54 U.S.C. 103104 for many of the activities that would be permitted under SRPs. The Department would like to continue to work with the sponsors and Committee on modifications to these provisions.

Expedited Permitting

S. 1229 provides authority for agencies to improve recreation permitting processes. This includes the expanded use of categorical exclusions, programmatic NEPA, and expedited rulemaking. The bill also directs agencies to make online permit applications available. The Department supports

these efforts as we continue to pursue opportunities to facilitate increased recreational access for all Americans, especially underserved communities. The BLM has already taken significant steps to develop online access to recreation information and permits, most recently through its launch of the pilot Recreation and Permit Tracking Online Reporting (RAPTOR) system. RAPTOR allows users to apply for and renew SRPs online. The BLM piloted RAPTOR in seven field offices during fiscal year 2021, and successfully issued 38 permits through the system. An additional 17 field offices will be added to the RAPTOR pilot in 2022.

S. 1229 authorizes permittees to voluntarily return unused service days to be available for other permittees. The bill also authorizes use of temporary SRPs and conversion of temporary permits to long-term permits. In addition, the bill includes provisions directing agencies to establish a permit administration protocol to automatically authorize permittees to engage in activities substantially similar to those for which they have a permit. The Department supports efforts to simplify the permitting process for applicants.

Permit Notifications

Section 6 of S. 1229 requires agencies to make notifications of permit opportunities available online. The Department supports these efforts and would welcome the opportunity to work further with the sponsors and the Committee on necessary modifications to these provisions. For example, the Department is concerned that providing notification of all potential recreation permit opportunities could result in a speculative market for the most profitable ones. Additionally, recreation activities are generally proposed by the public, and bureaus then determine whether they require permits under Federal land management laws and regulations.

Liability & Cost Recovery

Section 9 of S. 1229 determines the terms under which agencies require permittees to waive the liability of the United States for permitted recreation activities. Section 10 also requires agencies to amend the cost recovery process for issuing and renewing SRPs. This section would exempt the first 50 hours of work from cost recovery in issuing and monitoring these permits. Under the bill, the exemption would be applied to multiple permit applications for similar services in the same area. The agencies would be required to determine the share of the aggregate amount to be allocated to each application on an equal or prorated basis. While the Department supports the goal of simplifying processes when they are overly burdensome, we would like to continue to work with the sponsors and the Committee to determine appropriate cost recovery options for the agencies. For example, limiting full cost recovery on larger, more complex applications could unintentionally prevent the effective administration of all SRPs.

S. 1874. Recreation Not Red Tape Act

Title I of S. 1874 contains substantially similar provisions authorizing single joint SRPs for multi-jurisdictional trips across Federal lands to the language in S. 1229 discussed above. Like S. 1229, Title I of S. 1874 also makes various amendments to FLREA aimed at improving the process and reducing the cost of applying for and administering SRPs. Titles II through IV of S. 1874 address access to public lands for recreation, job opportunities for veterans at Federal land management agencies, and establishment of a National Recreation Area System and interagency trail management program, among other provisions.

Title I

Title I of S. 1874 contains two sections that are not included in S. 1229. Sections 111 and 112 of S. 1874 encourage the agencies to work with states to allow a purchaser to buy a Federal recreation pass and state recreation pass in the same transaction and requires the Secretaries to sell the Federal America the Beautiful passes through the website of each Federal land management agency. The Department supports improvements in the retail of recreation passes for the recreating public and would like to work with the sponsors to ensure the Department has the ability to perform revenue transfers across multiple entities. We note the Federal America the Beautiful passes are currently available online through the USGS Store, including the free Annual Military Pass for Gold Star Families and Veterans. Further, since Veteran's Day 2020, Gold Star Families and U.S. military veterans are eligible to receive free access to more than 2,000 Federal recreation areas, including national parks, wildlife refuges, and forests. The free access program is a way to thank America's veterans, Gold Star Families, and current military and their dependents for their support of our country and to encourage them to explore recreational opportunities on their public lands and waters.

Title II

Title II of S. 1874 directs agencies to work with branches of the military to improve veterans' and service members' opportunities to engage in outdoor recreation, and to hire veterans at Federal land management agencies. The Department is working diligently to expand recreation access for our military families and veterans, and strongly supports these provisions.

Titles III & IV

Title III establishes a National Recreation Area System composed of existing Forest Service and BLM National Recreation Areas and any future areas designated by Congress. It includes provisions to protect valid existing rights within the National Recreation Areas, as well as livestock grazing units, state and Tribal jurisdiction over fish and wildlife, water rights, and ski area land. Further, the title requires agencies to develop comprehensive management plans associated with each National Recreation Area. Title III also directs agencies to develop appropriate recreation performance metrics for evaluating public land managers and adds recreation to the missions of other Federal agencies. Title IV promotes the use of volunteers to support the stewardship of public lands and directs agencies to establish an interagency trail management plan.

The Department appreciates these efforts to highlight and support the incredible recreation values of our public lands and generally supports the goals of these provisions. We would like to work with the Committee and bill sponsors to ensure the necessary capacity is available and strategically placed to address the associated workload to achieve the bill's intent.

S. 1269, Concerning Environmental Justice in Recreation Permitting

S. 1269 requires the Department to prepare a report to Congress on the use of SRPs by recreation service providers serving environmental justice communities. The bill defines environmental justice communities as communities "with significant representation of communities of color, low-income communities, or Tribal and indigenous communities, that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects than other communities."

The bill requires the report to include estimated use of SRPs by recreation service providers serving environmental justice communities, and policies and barriers affecting their access. The report may also include illustrative case studies on effective use of SRPs to provide public land access for these providers, as well as recommendations for agency policy or Congressional action to encourage and simplify public land access for them. The bill does not require recreation service providers to participate in the Department's information gathering for the report, and the Department is prohibited from requiring SRP applicants or holders to provide any information to the Department for the report as a condition of a permit.

The Department strongly supports the goal of promoting equitable use of public lands by all Americans, especially communities of color, low-income communities, and rural and indigenous communities that have long suffered disproportionate and cumulative harm from air pollution, water pollution, and toxic sites. As directed by E.O. 14008, the Department is committed to making environmental justice part of its mission by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities.

Finally, we would appreciate the opportunity to work with the sponsors and the Committee to ensure the Department is able to obtain sufficient information to complete the report within the three-year deadline, as well as ensure that all applicable agencies that issue SRPs are covered by the legislation.

S. 3264, Biking on Long-Distance Trails Act

S. 3264 requires the Secretary of the Interior and Secretary of Agriculture to identify no less than 10 existing long-distance bike trails and 10 areas presenting an opportunity to develop or complete long-distance bike trails. The long-distance trails would cross no less than 80 miles of lands managed by the Department of the Interior and National Forest System Lands to provide opportunities for mountain biking, road biking, touring, and gravel biking. S. 3264 directs the long-distance trails to be consistent with the management requirements of the Federal lands crossed and requires coordination with stakeholders to evaluate resources and feasibility. Further, Federal agencies may publish maps, install signage, and issue promotional materials for any identified long-distance bike trails under the bill. Lastly, S. 3264 requires the Secretaries, in partnership with interested organizations, to prepare and publish a report listing the trails within two years.

The Department supports the goals of establishing additional opportunities for bicycling on Federal lands. The diverse lands managed by the various agencies of the Department provide tremendous opportunities for cycling. The BLM, for example, has a longstanding partnership with external organizations to provide information, GPS trail maps, and interactive virtual tours for mountain biking on public lands, and promotes the "Top 20 Mountain Biking Opportunities" on BLM-managed lands.

We would also welcome the opportunity to work with the sponsor and the Committee on some of the bill's provisions. For example, we would like clarification regarding each Secretary's responsibilities toward achieving the number of identified areas conducive to long-distance bike trails and opportunities for developing trails. Additionally, the Department notes that some of the

best opportunities for developing long-distance bike trail routes could likely traverse non-Federal lands, and we would like to work with the sponsor to allow for the inclusion of non-Federal land segments in the trails. We would also like to ensure sufficient time and resources are provided in the bill for stakeholder outreach, coordination of public input on the feasibility of the trails, completing environmental analyses and any changes to local land use plans – as well as for managing and maintaining the trails upon their establishment. Finally, the Department would like to discuss further with the sponsor how to best define the intended use of these trail segments, including how uses such as electric bicycles would affect that use and the management of other uses, such as hiking, or off-highway vehicles, as appropriate.

Additional Bills

In addition to providing testimony on these public land recreation bills, the Department also provides testimony today on S. 1616, the Federal Interior Land Media Act; S. 2258, the Parks, Jobs, And Equity Act; S. 2887, the Outdoors for All Act; and S. 2886, the Cape and Antler Preservation Enhancement Act.

S. 1616, Federal Interior Land Media Act

S. 1616, the Federal Interior Land Media Act, would provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including digital or analog video and digital or analog audio recording activities, conducted on land under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior.

In litigation pending before the U.S. Court of Appeals for the D.C. Circuit, *Price v. Garland*, No. 21-5073 (D.C. Cir.), a federal district court ruled that aspects of the existing commercial filming statute for the National Park Service violates the First Amendment. Judicial resolution of this pending litigation would inform whether and how Congress may choose to legislate in this area. The Department would like to work with the committee and bill sponsor on this issue once a decision is rendered in the case to consider legislative or other approaches to balance the interests and rights of those engaged in filming with the government's interest in protecting lands and resources.

S. 2258, Parks, Jobs, & Equity Act and S. 2887, the Outdoors for All Act

The Department is committed to ensuring that the public has access to the great outdoors, and developing parks for this goal, particularly in underserved and economically disadvantaged areas lacking in outdoor recreation opportunities. The NPS currently supports this goal by implementing the Outdoor Recreation Legacy Partnership (ORLP) program to assist the acquisition and development of outdoor recreation in urban areas that lack such resources with 50:50 matching Land and Water Conservation Fund (LWCF) grants as well as by jointly administering the LWCF State and Local Assistance program, which provides grants to states based on a legislated formula. The Great American Outdoors Act, which became law in 2020, permanently appropriated funds for these programs.

The Department supports the intent of both S. 2887 and S. 2258 to further this goal by legislating grant programs targeted to developing parks in underserved and economically disadvantaged areas. S. 2887, the Outdoors for All Act, would establish an outdoor recreation legacy partnership program under which the Secretary may award grants to eligible entities for

prioritized projects that would serve qualifying areas, similar to the ORLP program. S. 2258, the Parks, Jobs, and Equity Act, would authorize a one-time grant program of \$500 million with the intent to support park development and the delivery of recreation services to help create and preserve jobs while providing economic stimulus. This grant program would provide funds based on a mandated formula, rather than a competitive process, the funds would not be subject to a matching grant or other requirements of the ORLP program regarding land protections and accountability.

The Department would like to work with the committee and sponsors on amendments that would more closely align S. 2887 and S. 2258 with the goals and structure of the current, successful ORLP Program.

S. 2886, Cape & Antler Preservation Enhancement Act

S. 2886, the Cape and Antler Preservation Enhancement Act, would amend title 54, United States Code, to authorize the donation and distribution of capes, horns, and antlers from wildlife management activities carried out on National Park System land. It also authorizes the Secretary to give priority consideration in the donation and distribution of these items to qualified volunteers that participate in wildlife management activities.

The Department opposes S. 2886 unless amended as follows. The Department recommends amending the language of S. 2886 to state that all portions of animals removed from NPS-managed lands, rather than only meat, capes, horns, and antlers, may be donated to outside entities including, but not limited to, food banks, Indian Tribes, and qualified volunteers. This will allow the NPS to utilize the carcass of removed animals to the greatest extent and will allow for scientific study or natural degradation of the carcass if these practices are deemed the most important endpoint for the animal.

Additionally, the Department recommends striking the language that prioritizes qualified volunteers to receive meat and parts of animals removed as a result of management activities. Lethal removal is different from hunting and this language limits the ability to use the animal to fulfill the highest need(s). By striking this section it allows the NPS to determine the highest and best use of these carcasses whether it be donation to Tribes, food banks, or volunteers, and it allows for scientific research when warranted. If this language remains, it may compromise the ability to work productively with Tribes and local communities to meet nutritional and cultural needs, as well as impair the ability to manage wildlife resources with best available science and management actions.

Conclusion

The Department strongly supports efforts to promote equitable access to outdoor recreational opportunities on our nation's public lands, and we look forward to working further with the sponsors and the Committee on these important issues.

The CHAIRMAN. Thank you, sir, I appreciate it.
Now we have Ms. Turner.

**STATEMENT OF JESSICA (WAHL) TURNER, PRESIDENT,
OUTDOOR RECREATION ROUNDTABLE**

Ms. TURNER. Chairman Manchin, Ranking Member Barrasso, and members of the Committee, on behalf of the outdoor recreation business community I want to thank you for this hearing on impactful bills that support outdoor recreation for all Americans and the businesses and communities that rely on a strong outdoor recreation economy.

The Outdoor Recreation Roundtable (ORR) is the nation's leading coalition of outdoor recreation associations, now totaling 35 national associations, representing over 110,000 American outdoor businesses that cover the full spectrum of recreation activities. Prior to the pandemic, at a time of unprecedented economic growth, we were growing faster than the economy as a whole in every indicator, generating \$788 billion in economic activity and 5.2 million jobs. This day is a long time coming, as recreation has grown in popularity and importance, especially over the past few years, not just as an economic driver in all corners of the country, but as a mechanism for mental, physical, and societal health.

However, even with record-breaking sales and participation across the activity spectrum, there are challenges to consider. How do we manage for more visitors while ensuring the quality of the experience and the health of our public lands and waters? Our sector lost billions in revenue due to canceled trips and travel from domestic and international visitors over the past year. How do we support small businesses and rural communities still suffering from these COVID-19 losses? How do we ensure communities have the assistance they need to support sustainable outdoor recreation while also advancing equitable access, from the backcountry to the backyard? Swift passage of the bills being discussed today will drive pragmatic solutions to these challenges forward by updating our recreation policies for 21st century demands. All of the bills, and particularly the following provisions, will allow our industry to excel at what we do best—support healthy people, healthy places, healthy communities, and healthy economies.

The SOAR Act will streamline the permitting process for guides and outfitters, nonprofits, and educational institutions. These entities have been burdened for years by a complex, costly, and duplicative permitting system that too often does not authorize new permits, new activities, account for changes in visitor behavior or the growing impacts of climate change, closures due to flood, droughts, and wildfire.

The Recreation Not Red Tape Act adds tools to the federal agencies' toolbox to improve and modernize recreation assets and management across the board. Its important provisions include establishing online payments for passes, engaging the private sector in stewardship, strengthening interagency coordination, and encouraging land managers to account for recreation in their planning efforts.

The Outdoor Recreation Act unlocks private funding for recreation partnerships. It also supports gateway communities with new

training programs and technical assistance to plan for sustainable economies and enhance recreation opportunities in shoulder seasons. Importantly, the Outdoor Recreation Act also improves visitor data collection and utilization by establishing a uniform system for accurate, real-time data across all of the agencies. This would allow the public to make informed decisions about the type of experience they want to have. They would know if an entrance to a park was at capacity before they got to the site and where else they could go for a similar amenity or experience. Land managers would also have more data to manage resources and direct funding appropriately.

As we look at the overcrowding of some sites, we must also recognize that last year, as travel was restricted and residents were encouraged to stay close to home, more than 100 million people were not within 10 minutes of a green space or a park. With more people heading outside, more equitable access and infrastructure is needed. We appreciate the consideration of the Outdoors for All Act; the Park, Jobs, and Equity Act; and the Environmental Justice in Recreation Permitting Act, so everyone can reap the benefits of time spent outside.

There has never been a better time to consider a first-ever recreation package combining the critical policy management provisions before us today and others, like SHRED (Ski Hill Resources for Economic Development Act) and MAPLand (Modernizing Access to Public Land Act), to truly harness the surge in outdoor recreation. Through these important policy updates, we can help Americans get outside in their communities or on iconic lands while protecting our natural resources and revitalizing not just our economy, but also our collective spirit. Thank you for holding this important hearing, and please consider ORR and our many member partners in advancing these bills through the legislative process. This would truly be a legacy achievement for the Committee and the American public. Thank you.

[The prepared statement of Ms. Turner follows:]

Jessica (Wahl) Turner
President, Outdoor Recreation Roundtable

Energy and Natural Resources Committee

Thursday, December 2, 2021; 10:00am; Dirksen Senate Office Building 366

Dear Chairman Manchin, Ranking Member Barrasso and Members of the Committee:

First and foremost, on behalf of the outdoor recreation business community, thank you for today's hearing on impactful bills that support outdoor recreation for all Americans and the businesses and communities that rely on a strong outdoor recreation economy. The Outdoor Recreation Roundtable (ORR) is the nation's leading coalition of outdoor recreation entities – now totaling 35 national association members representing more than 110,000 American outdoor businesses and the full spectrum of outdoor activities. Prior to the pandemic, our sector generated \$788 billion annually in economic output, comprised 2.2 percent of the United States GDP and 5.2 million jobs. At a time of unprecedented economic growth, we were growing faster than the economy in every indicator, surpassing other key sectors such as extractive industries, agriculture and computer and electronic products.

This day is a long time coming. Over the past few years, outdoor recreation has seen tremendous growth in popularity and importance. It is not just an economic driver, but also a mechanism for mental, physical, and societal health. Over the past year and a half, as Americans sought safe, family-friendly experiences, a newfound appreciation for the outdoors emerged. Sixty-five percent of all Americans looked for outdoor recreation opportunities during the pandemic. This unprecedented participation growth has skyrocketed demand in outdoor gear, apparel, vehicles, equipment, and experiences across the recreation activity spectrum. Despite these record-breaking sales in some segments, there are growing challenges to consider. How do we manage for more visitors while ensuring quality outdoor recreation experiences and the health of our public lands and waters? How do we support businesses who were impacted by canceled trips/travel or closures as a result of COVID-19 mitigation efforts? How do we make sure communities have the assistance they need to support sustainable recreation while advancing equitable access to front-country and backcountry outdoor recreation?

The bills being discussed today answer these questions by driving pragmatic solutions forward that facilitate more people getting outside, while protecting our natural resources now and for generations to come. Led by the Outdoor Recreation Roundtable, the outdoor business and user community has been calling on Congress to enact legacy legislation for our great outdoors by passing a first-of-its-kind Outdoor Recreation Package. Now is the time to update management policies and plans for 21st century recreation demands and provide opportunities for Americans in every corner of the U.S. to benefit from time spent outside. These bipartisan and bicameral bills don't cost taxpayers money and make common sense reforms that will improve land and water management, helping people enjoy the outdoors in their own communities and at iconic destinations across the country. Passage of the **Outdoor Recreation Act, Simplifying Outdoor Access for Recreation (SOAR) Act, and the Recreation Not Red Tape (RNR) Act**, among the other pragmatic outdoor recreation bills being discussed today, will allow our industry to excel at what we do best: support healthy people, places, communities, and economies.

Jessica (Wahl) Turner
President, Outdoor Recreation Roundtable

We've seen these types of packages for other industry sectors of similar or even smaller size, and it's time the outdoor recreation industry receives the same recognition and focus. **These important bills do so much for this growing sector, and the millions of Americans seeking outdoor experiences now and for generations to come.**

Supporting the Outdoor Recreation Industry and Americans Recovering from COVID-19

Even with Americans prioritizing time outside like never before, our industry has suffered from months of closures (state and national lands and waters, manufacturing, retail stores, campgrounds, marinas, hospitality, ski resorts, guides and outfitters, etc.), supply chain disruptions, workforce shortages, and necessary efforts to mitigate the spread of the coronavirus. Our sector lost billions of dollars in revenue due to canceled trips and travel from domestic and international visitors, which impacted thousands of small outdoor businesses and the gateway communities that rely on them, many of which are in rural areas.

Among the standout statistics from 2020's economic impact study from the Bureau of Economic Analysis was a 35 percent decline in trips and travel and 62 percent decline in outdoor recreation-related transportation and warehousing. According to the U.S. Census Bureau, 75 percent of small businesses in the category that includes outdoor recreation reported large and negative effects in 2020. Overall, our sector was hit 31 percent harder than the national average, making our industry the second most affected sector in the country behind food and accommodation. We are optimistic about continued positive trends in sales and participation and fortunately today's bills take great strides in repairing this damage and bolstering our sector.

The SOAR Act will help streamline the permitting process on public land in order to provide significant improvements for guides and outfitters, nonprofits, and education institutions that have been burdened by a complex, costly, and duplicative permitting process that too often does not authorize new permits. Additionally, updating this antiquated system will provide targeted relief to small businesses suffering greatly from COVID-19 and in need of additional assistance due to record wildfires and drought affecting much of the country.

The Recreation Not Red Tape Act adds onto SOAR's benefits with important provisions like establishing online payment processing for certain federal passes and fees, enabling Americans to plan their visits from the comfort of home. It also engages the private sector in volunteer opportunities to efficiently address stewardship, which eliminates unnecessary duplication through inter-agency coordination, encourages land managers to account for outdoor recreation in planning efforts, and enhances outdoor recreation opportunities in shoulder seasons, among other necessary proposals.

Addressing Visitation Increases and Overcrowding

We have seen the stories about overcrowding on our national parks and forests. Metro areas have also experienced significant increases in park visitation, ranging anywhere from six to 145 percent.¹ Stats like this paint a clear picture of what Americans value during challenging times,

¹ Detecting Change in Human Mobility in Parks; Conservation Innovation Center, Chesapeake Conservancy; Google COVID-19 Mobility Report

Jessica (Wahl) Turner
President, Outdoor Recreation Roundtable

like the benefits of time spent in nature, and there is no better place than in a park, on a river, in a boat, on skis, camping in an RV, on an ATV or on a bike. With this exciting and unprecedented interest in outdoor recreation, we must also actively consider ways to ensure the health of our natural resources. After all, our industry is only as healthy as the lands and waters that serve as the backbone of our recreation economy.

The Outdoor Recreation Act, introduced by Chairman Manchin and Ranking Member Barrasso, includes impactful provisions to ensure that participation in public lands and waters is enduring. One provision we are particularly excited about improves data collection and utilization by establishing a single visitation data management and modeling system to provide accurate, real-time visitation data at outdoor recreation locations. Federal land and water management agencies have historically conducted surveys to measure outdoor recreation visitation specific to their individual agency, which unfortunately cannot be assessed across agencies as the models, timelines and analysis are all unique. Agencies have also broken-down outdoor recreation on their lands into specific categories, but these categories are not standardized across the agencies and oftentimes don't account for all forms of outdoor recreation.

Because of this, a gap exists in understanding the economic impacts and jobs supported by outdoor recreation, as well as the overall picture of outdoor recreation activities occurring on our shared lands and waters. This has been especially difficult for management during the pandemic, where we've wanted as many Americans as possible to enjoy time outside but haven't had an accurate depiction of how, when, and where they are recreating. This makes it difficult to maintain resources, a safe capacity, and to know where to disperse users to less-visited sites. Real-time data would allow the visiting public to make decisions on the types of experiences they want to have or know when an entrance/parking lot may be at capacity before they get to the site. This would enable them to make changes in their plans and visit another location with similar outdoor recreation assets or amenities and perhaps a better outdoor experience.

If an alignment existed between the federal agencies on how they surveyed for outdoor recreation and subsequent impacts, federal land managers could confidently determine where restoration is most needed, what wildlife populations should be more closely monitored, and what places we should collectively focus on encouraging more visitation to, as well as connecting with communities to support sustainable engagement. This is critical for future funding and management determinations with many new users hoping to enjoy their recent investments in boats, RVs, tents, and other equipment purchased these past few years.

Growing Outdoor Access and Business Opportunities in Communities Across the Country

This spring, as governors restricted travel and encouraged residents to use their local communities for outdoor recreation, the realization that more than 100 million people are not within ten minutes of a park or green space² became increasingly apparent. Meanwhile, some outdoor recreation sites are underutilized, not accessible or not welcoming for all communities. This necessitates more strategic and thoughtful development of outdoor recreation access and management decisions. As we look at the overcrowding of some federal lands, we must weigh that against the many communities who could not access the outdoors during a time when they

² Trust For Public Land ParkScore Index (May 21, 2020) <https://www.tpl.org/parkscore>

Jessica (Wahl) Turner
President, Outdoor Recreation Roundtable

needed it the most. Looking at park size and density shines a light on the disparities in access to green space. Of 14,000 cities and towns analyzed, parks serving a majority of people of color average half the size while serving five times as many people.³ With more visitors heading outside, more equitable investments in access and infrastructure are needed to ensure all Americans can benefit from the mental and physical health aspects of outdoor recreation. For this reason, we appreciate the consideration of the Outdoors for All Act, Parks, Jobs, and Equity Act and the Environmental Justice in Recreation Permitting Act in today's hearing.

The Outdoor Recreation Act also includes provisions that unlock private funding for partnerships, support rural communities near major outdoor recreation destinations with new entrepreneur and vocational training programs, technical assistance and low-interest business loan programs, as well as increased broadband connectivity on federal public lands and waters to ensure that businesses and the public alike have high-quality internet access.

These provisions and others being shared today help ensure that outdoor recreation assets can support 21st Century demands by adding tools to managers' toolboxes and modernizing systems so our outdoor treasures remain accessible long into the future. All of the provisions included in today's hearing would have wide-ranging positive impacts across a variety of federal agencies, and we hope to see other agencies outside the committee's jurisdiction like the National Oceanic and Atmospheric Administration and the U.S. Army Corps of Engineers included in future legislation. Combining bills like the Outdoor Recreation Act, SOAR, RNR and others like the Ski Hill Resources for Economic Development Act and the Modernizing Access to Public Land Act into a first-ever Recreation Package would truly be a legacy achievement for the committee and the outdoor recreation economy across the country.

To recover from this economic recession, create sustainable jobs and communities, and contribute to overall quality of life in America, swift action is needed on smart policy and management decisions so we can truly harness this surge in outdoor recreation and provide opportunities for improved health and quality of life for generations to come. There has never been a better time to consider a Recreation Package made up of critical management policies like those before us today to ensure the federal government is investing in places and tools that can revitalize not just our economy, but also our collective spirit.

Thank you for holding this important hearing and please consider ORR a partner in supporting the advancement of these bills throughout the legislative process.

Sincerely,



Jessica Wahl
President
Outdoor Recreation Roundtable

³ Trust For Public Land Parkscore Report "Parks and an equitable recovery" (May 27, 2020)

Senator BARRASSO [presiding]. Thank you, Ms. Turner.
Mr. Ferguson.

**STATEMENT OF FRED FERGUSON, VICE PRESIDENT,
PUBLIC AFFAIRS AND COMMUNICATIONS, VISTA OUTDOOR**

Mr. FERGUSON. Good morning Chairman Manchin, Ranking Member Barrasso, and members of the Committee. My name is Fred Ferguson, and I am Vice President of Public Affairs and Communications for Vista Outdoor.

Vista Outdoor is a leading manufacturer and designer of outdoor recreation gear. We are headquartered in Anoka, Minnesota, and employ more than 6,000 people across 16 states and Puerto Rico. We serve our consumers through a portfolio of 38 iconic brands, which include CamelBak, Bell Helmets, Remington ammunition and accessories, and Bushnell Golf, among many others. We are a mission-driven company founded on the belief that when we bring the world outside, we bring it closer together.

In a country that is increasingly divided along political lines, Vista Outdoor is committed to finding common ground for all outdoor enthusiasts, no matter their affiliation or activity of choice. The outdoors is for all Americans. This mindset drives action across our entire business, from our corporate foundation, which recently awarded 10 grants to outdoor non-profits, to our sustainability program, which was recognized by Investor's Business Daily as the third best in the consumer goods category, just behind Nike. We are the largest contributor to conservation through the Pittman-Robertson Act. Since Vista Outdoor was created, we have proudly contributed nearly \$500 million under Pittman-Robertson. And CamelBak, who for decades has been at the forefront of ending single-use plastics in water bottles, is leading an effort to expand water refilling stations on federal lands in the hopes of increasing access to hydration while also reducing waste in our lands and waterways.

The time to invest in the outdoors is now. Millions of people ventured outdoors over the past 20 months. Some reconnected with their favorite pastimes, such as hunting or biking, while others engaged in recreational activity for the first time, including more than 10 million first-time campers. This resurgence in outdoor activity has continued in 2021, and it is incumbent upon leaders in the private and public sectors to maintain the momentum and expand the outdoor infrastructure ecosystem. Vista Outdoor has been leading by example. We have invested more than \$500 million into new businesses. We have launched our foundation, and we have taken care of our employees by expanding benefits while also establishing an employee assistance fund.

The Committee's actions show that Congress is serious about the outdoors as well. The nine bills under consideration advance common-ground goals that we support, including expanded access, greater diversity, and better management of our public lands. We support each of the bills under consideration, and in the interest of time, I will highlight just a few.

We support the Simplifying Outdoor Access for Recreation Act—the SOAR Act. Guides and outfitters are some of the best advocates for public lands, as Senator Heinrich knows, and elevating their

role in our recreation system is well-timed and well-deserved. One provision we have highlighted for Committee staff relates to permits for guided bike trips. In our experience, the new normal for guided trips includes a mix of traditional and e-bike uses. We think final language should reflect this new reality and ensure that traditional bikes and e-bikes operate under a single permit.

We support the Outdoors for All Act and the codification of the Outdoor Recreation Legacy Partnership Program. Enactment of this legislation will have the dual effect of bringing more people outdoors while also breaking down barriers and using the outdoors as a force for change.

We support the FILM Act. We need to recruit and activate the next generation of outdoor recreation champions, and the FILM Act will help us to get there.

We support the Outdoor Recreation Act, and I will discuss two key provisions. First, the gateway community planning provision is needed. National Parks are breaking visitation records, so gateway community planning is becoming an essential part of the visitor experience. Second, we support the provision to authorize the BLM and the Forest Service, in partnership with local stakeholders, to build additional recreational shooting ranges on public lands. Recreational shooting and hunting have grown in popularity during the last 20 months. Expanding range infrastructure will promote safety, minimize dispersed target shooting, and support wildlife conservation funding. Target shooting is the leading contributor to the Pittman-Robertson Trust Fund, so this provision is a sound investment in the future of conservation.

Again, on behalf of Vista Outdoor and the many stakeholders of the \$689 billion outdoor recreation economy, thank you for the opportunity to testify, and for the Committee's focus in getting this outdoor package signed into law.

Thank you, and I yield back.

[The prepared statement of Mr. Ferguson follows:]

**Testimony from Fred C. Ferguson, Vice President, Public Affairs and Communications
Vista Outdoor**

United States Senate Committee on Energy and Natural Resources

Full Committee Legislative Hearing

December 2, 2021

10:00 a.m. ET in room 366 Dirksen Senate Office Building

Introduction

Good morning Chairman Manchin, Ranking Member Barrasso and members of the Committee. My name is Fred Ferguson and I serve as Vice President of Public Affairs and Communications for Vista Outdoor and as the President of our philanthropic arm, the Vista Outdoor Foundation.

Vista Outdoor (NYSE: VSTO) is a leading manufacturer and designer of outdoor recreation gear. We are headquartered in Anoka, Minnesota, and employ more than 6,000 people across 16 states and Puerto Rico. We serve our consumers through a portfolio of 38 iconic brands, which include CamelBak, Bell Helmets, Remington ammunition and accessories and Bushnell Golf, among many others.

We are a mission-driven company founded on the belief that when we bring the world outside, we bring it closer together. In a country that is increasingly divided along political lines, Vista Outdoor is committed to finding common ground for all outdoor enthusiasts, no matter their affiliation or activity of choice. The outdoors is for all Americans. This mindset drives action across our entire business, from our corporate Foundation, which recently awarded 10 grants to outdoor non-profits, to our sustainability program, which was recognized by Investor's Business Daily as the third best in the Consumer Goods category.

We are one of the largest contributors to conservation through the Pittman-Robertson Act. Since Vista Outdoor was created, we have proudly contributed nearly \$500 million to the Federal Aid in Wildlife Restoration Trust Fund. And CamelBak, who for thirty years has been at the forefront of ending single-use plastics in drinkware, is leading an effort to expand water refilling stations on federal lands in hopes of increasing access to hydration while also reducing waste in our public lands and waterways.

Time is Now

The time to invest in the outdoors is now. Millions of people ventured outdoors over the past twenty months. Some reconnected with their favorite pastimes, such as hunting or biking, while others engaged in a recreational activity for the first time, including more than 10 million first time campers¹. This resurgence in outdoor activity has continued in 2021 and isn't expected to slow down anytime soon. With so many new and existing participants venturing outside, it's incumbent upon leaders in the private and public sectors to maintain the pandemic-fueled stoke by adjusting to these changing trends and creating an outdoor ecosystem that is more accessible, diverse and streamlined.

Vista Outdoor has been, and will continue to be, a leader in such efforts. We've invested more than \$500 million to expand our portfolio into new and dynamic categories. We've launched our Foundation, giving us the ability to support the outdoors in new and meaningful ways. And we've taken care of our employees by expanding benefits while also establishing an Employee Assistance Fund to support them in times of unexpected hardship.

The Committee's actions show that Congress is serious about the outdoors as well. The nine bills under consideration advance common goals that we support, including expanded access, greater diversity and better management of our public lands. We commend the Committee for this leadership and foresight in advancing this bipartisan docket of legislation.

Legislative Overview

Our commitment to, and our belief in, promoting outdoor recreation and protecting this country's public lands is why we're here today. We support each of the bills under consideration; and in the interest of time, I will highlight just a few:

SOAR ACT

We support the Simplifying Outdoor Access for Recreation Act (SOAR) Act. This legislation aims to remove duplicative permits and shorten processing times for recreation permits. Guides and outfitters are some of the best advocates for public lands and elevating their role in our recreation system is well timed and well deserved.

One provision we've highlighted for Committee staff relates to permits for guided bike trips. One of our brands is QuietKat, the leader in rugged overlanding electric bikes, or e-bikes. In our experience, the new normal for guided bike trips includes a mix of traditional and e-bike users. We think final language should reflect this new reality and ensure that traditional bikes and e-bikes operate under a single permit.

¹ <https://koa.com/north-american-camping-report/>

Outdoors for All Act

We support the Outdoors for All Act and the codification of the Outdoor Recreation Legacy Partnership Program. Enactment of this legislation will have the dual effect of bringing more people outdoors while also breaking down barriers and using the outdoors as a force for change and equality.

FILM Act

We support the FILM Act. We need to recruit and activate the next generation of outdoor recreation champions, and The FILM Act will help us reach and inspire these future visitors, leaders and champions.

Outdoor Recreation Act

We support the Outdoor Recreation Act. This bill is another example where the outdoors is bringing us together. The list of supporters is diverse and encompasses all sides of the recreation ecosystem. That is not an easy accomplishment and deserves to be recognized.

While we support each of the provisions, two deserve special recognition.

First, the provision directing support for gateway communities was needed pre-pandemic, and is absolutely required now. Rural towns and counties take pride in the recreation assets located in their backyards, but they have limited tools to manage the growth and popularity that they create. With national parks and recreation sites regularly breaking visitation records², gateway community planning is an essential part of the visitor experience.

Second, we support the provision to authorize the BLM and Forest Service, in partnership with local stakeholders, to build additional recreational shooting ranges on public lands. Recreational shooting and hunting have grown in popularity during the last twenty months. Expanding range infrastructure will promote safety, minimize dispersed target shooting and support wildlife conservation funding. Recreational shooting is the leading contributor to the Pittman-Robertson trust fund, so expanded infrastructure is a sound investment in the future of the North American Wildlife Conservation Model.

Closing

Again, on behalf of Vista Outdoor and the many stakeholders of the \$689 billion outdoor recreation industry, I thank you for the opportunity to testify before the Committee. Millions of

² <https://www.wsj.com/articles/national-parks-are-overcrowded-and-closing-their-gates-11623582002>

people connected with the outdoors during the pandemic and interest in the outdoors remains elevated. Our recreation infrastructure needs to expand in-kind so that we can deliver continued, enhanced experiences to these new and diverse outdoor participants. The bills included in today's hearing are a major step forward in meeting this challenge.

I would like to again thank Chairman Manchin, Ranking Member Barrasso, Committee members and your staffs for the tireless commitment and dedication to the outdoors.

Thank you and I would be happy to answer any questions.

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The CHAIRMAN [presiding]. I thank all of you.

We are going to start our questions, and I will start with all of you on this one. In my opening statement, I said that the Commerce Department recently released its analysis of the impacts of outdoor recreation as a whole to the U.S. economy, and every state is impacted by it. But several years ago, the Forest Service specifically analyzed the impacts that its project work and visitation at each national forest has on local economies. The problem? They have not done it since 2016. That is the problem. We do not know where we are. So we are five years down the road and have no idea of the impact, which may be much more enhanced than what we think it is. Can any of you comment to that, and what are your intentions as far as those? Mr. French and Mr. Lambrecht, you have responsibilities for those areas.

Mr. FRENCH. Yes, thank you, Chairman. We are on a five-year cycle to redo those. We do those for every single forest. They are due to be revised within the next six months of this year. It is part of this year's program report.

The CHAIRMAN. Mr. Lambrecht.

Mr. LAMBRECHT. Mr. Chairman, Ranking Member Barrasso—

The CHAIRMAN. You being brand new, you can really kick him in the butt and get it done quicker, maybe.

[Laughter.]

Mr. LAMBRECHT. For the BLM, in 2020, recreation activities provided an estimated impact of \$7.7 billion in economic output and supported 54,000 jobs. So that is the latest data that we have available, and it is something that we are constantly tracking. I appreciate the question.

The CHAIRMAN. Thank you.

Anybody else want to comment on that?

Ms. Turner.

Ms. TURNER. Yes, we definitely appreciate that the agencies have budget restrictions, and a lot of agency funding, especially in the Forest Service, has gone to wildfire; but we do think that there is a better way to have data, especially to understand the full economic impact across all agencies simultaneously, using similar models that come out at the same time of year. I think one of the biggest things is keeping up with the new users. Climbing is one of those activities that is growing. Perhaps after the most recent Olympics, it will grow even more, and right now, the visitor model for the Forest Service does not even account for climbing.

The CHAIRMAN. Do you all share your information or your concerns, and have the agencies been receptive or have they not been receptive?

Ms. TURNER. I think slightly receptive, but I also think it is hard to have interagency coordination on something like this across all agencies and especially since some visitation models vary so much and agencies report out at different times of year. So it would be helpful for Congress to—

The CHAIRMAN. Well, outdoor recreation is changing so much. You would like to see the agencies change to get this input so we could meet the demands of the people.

Mr. Chapple, I think you want to say something.

Mr. CHAPPLE. Yes, sir. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. Why don't you introduce yourself, sir, since—
Mr. CHAPPLE. I am Reginald Chapple. I am the Acting Assistant Director of Partnerships and Civic Engagement for the National Park Service. That includes rivers, trails, outdoor recreation, the Land and Water Conservation Fund.

The CHAIRMAN. Are you responsible for making it more friendly so we can all go and enjoy it and not get thrown out?

Mr. CHAPPLE. Yes, sir, that is why I am here—

The CHAIRMAN. Good.

Mr. CHAPPLE [continuing]. To have that discussion today, indeed. So let me just tell you a little bit about the National Park Service. We do have a social science directorate that actually is engaged in research. We know that \$41 billion in visitor spending happened in 2019, and we are continuing to track that for 2020 and into 2021. We also know that, with regard to the recreation economy, we generated \$21 billion for the GDP and 1.2 million jobs. So we are continuing to work on that in the National Park Service to actually bring those numbers up to date through our natural resource social science directorate.

The CHAIRMAN. Mr. French, this is for you.

Two years ago, the Committee held an oversight hearing on outdoor recreation during which we discussed a problem related to the total number of days outfitters and guides can lead trips on federal land. Specifically, we talked about reallocating unused user days in permits, so they were not wasted. Deputy Chief French, as a follow-up to that discussion after that hearing, I sent you a question for the record, and in your response to that question, you said that the National Forest System currently had the flexibility to reallocate unused days. I see that my colleague Senator Heinrich's bill on the SOAR Act and Senator Wyden's bill on Recreation Not Red Tape still contain the provisions authorizing the Forest Service to reallocate unused visitor days.

Over two years have passed since the hearing. Is this still an outstanding issue? We have not heard back from you.

Mr. FRENCH. No, we have that authority. We have a process in place right now where we go through periodically and do those user reviews and then reallocate those unused days. But we are working with the Committee as this bill goes forward, providing technical assistance.

The CHAIRMAN. What is the time delay? What is the problem? I mean, we have been providing money—you have more money coming in now. Hopefully we are giving you the resources you need. Nobody is coming to work?

Mr. FRENCH. No, I mean, I think on this particular issue, at the end of the day, it's just the sheer volume of work and the number of people we have doing it.

The CHAIRMAN. Well, people are not coming to work.
Senator Barrasso.

Senator BARRASSO. Thanks, Mr. Chairman.

Mr. Ferguson, my bill, the CAPE Act, supports wildlife management activities that can serve important native wildlife and accomplishes this by allowing for the donation of the hides and the horns to the volunteers who help protect our native species, such as the bighorn sheep population that we have in Wyoming. The volunteers

that participate, they invest a lot of hours, their own resources, to help conserve our bighorn sheep population.

Do you agree that allowing the donation of the hide and the horns to these volunteers does help eliminate needless waste and kind of incentivizes participation in this conservation effort?

Mr. FERGUSON. We do, sir. You know, culling in National Park units where hunting is not allowed is a very effective, efficient, and humane mechanism to manage certain species of wildlife. You know, we think the CAPE Act is—as written and as intended—is going to continue to promote the principles of culling and ensure that it is carried out in the way that Congress intended, in the way that we all want culling to move forward.

Senator BARRASSO. Ms. Turner and then also to Mr. Ferguson, you can chime in at the end of this.

Earlier this year, you know, I introduced the FILM Act, had a lot of input from folks in Wyoming, and this is to address the permitting scheme that really makes it harder for the public to record and share their experiences on public lands. So I think the bill is critical to update the laws and the regulations that keep pace with advancements that we have in technology and social media. Do you agree that this is going to greatly improve access and enjoyment of public lands?

Ms. TURNER. Yes, I mean, I think one of the things we are finding is that the first interaction that many young people, especially, are having with the outdoors is through social media and through film, and it is really inspirational for them to go to those places someday or to learn the activities and look into those places. It also goes to a general theme that we are going to hear, hopefully, throughout the morning, which is the needed staff time and resources that it takes to create those unnecessary permits. Those could be going to perhaps some of the other things that we are talking about today. So creating efficiencies and streamlining processes.

Senator BARRASSO. The things that Mr. Chapple mentioned as well. Great, thank you.

Mr. Ferguson, anything else you want to add on that?

Mr. FERGUSON. Yes, I would echo Jessica's comments. We need the next generation of champions, and we want them to touch, see, and feel our public lands, but if through digital media we can inspire them and give, you know, these future champions the motivation and inspiration to take a trip, I think that's a win-win.

Senator BARRASSO. Great.

Mr. French, our Outdoor Recreation Act is going to authorize finance partnerships for recreation projects with the National Forest System, truly, to help nearby communities become more popular recreation destinations. These partnerships would significantly leverage private investments, giving taxpayers a much bigger bang for their buck. My understanding is that the Forest Service has had some early success with partnerships like this. I think Wayne National Forest in Ohio is one. Can you tell a little bit about the success of that project and how this model could be expanded to other projects?

Mr. FRENCH. Yes, you bet. So conservation finance is something that we have been working on for the last few years to help us with

things like watershed restoration, wildland fire risk reduction, and recreation infrastructure. And essentially, we combine the interest of communities, private companies, and ourselves to collaboratively invest in creating something earlier than we could do on our own. On the Baileys Trail project, which is the one on the Wayne National Forest, that is more than 80 miles of trail systems for mountain bikes and other users. It is a multi-user type system. We leveraged nearly \$10 million of investments, matched with federal dollars to create that program. We never would have been able to do it if that hadn't happened, and it is serving the community well and attracting increased tourism.

Senator BARRASSO. Great.

Mr. FERGUSON. And Mr. Barrasso.

Senator BARRASSO. Yes, go ahead.

Mr. FERGUSON. If I could add, you know, as a private company, we have just entered into a partnership with the National Forest Foundation in getting funding to grant projects on national forests for wildlife restoration, habitat restoration, and the like. And so I think, from our perspective, this provision is very attractive and something that we want to learn more about, to be part of the solutions that all of us are talking about here today.

Senator BARRASSO. And Mr. Ferguson, you know, the Outdoor Recreation Act also provides a framework to ensure access to federal lands by increasing opportunities for both motorized and non-motorized access to our roads and our trails.

Can you elaborate on the importance of ensuring both motorized and non-motorized access to our federal lands?

Mr. FERGUSON. Yes, you know, similar to the FILM Act, you know, with all the different users of public lands, the millions of users who have entered the public lands over the last 20 months, the future champions we hope to activate, there are a lot of ways to enjoy the public lands, whether it's mountain biking, hiking, you know, taking a ride on an e-bike, side-by-sides, four-wheeling. There are 660 million acres of federal land, and I think we all can agree that we need to have options and choices for people in how they recreate and how they enjoy these lands.

Senator BARRASSO. Ms. Turner, could I ask you to—

Ms. TURNER. Yes, just—I think it's really important to understand the new consumer. It's not perhaps what—you know, at least what my parents grew up with, where you're a climber, and that's all you do.

Senator BARRASSO. You mean people like our age?

Ms. TURNER. Yes. I wasn't going to say it.

[Laughter.]

Ms. TURNER. Or you ride motorcycles and, you know, you're head-to-toe Harley. Now you're taking your motorcycle to the climbing crag to get through LA traffic quicker. You're taking your kayak on your RV. You're taking your fishing pole on your boat. And so I think the experiential economy—knowing that 74 percent of all Americans want to collect experiences—we just need to update our management system so that it's acknowledging that today I might be on a snowmobile, and tomorrow I might be on skis, and, you know, we need to have land managers and I think policy-

makers, you know, coming together to protect public lands for all activities.

Senator BARRASSO. Thanks. Thanks, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

Mr. French, in your testimony, you said that recreation on National Forest System lands sustains more private-sector jobs than any other Forest Service programs and provides the single largest economic stimulus for many local communities adjacent to or within national forest lands. I want to ask you to dig in a little deeper on that and give us a sense of scale. So there are a number of economic activities on Forest Service lands. We have the timber program, the grazing program—how do these things stack up against each other? What portion of the economic activity that occurs on forest lands today is a result of the outdoor recreation economy, and how does it compare to other sectors?

Mr. FRENCH. It dwarfs other sectors. Here's what I'll do. I can give to you, Senator, and for the whole Committee, the breakdown we do every year on those financial impacts. We also, getting to Senator Manchin's earlier question, look at that every five years on every single national forest and what they produce. But by far, when you look at it, as a comparison, the outdoor recreation and associated uses is the largest single driver. I don't have that percentage in my hand, but it dwarfs almost everything else.

Senator HEINRICH. I am not surprised by that, having worked in the sector myself, but what I have always struggled with is the experience, at least that I had, and hopefully it's changing. Does the Forest Service prioritize outdoor recreation and its economic impacts commensurate with the scale of the contribution to local economies?

Mr. FRENCH. I think so. I'm going to give you a straightforward answer on that. Yes, I think our intent and our internal prioritization of where we want to be to do that is very different from the resources we have to deliver it. And so we have done it through a lot of efficiencies, but I would say that our staffing is—

Senator HEINRICH. Let me ask you this then.

Mr. FRENCH. Yes.

Senator HEINRICH. Do you have the same expectation for cost recovery from those other programs? Look at the grazing program. Does the grazing program actually cover the cost of rangeland management for the Forest Service? Do you apply the same standard of cost recovery to all those programs that you are asking for outdoor recreation, which is actually creating, by far, the largest amount of economic activity in those communities?

Mr. FRENCH. Senator, the answer there is that those fees that we charge for those various other programs—they are bounded by statute, and so they're not—

Senator HEINRICH. So the answer would also be “no.”

Mr. FRENCH. Yes, the answer is “no.”

Senator HEINRICH. Okay.

Mr. FRENCH. But that is not really within the discretion of the agency.

Senator HEINRICH. No, I understand that, but my point is we are not operating on a level playing field. So you are asking much more—because you have the flexibility to do so—you are asking much more from outdoor recreation in terms of cost recovery than you are from any of the other programs.

Mr. FRENCH. In some areas.

Senator HEINRICH. I want to ask Ms. Turner—talk to me a little bit about permit reform. Why is it so important? Why is fixing permitting such a high priority for companies across the spectrum of this economic sector?

Ms. TURNER. I'll try to keep this brief, but I've been working on this for about a decade, and I appreciate all of your work on this, too, and your team's work.

Right now, guides and outfitters—thousands of them across the country—really are sometimes the first entry point for people to get outside. Not only are they creating those experiences, they're creating safe experiences. They're teaching the public how to get out responsibly. They're creating memorable experiences. They're also the partners with these agencies on the ground, every day, on the lands and waters, understanding what's happening there. And permit reform helps streamline the process to eliminate burdens on both the private sector and the public sector. It helps with indemnification. I'm not sure if this is a widely known issue, but right now you can go to a university, a state university, and study forestry, and you can't actually get out on the forest, legally, through permitting, unless we get this indemnification rule passed.

Senator HEINRICH. Because we require indemnification requirements that are actually prohibited by state law?

Ms. TURNER. Correct.

Senator HEINRICH. Yes.

Ms. TURNER. It will create additional capacity. There are more users than ever, and they are more diverse, and they are younger. And a lot of groups want to get out with new affinity groups that just don't have staff dedicated to creating a permit. And so we need to make it easier for everyone to access those. And I'd say last but not least, we are seeing this evolving consumer, where one day you might be a kayak company and the next day you realize you need to have stand-up paddleboards, and you need to go through an entirely new permit process just to add stand-up paddleboards to your kayak fleet. I mean, that is a very, very outdated system, and it's not keeping up with the businesses that need it. It's not keeping up with what the agencies need to do their jobs well.

Senator HEINRICH. Thank you.

The CHAIRMAN. Thank you, Senator.

Now we have Senator Daines.

Senator DAINES. Chairman Manchin, thank you. I want to begin by thanking the Chairman and the Ranking Member for holding this hearing on outdoor recreation. It is a topic of high importance for so many Montanans, including this Montanan sitting up here today.

Outdoor recreation is truly a fundamental part of our Montana economy. In fact, a recent Department of Commerce report found that outdoor recreation accounts for over four percent of Montana's GDP. That is the highest percentage nationally of any state. That

accounts for over 26,000 jobs in Montana. But outdoor recreation is more than just a massive economic driver in Montana. It is also a part of our heritage and our very way of life that we are proud of back home. In fact, 98 percent of Montanans say outdoor recreation is important to their quality of life. I want to talk to those two percent back home that said it was not, but we are at 98 percent. Eighty-seven percent consider themselves outdoor recreation enthusiasts. However, overly complex and bureaucratic permitting processes can make it more difficult to access our public lands and put a burden on our small businesses in Montana.

I want to thank Senator Heinrich for his leadership on the bipartisan SOAR Act, which I am proud to co-sponsor. It aims to streamline the permitting process for outfitters and guides who operate on public lands. Because of Montana's checkerboard land ownership patterns, it is quite common out West that an outfitting trip will often cross into multiple land agencies—sometimes in just one day. Since each federal land agency has a separate permitting process, this means that our guides and outfitters have to go through multiple departments and permitting processes just for one trip. This is duplicative. It is inefficient. It costs our agencies as well as our outfitters' time and resources and can even impact user experience as well as—fundamentally—access.

Mr. Lambrecht and Mr. French, how will establishing a one-stop shop for multi-jurisdictional permits such as these save agency resources and time and enhance recreational access?

We will start with Mr. Lambrecht.

Mr. LAMBRECHT. Thank you, Senator Daines, I really appreciate the question. And I am sure you have talked to a lot of the same outfitters and guides that I have, and so I have a really strong understanding of the challenges that they have, as you mentioned, with the checkerboard of land ownership pattern in western states. You know, the outfitters and guides have to secure permits from a BLM district office or from a Forest Service ranger district, and maybe a state agency, all for one day. The same is true of a river guide where, say on the Gunnison River, you might start in a park service situation and go through BLM or Bureau of Reclamation. So having a one-stop-shop permitting opportunity for a multi-jurisdictional trip certainly makes sense.

If we can establish a lead agency and, you know, work with the sponsor to address certain issues that we might have—different agencies have different NEPA processes, for example. So some of those things need to be ironed out, but we believe we can do it. I think the Bureau of Land Management is ideally situated to facilitate this process because of a new recreation and permitting tracking online reporting system that we have implemented in a pilot process where we now have 38 permits that we have issued that allows a permittee to apply for and receive and pay for a permit all online automatically, and we are able to track that as well.

Senator DAINES. Mr. Lambrecht, thank you. That is exactly what we are hearing as well. So I appreciate your efforts there, too. I want to let Mr. French have a thought on that as well.

Mr. FRENCH. I agree, and I think the biggest beneficiaries here are the permittees themselves, the folks coming to get services

from the Federal Government. Anything we can do to make it more efficient for them, I think, is helpful.

Senator DAINES. Ms. Turner, from the outdoor industry perspective, how would this provision benefit both visitor experience and small businesses in a place like Montana?

Ms. TURNER. Yes, I actually heard from a Montana guide and outfitter this week, outside of Cooke City, who had this exact issue—three different permits for a one-day trip. So three different costs. Three different permit structures, costing the government time and the permittee time. And, you know, what I am thinking about a lot is these guides and outfitters that have suffered greatly from closures during COVID, then COVID mitigation efforts, then severe wildfire, flood, and drought. They need a leg-up right now, more so, you know, maybe than even other segments of our sector, and really improving the permitting system is the leg-up I think these businesses could really use.

Senator DAINES. We are proud of the fact that the onX app was developed in Montana, headquartered in Missoula, Montana, and if those of you who are onX users, sometimes you look at the map—I was out in the backcountry this past weekend—it is multicolored, because you see the BLM ground, you see the national forest ground, you will see the state ground, and you will see private ground and so forth, and I am hoping, despite that there are multiple colors there, we could find a streamlined way, because at the end of the day, when you are on a trip like that, you want to be able to get through efficiently as we cut across these various federal agency pieces of ground.

So thanks, Mr. Chairman.

Senator KING [presiding]. On behalf of the Chairman, Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. Thank you to the Chair and Ranking Member for this important hearing. Thank you also to the panelists that are here today.

Let me talk a little bit about S. 1269, which is the Environmental Justice in Recreation Permitting Act that I introduced. And very briefly, again, it requires DOI and the Department of Agriculture to produce an interagency report regarding the challenges that the current recreational permitting process poses on access to public lands for our communities of color, for low-income communities, and for tribal and indigenous communities. I think this bill is a perfect example of how we can work to address and tear down barriers to people accessing federal lands, along with the permitting challenges that we have. That is why I support and I am a co-sponsor of the SOAR Act as well.

But to the two agencies, let me ask you this—I also understand there are two Executive Orders that were introduced by this Administration, and I appreciate your support for S. 1269. Is there anything else that I need to be aware of, Mr. French or Mr. Lambrecht, with regard to this particular legislation that you have concerns about, or you would like to see some corrections?

Mr. FRENCH. In terms of the legislation, not that I can speak of offhand, other than my written comments. I will say that, under the Executive Orders, we are already seeing things that maybe weren't there before. And I think a report like this will be helpful.

As an example, one of the issues we see is that we, as an agency, don't always advertise when new permit opportunities become available, and they tend to go to the same permittee over and over again. And so that creates a barrier, often, for underserved communities, environmental justice communities, and business owners who are looking for those things and don't even know they exist. And then if you look at some of the things that are being tackled in the other two bills, as we have talked about here, the permitting requirements are complex, and for a new user, that can be a barrier itself. And I think we are uncovering pieces like that, that I think will benefit all users, but will be very, very helpful in a report like this.

Senator CORTEZ MASTO. Thank you.

Mr. LAMBRECHT. Senator Cortez Masto, I appreciate the question. I just wanted to convey to you, the Bureau of Land Management is serious about incorporating the serving of environmental justice communities into our mission and many program areas. One of the challenges that we see and is identified in this legislation is identifying exactly where those environmental justice issues are. I know the Environmental Protection Agency announced this week that it is making some progress to try to map those areas, and that would be helpful information. I think the National Park Service is making great progress on another program that would help us identify some of those communities and how we can increase their participation in our programs and better serve them.

So we have a three-year deadline within the legislation to report back to Congress on progress in this area, and I expect we would be able to accommodate that, but would like to have further discussions with your staff on how we can exactly get you the information that you are looking for.

Senator CORTEZ MASTO. I appreciate that. Thank you.

And so, Ms. Wahl Turner, in your written testimony, you touched on some of the economic hardships that, obviously, the COVID-19 pandemic continues to pose on small outdoor businesses and the gateway communities that rely on our public lands. In Nevada, there are many rural towns that serve as gateway communities. I am wondering if you could please build on your recommendation for a first-of-its-kind outdoor recreation package that we are talking about and how the bills being discussed today can contribute to our recovery efforts as well?

Ms. TURNER. Sure, thank you for the question.

We have had a lot of big packages where recreation legislation is sort of inserted at the last minute, maybe at the end of a session and where things have all come together. As a community, there is enough here to merit its own package. There are so many systems that need reform. There are so many policies that have not been updated. We can kind of live in a space where recreation policy can be bipartisan. It can be bicameral. And we can get it done and have agreement, like we do here today. And, you know, we need it now more than ever as we are seeing this surge of visitation. We are seeing communities that are not prepared for this. We are also seeing communities that are lacking the visitation they usually have. So we kind of have both sides of the coin and then

the tools that the agencies need—the new tools, the updated tools—to be able to help support those communities.

And I appreciate your bill that you introduced as well because a lot of the new user groups that are getting out and new businesses that are popping up might not know to go to the Forest Service district site on page four and look at the bottom on how to start a permit process. And so I think all of this goes into not just helping businesses and local communities, but making sure that everyone has access to these places. And if we're going to move into a 21st century recreation economy, we should do it with everyone at the table.

Senator CORTEZ MASTO. Great, thank you.

Thank you, Mr. Chairman.

Senator KING. On behalf of the Chairman, Senator Marshall.

Senator MARSHALL. Thank you, Chairman.

Our nation is undergoing a mental health crisis. I am as concerned about mental health as I am the COVID crisis. This crisis has been exacerbated by shutdowns. Since I have been in Congress five years, we have thrown, I suppose, \$10 or \$20 billion at the problems. We have telemedicine. We have new drugs, more clinics, and I am not sure we have moved the needle at all. But as a physician, I think getting people to the great outdoors is a better drug than anything I can prescribe. I am especially concerned about our youth and their mental health crisis. This past week I got to teach my grandsons how to shoot a BB gun and ride a go-kart and how to clean a pheasant. And I just saw their eyes get this big, right? And it is being in the outdoors, getting them off of these silly things [the Senator holds up a cellphone] which do not build your brain at all.

And what I would ask the panel to do is, as you look at this legislation, what would be the emphasis on youth that you could build to get youth exposed to it. It is too long of an answer, but maybe you could write down a few issues.

I want to turn the page to conservation for a second. I have always said farmers and ranchers were the original conservationists. Fisherman and hunters were the next conservationists to the table, and the great thing about hunters and fishermen and women is that we put our money where our mouth is. The Pittman-Robertson Act is an 11 percent excise tax from the sale of shotgun shells and shotguns and guns and fishing poles. Fred, do fishing poles get taxed as well? I cannot remember.

Mr. FERGUSON. It is a different type of program, but the same concept, and don't forget archery equipment which—

Senator MARSHALL. Archery—oh my God, I am a big bow hunter, so all those things. We put our money where our mouth is. I had the pleasure of serving on the Wildlife and Parks board for five years, and seeing how that money was used, like you mentioned, gun ranges being more and more appropriate and out there, habitat.

Fred, Vista Outdoor has always been a huge proponent of using that Pittman-Robertson fund. What are some of the great things you have seen done with it?

Mr. FERGUSON. Yes, I think to your point about the youth and how do we make this bill what we want it to be, I think the chal-

lenge for all of us is we're making decisions, and we're creating an outdoor ecosystem for the next 5, 10, 15, 20 years. And so the decisions that are made today, the policies we're discussing, it's going to make a difference for that generation that's coming up, and, in many ways, that's why we're doing it—of course, we just had a huge resurgence of people into the system—but we want to retain those people, we also want them to motivate and inspire their siblings, their kids, and other people they come into contact with to come try it out as well.

And so I think, you know, viewing this process through the lens of decades—not just, you know, the next couple months—is really, really important. I think for Vista Outdoor, one of the driving principles of our company is when we do well, we can do good. And during the last two years, we've been able to create a new corporate foundation. And we're using our dollars to motivate and activate, you know, diverse users of public lands to get kids off screens and into the outdoors. And I mentioned the National Forest Foundation partnership. There's just so much we can do to take the business success we've had and to give it back so that, you know, we can inspire and motivate the next generation.

Senator MARSHALL. Thank you. Thank you so much.

I want to talk about shortages for a second. I went back to a family wedding this weekend, and I had not seen my uncle in over a year. This is my uncle who used to take me hunting and fishing, and he said “Roger . . .” (and I said ‘oh, boy’) “. . . I can't get any primers.” He reloads shotgun shells. He is kind of the semi-pro shooter. There is an issue in the family of who is the better shot—him or me, my brother, my dad—and of course, we know. But he is out of primers. He cannot get primers.

The shotgun shells that I bought last year for \$13 a box are now \$25 a box. You cannot find five or six magnums for a pheasant load. I could find a few—and this is Walmart, a store that has access to everything. Typically, we can buy it by the case. And I could not find any pheasant load this year. What is going on? What is causing the shortages?

Mr. FERGUSON. Yes, sir. So there are a couple of factors at play. You know, one, it's the new users that have entered the shooting sports. So during the last two years, there have been 13 million new, first-time participants in the shooting sports. And, you know, that's a significant number. And one of the things we've noticed is those new users, they're more diverse. Forty percent of those users are women and people of color. They're more active. So the past trends of purchasing to stockpile have gone out the door. People are purchasing to consume. And you have seen things like hunting really rise in popularity. It's socially distanced. People have had more free time. The field-to-table movement is real, driven by, you know, popular culture like the MeatEater podcast and his Netflix show.

You know, there's also been a major change in the market, in that, for much of the 2020 surge, one of the biggest ammunition producers, Remington, was on the sidelines. They had gone through a bankruptcy, and they weren't producing in 2020.

Senator MARSHALL. Why?

Mr. FERGUSON. They had gone through bankruptcy. They had mismanagement and other factors, but our company actually acquired that company—that ammunition facility—out of bankruptcy in October 2020, and we have been ramping up production at that facility. We more than doubled employment. We have done 72,000 hours of worker training. We are standing up a supply chain. And so, you know, the equivalent is to have Charmin not producing toilet paper during the early surges of COVID. That’s the same analogy.

And so now that this facility is back up and running again, you know, we think we’re doing our part to get more supply to meet the demand.

Senator MARSHALL. When can I tell my uncle he will have his primers?

Thank you. I will yield back.

Mr. FERGUSON. Your time has expired.

[Laughter.]

Senator KING. Ms. Turner, I wanted to follow up on something you mentioned. We had a hearing about a month ago on overcrowding in the national parks, and you mention that in your testimony. And you mentioned something very interesting that we talked about that day that I think should be pursued by the National Park Service. And that is the development of an app, a kind of Waze app for the national parks so that a traveler could look and see—“oh, it is going to be pretty crowded this weekend at Yellowstone, maybe I could go to Devils Tower.” Could you elaborate on that a little bit?

Ms. TURNER. Sure, you know, some state park systems across the country are already starting to use this geospatial heatmap tagging. It uses Google data, smartphone data. Obviously, we want to be aware of privacy concerns, but it’s happening. During COVID, you know, at the depths of COVID, when we were all staying home and just running out to the grocery store, you might remember, you would put in your grocery store in Google, and it might say “red, it’s really crowded right now.” And you’d say, “I’m not going to go to the grocery store now. I’m going to go when my app says it’s not going to be crowded.”

Senator KING. So that is a technology that ought to be very useful in this situation.

Ms. TURNER. It’s there. It’s available. I think the private sector can be really helpful in this. And what I experienced during the past year and a half, even with my local state park in Maryland was, I would get to the park, and the parking lot was so full that the gate was closed, but had I known, I could have gone to another state park, but it’s another hour’s drive. So we just need to give visitors the information. I know that the American people want to have a great experience, and, you know, I feel like some of the overcrowding could just be fixed by people understanding what they’re getting into before they get there.

Senator KING. Well, I hope our two witnesses from the Administration will take this back. We have to use the technology to more equitably distribute this surge in visitation, which I think is going to continue for many of the reasons we have heard today.

Mr. CHAPPLE. I can address your concerns there.

We are working on apps within the National Park Service currently, and this past week were called by our Acting Director to actually “think big” with a potential donor that wants to come in and help us to actually create these heatmaps—

Senator KING. Good.

Mr. CHAPPLE [continuing]. And use the geospatial data. And we’re also working across agencies—different types of apps as well. And so I think within the next year you would be pleased to see what we can come up with, but we look forward to actually working with you and any committee on actually pulling this together along with the outdoor recreation industry.

Senator KING. Great. Thank you.

I want to address a second comment to you. Not necessarily the subject of this hearing, but these bills are very important, and I generally support them. We have a real problem with staffing in the National Parks. In 2011, there were 22,000 FTEs at the National Parks. In 2020, 18,000. In other words, staffing is going like this [motioning downward], and then I looked up the visitation numbers. Visitation has gone from 278 million to 327 million. So staffing is like this [motioning downward]. Visitation is like this [motioning upward]. You add those together and it is about a 30 percent gap from where we were in 2011. That is not a subject of authorization here, but it is a subject of appropriation.

Do you agree—and I understand you are subject to the budgetary decisions of the Administration, but we have to do something about staffing levels or all of this that we are talking about—we cannot serve the public adequately if these parks are understaffed.

Mr. CHAPPLE. Thank you for recognizing that, Senator. That is something that our staff feels and that our workforce relevancy and inclusion directorate is actually looking at right now. And so we are looking at it from a data standpoint so that we can actually come back to you and other members of the Senate to actually prove that we are ready and have that need and match it with the ability to actually get more appropriations—

Senator KING. Well, I am concerned that it is going to reach a point where you are going to have burnout, and it is going to exacerbate itself by people just being overstressed by the number of visitors and not being able to adequately serve them. And it could escalate as a problem. If we are going to invite people to the out-of-doors, we have to be able to meet their needs. Otherwise, we are like a restaurant that wants to double its visitation, but not do anything about its staff or its number of tables. We need to add some tables, too. That means park space. But I appreciate your attention to that, and I hope you will emphasize within the Department that we are prepared to help you, but you have to give us the data to do so.

Mr. CHAPPLE. Yes, sir. We will take that back to the Department, for sure.

Senator KING. Thank you. Thank you, Mr. Chairman.

Senator BARRASSO [presiding]. Senator Hickenlooper.

Senator HICKENLOOPER. Yes, thank you, Ranking Member.

What a treat to have you all here. You know, I did eight years as Governor of Colorado before I came out to Washington, and some of the best times there were dealing with the public lands

and outdoor recreation and beginning a whole movement around—a non-partisan movement—around clean air, clean water, and public lands. And I admire so much what each of you are doing. I think back to where we started out—in the western part of Colorado, we had an old utility property that was badly polluted, and we put something on it called Cameo, which was for sporting clays. It is almost like a golf course, except you do not use a golf cart to go around, you have an ATV. But you go to each site to shoot. And it took a few years to get it up, but I was out nine months ago, and it is breathtaking. Right across the street—or the canyon, I guess you would say we have in Palisade—we have the Palisade Plunge, which is a 6,000-foot mountain biking trail that is continually going down. These things attract people from other states and are slowly building a reputation. Governor Herbert was the first—Utah was the first state to have an Office of Outdoor Recreation, but we were proud to be the second. This had a huge impact on our economy. And it is remarkable—if you look at those states that have had strong economies, most of them have very strong outdoor recreation industries and try to make sure that we have companies like Vista Outdoor out there.

Anyway, I want to turn the attention to the more urban setting and the issues around access. And I realize there are access issues with a lot of the public lands, where we need better parking lots and new points of entry. But I am introducing, with Senator Padilla, the Parks, Jobs, and Equity Act, which would help create a federal grant program to make sure that we are able to provide resources to state and local governments to invest in new parks and green spaces to expand that access. One out of three Americans—that includes 28 million kids—do not have access within a half mile to a green space. And, you know, they are denied that opportunity of getting this different type of renewable energy, the energy the people bring back when they have been out exercising or recreating in a green space.

I will start with Mr. French and Mr. Lambrecht and Mr. Chapple. How have we seen an acceleration in this pressure, this lack of access? And do you think it is appropriate that we begin looking at providing resources and let the Federal Government and the public lands movement provide more access to urban areas?

Mr. FRENCH. Thank you, Senator, for the question.

And so there are two things that I would say. One is, you know, our mission is actually much wider than just the management of our national forests and grasslands. So through our state and private programs, we have a number of programs that are focused just on these issues. If you look at our urban forestry program, our urban forestry research programs, or our grant programs that are dedicated to building green spaces in urban communities—and our science is showing us that, you know, for a number of these communities, having those green spaces creates better community wellness, better mental health—and so I think continued investments in those areas are critically important, as well as identifying those barriers of lack of access of communities to their public lands. I think you have to look at both of those in conjunction.

Senator HICKENLOOPER. Right.

Mr. FRENCH. So I'll leave it there.

Senator HICKENLOOPER. Mr. Lambrecht.

Mr. LAMBRECHT. Thank you, Senator Hickenlooper.

You know, we certainly support the goal of your legislation. It is an important one. And, you know, as you understand, the BLM states are a little more rural than many others, but that doesn't mean we don't have opportunities to increase recreational visits from urban areas. I think that is a high priority for us and something that we are keeping track of and looking for opportunities through our programs, such as the Land and Water Conservation Fund or Great American Outdoors Act. But I know Mr. Chapple from the Park Service has some additional details. Some of their programs are even more focused for that purpose.

So with your permission?

Senator HICKENLOOPER. Sure. Mr. Chapple.

Mr. CHAPPLE. Thanks, Mark.

Thank you for this question, Senator. The National Park Service is supportive of the bill that you are putting forward with Senator Padilla. We are successful with our Outdoor Recreation Legacy Partnership (ORLP) program through the Land and Water Conservation Fund. And so we see that there is an opportunity to expand on that through your bill. And what we would like to do is to work with you with the language of the bill to actually bring it into alignment with the way in which we are currently managing the ORLP. And so, and really in that—finding the efficiencies, and the way that your bill can complement the way in which the ORLP program is operated right now. It's central to actually have urban populations, underserved populations, people of color to have access to recreation. And so that rounds out the opportunity.

Senator HICKENLOOPER. Absolutely.

If I can indulge just for an extra 60 seconds, or do you want me to get off the stage?

Senator BARRASSO. That is up to Senator Wyden. He is next.

Senator WYDEN. Sure, please.

Senator HICKENLOOPER. I would like to hear both Ms. Turner and Mr. Ferguson answer that quickly.

Ms. TURNER. Yes, in a survey of 14,000 cities and towns, those serving underrepresented communities had half the park space and served five times as many people in those parks, and they were, as you can imagine, not as quality of park spaces. So it's really imperative—your bill and the efforts of the agencies. And I would say this is one area over the past five or ten years that I have seen the agencies really double down on, and we've been so appreciative of them, as Mr. French said, kind of getting outside of their traditional Forest Service jurisdiction or National Park Service jurisdiction and saying "how do we get to the people?"—not just bringing the people to the places.

And so I think we can all work together on ORLP and those programs and your bill to get more people access.

Mr. FERGUSON. So I think we have talked about this in transportation circles, but e-bikes can be a really innovative solution for getting people from point A to point B. We have seen the National Park Service embrace e-bikes as a mode of transportation within park units themselves, but I think within diverse communities that we're talking about, I think an e-bike could be a creative solution

to get people from the population centers to wherever that recreation is. e-Bikes can be more cost-effective than a car or a large bus. They're carbon neutral. And I think that can be a part of the solution, and I will tell you we have an e-bike company now in Eagle, Colorado. So that's new as of this year, and I just want to make sure you knew that.

Senator HICKENLOOPER. Yes, I was all for e-bikes, and I did not even know that.

Mr. FERGUSON. Yes, sir.

Senator HICKENLOOPER. So glad to hear that.

Thank you all for your time and your service. I yield back.

The CHAIRMAN [presiding]. Senator Wyden.

Senator WYDEN. Thank you very much, Mr. Chairman. And Mr. Chairman, I want to thank you and Senator Barrasso for holding this very important hearing. Terrific panel. As Chairman of the Finance Committee, I have been juggling a lot today, but I have been watching little parts of the discussion. It has been terrific.

Here is my interest here: so many of the rules as it relates to rural America and particularly recreation have not kept up with the times. I mean, we know recreation now is a major economic engine for rural America, and I am always struck by areas where, basically, the Federal Government just has missed the need to modernize systems. I see a number of my colleagues on the dais today who are co-sponsors of my legislation to permanently authorize the Craft Beverage Modernization and Tax Reform Act—hugely important for breweries, for example, and restaurants in rural America. We have now gotten it permanent. And a number of those rural businesses that are dependent on recreation have come to me and said that law basically helped me survive the pandemic. So I am so pleased that you are interested in working with us on these issues, and I know a number of my colleagues have been outlining important measures as well.

So this morning, I want to talk about the other big initiative I have in this area, and that is with Blake Moore of Utah. It is a bipartisan bill—the Recreation Not Red Tape Act. And again, much like the laws involving breweries and rural restaurants, the rules have not kept up with the times. What got me interested—as recreation is a hugely important business in my home state—was telling me that they get up on the phone in the middle of the night calling agencies and the like, and holding and whatnot, for what seemed like interminable amounts of time, and they just could not cut through the bureaucracy and red tape and get their permits and their passes and the like.

And so that is what Congressman Moore and I are seeking to do is to streamline the rules as it relates to permitting, emphasizing recreation, making sure that people have multiple uses of our public lands. That is a bedrock. I am looking at all of my western colleagues on the Committee. That is a bedrock principle of public lands, so we are protecting that. But we are really streamlining the system so we can wring more value out of opportunities to be outdoors and help our small businesses. And to me, this is much like the Craft Beverage Modernization Act, where nobody got up in the morning on these recreation permits and said, “let's now be rotten to small, rural businesses.” I see my friend, Senator Hickenlooper

here, who comes from small business and understands this. We do not have anybody getting up in these agencies saying they want to be rotten to small businesses. What they do is they get up in the morning, and they say, "My God, I have this big rule book. And the thing was written kind of in the Dark Ages." As Senator Hickenlooper knows because he is in the business, when we were working on the Craft Beverage Modernization Act, some of those rules almost went back to Prohibition—not quite that far—but they were from the Dark Ages. We are dealing with the same thing in terms of some of the recreation rules, and that is what Congressman Moore and I are trying to do with the Recreation Not Red Tape idea.

So first question for you, Ms. Turner, if I might—as you know, we establish these national recreation areas, which we think can really be a magnet for helping small recreation-oriented businesses. And I think you are pretty much in the ballpark with us on that. Can you just give us your thoughts?

Ms. TURNER. Yes, thank you so much for the question, Senator Wyden, and for your amazing work on this, and your team's work over the years on this bill.

We agree with you completely that the recreation framework has not kept up with evolving visitor experience, demand, climate change, and technologies. I have heard stories of permits or passes actually being on framework that's more for the extractive industry than recreation, just because there are not tools for our industry. And what the NRA (National Recreation Area) portion of your bill creates is a real tool for agencies during their planning process to look for recreation-quality landscapes. Right now, we are fitting a round peg in a square hole a lot of the times where agencies need to go out and look for wild and scenic river qualities. They need to look for wilderness qualities. But what if they see someone hunting and fishing on an ATV, backpacking, and biking? What is that area called? How are they going to manage for it in the future?

And if we could have, you know, "National Recreation Area" being looked for throughout the planning process, and then being managed for as the highest use of the land. And that doesn't mean it's excluding other uses. That just means we're talking about recreation as a priority in this landscape. Businesses will really be motivated by that. As Fred knows and can maybe speak to, the business sees that this is going to be an area that's managed for sustainable recreation for years. You're going to get those guides and outfitters, you're going to get the breweries that go along with it. You're actually going to get the technology and healthcare companies that want to live and work and play near these great recreation assets. So it's even more than the recreation economy. Sustainable, well-planned recreation assets can create economic resurgence that goes well beyond our industry.

Senator WYDEN. Let me just—really quickly, because I am already pressing on my time—a question for you, Mr. French, with respect to the Forest Service: what we worked very hard to do working with the agencies and the like is to make sure that we did not affect other multiple uses in existing or future national recreation designations, requiring the agency to unilaterally go out and do a bunch of different stuff. I would just like to have on the record

your assessment because we worked very closely with you to make sure that the Forest Service is not going out under this bill to have to manage a bunch of areas that are not already designated as recreation areas. We wanted to build on the existing system—strengthen the existing system. Could you just speak quickly to that?

Mr. FRENCH. Yes, thank you, Senator. And yes, you worked very closely with us, addressed our concerns, and the way that we read it right now, it would be very compatible. It wouldn't create those issues.

Senator WYDEN. Great. Big thanks, everybody, and I just want you to know I think some of the work you are doing is just as important as it gets in the rural West because this is not your grandfather's economy in the rural West, and recreation—huge economic engine—and it is just wonderful to have you and I appreciate the collaboration.

The CHAIRMAN. Thank you.

Senator Cantwell.

Senator CANTWELL. Thank you.

Following on my colleague, I could not agree more. I want to thank the Chairman and the Ranking Member for this important hearing. The outdoor economy is very important to the State of Washington, with over 100,000 people employed in it, and it generates about \$5.8 billion in compensation overall. So I am very excited about all sorts of land and recreation opportunities.

I think I will turn to you, Mr. French. Do you anticipate trails on our federal public lands to still be closed or inaccessible if additional funding is not provided for maintenance or repair?

Mr. FRENCH. Yes. If it is not commensurate with the backlog that we have, which, you know, there are a series of critical trails right now that if we are not able to do the maintenance of, we will probably have to temporarily close them until we do have the funding for it.

Senator CANTWELL. Can you give us a list of those?

Mr. FRENCH. We can get you a list. Yes, we can provide that. It might take us a little bit of time, but we can do that.

Senator CANTWELL. Well, I think, you know, we all participated in a very landmark piece of legislation, and we want to know its effect, and we want to know what is going to get done, and we want to know what is not going to get done.

Mr. FRENCH. Right.

Senator CANTWELL. So we, as Senator Wyden was saying, and you know, I am a big believer—this is for many, many, many, many communities in my state. I was just on the tram this morning and happened to strike up a conversation with a photographer, where he was like, “yes, I went to Olympic, and here is what I did, and, you know, here are all the places.” This matters to have these trails and facilities open to these communities.

For all the witnesses—the Great American Outdoors Act addresses nearly half of the public maintenance backlog over the next five years. In your view, what does this mean for overall safety and accessibility? Are there recreational opportunities that we still need to address because of what are potential trail closures? So just go down the dais or whoever wants to jump in first.

Mr. FERGUSON. Yes, I mean, there's no doubt the maintenance backlog wasn't going to be solved in one single swoop. So there's a lot of work to be done. One thing I've talked about a couple times today is that we launched a corporate foundation, and one of the grants that we initiated was with the National Forest Foundation so that we could actually put some of our dollars to work in supporting that foundation and doing trail development, you know, wildfire mitigation in forests in and around locations where we have businesses. So I think, from our perspective, you know, we want to do our part to help and be part of the solution.

Senator CANTWELL. Well, this is big business for us, as I just mentioned.

So anybody else?

Ms. Turner.

Ms. TURNER. Yes, thank you for the question. Knowing where the investments are being made, as you mentioned, is really helpful for the private sector so that we can plan out. So if we know the water system in a forest will be repaired and maybe a nearby campground won't make it on that backlog list, there might be some public-private opportunities to repair that campground now that we know that the infrastructure is going to be intact for years to come. But I do worry about the growing backlog with more severe weather as it goes on. We'll hopefully be talking to this Committee soon about some sort of reauthorization of GAOA (Great American Outdoors Act) or how we can continue to make sure that we're getting down the maintenance backlog and then working with our sector to make sure that when we're repairing these places, we have the funding stream to keep them off the maintenance backlog.

Senator CANTWELL. I love the idea of cooperation and trying to match resources to get us even more.

Mr. Chapple or Mr. Lambrecht.

Mr. CHAPPLE. Yes, thanks for that question, Senator.

At the National Park Service, the Legacy Restoration Fund is working on parks as well as rivers and trails in terms of our maintenance backlog. And what is happening is that monies that are in other funding sources are being freed up so that we can then apply those to things that don't make it onto the maintenance list. And so we are able then to actually address deferred maintenance in other areas. And so there is a benefit that is happening from the GAOA funding that was unintended, but our parks and our rivers and trails are excited about the additional work that we can do to bring things into proper alignment and then working with our partners at the same time to activate those spaces.

Senator CANTWELL. Yes, Mr. Lambrecht.

Mr. LAMBRECHT. Senator Cantwell, I am really glad that you asked this question. The Great American Outdoors Act is a significant achievement that benefits all of us land management agencies. And I have seen a recent list of all of the different projects that have been funded, and I know there is planning going on right now for the next round of GAOA projects—everything from trails to bathrooms to campgrounds. We have lost entire campgrounds to wildfire. So the need is significant, and we really look forward to working on those projects going forward. And I have to say that the

recently passed infrastructure legislation is a major help in that regard as well.

But I would be happy to provide you a list of the projects that have been addressed through the Great American Outdoors Act, if you—

Senator CANTWELL. That would be great.

Well, we had our big anniversary, and we increased access to the parks, which was great, and made it more affordable, but I consider the next 100 years of the park investment the Great American Outdoors Act and the investment we made. So let us just figure out how and where we are coming up short or what else we need to do to coordinate.

Thank you, Mr. Chairman.

Senator BARRASSO [presiding]. Thank you, Senator Cantwell.

Senator Kelly.

Senator KELLY. Thank you, Mr. Chairman, and thank you to you and Chairman Manchin for holding this hearing today on legislation to enhance opportunities for outdoor recreation. The agenda today included a bill that you introduced with Chairman Manchin—the Outdoor Recreation Act. And I would like to highlight a provision in the bill that would help Arizona businesses and communities that depend on our national parks. The bill would direct the National Park Service to work with local communities to keep roads, overlooks, and other facilities open during shoulder seasons.

On the South Rim of the Grand Canyon, at Grand Canyon National Park, our shoulder seasons are typically mid-March and late November. And for the North Rim, it is mid-October and mid-May. And these are the months when park operations wind down or close for the winter, but as any Arizonan will tell you, the shoulder seasons are often considered the best time of the year to visit the Grand Canyon. It is when I often go down to the bottom. I think it is really spectacular coming down South Kaibab Trail and Bright Angel Trail in November.

So Ms. Wahl, would you agree that reopening or extending park operations for an extra week or two would have a big impact on jobs and local tax revenue?

Ms. TURNER. Yes, I really appreciate this provision and appreciate you calling it out. I think it will also disperse visitation. These are the visitation issues that we have been talking about—the overcrowding. Having those extra weeks, that is a great time for people who can accommodate not going in the summer months to the Grand Canyon, and also it helps gateway communities have that income for longer and not be as seasonal—be more year-round. I tried to go camping in Shenandoah in October on an 80-degree day, and they're starting to wind down camping. Well, it's 80 degrees in October now. It should be open for camping.

So I think that's across the board, and extending shoulder seasons has a benefit for all involved.

Senator KELLY. Yes, it could be a little icy at the top on the South Rim. Now make sure you have some crampons on for the first part of the trail, but when you get down to the bottom in late November, it is a spectacular place to be, and we would see hun-

dreds of thousands of people come through there that time of year. So thank you for that.

Mr. French, great to see you again today. You will recall that the last time we spoke was in October, when I asked you and the Forest Service Chief, Chief Moore, to travel to Arizona and meet with 4FRI stakeholders. You know, more work needs to be done to get 4FRI back on track, but please convey my gratitude to Chief Moore and the Forest Service team that visited Flagstaff last month. I wish I could have joined you for that trip, but I heard some really positive feedback. So thank you for doing that, and, you know, the release of the funding to priority for some of the forest thinning projects and for the Museum Fire flood mitigation is greatly appreciated in those communities.

We are going to follow up with you on next steps for 4FRI, but again, thank you for being so responsive on this issue.

And I yield back the remainder of my time.

Senator BARRASSO. Well, thanks. We are just about ready to wrap this up.

Quick question or two for Mr. Ferguson—our Outdoor Recreation Act would ensure the shooting ranges are available to sportsmen and women on each national forest and within the Bureau of Land Management district. Can you talk about the recreation access, safety, and conservation benefits that would stem from this measure?

Mr. FERGUSON. Absolutely. So you know, there's been a huge influx in new participants in the shooting sports, and, you know, giving these new shooters a place to go is really smart policy on a couple of different levels. You know, one is safety. Range instructors, range managers—they respect and prioritize safety in ways that is unrivaled and unmatched. And so the more we can get new shooters and existing shooters to shooting ranges where there's supervision and oversight—we're promoting that respect and safety that we all agree is needed.

You know, the range—also the more places you have that are structured, the less likelihood of dispersed shooting just out on the public lands, which can lead to ricochets and other dangerous situations. And you know, the Pittman-Robertson Trust Fund, which is a conservation fund dedicated to wildlife habitat conservation and enhancements, receives 85 percent of its funding through target shooting. And so the more we do to promote and encourage target shooting, you know, we're going to be supporting that Pittman-Robertson Trust Fund, which goes back into conservation, which, during the course of its existence has invested more than \$13 billion directly into wildlife and habitat conservation.

Senator BARRASSO. Good.

Ms. Turner, I think about how gateway communities—and in Wyoming it is Cody, Dubois, Jackson—play a pivotal role as entry and exit points for our national parks or forests and public lands. Likewise, these communities do benefit from a strong visitorship to the recreational destinations. According to the National Park Service, about 3.3 million visitors spend \$600 million in gateway communities that neighbor national parks—lots of money. How critical is a strong outdoor economy to our major gateway communities?

Ms. TURNER. As we've seen over the past year and a half, it's really critical to these gateway communities. It's economic diversification, for sure. It's also a way to attract retirees and other sectors that can provide, you know, tax revenue for gateway communities. So when we think about important recreation assets, we think beyond just the recreation economy. We think about the job seekers and people who want to live and work and play in these areas.

Senator BARRASSO. Could I ask you about invasive species? Zebra mussels have been an issue, caused significant harm to the ecosystems and water infrastructure. The Outdoor Recreation Act would protect against aquatic invasive species by improving coordination between federal land management agencies and their non-federal partners, as you know. The bill would also help state and local partners conduct inspections and decontamination of watercraft in reservoirs that are administered by the Department of the Interior.

So in addition to the environmental benefits, is it your view that measures like this could actually also improve recreational activities—boating, fishing?

Ms. TURNER. Yes, that's absolutely correct. More people bought boats last year than ever before. So we need to be really aware there are more people boating, and what this bill does is—it allows us to diminish the invasive species impact on the waterway, but not create a burden for people wanting to get on the water in their boats or fishing. So it's a win-win for both conservation and recreationists.

Senator BARRASSO. Great.

Any of the other members have additional questions?

Senator KING. I do not have additional questions. I wanted to ask Mr. Chapple to convey my congratulations to the first Director of the National Park Service in five years, which we confirmed a few weeks ago. Please convey my congratulations and best wishes to Mr. Sams.

Mr. CHAPPLE. I will do that, sir. Thank you.

Senator KING. Thank you. Thank you, Mr. Chairman.

Senator BARRASSO. Thank you.

Well, thank you to all the witnesses.

Senator Hickenlooper, anything else?

[No response.]

Senator BARRASSO. Well, thank you to all the witnesses for joining us this morning for the discussion. Members are going to have until the close of business tomorrow to submit additional questions for the record.

So, with that, the Committee stands adjourned. Thank you.

[Whereupon, at 11:45 a.m., the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

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Questions from Senator Maria Cantwell (WA)

Question 1: Mr. French, thank you for agreeing to provide the Committee with more information on the maintenance backlog for trails and associated infrastructure (e.g., trail bridges, trailhead parking lots, and other trail access points), broken down by state and relevant land unit. This information will be extremely useful and timely as we develop legislation to expand outdoor recreation access and opportunities across the United States.

Question 1 Response: Please see the attached tables for a breakdown of the maintenance backlog for trails and associated infrastructure (e.g., trail bridges, trailhead parking lots, and other trail access points), also known as deferred maintenance, identified by state and forest for the assets requested. The Forest Service is currently embarking on a full re-design of our infrastructure database modules concerning trails, trail bridges, and access and travel management. This multi-year effort will enable us to respond more efficiently to these types of requests and better tell the story of National Forest System (NFS) trails. It will also make the applications more user-friendly and effective in meeting the Agency's data needs. Here are some key points from our data on trails and associated infrastructure:

- **Trails:** The maintenance backlog (deferred maintenance costs) for NFS trails is estimated to be \$288 million across the nearly 160,000 miles of system trails. Deferred maintenance data for trails are derived from the completion of annual trail condition surveys on a random sample of 1% of NFS trails. The data collected from the 1% sample are extrapolated to all trails to derive a national estimate. Deferred maintenance costs for trails at the state and forest levels are provided as requested in the attached spreadsheet; however, it is important to note that deferred maintenance data are not statistically valid at the state or forest level.
- **Trail Bridges:** There are 7,357 trail bridges in the Infrastructure database with an estimated deferred maintenance cost of \$49.3 million.
- **Drainage Structures and Trail Signage:** There is an estimated \$148 million deferred maintenance backlog for trail drainage structures and trail signs. These data are not readily able to be broken down by the state level in the Infrastructure database report.
- **Trailheads:** The Forest Service manages 7,023 trailheads with an estimated \$25 million deferred maintenance backlog.
- **Trail Access Points** (for example road pull-outs, turnarounds, and undeveloped parking areas) are not tracked in the Infrastructure database and are typically maintained as part of a road. Specific deferred maintenance data for these types of "trail access points" are not available.

Question 2: Mr. French, during the hearing we also spoke of additional trails that may have to be closed because of lack of funding. Could you please provide a list, broken down by state and relevant land unit, of both the trails and associated infrastructure that are closed now because of deferred maintenance issues and a list of trails that are at risk of being closed in the next five years without additional funding.

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Question 2 Response: The Infrastructure database only tracks existing, planned, and decommissioned NFS trails, so a list of trails closed or at risk of closure due to deferred maintenance is not available through a database query. This metric will be more explicitly tracked in the redesigned database.

For Fiscal Year 2021, only about 37,000 miles (23%) of the nearly 160,000 NFS system trail miles were reported as meeting national quality standards for trails. These trails meet the standards for health and cleanliness, resource setting, safety and security, and tread condition.

Formal trail closures due to deferred maintenance issues are uncommon. To provide continued public access, units work hard to prioritize maintenance on trails that pose significant safety or resource concerns. It is important to note that anecdotal observation suggests there are hundreds of miles of trails in each region with significant deferred maintenance issues, even if the trails are not formally closed. In most places, the lack of workforce capacity needed to conduct regular maintenance results in trails becoming brushed in and the tread becoming eroded. Unmaintained trails are difficult to find, difficult to follow, more challenging for trail users, and can be impassible for stock or motorized vehicles (on trails where such uses are authorized).

Question 3: Mr. French, does the Forest Service have new trails and new trail access points and associated infrastructure that the public has communicated they would like to see developed? Would your agencies be prepared to develop those new trails with commensurate funding, assuming they align with unit land management plans, Agency mission, and other applicable regulations and statutes? Could you please provide an estimate for the committee of the level of funding that could be spent on new trails and associated infrastructure over the next 5 and 10 years?

Question 3 Response: Trail managers in each Forest Service region report a high demand for new trails from the public, including a proliferation of user-created routes. From 2019-2020, trail use increased from 53 million to 64 million visitors (an 18% increase). National Visitor Use Monitoring data for trail use is not yet available for 2021, but we anticipate trail use is likely to have increased even more, as individuals and groups sought respite outdoors during the pandemic.

The Agency's ability to fulfill public demand for trail use is limited by the relatively low number of field-going employees who are skilled in trail maintenance and construction techniques as well as the development and administration of partner agreements and the coordination and oversight of volunteers. One of the biggest complaints we hear from partners and volunteers working with the Forest Service is the lack of agency staff available to work with them and support their efforts. The Agency is working to identify baseline workforce levels needed to effectively manage its Trail program within a shared stewardship model. Another limiting factor is the staffing level and capacity of support personnel such as environmental specialists, contracting representatives, and agreements specialists. Nevertheless, the Forest Service is making progress on enhancing and expanding our trail opportunities. In the Southern Region alone, nearly 500 miles of new trails are currently being planned in cooperation with external groups striving to promote rural economic development through recreation tourism. Another 1,000 miles of new trails have been requested by the public or partner organizations.

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Assuming adequate funding to complete the planning, construction and long-term maintenance of new trails and associated trail access points, the Agency would be prepared to develop new trails that the public and communities would like to see developed in compliance with applicable law, policy, and forest plan direction. Based on public demand and our capacity, the Forest Service has the capability to utilize \$45 million per year on new trail and trailhead construction over the next five to ten years, for a total of \$225 million over five years. This would provide funding to complete environmental analyses and fund contractors, partners, and Forest Service trail staff to complete trail and trailhead construction, as well as support personnel such as environmental specialists, contracting representatives, and agreements specialists. Emphasis would be placed first on community planning to understand community needs and recruit long-term partners who will continue to help care for new trails after the construction period is over. For the majority of new trails, anticipated development would be close to communities to provide easy access to NFS lands and connect with local municipal or county trail systems, promote connections with traditionally underserved communities, and support local economies. These trails would typically be constructed to a higher development scale to accommodate large numbers of trail users.

It is also important to note that much work is needed on the existing trail system to make trails more sustainable, with the goal of having trails with little to no negative impact on the environment over time, and that are socially relevant and supported, as well as being economically viable. As noted above, only 23% of NFS trails are currently reported to meet national quality standards. Many NFS trails were adopted from old user-created trails or game trails and were not originally well designed. Trail construction techniques have also evolved to make new trails more sustainable, so trail tread is more stable and resilient, and trails require less maintenance. Each year, Agency staff, partners, and volunteers spend time and resources to repair and maintain poorly constructed trails. Having a system of sustainably designed trails would free up future capacity and funding to maintain more trails as less time and resources would need to be spent on trail maintenance overall.

Question 4: Mr. French, the hearing discussion touched on the role that public-private partnerships (PPPs) could have in leveraging federal trail maintenance efforts in National Forests. Could you please describe the existing authorities that the Forest Service has to undertake such partnerships and any relevant examples of lessons learned from any existing trail maintenance PPPs? Could you please provide the same information for any partnerships or initiatives with states, municipalities, or gateway communities?

Question 4 Response: The Forest Service's primary authority supporting trail maintenance partnerships is the Department of Interior and Related Agencies Appropriation Act of 1992 (Pub. L. 102-154). The Agency is fortunate to have strong trail partnerships across the nation. There are several lessons learned from these partnerships:

- **The Importance of Having Trained Agency Staff to Work with Partners and Volunteers:** People are eager to work with the Forest Service to assist with trail maintenance activities. However, the success of these partnerships is largely dependent on having Forest Service staff available at the local unit to be responsive to their interest, train them on trail construction and maintenance techniques, help coordinate their work, and support their efforts. As noted above, one of the most common frustrations voiced by trail partners is the lack of local Forest Service trails staff to engage with them. At times, well-meaning but untrained and unsupervised partners and volunteers conduct substandard trail maintenance that takes more Forest Service staff time to correct than the initial contribution was worth. In addition,

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partners do not want to be solely in charge of managing or maintaining trails; they want a true partnership where each entity provides value that contributes to the whole. Agency staff planning and presence ensure that the quality of the trail work completed is up to standard, and the time and resources spent on trail construction and maintenance are most efficient and effective.

- **The Power of Collaboration:** The most impactful trail partnerships are those that consist of multiple trail user groups as well as private businesses, Chambers of Commerce, and/or local universities. The [trail collective](#) that is developing trails in Old Fort, North Carolina is an excellent example of the power of collaboration to achieve far greater results than could be done by any single entity. This collective is working to build new trails and facilities that will help promote healthy outdoor recreation opportunities for this traditionally underserved community. It will also help promote economic development for African American-owned businesses in the community through well-planned recreation tourism. The [Methow Valley Trails Collaborative](#) in Washington State is also an excellent example of partners pooling resources to advance the sustainability of trails and local communities.
- **The Importance of a Long-Term Plan for Continued Maintenance:** Partners and communities are often eager to work with the Forest Service to build new trails to meet their needs. The challenge is to have a plan and commitments in place for long-term maintenance of the trail's infrastructure. A limited number of partner organizations are stable, have well-funded agreements with the Forest Service, and can assist long-term in trail maintenance, while many other organizations fade away as membership and funding change over time. Notable examples of stable trail partnerships are the congressionally mandated partnerships with nonprofits who assist in managing national scenic and historic trails (NSHTs).
- **The Multiplying Power of Partnerships:** Investing in partnerships provides a multiplying effect for Forest Service trails appropriations. For example, in Fiscal Year 2021 the Forest Service provided \$500,000 of funding to the National Wilderness Stewardship Alliance (NWSA) to administer the Trails Stewardship Grant Program, which is a competitive grant process that provides funding to local partners to work on trail projects in collaboration with local NFS units. Through this partnership, NWSA and other participating partners leveraged the Agency funding six times over through in-kind and non-cash contributions. The initial Forest Service investment will result in the equivalent of \$3 million of trail work getting accomplished on trails.

The Forest Service also supports the recreation economy through several programs and the use of public/private partnerships.

- **Strengthening Recreation Economies in Gateway Communities:** The Forest Service, USDA Rural Development, and the National Institute for Food and Agriculture are collaborating to target the recreation economies of rural forest gateway communities, providing technical expertise and funding to develop recreation infrastructure and capacity beyond the boundaries of the national forests. Rural Development field staff work with Forest Service district rangers and other staff to identify new candidates for small business loans and services to local businesses that provide recreation opportunities or otherwise enhance the local recreation economy, improving quality of life for locals, and the level of services for visiting recreation enthusiasts.
- **NATIVE Act Funding:** In Fiscal Year 2021, Forest Service was the first land management agency to receive funding under the NATIVE Act. The Forest Service received \$1 million with the objective of enhancing and integrating Native American tourism in Federal Agency planning. The NATIVE Act and

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associated funding are meant to empower Native American communities, increase coordination and collaboration between Federal tourism assets, and expand heritage and cultural tourism opportunities in the United States.

- **Technical Assistance for Economic Development Planning:** The Forest Service partnered with the Environmental Protection Agency and the Northern Border Regional Commission to launch the Recreation Economy for Rural Communities program, which provides planning assistance to help rural communities leverage outdoor recreation as an economic development strategy. In 2020, ten communities created action plans with assistance from state, regional, and local agencies and organizations and businesses. Communities developed a holistic vision for how recreation opportunities could enliven their main streets and feed the local economy, and some used the opportunity to deal with unique challenges such as affordable housing shortages and overuse of recreation sites.
- **Research & Development (R&D):** The R&D branch of the Forest Service is a national leader in the research of outdoor recreation's economic, social, and physical benefits to the American people. For example, using a scientific approach called benefit transfer, agency researchers take calculations from internal and external data and use a statistical model to estimate values for individual activities and recreation as a whole. With these data, the values of recreation can be better understood when balancing multiple uses of the land like power lines and roads, timber harvest, and grazing.
- **[Mon Forest Towns Partnership](#):** Connecting 12 towns near and within the Monongahela National Forest, West Virginia, this partnership was formed to cultivate relations across lands and forest gateway communities that will enhance the economy and quality of life for residents and visitors while sustaining the quality of the environment. This partnership has created a need for dedicated staffing for facilitation, technical support for grant opportunities, delivery of youth and veterans' programs, and interdepartmental coordination with USDA agencies.

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Question 5: Mr. French, in your testimony, you stated that outdoor recreation was currently the biggest use of U.S. National Forests. Could you please provide a breakdown of the net cost to taxpayers of the relevant categories of uses used by the Forest Service for all the National Forests in Region 6 and Region 10?

Question 5 Response: The following is the breakdown of appropriated funds allocated to the national forests in Regions 6 and 10 between Fiscal Year 2018 and Fiscal Year 2020 for timber; rangeland resources; recreation; minerals and geologic resources; and other land uses such as energy infrastructure and commercial interests.

Forest Service Region 6			
Total appropriation going to National Forests in Region 6:	FY2018	FY2019	FY2020
Timber (NFTM)	50,224,900	50,771,479	49,862,145
Rangeland Resources (NFRG)	3,563,054	3,676,631	3,727,085
Recreation (NFRW)	19,123,271	18,158,296	19,001,588
Other Land Uses (NFLM)	5,128,093	5,244,823	5,157,143
Minerals and Geologic Resources (NFMG)	4,160,826	3,704,605	3,584,629

Forest Service Region 10			
Total appropriation going to National Forests in Region 10:	FY2018	FY2019	FY2020
Timber (NFTM)	14,172,098	13,956,895	12,713,530
Rangeland Resources (NFRG)	0	0	0
Recreation (NFRW)	7,221,926	7,077,691	7,048,833
Other Land Uses (NFLM)	3,325,015	3,329,117	3,428,866
Minerals and Geologic Resources (NFMG)	2,581,002	2,105,632	2,152,195

Questions from Senator John Hoeven (ND)

Question 1: When do you expect to select the next round of Great American Outdoors Act projects?

Question 1 Response: Fiscal Year 2022 Great American Outdoors Act (GAOA) Legacy Restoration Fund projects were selected and included in the President's Budget submitted to Congress in May 2021. For Fiscal Year 2023, the Forest Service conducted project selection in fall 2021 and is clearing these selections through USDA this month for inclusion in the President's Fiscal Year 2023 Budget submission to Congress.

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Question 2: Will you ensure the Forest Service gives adequate consideration to Great American Outdoors Act projects supported by, and developed in consultation with, local stakeholders such as the grazing associations in North Dakota?

Question 2 Response: Yes, absolutely. The Forest Service continues to work closely with all our stakeholders, partners, and communities. Recognizing that grazing is a key benefit of the public lands in North Dakota, the Dakota Prairie Grassland's staff met with the grazing associations to ensure current and out-year projects considered the needs of the grazing community, and other stakeholders and interested parties. These collaborative efforts kicked off in December 2020 and will continue with ongoing discussions to identify and develop potential GAOA projects.

Trail DM by State

A	B	C	D	E
1	FOREST_NAME	STATE	NFST_MILES	Trail DM
10	NATIONAL FORESTS IN ALABAMA Total		424	\$652,419
11		ALABAMA Total	424	\$652,419
15	CHUGACH NATIONAL FOREST Total		573	\$16,935,276
25	TONGASS NATIONAL FOREST Total		969	\$28,612,981
26		ALASKA Total	1542	\$45,548,267
31	APACHE-SITGREAVES NATIONAL FOREST Total		1438	\$2,212,139
36	COCONINO NATIONAL FOREST Total		1076	\$1,655,554
46	CORONADO NATIONAL FOREST Total		1097	\$1,687,986
48	GILA NATIONAL FOREST Total		9	\$13,358
50	KAIBAB NATIONAL FOREST Total		648	\$996,303
55	PRESOTT NATIONAL FOREST Total		898	\$1,381,087
65	TONTO NATIONAL FOREST Total		958	\$1,474,346
66		ARIZONA Total	6124	\$9,420,773
82	OUACHITA NATIONAL FOREST Total		688	\$1,058,682
100	OZARK-ST FRANCIS NATIONAL FOREST Total		648	\$997,419
101		ARKANSAS Total	1337	\$2,056,101
103	HUMBOLDT-TOiyABE NATIONAL FOREST Total		78	\$120,456
109	ANGELES NATIONAL FOREST Total		695	\$1,069,774
119	CLEVELAND NATIONAL FOREST Total		329	\$505,755
126	ELDORADO NATIONAL FOREST Total		853	\$1,311,499
140	INYO NATIONAL FOREST Total		1497	\$2,302,632
143	KLAMATH NATIONAL FOREST Total		934	\$1,436,105
151	LASSEN NATIONAL FOREST Total		452	\$695,793
158	LOS PADRES NATIONAL FOREST Total		1427	\$2,196,062
170	MEADOC NATIONAL FOREST Total		550	\$846,384
173	MODOC NATIONAL FOREST Total		127	\$195,855
179	SIX RIVERS NATIONAL FOREST Total		404	\$621,113
190	PLUMAS NATIONAL FOREST Total		849	\$1,305,633
197	SAN BERNARDINO NATIONAL FOREST Total		627	\$964,746
203	SEQUOIA NATIONAL FOREST Total		1068	\$1,643,061
210	SHASTA TRINITY NATIONAL FOREST Total		1362	\$2,095,830
216	SIERRA NATIONAL FOREST Total		1272	\$1,956,935

Trail DM by State

A	B	C	D	E
227	STANISLAUS NATIONAL FOREST Total		1379	\$2,120,995
241	TAHOE NATIONAL FOREST Total		1490	\$2,292,816
252	LAKE TAHOE BASIN MGT UNIT Total		282	\$433,869
254	ROGUE RIVER-SISKIYOU NATIONAL FOREST Total		71	\$109,193
255		CALIFORNIA Total	15746	\$24,224,508
266	GRAND MESA, UNCOMPAGHRE, AND GUNNISON NATIONAL FORESTS Total		3636	\$5,593,703
273	MEDICINE BOW-ROUTT NATIONAL FOREST Total		1300	\$1,999,500
282	RIO GRANDE NATIONAL FOREST Total		1299	\$1,998,310
292	ARAPAHO-ROOSEVELT NATIONAL FORESTS Total		1436	\$2,209,008
317	PIKE AND SAN ISABEL NATIONAL FORESTS Total		2163	\$3,327,784
327	SAN JUAN NATIONAL FOREST Total		1842	\$2,833,290
341	WHITE RIVER NATIONAL FOREST Total		2620	\$4,030,675
343	MANTI-LASAL NATIONAL FOREST Total		11	\$17,490
344		COLORADO Total	14307	\$22,009,760
356	NATIONAL FORESTS IN FLORIDA Total		788	\$1,211,804
357		FLORIDA Total	788	\$1,211,804
383	CHATTAHOOCHEE-OCONEE NATIONAL FOREST Total		867	\$1,333,141
384		GEORGIA Total	867	\$1,333,141
390	BITTERROOT NATIONAL FOREST Total		527	\$811,127
401	IDAHO PANHANDLE NATIONAL FORESTS Total		4010	\$6,169,173
403	FLATHEAD NATIONAL FOREST Total		4	\$5,384
405	KOOTENAI NATIONAL FOREST Total		9	\$14,415
407	LOLO NATIONAL FOREST Total		0	\$154
414	NEZ PERCE-CLEARWATER NATIONAL FOREST Total		5229	\$8,044,984
423	BOISE NATIONAL FOREST Total		2052	\$3,156,289
429	PAYETTE NATIONAL FOREST Total		1849	\$2,844,333
437	SALMON-CHALLIS NATIONAL FOREST Total		3506	\$5,394,274
447	SAWTOOTH NATIONAL FOREST Total		2346	\$3,609,404
465	CARIBOU-TARGHEE NATIONAL FOREST Total		3458	\$5,320,172
467	UINTA-WASATCH-CACHE NATIONAL FOREST Total		0	\$231
471	WALLOWA WHITMAN NATIONAL FOREST Total		217	\$333,387
473	SHAWNEE NATIONAL FOREST Total		0	\$741
474		IDAHO Total	23208	\$35,704,078

Trail DM by State

A	B	C	D	E
487	SHAWNEE NATIONAL FOREST Total		444	\$683,749
491	MIDEWIN NATIONAL TALLGRASS PRAIRIE Total		28	\$43,743
492		ILLINOIS Total	473	\$727,482
500	HOOSIER NATIONAL FOREST Total		253	\$389,422
501		INDIANA Total	253	\$389,422
503	PIKE AND SAN ISABEL NATIONAL FORESTS Total		80	\$123,380
504		KANSAS Total	80	\$123,380
519	DANIEL BOONE NATIONAL FOREST Total		629	\$967,041
521	GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS Total		5	\$8,424
524	LAND BETWEEN THE LAKES NRA Total		261	\$401,196
525		KENTUCKY Total	895	\$1,376,661
534	KISATCHIE NATIONAL FOREST Total		351	\$539,920
535		LOUISIANA Total	351	\$539,920
540	WHITE MOUNTAIN NATIONAL FOREST Total		120	\$184,147
541		MAINE Total	120	\$184,147
554	HURON MANISTEE NATIONAL FOREST Total		1709	\$2,628,904
562	OTTAWA NATIONAL FOREST Total		2267	\$3,487,357
568	HIAWATHA NATIONAL FOREST Total		1017	\$1,563,901
569		MICHIGAN Total	4992	\$7,680,162
576	CHIPPEWA NATIONAL FOREST Total		614	\$844,465
582	SUPERIOR NATIONAL FOREST Total		2401	\$3,693,856
583		MINNESOTA Total	3015	\$4,638,321
602	NATIONAL FORESTS IN MISSISSIPPI Total		405	\$623,153
603		MISSISSIPPI Total	405	\$623,153
632	MARK TWAIN NATIONAL FOREST Total		825	\$1,268,512
633		MISSOURI Total	825	\$1,268,512
645	BEAVERHEAD-DEERLODGE NATIONAL FOREST Total		3210	\$4,938,082
649	BITTERROOT NATIONAL FOREST Total		1268	\$1,950,769
651	IDAHO PANHANDLE NATIONAL FORESTS Total		23	\$35,999
659	FLATHEAD NATIONAL FOREST Total		2283	\$3,512,461
671	CUSTER GALLATIN NATIONAL FOREST Total		3517	\$5,411,151
675	KOOTENAI NATIONAL FOREST Total		1832	\$2,818,338
691	HELENA-LEWIS AND CLARK NATIONAL FOREST Total		3649	\$5,614,315

Trail DM by State

A	B	C	D	E
700	LOLO NATIONAL FOREST Total		2424	\$3,728,689
702	NEZ PERCE-CLEARWATER NATIONAL FOREST Total		1	\$2,231
705	CARIBOU-TARGHEE NATIONAL FOREST Total		4	\$5,800
706		MONTANA Total	18212	\$28,017,835
712	NEBRASKA NATIONAL FOREST Total	NEBRASKA Total	176	\$271,051
713			2061	\$3,170,952
735	HUMBOLDT-TOiyABE NATIONAL FOREST Total		17	\$26,303
738	INYO NATIONAL FOREST Total		91	\$139,315
742	LAKE TAHOE BASIN MGT UNIT Total		6	\$9,738
744	OKANOGAN-WENATCHEE NATIONAL FORESTS Total	NEVADA Total	2175	\$3,346,308
745			1588	\$2,443,696
753	WHITE MOUNTAIN NATIONAL FOREST Total	NEW HAMPSHIRE Total	1588	\$2,443,696
754			452	\$694,713
759	CARSON NATIONAL FOREST Total		724	\$1,113,686
789	CIBOLA NATIONAL FOREST Total		36	\$55,844
771	CORONADO NATIONAL FOREST Total		1698	\$2,612,111
778	GILA NATIONAL FOREST Total		516	\$794,585
783	LINCOLN NATIONAL FOREST Total		919	\$1,413,825
790	SANTA FE NATIONAL FOREST Total	NEW MEXICO Total	4345	\$6,684,764
791			65	\$99,660
794	GREEN MOUNTAIN AND FINGER LAKES NATIONAL FORESTS Total	NEW YORK Total	65	\$99,660
795			1962	\$3,018,035
823	NATIONAL FORESTS IN NORTH CAROLINA Total	NORTH CAROLINA Total	1962	\$3,018,035
824			244	\$374,780
832	DAKOTA PRAIRIE GRASSLANDS Total	NORTH DAKOTA Total	244	\$374,780
833			409	\$628,508
843	WAYNE NATIONAL FOREST Total	OHIO Total	409	\$628,508
844			5	\$7,920
848	CIBOLA NATIONAL FOREST Total		237	\$364,451
852	OJACHITA NATIONAL FOREST Total	OKLAHOMA Total	242	\$372,371
853			2137	\$3,287,744
862	DESCHUTES NATIONAL FOREST Total		1297	\$1,995,857
865	FREMONT-WINEMA NATIONAL FORESTS Total			

Trail DM by State

A	B	C	D	E
869	MALHEUR NATIONAL FOREST Total		1257	\$1,933,470
883	MT HOOD NATIONAL FOREST Total		1161	\$1,786,478
888	OCHOCO NATIONAL FOREST Total		334	\$513,677
896	ROGUE RIVER-SISKIYOU NATIONAL FOREST Total		1267	\$1,949,020
908	SIUSLAW NATIONAL FOREST Total		180	\$276,253
916	UMATILLA NATIONAL FOREST Total		791	\$1,217,144
920	UMPQUA NATIONAL FOREST Total		1231	\$1,893,388
926	WALLOWA WHITMAN NATIONAL FOREST Total		2753	\$4,235,922
938	WILLAMETTE NATIONAL FOREST Total		1582	\$2,433,688
943	COLUMBIA RIVER GORGE NATIONAL SCENIC AREA Total		124	\$190,159
944	OREGON Total		14114	\$21,712,800
951	ALLEGHENY NATIONAL FOREST Total		850	\$1,307,116
952	PENNSYLVANIA Total		850	\$1,307,116
957	EL YUNQUE NATIONAL FOREST Total		20	\$30,046
958	PUERTO RICO Total		20	\$30,046
972	FRANCIS MARION-SUMMITER NATIONAL FORESTS Total		589	\$906,630
973	SOUTH CAROLINA Total		589	\$906,630
975	CUSTER GALLATIN NATIONAL FOREST Total		37	\$56,367
977	DAKOTA PRAIRIE GRASSLANDS Total		7	\$10,523
983	BLACK HILLS NATIONAL FOREST Total		1131	\$1,740,061
987	NEBRASKA NATIONAL FOREST Total		198	\$304,117
988	SOUTH DAKOTA Total		1372	\$2,111,068
1006	CHEROKEE NATIONAL FOREST Total		799	\$1,228,469
1008	LAND BETWEEN THE LAKES NRA Total		76	\$116,656
1009	TENNESSEE Total		874	\$1,345,125
1012	CIBOLA NATIONAL FOREST Total		12	\$17,894
1023	NATIONAL FORESTS IN TEXAS Total		400	\$615,205
1024	TEXAS Total		412	\$633,099
1027	BEAVERHEAD-DEERLODGE NATIONAL FOREST Total		91	\$140,105
1029	FLATHEAD NATIONAL FOREST Total		6	\$8,490
1032	CUSTER GALLATIN NATIONAL FOREST Total		4	\$5,385
1035	NEZ PERCE-CLEARWATER NATIONAL FOREST Total		1	\$1,787
1038	MEDICINE BOW-ROUITT NATIONAL FOREST Total		296	\$454,630

Trail DM by State

A	B	C	D	E
1040	NEBRASKA NATIONAL FOREST Total		3	\$5,337
1042	SAN JUAN NATIONAL FOREST Total		4	\$6,147
1045	APACHE-SITGREAVES NATIONAL FOREST Total		8	\$12,932
1048	CARSON NATIONAL FOREST Total		162	\$249,366
1050	COCONINO NATIONAL FOREST Total		2	\$2,788
1053	GILA NATIONAL FOREST Total		80	\$123,180
1055	DIXIE NATIONAL FOREST Total		27	\$42,214
1057	FISHLAKE NATIONAL FOREST Total		38	\$58,818
1059	CARIBOU-TARGHEE NATIONAL FOREST Total		127	\$195,477
1062	HUMBOLDT-TOiyabe NATIONAL FOREST Total		1434	\$2,205,611
1064	LASSEN NATIONAL FOREST Total		1	\$1,626
1067	MENDOCINO NATIONAL FOREST Total		1	\$925
1069	SEQUOIA NATIONAL FOREST Total		3	\$4,308
1071	STANISLAUS NATIONAL FOREST Total		0	\$75
1073	TAHOE NATIONAL FOREST Total		1	\$1,000
1075	DESCHUTES NATIONAL FOREST Total		23	\$35,933
1077	FREMONT-WINEMA NATIONAL FORESTS Total		0	\$477
1079	MALHEUR NATIONAL FOREST Total		3	\$4,277
1081	MT HOOD NATIONAL FOREST Total		9	\$14,153
1083	OLYMPIC NATIONAL FOREST Total		8	\$11,692
1086	ROGUE RIVER-SISKIYOU NATIONAL FOREST Total		5	\$7,569
1089	UMATILLA NATIONAL FOREST Total		243	\$373,100
1091	UMPQUA NATIONAL FOREST Total		0	\$15
1093	OKANOGAN-WENATCHEE NATIONAL FORESTS Total		3	\$4,308
1096	WILLAMETTE NATIONAL FOREST Total		111	\$170,637
1098	CHEROKEE NATIONAL FOREST Total		0	\$615
1100	GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS Total		10	\$16,083
1102	FRANCIS MARION-SUMNER NATIONAL FORESTS Total		1	\$1,785
1104	NATIONAL FORESTS IN TEXAS Total		40	\$60,767
1106	HURON MANISTEE NATIONAL FOREST Total		6	\$8,857
1109	SUPERIOR NATIONAL FOREST Total		239	\$368,255
1111	WAYNE NATIONAL FOREST Total		0	\$0
1112	UNKNOWN Total		2989	\$4,598,724

Trail DM by State

A	B	C	D	E
1125	ASHLEY NATIONAL FOREST Total		1063	\$1,634,848
1133	DIXIE NATIONAL FOREST Total		1741	\$2,679,052
1145	FISHLAKE NATIONAL FOREST Total		2548	\$3,919,629
1161	IMANTI-LASAL NATIONAL FOREST Total		933	\$1,435,091
1164	SAWTOOTH NATIONAL FOREST Total		14	\$21,261
1166	CARIBOU-TARGHEE NATIONAL FOREST Total		2	\$2,877
1190	UINTA-WASATCH-CACHE NATIONAL FOREST Total	UTAH Total	2588	\$3,981,842
1191			8889	\$13,674,398
1202	GREEN MOUNTAIN AND FINGER LAKES NATIONAL FORESTS Total	VERMONT Total	968	\$1,489,405
1203			968	\$1,489,405
1241	GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS Total	VIRGINIA Total	2029	\$3,121,888
1242			2029	\$3,121,888
1245	IDAHO PANHANDLE NATIONAL FORESTS Total		112	\$172,533
1256	GIFFORD PINCHOT NATIONAL FOREST Total		1476	\$2,270,285
1265	MT BAKER-SNOQUALMIE NATIONAL FOREST Total		1651	\$2,540,156
1270	OLYMPIC NATIONAL FOREST Total		281	\$432,639
1276	UMATILLA NATIONAL FOREST Total		346	\$531,683
1286	OKANOGAN-WENATCHEE NATIONAL FORESTS Total		5246	\$8,071,211
1290	COLVILLE NATIONAL FOREST Total		552	\$848,782
1294	COLUMBIA RIVER GORGE NATIONAL SCENIC AREA Total	WASHINGTON Total	56	\$85,436
1295			9720	\$14,952,705
1297	CHEROKEE NATIONAL FOREST Total		0	\$622
1305	GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS Total		154	\$236,213
1317	MONONGAHELA NATIONAL FOREST Total	WEST VIRGINIA Total	790	\$1,215,227
1318			944	\$1,452,062
1336	CHEQUAMEGON-NICOLET NATIONAL FOREST Total	WISCONSIN Total	2448	\$3,766,759
1337			2448	\$3,766,759
1342	BIGHORN NATIONAL FOREST Total		1110	\$1,706,953
1347	BLACK HILLS NATIONAL FOREST Total		232	\$357,049
1354	MEDICINE BOW-ROUITT NATIONAL FOREST Total		839	\$1,290,213
1360	SHOSHONE NATIONAL FOREST Total		1623	\$2,497,527
1362	ASHLEY NATIONAL FOREST Total		4	\$6,013
1368	BRIDGER-TETON NATIONAL FOREST Total		3438	\$5,289,086

Trail DM by State

A	B	C	D	E
1373	CARIBOU-TARGHEE NATIONAL FOREST Total		413	\$635,142
1375	UINTA-WASATCH-CACHE NATIONAL FOREST Total		23	\$35,718
1376	WYOMING Total		7682	\$11,817,701
1377	Grand Total		159069.0293	\$287,888,563

TH DM By State

		\$ 25,052,820
STATE	FOREST NAME	TRAILHEAD DM
AK	CHUGACH NF	\$ 329,641.68
AK	TONGASS NF	\$ 37,190.62
AL	NFS IN ALABAMA	\$ 65,827.96
AR	OUACHITA NF	\$ 26,981.63
AR	OZARK-ST FRANCIS NF	\$ 31,196.38
AZ	APACHE-SITGREAVES NF	\$ 88,536.63
AZ	COCONINO NF	\$ 24,734.55
AZ	CORONADO NF	\$ 180,278.29
AZ	KAIBAB NF	\$ 113,153.89
AZ	PRESCOTT NF	\$ 17,497.64
AZ	TONTO NF	\$ 60,762.30
CA	ANGELES NF	\$ 184,154.67
CA	CLEVELAND NF	\$ 605,138.78
CA	ELDORADO NF	\$ 190,801.25
CA	HUMBOLDT-TOIYABE NF	\$ 70,552.17
CA	INYO NF	\$ 837,518.38
CA	KLAMATH NF	\$ 294,958.84
CA	LAKE TAHOE BASIN MGT UNIT	\$ 31,476.09
CA	LASSEN NF	\$ 14,522.64
CA	LOS PADRES NF	\$ 114,797.83
CA	MENDOCINO NF	\$ 61,330.11
CA	MODOC NF	\$ -
CA	PLUMAS NF	\$ 505,590.09
CA	ROGUE RIVER-SISKIYOU NF	\$ 3,552.50
CA	SAN BERNARDINO NF	\$ 179,770.60
CA	SEQUOIA NF	\$ 102,929.90
CA	SHASTA TRINITY NF	\$ 56,064.63
CA	SIERRA NF	\$ 592,036.30
CA	SIX RIVERS NF	\$ 40,916.98
CA	STANISLAUS NF	\$ 25,673.00
CA	TAHOE NF	\$ 378,352.11
CO	ARAPAHO-ROOSEVELT NFS	\$ 715,773.96
CO	GRAND MESA, UNCOMPAHGRE, AND GUNNISON NFS	\$ 867,242.31
CO	MEDICINE BOW-ROUTT NFS	\$ 32,004.88
CO	PIKE AND SAN ISABEL NFS	\$ 648,664.46
CO	RIO GRANDE NF	\$ 264,250.30
CO	SAN JUAN NF	\$ 140,146.76
CO	WHITE RIVER NF	\$ 198,490.78
FL	NFS IN FLORIDA	\$ 46,927.25
GA	CHATTAHOOCHEE-OCONEE NF	\$ 144,465.57
ID	BITTERROOT NF	\$ 17,833.55
ID	BOISE NF	\$ 81,160.36
ID	CARIBOU-TARGHEE NF	\$ 267,382.41
ID	IDAHO PANHANDLE NFS	\$ 365,197.31
ID	NEZ PERCE-CLEARWATER NF	\$ 447,548.47
ID	PAYETTE NF	\$ 291,870.18
ID	SALMON-CHALLIS NF	\$ 117,981.86
ID	SAWTOOTH NF	\$ 283,202.93
ID	WALLOWA WHITMAN NF	\$ 19,341.80
IL	MIDEWIN NATIONAL TALLGRASS PRAIRIE	\$ -
IL	SHAWNEE NF	\$ 187,566.81

TH DM By State

IN	HOOSIER NF	\$ -
KS	PIKE AND SAN ISABEL NFS	\$ 24,518.51
KY	DANIEL BOONE NF	\$ 70,945.85
KY	LAND BETWEEN THE LAKES NRA	\$ 4,743.77
LA	KISATCHIE NF	\$ 16,791.90
ME	WHITE MOUNTAIN NF	\$ 4,803.00
MI	HIAWATHA NF	\$ 124,392.42
MI	HURON MANISTEE NF	\$ 116,988.90
MI	OTTAWA NF	\$ 183,226.25
MN	CHIPPEWA NF	\$ 5,930.59
MN	SUPERIOR NF	\$ 110,702.59
MO	MARK TWAIN NF	\$ 103,188.53
MS	NFS IN MISSISSIPPI	\$ 45,925.93
MT	BEAVERHEAD-DEERLODGE NF	\$ 56,739.09
MT	BITTERROOT NF	\$ 226,225.62
MT	CUSTER GALLATIN NF	\$ 129,446.66
MT	FLATHEAD NF	\$ 178,435.72
MT	HELENA-LEWIS AND CLARK NF	\$ 383,644.24
MT	KOOTENAI NF	\$ 9,378.98
MT	LOLO NF	\$ 155,734.92
NC	NFS IN NORTH CAROLINA	\$ 704,419.65
ND	DAKOTA PRAIRIE GRASSLANDS	\$ -
NE	NEBRASKA NF	\$ 825.93
NH	WHITE MOUNTAIN NF	\$ 653,831.20
NM	CARSON NF	\$ 157,690.00
NM	CIBOLA NF	\$ 99,714.63
NM	GILA NF	\$ 114,893.51
NM	LINCOLN NF	\$ 3,540.00
NM	SANTA FE NF	\$ 368,662.13
NV	HUMBOLDT-TOIYABE NF	\$ 132,948.47
NV	INYO NF	\$ -
NV	LAKE TAHOE BASIN MGT UNIT	\$ 700.00
NY	GREEN MOUNTAIN AND FINGER LAKES NFS	\$ 7,456.80
OH	WAYNE NF	\$ 101,554.31
OK	CIBOLA NF	\$ 1,150.00
OK	OUACHITA NF	\$ -
OR	COLUMBIA RIVER GORGE NATIONAL SCENIC AREA	\$ 607,831.99
OR	DESCHUTES NF	\$ 262,481.61
OR	FREMONT-WINEMA NFS	\$ 72,152.01
OR	MALHEUR NF	\$ 45,144.32
OR	MT HOOD NF	\$ 55,051.56
OR	OCHOCO NF	\$ 126,115.10
OR	PAYETTE NF	\$ 4,236.76
OR	ROGUE RIVER-SISKIYOU NF	\$ 96,150.35
OR	SIUSLAW NF	\$ 91,986.57
OR	UMATILLA NF	\$ 125,431.65
OR	UMPQUA NF	\$ 112,460.00
OR	WALLOWA WHITMAN NF	\$ 149,917.22
OR	WILLAMETTE NF	\$ 168,826.95
PA	ALLEGHENY NF	\$ 209,048.53
PR	EL YUNQUE NF	\$ 56,278.00
SC	FRANCIS MARION-SUMTER NFS	\$ 76,002.79
SD	BLACK HILLS NF	\$ 158,038.11
TN	CHATTAHOOCHEE-OCONEE NF	\$ -
TN	CHEROKEE NF	\$ 166,854.33

TH DM By State

TN	LAND BETWEEN THE LAKES NRA	\$ 1,388.76
TX	CIBOLA NF	\$ 2,214.90
TX	NFS IN TEXAS	\$ 13,712.88
UT	ASHLEY NF	\$ 229,995.08
UT	DIXIE NF	\$ 416,831.60
UT	FISHLAKE NF	\$ 54,690.78
UT	MANTI-LASAL NF	\$ 70,415.58
UT	UINTA-WASATCH-CACHE NF	\$ 3,324,925.19
VA	GEORGE WASHINGTON AND JEFFERSON NFS	\$ 84,777.23
VT	GREEN MOUNTAIN AND FINGER LAKES NFS	\$ 217,369.23
WA	COLUMBIA RIVER GORGE NATIONAL SCENIC AREA	\$ 10,912.93
WA	COLVILLE NF	\$ 91,566.85
WA	GIFFORD PINCHOT NF	\$ 285,780.91
WA	IDAHO PANHANDLE NFS	\$ 1,500.00
WA	MT BAKER-SNOQUALMIE NF	\$ 1,066,981.42
WA	OKANOGAN-WENATCHEE NFS	\$ 708,826.24
WA	OLYMPIC NF	\$ 164,254.54
WA	UMATILLA NF	\$ 32,779.81
WI	CHEQUAMEGON-NICOLET NF	\$ 221,823.35
WV	GEORGE WASHINGTON AND JEFFERSON NFS	\$ 544.00
WV	MONONGAHELA NF	\$ 107,384.15
WY	BIGHORN NF	\$ 109,254.43
WY	BLACK HILLS NF	\$ 11,441.28
WY	BRIDGER-TETON NF	\$ 41,268.26
WY	CARIBOU-TARGHEE NF	\$ 121,626.91
WY	MEDICINE BOW-ROUTT NFS	\$ 196,161.36
WY	SHOSHONE NF	\$ 171,038.22
WY	UINTA-WASATCH-CACHE NF	\$ 2,405.90
(blank)	MEDICINE BOW-ROUTT NFS	\$ 4,800.00

Trail Bridge DM by State

REGION FOREST	(All) (All)
State and Forest	Trail Bridge DM
AK	\$5,254,497
CHUGACH NATIONAL FOREST	\$2,207,739
TONGASS NATIONAL FOREST (blank)	\$3,046,758
AL	\$134,639
NATIONAL FORESTS IN ALABAMA	\$134,639
AR	\$111,338
OUACHITA NATIONAL FOREST	\$103,500
OZARK-ST FRANCIS NATIONAL FOREST	\$7,838
AZ	\$13,447
APACHE-SITGREAVES NATIONAL FOREST	\$11,956
COCONINO NATIONAL FOREST	\$0
CORONADO NATIONAL FOREST	\$298
PRESCOTT NATIONAL FOREST	\$193
TONTO NATIONAL FOREST	\$1,000
CA	\$3,409,835
ANGELES NATIONAL FOREST	\$281,792
CLEVELAND NATIONAL FOREST	\$0
ELDORADO NATIONAL FOREST	\$1,108,385
INYO NATIONAL FOREST	\$217,249
KLAMATH NATIONAL FOREST	\$147,492
LAKE TAHOE BASIN MGT UNIT	\$860
LASSEN NATIONAL FOREST	\$495
LOS PADRES NATIONAL FOREST	\$40,350
MENDOCINO NATIONAL FOREST	\$150
MODOC NATIONAL FOREST	\$0
PLUMAS NATIONAL FOREST	\$188,575
ROGUE RIVER-SISKIYOU NATIONAL FOREST	\$83,459
SAN BERNARDINO NATIONAL FOREST	\$71,400
SEQUOIA NATIONAL FOREST	\$266,005
SHASTA TRINITY NATIONAL FOREST	\$225,871
SIERRA NATIONAL FOREST	\$617,467
SIX RIVERS NATIONAL FOREST	\$19,116
STANISLAUS NATIONAL FOREST	\$135,399
TAHOE NATIONAL FOREST (blank)	\$5,770 \$0
CO	\$2,592,046
ARAPAHO-ROOSEVELT NATIONAL FORESTS	\$163,512
GRAND MESA, UNCOMPAHGRE, AND GUNNISON NATIONAL FORESTS	\$1,230,304
MEDICINE BOW-ROUTT NATIONAL FORESTS	\$22,385
PIKE AND SAN ISABEL NATIONAL FORESTS	\$346,533
RIO GRANDE NATIONAL FOREST	\$43,272
SAN JUAN NATIONAL FOREST	\$147,431
WHITE RIVER NATIONAL FOREST	\$638,608
FL	\$50
NATIONAL FORESTS IN FLORIDA (blank)	\$50
GA	\$136,242
CHATTAHOOCHEE-OCONEE NATIONAL FOREST	\$136,242
ID	\$5,993,063

Trail Bridge DM by State

BEAVERHEAD-DEERLODGE NATIONAL FOREST	\$11,121
BITTERROOT NATIONAL FOREST	\$354,566
BOISE NATIONAL FOREST	\$539,297
CARIBOU-TARGHEE NATIONAL FOREST	\$182,399
IDAHO PANHANDLE NATIONAL FORESTS	\$2,668,977
NEZ PERCE-CLEARWATER NATIONAL FOREST	\$375,275
PAYETTE NATIONAL FOREST	\$752,061
SALMON-CHALLIS NATIONAL FOREST	\$616,936
SAWTOOTH NATIONAL FOREST	\$492,432
(blank)	
IL	\$37,117
MIDWIN NATIONAL TALLGRASS PRAIRIE	\$3,690
SHAWNEE NATIONAL FOREST	\$33,427
IN	\$35,254
HIAWATHA NATIONAL FOREST	\$230
HOOSIER NATIONAL FOREST	\$35,024
KS	\$5,063
PIKE AND SAN ISABEL NATIONAL FORESTS	\$5,063
KY	\$274,551
DANIEL BOONE NATIONAL FOREST	\$153,139
LAND BETWEEN THE LAKES NRA	\$121,412
(blank)	
LA	\$387,393
KISATCHIE NATIONAL FOREST	\$387,393
MI	\$2,551,773
HIAWATHA NATIONAL FOREST	\$1,512,697
HURON MANISTEE NATIONAL FOREST	\$906,859
OTTAWA NATIONAL FOREST	\$132,217
(blank)	
MN	\$3,137,101
CHIPPEWA NATIONAL FOREST	\$272,925
SUPERIOR NATIONAL FOREST	\$2,864,176
MO	\$1,798,414
MARK TWAIN NATIONAL FOREST	\$1,798,414
MS	\$172,432
NATIONAL FORESTS IN MISSISSIPPI	\$172,432
(blank)	
MT	\$1,126,724
BEAVERHEAD-DEERLODGE NATIONAL FOREST	\$509,124
BITTERROOT NATIONAL FOREST	\$436,467
CUSTER GALLATIN NATIONAL FOREST	\$44,172
FLATHEAD NATIONAL FOREST	\$53,091
HELENA-LEWIS AND CLARK NATIONAL FOREST	\$59,260
KOOTENAI NATIONAL FOREST	\$17,539
LOLO NATIONAL FOREST	\$7,072
(blank)	
MT	\$563,697
CUSTER GALLATIN NATIONAL FOREST	\$253,338
FLATHEAD NATIONAL FOREST	\$18,000
HELENA-LEWIS AND CLARK NATIONAL FOREST	\$98,738
KOOTENAI NATIONAL FOREST	\$169,299
LOLO NATIONAL FOREST	\$24,322
NC	\$1,247,787
NATIONAL FORESTS IN NORTH CAROLINA	\$1,247,787
(blank)	

Trail Bridge DM by State

ND		\$0
DAKOTA PRAIRIE GRASSLANDS (blank)		\$0
NE		\$0
NEBRASKA NATIONAL FOREST		\$0
NH		\$943,188
WHITE MOUNTAIN NATIONAL FOREST		\$943,188
NM		\$17,508
CARSON NATIONAL FOREST		\$4,085
CIBOLA NATIONAL FOREST		\$50
GILA NATIONAL FOREST		\$1,589
LINCOLN NATIONAL FOREST		\$0
SANTA FE NATIONAL FOREST (blank)		\$11,784
NV		\$297,646
HUMBOLDT-TOIYABE NATIONAL FOREST		\$297,646
OH		\$1,153,829
WAYNE NATIONAL FOREST (blank)		\$1,153,829
OK		\$535
OUACHITA NATIONAL FOREST		\$535
OR		\$3,146,557
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA		\$33,861
DESCHUTES NATIONAL FOREST		\$162,384
FREMONT-WINEMA NATIONAL FORESTS		\$95,919
MALHEUR NATIONAL FOREST		\$36,380
MT HOOD NATIONAL FOREST		\$14,059
NEZ PERCE-CLEARWATER NATIONAL FOREST		\$479
OCHOCO NATIONAL FOREST		\$51,243
ROGUE RIVER-SISKIYOU NATIONAL FOREST		\$456,256
SIUSLAW NATIONAL FOREST		\$157,418
UMATILLA NATIONAL FOREST		\$43,885
UMPQUA NATIONAL FOREST		\$868,609
WALLOWA WHITMAN NATIONAL FOREST		\$351,991
WILLAMETTE NATIONAL FOREST (blank)		\$874,073
PA		\$96,530
ALLEGHENY NATIONAL FOREST (blank)		\$96,530
PR		\$9,262
EL YUNQUE NATIONAL FOREST		\$9,262
SC		\$240,925
FRANCIS MARION-SUMTER NATIONAL FORESTS (blank)		\$240,925
SD		\$42,058
BLACK HILLS NATIONAL FOREST (blank)		\$42,058
TN		\$488,209
CHEROKEE NATIONAL FOREST		\$488,094
LAND BETWEEN THE LAKES NRA (blank)		\$116
TX		\$252,222
NATIONAL FORESTS IN TEXAS		\$252,222
UT		\$2,657,722
ASHLEY NATIONAL FOREST		\$340,281

Trail Bridge DM by State

DIXIE NATIONAL FOREST	\$41,645
FISHLAKE NATIONAL FOREST	\$0
MANTI-LASAL NATIONAL FOREST	\$1,223
UINTA-WASATCH-CACHE NATIONAL FOREST (blank)	\$2,274,573
VA	\$715,413
GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS	\$715,413
VT	\$898,257
GREEN MOUNTAIN AND FINGER LAKES NATIONAL FORESTS (blank)	\$898,257
WA	\$3,770,651
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA	\$2,561
COLVILLE NATIONAL FOREST	\$337,671
GIFFORD PINCHOT NATIONAL FOREST	\$646,398
MT BAKER-SNOQUALMIE NATIONAL FOREST	\$1,543,183
OKANOGAN-WENATCHEE NATIONAL FORESTS	\$1,152,877
OLYMPIC NATIONAL FOREST	\$87,188
UMATILLA NATIONAL FOREST	\$775
WI	\$852,826
CHEQUAMEGON-NICOLET NATIONAL FOREST (blank)	\$852,826
WV	\$187,629
GEORGE WASHINGTON AND JEFFERSON NATIONAL FORESTS	\$6,660
MONONGAHELA NATIONAL FOREST	\$180,969
WY	\$4,595,069
BIGHORN NATIONAL FOREST	\$190,637
BRIDGER-TETON NATIONAL FOREST	\$3,933,936
CARIBOU-TARGHEE NATIONAL FOREST	\$206,405
MEDICINE BOW-ROUTT NATIONAL FORESTS	\$183,261
SHOSHONE NATIONAL FOREST (blank)	\$80,831
Grand Total	\$49,348,499

Trails Signs_Drainage DM

Row Labels	Total Signs & Drainage DM
Allegheny	\$36,348
Angeles	\$184,273
Apache-Sitgreaves	\$238,261
Arapaho-Roosevelt	\$2,397,239
Ashley	\$250,246
Beaverhead-Deerlodge	\$1,387,546
Bighorn	\$5,230,683
Bitterroot	\$947
Black Hills	\$101,595
Boise	\$383,710
Bridger-Teton	\$662,373
Caribou-Targhee	\$1,328,726
Carson	\$309,932
Chattahoochee-Oconee	\$72,120
Chequamegon-Nicolet	\$7,860
Cherokee	\$631,684
Chippewa	\$12,271
Chugach	\$91,852
Cibola	\$175,591
Cleveland	\$37,370
Coconino	\$137,110
Columbia River Gorge National Scenic Area	\$738,632
Colville	\$12,537
Coronado	\$127,681
Custer Gallatin	\$7,222,333
Dakota Prairie Grasslands	\$3,081
Daniel Boone	\$75,275
Deschutes	\$155,067
Dixie	\$291,453
El Yunque	\$27,167
Eldorado	\$716,038
Fishlake	\$11,032,245
Flathead	\$1,080,050
Francis Marion-Sumter	\$43,640
Fremont-Winema	\$41,654
George Washington and Jefferson	\$2,100,993
Gifford Pinchot	\$1,186,057
Gila	\$5,653,937
Grand Mesa, Uncompahgre and Gunnison	\$2,787,896
Green Mountain and Finger Lakes	\$51,256
Helena-Lewis and Clark	\$1,902,128
Hiawatha	\$57,599
Hoosier	\$101,850
Huboldt-Toiyabe	\$920,023
Huron-Manistee	\$16,147
Idaho Panhandle	\$2,413,324
Inyo	\$67,956
Kaibab	\$21,454
Kisatchie	\$65,474
Klamath	\$706,032
Kootenai	\$1,447,625
Lake Tahoe Basin Mgt Unit	\$95,852

Trails Signs_Drainage DM

Lassen	\$38,500
Lincoln	\$48,010
Lolo	\$2,492,309
Los Padres	\$6,601,759
Malheur	\$73,703
Manti-LaSal	\$22,703
Mark Twain	\$955,999
Medicine Bow-Routt	\$417,428
Mendocino	\$320,077
Midwin National Tallgrass Prairie	\$2,867
Mt Baker-Snoqualmie	\$181,789
Mt Hood	\$132,939
National Forests in Alabama	\$9,996
National Forests in Florida	\$28,269
National Forests in Mississippi	\$202
National Forests in North Carolina	\$594,081
National Forests in Texas	\$66,668
Nebraska	\$11,899
Nez Perce-Clearwater	\$2,632,686
Ochoco	\$16,683
Okanogan-Wenatchee	\$1,239,323
Olympic	\$1,070
Ottawa	\$24,698
Ouachita	\$8,534
Ozark-St. Francis	\$161,886
Payette	\$8,716,192
Pike and San Isabel	\$3,336,412
Plumas	\$315,053
Prescott	\$3,553,714
Rio Grande	\$1,141,048
Rouge River-Siskiyou	\$2,105,093
Salmon-Challis	\$1,518,595
San Bernardino	\$37,769
San Juan	\$318,483
Santa Fe	\$88,225
Sawtooth	\$478,152
Sequoia	\$22,569,054
Shasta Trinity	\$4,161,142
Shawnee	\$248,914
Shoshone	\$11,263,690
Sierra	\$35,334
Siuslaw	\$23,116
Six Rivers	\$47,770
Stanislaus	\$227,018
Superior	\$175,276
Tahoe	\$1,754,899
Tonto	\$473,893
Uinta-Wasatch-Cache	\$496,160
Umatilla	\$1,309,093
Umpqua	\$96,948
Wallowa Whitman	\$3,616,018
White Moutain	\$6,412
White River	\$6,462,373
Willamette	\$2,585,663
(blank)	\$0

90

Trails Signs_Drainage DM

Grand Total	\$148,085,773
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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

July 15, 2022

The Honorable Joe Manchin III
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Manchin:

Enclosed are responses prepared by the Department of the Interior to questions for the record submitted to the Department's witness, Mark Lambrecht, Assistant Director, National Conservation Lands and Community Partnerships, Bureau of Land Management, following the December 2, 2021, hearing to consider public lands legislation. We apologize for the delay in our response.

Thank you for the opportunity to provide this material to the Committee.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable John Barrasso
Ranking Member

Questions for the Record
U.S. Senate Committee on Energy and Natural Resources
Pending Legislation
December 2, 2021

Questions from Ranking Member Barrasso

Question 1: The U.S. District Court for the District of Columbia held in *Price v. Barr* that it is a violation of the First Amendment, and therefore unconstitutional, to require permits for commercial filming at national parks. Following this decision, the National Park Service (NPS) released interim guidance for filming in parks.

- a. Please describe in detail the process that NPS used to ensure that it properly implemented the *Price v. Barr* decision.**
- b. What steps is NPS taking to notify the public that permits and associated fees are not required for “low impact filming activities” (as defined in the interim guidance), including commercial filming?**

Response to a and b: Litigation is pending before the U.S. Court of Appeals for the D.C. Circuit, *Price v. Garland*, No. 21-5073 (D.C. Cir.). Oral argument in the D.C. Circuit took place on January 31, 2022, and the National Park Service (NPS) is awaiting the Court’s decision.

Currently, NPS is managing filming activities under interim guidance pending the outcome of the litigation. The guidance memos and the FAQ are available to the public on NPS websites, specifically the NPS Policies website at <https://npspolicy.nps.gov/> (select filming from the drop down menu) and through the NPS filming and photography page at <https://www.nps.gov/aboutus/news/commercial-film-and-photo-permits.htm>. The NPS currently is not collecting fees for filming.

Question 2: The NPS interim guidance includes a number of different restrictions for filming consisting of more than five persons. The interim guidance states that groups of more than five persons require “at least 10 days advance notice to the NPS by contacting the park directly. During this time, the superintendent will determine whether the filming activities will require a permit.”

- a. Please describe in detail the process by which a superintendent is determining whether filming will require a permit.**
- b. Are superintendents typically consulting others? If so, who are they typically consulting?**

Response to a and b: Superintendents process applications for filming permits based on the specific factual circumstances involved in the application. On March 19, 2021, additional information was provided to the field staff in the form of a Frequently Asked Question (FAQ) document. The guidance memos and the FAQ are available to the public on NPS websites, specifically the NPS Policies website at <https://npspolicy.nps.gov/> (select filming from the drop down menu) and through the NPS filming and photography page at <https://www.nps.gov/aboutus/news/commercial-film-and-photo-permits.htm>.

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Question 3: Under the statute, non-commercial filming activities cannot be permitted. The court explicitly stated “§100905’s permitting regime also excludes non-commercial filming without any consideration for the damage that activity might also cause to national parks”.

a. Under what statutory authority are you permitting non-commercial activity?

Response: The NPS is permitting non-commercial filming activities under 54 U.S.C. § 100101 and 54 U.S.C. § 100751(a).

Question 4: Under the National Park Service Concessions Management Improvement Act of 1998, NPS manages almost 500 concessions contracts and over 6,000 commercial use authorizations (CUAs). Concessions contractors are authorized to provide lodging, food, camping, transportation, or other services using government-owned facilities and resources, for terms of up to 10 (or in some cases 20) years. CUAs are shorter-term agreements of up to two years, used for activities that begin and end outside park boundaries (such as some guide and outfitter tours) or meet other specified criteria. NPS commercial visitor service providers generally pay a franchise fee to the federal government. In July 2020, NPS issued a proposed rule revising regulations for its concessions program, in order to “reduce administrative burdens and expand sustainable, high quality, and contemporary concessioner-provided visitor services in national parks.”

a. Do you support the proposed changes, such as changes to provide new types of concessions opportunities, changes affecting contract lengths, and changes affecting the determination of leasehold surrender interest (LSI)?

Response: The NPS is committed to improving visitor services through the issuance of updated regulations. These updated regulations will reduce administrative burdens and expand sustainable, high quality and contemporary concessioner-provided visitor service, which will ultimately be beneficial to the public, concessioners and the NPS.

Question 5: In your testimony, you stated “The BLM notes that it does not currently have the authority to enter into concessions agreements, and the pilot program established in section 304 gives the BLM a similar authority for modernizing campgrounds covered by the pilot program.”

a. Has BLM considered the benefits that could occur if it had the authority to enter into concessions agreements? If so, please describe in detail these benefits?

Response: Yes. Such authority, where private entities provide for capital improvements, management, and maintenance at certain federally owned sites, could enable the BLM to improve visitor experiences by increasing the quantity and quality of recreation services and facilities. In addition, the authority to enter into concessions agreements could help make the management of recreation sites more efficient and sustainable

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while contributing to greater social, economic, and environmental benefits for communities through private-public partnerships.

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Questions from Senator Cantwell

Question 1: Mr. Lambrecht, could you please describe in detail the maintenance backlog for trails and associated infrastructure (e.g., trail bridges, trailhead parking lots, and other trail access points), broken down by state and relevant land unit, for all the land management agencies under the Department of Interior? This information will be extremely useful and timely as we develop legislation to expand outdoor recreation access and opportunities across the United States.

Response: The estimated deferred maintenance and repairs (DM&R) for each of the following bureaus of the Department is:

- National Park Service - \$21.8 billion
- Bureau of Land Management - \$4.38 billion
- Bureau of Indian Affairs - \$1.62 billion
- U.S. Fish and Wildlife Service - \$1.76 billion
- U.S. Geological Survey - \$180 million
- U.S. Bureau of Reclamation - \$156 million

All DM&R estimates are as of Sept. 30, 2021, with the exception of the NPS, whose estimate is as of Dec. 31, 2021. The NPS recently completed a multi-year effort to comprehensively review and reform the systems and processes used to manage its assets, including the methodology used to assess the condition of NPS facilities and generate the DM&R values used for reporting. The changes streamline the NPS' condition assessment process and provide a more comprehensive estimate of the NPS portfolio repair needs.

The Department is committed to transparency and providing DM&R estimates annually, broken down by bureau and state. The Department has posted online a complete list of projects undertaken with Legacy Restoration Funding by state (<https://doi.gov/gaoa/projects>). The Department is also working to provide additional DM&R information in the future.

Question 2: Mr. Lambrecht, could you both please provide a list, broken down by state and relevant land unit, of Department of Interior managed trails and associated infrastructure that are closed now because of deferred maintenance issues and a list of trails that are at risk of being closed in the next five years without additional funding?

Response: The BLM, NPS, and FWS do not have bureau-wide systems to track trails and associated infrastructure that is closed or at risk of being closed due to deferred maintenance. Decisions to close trails and associated infrastructure are rare and made at the local level when conditions warrant.

Questions for the Record
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Question 3: Mr. Lambrecht, does the Interior Department have new trails and new trail access points and associated infrastructure that the public has communicated they would like to see developed? Would DOI agencies be prepared to develop those new trails with commensurate funding, assuming they align with unit land management plans, agency mission, and other applicable regulations and statutes? Could you please provide an estimate for the committee of the level of funding that could be spent on new trails and associated infrastructure over the next 5 and 10 years?

Response: Yes. The BLM state and field offices routinely consider the need for new trails and associated infrastructure, including trail bridges, trailhead parking lots, and other trail access points. The BLM would be prepared to develop many of these trails with direction from Congress, that align with land management plans, travel plans, and other applicable regulations and statutes.

The NPS works both internally and externally with partners to consider, plan for, and develop new trails and trail connections to and within parks. While the NPS focuses much of its available resources on maintaining a state of good repair for existing trails, developing new trails or trail connections continues to be important.

The FWS works with local communities and other stakeholders to plan and develop new trails and associated infrastructure to and within national wildlife refuges and national fish hatcheries.

Question 4: Mr. Lambrecht, the hearing discussion touched on the role that public-private partnerships (PPPs) could have in leveraging federal trail maintenance efforts on public lands. Could you please describe the existing authorities that the Interior Department land management agencies have to undertake such partnerships and any relevant examples of lessons learned from any existing trail maintenance PPPs? Could you please provide the same information for any partnerships or initiatives with states, municipalities, or gateway communities?

Response: Public-private partnerships are essential to carry out the vision of achieving a sustainable, multi-modal trail system across the Department's land management agencies. The need for collaborative relationships is only growing as communities expand and as demands increase for open space recreation. Public-private partnerships enable all providers to leverage funding and staffing for maximum effect, and they promote innovation and exchange of ideas.

BLM authorities to effectively engage partners, including states, municipalities, or gateway communities, for the purpose of trail maintenance on public lands include:

- *Federal Land Policy and Management Act of 1976 (FLPMA), 43 USC Section 1737(b)* - authorizes the BLM to enter into contracts and cooperative agreements with partners for the management of public lands, including trail development and maintenance.
- *National Trails System Act 16 USC 16 1246 (c)* - allows states to maintain facilities, trail markers, and interpretive sites along national scenic or national historic trails through cooperative agreements.
- *Public Lands Corps Act of 1993, 16 USC, Section 1721-1729, excluding Section 1725a Direct Hire Authority* - authorizes the BLM to enter into contracts and cooperative agreements with qualified youth or conservation corps to perform conservation projects on public lands.

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Collaborating with such networks enables the BLM to improve visitor experiences by increasing the quantity and quality of recreation services and benefits; to make management of recreation trails more efficient and sustainable; and to contribute greater social, economic, and environmental benefits to communities. Local partnerships can also help educate recreationists about the shared, multiple-use nature of public lands, encouraging visitors to recreate in harmony with other activities.

A notable example of public-private partnership involving BLM for trails is the Ridge to Rivers Partnership, which includes a variety of local, state, and Federal agencies to manage a 240-mile trail system in the Boise Foothills, Idaho. This successful partnership leverages shared funding and expertise to achieve and maintain an interconnected system of trails, including acquiring easements across private lands to provide access for hikers, mountain bikers, and equestrians. In addition to agency and landowner investments, volunteers are important for maintaining the trails, contributing over 2,000 hours of service each year.

Authorities the NPS uses to undertake partnerships in leveraging technical and financial assistance and other partnership efforts in parks and other areas include the National Trails System Act and the Challenge Cost-Share Authority.

Public-private partnerships are essential to carry out the National Park Service's (NPS) mission for the National Park System, as well as to fulfill the role that it has in other congressionally established systems such as the National Trails System, in regard to trail maintenance and other related activities. The NPS provides a range of professional technical assistance, and sometimes limited financial assistance, in our national parks as well as along our national trails with a range of partners, including States, Tribes, municipalities, gateway communities, and others. These collaborative efforts lead to leveraged financial resources, expanded capacity, trust, knowledge, and expanded stewardship skills.

An example of public-private partnerships can be seen through the lens of the partnership-based National Trails System. The Appalachian National Scenic Trail provides a wealth of examples of public-private partnerships and a "cooperative management system" along the more than 2,180 miles that it traverses across 14 States from Georgia to Maine. While the NPS administers the trail, there is partnership and collaboration with many others, including the Appalachian Trails Conservancy and 31 volunteer-based trail maintaining clubs, in addition to the State and other partners. Cooperative agreements, limited financial assistance, and other agreements assist as tools with the cooperative nature along trails, including for trail maintenance.

FWS does not charge for access to most of its lands and trails, so formal public-private partnerships are not likely to attract a private corporation to construct, operate, and maintain our trails and associated infrastructure. Instead, FWS has a vast network of volunteers and non-profit partnerships to provide maintenance of the trail systems of the National Wildlife Refuge System and the National Fish Hatchery System to ensure we maintain free, safe access to these trails for all Americans. Authorities FWS uses to partner with these organizations include:

- The National Wildlife Refuge Administration Act
- The National Wildlife Refuge Volunteer Improvement Act
- Public Land Corps Act

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An example of such a partnership is with the American Hiking Society and their Volunteer Vacations initiative. Through this initiative, groups of volunteers build and maintain trails on refuges throughout the country, providing vital work that benefits all of our visitors. Since beginning this partnership, the American Hiking Society has completed 40 trail projects on national wildlife refuges and national fish hatcheries. A recent project was an almost one-quarter mile accessible trail around the pond near the visitor center at Aransas National Wildlife Refuge in Texas. This year, they plan to complete five other trail projects at FWS field stations.



December 6, 2021

Sen. Joe Manchin
 Chair, Committee on Energy and Natural Resources
 306 Hart Senate Office Building
 Washington, DC 20510

Sen. John Barrasso
 Ranking Member, Committee on Energy and Natural Resources
 307 Dirksen Senate Office Building
 Washington, DC 20510

Re: Access Fund Testimony to Hearing on Public Lands and Outdoor Recreation Legislation, December 2nd, 2021

Dear Chair Manchin and Ranking Member Barrasso:

Access Fund appreciates the opportunity to provide testimony to the Senate Energy and Natural Resources Committee hearing titled Public Lands and Outdoor Recreation Legislation.¹ We appreciate the Committee's attention to these important issues as the bills under consideration have the potential to improve recreation opportunities and benefit all Americans.

The Access Fund is a national advocacy organization and accredited land trust whose mission is to lead and inspire the climbing community toward sustainable access and conservation of the climbing environment. A 501c(3) nonprofit and accredited land trust representing millions of climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—the Access Fund is a US climbing advocacy organization with over 20,000 members and over 123 local affiliates. The Access Fund frequently collaborates with federal agencies on climbing management, stewardship, project specific funding, and educational outreach.

Comments

S. 3266, the Outdoor Recreation Act, Sec. 103. Forest Service climbing guidance

Access Fund appreciates the intention of Sec 103 – to provide guidance to national forests on the management of recreational climbing to further legitimize climbing on Forest Service lands and allow for appropriate use of fixed anchors, standard climbing safety equipment. However, the bill text could be improved by providing a more succinct description of the management

¹ [S. 1229](#) (Simplifying Outdoor Access for Recreation Act), [S. 1269](#) (Environmental Justice in Recreation Permitting Act), [S. 1616](#) (Federal Interior Land Media Act), [S. 1874](#) (Recreation Not Red Tape Act), [S. 2258](#) (Parks, Jobs, and Equity Act), [S. 2886](#) (Cape and Antler Preservation Enhancement Act), [S. 2887](#) (Outdoors for All Act), [S. 3264](#) (Bike Over Long-distance Trails Act), and [S. 3266](#) (Outdoor Recreation Act).

concerns regarding fixed anchors. Fixed anchors are defined as climbing equipment (e.g., bolts, pitons or slings) left in place to facilitate safe ascent or descent of technical vertical terrain.² These anchors are a critical component of a climber's safety system and need to be managed appropriately in designated Wilderness.³

Access Fund agrees with the Sec 103 (a) Finding that "recreational climbing in wilderness areas on National Forest System land is being managed inconsistently." Therefore, we recommend that the language in Sec 103 be consistent with existing legislation and fixed anchor policy in use by other federal agencies, including the National Park Service and the Bureau of Land Management.

The 2019 *John D. Dingell, Jr. Conservation, Management, and Recreation Act* states that the "placement, use, and maintenance of fixed anchors" in the San Rafael Swell Wilderness is consistent with the designation of these lands as federal wilderness and not prohibited. This language accurately describes the issues that fixed anchor management should specifically address: placement, use and maintenance. Similarly, the *Protect America's Wilderness Act* (H.R. 803), which recently passed the House of Representatives, includes the same language pertaining to recreational climbing, "placement, use, and maintenance of fixed anchors."

We request that Sec 103(b) include the terms used in the Dingell Act to describe fixed anchors. The terms "placement, use, and maintenance of fixed anchors" should replace "placement, maintenance, or removal of fixed anchors" (see below). Not only does the recommended language align with the Dingell Act, but it also recognizes that recreation management policy should prioritize the "use" of fixed anchors to ensure the safety of the recreating public.

(b) Climbing Guidance in Wilderness.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall issue guidance on climbing management for National Forest System land, including the ~~placement, maintenance, or removal~~ placement, use and maintenance of fixed anchors and the appropriate use of other equipment in designated wilderness areas on National Forest System land under the Wilderness Act (16 U.S.C. 1131 et seq.).

National-level U.S. Forest Service climbing management directives (that allow for site-specific nuance and unique resource requirements) will provide much needed assistance to local Forest Service land managers. Access Fund agrees that Sec 103 of the *Outdoor Recreation Act* is a step in the right direction and that Forest Service climbing management guidance will save taxpayer dollars, avoid confusion, streamline recreation management, and provide certainty to rural communities that depend on climbing and outdoor recreation for economic development.

* * *

² Federal Register, Vol. 64, No 209, Department of Agriculture, 36 CFR Chapter II, Forest Service, Negotiated Rulemaking Advisory Committee; Fixed Anchors in Wilderness, at: <http://www.gpo.gov/fdsys/pkg/FR-1999-10-29/pdf/99-28219.pdf>

³https://d1w9vyym276tvm.cloudfront.net/assets/pdf/AF-AAC_FixedAnchorPolicy_20150428.pdf?mtime=20200711221300&focal=none

Access Fund appreciates your consideration of our comments and we looking forward to working with the Senate Energy and Natural Resources Committee to improve the *Outdoor Recreation Act*.

Best regards,

A handwritten signature in black ink that reads "Erik Murdock". The signature is written in a cursive, slightly slanted style.

Erik Murdock
Access Fund Vice President of Policy and Government Affairs

From: [Samuel Albert](#)
To: [Rizchensky, Darla \(Enerov\)](#)
Subject: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"
Date: Thursday, December 9, 2021 12:52:20 PM

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Sam Albert and I work as an Adventure Programs Coordinator for Virginia Commonwealth University. I'm also a climbing and paddling guide through the American Mountain Guides Association as well as the American Canoe Association. In these roles, I guide multiple climbing and paddling trips throughout the country. *My ability to provide outdoor experiences for the public is often dependent upon permits that are issued by the federal land agencies. I'm currently in the process of planning a climbing trip to Joshua Tree National Park in California with two student guides and we hope to serve 8-12 participants within our community. My outdoor program also holds and operates under climbing permits within the Monongahela National Forest and the New River Gorge within West Virginia.*

Unfortunately, acquiring these permits has been extremely complex, tiresome, and difficult to navigate. This has caused barriers of participation for my students and has deterred other colleagues of mine from applying for permits within certain areas. This complexity of the permitting process is preventing guides such as myself to help others access these public lands and is limiting my ability to work as a guide. The simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. I kindly ask that you support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands.

Sincerely

Sam Albert
Adventure Leadership & Teambuilding
Coordinator Office: 804-828-8473
Cell: 804-316-7608

"Committed to Inspiring and Empowering Students to a Lifetime of Wellness."

From: [Jared Alexander](#)
To: [forthecord \(Energy\)](#)
Subject: Dec 2, 2021 dept of energy and natural resources hearing comments
Date: Thursday, December 2, 2021 8:53:15 PM

To whom it concerns and is listening to issues with both bills S1874 and S1229. I'm an avid outdoorsman as well as my entire family and friend network. I live in Idaho where we have become surrounded by many more people from other states and those that have to skills to get out in adventures such as river trips who do not need to be guided. Myself and most all around me have been guides in the outdoor industry at one point or another. In the past couple years it has become increasingly impossible to get a private permit to get on any rivers. I really feel both of these bills will make it worse and we will be taking a step backwards. I urge you to please do not pass these bills as it will eliminate any outdoor family from trying to get out and enjoy nature. Thank you for your time.

Jared Alexander
McCall, Idaho 83638
208-941-1246
Sent from my iPhone

America Outdoors Association, Dude Ranchers Association, Grand Canyon River Outfitters Association, Idaho Outfitters and Guides Association, Montana Outfitters and Guides Association, Ocoee River Outfitters Association, Oregon Outfitters and Guides Association, Utah Guides and Outfitters, Wyoming Outfitters and Guides Association

Senate Energy and Natural Resources Committee

Full Committee Hearing to Consider Legislation

December 15, 2021

Testimony by Affiliated Outfitter Associations

America's outfitters and guides sincerely appreciate an opportunity to provide testimony on the bills under consideration by the Senate Energy and Natural Resources (ENR) Committee in its December 2, 2021 hearing on a first-of-its-kind recreation package. Affiliated Outfitter Associations (AOA), including America Outdoors Association, Dude Ranchers Association, Grand Canyon River Outfitters Association, Idaho Outfitters and Guides Association, Montana Outfitters and Guides Association, Ocoee River Outfitters Association, Oregon Outfitters and Guides Association, Utah Guides and Outfitters, and Wyoming Outfitters and Guides Association, each of which has a stake in many of the bills under consideration, and each of which strives to simplify and engage more people with America's great outdoors. As folks from every walk of life flocked outside this past season at record-breaking levels, there is no better time to engage in a discussion of a recreation package that seeks to increase and simplify access for all.

In the years to come, Americans will continue to escape cities and seek refuge in the outdoors, many for the first time. 80% of outfitters in a recent poll reported positive growth, with many reporting significant growth in 2021 over 2020. Facilitated outdoor experiences have been, and will continue to be, in high demand. As new visitors explore their public lands, outfitters and guides serve as early and accessible entry points who provide critical expertise, resources, and local knowledge for a particular outdoor experience. Whether renting kayaks, guiding horse-packing trips, running climbing camps, providing bike tours, or otherwise helping the public enjoy the myriad outdoor recreation opportunities available across the nation, outfitters are making things happen.

America's outfitting and guiding industry offers the public lasting memories and invigorating, authentic outdoor recreation experiences. Outfitters strive to keep the experiences they provide affordable and accessible. They face challenges, however, which much of the legislation being considered by this committee seeks to alleviate.

Of the bills under consideration, the AOA testimony will focus on the following:

- [S. 1229](#), to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes (Simplifying Outdoor Access for Recreation Act).
- [S. 1269](#), to require the Secretary of the Interior and the Secretary of Agriculture to complete an interagency report on the effects of special recreation permits on environmental justice communities, and for other purposes (Environmental Justice in Recreation Permitting Act).
- [S. 1616](#), to provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including digital or analog video and digital or analog audio recording activities, conducted on land under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior (Federal Interior Land Media Act).
- [S. 1874](#), to promote innovative approaches to outdoor recreation on Federal land and to increase opportunities for collaboration with non-Federal partners, and for other purposes (Recreation Not Red Tape Act).
- [S. 3266](#), to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes (Outdoor Recreation Act).

S. 1229, the Simplifying Outdoor Access for Recreation Act

The AOA are proud to continue supporting the Simplifying Outdoor Access for Recreation (SOAR) Act as the Senate ENR Committee takes it under consideration. This bill enjoys broad support from numerous outdoor programs, associations, and organizations and has historically accumulated bipartisan, bicameral sponsorship numerous Democratic and Republican members of both the Senate and the House. The AOA hopes that the Act can continue to move forward with its original inclusive and broad spirit, and is grateful to see Senate Energy and Natural Resources Committee give it careful consideration.

Members of the AOA convened with representatives from the Coalition of Outdoor Access, an affiliation of facilitated outdoor recreation providers for underserved groups and private users, to reach consensus on a bill that would improve the permitting process for all. A better process needed to work not only for established operators and new outdoor recreation experience providers, but also for federal land management agencies. By giving agencies more opportunities to streamline processes, more flexibility to amend existing permits, and more dynamic approaches to managing use, the final compromise expands opportunities, and was agreed to by over 100 unique associations, organizations, outfitters, and programs.

Contrary to some expressed concerns, the SOAR Act does not guarantee outfitting and guiding industry access at the expense of private users. The SOAR Act is carefully crafted to raise all ships. When there are additional days available for permit administrators to distribute among existing or potential permittees, this is done with the unguided public in mind. If a site is at

capacity, available days for guided trips would be made available from within the established allocation for commercial trips.

The SOAR Act is designed to provide better opportunities for nonprofit and for-profit programs alike, including those focused on underserved communities, outdoor education programming, wilderness therapy, and traditional outfitting and guiding. A few sections are focused on in this testimony, specifically Special Recreation Permit and Fee (Section 3(b)), Needs Assessments (Section 4(c)), Forest Service and Bureau of Land Management Temporary Special Recreation Permits (Section 5(c)), Additional Capacity (Section 8(b)), Extension of Special Use Permits (Section 11), and Programmatic Environmental Reviews.

Section 3(b), Special Recreation Permit and Fee

Section 3(b), Special Recreation Permit and Fee, authorizes agencies to charge a special recreation permit fee of up to three percent of gross income for all authorized activities, excluding revenue from activities not related to the permit, including retail sales, external costs including transportation and lodging, and fees paid on separate special recreation permits. This section also ensures that the revenues generated are set aside for the administration and issuance of special use permits along with historic uses of fee revenues.

Included in this section is the authorization for a flat fee as an alternative the 3% of gross, which was at one time authorized by the Forest Service, but for some reason was eliminated in 2008 except for very small temporary permits commonly issued to institutional users.

These sections address persistent challenges that permittees face regarding the calculation and payment of fees to the agencies. Interpretation and implementation of the current guidance varies substantially from site to site. In many situations, especially when a commercial operator is crossing over multiple agency boundaries during a single trip, the layering of fees from multiple agencies will double or even triple the percentage of gross income across the permits. Thus, an operator is expected to pay out six or nine percent of gross due to the uniqueness of its trip, while their competitor is only paying three percent.

Agencies also often seek to include in the fee calculation aspects of a trip that are only tangentially connected to the on-agency experience and not actually part of the services requiring permit authorization. Off-agency activities, such as lodging and pre- or post-trip preparation and training, often are expected to be included in the fee calculation. Souvenirs and other retail purchases, which are not otherwise supplied by the outfitter for the experience, are also often included in the calculation. The

AOA strongly support the exclusion in this section of revenue from these goods and services from the fee calculation.

Section 3(b), Use of Special Recreation Permit Fee, ensures that fees generated by outfitters are available for all existing inclusion, and applicable exclusions, iterated in the Federal Lands Recreation Enhancement Act (FLREA), and expands the use of fees to cover "expenses

associated with processing applications for special recreation permits and incurred in the improvement of the operation of the special recreation permit system.” Fees may be applied to projects specified in FLREA Section 808(a):

- A. repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety;
- B. interpretation, visitor information, visitor service, visitor needs assessments, and signs;
- C. habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography;
- D. law enforcement related to public use and recreation;
- E. direct operating or capital costs associated with the recreation fee program; and
- F. a fee management agreement established under section 6805(a) of this title or a visitor reservation service.

To reiterate, fees paid by outfitters are not excluded from these uses.

Section 4(c), Needs Assessments

Needs assessments are conducted by federal agencies where a particular designation, such as a Wilderness designation, requires it in statute. Section 4(c) directs agencies to conduct needs assessments only where they are required to do so. Outside of those designations, existing planning processes are sufficient to consider appropriate use on a landscape.

Section 4(d)5 of the Wilderness Act states that “Commercial services may be performed within the wilderness areas designated by this Act to the extent necessary for activities which are proper for realizing the recreational or other wilderness purposes of the areas.” While a needs assessment is required to satisfy this clause for designated wilderness, it is not required elsewhere, and conducting needs assessments where they are unnecessary is both redundant and inefficient on the part of the agency.

This use of needs assessments is ineffective for forests lands outside of designated wilderness, unless a forest seeks to constrain non-wilderness use in the same manner that it constrains wilderness use. Rather, appropriate use of non-wilderness forest lands is best directed by existing forest land management and travel management planning processes, by programmatic Environmental Impact Statements for specific activities, and by additional considerations triggered by designated landscapes that are not wilderness. When considering an activity in a designated wilderness, the agency concerned should conduct a Needs Assessment. Outside of designated wilderness it is an unnecessary, cumbersome, and ineffective process that misdirects limited agency resources toward unnecessary processes.

Section 5(c), Forest Service And Bureau Of Land Management Temporary Special Recreation Permits

Currently permitting system does not work well for both permit administrators and permittees when new uses or proposals for new permits are submitted. Likewise, operators with established priority use permits on USFS lands see virtually zero opportunities to grow. Potential permittees, especially those who are attempting to establish new programs for underserved communities, face significant barriers to acquiring a permit, that would enable them to stand up a new operation. To resolve this, the SOAR Act reintroduces a more expansive use of temporary permits, a provision that USFS has used in the past to create opportunities for operations that would otherwise be stymied by cumbersome agency processes. The temporary permit is expanded to the BLM. One benefit of this authorization is that a categorical exclusion may apply to it, which will enable new uses to be authorized and tested prior to issuance of a longer term permit.

Section 8(b), Additional Capacity

The AOA strongly support section 8(b) of the SOAR Act, which would specifically authorize the agencies to assign additional unused capacity to qualified recreation service providers when additional use capacity becomes available. Although there has been some concern that this provision will shift private use to commercial use, that is not the case. In fact, the availability of additional capacity for permitted commercial use has no impact on the availability of permitted days for private use.

If there are no capacity constraints on unguided public use, the availability of additional capacity for the unguided public is unlimited in most areas, and only permitted commercial use is limited to a use pool. If there are capacity constraints, and private parties are also required to obtain a permit to access an area, then the availability of both public and commercial permits, and the appropriate ratios of each, are set by the agency. Section 8(b), Additional Capacity only applies to commercial use pools. It would not take use away from private users.

Section 11, Extension of Special Recreation Permits

The AOA recommend that this section be omitted from future versions of this Act. Agencies currently have the ability to employ the Administrative Procedures Act. As long as a permittee continues to make payments on a permit, has met the conditions of the previous permit, and made a timely application for a new permit, the validity of a permit may extend past its printed expiration date. This provision, however, institutes a hard stop of five years past the conclusion of the permit to renew, constraining the ability of permit administrators to apply the APA. In many cases, such as when additional an environmental review is deemed necessary on an existing permit, it may take more than an additional five years to complete the necessary process and renew the permit. Agency personnel turnover and other disruptions add to these delays. While this provision aims to relieve permit administrators of hard deadlines, it may in practice have the opposite effect if limited to 5 years.

Programmatic Environmental Reviews

Encourage agencies, through the SOAR Act, to more frequently conduct programmatic environmental reviews. Though they rarely exercise it, agencies have the authority to conduct programmatic environmental reviews, assessing the environmental impact of a particular activity (or activities) across a site rather than conducting a unique and separate environmental (site specific) review for each individual proposal. Programmatic environmental reviews assess the impact of the total use by private and commercially-led trips alike, significantly reducing the level of analysis necessary compared to what would be required to conduct site-specific reviews for each individual permit application.

Currently, when a permittee applies for a new permit to operate on public lands or waters, the permitting agency is compelled to conduct an expensive and lengthy permit review process, which the applicant must pay for if it takes more than 50 hours of the agency's time to process and evaluate. There are no assurances that the activity will be approved. Further, there are no assurances that the activity will be awarded to the paying applicant. Programmatic Environmental Reviews can reduce the risk and exposure to the applicant and improve the efficiency of environmental reviews.

SOAR Act in Conclusion

The SOAR Act is balanced in its approach to permitting. It neither favors or disfavors private tour companies regardless of whether they provide experiences for underserved communities, youth groups, or families. The SOAR Act simplifies and streamlines the permitting process, providing expanded opportunities and simpler processes to navigate for all.

By improving the permitting process through passage of the SOAR Act, Members of the Senate ENR Committee can ensure that authentic outdoor experiences are available to those who seek them. Many Americans choose to embark on their own. For many others, including those with disabilities or those with only a rudimentary understanding of the experience, the only viable option to access a landscape is a guided trip by a private tour company. The AOA members place a high value on providing these experiences.

S. 1269, the Environmental Justice in Recreation Permitting Act

The AOA and their members are intent on improving the diversity, equity, and inclusion (DEI) landscape within the outfitting and guiding industry. Many outfitters have been working on this issue for many years. Through scholarship programs, partner organizations, internal training and cultural awareness efforts, and external messaging, outfitters are shifting the outdoor recreation demographic.

The AOA suggest that Congress initiate this effort by including rural communities among the definitions, and by more fully identifying the underrepresented and underserved communities in outdoor recreation on our public lands. Limiting the identification of barriers and recommendations to improve access to only the communities as defined in the Act could

inadvertently exclude other deserving, but non-EJ groups for whom access for recreation services should also be studied.

The SOAR Act itself is designed to increase accessibility to outdoor recreation for all and provide enhanced opportunities for diversity, equity, and inclusion in the outdoors. Currently, a significant roadblock for new programs is access to public lands and an inefficient and expensive permit approval process. For an otherwise qualified applicant working with a National Forest, acquiring any more than 200 service days through a temporary permit on a one-year term is most likely the only option. The SOAR Act breaks down this roadblock by improving the temporary permit program.

In addition to considering outdoor recreation opportunities, The AOA encourage this legislation to be inclusive of stewardship opportunities as well. Building connections with the outdoors through authentic experiences routinely fosters a powerful and lasting land use ethic among individuals. The barriers between underserved communities and stewardship organizations, such as friends groups, public lands advocacy organizations, and similar non-profit associations, should be understood and considered in this study.

Thank you for working to support environmental justice communities via facilitated outdoor recreation experiences. The AOA will continue our efforts to make America's great outdoors a diverse, inclusive, and equitable destination for all.

S. 1616, the Federal Interior Land Media Act

The AOA support flexibility when it comes to the generation of video or film content on public lands when it does not adversely affect other visitors, natural resources, or appropriate rule and regulations associated with a designation at a particular site. The permitting process for filming is cumbersome and slow, and is designed to deter individuals, both commercial and non-commercial, who seek to share experiences on America's public lands and waters.

Preserving individual rights to film and share experiences in the outdoors with others is the right step to take as Americans continue to seek new outdoor opportunities for personal healing and rejuvenation. Creating person-to-person content that is broadly shareable and viewable can catalyze individuals who traditionally do not spend time outside to spread their wings and try new outdoor experiences.

S. 1874, the Recreation Not Red Tape Act

The AOA appreciate the continuing inclusion of many SOAR Act provisions in the Recreation Not Red Tape Act, and supports passage of the bill. Where there are redundancies or deviations between similar provisions, the AOA recommend that language drafters give preference to the SOAR Act, as it has been recently and thoroughly vetted by impacted stakeholders.

S. 3266, the Outdoor Recreation Act

The provisions within the Outdoor Recreation Act (ORA) strive to understand historic access challenges to facilitated recreation providers, to resolve regulatory conflicts that impede climbing in National Forests, to ensure recreation is considered as a purpose in land management planning on par with other uses, and more. By striving to improve outdoor recreation for so many uses, the ORA can be a key catalyst for change.

The AOA look forward to enthusiastically supporting this bill when lingering language concerns that may have unintended consequences are resolved. The AOA remain concerned with Section 101, Permit Relief, which directs the Secretaries concerned to study impediments hindering youth groups to access and recreate on federal lands. The AOA ask that agencies also consider impediments to outfitters and guides, many of whom provide youth group opportunities but may not conform to the definition of youth groups in this section. As youth groups likely face some of the same barriers to permitting that outfitters and guides face, a broader consideration would provide a more complete picture.

In Section 302, Forest Service Conservation Finance Partnerships, the ORA establishes a program for private entities to fund works on Forest Service lands that will improve recreation opportunities. When applied properly, this program can do a great deal to create additional revenue streams to improve and establish recreation sites on Forest Service lands to the benefit of all. The AOA asks that section 302(e)(4), be strengthened to ensure that a recreation project does not undermine existing permitted outfitting activities. "Projects" could be construed by the agency to include permitted activities, and where these permitted activities are already provided by outfitters, the outfitter may be put at a competitive disadvantage.

The provision currently reads, "Before approving a project under this section, the Secretary of Agriculture shall consider and seek to avoid potential conflicts (including economic competition) with an existing authorization." The AOA asks that "seek to" be removed from the clause.

Conclusion

The AOA would like to commend the Senate Energy and Natural Resources Committee for taking up these bills and working to improve the outdoor recreational opportunity paradigm on public lands. The AOA are happy to answer any questions or additional inquiries members may have.



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Dec 3, 2021

The Honorable Joe Manchin
Chair, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Re: December 2, 2021 Full Committee Hearing to Consider Legislation

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of the American Alpine Club, thank you for holding a hearing centering bills that will certainly enhance and improve access to outdoor recreation on federal public lands to all Americans. We are grateful for the opportunity to provide a comment on the following bills:

- S. 1229, to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes (Simplifying Outdoor Access for Recreation Act)
- S. 1269, the Environmental Justice in Recreation Permitting Act
- S. 2258, the Parks, Jobs, and Equity Act

The American Alpine Club (AAC), based in Golden, Colorado, is a national climbing and mountaineering organization that represents the interests and values of both our members and the greater climbing community which consists of more than 5 million¹ people and generates \$12.45 billion² a year for the outdoor recreation economy. Our work centers around activating our members in support of the protection of climbing areas and critical landscapes, advancing access to public lands and climbing for all Americans, protecting and supporting outdoor recreation communities, and mitigating the climate crisis through thoughtful land management practices.

S. 1229, the Simplifying Outdoor Access for Recreation Act

Many people enjoy their first time climbing outside on public lands through a facilitated recreation experience offered by groups like the American Alpine Club's volunteer chapters, other recreation non-profit organizations, or through a guide or outfitter. Specifically, many of the AAC's members work as climbing guides, or utilize guiding services to experience new climbing destinations or obtain climbing education. Guided recreation experiences of this nature offer climbers new and experienced alike, the opportunity to

¹Outdoor Industry Association 2019 Outdoor Participation Report <https://outdoorindustry.org/resource/2019-outdoor-participation-report/>

²American Alpine Club State of Climbing Report <https://americanalpineclub.org/state-of-climbing-report>



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participate in the sport in a safe environment that not only offers participants the ability to gain new skills, but the ability to learn how to recreate responsibly and be conscientious visitors on public lands. These facilitated experiences are particularly valuable for helping to connect underserved or environmental justice communities who have historically been deprived of engaging in recreation opportunities on public lands.

While it is clear that guided and facilitated experiences on public lands are critical, the recreational permitting systems of the federal land management agencies make it difficult for guides, outfitters, and other outdoor program providers to take people outdoors. Whether a guide or outfitter, a volunteer-based club, or a university recreation program, all groups must obtain special recreation permits to lead trips on public lands, and oftentimes, this process creates a significant barrier to entry. As they exist today, the systems to obtain permits are complex, inefficient, duplicative, inconsistent, and labor-intensive. They create bureaucratic barriers which have ultimately limited the American public's ability to experience public lands as well as prevented recreation organizations and businesses from expanding their services and further contributing to the economy.

Due to the nature of these convoluted systems, it is hard for guides to plan their programming ahead of time, or to grow their scope of work from one year to the next, hindering both the growth of local businesses and in turn, that of local economies. An AAC community member, Lizzy VanPatten, owns a guiding company called [She Moves Mountains](#) (SMM) based in the Pacific Northwest. The mission of VanPatten's organization is "to create an educational space for women (cis, trans) and gender minorities to realize their strength through outdoor retreats and skills clinics". Not only does VanPatten offer experiential programs on public lands, but her business model is designed to mentor, empower, and encourage other women to become climbing guides, as currently, only 15% of guides in the industry are women. She Moves Mountains clinics and educational offerings consistently sell out, and as the organization continues to grow, VanPatten, like countless other guides, has run into barriers when it comes to obtaining new permits to guide and host clinics, retreats, or training programs on public lands. Along with the time commitment required to navigate the various permitting processes of land management agencies, VanPatten also runs into inconsistency in permit availability from one year to the next. In some cases, permit moratoriums prevent new permits being issued for specific zones, preventing access for new outfitters and guides. Over time, VanPatten has found it difficult to scale up her business in order to meet increasing demand due to these existing bureaucratic barriers limiting access for her participants.

In addition to creating a challenge for outfitters, guides, and other outdoor programs, the convoluted permitting processes are just as challenging for land managers to administer. Agencies do not have the staff capacity to issue and administer new permits. As an example, within the U.S. Forest Service, 70% of the permit administrators are administering special recreation permits as a collateral duty to an additional job assignment. With the exception of a permit being denied due to environmental impacts, agencies deny permit applications due to a lack of administrative capacity to process the permit application and administer the permit. This reality results in a direct barrier to getting more Americans outside. Streamlining and updating these permitting processes will create a significant impact for the land management agencies, and in turn, for the American people hoping to explore our Nation's greatest treasures.



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The SOAR Act is a great example of a bipartisan, interagency, and outdoor recreation community collaboration. It has been developed over a period of six years with intentional and extensive input from the outdoor recreation community, business owners, conservation groups, and land management agencies. Due to this inclusive stakeholder process, the bill has been carefully drafted to meet the needs of various stakeholders while promoting change that is both essential and long overdue. The Senate has a unique opportunity to come together to support this critical bill that will not only enhance recreation access on public lands, but will also help to ensure that access to these places is equitable. In addition, this bill will prop up local businesses that generate economic value for communities across the country. The AAC strongly supports the SOAR act, and is grateful to Senator Heinrich, his staff, and all those who have spent countless hours working on this bi-partisan bill.

S. 1269, the Environmental Justice in Recreation Permitting Act

Access to public lands should be readily available to all Americans who are interested in seeking out the physical and mental health benefits offered by experiences in these places. Due to our nation's history of racial discrimination and the intentional exclusion and segregation of Black, Indigenous, and People of Color, outdoor recreation opportunities have not been equitably distributed among the populous.

Facilitated access providers such as outfitters and guides, affinity groups, or outdoor recreation nonprofits, utilize special use permits in order to offer a way in which first-time participants can engage in outdoor recreation. These entities offer a safe and controlled environment for people to experience the outdoors and learn the skills needed to engage in outdoor recreation activities and become responsible users of public lands. Knowing that advancing access to outdoor recreation for all Americans is a major goal of the current administration, the passage of the Environmental Justice in Recreation Permitting act, and the subsequent study of the impact, or lack thereof, that special use permits have on advancing access in underserved communities, is a critical first step to identifying solutions to advancing access to these spaces and recreation activities for all Americans.

S. 2258, the Parks, Jobs, and Equity Act

The American Alpine Club believes that regional and local parks and green spaces are essential community infrastructure. In many urban centers, access to the outdoors can be limited. Ensuring that all Americans have safe, accessible, green spaces and local parks within a short walking distance from their homes should be seen as a priority. These critical community resources support mental and physical health benefits, have the ability to introduce individuals to recreation opportunities, and during the COVID-19 pandemic, have offered Americans a space for fresh air, exercise, and a place for communities to safely gather. While parks have seen increased use over the past several years, many are reporting budget cuts and are being forced to cut paid programming and fee-based amenities, as well as to layoff or furlough employees creating



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additional capacity issues.³ The Parks, Jobs, and Equity Act (PJEAct) will implement a one-time investment that will efficiently provide emergency funding for local parks across the country. This funding will create and preserve jobs, assist in revitalizing communities hurt by COVID-19, and fund new, or upgrade existing, local parks. While this program shares similarities with the bipartisan Outdoor Recreation Legacy Program (ORLP) which provides funding for parks in underserved communities across the country, the PJEAct program uses a specific formula offering state and local control to ensure investments are made quickly and can offer a direct response to local community priorities and direct resources to the communities most heavily affected by COVID-19. We strongly support this investment in America's regional and local parks and green spaces.

Conclusion

We appreciate the committee's thoughtful work to improve access to outdoor recreation opportunities for all Americans on public lands across the country. Thank you for the opportunity to weigh in. As this process continues, we look forward to serving as a resource to the committee and welcome any further opportunity to be involved in assisting in advancing access to recreation on public lands.

Respectfully,

A handwritten signature in black ink, appearing to read "Mitsu Iwasaki".

Mitsu Iwasaki, CEO
American Alpine Club

A handwritten signature in black ink, appearing to read "Amelia Howe".

Amelia Howe
Advocacy + Government Affairs Manager
American Alpine Club

A handwritten signature in black ink, appearing to read "Taylor Luneau".

Taylor Luneau
Policy Manager
American Alpine Club

³ <https://www.nrpa.org/blog/nrpa-parks-snapshot-may-6-may-8-survey-results/>



**American
Alpine Institute**

www.alpineinstitute.com
info@alpineinstitute.com
 Equipment Shop: 360-671-1570
 Administrative Office: 360-671-1505
 1515 12th Street, Bellingham, WA 98225

December 2, 2021

The Honorable Joe Manchin
 Chair, Senate Committee on Energy and Natural Resources
 304 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable John Barrasso
 Ranking Member, Senate Committee on Energy and Natural Resources
 304 Dirksen Senate Office Building
 Washington, DC 20510

Re: December 2, 2021 Full Committee Hearing to Consider Legislation

Dear Chair Manchin and Ranking Member Barrasso:

On behalf of the American Alpine Institute (AAI), I'd like to thank-you for holding a hearing on bills to enhance and improve outdoor recreation on Federal public lands. This letter is a submission of testimony on the following bills:

- S. 1229, to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes (Simplifying Outdoor Access for Recreation Act)
- S. 3266, to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes (Outdoor Recreation Act)

The American Alpine Institute provides climbing, mountaineering, skiing, hiking, backpacking, wilderness leadership and technical rescue programs on Federal land. AAI was founded in 1975 and operates in eight states. We have commercial land use permits with the US Forest Service, the Bureau of Land Management and the National Parks.

As an business that holds dozens of land use permits, we believe that we have a unique understanding of both the problems and solutions implicit in Federal land management for outfitter and guide activities on public lands.

S. 1229, the Simplifying Outdoor Access for Recreation Act

AAI is invested in the success of this legislation. We believe the agencies' permitting systems need to be improved to provide the public with more opportunities for both recreation and education on public lands. We believe that accessing public lands with professional instructors and guides can provide the public with instruction, training and guidance in skills that they otherwise don't have. Additionally, we believe that professional instructors and guides excel at teaching the public how to interact responsibly with these lands while also creating future stewards.

When a business would like to provide a given activity on public lands (e.g. mountaineering, skiing, hiking, etc.), the business must apply for a permit with the agency that manages that piece of land. Many agencies respond that there aren't any permits available. This can be detrimental to the growth of a business and often hurts the ability of instructors and guides to provide the activity that is being demanded by the public.

In some cases, there are legitimate reasons for the denial of a permit. Most commonly, a legitimate denial exists due to the environmental impacts of an activity. However, in most cases, permits are not denied for



**American
Alpine Institute**

www.alpineinstitute.com
info@alpineinstitute.com
 Equipment Shop: 360-671-1570
 Administrative Office: 360-671-1505
 1515 12th Street, Bellingham, WA 98225

this reason. Instead, they are denied because the agency doesn't have the administrative resources to manage the complexity of the current system. The system is labor intensive, and many managers – especially those in the US Forest Service – are overtasked with other duties. As a result, permits are denied, businesses are unable to operate, less instructors and guides are able to work, and the public is unable to access the lands with the oversight of an instructor or guide.

The SOAR Act would require the agencies to evaluate the existing permitting system and identify ways to make improvements. It would then require the agencies to incorporate those improvements into their regulations and policy statements.

There are several components of the SOAR Act that will make operations and business investment for outfitters and guides on public lands more reasonable:

- **Section 4** – This directs agencies to evaluate the process for issuing recreational outfitter and guide permits and to identify ways to eliminate duplicative processes, reduce administrative costs, and shorten processing times. It would also require the agencies to make permit applications available online. Each of these steps would make it easier for businesses to acquire permits and easier for the agencies to manage the permitting system.
- **Section 5** – This allows outfitters and guide businesses to provide recreational activities that are substantially similar to the activity specified in their permit. For example, our company that provides mountaineering activity, would also be able to provide rock climbing activities on the same land unit. This would also provide the Forest Service and Bureau of Land Management with the authority to issue a temporary permit for up to two years. This authority would save precious administrative time for the agencies and permit holders by reducing the frequency with which permit applications need to be re-submitted and processed. Section 5 would also establish a program that would allow permit holders to temporarily return unused service days so they could be made available to other permit holders and the general public.
- **Section 6** – This section directs agencies to notify the public of when and where new recreation permits are available. It also requires the agencies to provide timely responses to permit applications. This would increase transparency and address the common occurrence of permit applications going unacknowledged.
- **Section 7** – In the case of activities that cross multiple agency boundaries, this section authorizes the agencies to issue a single joint permit covering the lands of all the managing agencies. Currently we must obtain a separate permit from each of the agencies where our activity will take place, making the permitting process complicated and costly.
- **Section 8** – This section protects Forest Service permit holders from losing service days as a result of seasonal fluctuations in demand for services, or for fluctuations for circumstances beyond our control, such as wildfires, road washouts, etc.
- **Section 9** – This section will help control liability insurance costs for permit holders by allowing them to use liability release forms with their clients. Currently, the rules on the use of liability release forms vary by agency. It is not uncommon for an agency to deny us the use of a form that another agency approved. This results in legal and administrative costs to be in compliance.

The SOAR Act will be incredibly helpful to those who operate on public lands. This includes businesses, not-for-profit organizations, schools and universities, as well as many other facilitated groups.

S. 3266, the Outdoor Recreation Act

The following comments are specific to Section 101. This section goes hand-in-hand with the SOAR Act. However, there are a few changes that would be beneficial to outfitters and guides.



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info@alpineinstitute.com
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Section 101(b) waives the permit requirement to access an existing picnic area for outfitters and guides serving fewer than 40 clients. It will be important to clarify this section by specifying what is meant by serving fewer than 40 clients. Without clarification, section 101(b) could be interpreted to allow an outfitter, guide to bring 40 clients per day to a picnic area. This could result in significant user conflict and unacceptable adverse resource impacts. It is recommended that the permit waiver be limited to a “de minimis” level of use that is unlikely to have significant impacts. This could be accomplished by capping the waiver so that it allows an outfitter, guide, or youth group to serve 40 clients per year (40 service days) at any given picnic area.

Section 101(c) requires the agencies to conduct a study on access to Federal lands and permits for youth groups. There is inherent value in better access to Federal lands for youth groups, however, the section should also include outfitters and guides. Both groups have similar impediments to public land access. As such, the value of the study would be much higher if both groups were included.

In addition to this, the study should focus on the creation of a new type of guided recreational permit. The new type of permit would be designed to allow easy access to outfitters and guides who wish to access public lands for occasional use without significant impact. The permits could be limited to activities that the public already engages in without permits. It could be limited to no more than 40-service days, and it could be provided for a flat fee. Such a permit – a “de minimis use” style permit – would be an exceptional change and would profoundly help outfitters and guides throughout the United States.

Conclusion

The SOAR Act and the Outdoor Recreation Act both have the ability to change the way that outfitters and guides do business in the United States. Access and management of Federal land use permits make-up a tremendous amount of the administrative work that we participate in on a daily basis. These permits often limit how we can serve the public, how many instructors and guides we can employ, and how we do business. These pieces of legislation will change that in a positive way, creating a system that serves land management agencies, outfitters and guides, as well as the public that chooses to access Federal lands with the support of an outfitter or guide.

Thank-you for your work on Federal lands permit management, and the opportunity to submit testimony for the legislative hearing on December 2, 2021 in the Senate Energy and Natural Resources Committee.

Sincerely,

Jason D. Martin
 Executive Director
 American Alpine Institute

American Mountain Guides Association
4720 Walnut Street, Suite 200
Boulder, CO 80301
(P) 303.271.0984 | (F) 720.336.3663
www.amga.com | info@amga.com

December 2, 2021

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

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

Dear Chair Manchin, Ranking Member Barrasso, 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 Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. We focus our comments on S. 1229, the Simplifying Outdoor Access for Recreation Act; S. 1269, the Environmental Justice in Recreation Permitting Act; S. 1874, the Recreation Not Red Tape Act; and S. 3266, the Outdoor Recreation Act.

The American Mountain Guides Association (AMGA) is a 501(c)(3) educational non-profit organization that provides training and certification for climbing instructors, mountain guides, and backcountry skiing guides throughout the United States. Founded in 1979, the AMGA has trained over 13,000 climbing and skiing guides who provide outdoor experiences for the public on public lands. As the American representative to the International Federation of Mountain Guide Associations, the AMGA institutes international standards for the mountain guiding profession in the United States and serves as an educational body for land management agencies, outdoor businesses, clubs, and other recreation stakeholders. Of additional relevance to this hearing, 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 testimony on the Simplifying Outdoor Access for Recreation Act (SOAR Act), the Environmental Justice in Recreation Permitting Act, the Recreation Not Red Tape Act, and the Outdoor Recreation Act.

We appreciate the Committee's recognition of the need to improve recreational access to public lands and we commend Chair Manchin, Ranking Member Barrasso, and the Committee for taking steps to advance legislation that will enhance opportunities for Americans from all walks of life to access and enjoy public lands. In particular, we believe there is a significant opportunity to enhance accessibility of public lands and increase recreational opportunities by modernizing the outfitter and guide permitting systems of the federal land agencies. Currently, these systems are antiquated and inefficient, and they are preventing the public from accessing public lands with the assistance of an outfitter, guide, youth group, outdoor education center, outdoor adaptive program, veteran's outdoor program, or volunteer-based club.

Examples of the Need for Legislation

To illustrate ongoing problems faced by outdoor recreation service providers and the public they serve, we share the following real-world examples:

- 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 (now the New River Gorge National Park). 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, BSA approached the National Park Service (NPS) to get permission to cross a small section of NPS-managed land that lies adjacent to BSA's property where the climbing area is located. They were told it would take multiple years to issue the necessary permit due to the amount of paperwork required. As a result, the new climbing opportunity was not available in time for the World Scout Jamboree. Ongoing permitting difficulties have since caused the proponents to abandon the project.
- The South Fork of the Shoshone River near Cody, Wyoming is home to one of the largest concentrations of frozen waterfall ice climbing in the country. Numerous climbing guide services offer ice climbing classes and guided ice climbing trips under a temporary use permit issued by the Shoshone National Forest. Due to the complexity of the permitting process and limited staff capacity, the Shoshone National Forest has struggled to issue the permits in a timely manner—sometimes not until the ice climbing season has already begun. These delays significantly impact guide businesses because Forest Service policy prohibits them from advertising a guided trip until the permit has been issued. If a guide service is unable to advertise until the season has already started, they miss the opportunity to book trips in the months *before* the season begins when most visitors are making their travel plans.
- Montana Alpine Guides (MAG), a climbing and skiing guide service based in Bozeman, Montana, faces numerous complexities when operating trips that cross agency boundaries. For example, to operate guided backcountry skiing programs near Cooke City, Montana, MAG must first get an easement from the Custer-Gallatin National Forest to travel along a 1-mile length of road to access a premier skiing destination on the adjacent Shoshone National Forest. Once on the Shoshone National Forest, MAG has a separate permit to provide guided backcountry skiing services; however, they are not allowed to camp overnight. Because many of the trips require an overnight camp, MAG must leave the Shoshone National Forest at the end of the day and cross a boundary into nearby Yellowstone National Park where overnight camping is allowed. After spending the night on land managed by Yellowstone National Park, they make their way back onto the Shoshone National Forest to continue skiing. These bureaucratic complexities are incredibly inconvenient and costly for Montana Alpine Guides and the public they serve.
- The Colorado Mountain School (CMS), located in Boulder, Colorado, provides instruction and guiding in rock climbing, mountaineering, backcountry skiing, and avalanche awareness. CMS

has been a permittee of the Arapaho-Roosevelt National Forest for over a decade and has maintained full compliance with the terms and conditions of the permit throughout that time. Despite acceptable performance, CMS is required to resubmit a temporary permit application every 180 days because the agency is unable to complete the analyses required to issue a longer-term permit. The repetitive reissuance of a short-term permit is unnecessarily time consuming and inefficient for both the Colorado Mountain School and for the Forest Service.

- Outfitting and guiding services are entirely unavailable to the public on the Lake Tahoe Basin Management Unit (LTBMU) of the U.S. Forest Service, an area that holds highly desirable recreation resources for hiking, backpacking, backcountry skiing, rock climbing, and more. In 2017, the LTBMU acknowledged the importance of guided services to enhance recreational access and took initial steps to establish an outfitting and guiding program. However, due to the complexity of the permit authorization process and a lack of staff resources, the LTBMU has tabled the project indefinitely.

S. 1229, Simplifying Outdoor Access for Recreation Act

The Simplifying Outdoor Access for Recreation Act (SOAR Act) will restore functionality to the outfitting and guiding permitting systems of the federal land agencies by clarifying existing authorities and establishing new authorities that will make special recreation permits easier for outfitters and guides to obtain and manage, and easier for the agencies to administer. In the following section, we point out several provisions in the bill that are particularly effective in addressing the problems outlined above.

In Section 4, *Permitting Process Improvements*, the bill directs the agencies to evaluate the special recreation permitting process and identify opportunities to eliminate duplicative processes, reduce costs, and decrease processing times. At the heart of this section is the fact that guided recreation activities, as a category of actions, are unlikely to have significant impacts on the environment and therefore present a unique opportunity to increase efficiency while upholding National Environmental Policy Act (NEPA) requirements and maintaining land management best practices. As noted in the *USDA Forest Service Proposed Rule on National Environmental Policy Act Compliance*,

[m]any of these recreation special uses occur on existing NFS roads or NFS trails or in existing facilities that are designed and managed for those uses and have no more impacts than noncommercial public use.¹

In short, guided activities have no greater footprint on the environment than noncommercial public use and therefore, in most cases, should not require additional analysis beyond that which has already been done to approve noncommercial use. Taking this into account, we believe Section 4 of the bill will promote new efficiencies for both agencies and outfitters while ensuring existing environmental protections continue to be upheld.

¹ <https://www.fs.fed.us/emc/nepa/revisions/includes/docs/NEPAFinalRule-SupportingStatement-20201023.pdf>

Similarly, Section 4(c), *Needs Assessments*, directs the agencies to conduct needs assessments only when new uses are proposed in wilderness as required by the Wilderness Act. Needs assessments are lengthy, time-consuming studies conducted by the agencies to assess the agency and public need for a service. Under current practice, these studies are frequently conducted in areas outside of wilderness, significantly slowing down the permitting process, and, in some cases, preventing permits from being issued altogether. Section 4(c) of the bill will support the use of needs assessments in areas where they are required by statute while ensuring needs assessments are not unnecessarily delaying the permitting process in areas where they are not required.

In Section 5(a), *Similar Activities*, the bill directs the agencies to allow a new activity to occur under an existing permit, without doing additional analysis, when the new activity is substantially similar to the activity that is already permitted. To provide an example of the need for this provision, we will share a story from Colorado. There are numerous guide services in Colorado who are allowed to provide guided avalanche education courses on the White River National Forest and the Arapahoe-Roosevelt National Forest, but they are not allowed to provide guided backcountry skiing trips in the same locations. This restriction is perplexing because both types of outings visit the Forest in the same manner: small groups, traveling over snow, evaluating snow conditions and avalanche risk, and returning home in a single day. In addition, backcountry skiing has expanded in popularity in recent years and the public demand for instruction and guiding is at an all-time high. Section 5(a) would provide the Forest Service with the authority to allow guide services to offer guided backcountry skiing trips and meet the public demand for this burgeoning outdoor sport.

In Section 5(b), *Voluntary Return of Service Days*, the bill directs the agencies to establish a program to allow a permit holder to temporarily return surplus service days to the agency so the service days can be made available to other existing or potential permittees. Returned service days can be utilized by other permit holders and the unguided public. As such, this section will promote economy of use by maximizing the use of all available service days.

In Section 5(c), *Forest Service and Bureau of Land Management Temporary Special Recreation Permits*, the bill authorizes the Forest Service and Bureau of Land Management to issue a temporary special recreation permit for a term up to two years in length. This will bring significant new efficiencies in the form of less frequent permit processing, especially for Forest Service temporary permits which are currently limited to a term of 180 days. In practical terms, the effect of Section 5(c) will be to minimize the repetitive reissuance of short-term permits as described in the example above regarding Colorado Mountain School.

In Section 7, *Permits for Multijurisdictional Trips*, the agencies are authorized to offer a single joint special recreation permit for guided trips that cross agency boundaries. Outdoor trips typically follow natural features such as rivers, canyons, and high mountain ridges for ease of travel and maximum recreational 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. Under the current system, 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. It is also inefficient for the agencies to issue multiple permits to the same outfitter for a

single activity. In practical terms, Section 7 of the bill will address the complexities faced by outfitters who operate trips that cross multiple agency boundaries as described in the example above regarding Montana Alpine Guides.

In Section 8(b), *Forest Service Permit Use Reviews*, the Forest Service is authorized to assign additional use to a permit holder beyond the amount allocated when the permit was originally issued, provided capacity for the use exists. This will ensure the public has the opportunity to visit public lands when capacity is available—rather than arbitrarily limiting guided recreation opportunities despite capacity being available.

In Section 9(a), *Exculpatory Agreements*, the bill authorizes the agencies to allow special recreation permit holders to use exculpatory agreements to the extent they are authorized by applicable state law. Presently, there is inconsistency among land management agencies, and even within individual agencies, on the use of exculpatory agreements. The Bureau of Land Management generally allows them, the U.S. Forest Service allows them in some locations but not others, and the National Park Service does not allow them at all. The bill would resolve these inconsistencies and establish the principle that state law controls the validity of exculpatory agreements.

In Section 9(b), *Indemnification by Government Entities*, the bill directs the agencies to waive the existing indemnification requirement for state-based institutions that are prohibited by state or local law from providing indemnification to the United States (provided they carry the minimum required amount of liability insurance). Under current law, state-based institutions such as colleges, universities, and municipalities are unable to hold special recreation permits due to their inability to fulfill the indemnification requirement. Section 9(b) of the bill would remedy this situation and enable college outdoor recreation programs and municipal recreation districts, many of which offer low-cost outdoor programs for youth, to provide outdoor programs on public lands.

In Section 11, *Extension of Special Recreation Permits*, the bill would address a situation in which a permit holder has submitted a timely request for reauthorization of a long-term permit but the agency is unable to complete the reauthorization prior to the expiration of the permit. Section 110 would toll the expiration of the permit for up to five years in accordance with section 558(c)(2) of title 5, United States Code, to allow the permit holder to continue operations while the agency is completing the reauthorization process. Importantly, the tolling period does not affect the agency's ability to prescribe new terms and conditions when the reauthorization is completed.

S. 3266, Outdoor Recreation Act

The AMGA would like to extend our appreciation to Senator Manchin and Senator Barrasso for introducing the Outdoor Recreation Act, particularly the provisions included in Section 101, *Permit Relief*. The concepts included in Section 101 are complementary of the permitting improvements in the SOAR Act, and, taken together, the two bills will promote positive improvements for facilitated access to America's public lands. However, to maximize the impact of Section 101, we recommend several targeted changes to clarify the intent of the section, promote equitable access among user

groups, and focus the access study on ways to quickly authorize occasional, low-impact guided activities.

In Section 101(b), *Removal of Permit Requirement for Certain Areas*, we believe youth groups should be included to make sure all types of recreation service providers are represented. This approach will ensure the legislation results in new recreational opportunities for a diverse spectrum of visitors to public lands. We also recommend clarifying the terminology, “serving fewer than 40 clients.” This language is vague, and it could be interpreted to mean 40 clients per visit, per season, or per year. The intent could be clarified by stating, “serving fewer than 40 clients per year” or similar language.

In Section 101(c), *Study on Access for Youth Groups to Federal Land and Permits*, we recommend outfitters and guides be included in the study. Similar to our previous comments on Section 101(b), we believe an inclusive approach to solving access issues will render the greatest benefit to the public who is seeking the technical assistance, skill development, and camaraderie of an outfitter, guide, or youth group. Excluding any one user group will have the effect of excluding segments of the American population. If recreational access is intended to be equitable for all Americans, the study commissioned by the Outdoor Recreation Act should strive to include all outdoor recreation service providers.

Furthermore, we strongly recommend the study in Section 101(c) be focused on opportunities to increase access when guided recreation visits to public land are occasional and in small groups. For example, a climbing guide that makes three 5-day visits annually to a national forest with 2 clients will have an unmeasurable impact on the landscape and other visitors when compared against the thousands of unguided users that visit the same national forest during the year. The same is true for a youth group that makes a one-time visit to a national forest for a 3-day backpacking trip with 12 kids. Moreover, these visits provide outsized benefits for the adults and youth who gained the opportunity to recreate on public lands.

Occasional, low-impact uses could be authorized through a streamlined, easy-to-get permit, especially in locations where there are no capacity limits in place for the unguided public (which implies the resource can accommodate additional use). We encourage the Committee to modify the language in Section 101(c) to focus the study on the creation of a “limited use permit” that would be available online, for a flat fee, and in a manner that is entirely automated—similar to the process used by the general public to get a permit for a campsite on *recreation.gov*. This approach would minimize the need for agency administration and oversight, thus reducing demand on agency personnel while significantly enhancing guided recreational opportunities for the public.

S. 1874, Recreation Not Red Tape Act

The Recreation Not Red Tape Act contains a number of provisions beyond those enumerated in the SOAR Act and Outdoor Recreation Act that will improve access to public lands, increase agency attention to outdoor recreation, and bolster the outdoor recreation economy. Section 201, *Access for Service Members and Veterans*, will provide veterans with valuable resources to help them learn about, and gain access to, outdoors-based careers. Section 302, *Recreation Performance Metrics*, will

establish metrics to evaluate and advance recreation tourism goals. Section 303, *Recreation Mission*, will direct the Army Corps of Engineers, Bureau of Reclamation, Federal Energy Regulatory Commission and Department of Transportation to consider how land and water management decisions can enhance recreation opportunities and the recreation economy.

S. 1279, Environmental Justice in Recreational Permitting Act

The AMGA supports the Environmental Justice in Recreational Permitting Act and believes it will help identify ways in which the recreational permitting system can better serve environmental justice communities. The inclusion of this legislation in a package with the SOAR Act and Outdoor Recreation Act is timely from the standpoint of providing the agencies with the study requirements enumerated in each of the bills at the same time, as there may be ways in which the studies are able to complement one another. For example, the Limited Access Permit that we described previously could be a powerful tool for providing new access opportunities to a diverse array of outdoor recreation service providers who serve underrepresented communities.

Conclusion

The provisions in the SOAR Act, Outdoor Recreation Act, Recreation Not Red Tape Act, and Environmental Justice in Recreation Permitting Act related to outfitter-guide permitting and improved recreational access bring together a remarkably broad group of supporters, on both sides of the aisle. This bipartisan sentiment is especially embodied by the SOAR Act. The SOAR Act has been developed over a period of 6 years with extensive input from the outdoor recreation community, outfitter-guide community, and in consultation with conservation groups and land management agencies. The bill has been carefully written to strike a thoughtful balance between the interests of diverse parties while facilitating changes that are much needed and long overdue.

* * *

Thank you for the opportunity to share our perspective on ways in which Congress can improve access for guided outdoor recreation on America's public lands. We believe these bills present an unprecedented opportunity for Congress to come together around a set of common interests and enact positive change that will truly enhance the recreational benefits of public lands and empower the American people to enjoy them.

Sincerely,



Matt Wade
Deputy Director
American Mountain Guides Association



American Sportfishing Association

Testimony on Legislative Hearing on S.1229, S.1874, and S. 3266

**Committee on Energy and Natural Resource Committee
United States Senate
December 2, 2021**

On behalf of the American Sportfishing Association (ASA), we thank the Committee for discussing these bills that support outdoor recreation, American businesses, and communities. For nearly 90 years, ASA has been leading the way for sportfishing's future. We look out for the interests of the sportfishing industry and the entire recreational fishing community. Our over 900 members include manufacturers, retailers and allied organizations that comprise the \$125 billion recreational fishing economy. We provide a unified voice for the industry and anglers when emerging laws and policies could significantly affect business or sportfishing itself. ASA works to ensure the industry stays strong by safeguarding and promoting the enduring economic, conservation and social values of sportfishing in America.

Recreational fishing is truly an all-American activity. Our fisheries resources, which are held in the public trust and conserved through sound laws and policies, are envied the world over. Fishing activity across the nation supports the economy, connects people to the outdoors and provides substantial funding for conservation. Through fishing license purchases, excise taxes and direct donations, the recreational fishing community contributes approximately \$1.5 billion toward aquatic resource conservation each year. No other user group contributes nearly as much toward ensuring our nation's waterways and fisheries are healthy and accessible to the public. The recreational fishing community cares deeply about ensuring all Americans access to our nation's public lands and waters for outdoor recreation.

The pandemic has confirmed the value of the outdoors to the American public. As the Outdoor Recreational Roundtable cited, during the pandemic sixty-five percent of all Americans looked for outdoor recreation opportunities.¹ Recreational fishing participation grew to 54.7 million participants in 2020.² Not only do these numbers show the social value of outdoor recreation, but they point again to the economic importance of the industry. The sportfishing industry alone supports over 800,000 jobs and contributes \$125 billion to the economy.

Increased participation and demand for outdoor gear has changed the landscape of outdoor recreation and the industry. While this growth has been exciting, it also poses new challenges. These challenges include maintaining quality outdoor recreation experiences, managing visitors, growing outdoor recreation opportunities and communities, and supporting businesses affected

¹ <https://recreationroundtable.org/wp-content/uploads/2020/12/ORR-Transition-Policy-White-Paper.pdf>

² <https://asafishing.org/2021-special-report-on-fishing/>

by COVID-19 closures. By addressing these challenges, recreational fishing and the wider outdoor recreation industry can continue to grow and benefit the American people and economy.

The Outdoor Recreation Act, Simplifying Outdoor Access for Recreation (SOAR) Act, Recreation Not Red Tape Act (RNR), and the other bipartisan outdoor recreation bills being considered today create clear pathways for sustained recreation and business activity by supporting communities, ecosystems and economies.

Passage of these bills will provide continued recognition that outdoor recreation is an important industry to the American economy, building upon recent legislative packages such as the Great American Outdoors Act and America's Conservation Enhancement Act. Better management of land, water, recreation data and activities will not only benefit the outdoor recreation industry but the American people as well.

Improving Recreation Experiences for Anglers

During COVID-19 closures, Americans flocked to our nation's lands, overwhelming and overcrowding parks and forests on numerous occasions. Although it is wonderful that Americans are enjoying the physical and emotional benefits of nature, the health of our nation's natural resources must be a top priority.

Recreational fishing depends on clean waters and healthy aquatic ecosystems. Thus, caring for our public waters is essential for sustaining sportfishing and the industry. The Outdoor Recreation Act (S.3266), introduced by Chairman Manchin and Ranking Member Barrasso, takes meaningful legislative action to modernize and enhance management of, and access to, our nation's public lands. Of the many impactful provisions, three are especially pertinent to the sportfishing community.

1. *"Improved Visitation Data"* (Sec. 303) will require federal land management agencies to establish a single visitation data management and modeling system for public recreation. As outdoor recreation grows, reliable, comparable and real-time data are crucial for understanding areas of economic growth in outdoor recreation, as well as for managing federal lands. The system called for in this section will modernize the way federal agencies have previously conducted data collection, which currently are agency-specific and generally not comparable across agencies. Standardizing and modernizing federal land visitation data will provide a more robust picture of the types of recreation taking place on public lands and waters. As visitors continue to visit public lands and waters, having accurate and timely information on visitation will help manage and conserve these areas for continued recreational use. The real time data aspect could also improve visitor experience by allowing visitors to monitor open spaces in parking lots by their favorite fishing spot, for example.
2. *"Federal Land and Aquatic Resource Activities Assistance"* (Sec. 302) will increase inspections and decontamination of watercraft entering and leaving Bureau of Land Management and National Park Service sites in western states. The goal of this provision is to help stop the spread of aquatic invasive species (AIS) between waterways while

minimizing disruptions to public access for boating in non-contaminated vessels. AIS present one of the biggest threats and challenges to recreational fisheries as their continued spread has a multitude of negative impacts on fisheries, ecosystems, and local economies. This provision is a critical step to fighting the further spread of these invasive and destructive species.

3. “*Ensuring Recreation is a Management Priority*” (Sec. 202) would create an inventory of recreation opportunities on federal lands and require federal agencies to manage these lands in a way that protects and enhances the value of outdoor recreation. This provision will ensure that the fishing spots anglers value most will be vibrant and enjoyed for years to come.

The Outdoor Recreation Act includes many other positive provisions such as modernizing campgrounds through public-private partnership, identifying long-distance bike trails on federal lands and supporting rural communities near recreation destinations.

In addition to the Outdoor Recreation Act, we also want to highlight our support for the following bills:

- The Simplifying Outdoor Access for Recreation (SOAR) Act (S.1229) would reform the costly and complex permitting process on public lands. By streamlining the process, guides, outfitters, nonprofits and educational institutions can more easily attain a permit, providing relief for small businesses already trying to cope with natural disasters and COVID-19 related restrictions. Inter-agency coordination will further help by reducing the lengthy and often repetitive application process.
- The Recreation Not Red Tape Act (S.1874), like SOAR, makes it easier for Americans to get outside by removing barriers to accessing the outdoors. The act would create an online payment processing for certain federal passes and fees, making it easier for Americans to plan their next fishing trip from home. Additionally, it promotes stewardship by engaging with private sector entities in volunteer opportunities, urges land managers to include outdoor recreation in planning efforts and improves shoulder season recreation opportunities. By modernizing the payment process and creating more opportunities, this act will encourage more Americans to explore public lands and waters.

Conclusion

As Americans continue to flock to the outdoors, the bills discussed today will help ensure that public lands and waters are adequately prepared for recreation. Modernizing federal management systems will improve visitor experience and stimulate the outdoor recreation economy. These legislative updates will benefit federal agencies, the outdoor recreation industry and the American people. We also would encourage expanding certain parts of these bills to include other federal agencies outside this Committee’s authority, such as the National Oceanic and Atmospheric Administration.

Sportfishing, like other outdoor recreation industries, saw a growth in participation amid the challenges of COVID-19. Streamlining the permitting process through the SOAR Act will benefit small businesses and improve inter-agency coordination. Creating an online payment processing system, improved volunteer opportunities, land manager involvement in recreation planning and increased recreation opportunities in shoulder seasons through the Recreation Not Red Tape Act will encourage continued growth in participation, as well as the outdoor recreation industry.

Likewise, the Outdoor Recreation Act makes meaningful updates to the law, which will improve visitor experience, fight against the threat of aquatic invasive species, and create a valuable inventory of outdoor recreation opportunities. The provisions in this bill acknowledge the importance of outdoor recreation and improve it for the benefit of all Americans and the economy.

Outdoor recreation is part of the fabric of America. For centuries, Americans have benefited from access to public lands and waters, yet legislation has lagged to acknowledge the importance of these activities to the American people and economy. Now is the time for Congress to ensure federal policies reflect Americans' growing interest in outdoor recreation.

Thank you again for the opportunity to provide the sportfishing industry's perspective on these important bills. We are grateful for the ongoing work of the Senate Energy and Natural Resources Committee to advance legislation that will strengthen the management and conservation of the nation's public lands and waters. We look forward to working with the Committee on these and other important measures that impact the recreational fishing industry and America's anglers.

Sincerely,



Mike Leonard
Vice President of Government Affairs



P.O. Box 1540
Cullowhee, NC 28723
info@americanwhitewater.org
1-866-262-8429

December 15th, 2021

Senator Joe Manchin, Chair
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Senator John Barrasso, Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

RE: Senate Energy and Natural Resources Committee Legislative Hearing: Environmental Justice in Recreation Permitting Act (S. 1269); Federal Interior Land Media (FILM) Act (S. 1616); Recreation Not Red-Tape Act (S. 1874); Parks, Jobs, and Equity Act (S. 2258); Outdoors For All Act (S. 2887); Outdoor Recreation Act (S. 3266)

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the whitewater paddling community, American Whitewater writes to express our appreciation for holding a full committee hearing on outdoor recreation. Several of the individual bills are of particular interest to the whitewater paddling community including Environmental Justice in Recreation Permitting Act (S. 1269); Federal Interior Land Media (FILM) Act (S. 1616); Recreation Not Red-Tape Act (S. 1874); Parks, Jobs, and Equity Act (S. 2258); Outdoors For All Act (S. 2887); and Outdoor Recreation Act (S. 3266). These legislative proposals before the Committee would affect recreation management and elevate the importance of managing whitewater rivers and the public lands they flow through for their recreation value. Several of the bills also seek to provide more equitable access to outdoor recreation.

We are tremendously pleased by, and grateful for, the Committee's work last Congress to secure the passage of the John D. Dingell, Jr. Conservation, Management, and Recreation Act as well as the Great American Outdoors Act; we believe the Committee has an opportunity to build on the momentum of this success and work toward passage of similarly well developed legislation that protects and enhances opportunities for outdoor recreation that

include whitewater paddling. We also appreciate the opportunity we were afforded to testify before the Committee in March 2019 and raise several issues in an oversight hearing that are addressed in the legislative proposals before the Committee.¹

About American Whitewater

American Whitewater is a national non-profit 501(c)(3) river conservation organization founded in 1954 with approximately 50,000 supporters, 6,900 dues-paying members, and 100 local-based affiliate clubs, representing whitewater enthusiasts across the nation. American Whitewater's mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. The organization is the primary advocate for the preservation and protection of whitewater rivers throughout the United States, and connects the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within its mission. Our vision is that our nation's remaining wild and free-flowing rivers stay that way, our developed rivers are restored to function and flourish, that the public has access to rivers for recreation, and that river enthusiasts are active and effective river advocates. Our members live, work, and recreate on rivers whose management would be affected by the bills before the Committee. We offer specific comments below.

Capacity Limits and Allocations

While allocations and capacity limits for special recreation permits for areas in which use is allocated are not covered in the bills before the Committee, the fact that some of the bills address permitting has raised questions on allocations for special recreation permits on fully allocated river systems. The majority of popular multi-day river trips in the West require these permits for both members of the public and guided trips; allocations are typically split into a set number of launches for outfitted trips and those available to the public through recreation.gov.² Many of these allocations were set decades ago in management plans that need to be updated. With advances in equipment and skill level, more and more people are capable of organizing their own trip and do not require the services of an outfitter and guide. The odds of securing a permit in the Four Rivers Lottery (Middle Fork Salmon, Main Salmon,

¹ Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation, Hearing before the Committee on Energy and Natural Resources, United States Senate, One Hundred and Sixteenth Congress, March 14, 2019, Senate Hearing 116-290, <<https://www.energy.senate.gov/hearings/2019/3/full-committee-hearing-to-examine-opportunities-to-improve-access-infrastructure-and-permitting-for-outdoor-recreation>>.

² Allocating River Use: a review of approaches and existing systems for river professionals, Prepared by Doug Whittaker, Ph.D. and Bo Shelby, Ph.D. Confluence Research and Consulting; July 2008, <<https://www.river-management.org/assets/docs/Library/allocating%20river%20use-jan%202009.pdf>>

Selway, and Snake Rivers) have been reduced from a 1-in-20 to a 1-in-80 chance in just the past few years. While some individuals have a means to buy a seat on an outfitted trip, the cost for this experience continues to increase, raising significant equity issues.

As the Committee considers future legislation on outdoor recreation and oversight hearings with agency witnesses, we request that the Committee work to ensure that opportunities to enjoy fully allocated rivers are equitably distributed with adequate opportunities for the public. In many cases this would require revisiting outdated river management plans, revisiting capacity limits and allocations based on modern social science, applying modern data analytics to assess demand and distribute user days accordingly, and providing sufficient appropriations to do this work.³

Environmental Justice in Recreation Permitting Act (S. 1269)

American Whitewater supports S. 1269, the Environmental Justice in Recreation Permitting Act, introduced by Senator Cortez Masto. Opportunities for river running have never been equitably distributed and opportunities exist to include conditions in special recreation permits issued to recreation service providers that address the need for equitable access to public lands and waters. In other cases, members of environmental justice communities may be seeking their own experiences on public lands and waters but the high cost of outfitting and guiding services and complexity of limited entry permit systems for fully allocated river systems is a barrier to entry for members of these communities.

Section 1(b) of the bill requires the Secretary of the Interior and the Secretary of Agriculture to complete an interagency report on the effects of special recreation permits on environmental justice communities. It further requires the agencies to provide recommendations for agency policy, or if necessary, action by Congress, to encourage and simplify public land access for recreation service providers serving environmental justice communities.

Recommended Changes to Environmental Justice in Recreation Permitting Act (S. 1269):

In addition to access provided by recreation service providers, the report should also include a section that evaluates special recreation permits for an area in which use is allocated, as

³ We have previously raised these issues with the Committee. See Written Testimony of Dr. Thomas C. O'Keefe, at page 8 at Opportunities to Improve Access, Infrastructure, and Permitting for Outdoor Recreation, Hearing before the Committee on Energy and Natural Resources, United States Senate, One Hundred and Sixteenth Congress, March 14, 2019, Senate Hearing 116-290, <<https://www.energy.senate.gov/services/files/CD2D1A1B-1825-4878-B9A3-D61160D978E2>>.

defined in Section 1(a)(4)(C)(ii) of the bill. This would include rivers or other locations managed by agencies with limited entry permit systems. As drafted, the bill assumes recreational opportunities sought by environmental justice communities would be provided by recreation service providers but this may not be the case in all situations and should be evaluated. We also believe the cost of experiences provided by recreation service providers should be evaluated as a potential barrier to participants representing environmental justice communities.

Federal Interior Land Media (FILM) Act (S. 1616)

American Whitewater supports the intent of S. 1616, the Federal Interior Land Media (FILM) Act sponsored by Senator Barrasso that would result in a much needed update to 54 U.S.C. § 100905. Federal law has not kept pace with the development of new technologies (e.g. high quality smartphones, GoPros, etc.) that allow individuals to produce films with minimal equipment and a light footprint. Additionally the line between what constitutes commercial and non-commercial filming has blurred with the myriad of new channels for content distribution. Current federal law includes exemptions to permit requirements for commercial photography if the activity takes place where members of the public are generally allowed and does not utilize models or props that are not a part of the site's natural or cultural resources. This legislation would establish a corresponding set of exemptions for filming when six conditions are met, but it is important for individuals to understand and adhere to these requirements. Given impacts we have seen from even the smallest film crews (e.g. tree limbing or brush clearing to get a shot), we would support establishment of a system for education and accountability for film projects to ensure that all filmmakers understand the requirements. One way to do this would be through a no cost (or low cost) permit that individuals could obtain online; we believe that should be considered either in the legislation or through a public process prior to implementation of new requirements and exemptions.

Recreation Not Red-Tape Act (S. 1874)

American Whitewater supports S. 1874, Recreation Not Red-Tape Act, introduced by Senator Wyden and co-sponsored by Senator Luján. The Recreation Not Red-Tape Act includes several provisions that are of particular importance to the whitewater paddling community. Our comments below on Title I of Recreation Not Red-Tape Act (S. 1874) should also be applied to the corresponding sections of the Simplifying Outdoor Access for Recreation (SOAR) Act (S. 1229).

Title I, Section 102(d)

While American Whitewater supports revision of the Federal Lands Recreation Enhancement Act in ways that are not addressed by the legislation before the Committee, we fully support elimination of the sunset provision given that numerous short-term extensions have led to inefficiencies and uncertainty over federal land management.

Title I, Section 104(b):

American Whitewater supports language that allows outfitters to “voluntarily and temporarily return to the Secretary concerned one or more service days, to be made available to any other existing or potential permittee.” For special recreation permits, for an area in which use is fully allocated and a permit is required for all visitors, this would allow available service days to be made available to the public when not utilized by an outfitter.

Title I, Section 105(a)

We strongly support making information on availability of special recreation permits visible to the public through a transparent format on a website as well as an email notification system. This level of visibility will help everyone and take the administrative process associated with special recreation permits out of the backrooms of agencies ensuring that everyone has knowledge of where the agency might be making opportunities for special recreation permits available. A transparent notification process allows organizations like ours and the general public to track plans to issue new permits and raise any concerns early in the process. We believe this will enhance opportunities for public participation and engagement when the agency begins to consider new special recreation permits.

Title I, Section 107(a)

American Whitewater appreciates the careful wording of Section 107 on Forest Service permit reviews that an increase in actual use is “not to exceed the level allocated to the special recreation permit holder on the date on which the special recreation permit was issued.” This makes clear that a limit on allocation exists for special recreation permit holders consistent with underlying management plans.

Title I, Section 111(a)

We fully support changes to the Federal Lands Recreation Enhancement Act to “consult with the States to coordinate the availability of Federal and State Recreation Passes to allow a purchaser to buy a Federal recreation pass and a State recreation pass in the same transaction.” We routinely receive complaints from our members on the myriad of passes

that are often required in a small geographic area with different state and federal land management agencies that are typically not obvious or apparent to the public.⁴

Title I, Section 112

We fully support making the America The Beautiful Pass readily available for purchase including through online sales channels. We also support options for online payment of entrance fees and amenity fees.

Title I, Section 113

We appreciate careful language of this section to make clear that the bill does not affect concessions contracts for those providing services in National Parks and would therefore not create any new authority for the National Park Service to increase outfitter allocations on rivers like the Colorado in Grand Canyon National Park under any circumstances.

Title II

American Whitewater fully supports the language of this title to “ensure service members and veterans have access to outdoor recreation and to outdoor-related volunteer and wellness programs as a part of the basic services provided to service members and veterans.” We also fully support the provision to allow active duty members of the armed services the ability to “use not more than 7 days of a permissive temporary duty assignment or terminal leave allotted to the member to participate in a program related to environmental stewardship or guided outdoor recreation following deployment.”

Title III, Section 301

We support language in this section for federal land managers to “extend the recreation season or increase recreation use in a sustainable manner during the offseason.” The reality is this use is occurring but is not being actively managed. As an example, whitewater boaters who enjoy winter rains or the spring snowmelt engage in recreation that is not aligned with the typical Memorial Day to Labor Day summer recreation season. Too often we encounter locked gates, closed campgrounds, and areas that are not accessible during the peak of the whitewater boating season. Currently, “off-season” use is not being appropriately recognized or managed resulting in unacceptable resource impacts and safety concerns including sanitation issues or improperly parked vehicles. The bill provides direction for “improvement of access to the area to extend the season” and will provide better access to and management of opportunities that might take place outside of the summer recreation

⁴ An example of a trailhead sign illustrating 15 different possible passes and which ones fulfill requirements to park at a recreation site:
<<https://www.americanwhitewater.org/content/River/view/river-detail/2123/gallery/889244>>.

season. Fully realizing the benefits of this section requires a commensurate increase in appropriations.

Title III, Section 302

We support adoption of recreation performance metrics for evaluation of land managers and strongly support inclusion of “quality of visitor experience” at Section 302(b)(2)(E) and “visitor satisfaction” at Section 302(b)(2)(G). Too often recreation is measured by the number of visitors or expansion of facilities. Opportunities to enjoy areas of low use levels, as well as access to high quality experiences for solitude and adventure, are important for many recreational experiences people seek; land managers who recognize this through their actions should be evaluated in consideration of this fact. Recreation is a core function of public lands with profound public benefits and, along with other uses of public lands, merits commensurate performance metrics.

Title III, Section 303

We strongly support inclusion of recreation to the mission of the Corps of Engineers, Bureau of Reclamation, Federal Energy Regulatory Commission, and Department of Transportation. All of these agencies have jurisdiction over management of land and water resources our members enjoy. Their management decisions and actions have the opportunity to enhance or limit recreation opportunities and the recreation economy.

Title III, Section 304

This section has several provisions that are of importance to the whitewater paddling community. We strongly support adoption of policy to manage for sustainable outdoor recreation uses and meaningful experiences in unique and varied landscapes as described in Section 304(a). We concur that identifying “Remarkable Recreation Attributes” that are defined by natural, cultural, or historic features and support high quality recreation opportunities as described in Section 304(b) should be a goal of land management planning. Section 304(f)(2) would require identification of these areas in the land management planning process and ensure that they are maintained for their recreational attributes. It is important to American Whitewater that this section focuses on the unique recreational attributes of locations on our public lands and waters and not just their popularity. Many backcountry destinations on public lands have unique and exceptional value even where use levels may be relatively low. A management framework that protects opportunities for these experiences is important.

Title IV

American Whitewater supports this title that would provide authority for cooperative agreements between organizations like ours and federal agencies. Authorized programs

could include on-the-ground projects like development or maintenance of a river put-in but also includes programs that “increase awareness, understanding, and stewardship of Federal land through the development, publication, or distribution of educational materials and products.” We believe this could provide new partnership opportunities for information sharing and coordination of recreational river resources.

Recommended Changes to Recreation Not Red-Tape Act (S. 1874):

Section 107(d)(2) states that temporary reassignment of use may be assigned to “another qualified recreation service provider.” American Whitewater seeks a change to this language to make it consistent with the language of Section 8(d)(2) of the SOAR Act (S. 1229) stating that temporary reassignment of use may be assigned to “any other existing or potential permittee.” This change would allow available service days for an area, in which use is allocated and a permit is required for all visitors, to be made available to the public when not utilized by an outfitter.

Parks, Jobs, and Equity Act (S. 2258)

American Whitewater supports S. 1269, the Environmental Justice in Recreation Permitting Act, introduced by Senator Hickenlooper and co-sponsored by Senators Padilla, Duckworth, Blumenthal, Van Hollen, Booker, Feinstein, and Murphy.

The legislation directs the Secretary of the Interior to establish a Parks, Jobs, and Equity Program to support job creation, economic revitalization, and park development for communities impacted by COVID-19.

Specific provisions in the legislation for acquisition of “land or water that will be used to provide outdoor recreation opportunities to the public” and providing resources to “develop or renovate outdoor recreational facilities that provide outdoor recreation opportunities to the public” could be used for access to rivers.

We work with many local parks and recreation districts who provide critical access to waterways and this program will support our efforts to partner with local agencies to develop facilities that meet important local needs.

Outdoors For All Act (S. 2887)

American Whitewater supports the Outdoors for All Act, bipartisan legislation sponsored by Senator Padilla with 21 co-sponsors. This important legislation serves to address equity

issues with respect to opportunities for outdoor recreation through establishment of “an outdoor recreation legacy partnership program under which the Secretary may award grants to eligible entities for projects.” Provisions of this program to “acquire land and water for parks and other outdoor recreation purposes in qualifying areas,” “develop new or renovate existing outdoor recreation facilities that provide outdoor recreation opportunities to the public in qualifying areas,” “engage and empower underserved communities and youth,” and “provide employment or job training opportunities for youth or underserved communities” will help us achieve goals of developing welcoming and inclusive spaces in the outdoors. The program will specifically benefit historically marginalized and low-income areas through dedicated funding.

Outdoor Recreation Act (S. 3266)

American Whitewater supports the bipartisan effort of Chairman Manchin and Ranking Member Barrasso to introduce the Outdoor Recreation Act (S. 3266). We strongly support several sections of the bill and also provide a few recommended changes we view as essential to ensure final legislation is developed that appropriately balances recreation with natural resources and public safety. Our detailed comments are as follows:

Title I, Section 101(d)

We strongly support the provision of this section for the voluntary return of surplus service days to “any other existing or potential permittee.” For special recreation permits for an area in which use is allocated this would allow available service days to be made available to the public when not utilized by an outfitter.

Title 1, Section 102

We strongly support policy that fosters and encourages recreation on Federal land and an inventory and assessment during revision of land management plans that focuses on unique recreation values. It is important to American Whitewater that this section focuses on the unique recreational attributes of locations on our public lands and waters and not just their popularity. Many backcountry destinations on public lands have unique and exceptional value even though use levels may be relatively low. A management framework that protects opportunities for these experiences is important. We appreciate attention to benefits of both current and projected future recreation use including the impacts of this use on natural, cultural, and other resources as well as an assessment of the suitability for developing or expanding recreation. In some cases such development or expansion may be appropriate but in other places it may not. The important provisions of section 102(d)(2) ensure recognition of other uses of public lands and a robust opportunity for public input.

Title II, Section 202

We support federal assistance and a grant program to reduce the spread of Aquatic Invasive Species. We appreciate the language of Section 202(b)(2)(C) providing direction to “inspect watercraft in a manner that minimizes disruption to public access for boating and recreation in non-contaminated watercraft.” Locating check stations that are hidden behind administrative buildings and accessing facilities to decontaminate watercraft in the evening after standard business hours result in inconveniences that need to be addressed.

Title II, Section 203

We are strong supporters of improved recreation visitation data including data that can be provided in real time. Public demand for recreational opportunities is high and managing these activities in a manner that protects the environment and the social attributes of a high quality experience requires good data. Decisions on capacity and allocation and distribution of opportunities in an equitable manner can not be achieved without good data. For the public, understanding when a site is nearing capacity in real time is helpful in decision making—if visitors know the parking area is at capacity before they leave home they can plan a different activity and avoid further overloading an area that has no additional capacity.

Title III, Section 301

We support investments in gateway communities that will enable these communities to capitalize on their proximity to recreation amenities in building local economies.

Title III, Section 302

We support this section and development of new, successful models for community-supported outdoor recreation infrastructure opportunities.

Concerns and Recommended Changes:

Title I, Section 101(b)

We are concerned with the ambiguity of the wording of this section and potential unintended consequences. While we generally don't have concerns with use of picnic areas by outfitters and guides, “picnic areas” as well as the phrase “serving fewer than 40 clients” are both undefined and overly ambiguous. Would this section only apply to picnic areas that are signed and identified as such on Forest Service maps or would it apply to any day-use area on the Forest with picnic tables? Would serving 40 clients mean at one sitting or over the course of a year? We are aware of several small picnic areas where 40 clients on a daily basis, especially if more than one outfitter had that many clients, would have a significant social impact and result in user conflict with the public. On the other hand, 40 total clients over the course of the year would be a relatively minimal impact. We are also concerned that

this provision would have unintended consequences by requiring members of the public to have a permit for more sites. If an outfitter were using a picnic area under the provisions of this section and it resulted in unacceptable social impacts and user conflict, the obvious solution by the land manager would be to require all users to obtain a permit and reservation so the exemption for outfitters and guides would not apply.

Title I, Section 104

In many areas where our members recreate, they have reported resource impacts and safety concerns with unregulated target shooting. We appreciate the intent of this section to address the issue and provide designated shooting ranges. As drafted however, we are concerned that the legislation will not lead to the desired outcome and will only exacerbate resources impacts and safety issues and constrain the ability of agencies to manage these. We have a specific concern with Section 104(c)(2) that would limit the ability of the agency to close an area to recreational shooting if a designated shooting range is not available. While we appreciate the intent of this section to provide a designated shooting range on all public land units, the legislation includes no appropriation to implement this measure. We are concerned that the practical result will be that agencies will be unable to construct designated shooting ranges on some land management units and will then be unable to close high-use recreational areas to target shooting. We are also concerned with the language of Section 104(e)(2) stating that the agency "may not require a user to pay a fee to use a designated shooting range." To the extent these facilities provide the standard amenities under the Federal Lands Recreation Enhancement Act, all Forest users should be treated equitably.⁵ A lack of user fees could also result in a lack of agency resources for brass or lead clean up or other ongoing maintenance activities necessary to safely maintain these shooting ranges. We recommend that these provisions of Section 104 be removed from the legislation.

Title II, Section 201

Broadband service is generally not required or even desirable at many remote locations on public land where part of the attraction is leaving these connections behind. Limited available funds should be invested in basic maintenance of recreation sites and not in costly infrastructure to provide broadband service. For broadband service, we believe a more appropriate priority is providing internet connectivity to gateway communities representing limited broadband districts rather than focusing on costly new infrastructure at individual recreation sites.

⁵ 16 U.S.C. §6802(f)(4)(D): (i) Designated developed parking; (ii) A permanent toilet facility; (iii) A permanent trash receptacle; (iv) Interpretive sign, exhibit, or kiosk; (v) Picnic tables; and (vi) Security services.

Title II, Section 204

We support making appropriate travel management planning for motorized vehicle use on federal land a priority, for the benefit of the recreating public. However, we have concerns with this section as drafted. Section 204(a)(1) discusses designating areas as open, limited, or closed for non-motorized use. This appears to subject activities like paddlesports to travel management planning and could therefore create new authority to confine this activity to designated areas or routes. Section 204(b)(2) states that the agency “may evaluate and alter an existing designation,” which would appear to provide a mechanism to circumvent the public process associated with travel management planning. We are concerned with the language of 204(b)(4)(A) stating that the agency “shall increase multiple use recreation opportunities.” This language would appear to inappropriately limit the ability of the agency to reduce motorized recreation in areas where that use is having unacceptable ecological or social impacts.

Title III, Section 303

We support language in this section for federal land managers to “make efforts to make infrastructure available to accommodate increased visitation to the Federal land during shoulder seasons.” We wish to clarify that this applies to existing visitation which has increased in recent years and not just future potential increases in visitation. Whitewater boaters who enjoy winter rains or the spring snowmelt engage in recreation that is not aligned with the typical Memorial Day to Labor Day summer recreation season. Too often we encounter locked gates, closed campgrounds, and areas that are not accessible during the peak of the whitewater boating season. When “off-season” use is not appropriately recognized and managed, it can result in unacceptable resource impacts and safety concerns including sanitation issues or improperly parked vehicles. Section 303(a) calls for coordination with businesses, states, local marketing organizations, Indian Tribes, local governments, and institutions of higher education. We request that recreational user groups be included on this list of consulting parties. Similarly, agreements under Section 303(c)(1) should include recreational user groups and non-profit organizations and not just businesses. Fully realizing the benefits of this section requires a commensurate increase in appropriations.

Title III, Section 304

We are concerned with the language of this section that would allow private development of campgrounds on public lands, providing those developers with up to 30 years of exclusive use of the facilities. Campgrounds like Wilderness Gateway on the Lochsa River, Pine Flats Campground on the South Fork Payette River, or Pit River Campground on the Pit River are gathering places for our community and serve a diversity of users at a modest cost. Turning these places into private campgrounds would not be in the public interest. At a minimum this

section needs to include a process for public notice and comment on any proposal for private development of campgrounds. Decisions on significant changes to the infrastructure present and a new operations and management structure need to be made in the context of existing users and ensure equitable access to camping opportunities on public lands.

Conclusion

On behalf of the whitewater paddling community, thank you again for holding this hearing and the opportunity to provide testimony on Environmental Justice in Recreation Permitting Act (S. 1269); Federal Interior Land Media (FILM) Act (S. 1616); Recreation Not Red-Tape Act (S. 1874); Parks, Jobs, and Equity Act (S. 2258); Outdoors For All Act (S. 2887); and Outdoor Recreation Act (S. 3266). We urge you to move these bills through the Committee and to the Senate floor to ensure opportunities for river based recreation and other activities continue to be made accessible for future generations to experience and enjoy.

Sincerely,



Kevin R. Colburn
National Stewardship Director



Thomas O'Keefe, PhD
Pacific Northwest Stewardship Director

From: matt.angell
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Tuesday, December 7, 2021 9:12:14 AM

Hi Senators,

My name is Matt Angell. I reside in Denver. 1401 Wolff St. Denver Colorado 80204. I have had the pleasure to recreate on public lands via a private user permitting system. These trips are without guided or outfitter services. For me I have noticed a huge increase in demand and permits have been harder and harder to get.

I have noticed the senate bill S. 1229 and S. 1874. I do not support these bills as I believe that it gives away many Do It Yourself users permitting rights to for profit companies. As a huge supporter of public land I believe this is a big mistake. S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

I believe these bills should require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes many voices including many of your citizens from the management of your federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies which gives away vital access to those who privately recreate these rivers. As a tax paying citizen and educator, my access to these federal lands should not be given away. Please consider this and the tens of thousands of other users whose river accesses are at threat with these bills. I hope you consider these words carefully.

Thank you,

Matt Angell
1401 Wolff St.
Denver, CO 80204



December 2, 2021

Via electronic mail

The Honorable Joe Manchin
 Chairman
 Energy and Natural Resources Committee
 304 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable John Barrasso
 Ranking Member
 Energy and Natural Resources Committee
 304 Dirksen Senate Office Building
 Washington, DC 20510

Chairman Manchin and Ranking Member Barrasso,

On behalf of the Appalachian Trail Conservancy (ATC or the Conservancy), I write to express support for several of the bills being considered at today's legislative hearing as well as to provide recommendations on how some legislation may be improved. The unifying theme of this hearing is the support of outdoor recreation. The bills under the Committee's consideration reflect a host of crucial topics in federal outdoor recreation policy, including making strides in accessibility, advancing equity on public lands, improving visitor use management, supporting post-pandemic economic recovery in gateway communities, and more. We at ATC look forward to working with the Committee to explore issues such as campground privatization, mandatory shooting ranges, and e-bikes on National Scenic and Historic Trails, which would benefit from additional discussion prior to being reported to the full Senate.

The Appalachian Trail Conservancy (ATC) is the §501(c)(3) nonprofit organization that organized the construction of the 2,194-mile Appalachian National Scenic Trail (ANST or Trail) and has led its management for almost 100 years. The Trail is a "linear park," surrounded by approximately 300,000 acres of government-protected land as well as many acres of privately conserved land. The ANST, a unit of the National Park System, was built in part to provide a unique recreational experience along the spine of the Appalachian Mountain Range and to connect disparate protected lands. Today, the ANST connects eight national forests, six other units of the National Park System, four units of the National Wildlife Refuge System, and over 70 public land units conserved under state or local law. As the lead non-profit manager of an iconic federal public trust resource, ATC has extensive experience in the care of public lands and supporting exceptional visitor experiences.

ATC reiterates its strong support for the Simplifying Outdoor Access for Recreation (SOAR) Act (S. 1229) because it diminishes the disjointedness of obtaining multi-agency permits, increases flexibility to modify activities allowed under a special recreation permit, and reforms the current cost recovery regime, among other helpful updates. Although the ANST does not have a unified permitting system, the differing needs and processes to obtain permits from various landmanagers along the Trail can be a strain on certain users, particularly section- and thru-hikers. Navigating a host of jurisdictional, technological, and temporal requirements can be challenging, and ATC is well aware of the need to simplify and coordinate recreational permitting across different types of federal lands. We therefore support as possible policy

proposals to increase access and decrease barriers to responsibly enjoying our public lands. The SOAR Act lowers barriers to entry without putting more risk on protected resources, or unnecessarily constraining environmental reviews.

The Federal Interior Land Media (FILM) Act (S. 1616) would thoughtfully empower storytelling on our public lands by prohibiting federal land managers from charging fees or requiring advanced permission for any type of content creation on federal lands as long as certain conditions are met. ATC believes firmly in the power of stories to inspire others to explore and respect our outdoor spaces. While irresponsible content creation creates hazards for both the visitor and for the trust resource(s), requirements relating to the development of shareable content are occasionally burdensome and unevenly applied. The guardrails included in the legislation—which include limits on group size, compliance with existing visitor use regulations, and preclude exclusive use of a site—should ensure that storytelling does not come at the expense of resource protection or visitor use management priorities.

ATC is also proud to reiterate its support for the Outdoors for All Act (S. 2887). This legislation addresses accessibility from a different, more equity-specific angle. The benefits of outdoor recreation are well-documented and experientially obvious to anyone that enjoys time in nature, yet those benefits are far from equitably dispersed across our country. Low-income communities and communities of color disproportionately lack access to green spaces and from the physical and mental health benefits that proximity and access provide. The explicit attention the Outdoors for All Act places on investing in historically underserved communities is an essential correction in the system that has inexcusably disfavored these under-resourced and under-valued communities. Furthermore, the Outdoor Recreation Legacy Partnership (ORLP) does not simply assist densely populated urban environments; rather, the ORLP's population threshold enables it to assist smaller cities outside of metropolitan areas—such as Roanoke, VA and Harrisburg, PA—assisting those localities in strengthening their attraction as outdoor recreation hotspots while providing critical greenspace for their year-round residents.

Likewise, ATC supports the Parks, Jobs, and Equity Act (S. 2258, or PJEA), which stands to relieve significant pressures relating to outdoor recreation while creating a supply of sustainable jobs. Despite the steadily rising visitation of our public lands—which has further surged during the COVID-19 pandemic—public land budgets have declined continuously over more than a decade. Failure to request sufficient programmatic and project-focused funding to support existing services, and to meet the increase in demand, has created a crisis of management: there is an inverse ratio of those recreating on our public lands to those managing our trust resources. Against the backdrop of a rising overall population and the climate crisis, this ratio is extremely concerning. The PJEA makes a significant investment in preserving at-risk seasonal jobs, creating new jobs, and job training opportunities to meet the pressing needs of public land management. Furthermore, while public lands provide incredible value to local economies, they themselves are not guaranteed investment based on the economic activity they support; the PJEA would helpfully establish grants to assist local governments in maintaining the good repair of their public lands. Equally importantly, the PJEA will make funds available to protect land that provides the recreational experiences that fuel local economies and support public health.

For the above reasons, ATC supports S. 1229, S. 1616, S. 2258, and S. 2887.

Regarding the Bike Over Long-distance Trails Act (S. 3264), ATC believes further discussion is warranted before the Committee advances the legislation. Although bicycles are not allowed on the ANST, they are allowed on many of the ANST's side and connecting trails (both those so designated under the National Trails System Act and those that operate as such on a de facto basis). While mountain bicycle users (those we believe the bill is attempting to benefit) have a right to recreate on our public lands, in ensuring sustainable and appropriate trail management, it is essential to understand that just as not all trail users are the same, neither are all trails. ATC has observed a tendency by some in the Legislative and Executive Branches to, likely unintentionally, treat all trails as though they have the same management and protection needs and purposes and all bicycles as the same.

National Scenic and Historic Trails are, in the context of the American public land system, not simply paths where one may recreate; rather, National Scenic and Historic Trails are discrete land units protected by Congress due to their outstanding values. While the use of bicycles on some National Scenic and Historic Trails, their side/connecting trails, or on portions of these, are appropriate and welcome, further refinement in this legislation is needed as to the types of trails that should be targeted for inclusion in the proposed program. Furthermore, given the significant increase in public lands visitation as well as the proliferation of electric bicycles—which themselves are fundamentally motorized transports, unlike purely human-powered bicycles—we would request consultation with the sponsors and the Committee on how best to accommodate appropriate and sustainable use of our trails. We therefore withhold support of this legislation at this time, but look forward to supporting legislation that can appropriately accommodate trail users of all varieties, including mountain bikers.

Concerning the Outdoor Recreation Act (S. 3266), ATC believes this legislation addresses several issues worthy of consideration and treatment by the Congress and the Administration. In particular, ATC is excited about Section 203, relating to improving visitation data collection and application, Section 301, assisting support services in gateway communities, and Section 303, relating to the study of public lands in shoulder seasons and potential to improve access to/on public lands.

ATC has previously shared with the Committee the failure of the National Park Service to measure visitation on National Scenic and Historic Trails, including on the heavily visited ANST (please see attached letter dated July 27, 2021). The inattention to measuring visitation for the longest unit of the National Park System and the unit that is physically present in more states than any other public land unit presents a significant weakness in managing the visitor use of the ANST as well as its more than one hundred connected federal and state units. This inadequate level of federal support to maintain trust resources and lack of information on visitor use impedes the best management of the unit and presents a threat to its Congressionally protected values. We are therefore encouraged by Section 203 and Section 303, which will facilitate the collection of information that stands to significantly benefit the management of the ANST.

The attention that section 301 pays to gateway communities and providing outdoor recreation support business valuable support is a recognition of the crucial partnership between gateway communities and public lands. Sixty-eight percent of Trail-adjacent counties are considered

distressed, at-risk, or transitional, and many of them stand to benefit from coordinated assistance on how to symbiotically partner with our land managers to meet the demand for visitor services and receive education on stewardship. There is a tremendous demand for qualified professionals serving our public lands—for careers ranging from realty specialists to rangers to ecologists—and programs that support gateway community residents in achieving the education and access necessary to succeed professionally while staying in their home regions are vitally important. The colonial legacy of resource extraction and the siphoning of potential wealth from our natural resources has had significant, negative effects on communities in every one of the ANST’s states. Intentional partnerships between the federal government and these communities to provide educational and vocational services relating to outdoor recreation in their backyards will bolster sustainable outdoor recreation economies while advancing the conservation of our public trust resources. Outdoor recreation is rural economic development and, advanced in a community-centered manner, environmental justice. We do note that “sustainable visitation,” while important backstop language, needs an actionable definition in order to offer any value.

Regarding the broadband connectivity at recreation sites that section 201 of S. 3266 addresses, we support the proposal insofar as it will facilitate the connection of our rural, underserved gateway communities to broadband, a service that is at this point as necessary a connection for economic, educational, and safety purposes as access to electricity, heat, and other utilities. Further, the increased proliferation of broadband will assist in navigational and public safety support for trail users (although ATC’s recommendation remains to always carry a map and a compass, regardless of data service). The fundamental recreational experience on the Trail is one that relies on the self as much as possible, and prolonged connection to broadband is unnecessary to support the recreational experience that is outlined in the ANST’s Comprehensive Plan. Our perspective on the Congressionally protected natural values of the Trail—and of all our public lands—is that if you’re in nature, be as present in nature as possible. Or in the words of Benton MacKaye, “go for a walk and *see* what you see.”

While there is much to laud in S. 3266, ATC does have concerns regarding Sections 302 and Section 304. Non-governmental management partners are essential to meet the needs of our public trust resources. ATC and the ANST’s Maintaining Clubs are essential partners in caring for our trust resource, but our primary motivation is to care for them and ensure their longevity. The same cannot always be said about for-profit entities, even though many may absolutely also approach the management and care of facilities and public lands with devotion to the resource and to the public. We are interested in learning more on how the partnerships proposed in section 302 and 304 learn from pre-existing partnerships both in the National Forest System and on lands managed by the National Park Service and Bureau of Land Management. It is important to ensure accountability—to the public/user base, to the land manager, and to the public trust function of public lands—in establishing public-private partnerships. In ATC’s nearly one-hundred year partnership with the federal government, we have learned that if nothing else, the nature of the relationship between the public and private entities must reflect the needs of upholding the public trust.

Section 302(a) particularly concerns us, as it gives a green light to many kinds of near-Trail development that we have fought for decades. Illustratively, a hotel within the ANST’s viewshed built during the 10-year pre-sunset window will outlast that expiration and could threaten the

A.T. Experience for years to come. When development threatens a public trust resource, making the project a public-private partnership does not make it any more appropriate.

We are pleased to see most of the topics included in S. 3266, although we believe further discussion is needed on some and we may request some alteration to the legislative text in order to protect the Congressionally identified values of the Appalachian National Scenic Trail and in order to best balance the desires of public land users and needs of the trust resources themselves.

The Appalachian Trail Conservancy appreciates the hard work of the sponsors of S. 1229, S.1616, S. 2258, and S. 2887 and reiterates its support for these pieces of legislation. The Conservancy as well thanks the Chairman and Ranking Member for their work thus far on S. 3266 and we look forward to working with the Committee on further improvements to this Act. We reiterate our interest in further discussions relating to the aims and potential refinement of S. 3264 and take no positions on bills under the Committee's consideration today not mentioned in this letter.

I am available at your convenience at either bmysliwicz@appalachiantrail.org or 207-370-0540 to discuss the pieces of legislation under consideration today or any other topics of interest the Committee may have. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brendan Mysliwicz", with a horizontal line extending to the right.

Brendan Mysliwicz
Director of Federal Policy
Appalachian Trail Conservancy



July 27, 2021

Via electronic mail

Chair Angus King
Ranking Member Steve Daines
U.S. Senate Committee on Energy & Natural Resources
Subcommittee on National Parks
304 Dirksen Senate Building
Washington, DC 20510

Dear Chair King and Ranking Member Daines,

Thank you for the opportunity to submit this letter for the Subcommittee's hearing to review the impacts of overcrowding in our national parks on park resources and visitor experiences, and to consider strategic approaches to visitor use management. We hope that this letter will provide a snapshot of challenges and our responses. We welcome a more detailed discussion.

The Appalachian Trail Conservancy is the §501(c)(3) nonprofit organization charged under a cooperative agreement with the National Park Service (NPS) to manage the 2,193-mile Appalachian National Scenic Trail (ANST, A.T., or "Trail"), a unit of the National Park System. The Trail is a 2,193-mile "linear park," surrounded by approximately 300,000 acres of government-protected land (as well as many acres of privately conserved land). The ANST has the second-longest boundary line within the National Park System (in excess of 4,000 miles). Established under the National Trails System Act, itself inspired by the multi-decade volunteer-driven project to build and protect the Appalachian Trail, the A.T. was designed to connect multiple units of conserved land at every level of governmental administration. Today, the ANST connects eight national forests, six other units of the National Park System, three units of the National Wildlife Refuge System, and over 70 public land units conserved under state or local law as the largest contiguous stretch of public lands on the East Coast. The Conservancy works closely with the 31 Appalachian Trail Maintaining Clubs, the National Park Service, the United States Forest Service, 14 state governments, and public and private partners to ensure the protection and stewardship of the natural, cultural, and experiential resources of the ANST.

Although it may go without saying, the ANST is perhaps the most popular long-distance footpath in the world. This renown is deserved, as the iconic landscapes and natural beauty of the Trail are rivaled only by the tens of thousands of volunteers who have cleared brush, built treadway, painted blazed, and maintained the boundary for nearly one hundred years. The Appalachian Trail Conservancy (ATC) is proud to be the hub in the wheel of the Trail's unique Cooperative Management System, and proud that the Maintaining Clubs, committed public servants, and dedicated supporters brought the Trail into being and have established a public lands experience that, in our opinion, is unparalleled. The success of these collective efforts includes ever-increasing visitation, an inadequate level of federal support to maintain trust resources, and a lack of information on visitor use that impedes the best management of the unit and presents a threat to its Congressionally protected values.

Maine on the ANST is its own case study for visitation challenges Trail-wide and well represents ATC's approach to addressing visitor use management challenges, including crowding. For much of the ANST's Maine miles, it is the only conserved, public land unit around. There are notable exceptions, and in these areas (such as Grafton Notch State Park, the Rangeley Preserve, and, of course, Baxter State Park), the presence of another local land manager with differing managerial authorities can relieve some of the stress experienced on the otherwise very thin protected corridor stretching 282 miles and including 42,000 acres conserved specifically for the ANST since 1978.¹ As the state with the second longest stretch of exclusive miles (282, after Virginia's 503), there is, in theory, more than enough space for users to spread out. The complication is the nature and interest of the ANST's visitors in Maine. According to preliminary results of an ATC survey of former thru-hikers, many of these users are looking for a uniquely A.T., rugged, high peak experience, and so are not easily redirected to other east coast recreational experiences, whether in Maine or even in the nearby, A.T. connected public land unit, the White Mountain National Forest.

ATC, as well as our non-profit and governmental management partners, has taken certain remedial measures to decrease the intensity of crowding on the ANST. Because most thru-hiking or section-hiking Trail users in Maine are heading in one direction, towards Katahdin, ATC has encouraged "SOBO" (southbound, from Katahdin to the Trail's southern terminus at Springer Mountain, GA) or "Flip Flops" (starting in Harper's Ferry and heading north or south, then returning to Harper's Ferry to hike the remaining half of the Trail) rather than promoting exclusively "NOBO" (northbound) hikes. This is because although Maine's Trail miles may appear sparsely populated during the day, their true popularity becomes visible in the evening, when campsites and privies are overflowing with unsustainable visitation. The designated use sites, those designed to receive and accommodate visitors, are not enough to keep up with visitation, and so user-created sites pop up nearby. These user-created sites are rarely established with an understanding of the sensitive habitat or tendency towards erosion that is present in Maine, and often contain illegal fire sites, which create a risk for wildfire and further resource degradation. The potentiality of a wildfire to spread from the ANST's publicly protected lands and to adjacent private lands increases annually, particularly given the anthropogenic climate crisis and drought conditions, which we have been experiencing in Maine this year. Given the paucity of federal support for managing the ANST's natural resources, unchecked injury from a weather event or fire could exceed the impact of unsustainable visitor use.

While crowding is best visible at campsites, overnight sites, and at privies², the exceptional visual resources of and surrounding the ANST in Maine make certain stretches particularly popular. For example, the ~13 miles from Route 17 (at the Height of Land) to Route 4 is beautiful, and frequently uncrowded. The stretch of Trail north of Route 4 towards Rangeley, however, is significantly more popular (and crowded) with Piazza Rock, Eddy Pond and Saddleback Mountain attracting Mainers and out-of-staters alike. Sometimes, increasing the adjacent recreational opportunities by the ANST acts much like adding a lane on the highway, filling up and requiring yet another additional lane in a cycle of over-use. Sometimes, increasing the adjacent recreational opportunities acts as a release valve, but only with active visitor use management, including communication to prospective Trail

¹ Neither the National Park Service nor the Appalachian Trail Conservancy has an absolute accounting of lands protected for the ANST prior to its designation as a National Scenic Trail or the 1978 Amendments to the National Trails System Act of 1968.

² Maine's thin, glacial soil and frequent alpine stretches make it a landscape inhospitable to "catholing," or the ecologically advisable way to dispose of one's own excrement, making privy overuse particularly noticeable and a public health as well as managerial concern)

users on when the best time to visit is and which area may be better for a given experience. ATC has striven to collect the best data to drive visitor use management, which is required to ultimately achieve the best visitor experience while protecting the Congressionally identified values of the unit.

Collecting data relating to visitor use on the ANST is a largely ATC-driven and voluntary effort on the part of those attempting to be studied. After identifying persistent visitor use issues in Georgia, ATC established the online registration system ATCamp™ (www.atcamp.org). ATCamp™ reflects to those planning a hike how much space may be available at a campsite connected to the ANST, but also how many Trail users may be on a given stretch of Trail on a given day. In Georgia, ATCamp™ breaks the Trail down to 8-mile segments and suggests a cap of 50 campers per segment (equal to the number of designated tent and shelter sites) on a given day and is only useful to those who know of it. The benefits of ATCamp™ have been significant—assisting ATC, USFS, and Club volunteers in proactively identifying areas of overuse or resource impairment and aiding in mitigation measures. For example, once a fuller picture of visitor use needs and visitor experience concerns were identified, the number of ridgerunners in Georgia was increased.³ Studies like the Georgia study replicated across all of the Trail’s 14 states, would better equip ATC, the federal, state, and non-profit managers with information on who is where, when, and why. Collecting and analyzing this data would assist in the establishment of the Trail’s desired condition, including its carrying capacity.

“Carrying capacity” is a term of art in relation to the National Trails System, and is, in other words, the number of people for a given stretch of Trail that can use the Trail without environmental or experiential degradation. Under the 1978 Amendments to the National Trails System Act (NTSA or Act), each National Scenic Trail is required, under its “comprehensive plan” to establish a carrying capacity. Although the Act required this be done for the ANST decades ago, it proved then, as it has proven to this day, to be impossible given that there is no mechanism—nor identified funding—for measuring visitation on the ANST or any of the other 10 National Scenic Trails. Unlike “square parks,” such as our Maine coastal sister, Acadia National Park, there is no entrance pass or limited entrance points and there are innumerable access and exit points along the ANST’s 2,193 miles. Even for the least accessible, and most remote miles, such as in Maine’s 100-Mile Wilderness, there has been no serious modern attempt to categorically measure or estimate the Trail’s visitation. Measuring visitation—and knowing scientifically, rather than anecdotally—how many users the Trail has in a given year, at a given location, for a given period of time, is an essential first step before addressing the crowding we know, but cannot catalogue, and in providing the conservation experience Congress directed in adopting the NTSA.

The ANST is open to all without fees—and with voluntary registration only for those seeking to hike the entirety of a trail within a single season—and we hope it remains so for its budding second century. The freedom the more porous system provides is something we cherish on our trails, but the lack of investment in measuring visitation significantly impacts trail organizations’ and trail communities’ ability to advocate for and secure necessary federal and private sector support to promote responsible and sustainable visitor use management. ATC and the NPS estimated the visitation on the Trail in 2019 to be 3 million. This past year in particular saw an estimated increase on the Appalachian NST of 50 percent, to approximately 4.5 million. While we observed these

³ A “ridgerunner” is a seasonal employee with a unique blend of purposes, spanning education to reconnaissance. These individuals, who report to either ATC or the local A.T. partner, are responsible for promoting best practices to Trail users and tracking instances of unsustainable visitor use, threats to users, or threats to the resource. In the past five years, since the implementation phase of the Georgia visitor use plan began, the number of ridgerunners in Georgia has increase from one to six, given demands on the unit.

increases in overflowing trailhead parking lots, hikers cheek-by-jowl at promontory points, disturbed habitat, vandalism of our natural and cultural resources, and discarded refuse along our 2,193 miles, we cannot not say for sure, as we lack the resources to study our own visitation.

Increasing visitor use has created an urgent need to understand visitor data to meet the ANST's management needs and prepare for even greater visitation in the future. One of the motivations for the National Trails System was to move people throughout the public lands system. Our interconnectedness with our state and federal lands provides us the opportunity to partner with many states and thousands of localities in order to provide the amenities necessary to receive public land users in a way safe for them and safe for our public lands. To help craft a data-driven approach to managing the resources and experiences found in the National Trails System, comprehensive studies must be carried out to determine Trail visitation as well as the best areas in which to develop appropriate campsites and group use sites, whether federal, state, or local. This data-driven approach will complement current systems being implemented on the ground related to the appropriations of the Land and Water Conservation Fund and the Legacy Restoration Fund to help identify high-use areas with deferred maintenance needs or areas in need of new developments to improve users' access and experience. This data will also be incredibly valuable to gateway communities as they plan recreation services that support sustainable, outdoor economies.

Thank you for your support of the Appalachian National Scenic Trail. I am available at your disposal to discuss these topics and may be reached at bmysliwicz@appalachiantrail.org (or 207-370-0540).

Sincerely,



Brendan Mysliwicz
Director of Federal Policy
Appalachian Trail Conservancy



PO Box 287 Boulder, CO. 80306
800.977.9873 | F. 720.398.6204
info@avid4.com

December 8, 2021

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

Avid4 Adventure writes in support of the following legislation under consideration by the committee which will support our youth, trails, public lands, and the outdoors by expanding equitable outdoor access.

At [Avid4 Adventure](#), we run outdoor summer camps for kids, across 8 different states (CA, CO, IL, MA, ME, MN, OR, WA). These days, many kids grow up surrounded by screens. They're disconnected from the natural world, and from the joy of authentic adventure. At Avid4 Adventure summer camps, we're on a mission to get kids excited and empowered by outdoor adventure. We help kids gain confidence, make new friends, and discover positive risk-taking. These life-changing experiences happen on our public lands. Without commercial permits on public lands, we would not be able to create these transformative experiences that our youth so desperately need.

One parent from this summer showcases this need when she wrote to us saying, "My kids come home happier, stronger, healthier, smarter (in so many ways) after each Avid camp - especially the expeditions. It's beyond what I could do or provide as a parent -- you change lives one camp at a time. Keep rocking it."

Without access to permits, we lose our access to the outdoors, which provides such a unique and effective classroom to teach next generation life skills such as resiliency, positive risk-taking, empathy, compassion, and connection (with yourself, with others, and with the world around us). The use and access to our public lands are helping to raise, as the mother above writes, happier, stronger, healthier, and smarter kids in the United States.



Unfortunately, the permitting process is very complex and many agency offices are unable to issue permits in a timely fashion. This is preventing the public from accessing public lands and it directly limits the number of kids we can serve. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for our youth to experience America's public lands.

We thank the committee for holding a hearing on these critical bills and urge the committee to quickly advance these bills out of committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Dreyer", with a horizontal line extending to the right.

Paul Dreyer, CEO, Avid4 Adventure
paul@avid4.com



December 8, 2021

<p>The Honorable Joe Manchin, Chairman Energy and Natural Resources Committee 304 Dirksen Senate Office Building Washington, DC 20510</p>	<p>The Honorable John Barrasso, Ranking Member Energy and Natural Resources Committee 304 Dirksen Senate Office Building Washington, DC 20510</p>
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RE: Public Testimony, December 2, 2021, Full Committee Hearing – S.3264

Chairman Manchin and Ranking Member Barrasso,

Thank you for the opportunity to submit testimony on the nine bipartisan outdoor-recreation related bills recently before the Committee. Back Country Horsemen of America (BCHA) enthusiastically supports the vast bulk of concepts contained in these bills that collectively serve to advance outdoor recreation, its relevance among a diversifying American public, and the significant economic benefits that flow from thoughtful and inclusive federal agency decision making. Our testimony herein is limited to **S.3264, the Biking Over Long-distance Trails Act. We believe that further discussion is warranted before the Committee acts to advance this bill.** Accordingly, we provide below a recommendation to improve S.3264 in order to secure widespread support for the bill among BCHA's 13,000 member/volunteers who take pride in their role as traditional trail users and stewards who work tirelessly to maintain and sustain public trails throughout the nation.

About BCHA

Founded in 1973, BCHA is a national non-profit service organization. Our mission includes a desire to perpetuate the use and enjoyment of horses in America's backcountry and Wilderness areas. BCHA volunteers conduct public land stewardship projects throughout 31 states and consists of over 200 chapters, including seven chapters throughout Wyoming. In 2020 alone, BCHA volunteers spent 196,480 hours on various service and trail maintenance projects on public lands that have benefited hikers, hunters, anglers and mountain bikers alike. That equates to a value of \$8.4 million dollars in trail work donated to local and federal land managing agencies. Since 1995, BCHA members contributed a value equal to \$170.8 million in in-kind volunteer labor and expenses in order to keep America's trails open to all outdoor recreation enthusiasts.

P.O. Box 1182 | Columbia Falls, MT | 59912-1182
Toll Free 860-586-7540 | www.bcha.org

S.3264 Biking on Long-Distance Trails Act Deserves Wide Support

BCHA strongly supports the concept of developing and designating long-distance bike trails on federal public lands. We support and applaud the Committee's desire to increase access to quality outdoor recreational opportunities for all public land visitors and, specifically, riders who wish to do so via mountain biking, gravel biking, road biking and touring. As such, we seek a solution that achieves the goals of S.3264, yet does not result in a loss of recreational riding opportunities currently enjoyed by users of pack and saddle stock (i.e., horses and mules). We believe the solution requires adding sideboards to the definition of potential routes that might qualify for designation as a long-distance bike trail. We propose the following text to reflect concerns among BCHA's membership related to potential crowding, user conflict and the safety of those who ride and work with horses and mules.

Proposed Language

We respectfully request that language in S. 3264, Section 2, be added to narrow the universe of existing routes that agencies might consider to comprise a long-distance bike trail. Specifically, we request that the definitions in Section 2 of the Act be expanded to include the following language:

"does not include trails or routes where the agency's designed and current managed use for that trail or route includes either equestrian, horseback riding or use by pack and saddle stock."

Rationale

This definition is requested in response to the bill's existing definition that a potential long-distance bike trail "to the maximum extent practicable, make[s] use of existing trails and roads" (Sec. 2(B)). BCHA supports the Committee's desire to limit the degree of new surface disturbance associated with the construction and use of a given long-distance biking trail. However, such a caveat does not recognize the known incompatibility between high levels of biking use—which designation as a long-distance biking trail would bring—and the continued use and enjoyment of those existing trails by users of pack and saddle stock. This incompatibility is overlooked by a growing contingent of federal agency land managers who, despite good intentions, are unfamiliar with the care and safe handling of recreational pack stock; as a result, they incorrectly assume that such issues can be satisfactorily worked out among local stakeholders.

Yet the experience of BCHA's volunteers and citizen-stewards proves otherwise. We cannot rely on the good intentions of local land managers to resolve issues of potential trail conflict and safety when they are responding to a mandate to consider *all* existing trails—a subset of which likely would be horse/pack trails—for designation as a long-distance bike trail. Without appropriate sideboards within the bill's definitions, the local stakeholder process called for in Sec. 3(a)(2)(B) would place pack and saddle stock users on the defensive and could serve to unnecessarily tilt the playing field (i.e., decision process) in favor of the single recreational trail use currently specified in the legislation. Whereas BCHA's suggested language herein, coupled with legislative language suggested by the Partnership for the National Trail System (submitted

by that organization under separate cover), would serve to broaden public support for S.3264, promote an even playing field for affected stakeholders, and minimize the prospect of a given trail user group feeling compelled to protect their "turf" in forthcoming public discussions.

In summary, BCHA is concerned that S.3264, as currently written, could result in the unintended displacement over time of existing equestrian/horseback use should long-distance biking routes be designated on public lands currently managed to support pack and saddle stock use. If such trails are currently favored by equestrians, there is little question that their designation as a long-distance biking trail would—in short order—result in their displacement as crowding and safety issues grew untenable. Our proposed legislative language is offered to avoid the creation of winners and losers in the designation of long-distance biking routes while furthering the important goals of the proposed legislation, which BCHA strongly supports.

Thank you for considering this request. I'm available at your convenience to discuss this or other matters that perpetuate the public's use and enjoyment of horses and pack stock throughout federal lands. I can be reached at WildernessAdvisor@bcha.org or 541-602-0713.

Sincerely,



Randy Rasmussen, Director
Public Lands & Recreation
Back Country Horsemen of America



**BACKCOUNTRY
HUNTERS & ANGLERS**

PO BOX 9257
MISSOULA, MT 59807
406-926-1908

December 1, 2021

The Honorable Joe Manchin
Chairman
Senate Energy and Natural Resources
Committee
306 Hart Senate Office Building
Washington, DC 205150

The Honorable John Barrasso
Ranking Member
Senate Energy and Natural Resources
Committee
307 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of Backcountry Hunters & Anglers (BHA), the voice for our wild public lands, waters, and wildlife, we write in support of the bipartisan package of outdoor recreation legislation being considered by the Senate Energy and Natural Resources Committee. Included in this package are several bills long supported by BHA including the Recreation Not Red Tape Act (S. 1864), the Simplifying Outdoor Access for Recreation Act (S. 1229) and the Federal Interior Land Media Act (S. 1616), as well as important new legislation, the Cape, and Antler Preservation Enhancement Act (S. 2886) and the Outdoor Recreation Act (S. 3266). We urge the committee to move this package of bills forward and commend the bill sponsors and committee leadership for their commitment to increasing and improving opportunities for sportsmen and women on our public lands and waters.

The Recreation Not Red Tape Act would expedite and simplify the permitting process for accessing public lands and waters. This would be done by requiring the Forest Service and Bureau of Land Management (BLM) to use a uniform permitting process for outfitters and guides. The bill would also make recreation a priority on our public lands and waters by streamlining the Recreation Area program for hunters and anglers.

The Simplifying Outdoor Access for Recreation (SOAR) Act would create additional permitting improvements by eliminating duplicative processes, reducing costs, and shortening processing times. It would also create greater flexibility and improve permitting for outfitters and guides through authorizing joint permits for activities covering lands managed by multiple agencies.

The Federal Interior Land Media (FILM) Act would remove fees for filming and recording on lands expanding the current use of this policy on National Park system lands to all land managed by the Department of the Interior and Department of Agriculture. This would eliminate red tape for small film crews on public lands while still allowing for the agencies to manage activities with their discretion.

The Cape and Antler Preservation Enhancement (CAPE) Act would authorize the donation of hides, horns, and antlers from wildlife management activities on National Park System land of non-native species. Priority consideration for these donations would be given to the volunteers that participated in the wildlife management activity. Sportsmen and women support this bill which would avoid the waste wildlife and fully respect harvested animals.

 WWW.BACKCOUNTRYHUNTERS.ORG
 ADMIN@BACKCOUNTRYHUNTERS.ORG

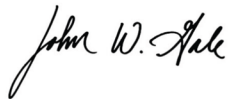
 725 W ALDER SUITE 11
MISSOULA, MT 59802

The Outdoor Recreation Act would have many benefits for hunters and anglers through modernizing the management and increasing the access of our public lands and waters. Key provisions in this bill supported by BHA would prioritize finalizing travel management plans for the BLM and Forest Service, ensure that each BLM district and National Forest has a designated shooting range, and fund the inspection and decontamination of watercraft to avoid the spread of aquatic invasive species.

While we support this package of outdoor recreation bills and encourage your support, we do have some suggestions for improving the Biking on Long-Distance Trails Act (S. 3264) to ensure that any designated trails under this legislation maintain the integrity of roadless backcountry areas, designated wilderness and the Wilderness Act and don't circumvent the Forest Service travel management planning process.

With that in mind, we urge that the committee move this package forward and encourage the bill sponsors to work with BHA and other stakeholders to address important technical improvements that will cement the support of important recreation constituencies like hunters and anglers. These bills have many important benefits for those who enjoy recreating on our public lands and waters, and we look forward to working closely with you to advance our shared priorities into law.

Sincerely,



John Gale
Conservation Director
Backcountry Hunters & Anglers



From: [Tom Beres](#)
To: [forthecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing
Date: Thursday, December 2, 2021 11:59:10 AM

Please put a stop to proposed bills S. 1229 and S. 1874. These bills take away federal land access rights I have and give them to commercial companies. As proposed, the bills seek to reserve potentially *all* river access to commercial companies, and not allocating or protecting any space to private citizens and families who wish to organize and run their own river trips. I actively (try to) plan and run private trips, and these bills would take away my access rights. Currently, private permits are increasingly VERY difficult to get, with the odds in the lottery systems incredibly high and skyrocketing. In many cases, one cannot expect to win the annual lotteries in one's lifetime.

I understand that one argument for the bills is that they allow at-risk people to access lands using the commercial companies. But the prices charged by the companies are very high - out of the reach for the average-income citizen. Not preserving private access makes the typical taxpayer "at risk" by pricing it outside their means. This is especially true of families who cannot afford the per-person expense.

Specifically:

1. S. 1229 and S. 1874 need to include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. As of now, they do not do so.
2. Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA). Let's follow the laws and protections we have.
3. Please do not make into law caps on fees returned to the Government at "3 percent of the annual gross revenue of the recreation service." Let the federal organizations do their job without undue congressional interference.

In short, consider and protect private individuals and families, and do not give away these access rights to commercial companies! Significantly change or stop S. 1229 and S. 1874.

Thank you.

I am:
Thomas Beres
12104 Eddyspark Dr
Herndon, VA 20170

From: [Erik Bernhoft](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Thursday, December 2, 2021 7:36:05 AM

To Whom It May Concern,

I'm writing today to express strong opposition of Bills S. 1229 and S. 1874.

I recreate on federal lands without guided and outfitted services and am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

These bills illegitimately give away my federal land access to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. State that removing this tool removes protections to federal lands and removes your voice from the management of your federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies.

Again, These bills give away my federal land access to for-profit companies, and I strongly oppose S. 1229 and S. 1874

-Erik Bernhoft
4406 Marionberry Ct
Bellingham, WA
98229

From: [Bolen, Jacob](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Tuesday, December 14, 2021 3:13:17 PM

Hello,

I have been recreating with my friends and family on feral lands without guided or outfitted services for two decades and I am aware that recreation on federal lands has been skyrocketing. The probability of getting a permit has become more challenging in the past several years and it was always challenging prior to that.

I am aware of S. 1229 and S. 1874 and I do NOT support these bills that give away your federal land access to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use.

Removing this tool removes protections to federal lands and removes my voice from the management of federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That will take away my friends and families access that these bills are giving away.

Please consider all that I have mentioned. I want to be able to take my son on epic adventures on wild lands that do not require a guide or service that may have less experience than I have.

Thank you,

Jacob Bolen
625 Hawthorne Way
Huntington, WV 25701

From: [Tony](#)
To: [Ripchensky, Darla \(Energy\)](#)
Subject: SOAR Act.
Date: Wednesday, December 1, 2021 7:17:11 PM

Madam,
Good morning.

I am a wilderness guide and retired veteran working to provide FREE wilderness therapy to my fellow veterans. With the current permit system, to this day, I have not received approval to operate in 2022. My coworkers and I are all retired vets donating our time to help other veterans find relief in our wild spaces. Please help us help each other by passing the SOAR Act.

Anthony Bonanno
Colorado

From: [Sk Green](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Thursday, December 2, 2021 11:12:47 AM

I recreate on federal lands without guided and outfitted services, federal land recreation is skyrocketing, and getting permits is harder and harder.

In S. 1229 and S. 1874 I do not support these bills that give away your federal land access to for-profit companies. S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

I demand that these bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes the peoples voice from the management of our federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. It is mine and my family's access these bills are giving away and it will not stand! Sarah K Brooks 5129 North 15th Street, Arizona, USA, 85014

From: [Chris Brown](#)
To: [Ripchensky, Darla \(Energy\)](#)
Subject: SOAR Act Comment
Date: Thursday, December 2, 2021 2:31:12 PM

Dear Darla and who it may Concern,

I own and operate a mountain guiding business based in Salt Lake City called Living Dream Adventure Services and work for a number of other mountain guiding operators in the area as well as other states. We are reliant on USFS permits to do consistent work. All of the guided activities which we take people out to enjoy are activities that are already permitted for the general public. We do not alter the landscape in any way, we merely help others enjoy the activities of climbing and backcountry skiing more safely. In addition to enabling the public to safely enjoy these activities as a guiding community we also impart Leave no Trace principles and impart local knowledge and passion for the natural environment of our Federal lands. Guiding and instruction in these activities is needed now more than ever with an increase with accidents due to recreationalists being under or un-prepared drawing heavily on medical and rescue agencies.

Currently the availability of permits is unpredictable and the application process is convoluted. I am currently filing for multiple permits via separate applications, for the same activity on the same forest (different ranger districts) every 6 months, with no guarantees of permit availability.

The SOAR act should cut through some of the nonsensical processes and unnecessary NEPA process to allow for businesses, who are merely doing what is already permissible for the general public, to operate with confidence moving forward.

Thank you,
Chris

--

Christopher Brown
215-858-3379

[AMGA](#) Certified Ski Guide & SPI, Apprentice Alpine & Rock Guide
[AIARE](#) Level III, Level I & II Course Leader
[DPS Skis](#) Ambassador
[Icebreaker](#) Ambassador

From: [Chuck Caldwell](#)
To: [fortherecord \(Energy\)](#)
Subject: Dec. 2, 2021, Energy and Natural Resources Hearing Comments
Date: Thursday, December 2, 2021 2:07:13 PM

I recreate on federal lands without the need for guided and outfitted services. I am aware that the use of federal land for recreation is skyrocketing. Getting private use permits is getting harder and harder.

I am aware of S. 1229 and S. 1874. I do not support these bills. They give away what remains of private use access to federal lands to for-profit companies. These bills must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

These bills must require a NEPA Needs and Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where their use will be, and what are the forecasts for expanding non-commercial use. Removing this tool removes protections to federal lands and the voice of private citizens from the management of their federal lands. The language in these bills must not assign additional use capacity to private tour companies. That is my and my family's access these bills are giving away!

Chuck Caldwell
Publisher
Direct Mail, inc., DBA Community Shopper
PO Box 673
Wenatchee, WA 98807

509-218-7657
comshop@frontier.com
www.communityshoppercoupons.com

From: [Tony Cammarata](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Sunday, December 5, 2021 10:28:06 AM
Attachments: [image001.png](#)

To whom it may concern:

I am extremely concerned about the language in S. 1229 and S. 1874 and I do not do not support these bills that give away my federal land access to for-profit companies. I recreate on federal lands often without guided and outfitted services and have just as much right to that access as companies that charge for guiding services. I am aware that federal land recreation is skyrocketing and this results in permits that are harder and harder for me and my family to obtain. S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made. These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management of federal lands. The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. These bills are giving away access to rivers that I have just as much of a right to as for-profit companies. Please ensure that my rights to recreate are protected within these bills.

Tony Cammarata NREMT-P

*Operations Director
Patrol, Parks, & Planning
Arapahoe Basin Ski Area
(970) 513-5769
tonyc@a-basin.net*



From: [Michelle Carfagno](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Saturday, December 4, 2021 4:19:11 PM

Hello,

I am writing you to comment on the proposed bills S.1229 and S.1874. I do not support these bills the way they are written, that give away our federal land access to for-profit companies. These bills must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Also outfitting and guiding on federal land should not have categorical exclusion from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made. I demand that these bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will there use be, and what are the forecasts for expanding noncommercial use. Removal of this tool removes protections from federal lands and removes our voice from the management of our federal lands.

The language in S.1229 and S.1874 must not assign additional use capacity to private tour companies. That is the publics access that these bills are giving away to private companies.

I recreate on federal lands without outfitters or guided services and am already having a very difficult time obtaining permits to recreate on our federal lands because of private tour companies obtaining most of the user days, besides there being many more people wanting to recreate like never before. Overcrowding has become a major issue in many places, where I are trying to get away from crowds. Please consider the public when making changes to our federal land use, and not consider how to exploit our federal lands for profit.

Sincerely,
Michelle Carfagno
PO Box 901
Twisp, WA 98856

From: [Mike Carlson](#)
To: [fortherecord \(Energy\)](#)
Subject: comment letter
Date: Tuesday, December 14, 2021 1:41:23 PM

The Honorable Joe Manchin III, Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

RE: Opposition to S. 1229 & S. 1874

Dear Chairman Manchin:

As a frequent user of our Federal lands and parks and rivers, I am very concerned with the possible impacts of S. 1229 and S. 1874. As a recent retiree, I try to get outside as much as possible, and now with the pandemic this is even more important than ever. I have noticed that Federal land recreation is more and more popular, and getting access permits is more competitive than ever, and sometimes feels impossible.

I have recently become aware of S. 1229 and S. 1874 and do not support these bills that give away federal land access to for-profit companies. The costs to hire these companies can be up to 10 times the amount that I typically pay for my "do it yourself trips". Yet these bills would drastically reduce the availability of access permits for do-it-yourself adventurers.

I urge the Committee to revise S. 1229 and S. 1874 to include safeguards to protect do-it-yourself recreational access to federal lands.

Finally, S. 1229 and S. 1874 should not assign additional use capacities to private tour companies.

Those allocations should remain for those of us "do-it-yourself adventurers" who gratefully enjoy the wonderful experiences in our federal lands with our families and friends at a reasonable cost.

Thank you for the opportunity to comment on these bills

Sincerely,
Michael Carlson
350 Orcas Street
Morro Bay CA 93442

C: Senators Wyden, Sanders, Kelly, Feinstein & Padilla

From: [Claire Carren](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Sunday, December 5, 2021 3:15:18 PM

To Whom It May Concern,

I am a long time (40+ years) kayaker and rafter who, even at age 70, runs rivers on self guided trips (ie without guided or outfitted companies) I know that federal land recreation is skyrocketing, and getting permits has been getting harder and harder—in fact I felt lucky that I got invited on only one other person's Yampa River permit this past summer. Neither my husband, myself, nor most of our friends received any permits. This is very frustrating!

I am aware of S. 1229 and S. 1874 and I adamantly do not support these bills that give away our federal land access to for-profit companies.

These bills, S. 1229 and S. 1874, must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes my voice as a non-commercial user from the management of our federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's basically taking away access for people like me and my friends. Private boaters need to continue to have access to our federal lands. If anything, non-commercial permits should be increased to meet the demand. Commercial companies should not be favored over non-commercial users.

Please take this in to consideration when you make your decisions.

Claire Carren
970-232-5749

From: [Deborah Cartwright](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021 Energy and Natural Resources Hearing Comments
Date: Thursday, December 2, 2021 12:23:15 PM

My family recreates on federal lands without guides and getting permits is becoming harder and harder.

We are opposed to S. 1229 and S. 1874 as they give away our federal land access to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access like our own to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

These bills should require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes our individual voices from the management of our federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. Individual opportunities are already too limited. Have you ever tried to get a river permit on a popular float?

Thanks for protecting individual voters and not just businesses.

Deborah Cartwright
2994 E Chaucer Pl
Salt Lake City UT 84108

Sent from my iPad

From: [Jessica Cartwright](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments (bill numbers S. 1229 and S. 1874)
Date: Wednesday, December 1, 2021 7:34:06 PM

Good Evening Senators,

I am a Utah native. I began whitewater rafting in 1999, and actively pursue that activity today as a private boater (I do not hire guided, commercial services). Additionally, I am a kayaker, hiker, camper, biker, and a steward of the land. I've spent half of my life developing the skills that enable me to undertake those activities and I hold these places sacred, treating them with huge respect and responsibility.

10 years ago it was a lot easier to pull a permit for many of the restricted access areas in Utah, Colorado, Idaho, and beyond. It is clear that federal land recreation is skyrocketing. Trailhead parking is packed, boat ramps are crowded, competition to pull lottery permits is fierce.

I'm writing to you today because I am HIGHLY CONCERNED about the impact that bill numbers S1229 and S1874 will have on the boating and larger recreation community in my home state of Utah, and beyond. **S1229 and S1874 give away our federal land access to for-profit companies under the pretense of special use/interests. Both bills reserve ZERO access for DIY visitors to our federal lands. Any proposed bill must include safeguards to protect already strained recreation access for the public.**

Furthermore, these bills state "the Secretary concerned shall not conduct a needs assessment as a condition of issuing a special recreation permit for a public land unit under this Act"... effectively eliminating any responsibility to establish carrying capacities and assess actual need, current events, and DIY use. Outfitting and guiding on federal land should not have categorical exclusion from the protection of NEPA and the level of NEPA used should fit the nature and scale of the decision to be made. These bills must require a NEPA Needs Assessment for EVERY new Special Use Permit and must consider resource protection, how many companies will be allowed, how many permits they will be allocated, and forecasts for expanding non-commercial use. Current regulations require agencies to consider the public interest served. This bill not only assumes that a private tour company is the only interest served... it does it at a discount, as the bill states that these companies do not have to pay for the first 50 hours of agency time consumed. **Removing assessment requirements and discounting the resources that private companies consume removes protections to federal lands, incentivizes for-profit expansion, and silences my voice in the management of my federal lands.**

Additionally, these bills allow for the assignment of additional use capacity to existing permits even in excess of their current allocation. These bills must not assign additional use capacity to private tour companies, which directly impacts the already strained access DIY users have to permits and allows them free reign without limit on user days. These are federal lands and they cannot be sold downriver to for-profit enterprises, effectively denying individuals access to their public lands.

Thank you for your consideration in this matter. These are public lands and they must be safeguarded for access of individual recreaters without the use of for-profit services.

Jessica Cartwright
563 N Colorado St.
Salt Lake City, UT 84116
(801) 860
cartwright1658@gmail.com

From: john.catto
To: [fortherecord \(Energy\)](mailto:fortherecord(Energy))
Cc: john.catto
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments in re bills S.1229 and S.1874
Date: Friday, December 3, 2021 3:34:48 PM

Since I was a boy (now 61 y/o) I have been boating on our nations rivers as a private citizen without guided services. For numerous years now I have had increasing difficulty getting river permits to boat on federal lands since recreation on federal land has skyrocketed, and I am very concerned that for me, and for my adult kids who have been on rivers since they were children, access will no longer exist for private (i.e. non commercial) river trips if bills S.1229 and S.1874 are allowed to pass.

I DO NOT SUPPORT THESE BILLS. THEY TRADE MY RIGHT TO ACCES RIVERS ON FEDERAL LANDS TO COMMERCIAL FOR-PROFIT RIVER RAFTING COMPANIES!

THESE PROPOSED BILLS WILL DESTROY PRIVATE CITIZENS CHANCES AT GETTING A PERMIT BY GIVING THE COMMERCIAL RAFTING OPERATIONS MORE PERMITS AT THE EXPENSE OF THE MANY BOATERS/CITIZENS WHO LOVE SPENDING TIMES ON OUR NATIONS AWESOME RIVERS.
BILLS S.1229 AND S. 1874 MUST INCLUDE SAFEGUARDS TO PROTECT DO-IT-YOURSELF RECREATIONAL ACCES TO FEDERAL LANDS WITHOUT USING A COMMERCIAL RAFTING COMPANY.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

I FEEL VEHEMENTLY THAT these bills SHOULD require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this NEPA assesment tool removes protections to federal lands and removes my voice from the management of federal lands.

Furthermore, language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies *which would decrease the number of permits available for private citizens* like me and my family! Please, Please don't give away my access, and my children's, to our beautiful rivers!!!

Thank you for you time and consideration on behalf of the private citizens like me.

Be well, John Catto

john catto
johncatto@me.com
alpenglowpictures.com
970-948-1689

From: [Christine Clapp](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Tuesday, December 14, 2021 1:44:56 AM

S. 1229 and S. 1874

Christine Clapp 231 NE 8th St
Newport OR 97365

Public lands belong to the public and should always be protected first and foremost for private trips. Commercial companies should absolutely not get preference over private citizens. I recreate on federal lands without guided and outfitted services and getting permits is getting harder and harder.

I do not support S. 1229 and S. 1874. These bills do not include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Vote NO!

[Sent from Yahoo Mail on Android](#)



December 2, 2021

The Honorable Joe Manchin
Chair, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Re: December 2, 2021 Full Committee Hearing to Consider Legislation

Dear Chair Manchin and Ranking Member Barrasso:

On behalf of the Coalition for Outdoor Access (COA), thank you for holding a hearing on bills to enhance and improve outdoor recreation on Federal public lands. We respectfully submit testimony on the following bills:

- S. 1229, to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes (Simplifying Outdoor Access for Recreation Act)
- S. 3266, to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes (Outdoor Recreation Act)

The Coalition for Outdoor Access is an alliance of organizations with an interest in the outfitter-guide permitting systems of the Federal land management agencies. The Coalition came together in 2014 to improve the operation of these systems for the benefit of the agencies, the recreational landscapes they support, the organizations who provide guided recreational experiences on Federal lands and waters, and for the members of the public who use these services. The Coalition is made up of organizations that represent for-profit outfitters and guides, nonprofit outfitters and guides, university recreation programs, volunteer-based clubs, the outdoor industry, and the conservation advocacy community.

S. 1229, the Simplifying Outdoor Access for Recreation Act

COA is invested in the success of this legislation, and we have undertaken work on this issue, because we believe the agencies' permitting systems need to be improved to provide the public with more opportunities for recreation and education experiences on public lands. Providing more outdoor experiences on public lands is good for the people who have those experiences. It is also good for the lands and the agencies that administer them.

Description of the Problem to be Solved

In general, the Federal land management agencies require outdoor leaders to apply for, and obtain, special recreation permits to take people out on public lands and waters. The Federal land management agencies have different names for these permits, but they all generally require outdoor leaders to have permits to lead trips outdoors. For purposes of this requirement, "outdoor leaders" includes outdoor businesses, non-profit organizations, volunteer-based clubs, college and university recreation programs, and individual guides.

Despite being essential to outdoor leaders, permits are not readily available in many locations. When outdoor leaders and businesses are told by land management agencies that there are no permits available, they are unable to take people out on public lands. While there may be some circumstances in which it is necessary to deny a permit because of environmental impacts, in many cases the agencies deny permit applications because they do not have the administrative capacity to process the permit application and administer the resulting permit. These denials have nothing to do with the carrying capacity of the resource or adverse environmental impacts of the activity. They occur because the agencies—particularly the U.S. Forest Service—do not have the staff capacity to administer the complex permitting system that has developed over the years.

This situation is, in part, the result of staff losses in the agencies. The U.S. Forest Service has reported to us that 70% of the permit administrators in the National Forest System are administering special recreation permits as a collateral duty to another job assignment. However, this situation is mostly the result of a gradual increase in the complexity of the permitting process, making it much more labor intensive. When agencies are unable to complete the permit application review process, they have no choice but to deny the permit application – and in turn, deny Americans the ability to enjoy their public lands.

The Need for Legislation

For several years, the Coalition for Outdoor Access has encouraged the agencies to use their own authority to improve their permitting processes. To date, some of our recommendations have been implemented and others have not. For example, in June 2016, Forest Service Chief Tom Tidwell issued a memorandum in which he acknowledged that "the scope and complexity of [the permitting] program continues to increase." He encouraged Forest Service staff to use their existing flexibility and reconsider permit moratoriums. Unfortunately, the Chief's guidance was non-binding because it did not formally revise existing agency policy. As a result, this guidance has not been adopted throughout the National Forest System.

For these reasons, legislation is needed to direct the agencies to review their permitting processes and identify areas for simplification and improvement. The complexity of the permitting process is limiting public access and preventing outdoor leaders from providing people with outdoor experiences on public lands.

Contents of the SOAR Act

The SOAR Act would require the agencies to evaluate the existing permitting system and identify ways to make improvements. It would then require the agencies to incorporate those improvements into their regulations and policy statements.

The Act was carefully formulated to require the agencies to review their systems, but it does not prescribe a specific outcome. Instead, it respects and defers to the agencies' expertise on what changes should be made. Below, we outline key components of the SOAR Act that will address many of the issues outdoor leaders face with Federal land management agency permitting.

Section 4 of the bill directs the agencies to evaluate the process for issuing recreational outfitter and guide permits and identify ways to eliminate duplicative processes, reduce administrative costs, and shorten processing times. Section 4 would also require the agencies to make permit applications available on-line. These steps will make it easier for outdoor leaders to acquire permits and easier for the agencies to manage the permitting system.

Section 5 increases flexibility for outfitters, guides, and other outdoor leaders by allowing them to provide recreational activities that are substantially similar to the activity specified in their permit. Under existing policy, permit holders are often strictly limited to the activities specified in their permit: for example, a kayak outfitter cannot offer canoeing under an existing permit. Section 5 would also provide the Forest Service and Bureau of Land Management with the authority to issue a temporary permit for up to two years. This authority would save precious administrative time for the agencies and permit holders by reducing the frequency with which permit applications need to be re-submitted and processed. For example, under current Forest Service policy a temporary permit must be re-issued every six months. Section 5 would also establish a program that would allow permit holders to temporarily return unused service days so they could be made available to other permit holders and the general public.

Section 6 directs agencies to notify the public of when and where new recreation permits are available. It also requires the agencies to provide timely responses to permit applications. This would increase transparency and address the common occurrence of permit applications going unacknowledged.

In the case of activities that cross multiple agency boundaries, Section 7 authorizes the agencies to issue a single joint permit covering the lands of all the managing agencies. Currently, outdoor leaders are required to obtain a separate permit from each of the agencies where their activity will take place, which makes the permitting process much more complicated and costly.

Section 8 would protect Forest Service permit holders from losing service days as a result of seasonal fluctuations in demand or other circumstances beyond the permit holder's control. This ensures that outdoor leaders do not lose access because of wildfire, unusual weather events, or other natural disasters.

Section 9 would help control liability insurance costs for permit holders by allowing them to use liability release forms with their clients. Currently, the rules on the use of liability release forms vary by agency

and even between different regions of the same agency. It would also reduce barriers to access for state universities, city recreation departments, and school districts by waiving the requirement imposed on permit holders to indemnify the U.S. government. Currently, the requirement to indemnify the U.S. government imposed by the agencies is an insurmountable barrier for many state entities.

Section 10 reduces permit application costs for outdoor leaders by establishing a flat 50-hour cost recovery exemption for permit processing.

Section 11 addresses an all-too-common situation in which a long-term permit expires before the agency is able to finish processing the permit holder's renewal application, causing uncertainty for both the permit holder and the agency. Section 11 would toll the expiration of the permit for up to five years. However, the tolling period does not affect the agency's ability to prescribe new terms and conditions when the reauthorization is completed.

As a group of outdoor organizations and companies that have worked to improve the permitting systems of Federal land management agencies, the Coalition for Outdoor Access enthusiastically supports the SOAR Act and hopes to see this legislation move swiftly through committee and into law.

S. 3266, the Outdoor Recreation Act

Our comments on the Outdoor Recreation Act pertain to Section 101, Permit Relief. The Coalition for Outdoor Access appreciates the Chair and Ranking Member's interest in improving the permitting processes of the Federal land management agencies. We share your interest, and that is why we have worked for years with many stakeholders and Members of Congress to craft the permitting improvements included in the Simplifying Outdoor Access for Recreation Act. We believe Section 101 of the Outdoor Recreation Act can be highly complementary of the permitting improvements in the SOAR Act, but several targeted changes are needed. Our recommendations to improve the Outdoor Recreation Act are described below.

With regard to Sec. 101(b), which waives the permit requirement to access an existing picnic area for outfitters and guides serving fewer than 40 clients, we recommend that one component of this subsection be expanded and another component be clarified.

First, the waiver of the permit requirement for picnic areas should be expanded to include youth groups as well as guides and outfitters. This will promote equity in access among the many different types of outdoor leaders who serve the public.

Second, we believe it is absolutely imperative to clarify this section by specifying what exactly is meant by serving fewer than 40 clients. Without clarification, section 101(b) could be interpreted to allow an outfitter, guide, or youth group to bring 40 clients per day to a picnic area. This could result in significant user conflict and unacceptable adverse resource impacts. We recommend that the permit waiver be limited to a "de minimis" level of use that is unlikely to have significant impacts. This could be accomplished by capping the waiver so that it allows an outfitter, guide, or youth group to serve 40 clients per year (40 service days) at any given picnic area.

Section 101(c) requires the agencies to conduct a study on access to Federal lands and permits for youth groups. While we strongly support the intent of this section, we believe it must be expanded to include outfitters and guides as well as youth groups. Since both youth groups and outfitters and guides access the permitting systems of Federal land management agencies, they both experience similar barriers and impediments to accessing public lands. The benefit and impact of such a study would be much greater if all users of the Federal permitting systems are included.

Additionally, we believe the study should focus on the creation of a new type of guided recreational permit that would quickly and easily grant access for occasional recreational uses that are not likely to have a significant impact on natural resources or other users. For example, the permit could be for a maximum of 40 service days annually at a specific unit of Federal land and limited to locations where there are no access constraints for the unguided public (e.g., permits). A “de minimis use” use permit such as this could be issued online, for a flat fee, and permit holders could be required to self-certify that they meet the stated agency requirements.

In summary, the changes we recommend to Sec. 101(b) and (c) will bring balance to Section 101 of the Outdoor Recreation Act by making it applicable to all user groups who serve the public in the outdoors. This, in turn, will ensure that all segments of the American population will be provided with opportunities to recreate on America’s public lands. Additionally, by focusing the study in Section 101(c) on the creation of a new “de minimis use” permit, Congress would provide new, streamlined opportunities for the public to access Federal lands with an outfitter, guide, or youth group within reasonable limits that ensure resources are protected.

Conclusion

We are grateful to Senator Heinrich, his staff, and the staff of the Senate Energy and Natural Resources Committee for dedicating hundreds of hours to craft the SOAR Act in such a way as to make sure every user group benefits. As a result, S. 1229 is strongly bipartisan and supported by hundreds of organizations, businesses, trade associations, and outdoor clubs. We encourage the Members of the Senate Energy and Natural Resources Committee to apply these same principles of balance and equity to Section 101 of the Outdoor Recreation Act.

Again, thank you for your interest in improving the permitting systems of Federal land management agencies to improve recreational access to these lands and waters. We appreciate the opportunity to submit testimony for the legislative hearing on December 2, 2021 in the Senate Energy and Natural Resources Committee.

Sincerely,

The Coalition for Outdoor Access Steering Committee:

Jeannette Stawski, Committee Chair Executive Director Association of Outdoor Recreation and Education	Courtney Aber National Director, YMCA BOLD and GOLD YMCA of Seattle
Jonathan Williams Director of Public Policy National Outdoor Leadership School	Jeremy Oyen Senior Manager, Field Operations REI
Betsy Robblee Conservation and Advocacy Director The Mountaineers	David Leinweber Founding Chairman, Pikes Peak Outdoor Recreation Alliance Owner, Angler's Covey Inc.
Matt Wade Deputy Director American Mountain Guides Association	Paul Sanford National Director of Recreation Policy The Wilderness Society
Rebecca Bear (<i>ex officio</i>) President and CEO Seattle Parks Foundation	

From: [Hazel Coffman](#)
To: [fortherecord \(Energy\)](#)
Subject: Proposed bills # 1229 and #1874 concern me because ...
Date: Thursday, December 16, 2021 5:50:14 PM

Hello,

I am Hazel Coffman, 64 years old and lifelong resident of Utah. My address is 2241 East Bendamere Circle, Salt Lake City, Utah.

I have participated in outdoor recreation for my entire life. I treasure public lands and typically spend 50+ days per year camping, floating, hiking, driving, birding, etc. on the lands in the West. Starting in the early 1980s I began applying for permits to float many western rivers and to camp in high demand N. Park areas such as Canyonlands White Rim Trail. Use of these lands is way up! And no surprise, opportunities to acquire a permit are way down!

I do not begrudge the presence of others using public lands. In fact I believe that when Americans get out into and onto their public lands they appreciate and care much more than when simply looking at pictures, watching a program, or reading an article. And I absolutely respect the need to monitor and manage use in popular areas so that they are not "loved to death".

That said, I DO begrudge the commercialization of public lands operations. There is a clear and important difference between the marketing of luxury trips, exclusive guide travel, trinkets and firewood, etc. by concessionaires and the professional services provided by federal rangers and volunteers.

I DO accept that some types of public land use are not trivial for the public to access. Whitewater rafting is the first example that comes to mind, but canyoneering, fly fishing, winter camping, etc. similarly require special equipment and expertise that take time and money to acquire. By all means companies should be permitted to offer affordable guiding and training the public.

BUT, I am concerned that these two bills aim to simplify the application and renewal of special permits to an extent that tips the balance too far in favor of for-profit commercialization of outdoor experiences on public lands. It is a tricky balance.

Please reconsider the language in these bills that forces Public Land Agencies to bypass Needs Assessments and NEPA considerations and Fast Tracks Permit Approval and Renewal. DO streamline and enable businesses make applications online, but let's see some effort to free up unspent user days to THE PUBLIC too! I am troubled by the fact that I can float almost any river every year if I have enough money to buy a spot on a commercial trip. However, if I want to do that trip using my own equipment and abilities then I will apply every single year for public permits knowing that my chances of getting a lottery draw diminish more every year.

Again, I acknowledge that balancing public access and commercial access to public lands is challenging.

These two bills seem to me to tip that balance too far in favor of commercial recreation companies and in a way that is contrary to public interest, conservation of ecosystems, and egalitarian ideals. They fit the increasingly cynical view that the general public has about government operations - that decisions are driven by money rather than by what is in the best interest of average Americans.

Sincerely,
Hazel Coffman



December 1, 2021

The Honorable Joe Manchin
Chairman
Senator Committee on Energy & Natural
Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy & Natural
Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso,

In advance of your Committee's legislative hearing on Thursday, December 2, the Congressional Sportsmen's Foundation (CSF) would like to express our strong support for S. 3266, the Outdoor Recreation Act, and we are grateful for your efforts in championing this bipartisan legislation.

Our nation's network of vast public lands and waters are vital to providing access to America's 55 million hunters, anglers, trappers, and recreational shooters. The Outdoor Recreation Act not only seeks to enhance access for America's sportsmen and women, but also seeks to improve habitat and modernize valuable information related to the importance of public lands and waters for recreation.

CSF applauds the Chairman and Ranking Member for including Section 104 – Target Shooting Ranges in S. 3266. Specifically, this provision requires the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) to ensure there is at least one designated recreational shooting range in each National Forest and BLM district. This directive will help increase access for 13.3 million hunters and 32 million target shooters who contribute \$55.4 billion to America's GDP. Last year alone, through excise taxes on firearms, ammunition, and archery equipment, our nation's sportsmen and women contributed roughly \$702 million to wildlife conservation through the Pittman-Robertson Fund. Over 80% of this funding is directly attributable to recreational target shooters, who often spend even more than hunters on firearms, ammunition, and archery equipment. With this in mind, the Outdoor Recreation Act will enhance access opportunities for sportsmen and women while simultaneously strengthening indispensable conservation programs.

CSF also appreciates the inclusion of Section 202 – Federal land and aquatic resource activities assistance. Aquatic invasive species are a serious threat to America's native aquatic ecosystems and economy. Zebra mussels alone cause \$300–\$500 million annually in damages to power plants, water systems, and industrial water intakes in the Great Lakes Region. Once established, aquatic invasive species are difficult, if not impossible, to eradicate, and significant resources must be invested annually on population management. Preventing harmful introductions before they occur is the most effective means to avoid the risk aquatic nuisance species present. S. 3266 would provide the BLM and National Park Service (NPS) the authority to establish watercraft

inspections stations, as well as a competitive grant program for non-federal partners to establish and operate watercraft inspection and decontamination stations. While we fully support efforts to prevent the spread of aquatic invasive species, we look forward to working with committee staff to ensure public boating access is not unnecessarily or unintentionally restricted.

Finally, CSF would like to express support for Section 203 – Improved recreation visitation data. By directing the USFS, BLM, Bureau of Indian Affairs, NPS, the U.S. Fish and Wildlife Service, and the Bureau of Reclamation to comprehensively synthesize important public land visitation data, Section 203 will help better inform public land management decisions. Currently, through no fault of their own, our federal public land managers all collect visitation data using inconsistent methodologies, leading to discrepancies in the total amount and types of outdoor recreation supported by these agencies. In recent years, both Congress and the Administration have sought to expand recreational access to public lands through landmark legislation such as the Great American Outdoors Act, America’s Conservation Enhancement Act, and the Dingell Act, among others. Section 203 will complement these efforts by modernizing visitation information to guide resources, planning efforts, and ultimately, outdoor recreation opportunities in the future.

In summary, the Outdoor Recreation Act is an important step to bolster public access for sportsmen and women, improve the health of public water, and bring valuable public land visitation data into the 21st century. We are grateful for the continued leadership of the Chairman and the Ranking Member for introducing and holding a hearing on this important legislation.

Sincerely,



Jeff Crane
President and CEO
Congressional Sportsmen’s Foundation

From: [Dave Conley](#)
To: [fortherecord \(Energy\)](#)
Subject: S. 1229 and 1874
Date: Friday, December 3, 2021 5:12:06 PM

Senate Energy And Natural Resources Committee
fortherecord@energy.senate.gov

Re: S. 1229 and S. 1874

Senators: I am writing to oppose both of these bills relating to the issuance of additional permits to for-profit outfitters, excluding use by private citizen recreational users. As a rafter, skier and hiker in regulated areas, I am familiar with the permitting process. Individuals like myself have to request access permits, which is just fine to control over use. I am regularly competing against private outfitters who have the luxury of tying up dates a year or more in advance and then holding those dates whether or not their trips fill. Meanwhile, I and other individual users are locked out of these permitted areas.

The proposed legislation appears to give additional priority to outfitters over private users. I submit that outfitters already have priority and an unfair advantage under the current systems and do not need, or deserve, additional consideration. It also appears that the legislation will require the regulating agency to create additional user days for outfitters, but not for private individuals. The legislation should be revised to prioritize use by individuals instead of outfitters and not provide further advantages to outfitters.

Last, I am very concerned that the bills eliminate any review under the National Environmental Policy Act. That review is critical to give land managers input and control to prevent overuse of Federal lands. This is a real issue in the West.

Please convey to the Committee my opposition to both of these bills.

David C. Conley
David C. Conley P.C.
24 South Weber, Suite 300
Colorado Springs, CO 80903
Phone 719-633-3334
Fax 719-471-1663
conleypc@pcisys.net

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From: [Christine Connell](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Monday, December 13, 2021 5:21:17 PM

To whom it may concern,

I regularly recreate on federal lands, almost exclusively without guided and outfitted services. I am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

I am aware of S. 1229 and S. 1874 and I DO NOT support these bills that give away my federal land access to for-profit companies. S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

I demand that these bills be amended to require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Without this tool, you are essentially removing all protections to federal lands and removing my voice from the management of federal lands.

I must also insist that language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's my family's access to public lands that these bills are giving away.

I appreciate your time in reviewing and addressing the concerns of me, and those like me. I hope you'll make the right choice to preserve my access to these public resources.

Kind regards,

Christine Connell
(970) 846-7464

From: [Andrew Cross](#)
To: [fortherecord \(Energy\)](#)
Subject: Comment on bills S. 1229 and S. 1874
Date: Friday, December 10, 2021 9:39:55 PM

To Whom It May Concern,

I'm writing today to express strong opposition of Bills S. 1229 and S. 1874.

I recreate on federal lands without guided and outfitted services and am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

Bills S. 1229 and S. 1874. illegitimately give away my federal land access to for-profit companies. These bills must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made. These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. State that removing this tool removes protections to federal lands and removes your voice from the management of your federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies.

Again, These bills give away my federal land access to for-profit companies, and I strongly oppose S. 1229 and S. 1874

Thank you,
Andrew Cross
997 E Pine Knoll Drive apt.1221 Flagstaff, AZ 86001

Sent from my iPhone

From: [Susette Weisheit](#)
To: [forthecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Tuesday, December 7, 2021 11:38:12 AM

I am writing today regarding the "Simplifying Outdoor Access to Recreation Act" as put forth in bills S.1229 (Heinrich, NM) and S.1874 (Wyden, OR).

These bills are not a simplification of this proposed act. It is a straight forward attempt to provide commercial interests to gain access at the expense of access of private users. The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. As a private do-it-yourself individual, I recreate on our federally protected public lands, from river running, biking, camping and hiking. These bills are designed to expressly give away my own individual access. Please do not to support this legislation.

As an avid outdoors person, I have experienced increased difficulties getting permits as demands grow higher every year. These bills would only increase that difficulty, decreasing the private pool even more making it harder for the private do-it-yourself recreator to access permits on National Park Service, Forest Service, Bureau of Land Management, Bureau of Reclamation and National Wildlife Refuge lands. Both bills allow increases for special aka commercial use increases that comes right out of the public do-it-yourself access and this legislation does not include any safeguards to protect do-it-yourself recreational access. Once access ceilings are reached by the outfitted groups, there will be no access remaining for the do-it-yourself public.

Furthermore, outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made. These bills should require a NEPA Needs Assessment for every new Special Use Permit. Removing this tool removes my and all the peoples voice from the management of our federal lands.

I am so disappointed these bills have come up again with their repeated propose of giving away my access and voice and for those of future generations of do-it yourself recreators. For myself and those future generations of outdoor do-it yourself enthusiasts to come, please do not allow these bills and the greed and impacts they purpose to proceed any further.

Again, I urge you please do not to support this legislation.

Sincerely submitted,
Susette DeCoster-Weisheit
120 Arbor Drive
Moab, Utah

From: [Levi Dexel](#)
To: [Rijchenskv, Darla \(Energy\)](#)
Subject: SOAR ACT Support
Date: Wednesday, December 8, 2021 3:58:08 PM

Levi Dexel
18896 W. 62nd Ave.
Golden, CO 80403
levidexel@gmail.com

December 8, 2021

**RE: S. 1229, Simplifying Outdoor Access for Recreation Act or
"SOAR Act"**

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Levi Dexel and I work as an adventure programmer for a university program and also teach avalanche education courses and am a climbing guide in Colorado. My ability to provide outdoor experiences for the public is often dependent upon permits that are issued by the federal land agencies. Unfortunately, the permitting process is very complex and many agency offices are unable to issue permits, or it takes them a very long time to issue the permit. It is disappointing to me that I can easily obtain a state park permit or county open space permit but cannot obtain a single Forest Service Permit and often times have difficulty obtaining BLM and NPS permits. This is preventing the public from accessing public lands and it is limiting my opportunities to work as a guide and to provide programming to a population (18–24-year-olds) that is at a great age to get engaged with supporting public lands and protecting the environment. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands.

Sincerely,

Levi Dexel

Levi Dexel

From: [Paul Diegel](#)
To: [fortherecord \(Energy\)](#)
Subject: Comments re: S. 1229 & S.1874
Date: Sunday, December 5, 2021 11:40:16 AM

I am writing to express my concern about Senate Bills 1229 and 1874 that would change special Recreation Permits. I am a river runner and have been using permits to access rivers around the western US for over 30 years. The existing permit system has achieved a successful balance between the desires of commercial and non-commercial recreationists. The proposed legislation concerns me for several reasons.

First, there is no mention of non-commercial users. To increase commercial use without increasing visitation impacts, implies that non-commercial use, the ability of Americans to access public land with use limitations, will be curtailed. Demand for private river permits is growing rapidly and to reduce private permits would have a negative impact on a popular recreation activity and essentially provide a subsidy for commercial outfitters.

Second, the limitation of fees to processing permits and administering the permit system would remove resources for improving and maintaining the infrastructure of permit areas, like bathroom and launch facilities. This could greatly decrease the safety and user experience of existing facilities.

Third, requiring new commercial permit applications and renewals to be done under a Categorical Exclusion would violate the intent of NEPA by intentionally neglecting potential environmental and social impacts of permit changes.

In short, while well-intentioned, the proposed legislation would provide an unfair and unnecessary subsidy to commercial interests, penalize non-commercial users, degrade infrastructure, increase environmental impacts. Please consider amending these bills to bring them more in line with the needs of users and the responsible agencies.

Paul Diegel
3665 Eastwood Dr
Salt Lake City, UT 84109

Mackenzie Dotson
1531 Mt. Lincoln Dr. E Apt 71
dotsontheglobe@gmail.com

December 2, 2021

The Honorable Joe Manchin
Chair
Senate Energy and Natural Resources
Committee
U.S. Senate
304 Dirksen Senate Building

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

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Mackenzie Dotson, I am pursuing a degree in Outdoor Recreation Leadership at the Leadville campus of Colorado Mountain College. I also work here as the outdoor technician; often guiding students in a recreational capacity. My ability to provide outdoor experiences for my classmates and our future students is dependent upon permits that are issued by the federal land agencies. Unfortunately, the permitting process is very complex and many agency offices are unable to issue permits, or it takes them a very long time to issue the permit. This is preventing the college's outdoor studies program from accessing public lands and it is limiting our opportunities to run classes. This, in turn, limits our ability to give students leadership opportunities in the field before they graduate and become outdoor professionals themselves. It also prevents us from conducting the requested volume of leadership programming for the air force academy in Colorado Springs. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system and enhance the ability for our students to create opportunities for the public to experience America's public lands.

Sincerely,

Mackenzie Dotson

Mackenzie Dotson

From: [Felix Dowsley](#)
To: [Ripchensky, Daria \(Energy\)](#)
Subject: SOAR act comments
Date: Thursday, December 2, 2021 8:35:08 PM

Dear Ms. Daria Ripchensky,

As a passionate climber, outdoor educator, and middle school principal, I wanted to share my perspective on the SOAR act. My livelihood and our school depends on maintaining permits so that we can teach young people to safely enjoy nature. Please support this act to ensure that we can continue to operate our program.

Thanks,
Felix Dowsley
French Broad River Academy
Asheville, NC 28806

From: [Malcolm Dunn](#)
To: [Ripchensky, Darla \(Energy\)](#)
Subject: RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"
Date: Friday, December 10, 2021 1:30:55 PM
Attachments: [image001.png](#)

December 10, 2021

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Malcolm Dunn and I work as a risk management coordinator for REI's national outdoor programs. My ability to provide outdoor experiences for the public is often dependent upon permits that are issued by the federal land agencies. Unfortunately, the permitting process is very complex and many agency offices are unable to issue permits, or it takes them a very long time to issue the permit. This is preventing the public from accessing public lands and it is limiting my opportunities to provide work for our field teams. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands.

Sincerely,

Malcolm

Malcolm Dunn
Operations Coordinator
REI Experiences Team
madunn@rei.com



Austin Dyer
1500 Illinois st.
Golden, CO 80401
adyer@mines.edu

December 2, 2021

The Honorable Joe Manchin
Chair
Senate Energy and Natural Resources
Committee
U.S. Senate
304 Dirksen Senate Building

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

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Austin Dyer and I work as the Director of Outdoor Recreation at the Colorado School of Mines. My ability to provide outdoor experiences for the public and students is often dependent upon permits that are issued by the federal land agencies. Unfortunately, the permitting process is very complex and many agency offices are unable to issue permits, or it takes them a very long time to issue the permit. I have even ran into public land managers that haven't issued new permits since the 80s. This is preventing the public and our student population from accessing public lands and it is limiting my opportunities to work as a guide and outdoor educator. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands

Sincerely,

Austin Dyer
Director of Outdoor Recreation
Colorado School of Mines

From: [Alan Edwards](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021 Energy and Natural Resources Hearing Comments
Date: Sunday, December 12, 2021 4:42:21 PM

Senators,

My family and I recreate on federal land by boat, by mountain bike and on foot without guided or outfitter services. During my lifetime, I have seen recreation on federal land skyrocket and getting permits for many activities has become nearly impossible.

I am aware of bills S. 1229 and S. 1874 and do not support either of them as they give our increasingly scarce federal land access away to for-profit companies. In order for these bills to give do-it-yourself recreationalists a fighting chance of securing a permit to float a western river or backpack into a popular stretch of canyon country, S. 1229 and S. 1874 must be modified to include safeguards to protect DIY recreational access to federal lands free of the use of private tour companies. Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act and the level of NEPA used should fit the level and scale of the decision to be made.

To ensure my children are able to enjoy the access to federal land that I have enjoyed throughout my life, I demand that these bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where their use will be and what the forecasts are for expanding noncommercial use. Removing this tool removes vital protections of federal lands and removes our voices from the management of those lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies and outfitters. As they stand, these bills are simply giving away our access as non-commercial users.

Sincerely,

Alan Edwards
6337 Teller St
Arvada, CO 80003

From: [Anne Fiore](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Sunday, December 12, 2021 2:10:21 PM

Concerning S. 1229 and S. 1874:

As a user of federal lands for recreation without guided and/or outfitted services, I have concerns about bills S. 1229 and S. 1874.

In order to support these bills, I need to be ensured that bills S. 1229 and S. 1874 do **not** restrict federal land access to for-profit companies only. Access should always include those of us who do not use guided recreation services. Thus, S. 1229 and S. 1874 need to include safeguards to protect do-it-yourself recreational access to federal lands and not require do-it-yourself recreationalists to use of private tour companies.

In addition, exclusions from the National Environmental Policy Act (NEPA) must continue to consider resource protection, including but not limited to how many additional permits become available for private tour companies as well as non-commercial users, how much use areas will get, and what the use will be.

To repeat, language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies without also assigning additional use access for private individuals and groups. And both bills must continue to protect our natural resources and environment.

Thank you.

Anne Fiore
637 Robert St
Longmont CO 80503

From: [b](#)
To: [forthecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Friday, December 3, 2021 2:59:48 PM

Honorable Committee Members,

I regularly recreate on federal lands without guided and outfitted services. I am aware that federal land recreation is skyrocketing and getting permits is harder and harder. I have been unable to secure permits for any western rivers for the last few years despite exacting adherence to processes and much effort.

I am aware of S. 1229 and S. 1874 and I do not support these bills as they give away my federal land access to for-profit companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

S. 1229 and S. 1874 must require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection. How many private tour companies will be allowed? How much use they will get? Where will their use be and what are the forecasts for expanding noncommercial use? Removing this tool removes protections to federal lands and removes my voice from the management of our federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies and must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

I urge you to ensure do-it-yourself recreational access to federal lands is not lost for millions of Americans.

Thank you,

Bruce Fontneau
3216 47th St
Boulder, CO 80301

From: [Wanda Gayle](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Wednesday, December 15, 2021 2:01:22 AM

Thank you for the opportunity to comment on S 1229, the (SOAR) Act, which would change how long-term special recreation permits are issued.

In addition, thank you for taking comments on S 1874, the Recreation Not Red Tape Act, which would potentially expand the timeline for guided recreation on public lands into the traditional "shoulder" season.

I strongly object to both bills because I believe they would curtail access to individual and small-group users and favor commercial recreation users unfairly.

I am on the board of the Utah Rock Art and Research Association, and the field trip coordinator for the group. I seek Special Recreation Permits each month on federal land so that we can take small groups of people on field trips to see rock art.

I'm also a kayaker and I apply for river trip access each year. The number of river permits granted to non-commercial individuals is extremely low in compared to the heavy use granted to recreation businesses.

Please do not make the changes proposed in S 1229 and S 1874. They would increase competition for outdoor use permits and greatly disadvantage the average citizen who does not use a business to enjoy the outdoors.

Wanda Gayle

1565 East Garfield Ave

Salt Lake City UT 84105

Kellie Gerbers, Ph.D.
1329 E Westminster Avenue
Salt Lake City, UT 84105
Kellie55@gmail.com

December 2, 2021

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

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

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Kellie Gerbers and I am an Assistant Professor of Outdoor Education and Leadership (OEL) at Westminster College in Salt Lake City, UT. Our academic program relies heavily on being able to access federally managed lands to provide students with opportunities to learn how to recreate safely in the outdoors, to learn valuable leadership and communication skills, and to practice effective risk management and decision making. The permitting process is very complex and varies by agency and individual. It is difficult for our program to secure the permits it needs to operate effectively, or we find that the process changes depending on which federal agent responds to our request. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system.

Sincerely,

Kellie Gerbers, Ph.D.
Assistant Professor of Outdoor Education and Leadership

From: [Teresa Gryder](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Sunday, December 5, 2021 10:30:17 PM

I am a whitewater paddler and travel the world to run the best rivers. I love it.

Unfortunately here in the U.S. it has become quite difficult to get access to many of our best rivers without paying for the services of an outfitter, which I do not need. The system is unfair.

The number of applicants for non-commercial river permits has gone through the ceiling in recent years. The bills that are currently proposed (S. 1229 and S. 1874) do NOTHING to solve the problem. I do NOT support these bills because they are giving away "our" lands and waters to for-profit private companies.

S. 1229 and S. 1874 must not assign additional use capacity to private tour companies without first having a fair system for increasing non-commercial use.

Regulation of federal lands must include protections that maintain citizen access without the requirement to hire tour services.

Guiding and outfitting on federal lands and waters should not have categorical exclusion protection from the National Environmental Policy Act (NEPA). The level of NEPA used should fit the nature and scale of the decision to be made.

Every new Special Use Permit should require a NEPA Needs Assessment, and must consider resource protection, limits on number of tour companies and on how many trips/people they are allocated, and where they will be allowed to operate. Non-commercial use must be considered an important value and allocation should be increased proportional to citizen interest.

Diminishing the NEPA process takes away my voice and unfairly supports commercial permit applicants. They should not be the only voice nor should they be served on taxpayers dime even as they are taking our birthright. This is an overreach of capitalism which must be regulated if we are to remain FREE to roam on our own public lands.

We the people are serious about our lands and our rivers.
Thanks for your time,

Teresa Gryder
3830 SW Nevada Ct
Portland, OR 97219

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...a tolerance for

*the unconverted things of the earth
is intertwined with the substance
of a truly rich life.*
--Barry Lopez in *Arctic Dreams*

Teresa Gryder
Portland, Oregon
C: (503) 479-542six

Jan Hackett
127 Wyndemere Drive, Montgomery TX 77356
Hackett.jan@gmail.com

December 2, 2021

The Honorable Joe Manchin
Chair
Senate Energy and Natural Resources
Committee
U.S. Senate
304 Dirksen Senate Building

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

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Jan Hackett and I work as an instructor of wilderness first aid, wilderness first responder, fly fishing and kayaking guide in Texas, North Carolina, Florida and Virginia. My ability to provide outdoor experiences for the public is often dependent upon permits that are issued by the federal land agencies. Unfortunately, the permitting process is very complex and many agency offices are unable to issue permits, or it takes them a very long time to issue the permit. This is preventing the public from accessing public lands and it is limiting my opportunities to work as a guide. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands"

Sincerely,

Jan Hackett

Jan Hackett

From: [Julie Hancock](#)
To: [forthecord \(Energy\)](#)
Subject: December 2 Energy and Natural Resources Hearing Comments
Date: Friday, December 3, 2021 1:38:06 PM

Dear Energy and Natural Resources Committee,

I appreciate you taking my comments.

My name is Julie Hancock and I recreate on Federal Land without guided and outfitted services. I have been doing that for over 50 years and I am very aware that federal land recreation is skyrocketing and getting permits has become increasingly difficult. As we encourage more use on our public lands I wonder how the resources are being protected, as I have personally witnessed a decline.

I am aware of S. 1229 and S. 1874 and I do not support these bills that give away my federal land access to for-profit companies. These bills must include safeguards to protect do-it-yourself recreational access to federally managed lands. Outfitting and guiding on our public lands should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

It is important that these bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding non commercial use. Removing this tool removes protections to federal lands and removes my voice from the management of my public lands. The language in S.1229 and S.1874 must not assign additional use capacity to private tour companies. It is mine and my family's access that these bills are giving away.

Sincerely,
Julie Hancock
PO Box 790212
Virgin, Utah 84779

From: [Judy Hayes](#)
To: [fortherecord \(Energy\)](#)
Subject: S. 1229 and S. 1874
Date: Sunday, December 12, 2021 6:57:16 PM

To Whom It May Concern,

I recreate on federal lands without guided and outfitted services, in particular, river trips in the western United States. I am aware that federal land (and water) recreation is skyrocketing, and that for individuals, getting permits is harder and harder. I am aware of Senate Bills 1229 and 1874. I do not support these Bills that give away my federal land access, and give to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Outfitting companies and commercial guides on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA). The level of NEPA use should fit the nature and scale of the decision to be made.

These two bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and the forecasts for expanding (and preserving) noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management and use of my federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour and guide companies, especially at the expense of public users such as me. It is my and my family's access these bills would give away.

Sincerely,

Judy Hayes

32415 Smallman St

Webster, F 33597

[Sent from Yahoo Mail on Android](#)

From: [Bruce Hills](#)
To: [Ripchensky, Darla \(Energy\)](#)
Subject: Support for the SOAR Act
Date: Friday, December 10, 2021 12:09:21 PM

Bruce Hills,
70 Waters Road, Asheville, NC
December 10, 2021

**RE: S. 1229, Simplifying Outdoor Access for Recreation Act or
"SOAR Act"**

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

I Direct the Outdoor Programs for Warren Wilson College, in NC and would like to support the Simplifying Outdoor Access for Recreation Act.

Sincerely,

Bruce Hills
(he, him, his)
Director of Outdoor Programs
Head Cross Country Coach
Warren Wilson College
P.O. Box 9000, CPO 6156
Asheville, NC 28815
(828) 301-2499

From: [Dana Hoffman](#)
To: [fortherecord \(Energy\)](#)
Subject: comments on bill S 1229 & S. 1874 December 2, 2021, Energy and Natural Resources Hearing
Date: Friday, December 3, 2021 3:47:15 PM

Dear Congress,

The world is becoming a crowded place. And our beloved natural places here in the US are no exception. In many ways that is a good thing, people know about and are getting access to spend time on beautiful rivers that restore or souls and spirits in these difficult times.

But that's just it, the regular person needs access to federal lands and its getting harder and harder to do that. We should be able to do that on our own, with our families and friends, not book expensive, catered and sometimes inaccessible tours with private companies. S. 1229 and S. 1874 will make it ever harder for regular folks to get permits and access federal lands just to let companies, who already have a one-up jump the line. S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

These bills should require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use.

Removing this tool from the law removes protections to federal lands and could make those lands less special.

Thank you for your consideration,

Best

Dana Hoffman

Phone:

720-935-6772

Address:

1420 Dahlia St.

Denver CO 80220

USA

Elias Zane Holt
10248 Jamestown Drive, Apt. I
Anchorage, AK
99507
info@redravenguides.net

December 3, 2021

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

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

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Elias Holt I am Pro Mountain Guide and Ski Guide. I work as a guide here in Alaska. My ability to provide outdoor experiences for the public is often dependent upon permits that are issued by the federal land agencies. Unfortunately, the permitting process is very complex and many agency offices are unable to issue permits, or it takes them a very long time to issue the permit. This is preventing the public from accessing public lands, it is slowing down the outdoor recreation economy, and it is limiting my opportunities to work as a guide. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands"]

Sincerely,

Elias Zane Holt



From: [robert huey](#)
To: [fortherecord \(Energy\)](#)
Subject: S 1229 and S 1874
Date: Tuesday, December 7, 2021 10:41:18 AM

These bills are not in the best interest of the general public.
Commercial enterprises did not pay for these public venues, they belong to the general public.
The Republicans continued failure to reign in unbridled political donor special favors will lead to their continued decline in election results.

Robert Huey
3940 S. River Rd.
Franklin, GA
30217
[Sent from Yahoo Mail on Android](#)

From: [Martha Hut](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Comments
Date: Saturday, December 11, 2021 3:04:11 PM

I wish to comment on the proposed Senate bills S.1229 (Simplifying Outdoor Access for Recreation) and S.1874 (Recreation Not Red Tape Act).

My name is Martha Hut, 65493 Solar Road, Montrose, CO 81403.

I am a 75 year old woman with severe hearing loss. For the past 43 years I have rowed boats on the rivers of our public lands in western US as a private (do-it-yourself) boater. I intend to continue to do so for as long as possible. However it has become harder and harder to obtain permits as 1000's of private boaters apply for a handful of permits. (You can see how popular this sport is by just driving thru western communities and noticing all the rafts and kayaks in residents' driveways!) It is easy to get on a commercial (for-profit) trip if you have the money. Most of us private boaters now have to wait years to get permits on highly desired rivers such as the Grand Canyon and Middle Fork of the Salmon. For 43 years I have applied for the Yampa River in Dinosaur National Park and have never once won that permit!

In the past I have run boats for organizations who help disabled individuals (including veterans) and at-risk youth. I have several disabled friends, including veterans, who boat with me on private (do-it-yourself) trips. And I have been on many private (do-it-yourself) trips with other disabled people. Some run boats, others are passengers.

These 2 bills do nothing to help the private (do-it-yourself) boater. They are only designed to help for-profit companies get more permits, eliminating the already narrow chance of private boaters to obtain permits.

Public lands should always be for individual citizens to enjoy. Allowing for-profit companies to take advantage is not what public access is all about. The for-profit companies are using disabled people as a ploy to obtain more commercial permits.

It also appears that these bills are designed to disallow any public comments through the NEPA process. NEPA must stay in the process so that individual private boaters can have a say and to protect the natural resources.

If I were to be writing these bills I would give more access (permits) to private boaters and less access to for-profit companies! Perhaps there is a way to give disabled people higher access to obtaining permits (might create a conundrum as everyone would be claiming to be disabled!). But better access could be given to those of us in our 70's (easy to prove your age!) who do not have many years left for being on the river – just a suggestion!

Thank you for giving me the time to express my displeasure with these 2 bills. Hopefully you can come up with something else that benefits all citizens – not just for-profit river companies.



PO Box 20280 | Boulder, CO 80308 | Office: 303.545.9011 | Fax: 303.545.9026 | www.IMBA.com

**Testimony for Senate Energy and Natural Resources (SENRR) Committee
Hearing on Outdoor Recreation**

**Submitted
December 3, 2021**

The Honorable Joe Manchin III (D-WV)
Chairman, Energy and Natural Resources
Committee
United States Senate
306 Hart SOB
Washington, DC 20510

The Honorable John Barrasso (R-WY)
Ranking Member, Energy and Natural Resources
Committee
United States Senate
307 Dirksen SOB
Washington, DC 20510

Dear Chairman Manchin,

We thank you for holding the SENRR hearing to discuss opportunities and measures to improve, increase, and diversify outdoor recreation in the United States.

We at the International Mountain Bicycling Association (IMBA), strongly support the following bills in this SENRR hearing, which will improve access to quality outdoor recreation trail opportunities on public lands across America.

- S. 3264 - Biking On Long-Distance Trails Act (BOLT)
- S. 1874 - Recreation Not Red-Tape Act (RNR)
- S. 2258 - Parks, Jobs, and Equity Act
- S. 3266 - Outdoor Recreation Act

IMBA is a 501(c)(3) non-profit whose mission is to create, enhance and protect great places to ride mountain bikes. Founded in 1988, IMBA leads the national and worldwide mountain bicycling communities through a network of more than 200 local affiliate groups, 35,000 members and 200,000 individual supporters and subscribers. Each year, mountain bikers are estimated to contribute more than 100,000 hours annually valued at more than \$2 million in volunteer trail stewardship on America's public lands. Mountain bikers are some of the best assistants to federal, state, and local land managers when it comes to trail maintenance, trail planning, design and building. IMBA's members and mountain bike trail organizations nationwide have relied on federal lands for sustainable and thoughtful shared access to trails in their communities and this SENRR hearing can further advance equitable and diverse public access to trails for all manners and types of public trail enthusiasts.

Below we briefly offer how the following bills can achieve the above outcomes.

[S. 3264](#), the bipartisan **Biking On Long-Distance Trails (BOLT) Act** makes an investment in great places to ride by requiring the Secretary of the Interior and the Secretary of Agriculture to:

- Identify no less than 10 existing long-distance bike trails on Federal lands in excess of 80 miles in distance;
- Identify no less than 10 areas where opportunity exists to develop or complete long-distance-bike trails on Federal lands in excess of 80 miles in distance;
- Coordinate with stakeholders on the feasibility of completing long-distance trails and the resources necessary for such projects;
- Publish maps, signage and promotional materials highlighting the positive aspects of the long-distance trail network;
- Issue a report, with input from stakeholders, outlining the details of existing and proposed long-distance trails, and their promotion.

The pandemic made clear that access to public lands and places to bike is essential for the health and well-being of Americans. This standalone trail access bill is an aspirational step forward in acknowledging existing bike trails that can already serve a greater purpose and value to the public, while also taking tangible steps towards identifying future trails that could be designated and developed in underserved areas of the country. Biking has numerous physical, mental, and social benefits. The BOLT Act is a way to help put America on a pedal-powered track to wellness through concerted access to public land trails.

[S. 1874](#), the **Recreation Not Red Tape Act** promotes a variety of innovative approaches to improve outdoor recreation on Federal land and increase opportunities for collaboration with non-Federal partners. We have been long-time proponents of this bill and strongly support the specific provisions in RNR that:

- Create a System of National Recreation Areas to better codify and promote consistency in recreation management;
- Direct management agencies to develop recreation performance metrics for the evaluation of land managers;
- Add recreation to the mission of important land management agencies, including the Corps of Engineers, the Bureau of Reclamation, FERC, and the Department of Transportation which often end up managing recreation by default without clear direction;
- Improve access to outdoor recreation programs for service members and veterans;
- Extend seasonal recreation opportunities where appropriate to better facilitate recreational access and utilization of public lands;
- Improve the availability of federal and state recreation passes and facilitate their online sale;
- Help land managers accept volunteers to conduct stewardship activities and facilitate trail maintenance across agency jurisdictions; and
- Foster collaboration and coordination between units and agencies to better serve the public through consistent trail management across jurisdictional boundaries.

[S. 2258](#), the **Parks, Jobs, and Equity Act** directs the Secretary of the Interior to establish a Parks, Jobs, and Equity Program to support job creation, economic revitalization, and park development for communities impacted by COVID-19. Our organizational focus is “more trails close to home,” and this includes developing trails for underserved communities. This legislation would provide the vehicle to bring outdoor recreation infrastructure to those communities whose need is the greatest.

[S. 3266](#), the **Outdoor Recreation Act** which improves recreation opportunities on, and facilitates greater access to, Federal public land. Section 204 of the Outdoor Recreation Act requires a more timely completion of travel management planning across BLM and USFS lands which will facilitate better recreational trail planning.

Section 102 of this bill requires an inventory and asset value assessment of recreation use and opportunities on public lands during the critical land management planning process. This will help elevate recreation and its myriad benefits to be on par with other uses of public lands. Section 102 also compliments components of other bills in this hearing, such as section 304 of the Recreation Not Red Tape Act which would create a system of National Recreation Areas (NRAs). Those future NRAs would be aided by recreational assets identified by the requirements of Section 102 of this Outdoor Recreation Act. Therefore together these bills will ultimately improve recreation land management planning and decision making.

We also support the following bills in this hearing:

[S. 1229](#), to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes (Simplifying Outdoor Access for Recreation Act).

[S. 1269](#), to require the Secretary of the Interior and the Secretary of Agriculture to complete an interagency report on the effects of special recreation permits on environmental justice communities, and for other purposes (Environmental Justice in Recreation Permitting Act).

[S. 2887](#), to codify the existing Outdoor Recreation Legacy Partnership Program of the National Park Service, and for other purposes (Outdoors for All Act).

Thank you for your consideration of these bills and their role in supporting outdoor recreation across the United States. Please advance these bills towards passage.

Sincerely,

A handwritten signature in red ink that reads "Clit W.". The signature is written in a cursive style.

David Wiens, Executive Director
International Mountain Bicycling Association

From: [KYLE JESSUP](#)
To: [fortherecord \(Energy\)](#)
Subject: s.1229 and s.1874
Date: Thursday, December 2, 2021 7:02:15 PM

Good evening,

I am emailing as a concerned citizen about the language for both of the bills mentioned in the subject line.

My name is Kyle Jessup. My address is 38596 U.S. 6, Avon CO, 81620. My profession is as a 5th-grade teacher and in my free time, I am a passionate recreator of the rivers in the United States. I am emailing to argue that the wording of these two bills (s.1229 and s. 1874) does not protect the permit system for individuals that travel rivers unattended by a for-profit company. As a citizen of this country, it is my right to explore the waterways on my own and under the appropriate guidelines already listed by the current permits system.

I do not support these bills that give away my federal land access to for-profit companies. S. 1229 and S.1874 MUST include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

I demand that these bills require a NEPA Needs Assessment for every new special use permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management of my federal lands.

Please understand that there is a large number of private boaters whose love and passion will be stifled if the for-profit companies take over the river access.

Thank you for your time.

Sincerely,

Kyle Jessup

From: [M. David Johnson](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Friday, December 10, 2021 6:25:14 PM

To the Senate Committee on Energy and Natural Resources,
Hello I am a passionate outdoor recreation advocate who recreates on our federal lands without guided and outfitted services. I have been in the outdoor recreation industry for over 25 years and have seen the recreation use rise exponentially. Chances of getting permits are becoming much more difficult. While private tour companies have their place they should not dominate the permit system.

Bills S 1229 and S. 1874 should include language to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

S. 1229 and S 1874 should make it mandatory to require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. State that removing this tool removes protections to federal lands and removes your voice from the management of your federal lands

S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's my and my friends access these bills are giving away.

I do not support bills S1229 and S1874 which are threatening do-it-yourself recreation users federal land access and giving this access to for profit companies.

Sincerely,
M. David Johnson
Owner & SKI E.O. CASA Tours
gomez@casatours.com
406 570 8292
www.casatours.com

"Global Powder to the People!"

From: [Michael Jorgensen](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Friday, December 3, 2021 10:06:48 PM

In regards to S. 1229 and S. 1874,

I recreate on federal lands without guided or outfitted services, I am aware that federal land recreation is skyrocketing, and getting permits is harder and harder. I also guide on federal land, but most americans cannot afford a guided trip.

S. 1229 and S. 1874 are terrible bills, I do not support these bills that give away my federal land access to for-profit companies. We need a balance for both types of users. The current balance on most rivers allocates many more commercial river user days then private user days. I would support a more even balance of use, the opposite of these bills.

Both S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

I demand that these bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use.

Removing this tool removes protections to federal lands and removes my voice from the management of my federal lands. The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's my access these bills are giving away to for profit companies.

Thank you for your time.
Michael Jorgensen
1677 Ginney Way PO BOX 1931
McCall, Idaho

From: [Emily Junck](#)
To: [fortherecord \(Energy\)](#)
Subject: Bill opposition
Date: Sunday, December 12, 2021 12:45:56 AM

To Whom It May Concern,

I'm writing today to express strong opposition of Bills S. 1229 and S. 1874.

I recreate on federal lands without guided and outfitted services and am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

Bills S. 1229 and S. 1874. illegitimately give away my federal land access to for-profit companies. These bills must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made. These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. State that removing this tool removes protections to federal lands and removes your voice from the management of your federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies.

Again, These bills give away my federal land access to for-profit companies, and I strongly oppose S. 1229 and S. 1874

Emily Junck
213 Main St
Girdwood, Alaska 99587-0905

From: [Joe Kaiser](#)
To: [fortherecord \(Energy\)](#)
Cc: [Joe Kaiser](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Friday, December 3, 2021 10:40:10 AM

To the committee on Energy and Natural Resources Hearing Comments regarding bill numbers (S. 1229 and S. 1874).

My family and I recreate on federal lands without guided and outfitted services, and we are aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

I am aware of S. 1229 and S. 1874 and I do not support these bills that give away federal land access to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use.

Removing this tool removes protections to federal lands and removes the private sectors voice from the management of our federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's access that these bills are giving away to for profit companies.

Respectfully,

Joe Kaiser

490 S Woodland Hills Drive
Woodland Hills, UT 84653

From: [Kerry Kells](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Tuesday, December 14, 2021 10:08:14 AM

Hello, I am writing to comment about bill numbers S. 1229 and S. 1874 regarding our public lands. I would like to express my concern over having public access to public lands and bills S. 1229 and S.1874.

I am one of THOUSANDS of people that recreates on federal lands without guided and outfitted services, and I understand that federal land use is skyrocketing and permits are becoming more difficult to come by. I am aware of S. 1229 and S.1874 and I DO NOT SUPPORT these bills as they give access away to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. I am very capable of designing my own backcountry adventures, obtaining permits and follow all Leave No Trace principles and do not have the money to pay a private tour company.

Outfitting and guiding on federal land SHOULD NOT HAVE categorical exclusion protection from the National Environmental Policy Act (NEPA)!

These bills need a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. If this is removed, the bill removes protections to federal lands and removes MY VOICE as an individual user from the management of federal lands. Additional use capacity to private tour companies takes away opportunities for individuals.

I hope my voice, as an individual user who respects and recreates on public land, is taken into consideration.

Thank you,
Kerry Kells
9584 Pearl Circle Unit 102
Parker, CO 80134
Douglas County

From: [Sally Kentch](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Friday, December 3, 2021 10:57:48 PM

To whom it may concern:

I recreate on federal lands without guided and outfitted services, and am aware that federal land recreation is skyrocketing, and getting permits

is harder and harder.

I am aware of S. 1229 and S. 1874 and I do not support these bills that give away my federal land access to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use.

Removing this tool removes protections to federal lands and removes your voice from the management of your federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's my families access these bills are giving away.

Sally Kentch
6026 30th Ave NE
Seattle, WA 98115
206 550 6009

From: [Mary Kosmicki](#)
To: [fortherecord \(Energy\)](#)
Subject: River access
Date: Thursday, December 16, 2021 9:30:14 AM

To whom it may concern,

I am writing in protest and concern about the Senate bills S.1229 and S. 1874. As a private citizen and do it yourself boater we have been able to take advantage of the current river permit system, the passage of these bills limiting access for do it yourself boaters would be a sad loss to visiting our public lands and rivers. Access is already so limited due to the river permit lottery , which is the fairest way to draw a permit but so heavily applied for. Please consider these bills carefully and keep access available to the average citizen.

Mary and Matthew Kosmicki
2261 Birch street
Denver CO
80207

Sent from my iPhone

From: [Douglas Kretzmann](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Tuesday, December 7, 2021 12:05:13 PM

Hallo,

Recreation on public lands is increasing tremendously, and permits for access are becoming harder and harder to get. My family and I canoe, fish and hunt on public land and don't use outfitter services for any of these.

I am vehemently opposed to the provisions in the bills S. 1229 and S. 1874. These give away federal land access to for-profit companies. Public lands become private profit centers, while the maintenance of the public lands is still paid for by the public taxes. This is malign.

Public use of public lands should be protected so that do-it-yourself trips are allowed and encouraged. These bills don't do that. Both bills do absolutely nothing to assure access for do-it-yourself recreational users. Once access ceilings are reached by the outfitted groups, there will be no access remaining for the do-it-yourself public. That's me and my family.

The bills require that the fees generated by commercial clients can only be used to process the permits and improve the operation of the special recreation permit system. So mitigation of all the many impacts of private use on public lands are not funded by these fees. Instead the maintenance of public lands is left to the public taxpayer who now has limited or no access to those lands. That's unacceptable.

These bills both require federal land agencies to incorporate categorical exclusions to the National Environmental Policy Act (NEPA) designed to "reduce processing times or costs for the issuance or renewal of special recreation permits." This means the permit process trumps all other considerations, including the carrying capacity of the public lands. Outfitting and guiding on federal land should be subject to the NEPA just like all other uses and users.

Both bills cap fees returned to the Government at "3 percent of the annual gross revenue of the recreation service." Under current policy, the 3% is set as the minimum the agency may charge. Setting it now to the maximum ties the hands of federal land managers, and at a low low price that doesn't begin to cover the costs of permitting and managing public lands.

Please don't steal my access to public lands. That's what these bills will do.

thank you,
Douglas Kretzmann
6761 Eagle Pl Highlands Ranch CO 80130
720 326 1224

Kevin Langlois
10426 Buckeye St
Littleton, CO 80125
kevinjlanglois@hotmail.com

December 8, 2021

The Honorable Joe Manchin
Chair
Senate Energy and Natural Resources
Committee
U.S. Senate
304 Dirksen Senate Building

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

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Kevin Langlois and I work as an Assistant Director of the Outdoor Program at Colorado School of Mines in Golden, CO. My ability to provide outdoor experiences for the public is often dependent upon permits that are issued by the federal land agencies. As of now our program as one national park and two BLM permits that we utilize seasonally. Unfortunately, the permitting process is very complex and many agency offices are unable to issue permits, or it takes them a very long time to issue the permit. A year or so ago I applied for 5 different permits to different NFS districts in the area and were denied in all avenues. Upon further exploration with those districts I was informed that there was pretty much no chance for our program to obtain those permits and in if it was somewhat in the realm of possibility it would have to be after studies that could take many years to complete. This is preventing the public and the students from my public university from accessing public lands. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands"]

Sincerely,

Kevin Langlois

From: [Pete Lardy](#)
To: [Ripchensky, Darla \(Energy\)](#)
Subject: SOAR Act
Date: Wednesday, December 1, 2021 8:07:05 PM

I am both a mountain guide and a guide service owner in favor of the SOAR act. Permitting has become by far the most challenging part of operating as a professional mountain guide in the United States. I can go into more detail on my specific challenges but I think the American Mountain Guide Association (AMGA) has put together a well thought out letter that covers our challenges and some of the solutions for them. That letter is the AMGA Testimony to the Senate. Please consider the SOAR act to benefit a healthy use of public land in the future.

Pete Lardy
IFMGA Licensed Mountain Guide
AMGA Certified Alpine, Rock & Ski Guide
Owner/Chief Guide | PikesPeakAlpineSchool.com
O. 719-368-9524 | M. 719-651-3648

From: [Lynda Law](#)
To: [fortherecord \(Energy\)](#)
Subject: Land/river use for everyone
Date: Tuesday, December 7, 2021 11:09:53 AM

To Whom This May Concern,

I recreate on federal lands without guided and outfitted services, in particular, river trips in the western United States. I am aware that federal land (and water) recreation is skyrocketing, and that for individuals, getting permits is harder and harder. I am aware of Senate Bills 1229 and 1874. I do not support these Bills that give away my federal land access, and give to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Outfitting companies and commercial guides on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA). The level of NEPA use should fit the nature and scale of the decision to be made.

These two bills require a NEPA Needs Assessment for every new Special Use Permit. Consideration for resource protection, the many private tour companies that will be allowed, the use they will get and where will their use be, and the forecasts for expanding (and preserving) noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management and use of my federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour and guide companies, especially at the expense of public users such as me. It is mine, and my family's, access these bills would give away.

Sincerely,

Lynda S Law

1185 Primrose Ln

Fruita, Colorado 81521

From: [Renee Lee](#)
To: [forthecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Thursday, December 16, 2021 3:08:15 PM

To Whom It May Concern,

I am writing in regards to bill S. 1229, Simplifying Outdoor Access for Recreation (SOAR) Act, and bill S. 1874, Recreation not Red Tape Act bills that are open for comment. I **do not** support these 2 bills that give away my federal land access to for-profit commercial outfitters.

I was a river guide for several years, then began rafting with our own equipment and without guided outfitter service, for the last 30 years. We apply for river permits through Federal land each year and are aware that recreation on these lands have skyrocketed and is getting harder and harder to obtain a permit. Rafting and outdoor recreation is a big part of my family's culture. Federal lands have provided many experiences that have taught us about geology, natural wonders, native cultures, human interaction and of course the beauty and power of the river. We are active and lifelong stewards of these federal lands and natural resources.

I understand that these bills allow unlimited special use permits for private tour company outfitters and include areas that already have previously established allocations. There is nothing written to assure access to do-it-yourself recreational users and I feel that there must be safeguards included in these bills to protect our access to federal lands free of the use of for-profit tour companies. The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's my families access these bills are giving away.

In addition, outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA), the level of NEPA used should fit the nature and scale of the decision to be made. These bills need to require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management of my federal lands.

Thank you for including and considering my comments in regards to these two bills. It's so important to keep access to our federal lands open.

Sincerely,

Renee Lee

154 High Place

Fort Collins, CO 80521

From: [Jenni Light](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Sunday, December 12, 2021 5:20:12 PM

I am a do-it-yourself whitewater rafter and I have skimmed the following two Senate bills, S. 1229 and S. 1874 and I am *very* concerned that these will continue to erode individual recreation access on federal and State land. Permits for running premier rivers (actually all western rivers that are currently permitted) are harder and harder to get. I also see more and more commercial activity and it seems to be at the cost of individual, non-commercial access. These bills should have regulations that protect people like me that are recreating for our own enjoyment, and the joy that comes with the ability to do it yourself, not the opposite way around.

It also seems like both bills weaken NEPA requirements through categorical exclusion. Being able to comment on federal activities is one of the few ways the public can have any impact on federal activities. I support reasonable (that is, reasonable to all, not just commercial or lobbyists interests) NEPA analysis appropriate to the issue and impact. A NEPA Needs Assessment should be required for every new Special Use Permit and should consider everything from how many private tour companies allowed, where they will operate, to what forecasts show for increasing use. Concurrently, this calculation must also consider parallel increases to individual use. Just considering commercial uses is not fair to people like me. Consequently, I do not support the NEPA changes in either of these bills as it is.

Thank you for reading and considering my comments,

Jenni Light

2110 Westlake, Clarkston, WA 99403

From: [Elliott Lips](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021 Energy and Natural Resources Hearing Comments
Date: Wednesday, December 15, 2021 1:13:13 PM

Dear Committee on Energy and Natural Resources.

I am a frequent user of public lands for non-guided, non-commercial, non-outfitted recreation. These activities include use of lands primarily managed by the Forest Service, Park Service, and Bureau of Land Management. I am aware that getting permits for private use of these public lands is getting harder and harder. I am aware of S. 1229 and S. 1874 and I do not support either of these bills, because I see them as a give away of access to federal land to for-profit companies. These bills must include some provisions for private (do-it-yourself) recreational access free of the use provided by tour companies. In addition, I oppose the categorical exclusion of the National Environmental Policy Act (NEPA) and believe that NEPA should apply to every land use decision to be made. NEPA analysis should consider resource protection, number of private versus commercial permits issued, specific location of use, and forecasts for expanding noncommercial use. S. 1229 and S. 1874 must not assign additional use capacity to private, for-profit commercial companies at the expense of private family use of public lands.

These are my public lands and I want to be able to access them without being further locked out by commercial companies.

Sincerely,

Elliott Lips
2241 E. Bendamere Cir.
Salt Lake City, Utah 84109

From: [Andrea Lubeck](#)
To: [fortherecord \(Energy\)](#)
Subject: Opposition to Bills S. 1229 and S. 1874
Date: Monday, December 6, 2021 12:13:12 AM

To Whom It May Concern,

I'm writing today to express strong opposition of Bills S. 1229 and S. 1874.

I recreate on federal lands without guided and outfitted services and am aware that federal land recreation is skyrocketing, and getting permits is becoming more difficult.

Bills S. 1229 and S. 1874. illegitimately give away my federal land access to for-profit companies. These bills must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made. These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes our voice from the management of our federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies.

Again, These bills give away my federal land access to for-profit companies, and I strongly oppose S. 1229 and S. 1874.

Thank you for your consideration,

Andrea Lubeck
4406 Marionberry Ct
Bellingham, WA
98229

From: [Colin Lusher](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Monday, December 13, 2021 5:04:56 PM

Dear Sir or Madam,

I regularly recreate on federal lands, almost exclusively without guided and outfitted services. I am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

I am aware of S. 1229 and S. 1874 and I DO NOT support these bills that give away my federal land access to for-profit companies. S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

I demand that these bills be amended to require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Without this tool, you are essentially removing all protections to federal lands and removing my voice from the management of federal lands.

I must also insist that language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's my family's access to public lands that these bills are giving away.

I appreciate your time in reviewing and addressing the concerns of me, and those like me. I hope you'll make the right choice to preserve my access to these public resources.

Kind regards,

Colin Lusher, PE | President

Tel (808) 725-3492 | M (808) 690-2553
Hawaii License PE-18909 | Mechanical
Oregon License 86950PE | Fire Protection
www.ignisengr.com

From: [David William MacLennan](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments: S. 1229 and S. 1874
Date: Sunday, December 5, 2021 5:36:53 PM

Dear committee member,

I am a frequent user of our National and State parks, National Forest lands and Wilderness areas as well as BLM lands. I am a private river rafter, a backcountry skier and an avid hiker and mountain climber. I have noticed access to federal lands is becoming a lot harder. Trailhead parking is packed, river put-ins are overcrowded, and competition for scarce permits is fierce.

I oppose the two US Senate Bills that have been recently introduced: S. 1229, and S. 1874. I do not support these bills as-written as they give away private access quotas to federal land to for-profit companies.

Both bills do absolutely nothing to assure access for do-it-yourself recreational users. Once access ceilings are reached by the outfitting groups, there will be no access remaining for the do-it-yourself public.

Also, these bills both require the federal land agencies to incorporate categorical *exclusions* to the National Environmental Policy Act (NEPA) designed to "reduce processing times or costs for the issuance or renewal of special recreation permits." This bypasses the need to establish carrying capacities for special recreation permits.

Anything that diminishes the NEPA process diminishes the do-it-yourself public's voice when it comes to reviewing the need for new commercial permits. In fact, the bills require that once an application is received, the permit will need to be issued within 60 days. Current regulations require agencies to consider the public interest served. This bill assumes the private tour company is the only interest to be served, and served at a discount!

These bills note that agencies may assign additional use capacity to an existing private tour company even if that assignment would exceed the amount of use already allocated to the company. This would allow private tour companies to ask for as many user days as they want.

Excluding National Park Service lands, both bills cap fees returned to the Government at "3 percent of the annual gross revenue of the recreation service." Under current policy, the 3% is set as the minimum the agency may charge. Locking it in by statute is a bad plan and is equivalent to grazing fees and mineral lease fees that are locked in at ridiculously low prices.

S. 1229 and S. 1874 need to be amended/updated to include safeguards to protect do-it-yourself recreational access to federal lands independent of the use of private tour companies.

Removing the NEPA Needs Assessment requirements reduces protections to federal lands and removes the public voice from the management of the public's federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That additional capacity is the non-commercial/private users' access that these bills are giving away. I think this is an unfair approach to management of public lands that most informed private users will strongly object to, and I request that you do NOT support these bills as they are written.

Thank you for listening -

David W MacLennan

45 South 33rd Street

Boulder, Colorado 80305

December 5, 2021

From: [Bill Mandler](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Tuesday, December 7, 2021 2:16:13 PM

I would like to comment on S. 1229 and S. 1874. I recreate on federal lands without guided and outfitted services. I have been fortunate to have taken three non-commercial river trips through the Grand Canyon in the last 12 years on permits that took years to obtain. I have also entered the lottery for permits for other river trips but without success. I am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

I do not support S. 1229 and S. 1874 that give away my federal land access to for-profit companies. S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Also, outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made. These bills must require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management of my federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's mine and my family's access these bills are giving away.

Thank you,

Bill Mandler
444 Stillhouse Road
Franklin, NC 28734

December 1, 2021

The Honorable Joe Manchin
Chairman
Senate Committee on Energy
and Natural Resources
Hart Senate Office Building, 306
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy
and Natural Resources
Dirksen Senate Office Building, 307
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso:

The Marine Retailers Association of the Americas is writing today on behalf of our more than 450 members and more than 1,000 individual member retail locations, in addition to the recreational boating industry at large, to express our support for the Outdoor Recreation Package and **ask that this package be voted favorably out of committee**. Containing many priorities of the outdoor recreation industry, this package will not only create opportunities and expand access, but also provide tools to better track visitation data, stop the spread of aquatic invasive species, and much more.

The Marine Retailers Association of the Americas (MRAA) is the leading trade association of North American small businesses that sell and service new and pre-owned recreational boats and operate marinas, boatyards, and accessory stores. MRAA supports our members by advocating for a strong selling environment, policies that do not place unnecessary restrictions on small businesses, support our supply chain, and benefit our workforce. Most importantly, MRAA understands that in order to have a successful business environment for our members, we must also properly conserve, protect, and manage our natural resources.

In America, the outdoor recreation economy is a major economic driver and supports communities across the nation. Although negatively impacted by COVID-19 travel restrictions, the outdoor recreation economy still accounted for 1.8% of America's GDP in 2020, and we expect to see this figure continue to rise in 2021. Many of the provisions included in the outdoor recreation package will help to create more opportunities and get more Americans recreating and supporting their local economies.

For example, the provisions included in the Recreation Not Red Tape Act work to remove barriers to the outdoors and create additional opportunities by:

- providing free passes to low-income students and their families to access Federal recreation sites,
- holding Agencies accountable for making recreation a priority in their management decisions,
- streamlining the permitting process for guides and outfitters.

Furthermore, the **Outdoor Recreation Act** will also help to expand recreational opportunities while providing more resources to the Department of the Interior to stop the spread of Aquatic Invasive Species. Specifically, the Outdoor Recreation Act will:

- increase broadband internet connectivity to recreation sites,

- create a homogenized visitation data system that is used between all agencies to better keep track of visitation rates and associated needs,
- establish a competitive grant program within the Bureau of Reclamation to help non-Federal partners to conduct inspections and decontamination of watercraft in reservoirs administered by the Department of the Interior.

Although the above provisions are just a small fraction of what is included in the entire package, it is clear the positive impact this legislation will have on the outdoor recreation industry as a whole. Not only will it benefit our member businesses and industry at large, but most importantly, it will create more and higher quality outdoor recreation opportunities for all Americans.

We thank you for the opportunity to express our support for this package and hope it is voted favorably out of committee. If you have any questions, please feel free to reach out to Chad Tokowicz, Government Relations Manager, at Chad@mraa.com or 978-569-5127.

Sincerely,



Chad Tokowicz
Government Relations Manager
Marine Retailers Association of the Americas

From: [Dan & Samantha McBride](#)
To: [fortherecord \(Energy\)](#)
Subject: Decembe 2,2021, Energy and Natural Resources Hearing Comments
Date: Sunday, December 12, 2021 12:38:16 PM

To whom it may concern:

My husband and I recreate on federal lands without guided and outfitted services, we are aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

We are aware of S. 1229 and S. 1874 and we do not support these bills that give away our federal land access to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

We believe that these bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes our voice from the management of our federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. It is our and our families access to rivers that these bills are giving away.

We hope you will take our concerns seriously and act in our best interest.

Best regards,

Samantha and Dan McBride
4098 Dawn Ct.
Boulder, Co 80304

From: [Michael McClarty](#)
To: [Ripchensky, Darla \(Energy\)](#)
Subject: AMGA SOAR Act
Date: Wednesday, December 1, 2021 10:19:47 PM

I would like to voice my opinion in favor, as access to lands would not only support our industry as climbers but also facilitate area and land stewardship that would secure the future of the event areas for the future.

Respectfully,
-Mike

Michael McClarty
AMGA Assistant Rock Guide
AMGA Single Pitch Instructor
AMGA Climbing Wall Instructor
Wilderness First Responder

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null

From: [Scott McDaniel](#)
To: [forthecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Thursday, December 16, 2021 10:26:53 AM

Hello,

I have been recreating with my friends and family on federal lands without guided or outfitted services for two decades and I am aware that recreation on federal lands has been skyrocketing. The probability of getting a permit has become more challenging in the past several years and it was always challenging prior to that.

I am aware of S. 1229 and S. 1874 and I do NOT support these bills that give away your federal land access to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use.

Removing this tool removes protections to federal lands and removes my voice from the management of federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That will take away my friends and families access that these bills are giving away.

Please consider all that I have mentioned. I want to be able to take my son on epic adventures on wild lands that do not require a guide or service that may have less experience than I have.

Thank you,

Scott McDaniel
165 Willow Lane
Fayetteville, WV 25840

From: [Daniel McMurray](#)
To: [fortherecord \(Energy\)](#)
Subject: S.1229 and S.1874
Date: Thursday, December 9, 2021 7:13:14 AM

I am a private 'do-it-yourself' rafter with 36 years of experience. Due to the recent explosion of private rafters, permits are really hard to get. I oppose the senate bills S 1229 and S 1874. They give away private access to federal lands to commercial companies, who already have too much use of our federal lands. Commercial companies must always satisfy NEPA requirements [not be excluded from them..], to protect natural resources from special use permits. Please do NOT give away additional use capacity to commercials..they should be for private, do-it-yourself, people and families.

There should always be a needs assessment by the Secretary for the permits used by commercials, and funds generated by commercial permits must be used for all land maintenance issues; trail upkeep, toilets and toilet services, equipment, etc.. These bills would limit the use of commercials permits fees to only for processing permits, and operation of the special recreation permit system.

Commercial use fees should NOT be capped at 3% of annual gross revenue as this is ridiculously low, and federal land maintenance costs will always go up, with current inflation rates, not down.

Don't give away private access to public land.

Daniel P McMurray
PO Box 1235
Granby, CO 80446

<dan69mcmurray@gmail.com>

970-537-8007

From: [Alex McNeily](#)
To: [fortherecord \(Energy\)](#)
Subject: (S. 1229 and S. 1874) comments
Date: Saturday, December 4, 2021 5:55:05 PM

Comments must include the bill numbers as well as your name and address.

Dear Sirs,

I have been applying for permits to run rivers for over 40 years and I have not been able to secure a permit in the last 10. And yet I can find last minute openings on commercial concessionaires.

This is not wonder as I see the data showing 27,000 applications for the 700 available slots on the 4-Rivers lottery.

I favor protecting the environment and having a limit to overall use level. Permit fees should be related to their processing costs, And when a concessionaire exits the business, the permit allocation should revert to the public and no rights sold. But we should all have to compete for it fairly with no special preferences. We should all play by the same rules.

Alex McNeily
14150 Amberwood Circle
Lake Oswego, OR 97035
503-312-5025

From: [denise meyer](#)
To: [forthecord \(Energy\)](#)
Subject: Opposition to Bills S. 1229 and S. 1874
Date: Sunday, December 5, 2021 8:26:06 AM

To Whom It May Concern,

I'm writing today to express strong opposition of Bills S. 1229 and S. 1874.

I recreate on federal lands without guided and outfitted services and am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

Bills S. 1229 and S. 1874. illegitimately give away my federal land access to for-profit companies. These bills must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made. These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. State that removing this tool removes protections to federal lands and removes your voice from the management of your federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies.

Again, These bills give away my federal land access to for-profit companies, and I strongly oppose S. 1229 and S. 1874

Thank you,
Denise Meyer
1203 Creekwood LN
Bellingham, WA 98229

Mick Minard
5630 SE Yamhill Street
Portland, Oregon 97215
mminard@rei.com

December 10, 2021

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

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

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Mick Minard, I am a Regional Manager for REI, leading the experiences business for the co-op in Oregon, Southwest Washington, Wyoming, Idaho, and Montana. My ability to provide REI-guided outdoor experiences for the public is often dependent upon permits issued by federal land agencies. As is widely known, the permitting process is increasingly complex and many agency offices are unable to issue permits, or it takes them a very long time to issue the permit. This is preventing the public from accessing public lands, as well as limiting my ability to engage more people in outdoor experiences, enabling health and well-being for all people across the U.S. through connection to Nature—inspiring outdoor places for public enjoyment. The Simplifying Outdoor Access for Recreation Act (SOAR Act) can solve this issue. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands.

Sincerely,



Mick Minard

From: [John Mletschnig](#)
To: [Ripchensky, Darla \(Energy\)](#)
Subject: Soar Act Comment
Date: Wednesday, December 1, 2021 8:45:12 PM

Dear Darla and who it may Concern,

I own and operate a mountain guiding business based in Salt Lake City called Backcountry Pros. We are reliant on USFS permits to do consistent work. All of the guided activities which we take people out to enjoy are activities that are already permitted for the general public. We do not alter the landscape in any way, we merely help others enjoy the activities of climbing and backcountry skiing more safely.

Currently the availability of permits is unpredictable and the application process is convoluted. I am currently filing for multiple permits via separate applications, for the same activity on the same forest (different ranger districts) every 6 months, with no guarantees of permit availability.

The SOAR act should cut through some of the nonsensical processes and unnecessary NEPA process to allow for businesses, who are merely doing what is already permissible for the general public, to operate with confidence moving forward.

--

John Mletschnig
Lead Guide
The Backcountry Pros
(801) 631 4360

From: [Tyler](#)
To: [forthecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Thursday, December 2, 2021 9:25:15 AM

Dear Senators,

I am a private rafter. I recreate on federal lands without guided/outfitted services. Demand for this type of recreation has recently increased dramatically, and it has become very difficult to get river permits.

S. 1229 and S. 1874 will give away my federal land access to for-profit companies. I do not support this legislation in its current form.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitters and guides on federal lands cannot be exempt from the National Environmental Policy Act (NEPA), and the level of NEPA used should fit the nature and scale of the decision to be made.

I demand that these bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management of my federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's my access these bills are giving away.

Thank you for your consideration.

Respectfully,

Tyler Moline
1030 S. 3rd St
Jacksonville, OR
97530



**MOTORCYCLE
INDUSTRY
COUNCIL**



December 1, 2021

The Honorable Joe Manchin, III
Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso:

As the Senate Energy and Natural Resources Committee prepares to consider outdoor recreation legislation at the committee hearing on December 2nd, the Motorcycle Industry Council ("MIC")¹, the Specialty Vehicle Institute of America ("SVIA")², and the Recreational Off-Highway Vehicle Association ("ROHVA")³ – collectively known as the powersports associations – would like to thank you for your leadership in considering the bills aimed at increasing and improving outdoor recreation access, infrastructure, and permitting.

The package of bills before your committee will positively impact the outdoor recreation economy, especially given the surge in outdoor recreation during the COVID-19 pandemic. Most notably, S.1229, the Simplifying Outdoor Access for Recreation Act and S. 1874, the Recreation Not Red Tape Act, are bills our industry has long supported. The bill you jointly introduced recently – S.3266, the Outdoor Recreation Act – provides another significant step toward improving recreational opportunities while balancing environmental concerns. Your bill recognizes that it is essential for our public lands to remain open to the motorized and non-motorized communities alike, while also ensuring our lands and waters that are managed sustainably for generations to come.

¹ The Motorcycle Industry Council (MIC) is a not-for-profit, national trade association representing several hundred manufacturers, distributors, dealers and retailers of motorcycles, scooters, motorcycle parts, accessories and related goods, and allied trades.

² The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's primary goal is to promote safe and responsible use of ATVs.

³ The Recreational Off-Highway Vehicle Association (ROHVA) is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs.

Despite economic challenges brought on by COVID-19, a recent report from the [Department of Commerce's Bureau of Economic Analysis](#) (BEA) calculated that outdoor recreation generated \$689 billion in gross output and 4.3 million jobs in communities across the country during a year of shutdowns and closures. Before 2020, the outdoor recreation economy grew faster than the economy as a whole and surpassed industries such as mining, utilities, farming and ranching, and chemical products manufacturing. The recent data highlights how the outdoor industry continues to flourish, despite widespread public land and business closures, suspended travel, and gathering restrictions in communities across the country during the pandemic.

Passage of this package of recreation bills will support rural and urban economies, provide relief for businesses hit by COVID-19, and help new and diverse users identify, protect, and access recreation opportunities on our shared public lands and waters.

We applaud your efforts and look forward to working with you throughout the legislative process.

Sincerely,



Scott P. Schloegel
Senior Vice President, Government Relations
Motorcycle Industry Council (MIC)
Specialty Vehicle Institute of America (SVIA)
Recreational Off-Highway Vehicle Association (ROHVA)



**THE
MOUNTAINEERS**

7700 Sand Point Way NE
Seattle, WA 98115
www.mountaineers.org

December 2, 2021

The Honorable Joe Manchin
Chair, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member, Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Re: December 2, 2021 Full Committee Hearing to Consider Legislation

Dear Chair Manchin and Ranking Member Barrasso:

On behalf of The Mountaineers, thank you for holding a hearing on bills to enhance and improve outdoor recreation on federal public lands. We respectfully submit testimony on the following bills:

- S. 1229, to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes (Simplifying Outdoor Access for Recreation Act)
- S. 3266, to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes (Outdoor Recreation Act)

The Mountaineers, based in Seattle, Washington, and founded in 1906, is a 501(c)(3) 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. Through Mountaineers programs, more than 1,600 skilled volunteers lead 3,200 outdoor education trips and courses annually for 14,000 members. Our youth programs provide over 10,000 opportunities each year for children to get outside, half of which are for underserved youth. We are a passionate, engaged, and knowledgeable community that cares about the outdoors and protects the outdoor experience for current and future generations.

S. 1229, the Simplifying Outdoor Access for Recreation Act

We appreciate the Committee's recognition of the need to improve recreational access to public lands, and we commend you for taking steps to advance legislation that will help ensure that everyone has access to our public lands. Like you, we believe in the value of transformative experiences in the outdoors. Many people's first experience recreating on public lands is through outdoor programs like



The Mountaineers offer, or through a guide or outfitter. This is especially true for communities that have traditionally faced barriers to accessing the outdoors.

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. Outdoor programs like The Mountaineers must obtain special recreation permits to lead trips on public lands, but currently these systems are complex, inefficient, inconsistent, and labor intensive. These bureaucratic hurdles have limited the American public's ability to experience public lands and have prevented recreation organizations and businesses from growing and further contributing to the economy.

As an outdoor organization based in the Pacific Northwest, we continue to feel the negative effects of the bureaucratic barriers of outfitter/guide permitting. We spent an enormous amount of staff and volunteer time navigating the various permitting processes of land management agencies. The rules are different for each land manager, and they can even vary between districts of the same National Forest. Permitting requirements and availability can change from one year to the next, making it challenging to plan and grow our programs.

These convoluted systems are equally as challenging for under-resourced land managers to administer. Agencies often do not have the staff capacity to issue and administer new permits: for example, in the U.S. Forest Service, 70 percent of the people responsible for administering permits have been assigned to those responsibilities as a collateral duty on top of another job. In Washington State, we're fortunate to have good relationships with public land managers who work hard to partner with recreation providers like us. While this spirit of partnership goes a long way towards meeting everyone's needs, the complex permitting system remains slow and adds to the workloads of our land managers, our staff, and our volunteers.

Fortunately, through years of intensive work between the facilitated recreation community, the federal land agencies, and Congressional leaders, we have an opportunity to improve the efficiency and functionality of the federal outfitting and guiding permitting systems. S. 1229, the Simplifying Outdoor Access for Recreation (SOAR) Act, will clarify existing authorities and establish new authorities that will make special recreation permits easier for outdoor leaders to obtain and manage, and easier for agencies to administer. Collectively, these improvements will improve access to the outdoors, support the recreation economy, and inspire people to care for our outdoor spaces.

The SOAR Act has been developed over a period of six years with extensive input from the outdoor recreation community and in consultation with conservation groups and land management agencies. The bill has been carefully written to strike a thoughtful balance between the interests of diverse parties while promulgating change that is much needed and long overdue. By passing the SOAR Act, the Senate has the opportunity to come together around a set of common interests and enact positive change that will truly enhance the recreational benefits of public lands and help ensure equitable access to the benefits of nature.

**S. 3266, the Outdoor Recreation Act**

Our comments on the Outdoor Recreation Act pertain to Section 101, Permit Relief. The Mountaineers appreciates your interest in improving the permitting processes of the federal land management agencies. We share your interest, and that is why we have worked for years with stakeholders and Members of Congress to craft the permitting improvements included in the Simplifying Outdoor Access for Recreation Act. We believe Section 101 of the Outdoor Recreation Act can be complementary to the permitting improvements in the SOAR Act, but several targeted changes are needed. Our recommendations to improve the Outdoor Recreation Act are described below.

With regard to Sec. 101(b), which waives the permit requirement to access an existing picnic area for outfitters and guides serving fewer than 40 clients, we recommend that one component of this subsection be expanded and another component be clarified.

- First, the waiver of the permit requirement for picnic areas should be expanded to include youth groups as well as guides and outfitters. It makes sense for this waiver to be available to youth groups, particularly since youth groups are much more likely to utilize picnic areas on federal public lands than guides and outfitters.
- Second, we believe it is necessary to clarify this section by specifying what exactly is meant by serving fewer than 40 clients. Without clarification, section 101(b) could be interpreted to allow an outfitter, guide, or youth group to bring 40 clients per day to a picnic area. This could result in significant user conflict and unacceptable adverse resource impacts. We recommend that the permit waiver be limited to a level of use that is unlikely to have significant impacts, such as capping the waiver so that it allows an outdoor leader to serve 40 clients per year (40 service days) at any given picnic area.

Section 101(c) requires the agencies to conduct a study on access to federal lands and permits for youth groups. While we strongly support the intent of this section, we believe it must be expanded to include outfitters and guides as well as youth groups. Since both youth groups and outfitters and guides access the permitting systems of federal land management agencies, they both experience similar barriers and impediments to accessing public lands. The benefit and impact of such a study would be much greater if all users of the federal permitting systems are included.

These changes will bring balance and equity to Section 101 of the Outdoor Recreation Act by making it applicable to all user groups who serve the public in the outdoors. This will ensure that all segments of the population will be provided with opportunities to recreate on their public lands.



**THE
MOUNTAINEERS**

7700 Sand Point Way NE
Seattle, WA 98115
www.mountaineers.org

Conclusion

Thank you for the opportunity to share our perspectives on ways in which the Senate can improve access to guided outdoor recreation opportunities on America's public lands. We look forward to working with the Committee to implement improvements that will grow the outdoor recreation economy and expand opportunities for America's diverse public to experience their public lands.

Sincerely,

A handwritten signature in black ink, appearing to read "Betsy Robblee".

Betsy Robblee
Conservation & Advocacy Director
The Mountaineers



December 16, 2021

The Honorable Joe Manchin
Chairman, Senate Committee on
Energy and Natural Resources

The Honorable John Barrasso
Ranking Member, Senate Committee on
Energy and Natural Resources

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the National Association of State Outdoor Recreation Liaison Officers (NASORLO), we are writing to thank you for your December 2 hearing on outdoor recreation. We applaud the bipartisan nature of this legislation and appreciate your committee's commitment to enhancing outdoor places.

NASORLO is an organization that represents the states and territories, with members that act as liaisons to the National Park Service in the administration of the Land and Water Conservation Fund to fund outdoor recreation at the state and local government level. As States' representatives we understand how Americans will benefit greatly from a vibrant and dynamic State Assistance Program.

Given that NASORLO's expertise is in the LWCF Stateside Assistance Program, we would like to offer guidance on the Parks, Jobs, and Equity Act and Outdoors For All Act. We were pleased to see the following points included in both bills:

Option to waive all or part of the matching requirement. Under the Outdoors For All Act, the Secretary of the Interior may waive all or part of the matching requirement if no reasonable means are available to meet this match or if the benefit of the project outweighs the public interest of matching. Communities are recovering from coronavirus-related budget shortfalls. Restrictions placed on American Rescue Plan funds towards LWCF match and project eligibility requirements challenge local communities to meet the increased demand for the desperately needed outdoor infrastructure as more people than ever are visiting local parks. Given these reasons, we remain open to considering reducing or eliminating a match where it makes sense so that the project can begin benefiting the community as quickly as possible.

Inclusion of administrative expenses. Both Outdoors For All Act and Parks, Jobs, and Equity Act increase administrative expenses to 10 percent for eligible entities. We have long supported allowing up to 10 percent of annual apportionment to be used in supporting state side program management. Unlike other federal programs that allow administrative cost-share with states, LWCF does not offer administrative funds to states despite perpetual stewardship obligations. With rediscovery of outdoor recreation over the last two years, there are increased inquiries about LWCF and growing application submissions, all while state administrators must steward existing projects across their state. We were pleased to see this increased amount for state administrators included within ORLP and hope that this can expand to all LWCF programs.

Thank you for your continued commitment to LWCF. As you consider related legislation, please use NASORLO as a resource. We look forward to working with you on these important issues.

Sincerely,

Doug Eiken
Executive Director of NASORLO

President
Douglas Beck
Maine

Vice President
Eric Feldbaum
New Hampshire

Secretary
Janice Keilior
Nevada

Past President
Linda Lanterman
Kansas

Executive Director
Doug Eiken
Missouri

Board of Directors

Lauren Imgrund
Pennsylvania

Robert Ehemann
Delaware

Antoinette Norfleet
Georgia

Justin Hancock
South Carolina

Audrey Mularie
Minnesota

Christie Bayus
Michigan

Dana Lagarde
Texas

Brian Stith
Missouri

Sedrick Mitchell
California

Mick Rogers
Arizona

Randy Kittle
South Dakota

Meghan Duffy
Washington

105H, ABNR BUILDING
UNIVERSITY OF MISSOURI
COLUMBIA, MO 65211-7230
573-353-2702

STATEMENT BY WARREN MEYER, PRESIDENT, NATIONAL FOREST RECREATION ASSOCIATION ON THE OUTDOOR RECREATION ACT (S. 3266) AT THE DECEMBER 2, 2021 HEARING OF THE UNITED STATES SENATE COMMITTEE ON ENERGY AND RESOURCES

Mr. Chairman and Distinguished Members, the National Forest Recreation Association (NFRA) very much appreciates this opportunity to express its strong support for the Outdoor Recreation Act, S. 3266, and in particular Section 304 of the bill which provides for Public-Private Partnerships to Modernize Campgrounds on Federal Land. Section 304 would result in the improvement of outdated campground facilities which currently exist on our federal lands. Because many of these facilities were designed and constructed in the 1950s and 1960s, this improvement is very much needed.

NFRA's members include many of the private companies which operate and maintain government campground facilities on federal lands, primarily on lands in the National Forest System. NFRA is therefore very much aware of the need for significant improvements to these facilities. Section 304 is specifically tailored to facilitate those improvements.

With all of the numerous priorities federal land agencies have, it is understandably difficult for them to find the funding needed to improve recreational facilities such as campgrounds on the lands they manage. As a result and through no fault of the agencies, those facilities are in need of major rehabilitations as well as improved designs. A particular advantage offered by Section 304 is that it does not rely on any taxpayer funds for the construction of these facilities. Instead, Section 304 takes advantage of private capital to provide the funding needed for the design and construction of new campground facilities. Section 304 also ensures that the federal government retains ownership of the facilities as well. This results in a clear win-win result for all. In fact, the Tennessee Valley Authority has implemented a very similar program with great success.

The timing of this bill is also excellent. Improvements to our federal campgrounds are very much needed with more and more visitors turning to our federal lands as a place they can relax, recreate and recharge. In addition to updating the facilities, Section 304's pilot program would also allow for modernization of campgrounds to meet the new and different demands of today's camper. The bill would also result in the construction of facilities that are better suited for a diversity of users and thus will welcome and draw in portions of the public who have been underserved and as a result not active outdoor recreationists. The bill would also allow for improved campground designs based on current science which minimize and mitigate impacts on the natural resources.

NFRA urges the passage of the Outdoor Recreation Act, including Section 304, and firmly believes that it will result in a far better and more inclusive outdoor recreation opportunities for the public.

Warren Meyer
President
National Forest Recreation Association
P.O. Box 488
Woodlake, California 93286
(559) 769-8333

December 2, 2021

The Honorable Joe Manchin
Chair
Energy and Natural Resources Committee
U.S. Senate
306 Hart Senate Office Building
Washington, D.C. 20510

The Honorable John Barrasso
Ranking Member
Energy and Natural Resources Committee
U.S. Senate
307 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Manchin and Ranking Member Barrasso,

On behalf of the National Marine Manufacturers Association (NMMA), I thank you for convening today's hearing on several significant bills that will strengthen outdoor recreation for communities across America, as well as the small businesses and American jobs that rely on a robust outdoor recreation economy. This hearing comes at a crucial time, as more Americans than ever before are re-discovering the benefits of the great outdoors and experiencing the health benefits that come with time spent on our nation's lands and waters.

By way of background, the NMMA is the trade association for the U.S. recreational boating industry, representing nearly 1,300 marine businesses, including recreational boat, marine engine, and accessory manufacturers. NMMA members collectively manufacture more than 85 percent of the marine products sold in the U.S. Furthermore, the recreational boating industry has a significant impact on our nation's economy and in communities across the country, supporting nearly 700,000 American jobs across 35,000 U.S.-based marine businesses.

Prior to the COVID-19 pandemic, the outdoor recreation economy acted as a major economic driver, generating \$788 billion in annual economic impact and supporting 5.2 American jobs. At this time, the outdoor recreation economy experienced record-setting growth and was among the fastest growing sectors of the economy – outpacing the growth of the U.S. economy as a whole. The role of recreational boating in our economy has only grown more significant as Americans flocked to new outdoor activities amidst the pandemic, with sales of new powerboats in the U.S. increasing last year by 13 percent compared to 2019, reaching a 13-year high. Part of what is driving growth for the recreational boating industry is the uptick in first-time boat buyers of new and pre-owned boats, attracting a wider net of Americans. Data show 415,000 first-time boat buyers entered the market in 2020.

For many industries, 2020 presented a year of challenges due to pandemic related closures and setbacks. During this time, Americans flocked to the outdoors in droves, resulting in additional wear and tear to our already-aged outdoor recreation infrastructure and public access points. While the Biden Administration and the 117th Congress have made substantial progress in better funding and modernizing our outdoor recreation access and infrastructure, including the recent passage of the Infrastructure Investment and Jobs Act, additional work remains to ensure

solutions are put in place to protect our natural resources and waters, and ensure the great outdoors are accessible to all communities for generations to come.

The recreational boating industry has long been calling for legacy legislation, including many bills under consideration by the committee today, to support the continued growth and prosperity of the outdoor recreation economy. These priorities include:

Federal Land and Aquatic Resource Activities Assistance

The spread of harmful nonnative plants, animals, and other organisms threaten America's water habitats and has a detrimental economic impact for the industry, anglers, boaters, and local communities. According to the National Oceanic and Atmospheric Administration (NOAA), managing these invasive species costs the U.S. economy an estimated \$13 billion annually. Invasive mussels alone cost the U.S. economy billions of dollars each year. The Outdoor Recreation Act takes an important step to stop the spread of aquatic invasive species between waterways by increasing inspection and decontamination of watercraft entering and leaving Bureau of Land Management National Park Service sites in western states - a key priority for the recreational boating industry - while minimizing disruptions to public access for boating in non-contaminated vessels.

Improved Visitation Data

As Americans prioritize time spent outside like never before, reports continue to show overcrowding in our parks and forests, with significant increases in park visitation. Improved visitation data that requires federal land management agencies to establish a single visitation data management and modeling system for public recreation will allow for the visiting public to make informed decisions on the types of experiences they want to have based on available information on entrance and capacity numbers.

Ensuring Recreation is a Management Priority and Lowering Barriers to Access

To harness the surge in outdoor recreation and provide opportunities for all communities to enjoy the great outdoors, outdoor recreation must become a management priority. Doing so will create an inventory of recreation opportunities at federal lands and require federal agencies to manage these lands in a way that both protects and enhances the value of outdoor recreation. The Recreation Not Red Tape (RNR) Act tackles cumbersome permitting and other processes for outdoor guides, as well as trail and forest maintenance while encouraging the federal land and water management agencies to prioritize outdoor recreation and access. Lowering barriers, improving management and streamlining access will help outdoor recreation contribute even more to economic recovery, jobs, and healthy people and communities.

Broadband Internet Connectivity at Recreation Sites

Increasing broadband connectivity at recreation sites on Federal lands and waters would help ensure outdoor recreation assets are able to support 21st century demands, including for those in rural communities. Requiring the U.S. Forest Service to enter into an agreement with the

Administrator of the Rural Utilities Service to install or construct broadband internet infrastructure will help recreation remain accessible long into the future.

For recreational boating and angling, reliable mapping across different federal agency jurisdictions and 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 perspective, broadband access improves the overall recreational experience on the water, allowing consumers to connect with others and boost their enjoyment.

On behalf of our membership, I thank you for your bipartisan leadership in spearheading the Outdoor Recreation Act and advancing a number of other pieces of legislation, including the Simplifying Outdoor Access for Recreation (SOAR) Act and RNR Act, that will improve outdoor recreation and recreational boating and fishing opportunities across the country. NMMA is committed to working alongside the committee to make improvements across the entire public lands and water systems that offer public recreation opportunities to better enable the thriving outdoor sector.

Sincerely,

Callie Hoyt

Callie Hoyt
Director, Federal Government Relations
National Marine Manufacturers Association



The Honorable Joe Manchin Chair,
Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso Ranking Member,
Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

RE: December 2, 2021 Full Committee Hearing to Consider Legislation

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

On behalf of the National Outdoor Leadership School (NOLS), thank you for holding a hearing on pending legislation intended to enhance and improve outdoor recreation on public lands. We respectfully submit testimony on the following bills:

- [S. 1229](#), to modify the procedures for issuing special recreation permits for certain public land units, and for other purposes (Simplifying Outdoor Access for Recreation Act).
- [S. 3266](#), to improve recreation opportunities on, and facilitate greater access to, Federal public land, and for other purposes (Outdoor Recreation Act).
- [S. 1269](#), to require the Secretary of the Interior and the Secretary of Agriculture to complete an interagency report on the effects of special recreation permits on environmental justice communities, and for other purposes (Environmental Justice in Recreation Permitting Act).

NOLS is a non-profit that strives to be the leading source and teacher of wilderness skills and leadership that serves people and the environment. The outdoor school was founded in Lander, Wyoming in 1965, and is well respected within the outdoor industry for taking students on multi-week or even months-long, wilderness expeditions across public lands in the US and the world. NOLS has grown from serving just 100 students in its first year to over 29,000 in 2019. It boasts an alumni base of over 350,000 individuals and has worked with over 50 colleges and universities, REI and Fortune 500 companies, NASA astronauts, and the US military - in addition to serving primarily high school and college students. NOLS has grown to be one of the largest commercial outfitters in the country and has campuses located on 5 continents and across 7 US states.

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LANDER, WY
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S. 1229 The Simplifying Outdoor Access for Recreation Act

NOLS has been a longtime supporter of the SOAR Act as it contains numerous provisions which would have a beneficial impact on our operations as well as for the outdoor industry at large. We ask that you support this bill moving forward and have highlighted two key provisions to draw your attention to below. Having been a part of the conversation from the beginning, the SOAR Act's greatest strengths have been its broad bi-partisan support, and the heavy emphasis on improving the permitting process by balancing the needs across permitted user group types (e.g., for profit, non-profit, college recreation, etc.), without favoring one over another.

NOLS invests literally hundreds of hours (and hundreds of thousands of dollars) each year in staff time, energy, and resources in navigating the overly complex and burdensome permitting process. This time and energy could be much better spent directly serving the NOLS mission and our students. While the SOAR Act will not eliminate this expenditure, it would help lessen the intensity by invoking common sense solutions to outdated policy prescriptions.

Our signature course offering is a 30-day wilderness expedition that blends a combination of skills, such as backpacking, rafting, climbing, or wilderness medicine sections, together into one coherent experience. This grants the student the largest possible learning through a wide variety of landscapes. Unfortunately, it is commonplace for just one of these expeditions to cross through multiple land jurisdictions (even within the same day) and necessitate several distinct operating permits. **Section 7 authorizes the agencies to issue a single joint permit covering the lands of all the managing agencies**, which would save our organization and the administering agencies valuable time and money.

While multi-jurisdictional permitting would help NOLS now, the SOAR Act would also strengthen our operations to navigate an uncertain and dynamic future. This past summer, wildfire smoke engulfed NOLS' core operating areas in Wyoming, Idaho, Utah, and Washington State. Apart from this having a deleterious effect on our student experiences, we were fortunate to be able to run our courses, more or less, as originally planned. However, should those wildfires have prevented us from having students in the field, we would run the risk of having our allocated user days reduced, as we would be required to report a low or under-utilization of our permit. **Section 8** would protect Forest Service permit holders from losing service days as a result of seasonal fluctuations in demand or other circumstances beyond the permit holder's control like wildfires, business disruptions, or natural disasters.

S. 3266 The Outdoor Recreation Act

NOLS extends a deep and heartfelt appreciation to Ranking Member Barrasso for his work, alongside Chair Manchin, in bringing forth the Outdoor Recreation Act. As a Wyoming based

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company, we are proud to have our state's interests in outdoor recreation, and the numerous benefits therein, championed by our own delegation. And while we appreciate numerous aspects of S. 3266, such as sections 102, 103, and 301, in particular, other provisions are outside of our area of expertise. Thus, we have narrowed our comments to Section 101, Permit Relief, as we believe that it is a novel concept that holds promise, but is in need of some changes to benefit all user types.

First, in Sec. 101(b) we ask that youth groups be included with guides and outfitters in the permitting exemption for picnic areas in instances where the public are not required to have permits nor reservations. This would promote balance across organized groups seeking to use picnic areas on federal lands, and decrease a potential barrier towards youth groups should they not be included.

Further, we ask that the limit of '40 clients' be clarified. As written, one picnic area could be visited daily by any guide or outfitter with up to 40 participants. Needless to say, day-after-day use at that magnitude could negatively impact the experiences of the general public as well as degrade natural resources. Instead, we propose that Sec. 101(b) limit non-permitted activities to 40 client days, per year, per picnic area (40 service days) or something to that effect, which allows for infrequent and non-sustained use. For example, this would allow NOLS to stop and rest at a picnic area, rather than a gas station, while transporting students after backpacking in Wyoming's Wind River Range while in route to their canyons section in Utah; however, this would also prevent NOLS from stopping at the same picnic area for all of its courses, day-after-day, without a permit.

Second, we ask that the study on the "impediments related to permitting", outlined in Section 101(c), be expanded to include outfitters and guides in addition to youth groups. As we find it likely that outfitters, guides, and youth groups face similar barriers in navigating the permitting process. Additionally, we believe the study should also consider the creation of a new type of guided recreational permit that would quickly and easily grant access for occasional recreational uses that are unlikely to have a significant impact on natural resources nor create additional user conflicts. For instance, NOLS routinely goes through the full permitting process to secure as few as 12-48 service days on a specific unit of federal land which we otherwise do not operate on for the rest of the year, nor infringes upon other operators. This could be due to a custom education course, a logistical challenge like a road closure, or a unique educational objective.

S. 1269 The Environmental Justice in Recreation Permitting Act

NOLS supports S. 1269 and appreciates Senator Cortez Masto's leadership in sponsoring this bill, and we encourage the favorable consideration by the Committee. The Act directs the Secretaries of

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the Interior and Agriculture to submit an interagency report on the efficacy of the permitting system in making public lands more accessible to low-income communities, communities of color, and Tribal and indigenous communities. We believe this is a worthwhile endeavor, and that it will help to guide informed policy and decision making in addition to lessening barriers for facilitators of outdoor recreation who serve environmental justice communities. We look forward to working alongside our Agency, Industry, and Congressional partners, as well as the public to whom we serve, to determine how to act upon the recommendations and learnings that are a result of this report.

Conclusion

We hope to convey our sincere appreciation for the immense amount of time, energy, and effort which went into the creation of the bills that were invested by the Energy and Natural Resources Committee members and their staff. Thank you for considering our comments and allowing us to submit testimony in regards to the December 2 Committee hearing.

Sincerely,

Jonathan Williams
Director of Public Policy
National Outdoor Leadership School (NOLS)

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284 LINCOLN ST.
LANDER, WY
82520, USA
1.800.710.6667
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NPCA Position on S. 2886, S. 2887, and S. 3266 before the U.S. Senate Committee on Energy and Natural Resources

December 1, 2021

Dear Senator,

Since 1919, National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our nearly 1.6 million members and supporters nationwide, I write to share our thoughts on S. 2886, S. 2887, and S. 3266 ahead of a hearing held by the Senate Energy and Natural Resources Committee scheduled for December 2, 2021.

S. 2886 - Cape and Antler Preservation Enhancement Act: NPCA **opposes** this legislation, which would fundamentally alter wildlife management in the National Park System. Decisions on culling on National Park Service (NPS) lands should be rooted in science and utilized as a crucial wildlife management tool to ensure biodiversity in a park is maintained. Culling efforts within the legislated boundary of a national park is led by the government, or its authorized agent, to meet clear conservation goals. This legislation is contrary to the NPS mission and standards for culling by essentially creating a loophole to allow trophy hunting in parks where hunting is prohibited. This bill would not add value to the science-driven, professional approach the National Park Service utilizes in wildlife management.

S. 2887 - Outdoors for All Act: NPCA **supports** this bill to provide dedicated funding to the Outdoor Recreation Legacy Partnership at the National Park Service. The Outdoor Recreation Legacy Partnership (ORLP) is a nationally competitive matching grant program for communities to acquire land and water for parks or recreation purposes or develop new or renovate existing outdoor recreation facilities. Priority is given to urban areas that engage and empower underserved communities.

Headquarters
777 6th Street, NW, Suite 700
Washington, DC 20001
P 202.NAT.PARK | 800.628.7275

[NPCA.org](https://www.npca.org)



Since OLRP's start, millions in federal grants have been matched 1:1 by private and non-federal entities to provide benefits to communities. For example, projects completed include the acquisition and construction of a railroad trail connecting low and moderate-income communities with the riverfront and downtown business district in Fort Smith City, Arkansas and the development of a new recreation park on 13 acres of donated land in Hall County, Georgia. The Outdoors for All Act would ensure this program continues to support acquisition and renovation projects throughout the country to connect people of all ages and demographics with the outdoors.

S. 3266 – Outdoor Recreation Act: NPCA appreciates the intent of this legislation but is concerned with some of the specific provisions within the bill. For example, the lack of consistent definitions for “road” and “trail” in this legislation could result in maps that are incorrect and cause danger to the public or damage to resources. Section 104 charges BLM and USFS to construct shooting ranges in every National Forest and BLM district. These public lands are often immediately adjacent to NPS land, and the bill does not sufficiently outline mitigation efforts that must be undertaken to ensure a safe and unimpaired park experience. Section 201 outlines the need for increased broadband in federal recreation areas, but the extensive use and impacts to natural and cultural resources in order to build and maintain broadband at recreation sites within the National Park System must be studied further before implementation. The last few years have shown just how important getting into the outdoors is to the American public. To adequately implement this legislation, staffing levels and funding for federal agencies must be increased to ensure that this work does what it is intended to and provides benefits to the recreation community. NPCA hopes that this bill can be modified before it moves forward.

Thank you for your consideration of our views. Please contact Tucker Johnson, at tjohnson@npca.org if you have any questions or concerns.

Sincerely,

Christina Hazard
Legislative Director
National Parks Conservation Association

Headquarters
777 6th Street, NW, Suite 700
Washington, DC 20001
P 202.NAT.PARK | 800.628.7275

NPCA.org

From: [ross nickle](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Saturday, December 4, 2021 10:06:11 AM

Me and my family have been recreating on federal lands without guided and outfitted services, I am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

I am aware of S. 1229 and S. 1874 and that you do not support these bills that give away your federal land access to for-profit companies.

These two bills S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

I demand that these bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes your voice from the management of your federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's me and my family's access these bills are giving away.

We must preserve private citizens' public access to our national treasures for generations to come. Thank You

Fremont, Utah 84747

D Ross Nickle 431 W 100 S

From: [James Nuelle](#)
To: [fortherecord \(Energy\)](#); [James Nuelle](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Friday, December 3, 2021 6:58:11 AM

To the committee on Energy and Natural Resources Hearing Comments regarding bill numbers (S. 1229 and S. 1874).

My family and I recreate on federal lands without guided and outfitted services, and we are aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

I am aware of S. 1229 and S. 1874 and I do not support these bills that give away federal land access to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use.

Removing this tool removes protections to federal lands and removes the private sectors voice from the management of our federal lands.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That's access that these bills are giving away to for profit companies.

Respectfully,

James Nuelle

4045 Zuni St, Denver, CO 80211

From: [Dave Oatman](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Friday, December 17, 2021 1:32:22 AM

Greetings,

I am writing to express concerns that S. 1229 and S. 1874 will adversely impact my access to federal lands an Rivers as a “do it yourself river rafter” and private non- commercial boater.

I and dozens of citizens recreate on federal lands without guided and outfitted services. I am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

I am aware of S. 1229 and S. 1874 and and I do not support these bills that give away my federal land and river access to for-profit companies. I believe one should not have to pay a commercial company to access federal lands and rivers for recreational and wilderness experiences.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Additionally, I believe outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

In the interest of protecting federal lands and rivers I request that these bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes your voice from the management of your federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. The demand for access and use from ordinary citizens and do it yourself boaters like me already far exceeds the availability of permits. There is no need for additional commercial capacity in the recreational use of federal lands and rivers. I should be able to equitably access use of federal lands and rivers without having to pay commercial outfitters. It is my observation that the positive economic impact of do- it- yourself recreational users is quite positive to rural communities.

I do not support the access these bills are giving away to me and thousands like me.

Sincerely,

David Oatman
1781 W. 34th Place
Eugene, OR 97405

From: orrvyla@gmail.com
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Monday, December 13, 2021 11:46:21 PM

I write in regard to the 2 December 2021 Energy and Natural Resources hearing on the bills referred to as "Simplifying Outdoor Access to Recreation" (S1229, Heinrich, NM) and "Recreation not Red Tape" S1874 (Wyden, OR.)

As an avid user of federal lands for outdoor recreation, I have noticed skyrocketing demand for Do It Yourself permits over the past several years, resulting in much greater difficulty in procuring DIY permits for river running, camping, bicycling and hiking on our public lands.

The language in these two bills paints them as providing simplified access to outdoor recreation. They are actually an assault on DIY recreation on public lands, and seek to provide further access to private tour companies at the expense of access for DIY recreationists. Both bills allow increase for special use access (ie, commercial use) that comes out of public DIY access. Once access ceilings are reached by the commercial groups, there will be no access remaining for the DIY public. The bills fail to require consideration of the true carrying capacity of our public lands, and favor commercial interests ahead of public DIY users.

Commercial outfitting / touring on public lands should not have categorical exclusion from NEPA, and the NEPA level required should fit the nature and scale of the decision to be made. Every new Special Use Permit should require a NEPA needs assessment. Public voice must be included in the management of public resources, and removing NEPA assessment prevents use of this tool as a means of public expression.

Please do not support these bills - public DIY access to federal lands should not be sacrificed in the interest of commercial companies profiting from the use of those lands. The public right to access *without* having to pay a private commercial middleman must be preserved. After all, the "public" in "public lands" refers to all citizens, not merely those companies who profit from the use of resources underwritten by our tax dollars.

Please do not support this legislation!

Sincerely,

Nancy Orr
394 W 400 N
Moab, UT 84532

OUTDOOR ALLIANCE

December 1, 2021

Sen. Joe Manchin
Chair, Committee on Energy and Natural Resources
306 Hart Senate Office Building
Washington, DC 20510

Sen. John Barrasso
Ranking Member, Committee on Energy and Natural Resources
307 Dirksen Senate Office Building
Washington, DC 20510

Re: December 2nd Full Committee Hearing to Consider Legislation

Dear Chair Manchin and Ranking Member Barrasso:

Thank you for holding this hearing to consider a number of bills of particular significance for the human powered outdoor recreation community. The hearing comprises a long list of powerful ideas that have the potential to significantly improve recreation access and management, and we are grateful to the committee for its attention to these issues.

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.

S. 1229, the Simplifying Outdoor Access for Recreation (SOAR) Act

For many people, facilitated outdoor experiences provide a first exposure to outdoor recreation and the natural world. These opportunities allow new participants to experience outdoor recreation activities in a safe environment that allows for skill building and helps participants become more conscientious visitors



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to sensitive landscapes. These experiences are also essential for helping to connect communities that have historically been deprived of these opportunities with their public lands and waters.

The ability for facilitated access providers to offer these experiences is dependent, however, on a challenging and dated system for special use permitting for public lands activities. The SOAR Act will improve the recreational permitting systems so more people can experience public lands through volunteer-based clubs or with an outfitter, guide, nonprofit outdoor leadership organization, or university outdoor program. It will also support the recreation economy, small businesses, and rural communities by making it easier for guides and outfitters to take people outdoors.

We strongly support this bill, which reflects years of thoughtful input from facilitated access providers, conservation organizations, and others.

S. 1269, the Environmental Justice in Recreation Permitting Act

Outdoor Alliance strongly supports the Environmental Justice in Recreation Permitting Act.

Our organizations represent participants in outdoor adventure activities, and these activities contribute substantially to participants' happiness and even identity. Many of our modes of recreation are technical—even esoteric—and tend to be less accessible than ball sports at a neighborhood park, or even something like skateboarding. In general, outdoor pursuits tend to require relatively expensive equipment; all require a degree of free time and technical knowledge.

A great many people who have had the opportunity to explore and pursue activities like kayaking, climbing, or skiing had the door opened by a family member familiar with the pursuit. However, due to our country's history of racial discrimination, which includes intentionally excluding numerous communities from various geographic and social settings, these opportunities have never been equitably distributed. This fraught history makes it more challenging for young people of color—regardless of whether they have the time, interest or resources—to find the same opportunities to explore and engage in outdoor pursuits.



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Facilitated access providers operating on public lands and waters through special use permits are a valuable on-ramp for new participants to active outdoor recreation. They can help impart the skills that can lead to a lifetime of meaningful experience in the outdoors. Given the particular importance of building these pathways for members of environmental justice communities, we strongly support studying the ways in which recreational special use permits contribute—and can better contribute—to facilitating more equitable access to the outdoors.

S. 1616, the Federal Interior Land Media Act

Outdoor Alliance is concerned by the breadth of the proposals in the FILM Act. Given the advent of social media and media monetization opportunities that blur the distinction between commercial and noncommercial activities, we recognize that there may be a need to update commercial filming permit requirements. We are also aware, however, of significant incidents of bad behavior by production crews on public lands, including limbing trees to facilitate drone flights and trampling sensitive areas to get access to better sight lines for shots. Given the potential impacts of these uses, permitting requirements are an important opportunity for land managers to educate production crews about their responsibilities, as well as to establish a point of responsibility should misbehavior occur. Additionally, given improvements in technology, 10 people constitutes a significant production presence, and we believe that the goals of the Act could be met with a lower cap on crew size. This seems equitable, as well, given that similarly sized facilitated recreation groups would likely require a permit at the same location.

S. 1874, the Recreation Not Red-Tape Act

Opportunities for outdoor recreation on our country's public lands and waters benefit Americans' quality of life and foster a connection to place and a stewardship ethic. They also support a thriving outdoor recreation economy, accounting for nearly 2 percent of U.S. GDP in 2020, despite the industry being exceptionally hard hit by the COVID-19 pandemic and related economic downturn. Our country's public lands are the birthright of every American, and outdoor recreation is the most common way for Americans to come to know their public lands.



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Over the past 50 years, our country has made tremendous strides in establishing protections for iconic places on our public lands and preserving landscapes for their intrinsic value, and establishing additional protections through tools like the Wilderness Act will continue to benefit outdoor recreation and conservation. However, even as we pursue these protections—as well as development activities on public lands and waters—the gap between public lands managed for Wilderness character and public lands managed as multiple use has left some of our most important recreation-rich landscapes lacking in appropriate management or protection. Unquestionably, there are places on the public lands—particularly those close to towns or cities—where management should prioritize sustainable recreation use in a healthy and protected landscape.

Similarly, land managers are currently and appropriately responsible for stewardship of the resources under their charge, and simultaneously accountable for performance metrics related to development activity (for example, the number of board feet produced from a National Forest System unit). Many land management agencies, however, lack a recreation mission component, and land managers are not evaluated based on their success in meeting objectives around the quality of the recreation experience.

This dynamic—and the historic tension between conservation and development—has left outdoor recreation at times unnecessarily neglected, and there are substantial opportunities to improve access to recreation opportunities, the quality of the recreational experience, and the attendant benefits, both economic and more personal.

The Recreation Not Red-Tape Act (RNR) will help to ensure that outdoor recreation is given appropriate consideration by land managers. This, in turn, will help more Americans to have access to quality recreation experiences and support economic diversification and resiliency for our country's public lands communities.

We strongly support provisions in RNR that:

- Add recreation to the mission of important land management agencies, including the Corps of Engineers, the Bureau of Reclamation, FERC, and the Department of Transportation;



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- Improve access to outdoor recreation programs for service members and veterans;
- Extend seasonal recreation opportunities where appropriate;
- Improve the availability of recreation passes and facilitate their online sale; and
- Help land managers accept volunteers to conduct stewardship activities, and facilitate trail maintenance across agency jurisdictions.

Additionally, our organizations have had significant positive experience in working with many of the recently-formed state offices of outdoor recreation and believe that they make a valuable contribution towards, among other benefits, better coordination between states and federal land managers in support of recreation goals. We appreciate the bill's statement of support for the role of these offices.

We also greatly appreciate the inclusion of the SOAR Act within RNR to make needed improvements to the special use permitting process, which we discuss in greater detail above.

Further, we strongly support the goal of directing land management agencies to develop performance metrics to support progress towards recreation objectives. We believe that the metrics described in § 302(b)(2) should be modified, however, to make clear that visitation volume is not the measure of success, but rather the quality of the visitor experience and the accessibility of high-quality opportunities. Further, we strongly support the addition of metrics focused on progress towards enhancing access for underserved communities to high-quality recreation resources and experiences.

Most importantly, the outdoor recreation community strongly supports the bill's provision to help identify and protect important areas for outdoor recreation through a National Recreation Area System.

As noted above, our country has developed a system of protected public lands that serves as a model for much of the world. Our focus on the most iconic and pristine backcountry areas, however, can sometimes leave close-to-town, accessible, frontcountry areas—which can be some of the most important places for recreation—exposed to inappropriate development pressure or leave recreationally significant areas subject to less than ideal management.



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Currently, when land managers conduct planning activities like Forest Planning for National Forests or Resource Management Plan development for BLM units, they are appropriately required to inventory for areas that could become new Wilderness or Wild and Scenic River designations. While these inventories and designations are absolutely essential, right now there is no analogous land-use designation process specifically dedicated to assisting Congress in evaluating, protecting, and enhancing outdoor recreation opportunities. RNR instructs 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.

This change will facilitate greater access to sustainable recreation in healthy, ecologically sound surroundings for more Americans, including those living in a diversity of geographic settings, from rural to urban. This process will make sure recreationally significant areas on public lands are given the management attention they deserve, benefitting public lands communities and the businesses supported by the outdoor recreation economy. More Americans will have better access to high quality settings for activities like mountain biking, climbing, skiing, paddling, and hunting and angling in close-to-home settings.

S. 2258, the Parks, Jobs, and Equity Act

Regional and local parks and green spaces are essential community infrastructure. These places support mental and physical health benefits, have the ability to introduce individuals to recreation opportunities, and during the COVID-19 pandemic, have offered Americans a space for fresh air, exercise, and a place for communities to safely gather. While parks have seen increased use over the past several years, many are reporting budget cuts and are being forced to cut paid programming and fee-based amenities, as well as to layoff or furlough employees.¹ The Parks, Jobs, and Equity Act (PJEAct) will implement a one-time investment that will efficiently provide emergency funding for local parks across the country. This will create and preserve jobs, assist in revitalizing communities hurt by COVID-19, and

¹ <https://www.nrpa.org/blog/nrpa-parks-snapshot-may-6-may-8-survey-results/>



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fund new, or upgrade existing, local parks. While this program shares similarities with the bipartisan Outdoor Recreation Legacy Program which provides funding for parks in underserved communities across the country, the PJEA program uses a formula offering state and local control to ensure investments are made quickly and can offer a direct response to local community priorities and direct resources to the communities most heavily affected by COVID-19. We strongly support this investment in America's regional and local parks and green spaces.

S. 2887, the Outdoors For All Act

Outdoor recreation is the most common way in which Americans come to know their public lands and waters and develop a stewardship ethic. Recreation activities help provide a connection to place; personal and health benefits; community connection; and vibrant economies. Too many Americans, however, lack ready access to these opportunities. The Outdoors for All Act would create a dedicated funding source for the Outdoor Recreation Legacy Partnership (ORLP) grant program to improve access to outdoor recreation opportunities in underserved communities, and we strongly support this bill.

S. 3264, Biking on Long-Distance Trails Act

Outdoor Alliance supports this bipartisan legislation, an important element to enhancing outdoor recreation infrastructure. Trail use, including mountain biking, has grown over the last decade, most notably during the pandemic. By providing opportunities for trail users, we can create pathways to positive physical and mental health, and this legislation supports these goals.

The Biking on Long-Distance Trails (BOLT) Act will direct federal land managers within the Department of Interior, and USDA Forest Service to 1) identify no fewer than 10 existing long-distance bike trails not shorter than 80 miles; 2) identify not fewer than 10 opportunities to develop or complete long-distance trails not less than 80 miles; 3) create maps, signage, and promotional materials for long-distance trails; and 4) issue a progress report no later than 2 years after enactment. We appreciate the bill's attention to these special opportunities and resources.



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S. 3266, the Outdoor Recreation Act

Outdoor Alliance greatly appreciates the attention of the Outdoor Recreation Act to numerous issues of significance for the human-powered outdoor recreation community. Our specific feedback on individual bill sections follows.

Sec. 101. Permit relief.

Outdoor Alliance appreciates attention to improving the permitting processes of the federal land management agencies. We share this interest, which is why we strongly support the permitting improvements included in the Simplifying Outdoor Access for Recreation Act. We believe § 101 of the Outdoor Recreation Act can be complementary to the permitting improvements in the SOAR Act, but several targeted changes are needed. Our recommendations to improve the Outdoor Recreation Act are described below.

With regard to § 101(b), which waives the permit requirement to access an existing picnic area for outfitters and guides serving fewer than 40 clients, we recommend that one component of this subsection be expanded and another component be clarified:

- First, the waiver of the permit requirement for picnic areas should be expanded to include youth groups as well as guides and outfitters. It makes sense for this waiver to be available to youth groups, particularly since youth groups are much more likely to use picnic areas on federal public lands than guides and outfitters.
- Second, we believe it is necessary to clarify this section by specifying what exactly is intended by serving fewer than 40 clients. Without clarification, § 101(b) could be interpreted to allow an outfitter, guide, or youth group to bring 40 clients per day to a picnic area. This could result in significant user conflict and unacceptable adverse resource effects. We recommend that the permit waiver be limited to a level of use that is unlikely to have significant impacts, such as capping the waiver so that it allows an outdoor leader to serve 40 clients per year (40 service days) at any given picnic area.

Section 101(c) requires the agencies to conduct a study on access to federal lands and permits for youth groups. While we strongly support the intent of this section,



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we believe it should be expanded to include outfitters and guides as well as youth groups. Since both youth groups and outfitters and guides access the permitting systems of federal land management agencies, they both experience similar barriers and impediments to accessing public lands. The benefit and utility of such a study would be greater if all users of the federal permitting systems are included.

These changes will bring balance and equity to § 101 of the Outdoor Recreation Act by making it applicable to all entities that serve the public in the outdoors and help ensure that all segments of the population will be provided with opportunities to recreate on their public lands.

Sec. 102. Planning and managing for recreation.

Outdoor Alliance strongly supports and appreciates § 102 and its attention to the need to identify, appropriately manage, and protect high-quality recreation resources on federal public land and to do so through public outreach. Too often, management agencies are lacking in basic information concerning invaluable recreational resources and opportunities under their jurisdiction. Requiring the development of this information during planning will help to focus agency efforts and ensure that recreation is a priority during planning processes.

Additionally, we greatly appreciate the attention to quality opportunities and the focus on planning for future use. We request that—to ensure that the focus stays on increasing the availability of high-quality opportunities rather than volume of use—§ 102(d)(1)(B) be amended to strike the word “underutilized” and § 102(d)(1)(C) be removed.

Importantly, § 102(d) is a key opportunity to guide land managers toward improving their delivery of recreation opportunities to historically underserved communities. We strongly support amending § 102(d)(1)(A) to read, “consider future recreation needs and the need to provide improved recreation access for historically underserved communities.”

Sec. 103. Forest Service climbing guidance.

Rock climbing on America’s public lands is increasing in popularity. The Outdoor Industry Association estimates that more than 7 million people climb outside. There



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are more than 500 indoor climbing gyms in the United States, and a 2019 Climbing Wall Association survey indicates that 60% of climbing gym customers intend to rock climb outside. The USDA Forest Service manages more than 30 percent of America's climbing areas, which amounts to approximately 10,000 cliffs, boulders, and peaks.

To date, the Forest Service has not complied with the mandate to issue climbing directives within 180 days of the passage of the 2021 appropriations bill.² National-level Forest Service climbing management directives (that allow for site-specific nuance and unique resource requirements) will provide much needed assistance to local Forest Service land managers. The Forest Service is currently working on multiple climbing management plans,³ but without national-level guidance, the plans lack uniformity, are unnecessarily expensive to develop, and are more apt to fail. For example, in November 2021, the Bighorn National Forest abandoned an expensive two-year effort to develop a climbing management plan⁴ due to staffing shortages, local controversy, and lack of direction from the national Forest Service office. The Bighorn Forest is now left with interim climbing restrictions that were intended to be a temporary stopgap while the climbing management plan was completed.

Outdoor Alliance agrees that § 103 is a step in the right direction because it requires the Forest Service to issue national-level guidance that legitimizes climbing on Forest Service lands and allows for appropriate use of standard climbing equipment. Forest Service climbing management guidance will clearly save taxpayer dollars, avoid confusion, streamline recreation management, and provide certainty to rural communities that depend on climbing and outdoor recreation for economic development.

Sec. 104. Target shooting ranges.

We support designated shooting ranges on public land, as unmanaged and unregulated target shooting on public lands is a safety hazard in many locations across the United States. Designated areas for this activity would improve public

² <https://docs.house.gov/billsthisweek/20201221/BILLS-116RCP68-JES-DIVISION-G.pdf>

³ For example: Bitterroot National Forest, Bighorn National Forest, Pisgah and Nantahala National Forests, and Monongahela National Forest.

⁴ <https://gearjunkie.com/news/ten-sleep-climbing-management-plan-suspended>



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safety and reduce impacts to public lands. We are concerned, however, with the restrictions that would be imposed under § 104(c)(2) of this legislation that would prevent closing areas of Federal land to shooting unless a designated shooting range is made available. Such closures have been necessary to protect National Forest lands and ensure public safety, particularly in high-use recreation areas in close proximity to urban areas.⁵ Additionally, we would strongly support the addition of provisions to require planning for shooting area cleanup, including lead removal.

Sec. 201. Broadband internet connectivity at recreation sites.

Given the broad range of deferred maintenance and other infrastructure needs—including improved internet connectivity for rural gateway communities—we believe that the resources expenditures envisioned by this section could be more effectively directed.

Sec. 202. Federal land and aquatic resource activities assistance.

We support the provisions of § 202 to authorize the Secretary to inspect and decontaminate watercraft within a river basin that contains a Bureau of Reclamation Water Project, enter into partnerships to provide technical assistance, and establish a grant program for watercraft inspection and decontamination stations. We appreciate language in the legislation directing the Secretary to minimize disruptions to public access for boating and recreation in non-contaminated watercraft.

Sec. 203. Improved recreation visitation data.

Outdoor Alliance appreciates the recognition that improved recreation visitation data is needed across federal land management agencies and strongly supports § 203. Outdoor recreation is a large and growing part of our economy as described in the recent Outdoor Recreation Economy Report by the Bureau of Economic

⁵ An example is Closure Order 06-05-05-11-01 on the Mt. Baker-Snoqualmie National Forest that closed areas within the Middle Fork Snoqualmie and South Fork Snoqualmie River corridors to recreational shooting that are located within close proximity to the greater Seattle metro area.



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Analysis.⁶ Less clear, however, is how much recreation is happening, where it is happening, and what types of recreation are being pursued, and these pieces of information are key to informed decision-making by land managers. The COVID-19 pandemic has highlighted the importance of recreation opportunities close to home, as parks and trailheads have seen a large jump in use.⁷ As the demands for recreation increase and new types of use emerge, the entities managing federal lands and recreation need robust, modern strategies to capture dispersed recreation across large tracts of land.⁸

The National Visitor Use Monitoring (NVUM) program, managed by the USDA Forest Service to assess visitor use and visitor satisfaction across forest units, is due for an update. The limited survey periods conducted by the NVUM program do not adequately capture visitor use regarding seasonality, types of uses, new emerging uses, and volume. Moreover, some recreational activities (e.g., rock climbing) do not have protocols for data collection within the NVUM system. We strongly support the push through the Outdoor Recreation Act to support land management agencies in expanding upon NVUM protocols and developing more robust recreation visitation data.

Given the importance of recreation opportunities on areas managed by the U.S. Army Corps of Engineers, we encourage the addition of that agency to the list of responsible officials in § 203(a).

Sec. 204. Travel management.

We are very much in support of making appropriate travel management planning for motorized vehicle use on federal land a priority, including the subsequent development of practical motor vehicle and over-snow vehicle use maps for the benefit of the recreating public. However, we have significant concerns about this section as written.

⁶ U.S. Department of Commerce, Bureau of Economic Analysis. (2020). Outdoor Recreation Satellite Account, U.S. and States, 2020. Retrieved from <https://www.bea.gov/data/special-topics/outdoor-recreation>.

⁷ Geng D, Innes J, Wu W, & Wang G. (2020). Impacts of COVID-19 pandemic on urban park visitation: a global analysis. *Journal of Forestry Research*, (2020). Retrieved from <https://doi.org/10.1007/s11676-020-01249-w>.

⁸ Headwaters Economics (2021). Innovative new ways to count outdoor recreation. Retrieved from <https://headwaterseconomics.org/outdoor-recreation/counting-outdoor-recreation>.



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Our fundamental concern with this section as a whole is that it will override an entire body of existing regulations rather than make effective travel management planning a priority. Specifically, we have deep concerns with the following provisions, which require amendment or removal:

- § 204(a)(1) seems to suggest, incorrectly, that non-motorized recreation (including hiking, traditional (non-motor-assisted) mountain biking, whitewater paddling, backcountry ski and snowshoe touring, and rock climbing) is subject to travel management planning and might therefore be confined to designated areas or routes;
- § 204(b)(1) language, (“may use an existing evaluation or designation”) suggests that underlying regulations and minimization criteria could be circumvented entirely at the discretion of the Secretaries;
- § 204(b)(3)(D) suggests that the consideration of legally-required elements of the minimization criteria such as “minimization of impacts to wildlife, and other appropriate criteria” would be left to the discretion of the Secretaries based on considerations at the local level;
- § 204(b)(4)(A) language stating that decisions, “shall increase—multiple use recreation opportunities,” would contravene the purpose and legal underpinning of travel management planning: to determine a system of roads, trails, and areas for motor vehicle use on public lands that can be reasonably and safely maintained within agency budgets and staffing levels; that is sustainable for the long-term environmental integrity of those lands; and that minimizes impacts of motorized travel on natural resources, wildlife, or other recreational uses. These planning considerations may in certain cases necessarily *decrease* the overall acreage or mileage of motorized recreation opportunities. We suggest that the emphasis here be shifted instead to require that the Secretary concerned “shall *improve*—multiple use recreation opportunities,” thereby prioritizing (above total number of acres or miles) such considerations as sustainable maintenance, signage, safety, connectivity (as appropriate), congestion, the provision of adequate parking and staging areas, enforcement of existing laws and regulations, and the minimization of conflict between different uses;
- § 204(c). We ask the committee to remove the “Rulemaking” provision allowing that “[t]he Secretaries concerned may revise existing regulations to implement this section.” This provision suggests, contrary to what we hope is the spirit of this section, that land management agencies could, at their



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discretion, override an important body of existing regulations and guidance rather than prioritize effective and appropriate travel management planning under existing law.

Sec. 301. Gateway communities.

Outdoor Alliance supports these investments in gateway communities, which will help these communities capitalize on their proximity to recreation amenities in building local economies.

Sec. 302. Forest Service conservation finance partnerships.

Outdoor Alliance supports this section and its embrace of new, successful models for the development of community-supported outdoor recreation infrastructure opportunities.

Sec. 303. Availability of Federal land infrastructure during shoulder seasons.

Many of the activities our members enjoy occur outside of the traditional summer recreation season when many recreational facilities are closed; too often we encounter gated campgrounds and locked bathrooms. Whether it's enjoying whitewater boating opportunities in the late autumn, backcountry skiing in the winter, or climbing during the first warm days in the spring, our members tend to be four-season recreationists. In addition to coordinating with outdoor recreation-related businesses and local governments, there are opportunities to also coordinate with organizations that represent user groups who engage in outdoor recreation opportunities on public lands during shoulder seasons. We request that non-profit organizations be added to the list of coordinating entities in § 303(a).

Sec. 304. Public-private partnerships to modernize campgrounds on Federal land.

Outdoor Alliance is concerned by § 304. In general, our community strongly prefers that land management agencies be adequately funded to maintain public campgrounds and opposes efforts to *de facto* privatize these resources. Additionally, we are concerned by the potential of these efforts to displace public lands visitors who prefer a less developed experience, as well as the potential for these changes to increase costs and undercut efforts to make public lands



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accessible to everyone. We believe it would also be prudent for land managers to be instructed to consider the effect on adjacent resources (including areas popular or potentially popular for dispersed camping) as users who do not prefer, or cannot afford, these developed options are displaced. We request that the scale of this proposal be reduced to one unit of the National Forest Service and one unit of BLM land.

* * *

Outdoor Alliance appreciates the committee's attention to the bills considered in this hearing, and we look forward to continuing to work with you.

Best regards,



Louis Geltman
Policy Director
Outdoor Alliance

- cc: Adam Cramer, Chief Executive Officer, Outdoor Alliance
Chris Winter, Executive Director, Access Fund
Beth Spilman, Executive Director, American Canoe Association
Mark Singleton, Executive Director, American Whitewater
Kent McNeill, CEO, International Mountain Bicycling Association
Todd Walton, Executive Director, Winter Wildlands Alliance
Tom Vogl, Chief Executive Officer, The Mountaineers
Mitsu Iwasaki, Chief Executive Officer, American Alpine Club
Sarah Bradham, Interim Executive Director, the Mazamas
Keegan Young, Executive Director, Colorado Mountain Club
Chad Nelson, Chief Executive Officer, Surfrider Foundation





December 2, 2021

The Honorable Joe Manchin
Chairman, Senate Committee on Energy and Natural Resources

The Honorable John Barrasso
Ranking Member, Senate Committee on Energy and Natural Resources

Dear Senators Manchin and Barrasso,

I am writing today on behalf of the Outdoor Industry Association and our 1,200 member companies in support of several outdoor recreation bills currently being considered by the Senate Committee on Energy and Natural Resources. The outdoor industry is a cornerstone of American life, contributing more than [\\$689 billion](#) to our economy and supporting 4.3 million jobs. Building on this success and supporting the thousands of communities across the country that rely on the outdoors requires federal investments in recreation infrastructure and ensuring public lands and parks can be used for generations to come.

Specifically, the Outdoor Recreation Act, which you have both sponsored, earns our backing because of its meaningful funding to support and build outdoor recreation opportunities across the country by expanding the time federal lands are open to the public, investing in specific recreation infrastructure like cycling trails and outdoor entrepreneurial training programs, and utilizing real-time data to extend the outdoor recreation season. Investments like these would have a real impact on Americans' ability to spend time outside and be a part of the outdoor recreation economy.

During the COVID-19 pandemic, millions of Americans turned to the outdoors, including more women, more urban-dwellers, and more ethnically diverse individuals, to find refuge during these difficult times. Yet more than 100 million Americans still do not live within walking or biking distance of a park. Now more than ever, people are experiencing the physical and mental health benefits of getting outside, and Congress can take action to support this newfound shift to the outdoors. The Parks, Jobs, and Equity Act would take concrete steps to expand access to the outdoors by investing in local parks, playgrounds, and green spaces. The provisions outlined in the Outdoors for All Act would particularly benefit communities that have long been underserved, creating inclusive outdoor recreation programs that bring economic and health benefits to low-income neighborhoods across the country. Additionally, the Simplifying Outdoor Access for Recreation (SOAR) Act and Recreation Not Red Tape Act would further increase access to the outdoors by simplifying the permitting process for public lands and cutting regulatory red tape that creates barriers to recreation.



By increasing Americans' access to outdoor spaces and recreation, these bills will support local outdoor industry businesses and bring meaningful economic opportunities to countless communities. Following nearly two years of COVID-19 related lockdowns and economic stress, these proposals would help strengthen the outdoor industry while improving the mental, physical, and economic well-being of everyone, regardless of zip code, background, or income.

We are proud to stand behind these measures and encourage members of the committee to advance these bills and invest in the American tradition of the outdoors. We look forward to working with you, your fellow lawmakers, and the Biden Administration to strengthen the future of outdoor recreation.

Thank you,

A handwritten signature in black ink, appearing to read "Lise Aangeenbrug".

Lise Aangeenbrug
Executive Director
Outdoor Industry Association

From: [sp.parker](#)
To: [Ripchensky, Darla \(Energy\)](#)
Subject: Comment on SOAR Act
Date: Wednesday, December 8, 2021 2:21:14 PM

To Whom it May Concern

I would like to submit comments upon the SOAR Act currently before Committee

I am a small business owner operating under permit from the USFS and the NPS in the Sierra Nevada of California and I look forward to changes that improve my ability to work with the various Agencies.

The permitting process is long, complex and arduous and anything that can improve this is welcome.

For my business key issues would be;

- Simplification of the permitting process.
- Ability to cross management borders easily with "incidental use" of an adjacent land management area easy to obtain.
- Simplification of reporting with standardized reporting across boundaries. Currently all Agencies and different Forests and Parks use different reporting systems. One is enough.
- Long term permitting. Currently on NPS lands we operate under a two year CUA. No business can survive with a two year horizon. We need a longer term stability to encourage investment and give sustainability for a business and its employees.
- Simplification of the fees charged determination so that this is easy to understand and removes any fees for off-Agency land use.

I look forward to this legislation passing through committee and being approved as a great start to reforming the guided use of public lands.

Yours sincerely,

Robert Parker
AMGA/IFMGA Certified Guide
Owner, Sierra Mountain Center
POB 95, Bishop, CA 93515
office phone: (760) 873-8526
[email: sp@sierramountaincenter.com](mailto:sp@sierramountaincenter.com)

Visit us in cyberspace

Website <https://www.sierramountaincenter.com>

YouTube <http://www.youtube.com/user/sierramountaincenter>

Facebook <https://www.facebook.com/sierramountaincenter>



December 1, 2021

The Honorable Joe Manchin
 Committee on Energy and Natural Resources
 U.S. Senate
 304 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable John Barrasso
 Committee on Energy and Natural Resources
 U.S. Senate
 304 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the PeopleForBikes Coalition, thank you for holding a hearing to advance outdoor interests and support recreation communities across the United States. We'd like to express our support for the following legislation under consideration:

- Outdoors for All Act (S. 3266)
- Parks, Jobs and Equity Act (S. 2258)
- Environmental Justice in Recreation Permitting (S. 1269)
- Recreation not Red Tape Act (S. 1874)
- Outdoor Recreation Act (S. 3266)
- Biking Over Long Distance Trails Act (S. 3264)
- Simplifying Outdoor Access for Recreation Act (S. 1229)

We applaud your bipartisan leadership in advancing policies to build on the success and momentum of the Great American Outdoors Act. We urge you to swiftly move these bills in your committee and would request one amendment to the SOAR Act: eliminate section five (Permit Flexibility) to create parity between bicycles and electric bicycles in recreation permits, which would better align with how people ride various types of bikes at the same time. This change will grow the diversity and accessibility of our federal public lands by ensuring bicycles and electric bicycles are permitted via the same processes.

The U.S. bicycle industry contributes \$88 billion annually to our economy and employs more than 780,000 Americans. The PeopleForBikes Coalition (PeopleForBikes) is the national trade association representing companies that manufacture and distribute bicycles, bicycle parts and bicycle accessories. Nationwide, PeopleForBikes represents nearly 300 bicycle businesses and more than 7,000 retailers. The PeopleForBikes Foundation is supported by 1.4 million individuals.

The bicycle industry stands in full support of any effort to expand access to recreation and enhance the experience of our public lands for all Americans. We look forward to working with you to pass these bills.

Sincerely,

Noa Banayan, director of federal affairs
 PeopleForBikes Coalition

From: ajp@riseup.net
To: [fortherecord \(Energy\)](#)
Subject: S. 1229 and S. 1874 comments
Date: Thursday, December 2, 2021 5:01:08 PM

Hello,

I am 49 years old and have been recreating on Federal Lands for the past 28 years. Access for individuals has been getting harder and harder for private citizens over the years as commercial interests have taken a stronghold in the industry. As a private citizen, I enjoy recreating on my own without the need of outfitters or guiding services.

Bills # S. 1229 and S. 1874 only serve to increase the profits of a few small commercial interests, and go out of their way to EXCLUDE any legislation for private citizens. I do not support these bills that give away our federal land access to for-profit companies.

Bills S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

These bills MUST require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use.

Removing this tool removes protections to federal lands and removes the public's voice from the management of our federal lands.

The language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. That is access that belongs to the public, recreation enthusiasts and their families that these bills are giving away.

Sincerely,

Andrew Pilarski
POB 13703
Salem, OR 97309

From: [Pine Jeff/Francoise](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Monday, December 6, 2021 10:31:08 AM

I appreciate you taking the time to read my thoughts on 2 bills being considered. I believe that neither S-1229 or S-1874 will represent positive change. I am a frequent user of federal lands and already find my ability to enjoy the do it myself experience harder and harder to get access to. I have had the privilege of taking my son on a Grand Canyon trip that was entirely planned and executed by private individuals. The experience of seeing people that he knew personally working together to make such a thing happen has been inspirational to him and increased his confidence about how much is possible for someone to do. It has made him a stronger person and prouder American. I hope to be able to show that same experience to my grandchildren. We will always need confident, competent leaders in our nation. Showing our children that they can do things for themselves helps them grow to become those leaders. It is far more character building than being led by some tour guide. S-1229 and S-1874 will only make those opportunities fewer.

Please don't give away what little opportunities the do it yourself community has remaining (the demand for permits is exceeding supply by a larger margin every year) to for profit tour companies. Please don't allow those tour companies exception to the requirements of the NEPA.

Thanks,
Jeff Pine
2710 Tether Trail
Austin, TX 78704
(512) 298-3500

Statement for the Record from Taldi Harrison
Government & Community Affairs
REI Co-op.

Submitted to the Energy and Natural Resources Committee

Hearing to consider legislation

December 2, 2021

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the REI Co-op, I want to thank you for holding a hearing on these important outdoor recreation policies.

As you may know, REI is an 83-year-old co-op and retailer of outdoor gear and apparel. We are dedicated to the notion that time outside is fundamental to a life well lived. We now have over 160 stores, plus a robust online platform as well as over 20 million co-op members across the country. We also provide classes, outings, and adventure travel 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 – irrespective of their backgrounds.

Streamlining the federal permitting system is exceedingly important to the health of the guiding and outfitting community and, by extension, the millions of Americans who annually enjoy the outdoors via guided adventures. The SOAR Act and Recreation Not Red Tape Act will help eliminate unnecessary regulatory burdens 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. For example, at REI, our Adventure Travel team and our Outdoor School lead daylong and multi-day trips into the outdoors, ultimately generating 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 and complex, and has placed an additional burden on obtaining permits – especially when trips may fall under the jurisdiction of more than one federal and/or state agency. We are confident that both the SOAR Act and the Recreation Not Red Tape Act will help to alleviate these regulatory pain points.

We also appreciate this hearing including a discussion of the Outdoors For All Act and the Parks, Jobs, and Equity Act. At REI, we believe that time in nature should not just be reserved for a once-in-a-lifetime trip to a National Park, but also should be accessible through close-to-home quality parks. Yet systematic barriers prevent far too many communities from reaping the benefits of high-quality local parks. As a co-op, our store employees' partner with local community organizations to grow and enhance green spaces to address this problem but know

that the federal government can help close the nature gap at a rate befitting of the issue. Both the Outdoors For All Act and the Parks, Jobs, and Equity Act seek to address this important issue by authorizing and enhancing the Outdoor Recreation Legacy Partnership Program, thereby securing funding for green spaces in traditionally underserved communities.

We are very pleased to see this committee focus on the importance of expanding outdoor recreation opportunities for all outdoor enthusiasts. The BOLT Act will expand outdoor recreation opportunities for long-distance bike trails, and we hope the Department of Interior will focus on areas that have not traditionally had access to these amenities. The Outdoor Recreation Act will reduce regulatory red tape for recreationists pursuing many different types of outdoor activities while better setting up surrounding communities for economic successes. These policies will support jobs and economic growth through investments in outdoor recreation that will address the needs of distressed rural communities coming back from the pandemic, including economic development and diversification, increased quality of life, and improved public health outcomes for under-resourced communities.

This committee and partners across the outdoor recreation community coalesced behind the John D. Dingell Jr. Conservation, Management, and Recreation Act and the Great American Outdoors Act. Outdoor recreation policy continues to serve as an example of what can be done through bipartisan leadership on issues that have tangible impact on the lives of so many Americans. On behalf of our 20 million members in all 50 states, we appreciate your commitment to continuing to innovate and lead so that every person can connect to the power of the outdoors and enjoy its benefits.

We look forward to working with you to advance these important policies.

RIVER RUNNERS FOR WILDERNESS

A PROJECT OF LIVING RIVERS

Comments from River Runners For Wilderness to be included in the Congressional Record for the Senate Energy and Natural Resources Committee hearing held on December 2, 2021 regarding S.1229 and S.1874.

U.S. Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

December 8, 2021

Honorable Chairman Manchin,

My name is Tom Martin and I am a volunteer for 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 wild rivers and backcountry resources. Our members, now numbering over two thousand, 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 own a small book publishing company. We publish whitewater and hiking guidebooks for the do-it-yourself public. These include guidebooks on the San Juan River, Canyonlands of the Green and Colorado rivers, the Grand Canyon, and the Arkansas River headwaters. We focus on educating our readers about resource protection, safety, ecology, geology, and history of the country they are traveling through. We also publish history books about river running.

It is with much interest that I have reviewed Senator Heinrich's legislation, S.1229 and Senator Wyden's legislation S.1874. This legislation appears to be beneficial in one area and needs work in many others.

As we review S.1229 and 1874, 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 initiatives will "help more Americans gain access to the outdoors." In August of this year, Grand Canyon National Park held a lottery for 12 do-it-yourself river trips to raft through the Grand Canyon. There were over 965 lottery applications for these 12 permits.

The US Forest Service held the annual Four Rivers lottery for do-it-yourself permits to run the Selway, Hells Canyon, the Middle Fork and Main Salmon last December. Over 56,000 lottery applications were submitted for under 700 family oriented do-it-yourself river trips. Americans

RIVER RUNNERS FOR WILDERNESS

A PROJECT OF LIVING Rivers

who want to participate in do-it-yourself recreation are losing lotteries year after year. Some do-it-yourself recreationists charter private tour company guided trips simply to get guaranteed timely access to their federal lands. This puts a middle-man between federal lands and the public who want to recreate on-their-own on federal lands.

It is important to note that when the US Forest Service was formed in 1905, the population of the United States was just under 84,000,000. Today, the country's population stands at over 333,000,000. Since the signing of the Constitution in 1776, we have created no new mountains, deserts, or deep canyons with rivers while demands for recreation on federal land continue to skyrocket.

These figures show that 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 will adversely impact another use group and the resource itself. 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 clients into already overcrowded federal lands is not the answer. Larger parking lots, new trails and trailheads, and promoting additional off season use all degrade the quality of existing recreation. Increased recreation adds additional pressures of ecosystems already adversely impacted by logging, mineral, oil and gas extraction, and grazing.

It's time to be open minded and embrace 21st century models to distribute access to scarce resources. This doesn't mean we should bypass existing legislation including the National Environmental Policy Act, the Wilderness Act, or other 20th century legislation designed to protect our federal lands. Changes in legislation today must recognize the complexity of the entire spectrum of users wanting access to federal lands as well as maintain existing legislation that protects resources from too much use.

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 across the country from mom-and-pop local sporting goods stores to large chain stores, and they purchase at retail prices. They travel to rivers and mountains and canyons across the country, pumping large amounts of funds into regional economies. River runners, backpackers, horse packers, fishermen, hunters, ATV and four-wheel-drive operators will all be adversely impacted by yet more commercialization of our federal lands.

To be clear, there are a few things we like in this legislation. It is good to see consideration given to streamlining permitting across multiple agencies use areas, across state lines and between agencies. We support that so long as it includes do-it-yourself recreationists as well.

RIVER RUNNERS FOR WILDERNESS

A PROJECT OF LIVING Rivers

Regarding the troubling components of S.1229 and 1874, 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. We can appreciate this type of permit has many different names across the different agencies and we have no problem with streamlining this name. But "Special" implies priority. The do-it-yourself public, people who pull themselves up by their own bootstraps and climbing ropes, are the real "special" visitors to our federal lands. The term "Commercial Recreation Permit" should be enough to identify a permit needed by for-profit and non-profit guided tour companies and groups that charge a price for access. Charging a price for a service is the definition of a commercial activity.

We then read in S.1229 and 1874 that the Special Recreation Permit will be used to identify private tour companies operating in areas "in which use is allocated."

At this point, I would like to unpack the word "allocated." The concept of limiting overall visitation numbers to an area is critically important. 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. We know they are in place to control user conflict on our federal lands as well as to protect the fragile ecology of these lands from overuse.

Once the agency sets a ceiling of use, that use can be divided among the various use groups. Dividing limited access into parts for various use groups is called allocation. This is why carrying capacity studies are so important. They allow agencies to look at the ecology of an area, the amount and type of recreation allowed, commercial services needed, and allow the public to participate in the studies at every step along the way. Both S.1229 and 1874 force the agencies to cease conducting these studies as a condition of issuing a "special recreation permit." This is the equivalent of eliminating grazing studies that form animal unit months on federal lands. Congress eliminated destructive overgrazing in the 1930s with the introduction of the Taylor Grazing Act which established carrying capacities. The damage to federal lands that will be done if recreation carrying capacities are bypassed include increased campsite competition, resource degradation, attraction site crowding, and visitor-to-visitor conflict.

The concept of allocating recreational access to federal lands was introduced in the last century to subsidize commercial tour companies with guaranteed access. It was based on giving public access to private tour companies with no science involved. The concept of dividing a resource's use ceiling into allocations should now be considered a dinosaur when it comes to management planning tools.

RIVER RUNNERS FOR WILDERNESS

A PROJECT OF LIVING Rivers

There is another reason why defining carrying capacity is critically important. They allow the agencies to use best available science to establish use limits where they are needed. In many areas, this has already been done.

Within those carrying capacity limits, the agencies can 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, 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 safety class. There are non-profit groups like the YMCA, NOLS, and REI who want to conduct very tailored non-profit trips for groups ranging from inner-city youth to top-dollar donors. Of course, there are the do-it-yourself recreationists, many who rent equipment, food packs, and shuttles from local liveries, and finally, there are many Americans who have their own recreational equipment, 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 private tour companies.

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 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.

Yes, this would do nothing to increase chances of winning the lottery for access, but it puts all use groups on a level playing field. Yes, the private tour companies will claim they will go bankrupt without their subsidies of guaranteed access. This fear is unfounded as the private livery companies renting river equipment have not gone bankrupt where river access is allocated and they have no guaranteed access, nor do the private tour companies serving the Boundary Waters and Deschutes River.

As a small business owner, I understand the concept of subsidized business certainty by legislation. I also know I must compete in a very uncertain market. Private tour 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.1229 and 1874 allowing Special Recreation Permits to receive 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 access is going to be gored by this give-away to private tour companies?

RIVER RUNNERS FOR WILDERNESS

A PROJECT OF LIVING Rivers

It is time to move beyond special interest legislation promoting private tour companies bottom lines at the expense of the do-it-yourself public and the limited resources on our federal lands. It is time to 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 over federal land access will only accelerate.

Additional concerns about this legislation include the decrease in agency funding that will occur if Section 3 of S.1229 and Section 102 of S.1874 are implemented. Extractive industry should not be able to legislate decreased return to the agencies they use, including 50 hours of free agency work and a guaranteed permit in 60 days as provided in Section 3 and Section 6 of S.1229 with similar language in S.1874.

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 held on December 2, 2021. I look forward to changes in this legislation that protects the resources we recreate on, increases agency funding, assures agency ability to protect resources, maintains the public's voice, does not shield tour companies from client litigation, and assures public access to those who don't use private tour companies. Such legislation would accommodate all Americans, no matter their recreational needs, on our magnificent federal lands. I thank you for your service to the American public and our federal lands.

Sincerely yours,



Tom Martin PT
River Runners For Wilderness
PO Box 30821, Flagstaff, AZ 86003
928-856-9065 mobile
tommartin@rffw.org
www.RRFW.org

From: [Bill Rivers](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021 Energy and Natural Resources Hearing Committee
Date: Sunday, December 5, 2021 8:47:52 PM

Re: S.1229 and S.1874 D

I am a retired citizen who has been involved in whitewater canoeing as my primary form of recreation for the past 40 years. I am regularly engaged in doing wilderness multi-day trips a significant portion of the year throughout the US. My understanding of this proposed legislation is that they will likely result in a further reduction of my chances for obtaining the required permits to conduct self-supported private trips. I have invested a significant amount of time and money in developing the skills and knowledge along with acquiring the necessary equipment to engage in such activity and the inability to access these places would be detrimental to my enjoyment of life and pursuit of happiness.

Enjoyment of wild places has become more and more popular over the years and it seems that limitations to access many places has become necessary, however the limitations on access to these areas has largely favored commercial enterprises. I urge you, in all fairness, to not further limit the do-it-yourself crowd's ability to recreate on permitted rivers.

S.1229 and S.1874 must include safeguards to protect private parties (do-it-yourselfers) access to public lands and waterways. Any limitations should be no greater than for commercial enterprises. Also, outfitting and guiding on federal land should not have any categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.

Furthermore, every new Special Needs permit must require a NEPA Needs Assessment. Consideration must be given to resource protection. Not doing so removes the voice of the public from the management of public lands.

Sincerely,

William Rivers
4011 Florentine Drive
Longmont, CO 80503
Phone 303.249.3588 (Mobile)

"One touch of nature and the whole world is kin"
- Shakespeare

From: [Peter Rose](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Friday, December 10, 2021 4:07:55 PM

Dear Energy and Natural Resources Committee:

I am a resident of Utah who loves to recreate in the mountains, deserts and rivers in the Western U.S.—especially in Utah. The multiple-day rafting experiences on the Green, Colorado, San Juan and Yampa rivers have provided me, my family and friends with some of the best outdoor experiences of our lives. Federal management of those rivers over my 40 years of floating them has kept them nearly pristine while allowing me easy access so long as I and my fellow private boaters follow the permitting process and rules, which we do scrupulously. And each year I am amazed by how well the process has worked to keep those river corridors as beautiful as I remember them from when I first started river rafting in the late 70's.

I am writing today regarding the December 2, 2021, Energy and Natural Resources Hearing regarding the **Simplifying Outdoor Access to Recreation (SOAR) Act** as put forth in bills **S.1229 (Heinrich, NM)** and **S.1874 (Wyden, OR)**. It seems that by 'simplifying', the bill is actually giving away my access—as a private boater—to the commercial outfitters. Both bills allow increases for special (aka commercial) use that comes right out of the public's do-it-yourself access without allowing for any safeguards to protect do-it-yourself recreational boaters. These bills effectively exclude private boaters from river access!! Unless they hire a commercial outfitter. I appreciate that the guide companies have to make a living but it should not come at the expense of the private boaters. Another way that the bill would increase business for the commercial outfitters is by increasing the overall number of user days without decreasing the current number of user days allocated to us private boaters. But this would drastically increase the number of user-days beyond the current carrying capacity of the river—a capacity that has been established over many decades and that government agencies have been monitoring very effectively. Exceeding this carefully established carrying capacity would ruin the experience for both the commercial and private boaters.

These bills would simplify river management in the same way that burning down all of the trees in our forests would simplify forest management. But who believes that such simplification would be for the greater good?

Please don't allow these bills to pass. And thank you for considering my concerns.

Thank you!

Happy Holidays,

Peter Rose
435 8th Avenue,
Salt Lake City, UT 84103

From: [Kel Rossiter](#)
To: [Ripchensky, Darla \(Energy\)](#)
Subject: SOAR Act Legislation
Date: Thursday, December 2, 2021 8:29:10 AM

Hello,

I am a full-time mountain/climbing guide and the operator of a small business guide service. I earn a significant portion of my living through guiding on federal lands. As it stands, the permitting processes for operating on these lands is complex and byzantine. This occupies unnecessary administrative time and limits the experiences I can offer to my climbers. This, in turn, affects my income and my ability to provide income for other guides. There are many, many guides and guide services in similar circumstances.

With that as a small picture of my reasoning, I am writing to you today to urge you and all other administrators and legislators to come out in strong support for the SOAR Act legislation.

Thank you for reviewing these comments and for your work in making federal lands available for the public.

Sincerely,
Kel Rossiter
Burlington, VT

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Kel Rossiter—Owner/Lead Guide
IFMGA+AMGA Certified Mountain Guide
Ed.D Educational Leadership/M.S. Outdoor Education
Backpacker+Climbing Magazines Gear Tester
[Ortovox Athlete Ambassador](#)

P: 802-535-1498
W: www.adventurespiritguides.com
FB: [Adventure Spirit Rock + Ice + Alpine Experiences](#)
IG: [adventurespiritguides](#)

From: [Tyler Rudd](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Thursday, December 2, 2021 5:37:14 PM
Attachments: [image001.png](#)

My name is Tyler Rudd and I live at:
47 Chelsea St, Eagle, CO 81631

I am aware of S. 1229 and S. 1874 and I do not support these bills that give away my federal land access to for-profit companies.

I recreate on many rivers through out the state, but they are becoming harder and harder to enjoy. Permits are becoming more limited. The for profit companies have their run of the rivers which is not just. I apply for several river permits all over the country every year and have yet to receive one. This is terrible, considering I have been applying for years. All for profit companies that float these rivers seem to get all the enjoyment, while us private boats just have to sit and watch.

These two bills need to never happen. Allowing for profit companies to ignore laws protecting these places is terrible. They should not be the only people who have the pleasure of traveling within and on these beautiful places.

Please DO NOT pass these laws.



Tyler Rudd

Lead Lab Technician
Tyler.Rudd@cmmhealth.org
(970) 688 – 8397
www.cmmhealth.com
www.facebook.com/coloradomountainmedical



December 2, 2021

The Honorable Joe Manchin
 Chairman
 Committee on
 Energy and Natural Resources
 United States Senate
 Washington, DC 20510

The Honorable John Barrasso
 Ranking Member
 Committee on
 Energy and Natural Resources
 United States Senate
 Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the RV Industry Association (RVIA), thank you for holding a full Committee hearing to hear testimony on critically important legislation, including the *Outdoor Recreation Act* (S. 3266), which will increase and improve outdoor recreation opportunities across the nation while improving infrastructure and driving economic growth in rural communities, as well as the *Outdoors for All Act* (S. 2887), the *Parks, Jobs, and Equity Act* (S. 2258), the *Recreation Not Red Tape Act* (S. 1874), and the *Simplifying Outdoor Access for Recreation (SOAR) Act* (S. 1229).

RVIA is the leading voice of the \$114 billion RV industry, representing approximately 470 manufacturers and component and aftermarket suppliers who together produce 98 percent of all RVs made in the United States.

A hearing on this legislation could not occur at a more vital time given the increased demand for outdoor recreation our country is experiencing. Looking to the RV sector for evidence of this significant demand increase, [a recently released survey](#) shows more Americans plan on RVing in the next year than ever before. The survey showed 72 million Americans planning an RV trip in the next year in an RV they own, rent, or borrow—an 18% increase over the 61 million reported in the same survey a year ago. To help meet this demand, recent RVIA data indicates that, through ten months of 2021, *more RVs have been built this year than ever before*.

Before the pandemic the RV industry was in a strong position, 2016-2019 were the 4 highest years for RV shipments—and that was before record numbers of new younger more diverse consumers turned to RVs in 2020. While many Americans have discovered RVs for the first time in the past year, the RV industry has been experiencing over 40 years of long-term growth that predates the pandemic. Access to the outdoors along with safe and adequate campground inventory must keep pace with the overwhelming demand from the American people.

This increased demand is encouraging, as outdoor recreation is a major force in the American economy. According to the U.S. Bureau of Economic Analysis, in 2020 outdoor recreation generated \$689 billion in output and supports 4.3 million jobs. Within diverse communities around

the country, outdoor recreation on lands and waters plays a significant role in economic development, growth and resiliency, cultural vitality, and public health, particularly in rural America.

Outdoor Recreation Act (S. 3266)

The *Outdoor Recreation Act* recognizes this demand and takes crucial steps to address it by modernizing campgrounds, growing jobs, and ensuring all Americans have the opportunity to enjoy the many benefits of living an active outdoor lifestyle. Importantly, the bill provides gateway community assistance for outdoor recreation businesses and campgrounds, responsibly extends shoulder seasons, and brings much needed broadband to front country campgrounds to address safety issues and provide technologies that current and future park visitors require.

RVIA is also encouraged by the legislation's establishment of a pilot program for public-private partnership agreements to modernize campgrounds on Federal lands. Indeed, RVIA is a longtime advocate for public-private partnerships, where appropriate, as the best approach to effectively striking the necessary balance between achieving conservation needs and improving the experience for an ever-changing park visitor. These partnerships are a sensible, proven way to bring public land infrastructure into the 21st century, ensuring the federal government remains the owner of all public lands and preserving access and enjoyment of federal campgrounds for current and future generations of RVers to come.

Recreation Not Red Tape Act (S. 1874)

As outdoor recreation grows in popularity and economic impact, land management agencies need updated tools to protect and improve access to, and infrastructure on America's public lands and waters. The *Recreation Not Red-Tape Act* offers sensible, non-controversial proposals for identifying and appropriately managing important places for sustainable outdoor recreation across the country. RVIA supports efforts to update processes and policies on our national public lands and waters to improve the outdoor recreation experience for all forms of outdoor recreation.

Outdoors for All Act (S. 2887)

Many places across the country lack outdoor recreation opportunities. RVIA supports the *Outdoors for All Act* and efforts to expand access to outdoor recreation opportunities in cities and towns, particularly in underserved and low-income areas that need them the most. Campers and hikers will benefit from dedicated grant funding through the Land and Water Conservation Fund to create and improve state and locally-owned parks and other outdoor recreation areas.

Parks, Jobs, and Equity Act (S. 2258)

Our national, state, and local parks have become vital spaces for fresh air, exercise, and relaxation during the coronavirus pandemic. While the physical and mental health benefits of parks are more obvious than ever before, many park agencies have unfortunately seen budget cuts. The *Parks, Jobs, and Equity Act's* \$500 million formula state grant program will create good jobs, spur economic development and expand outdoor recreation, all while addressing historic inequities in park access.

Simplifying Outdoor Access for Recreation (SOAR) Act (S. 1229)

The *SOAR Act* will make outdoor experiences more accessible by updating the permitting system that guides and outfitters need to operate trips on our treasured places. RVIA supports efforts to improve outfitter and guide permitting systems by simplifying processes, increasing flexibility in allowed activities, and reducing unnecessary costs of permit administration.

The *Outdoor Recreation Act*, *Recreation Not Red Tape Act*, *Outdoors for All Act*, *Parks, Jobs, and Equity Act*, and the *SOAR Act* along with other key pieces of outdoor recreation legislation are critical to continuing to attract the next generation of park stewards and outdoor recreation enthusiasts, and RVIA urges support for their favorable advancement and ultimate enactment into law.

Thank you for the opportunity to submit this statement for the record. If you have questions or if RVIA can serve as a resource, please contact Chris Bornemann, Director of Federal Affairs, at cbornemann@rvia.org.

Sincerely,

A handwritten signature in black ink that reads "Jay Landers". The signature is written in a cursive, flowing style.

Jay Landers
Vice President

From: [Gordon Sanders](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Thursday, December 2, 2021 11:34:14 AM

Please do not allow S.1229 and S1874 to advance!

I frequently use public lands for recreation. I am an experienced river runner with an exceptional safety record and all my own gear. I do not need guides or help from for-profit companies to enjoy public lands with my friends and family.

Most of the rivers I run are restricted by lotteries for permits. Applications to these permits have skyrocketed in recent years and it is getting more difficult to launch a boat because of competition. Demand for do-it-yourself permits exceeds demand for guided and for-profit trips.

S.1229 and S.1874 threaten public access in favor of corporate access. Please don't let this happen.

Please consider resource protection and subject NEPA Needs Assessment for special use permits.

Gordon Sanders
304 East 5th Street
Cozad, NE 69130
(308) 324-8888

From: [Chris Schiller](#)
To: [fortherecord \(Energy\)](#)
Subject: Comments on Bills S. 1229 and S. 1874
Date: Saturday, December 4, 2021 11:59:10 AM

To: Senate Committee on Energy and Natural Resources,

I would like to comment on bills S. 1229 and S 1874.

I am a frequent user of federal public lands, including land and river recreation, and I do not use guided or outfitted trips. I have found that public lands are becoming more and more crowded, and that permits for those areas that require them are becoming harder and harder to obtain.

I do not support S. 1229 and S 1874 because they prioritize access of for-profit companies at the expense of independent, do-it-yourself recreationists. Language in the bills as presently written assigns additional use capacity to private tour companies instead of individual citizens, and this is unacceptable to me. In addition, the bills exclude outfitting and guiding services from the National Environmental Policy Act.

I urge you to either not move these bills forward, or to modify them to safeguard access for do-it-yourself recreationists, and require a NEPA Needs Assessment for every new Special Use Permit. Each new Special Use Permit must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Without a NEPA Needs Assessment, there would be little to no protection of resources on my public lands, and I would lose any say in the management of those lands.

Thank you for your consideration,
Chris Schiller
1050 Garrett Rd
Gold Run, CA 95717

From: [alicia scotter](#)
To: [fortherecord \(Energy\)](#)
Subject: Say No to Bill S 1229 and Bill S 1874
Date: Monday, December 6, 2021 10:07:38 AM

To Whom It May Concern:

I am a private citizen who enjoys many activities in the outdoors. Running rivers is one of my cherished activities and I am concerned that the proposed bills S 1229 and S 1874 will decrease the number of already-limited permits.

In 2013, for my 50th birthday, I joined a private 21 day rafting trip in the Grand Canyon. I was shocked that other than our group there was only one other private group on the river. The rest of the permits were for commercial companies. I know similar stories play out across all recreational activities on public lands.

Not only do I want to express my concerns about these bills, but I believe these bills should require a NEPA review.

I thank you for your thoughtful consideration about who our public lands are for.

Alicia Scotter
1934 S Broadmoor St.
SLC, UT 84108

From: [Sarah E. Shepherd](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Friday, December 10, 2021 11:17:12 AM

To whom it may concern,

I have been recreating on federal lands without guided and outfitted services, since I was under the age of 1 with my family. We are painfully aware that federal land recreation is skyrocketing, and getting permits is harder and harder, as this is still our favorite type of recreation and spiritual practice in being in nature.

I'm are aware of S. 1229 and S. 1874 and do not support these bills that give away private citizens' access (the stewards and tax supporters of these federal lands) to for-profit companies.

S. 1229 and S. 1874 must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. This benefits both Native users whose land abuts access to these lands, as well as individuals who wish to visit these areas at their own volition.

Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and the level of NEPA used should fit the nature and scale of the decision to be made.

These bills require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes our voice from the management of our federal lands. Please note that these reviews and practices are already in place and need to continue. I'm happy to participate in the process and apply and share use with other private citizens, but in no way feel it appropriate to outsource access to private for-profit organizations--many groups already benefit from their commercial permits.

Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies.

We want more inclusive access and protection, not further benefit to commercial businesses.

--

Sarah Shepherd
she/her/hers
Cell: 303-652-7745
215 E Kelsey Ave.
Salt Lake City, UT 84111

From: [Rich Slusser](#)
To: [fortherecord \(Energy\)](#)
Subject: 12/2/21, Energy and Natural Resources Hearing Commeny
Date: Sunday, December 5, 2021 3:18:15 PM

Dear Committee,

My family and I recreate on federal lands without guided and outfitted services and I am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

I am aware of the proposed legislation S. 1229 and S. 1874 and I do not support these bills that give away my and my family's federal land access to for-profit companies. These proposed bills, S. 1229 and S. 1874, must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. In doing so, you are giving away my family's access to federal lands for recreational purposes.

It is my opinion that outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made. These bills must require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management of our federal lands.

Thank you for your attention to my concerns regarding this proposed legislation.

Richard Slusser
PO Box 84
282 Corso Rd
Palmer Lake, Colorado 80133

Amy Smallwood
1823 Four Seasons Blvd
Leadville, CO 80461

December 8, 2021

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

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

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Amy Smallwood, and I work as a Program Director for the Outdoor Studies programs at Colorado Mountain College (CMC). The educational objectives of CMC's outdoor programs is dependent upon permits that are issued by federal land agencies, including the BLM, USFS, National Parks, DORA, and BOR. The permitting process is incredibly complex and many agency offices are unable to issue permits, or it takes them a very long time. This often results in limiting the recreational and, in our case, educational opportunities available to our students and members of our community. As an Hispanic Serving Institution, we have worked hard to provide equal access to the outdoors through our programs, and this becomes difficult and sometimes impossible due to the barriers of the permitting process. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will fix these problems. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands.

Sincerely,



Amy Smallwood

From: [Sol Train](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Monday, December 6, 2021 3:08:19 PM

Hi There

I am writing in reference to bills S. 1229 and S. 1874 to express my concern and displeasure of the resulting giveaway of limited access and use of valued federal land use to for profit companies.

These bills have no regard for the private user and would defeat the intent to expand use through private tour companies AT THE EXPENSE of the individual or family use and enjoyment. Federal lands are protected and are funded by the taxpayer, and thereby should be held accessible directly by the individual and/ or family experience and not via a corporate gatekeeper. Nor should these companies be held to a different access standard than the user. A need assessment should be levied and amount of use as well as impact should be evaluated with emphasis on the expanding private use.

Thank you for your time and re-considering these bills and the disproportionate impact they will have on the enjoyment of our public lands by all, and not just those who can pay for the privilege.

Laura Sol
4946 NE Rodney Ave
Portland, OR 97211

503-307-9051
CCB#: 219232
Women Business Enterprise (WBE)
Certification #10051

"watching metal run molten since 1996"

From: istarr@starrsysco.com
To: [fortherecord \(Energy\)](#)
Subject: S 1229 & S 1874
Date: Saturday, December 4, 2021 11:34:10 AM

To the committee:

My main source of recreation is kayaking, canoeing, and rafting rivers, and other access to federal lands. Two senators are proposing to take away that access, and I am very angry about it. Please consider my objections to S 1229 (Martin Heinrich) & S 1874 (Ron Wyden) thoughtfully.

I strongly object to the following proposals in the subject bills.

1. Abolition of river access for people who aren't profiting from it.
2. Abolition of usage fees collected from commercial guides that provide funding for necessary facilities and their maintenance.
3. Abolition of effective river use management according to need, use, and resources.
4. Prohibition against public input on river management through the NEPA process.
5. 3% cap on fees generated from river use for funding river management.

These bills appear to be motivated by some very short-sighted outfitters. I ask that further pursuit of these bills be abandoned entirely, as there are no beneficial elements therein.

Regards

Jerry Starr, 1737 E 1400 N, Logan, UT, 84341, 307-760-7227, Fax: 815-301-2943

From: [C.A. Stuller](#)
To: [fortherecord \(Energy\)](#)
Subject: SB 1229 (SOAR Act) & SB 1874
Date: Tuesday, December 7, 2021 12:35:09 PM

Hello Senators:

My name is Craig Stuller, I am a US citizen and resident of Buena Vista, Colorado. I am writing to express my opposition to SB's 1229 & 1874. I am an avid river boater and recreate on federal lands without guided and outfitted services. I am very aware of the increasing demand for recreation opportunities on federal land. In part, my awareness comes from the experience of attempting to access rivers with limited access due to use demands and the mechanisms of permitting. While I acknowledge the necessity of protecting the resources from overuse and degradation, I am compelled to protest the continuing imbalance of federal recreation opportunities between commercial for profit use and competent, qualified and properly equipped individuals seeking access without utilizing commercial operators. Over the course of the last decade, obtaining access for individuals such as myself has become more and more difficult, to the extent that I have not personally obtained a lottery distributed access permit for many years despite continued and repeated efforts. The numerous individuals that participate with me relay similar experiences. Meanwhile, commercial operators have utilized lobbying efforts and apparent favor within the Senate to gain more access for their operations at the expense of individuals like myself.

SB 1229 and 1874 appear to work in concert to further exacerbate this imbalance. They must include safeguards to ensure that private individuals lose no more access than we already have, and that individual users not requiring or desiring the use of commercial operators have no less an opportunity for access than those that do use commercial services.

Regardless of user group, any measure that would reduce the need and scope of review under NEPA regarding consideration and issuance of use permits must be opposed. Categorical exclusion of from NEPA as proposed in either of these bills is inappropriate and usurps the very principles upon which NEPA is founded. Any bill introduced into the federal lands recreational use arena must require a NEPA Needs Assessment for any new Special Use Permit. They must also consider resource protection, the allowable number of commercial operators, how much use they are allowed, where that use will be. They must also include forecasts for expanding noncommercial use as a balancing and equity consideration.

Please oppose SB 1229 and 1874. Thank you for your consideration.

--

Craig Stuller
29936 CR 371
Buena Vista, CO 81211
719-486-6670

I like to get things right the first time, even if it takes a few tries.

312



POST OFFICE BOX 402
SAN JOSE, CALIFORNIA 95103-0402
PRESIDENT@SUSTAINABLETRAILSCOALITION.ORG
(408) 204-3816

December 10, 2021

Subcommittee on Public Lands, Forests, and Mining
United States Senate
Washington, D.C. 20510

Re: S. 1222 and S. 3264; subcommittee hearing of December 2, 2021

Dear Senators:

STC is a nonprofit, grass-roots organization with tens of thousands of followers on social media. We work to restore National Forest, Bureau of Land Management, and National Park staff discretion to allow mountain biking in Wilderness, and elsewhere where it is also prohibited, on a case-by-case basis.

S. 1222 (the Bonneville Shoreline Trail bill)

S. 1222 would swap 19 tiny Wilderness plots, comprising 326.27 acres, that abut the Salt Lake County, Utah, urban area for 326.27 acres of newly designated Wilderness land in the nearby backcountry.

The bill would thus allow completion of the Bonneville Shoreline Trail as a route open to all human-powered travelers, including mountain bikers.

STC endorses this sensible legislation.

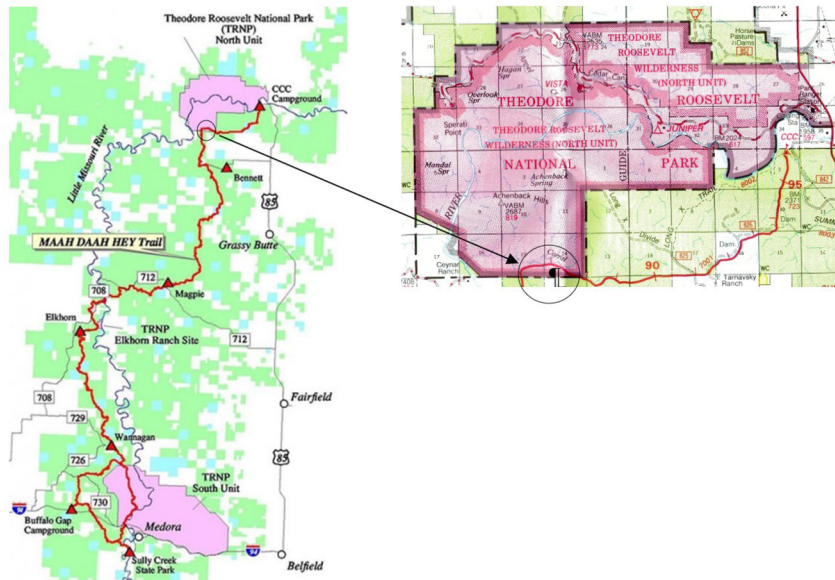
Senate Subcommittee on Public Lands, Forests, and Mining
 Hearing of December 2, 2021 (S. 1222 and S. 3264)

S. 3264 (the long-distance bicycle trails bill)

S. 3264 could allow for a reroute around the north unit of Theodore Roosevelt National Park in western North Dakota so that mountain bikers can ride the whole Maah Daah Hey Trail (MDH).

At 144 miles, the MDH is the longest physically uninterrupted singletrack (i.e., narrow) natural dirt trail in the United States on federal land. It is, however, artificially interrupted for mountain bikers.

S. 3264 might encourage the Forest Service and Interior Department to reroute a tiny piece of the MDH that runs along the boundary of Theodore Roosevelt National Park's north unit onto Forest Service land to the south. This would complete the MDH as a bicycle-accessible trail. Currently, because of National Park Service regulations that limit or prohibit mountain biking, mountain bikers must detour tens of miles out of the way, onto dangerous U.S. Highway 85 and a succession of dusty dirt roads to rejoin the MDH south of the Theodore Roosevelt National Park cutout.



At the hearing, the Forest Service testified that S. 3264 is unnecessary because the Forest Service (and presumably also the Interior Department) can do such things without a new law. "USDA

*Senate Subcommittee on Public Lands, Forests, and Mining
Hearing of December 2, 2021 (S. 1222 and S. 3264)*

supports the goal of S. 3264 to identify and promote long-distance biking opportunities on National Forest System lands. However, we do not believe legislation is necessary. Consistent with its multiple-use mission, the Forest Service considers mountain biking in the context of all possible types of trail uses on National Forest System trails.” Presumably the DOI shares that view.

STC would be pleased to work with the Forest Service and Interior Department, along with such local stakeholders as the Experience Land organization whose volunteers [maintain](#) the MDH, to reroute the small portion of the MDH in Theodore Roosevelt National Park, so that the trail is a thoroughfare for mountain biking.

We thank the subcommittee for including our views in the record and taking the time to consider them.

Respectfully submitted,



Ted Stroll
STC board president

cc: The Hon. Mike Lee
The Hon. John Curtis
The Hon. Tom McClintock
Mr. Christopher French, USDA Forest Service

From: [Tim Thomas](#)
To: [forthecord \(Energy\)](#)
Subject: RE: S1874
Date: Tuesday, December 7, 2021 12:00:19 PM

I would like to comment on S1874 the Recreation Not Red Tape bill sponsored by Senator Ron Wyden of Oregon. The following provision in the bill is of concern to me to the extent that it's inclusion, and the lack of co-sponsors of this bill, would have me urge you to not support this legislation in committee. To wit, S1874 states "establish categorical exclusions from environmental review requirements for special recreation permits if it would reduce processing times or costs without significantly affecting the human environment". Weakening or excluding NEPA review of a special permit does not serve the public lands user moving forward as public use of Federal lands changes as we know. Additionally, the SOAR act legislation will help address most of this bills concerns.

On both of these bills, S1665 and S1874, my other concerns I hope the committee addresses is the user fee that the Federal land management agencies can collect from commercial interests using public lands. The current 3% is in my opinion too low, and moving forward with more use of public lands being experienced, a low fee should not be locked in, but rather be based on permit demand and number of permits issued in the recent past.

Lastly, I would hope the committee would consider if either of these bills increase the commercial use of public lands without considering private use of the same permitted areas. There is a much greater demand for public lands permits from the private sector in the past 10+ years due to improvement in gear, access, and the publics' interest in DIY recreation.

Sincerely, Tim T.

Tim Thomas 658 E. 5th Avenue, Durango, CO 81301 USA (970)259-7179
thomas_t61@hotmail.com

16 December 2021

The Senate Committee on Energy and Natural Resources

Mr. Chairman Manchin, Mr. Ranking Member Barrasso, Honorable Members of the Committee,

We are John and Cindy Thomas residing at 321 Quail Drive, Grand Junction, CO 81507. We have been recreating on Public Lands in the Rocky Mountain West for forty five to fifty years without using guided services (please see short timeline at the end). We are still actively recreating on Public Lands in our mid-seventies. We see first-hand that recreation use is growing exponentially and while there is certainly a place for tour operators on Public Lands we don't want to see Public Access be diminished in favor of for-profit companies. In this spirit we offer the following comments.

We wish to offer specific comments on SB 1229 The SOAR Act, currently under consideration by the Committee.

The intention of this act as we read it is to carve out an ever larger slice of Public Lands use for Recreation Providers, i.e., companies that offer guided services and equipment to paying customers, while doing nothing to increase or guarantee access to Public Lands for individuals who choose not to, or can't afford to, hire a tour operator. By prioritizing Recreation Providers this bill discriminates against the following groups of Public Land Recreationists: young adults beginning their earning years and unable to afford to pay for tours, the many families with children who cant afford to pay, people of lower income for which Public Lands are on of the few recreation opportunities left open to them, and folks with a spirit of independence and adventure willing to invest in equipment and the time necessary to learn the skills needed to engage in Public Lands recreation on their own.

Public Land use has increased exponentially since the advent of covid. The National Parks, Forest Service, and BLM are struggling as it is to prevent overcrowding and trampling of our lands. By requiring these agencies to issue more long-term permits, crowding and degradation of our Public Lands is assured for years to come. So, who are the losers here? It is quite obvious, since Section 4 of this Act prevents the Agencies from considering the environmental impacts of Tour Operators on Public Lands, the only group the Agencies can regulate is use by the non-paying Public. This Act serves to pick Recreation Service Providers as the Winners and the General Public Recreationists as the Losers. Unfortunately...

Section 4 of this Act specifically prohibits The Secretaries of the Interior and Agriculture from conducting the needs assessments required by NEPA before issuing Special Use Permits. This section ensures that there is no Public Voice in protecting the environmental quality of our Public Lands, nor a Voice in ensuring that the general Public will get a reasonably fair share of access to Public Lands, leaving only the voices of the lobbyists for the tour operators to shape Public Lands Policy. This "end run" around NEPA sets a very dangerous precedent. If NEPA can

be so easily neutralized for one special interest group there will be a flood of other groups demanding the same preferential treatment. The result is a bagful of Christmas goodies for special interests while the General Public Recreationist is left with little to no access to crowded, trampled lands. I urge the Committee to rethink its support of this Act and vote not to send it to the full Senate for consideration. However, if the Committee feels it must support this Act, we strongly urge the removal of Section 4 in its entirety.

Respectfully,

John and Cindy Thomas
Juano46ingj@gmail.com

Backpackers since 1972
Backcountry Skiers since 1972
Rock Climbers/Mountaineers since 1976
Private Party River Runners since 1978
Canyoneering since 1978
Flyfisher (John) since 1954- Thank You Dad!

16 December 2021

The Senate Committee on Energy and Natural Resources

Mr. Chairman Manchin, Mr. Ranking Member Barrasso, Honorable Members of the Committee,

We are John and Cindy Thomas residing at 321 Quail Drive, Grand Junction, CO 81507. We have been recreating on Public Lands in the Rocky Mountain West for forty five to fifty years without using guided services (please see short timeline at the end). We are still actively recreating on Public Lands in our mid-seventies. We see first-hand that recreation use is growing exponentially and while there is certainly a place for tour operators on Public Lands, we don't want to see Public Access be diminished in favor of for-profit companies. In this spirit we offer the following comments.

We have read the Act and wish to offer specific comments on SB 1874 The Recreation not Red Tape Act, currently under consideration by the Committee.

Regarding Section 3. The Sense of Congress. We are disappointed to read that it is *only* the Outdoor Industry that this bill is interested in supporting. It would more fitting for the Sense of Congress to recognize that The General Public non-paying user plays a vital role in recreation on Public Lands and contribute their very large share to the economic and other benefits noted in Section 3. The rest of the Act makes it very clear that the needs of individual non-paying recreationists are not worth consideration. This discriminates against and reduces access for those who cannot, or choose not, to pay for guided services.

The Title I and the rest of the Act enumerate just how thoroughly this favoritism will be implemented. It does this by requiring the Secretaries of Interior and Agriculture and their respective Public Land Agencies to issue as many Special Use Permits as possible. It further ensures that once issued these permits become long-term and renewable.

The Act also requires the Secretaries to come up with Categorical Exclusions to NEPA as well as look for opportunities to use the Extraordinary Circumstances clauses in Title 36 of the Federal Code of Regulations to subvert NEPA and the Public's voice. We respectfully argue that the purpose of this bill as cited in the preamble does not meet the high bar that should be required to do an "end run" around NEPA. NEPA as applied by Federal Land Management Agencies is the reason we have the quality of public lands that we have. These agencies have done a darn good job of preserving the quality of Public Lands for a long time. They need to keep at it in order pass on to future generations the quality of lands that we all have experienced. Please don't rewrite environmental policy in this way, for this purpose.

We ask the Members not to support this bill because it sacrifices Public Recreation in favor of a special interest group and it takes away Public input by neutralizing NEPA. But if you do want to support the goal of this bill, for goodness sake, strike the sections that handcuff the

Secretaries from applying NEPA to the issuance of these permits, thereby silencing our voice in Public Land Policy.

Respectfully submitted,

John and Cindy Thomas
Juano46ingi@gmail.com

Backpackers since 1972
Backcountry Skiers since 1972
Rock Climbers/Mountaineers since 1976
Private Party River Runners since 1978
Canyoneering since 1978
Flyfisher (John) since 1954- Thank You Dad!

From: [Phil Triolo](#)
To: [fortherecord \(Energy\)](#)
Subject: S. 1229 and S. 1874
Date: Saturday, December 18, 2021 7:58:20 PM

Dear Sir or Madam:

I am writing to provide comments on Senate Bills S. 1229 and S. 1874.

My name is Phil Triolo, and I reside at
 86 Skycrest Lane
 Salt Lake City, UT 84108
 801 699 9846; philt.philt@gmail.com

Both of these bills should be removed from consideration as quickly as possible. Neither serves to promote public access of public lands, but rather gives the rights of public access to private individuals and companies, which can then charge the public to access what is theirs to begin with.

I have been a private, do-it-yourself boater (rafter, kayaker, canoer) since 1978. I have had the privilege and opportunity to recreate on public lands, both permitted and unpermitted. I have volunteered for not-for-profit river companies (SPLORE) and am aware of the services provided by commercial operations. I am one of a multitude of individuals who recreate on public lands using our own equipment who rely on our own expertise, teamwork, understanding of risks and benefits, medical expertise, and good sense to safely and enjoyably navigate public waterways and adjacent lands.

There are many of us "private" boaters, and our numbers are growing astronomically with the understanding that we are relatively safe from Covid infection in the outdoors. Or, our numbers grow because we are priced-out of commercial operations that charge upwards of \$500 a day to be guided down the Grand Canyon, and so chose to do-it-ourselves for under \$100 per day, for example. Regardless of the reasons- the number applicants applying for permits to run rivers through Forest Service, BLM, National Park, and other public lands has increased dramatically the last several years. There is a huge demand for private permits to run permitted rivers, and the demand is only increasing. These numbers justify increasing public access to public lands by the do-it-yourself public at the expense of current commercial permit holders; not the opposites, as is proposed in the legislation.

This is the reason that it is perplexing why congress would even consider granting more commercial access to public lands, especially at the expense of private users, as is documented in S. 1229 and S. 1874. What is needed is a guarantee of access of private individuals to public lands, without the need to pay a commercial outfitter for this access. So, these bills should not, and must not allow any increase in commercial access to and use of public lands. And, if there is a need for any bills, or if these bills can be modified, they should reduce commercial use and guarantee PUBLIC Access to PUBLIC lands.

Particularly troubling, if not downright insulting to the citizens of the US who are not commercial guides or outfitters, is the categorical exclusion of outfitters and guides from the National Environmental Policy (NEPA) Act, as well as any reduction in the application of NEPA requirements to outfitters or guides or other commercial operations on public lands. A NEPA Needs Assessment must be required for all Special Use Permits, and must consider resource protections that address the use of public lands that must address the number of outfitters and their clients that will access the lands, and limit these numbers to current levels. Any lessening of NEPA requirements reduces the public's ability to comment on its asset- our public lands- is not acceptable, and must be stricken from the language of the bills.

I thank you for your consideration, noting that a 2-week comment period was not sufficient to allow adequate time for the public to comment on S. 1229 and S. 1874, and I trust that my comments will be accepted.

Best,

Phil Triolo PhD RAC
 Sr. Consultant and Owner
 Phil Triolo and Associates LC
 Salt Lake City UT 1 801 699 9846
www.philt.com

"When there simply aren't enough hours in a day, drop a few balls, accept it, take an evening on the couch with those you love, and then start again."

From: [Nik Mcconn](#)
To: [forthecord \(Energy\)](#)
Subject: S. 1229 and S. 1874 Dec. 2, 2021 Energy and National Resources Hearing Committee
Date: Monday, December 6, 2021 2:30:07 PM

As per NEPA 1508.14, "Human environment shall be interpreted comprehensibly to include the natural and physical environment and the relation people have with that environment."

The Bills introduced work to prevent the average, middle or lower income citizens access to our public lands and this environment due to their favoritism towards commercial outfitters with the exorbitant fees they charge.

I realize that commercial outfitting provides an opportunity for folks who are not capable of experiencing these environments on their own, however, this favoritism also negatively affects who are capable of experiencing the same on their own.

The two bills reserve zero access to those of us who wish to experience the glories of our public lands on our own with our families and friends. These experiences are of tremendous value to families who love to experience the natural wonders we pay taxes to support without the need and expense of paying an outfitter. The family bonding and lessons learned by the need to work together on an outdoor adventure are invaluable.

The language "The secretary concerned shall not conduct a needs analysis as a condition of issuing a special recreation permit for public land under this act" means that the Agency may not evaluate if a permit is actually needed or warranted. It simply gives away access to those who choose to utilize outfitters and "takes" from those of us who choose not to. This is indeed a "taking" as described in NEPA and requires an Environmental Impact Study to be conducted.

Both Bills cap fees returned to the government for these programs at three percent while the current policy has three percent as the minimum. This is a give-away and places an extra economic burden on the American tax payer to make up the difference.

The economic impact that businesses that rent boating equipment and sell meal packages to private, do-it-yourself recreational river floaters, must also be addressed.

A two week comment period and the extraordinary elimination of full environmental reviews are outrageous. You can do better by us average citizens.

Tim Trotter
PO Box 1444
Hamilton Montana 59840

E-mail: timandnik@msn.com
Phone: 406-363-1034

Daniel Turner
1352 Village Drive
Ogden Utah 84408

December 2, 2021

The Honorable Joe Manchin
Chair
Senate Energy and Natural Resources
Committee
U.S. Senate
304 Dirksen Senate Building

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

RE: S. 1229, Simplifying Outdoor Access for Recreation Act or "SOAR Act"

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

Please accept the following comments for inclusion in the public record regarding the Full Committee Hearing to Consider Legislation held in Room 366 of the Dirksen Senate Office Building on December 2, 2021. My comments are regarding S. 1229, the Simplifying Outdoor Access for Recreation Act (SOAR Act).

My name is Daniel Turner and I am the director of Campus Recreation at Weber State University where I guide and instruct Outdoor Recreation including rock climbing, kayaking, Rafting, Biking, and Skiing in Utah, Idaho, and Wyoming. My ability to provide outdoor experiences for the public is 100% dependent upon permits that are issued by the federal land agencies. Unfortunately, the permitting process is very complex and many agency offices are unable to issue permits, or it takes them a very long time to issue the permit. This is preventing the public from accessing public lands and it is limiting my opportunities to work as a guide and Outdoor Professional. Collages and Universities serve hundreds of thousands of youth and are held to ridiculous standards above that of even commercial guide services. We have been designated as commercial guides yet treated completely different in most cases. The Simplifying Outdoor Access for Recreation Act (SOAR Act) will address these problems. Please support the SOAR Act to help modernize the permitting system and enhance opportunities for the public to experience America's public lands"]

Sincerely,



Daniel Turner

From: [Gini Van Siclen](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Thursday, December 2, 2021 6:15:48 PM

Dear Senators:

I am opposed to S. 1229 and S. 1987. We recreate on federal public lands. These bills set up a system whereby the permits go to commercial outfitters, and will largely prohibit individuals and families from getting the permits for do-it-yourself trips.

I am not opposed to outfitters--I use them sometimes myself! But they shouldn't get all the permits!

I am also really worried about how these bills bypass the NEPA process. Use on federal public land has skyrocketed. These lands provide critical wildlife habitat, solitude, etc. Overuse will damage them beyond repair.

These bills should require a NEPA Needs Assessment for any new special use permit and should consider protection of these special resources and volume of use allowed.

I also understand that these bills assign additional use capacity to private companies, not to private individuals. Not fair! There should be a mix of assignments.

These bills also reduce funding for maintenance and care of public lands with the limitations created for how the commercial permit money can be used. Our public lands already don't get enough money for maintenance--don't reduce it further please!

I am really concerned that these bills will squeeze out the do-it-yourself recreationists, and that they will result in significant overuse and consequent environmental and resource damage that can't easily be repaired.

Please do not support these bills, S. 1229 and S. 1987.

Gini Van Siclen
1435 W 8750 N
Tetonia, ID 83452
208-390-1573
ginivans@gmail.com

From: [Carol Volk](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021 Energy and Natural Resources Hearing Comments
Date: Thursday, December 2, 2021 8:37:48 PM

My comments on S1229 and S1874:

I am a lifetime PRIVATE kayaker/rafter of our wild rivers. It is obvious at this time that Commercial river-running interests already dominate the river scene. These bills would only accentuate the discrepancy that already exists, in that private boaters already get the short end of the stick for permits on our rivers. The big commercial trips with an obscene number of paying customers have a negative effect on the health of our rivers, and on the peace of our rivers. Do not extend their dominance with passage of these bills!

Thank you for your work!

Carol Volk, DVM
207 Southview Drive
Port Angeles WA 98363
360-928-9509

From: [Phil Weisbach](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Tuesday, December 7, 2021 11:23:13 AM

Dear Senators –

My name is Philip Weisbach and I live at 4655 Hampshire Street in Boulder, CO. I am writing to provide my feedback on **Senate Bills 1229 and 1874** currently being considered.

My group of close friends and I have been rafting the rivers of Colorado, Utah, New Mexico, Oregon, Idaho, and Arizona as private, non-commercial users since 1970. Most of those trips are on federal lands. We also have hiked, Jeeped, camped and backpacked into the federal lands and National Parks in those states as well, also as private, non-commercial groups. When we started doing these trips, no permits were needed on most of these special places. Now competition for the very limited number of permits – both public and private - is fierce. It is almost impossible to get a private, non-commercial rafting permit though the river lotteries on federal lands. And backcountry use permits on federal lands equally difficult to secure.

In my reading of these bills, a major outcome of these bills means the current level of private use of federal lands - already extremely limited - will be further reduced and will be even more limited in the future in order to provide more access to commercial, for-profit outfitters. This is unacceptable, and as a result I respectfully but strongly oppose both of these bills. In my view, both of these bills are special interest legislation cynically presented to provide more access to commercial, for-profit outfitters at the expense of private, non-profit citizen access.

More specifically, I present the following points:

1. **Senate bills 1229 and 1874** must include safeguards to protect private, non-profit do-it-yourself recreational access to federal lands free of the use of private tour companies.
2. These bills are special interest bills sponsored by for-profit, commercial outfitters to provide more access to federally managed lands and rivers at the expense of other user's interests, that do not allow federal agencies fully evaluate the impacts to the public lands, nor to recover the full costs of those permits, and excludes the ability of the public to comment on the actual need for those permits as written.
3. Outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made. Public comments on any such permits must be allowed.
4. These bills **must** require an appropriate level of NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding non-commercial use.

5. Removing the appropriate NEPA evaluation tool removes protections to federal lands and removes private citizen voices from the management of your federal lands.

6. The language in Senate Bills 1229 and 1874 **must not** assign additional use capacity to private tour companies. As written, these bills give away my, my friends, and my family's access to federal lands.

Please do not support these bills unless the safeguards I mention above are included in these bills.

Again, my fundamental point and feedback is: **Please oppose either/both of these bills if they will in any way further reduce and/or will result in even more limited access to private non-commercial citizen's access to federal lands in the future in order to provide more access to commercial, for-profit outfitters! This is unacceptable, and as a result I respectfully - but strongly - request that without the modifications above, you oppose both of these bills.**

From: [Michael Wellborn](#)
To: [fortherecord \(Energy\)](#)
Cc: [senator@feinstein.senate.gov](#); [senator@padilla.senate.gov](#); [senator@kelly.senate.gov](#); [TO_Senator \(Sanders\)](#); [senator@wyden.senate.gov](#); [Heinrich, Senator \(Heinrich\)](#)
Subject: Comment Letter on S. 1229 and S. 1874
Date: Monday, December 13, 2021 5:29:13 PM
Attachments: [fnLi6JMIMCO0IRIe.png](#)

The Honorable Joe Manchin III, Chairman
Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

RE: Opposition to S. 1229 & S. 1874

Dear Chairman Manchin:

I am a retiree and I enjoy frequent recreation on federal lands in the western U.S. without guided and outfitted services with my family and friends. Federal land recreation is more and more popular, and getting access permits is more competitive than ever.

I have recently become aware of S. 1229 and S. 1874 and do not support these bills that give away federal land access to for-profit companies. The costs to hire these companies is often three times the amount that I typically pay for a four-day float trip on the San Juan River in southern Utah. Yet these bills would drastically reduce the availability of access permits for do-it-yourself adventurers.

I urge the Committee to revise S. 1229 and S. 1874 to include safeguards to protect do-it-yourself recreational access to federal lands.

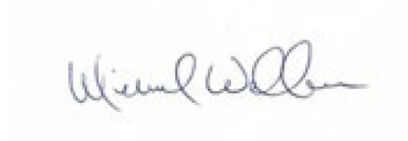
In addition, outfitting and guiding commercial services on federal lands should not have categorical exclusion protections from the National Environmental Policy Act (NEPA). The level of NEPA utilized should fit the nature and scale of the decision that is being evaluated.

These bills should require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and forecasts for expanding non-commercial use. Removing this NEPA tool removes protections to federal lands and reduces my ability to participate in the management of our federal lands.

Finally, S. 1229 and S. 1874 should not assign additional use capacities to private tour companies. Those allocations should remain for those of us "do-it-yourself adventurers" who gratefully enjoy the wonderful experiences in our federal lands with our families and friends at a reasonable cost.

Thank you for the opportunity to comment on these bills

Sincerely,

A handwritten signature in blue ink that reads "Michael Wellborn". The signature is written in a cursive style with a large initial "M".

Michael Wellborn
9840 La Amapola Avenue
Fountain Valley, CA 92708

C: Senators Wyden, Sanders, Kelly, Feinstein & Padilla



December 1, 2021

The Honorable Joe Manchin III
Chairman
Senate Committee on Energy and Natural
Resources
United States Senate
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy and Natural
Resources
United States Senate
Washington, DC 20510

Dear Chairman Manchin, Ranking Member Barrasso, and Members of the Senate Committee on Energy and Natural Resources:

On behalf of our more than one million members and supporters, The Wilderness Society (TWS) writes to express views on the bills being considered by the Senate Committee on Energy and Natural Resources on December 2, 2021. We respectfully request that this letter be included in the hearing record.

S. 1229, Simplifying Outdoor Access for Recreation Act

TWS strongly supports S. 1229, the Simplifying Outdoor Access for Recreation (SOAR) Act sponsored by Senator Heinrich and Senator Capito. We joined the testimony on the SOAR Act submitted by the Coalition for Outdoor Access. As that testimony states, we support efforts to do the following:

- Increase recreational access by directing the agencies to improve the process for issuing recreational outfitters and guides.
- Increase flexibility for outfitters, guides, and other outdoor leaders by allowing them to engage in activities that are substantially similar to the activity specified in their permit.
- Improve system transparency by directing agencies to notify the public when new recreation permits are available and requiring the agencies to provide timely responses to permit applicants.
- Simplify the permitting process for trips involving multiple agencies by authorizing the agencies to issue a single joint permit covering the lands of multiple agencies.
- Simplify fee collection and reduce costs by standardizing fee calculation methods and establishing a 50-hour cost recovery exemption for permit processing.
- Help control liability insurance costs for permit holders by allowing them to use liability release forms with their clients.
- Reduce barriers to access for state universities, city recreation departments, and school districts by waiving the permit indemnification requirement for entities that are prohibited from providing indemnification under state law.

For these reasons, we urge the committee to support the SOAR Act.

S. 1269, Environmental Justice in Recreation Permitting Act

TWS strongly supports S. 1269, the Environmental Justice in Recreation Permitting Act, sponsored by Senator Cortez Masto. This bill will direct the Secretaries of Interior and Agriculture to produce a report on whether the recreational permitting systems of the federal land management agencies adequately serve environmental justice communities, including the identification of barriers and recommendations for improvements. The bill aims to make public lands more accessible to low-income communities, communities of color, and Indigenous communities. Additionally, it aims to improve access to clean air and lands for communities experiencing negative human health or environmental effects. For these reasons, we support S. 1269 and urge the committee to advance it.

S. 1616, Federal Interior Land Media Act

TWS supports the goals of the Federal Interior Land Media (FILM) Act but believes it needs to be modified in two ways.

First, the amendments made by the FILM Act to 54 U.S.C. 100905 and 16 U.S.C. 4601-6d would create internal inconsistencies in those sections of the U.S. Code that would leave ambiguity as to when a permit could be required. Subsections (a) of both sections state that the Secretaries “shall require a permit and shall establish a reasonable fee” for commercial filming or similar projects on a system unit or on land administered by the Secretary. The FILM Act would insert subsection (d) in both sections saying that the Secretary “shall not require a permit or assess a fee” for commercial or non-commercial content creation, including digital or analog video or recording activity. The problem is that the FILM Act inserts subsection (d) without modifying the broad mandate in subsection (a). This makes these two sections of the code internally inconsistent and will result in confusion in the agency implementation process.

In addition, the terms of the FILM Act need to be modified to reduce the likelihood that film crews operating without permits will have an adverse impact on public lands or on the experiences of other public lands users. The FILM Act would allow a film crew of ten people to operate without a permit if other limitations and conditions are met. Ten people is a large enough crew that some resource impacts and visitor disruptions are likely to occur. Consequently, we think this number should be reduced. We believe the permit exemption should be limited to crews of five people or less.

S. 1874, Recreation Not Red Tape Act

TWS supports S. 1874, the Recreation Not Red Tape (RNRT) Act, sponsored by Senator Wyden and Senator Ernst. The bill would enhance recreation in public lands management decisions, which will improve outdoor recreation opportunities and help get more Americans recreating on public lands. The bill also recognizes the critical role the thriving outdoor recreation economy plays both nationally and in local and rural communities surrounding public lands destinations. For these reasons, we urge the committee to support the Recreation not Red Tape Act.

S. 2258, Parks, Jobs, and Equity Act

TWS supports S. 2258, the Parks, Jobs, and Equity Act, sponsored by Senator Hickenlooper and Senator Padilla. The bill would create a one-time, \$500 million investment in local parks to create jobs, improve local economies, and address park deficits in communities hit hardest by COVID-19. A significant investment of this size for local parks would restore communities by targeting locally prioritized park sites and begin to address inequities in access to nature by providing resources to ensure underserved communities have close-to-home parks across the nation. This would stimulate economic growth nationwide by creating over 8,000 new jobs, adding \$1.37 billion to local economies, and funding over 1,000 new or updated local parks. The bill would also promote community health and climate resilience, as local parks reduce flooding, absorb air pollution, and filter stormwater to keep rivers and lakes cleaner. Green, shady parks also protect people from rising temperatures and can reduce the deadly “urban heat island effect” by as much as seven degrees. Additionally, S.2258 would increase access to the outdoors for the one in three people nationwide who do not live within a half-mile of a quality local park. For these reasons, TWS supports the Parks, Jobs, and Equity Act and urges the committee to advance the bill.

S. 2887, Outdoors for All Act

TWS supports S. 2887, the Outdoors for All Act, sponsored by Senator Padilla and Senator Collins. S. 2887 would codify and establish a dedicated source of funding for the Outdoor Recreation Legacy Partnership (ORLP), a program that increases access to outdoor recreation opportunities in cities across the country. The ORLP was established by Congress in 2014 and provides matching grants to cities of 50,000 or more people to facilitate the creation and

improvement of parks and outdoor recreation opportunities without spending taxpayer dollars. Despite only being funded four times since its inception, \$45 million in federal funds have supported 69 ORLP projects, while leveraging more than \$76 million in non-federal funds to improve close-to-home access to the outdoors.

S. 2887 aims to provide consistent funding for the ORLP so that cities across the country can rely on this program to support expanded outdoor play in areas with the greatest need. Additionally, the bill would lower the population threshold from 50,000 to 30,000, increasing eligible communities by more than 73%, and establish a waiver for the matching requirement to ensure that all eligible communities can compete for the program. With eligible cities in all 50 states, ORLP creates and improves state and locally-owned parks and other outdoor recreation areas, prioritizing grants in underserved communities. More than 80% of Americans live in urban areas, however, as cities grow, park spaces are not expanding. The ORLP can offer underserved communities an opportunity to increase outdoor access and enhance health, quality of life, and community togetherness. For these reasons, it is vital that the program be codified. TWS supports S.2887 in its goal of addressing outdoor recreation deficits with an effective partnership program and urges the committee to advance the bill.

S. 3266, Outdoor Recreation Act

The Outdoor Recreation Act of 2021 covers a wide range of recreation-related matters. Because this bill was recently introduced, we provide more extensive comments on it below.

Section 101

Section 101 would provide permit relief to outfitters, guides, and youth groups in certain contexts. This is a worthwhile goal. However, we think several changes should be made to make this section more balanced and easier to administer:

- As written, subsection (b) would require the agencies to allow excessive use of picnic areas by outfitters and guides without preserving agency discretion to manage for the public interest, and without including safeguards to prevent interference with public use. To address this issue, the 40-client limit should be modified to ensure that the use permitted under this subsection is truly de minimis use. This should be done by limiting the use to 40 “user days” in a calendar year. A user day (sometimes called a “service day” or “client day”) is the standard unit of measure employed by the agencies. One person at the picnic area for any portion of one day equals one service day. This would allow an outfitter to take a group of 40 people to a picnic area once a year, or groups of 20 people twice a year.
- Subsection (b) should be clarified to indicate that it is limited to developed picnic areas outside designated wilderness.
- Subsection (b) is limited to outfitters and guides. Subsection (c) is limited to youth groups. We think section 101 would be more balanced if both groups were included in both subsections. Youth groups are among the user groups most likely to benefit from subsection (b)’s exemption for the use of picnic areas. Similarly, the study required by subsection (c) will be more balanced and complete if outfitters and guides are included in the study.
- The study required by subsection (c) should focus on the creation of a de minimis use permit that would allow an outdoor leader access for a maximum of 40 service days per year on a specific unit of federal land that is open to the public without restrictions on access. The creation of such a permit would serve a significant public need. For that reason, examining the viability of a de minimis use permit will better equip the agencies to make decisions on ways to improve access to federal lands.

Section 102

We support section 102's goal of establishing recreation as a management priority. We also support the idea of directing the agencies to inventory the unique recreation values of an area and manage the area to protect those recreation values. This will help to maximize sustainable recreation opportunities on federal lands and waters.

However, we think section 102 could do more to make it clear that this planning and prioritization must be done consistently with all existing and applicable laws governing the management of federal public lands, including the Federal Land Policy Management Act and the National Forest Management Act, and with the planning regulations implementing those statutes. We urge the committee to modify section 102 to make this more explicit. We can provide additional technical recommendations on the language of this section as discussions of this bill continue.

Section 103

Section 103 would direct the Forest Service to issue guidance on the management of rock climbing in National Forest Wilderness areas. Subsection (c) would require the agency to provide public notice and an opportunity to comment on any significant management action relating to climbing. The notice and comment requirement in subsection (c) is very broadly written and should be narrowed to include only discretionary agency management actions that alter climbing routes in ways that could impact climber safety.

Furthermore, this section does not recognize that some agency management actions must be taken on an emergency basis, while other actions are required to protect wildlife or sacred sites. These actions should not be delayed for notice and comment. In these situations, section 103(c) should allow the Forest Service to implement management actions on an interim basis while notice and comment are completed.

Section 104

Section 104 would require the Secretaries of Agriculture and the Interior to establish at least one shooting range on each National Forest and Bureau of Land Management district. We have several concerns about this section.

First, this is an arbitrary requirement that fails to take into account the level of demand for shooting ranges in a particular area. Some National Forests and BLM units may have very little demand for shooting ranges. For example, in some states, federal land management agencies have assisted in the development of shooting ranges off federal land that adequately satisfies local demand. To now impose a requirement that the federal unit establish a shooting range is duplicative and unnecessary. Instead of imposing an arbitrary requirement of one range per National Forest or BLM unit, this section should direct the agencies to assess the need for additional shooting ranges and provide them with the resources required to respond to that need.

Second, this section prohibits the agencies from charging user fees without providing any additional funding for the construction, operation, and maintenance of these shooting ranges. Agencies would be forced to absorb these costs in their existing budgets. Instead of imposing this unfunded mandate, section 104's requirement to establish a minimum number of shooting ranges should be subject to the availability of appropriations.

Finally, we note that the John D. Dingell, Jr. Conservation, Management and Recreation Act, Public Law 116-9 (March 12, 2019), section 4104 (16 U.S.C. 7914), authorizes the agencies to establish shooting ranges on federal land in accordance with applicable law. This is a much more sensible approach to establishing shooting ranges than imposing an arbitrary one-per-unit requirement. We urge the Committee to withdraw the one-per-unit mandate and give the Dingell

Act time to have its intended effect. This will have the added benefit of ensuring that the development of shooting ranges is done in accordance with applicable law.

Section 204

We have significant concerns about section 204 relating to travel management.

We support the goal of subsection (a), which would direct the Secretaries to prioritize efforts to finalize travel management planning on Forest Service and Bureau of Land Management lands. This work should be a priority and should be completed as soon as possible in compliance with longstanding travel management laws and policies.

We oppose the procedures and standards for travel management planning set forth in section 204(b) of the bill because many of them are inconsistent or in conflict with the longstanding travel management policy. We also oppose the direction in subsection (c) to incorporate these flawed procedures and standards into the agencies' long-standing regulations.

Instead of rewriting decades of travel management policy, we would like to work with the committee to improve section 204 so that it is consistent with the well-established policy. This would recognize the work that has already been done in accordance with that policy and would provide the agencies with consistent guidance as they comply with the mandate to complete travel management planning as soon as possible.

Section 301

This section directs the Secretary of Agriculture to provide assistance to National Forest gateway communities. This is a worthwhile goal, but it is unclear why this section only applies to Forest Service gateway communities. We urge the committee to consider extending this to gateway communities adjacent to land managed by other agencies.

Section 303

Section 303 directs the agencies to work with outdoor businesses to better understand the effects of seasonal closures on outdoor recreation opportunities and local recreation businesses, and to examine whether the open period could be extended to allow for more recreation activity.

While we support recreation on public lands, this section implies that seasonal closures are unjustified and should be shortened or eliminated to promote the recreation economy. However, the reality is that these closures are often implemented for very good reasons. For example, seasonal closures are often implemented during shoulder seasons in the spring and fall when wildlife is most vulnerable to the impacts of human activity. Likewise, they are sometimes implemented to protect soils and vegetation during mud season, or to respect the cultural and subsistence practices of Native Americans.

Section 303 does not do enough to respect seasonal closures that are implemented for legitimate reasons. Instead, it seeks to extend the recreation season at all costs. We urge the committee to revise this section to include language respecting legitimate seasonal closures and preserve the ability of land managers to make closure decisions based on the needs of the resource.

Section 304

Section 304 directs the Secretaries to enter into agreements with private entities to provide capital improvements to campgrounds. We have two concerns about this section.

First, section 304 requires the Secretaries to enter into a minimum number of agreements within three years of the date of enactment. This is an arbitrary requirement that leaves the Secretaries no discretion to set minimum standards for contract acceptability. Instead, it could force the

Secretaries to accept bad proposals in order to enter into the required number of agreements. This section should be revised to allow the Secretaries to set minimum standards for acceptability.

Second, the need to draw private funding into the management of campgrounds on federal lands is a direct result of Congress' unwillingness to appropriate sufficient funding to the agencies to enable them to complete capital improvement and maintenance work themselves. We would prefer to see the agencies funded to do this work, rather than relying on private funding, which has the effect of privatizing public lands in small increments. We oppose this incremental privatization of public lands, and urge Congress to appropriate the funding required to make this privatization unnecessary.

Thank you for considering our views.

Sincerely,

A handwritten signature in cursive script that reads "Drew McConville".

Drew McConville
Senior Managing Director, Government Relations
The Wilderness Society



December 4, 2021

Then Honorable Joe Manchin, Chairman
Senate Committee on Energy and Natural
Resources
306 Hart Senate Office Building
Washington, DC 20510

The Honorable John Barrasso, Ranking Member
Senate Committee on Energy and Natural
Resources
307 Dirksen Senate Office Building
Washington, DC 20510

Re: Wild Sheep Foundation Support for the CAPE Act (S. 2886)

Dear Chairman Manchin and Ranking Member Barrasso:

The Wild Sheep Foundation (WSF) writes in support of the Cape and Antler Preservation Enhancement Act (CAPE Act) to ensure that even under a depopulation management action, no part of an animal will go to waste.

Active management to protect and conserve native species and herds is critical to reducing the potential for local extinction of a native sheep herds. The CAPE Act would authorize the donation of hides, horns, and antlers from wildlife management activities on National Park System land of non-native species.

Non-native species potentially threaten entire populations of sheep herds. Removal or reduction of non-native species to conserve larger native populations requires a coordinated effort and engagement of qualified volunteers. WSF applauds the fact that this bill would give priority consideration to those qualified volunteers that participate in these crucial wildlife management activities.

The bill is timely considering the current removal of Rocky Mountain goats in some parts of Wyoming. The goats are a non-native, introduced species to these regions and pose a disease transfer risk to native bighorn sheep. As part of this management action, the Wyoming Game and Fish Department and the National Park Service (NPS) are using sportsmen and women as qualified volunteers to carry out removal of mountain goats.

Wild sheep dwindled to historical lows in North America in the 1950s and '60s. As WSF restores wild sheep populations and their habitats to effective management and accessibility, we rely on volunteers to help manage sheep populations, they should be allowed to retain the horns and capes, as well as the meat from animals taken. It is our ethos as sportsmen and women to utilize every part of the game we harvest; S. 2886 is a helpful improvement.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gray N. Thornton".

Gray N. Thornton
President & CEO



December 4, 2021

Then Honorable Joe Manchin, Chairman
Senate Committee on Energy and Natural
Resources
306 Hart Senate Office Building
Washington, DC 20510

The Honorable John Barrasso, Ranking Member
Senate Committee on Energy and Natural
Resources
307 Dirksen Senate Office Building
Washington, DC 20510

Re: Wild Sheep Foundation Support for the FILM Act (S. 1616)

Dear Chairman Manchin and Ranking Member Barrasso:

The Wild Sheep Foundation (WSF) writes in support of the Federal Interior Land Media Act (FILM Act) to modernize film permitting process on public lands.

Public lands should be accessible to everyone. The FILM Act removes complex regulations on public lands which hinder nonprofit conservation organizations, including the WSF, from promoting their conservation missions. On our mission to restore wild sheep populations and habitats, we use film to educate and inspire. The people that produce these works are no larger and no more a presence on public lands than are other Americans visiting public lands for other purposes.

Film videographers operating on public lands currently face complex and inconsistent permitting requirements. These rules are serving no public purpose regarding small film crews and yet cost the government time and money. Regulations differ across the U.S. Forest Service, Bureau of Land Management, National Park Service, and U.S. Fish & Wildlife Service. WSF supports the FILM Act to allow federal agencies to use their financial resources to manage public lands and wildlife more appropriately. We urge the Senate Energy and Natural Resources Committee to send this important legislation to the full Senate for a vote.

Wild sheep dwindled to historical lows in North America in the 1950s and '60s. As WSF restores wild sheep populations and their habitats to effective management and accessibility, we rely on outdoor films to promote the values of public lands. For us and other conservationists, S. 1616 is a helpful improvement.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gray N. Thornton".

Gray N. Thornton
President & CEO

From: [Irena Wilder](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Saturday, December 4, 2021 3:09:11 PM

Dear Committee,

My family and I recreate on federal lands without guided and outfitted services and I am aware that federal land recreation is skyrocketing, and getting permits is harder and harder.

I am aware of the proposed legislation S. 1229 and S. 1874 and I do not support these bills that give away my and my family's federal land access to for-profit companies. These proposed bills, S. 1229 and S. 1874, must include safeguards to protect do-it-yourself recreational access to federal lands free of the use of private tour companies. Language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies. In doing so, you are giving away my family's access to federal lands for recreational purposes.

It is my opinion that outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made. These bills must require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management of our federal lands.

Thank you for your attention to my concerns regarding this proposed legislation.

--

Irena Wilder
7100 County Road 111, Salida, CO 81201
719-530-1070

From: Trisha Wookey <trisha@wookey.net>
Sent: Thursday, December 16, 2021 6:52 PM
To: fortherecord (Energy) <fortherecord_@energy.senate.gov>
Subject: S. 1229 and S. 1874

Hello Energy and Natural Resources Committee,

I am writing in regards to decisions being made on S. 1229 and S.1874. I am a "do it yourself recreational taxpaying citizen of the USA. Me and my type of people are capable outdoors people and when ever possible we prefer to venture into the outdoors with out the help of guide companies. Guide companies have their place but for people like myself we enjoy our adventures best with our own posse.

If the notice I received about the decisions being made about permits to our federal lands is correct than I would like you to consider that there are alot of responsible taxpaying citizens that should not be restricted access to those land and we should have the same access to permits as profit making guiding outfits.

I understand that there are alot of ignorant people who do not respect the outdoors, like they should, but I think that once someone has received a permit to access a public land or river, there are some simple requirements that can be put in place to make sure people follow the rules.

Please consider:

- We "do it yourself" recreationist already have a hard time getting permits that are issued. You should not be giving away federal access to for profit companies. They should get in line with the rest of us.
- Please make sure that S. 1229 and S. 1874 include safeguards to protect do-it-yourself recreational from being forced to use private tour companies when we want to access private lands. You can fine us and kick us out of the system if we break the rules but please do not make us use a tour company!
- EVERYONE SHOULD FOLLOW THE SAME RULES- outfitting and guiding on federal land should not have categorical exclusion protection from the National Environmental Policy Act (NEPA) and that the level of NEPA used should fit the nature and scale of the decision to be made.
- These bills should require a NEPA Needs Assessment for every new Special Use Permit and must consider resource protection, how many private tour companies will be allowed, how much use they will get, where will their use be, and what are the forecasts for expanding noncommercial use. Removing this tool removes protections to federal lands and removes my voice from the management of your federal lands.
- TOUR COMPANIES AND THE REST OF US TAX PAYING RECREATIONIST SHOULD HAVE EQUAL ACCESS: language in S. 1229 and S. 1874 must not assign additional use capacity to private tour companies.

Please make sure that all of us tax paying citizens, not just companies lobbying for special treatment, have fare access to our public lands.

Trisha Wookey
Wookey Design Studio
406-551-2000
4979 Durston Rd.
Bozeman, MT 59718 USA
www.wookey.net



From: [DEREK or KAREN WRIGHT](#)
To: [fortherecord \(Energy\)](#)
Subject: December 2, 2021, Energy and Natural Resources Hearing Comments
Date: Saturday, December 11, 2021 4:20:55 PM

I am writing in opposition to S. 1229 and S.1874. I am a frequent user of federal and public lands which I access on my own without guides or outfitters, which fits my limited budget. I understand that there is increasing demand for access to many of these areas and that competition for permits is becoming more intense. I urge you to oppose those bills that will further limit my own access and the access by the general public to our own public lands for those of us that cannot afford guides and outfitters. Our public lands should not give priority access to the well off. I count on you to protect our rights and not give expanded commercial opportunities to private companies at the expense of those rights. Commercial guided trips and outfitters already have access to permits that vastly exceed the opportunities given to the rest of us. Please do not make it worse.

In addition, any decisions to change current policies should not be excluded from the National Environmental Policy Act. We must retain safeguards to protect our public lands from unnecessary degradation. We owe it to ourselves and to future generations. Do not even consider giving this away.

My rights and voice must count at least as much as business interests.

Thank you in advance for your help in protecting my rights and access to public lands.

Sincerely,
Derek R Wright
145 Fieldstream Ln
Idaho Falls, ID 83404
cell: 208-680-4465