MODERNIZING ACCESS TO OUR PUBLIC LAND ACT

February 28, 2022.—Ordered to be printed

Mr. MANCHIN, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 904]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 904), to require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to digitize and make publicly available geographic information system mapping data relating to public access to Federal land and waters for outdoor recreation, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Modernizing Access to Our Public Land Act”.

SEC. 2. DEFINITIONS.
In this Act:
(1) FEDERAL LAND.—The term “Federal land” means any land managed by a Federal land management agency.
(2) FEDERAL LAND MANAGEMENT AGENCY.—The term “Federal land management agency” means—
(A) the Bureau of Reclamation;
(B) the National Park Service;
(C) the Bureau of Land Management;
(D) the United States Fish and Wildlife Service;
(E) the Forest Service; and
(F) the Corps of Engineers.
(3) ROAD OR TRAIL.—The term “road or trail” means a road or trail designated by 1 or more of the Secretaries for public use.
(4) SECRETARIES.—The term “Secretaries” means—
(A) the Secretary of Agriculture, acting through the Chief of the Forest Service;
(B) the Secretary of the Interior; and
(C) the Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works.

SEC. 3. INTERAGENCY DATA STANDARDIZATION.
Not later than 30 months after the date of enactment of this Act, the Secretaries shall jointly develop and adopt interagency standards to ensure compatibility and interoperability among applicable Federal databases with respect to the collection and dissemination of data—
(1) relating to outdoor recreation sites on Federal land; and
(2) used to depict locations at which recreation uses are available to the public.

SEC. 4. DIGITIZATION AND PUBLICATION OF EASEMENTS.
(a) In General.—Subject to the availability of appropriations, not later than 4 years after the date of enactment of this Act, each of the Secretaries, to the maximum extent practicable, shall digitize and make publicly available on the website of the Department of the Interior, the Forest Service, and the Corps of Engineers, as applicable, geographic information system mapping data that specifies, with respect to the relevant Secretary, all Federal interests in private land, including easements, reservations, and rights-of-way—
(1) to which the Federal Government does not have a fee title interest; and
(2) that may be used to provide recreational access to the Federal land.
(b) Public Evaluation of Accuracy.—The Secretaries shall include on each website referred to in subsection (a), as applicable, a point of contact to allow members of the public to ask questions or provide feedback regarding the information described in that subsection.

SEC. 5. DATA CONSOLIDATION AND PUBLICATION OF ROUTE AND AREA DATA FOR RECREATION USERS.
(a) In General.—Subject to the availability of appropriations, beginning not later than 5 years after the date of enactment of this Act, each of the Secretaries, to the maximum extent practicable, shall make publicly available on the website of the Department of the Interior, the Forest Service, and the Corps of Engineers, as applicable, geographic information system data with respect to the following:
(1) Status information with respect to whether roads and trails on the Federal land are open or closed.
(2) The dates on which roads and trails on the Federal land are seasonally closed.
(3) The classes of vehicles and types of recreational uses that are allowed on each segment of roads and trails on the Federal land, including the permissibility of—
(A) off-highway vehicles;
(B) motorcycles;
(C) nonmotorized bicycles;
(D) electric bicycles;
(E) passenger vehicles;
(F) nonmechanized transportation; and
(G) over-snow vehicles.
(4) The boundaries of areas where hunting or recreational shooting (including archery, firearm discharge, and target shooting) is regulated or closed on the Federal land.
(b) Updates.—
(1) In General.—The Secretaries shall update the data described in subsection (a) not less frequently than 2 times per year.
(2) Public Evaluation of Accuracy.—The Secretaries shall include on each website referred to in subsection (a), as applicable, a point of contact to allow members of the public to ask questions or provide feedback regarding the information described in that subsection.
(c) Effect.—Geographic information system data made publicly available under subsection (a) shall not disclose information regarding the nature, location, character, or ownership of historic, paleontological, or archaeological resources, consistent with applicable law.

SEC. 6. COOPERATION AND COORDINATION.
(a) Third-Party Providers.—The Secretaries may enter into an agreement with a third party to carry out any provision of this Act.
(b) US GEOL洋ICAL SURVEY.—The Director of the United States Geological Survey may collect, aggregate, digitize, standardize, or publish data on behalf of the Secretary of the Interior to meet the requirements of this Act.

SEC. 7. REPORTS.

Not later than 1 year after the date of enactment of this Act and annually thereafter through September 30, 2031, the Secretaries shall submit a report on the progress made by the Secretaries with respect to meeting the requirements of this Act to—

1. the Committee on Energy and Natural Resources of the Senate;
2. the Committee on Environment and Public Works of the Senate;
3. the Committee on Natural Resources of the House of Representatives; and
4. the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated—

1. to the Secretary of the Interior to carry out this Act—
   (A) $2,500,000 for fiscal year 2022; and
   (B) $5,500,000 for each of fiscal years 2023 through 2025;
2. to the Secretary of Agriculture to carry out this Act—
   (A) $2,500,000 for fiscal year 2022; and
   (B) $5,500,000 for each of fiscal years 2023 through 2025; and
3. to the Secretary of the Army to carry out this Act—
   (A) $1,500,000 for fiscal year 2022; and
   (B) $2,500,000 for each of fiscal years 2023 through 2025.

PURPOSE

The purpose of S. 904 is to require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to digitize and make publicly available geographic information system mapping data relating to public access to Federal land and waters for outdoor recreation.

BACKGROUND AND NEED

The public demand to access and enjoy Federal lands for recreational fishing, hunting, and other forms of outdoor recreation continues to increase. However, there is currently incomplete and inconsistent mapping data available to outdoor recreationists as well as land management agencies such as the Forest Service, the Bureau of Land Management, the National Park Service, and the Army Corps of Engineers. The current situation prevents the full benefits of digital mapping and global positioning system (“GPS”) technologies from being used to navigate public lands. For example, a hunter, angler, or other outdoor recreationist’s real-time location on the landscape can be pinpointed with a GPS unit, allowing the user to know exactly where he or she is relative to property boundaries, roads or trails, easements, and other key landmarks.

The Forest Service and Bureau of Land Management own many easements on adjacent private land that provide legal means of access into lands managed by these agencies. However, records of many of these easements are not digitized or stored in public records, such as at a courthouse or county office, but rather are stored only in paper files in various local or regional offices. This makes it difficult or impossible for outdoor recreationists to know the various locations available to them that can be used for accessing public land. Also, having accessible information available online and in one place will help the Federal land management agencies identify the biannual prioritized list of parcels that have significantly restricted public access, as required by section 4105 of the

In 2019, the Montana/Dakotas District of the BLM completed a pilot project, digitizing their road and trail access easements, and now other districts are also planning to begin digitizing their access easements. In 2020, the Forest Service estimated that, of the 37,000 existing easements held by the agency, only 5,000 had been converted into digital files. S. 904 would provide direction and authorize additional resources to help land management agencies digitize Federal easements and to ensure that geospatial data is consistent across agencies and easily accessible to the public, in order to facilitate its use.

LEGISLATIVE HISTORY

S. 904 was introduced in the 117th Congress by Senator Risch on March 23, 2021. The bill currently has 16 co-sponsors. The Subcommittee on Public Lands, Forests, and Mining held a hearing on this bill on June 16, 2021. Representative Blake Moore introduced a House companion bill, H.R. 3113, on May 11, 2021. An amended version of H.R. 3113 was ordered to be reported by unanimous consent by the Committee on Natural Resources in the House of Representatives on July 14, 2021. In the 116th Congress, similar bills were introduced by Senator McSally, S. 3427, and Representative Fulcher, H.R. 6169, on March 10, 2020. Neither bill received any further action.

COMMITTEE AMENDMENT

During its consideration of S. 904, the Committee adopted an amendment in the nature of a substitute to the bill which makes several substantive changes. The amendment limits the requirement for standardizing and disseminating recreation data to information related to the location and operating status of Federal recreation sites. It also lengthens the time for the Secretaries to create a website depicting all roads on Federal land, whether they are closed to public travel, and the types of vehicles that are allowed. The amendment eliminates the bill’s requirement to provide information regarding watercraft use on bodies of water on Federal land. Also, the amendment adds two new provisions that require the Secretaries to update this information twice per year and permit the Secretaries to work with a third party to gather and publish this data. Finally, the amendment limits the reporting requirement to the first 10 years after enactment. The amendment is described in detail in the section-by-section analysis, below.

COMMITTEE RECOMMENDATION

The Senate Committee on Energy and Natural Resources, in an open business session on November 18, 2021, by a majority voice vote of a quorum present, recommends that the Senate pass S. 904, if amended as described herein.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides the short title of the Act as “Modernizing Access to our Public Land Act”.

Section 2. Definitions

Section 2 provides key definitions for the bill, including the applicable Federal land management agencies.

Section 3. Interagency data standardization

Section 3 directs the listed land management agencies to jointly develop interagency standards for data relating to their outdoor recreation sites and data used to depict open locations to the public. This section directs the Secretaries to adopt these standards within 30 months after the date of enactment and to ensure consistency among the various agencies’ databases to ensure interoperability.

Section 4. Digitization and publication of easements

Subsection (a) directs each of the Secretaries to digitize and make available to the public geographic information system mapping data of Federally-owned easements and rights-of-way on adjacent private land that may be used to provide recreational access to Federal land. The information is to be made available on the websites of the listed land management agencies within 4 years of the date of enactment of this Act.

Subsection (b) requires the Secretaries to include on each website a point of contact to allow members of the public to provide feedback to ensure the information is accurate.

Section 5. Data consolidation and publication of route and area data for recreation users

Subsection (a) requires the Secretaries to publish electronic mapping data regarding the following: status information as to when roads and trails are open or closed and the dates of which roads and trails are seasonally opened and closed, types of vehicles that are allowed on each segment of roads and trails, and boundaries of areas where hunting or recreational shooting is regulated or closed. Section 5 requires the Secretaries to publish this information within 5 years after the date of enactment of this Act.

Subsection (b) requires the Secretaries to update the information described in subsection (a) twice per year and requires a point of contact on each website for members of the public to confirm or dispute the accuracy of the published information.

Subsection (c) prohibits the data being made available online under this Act from disclosing sensitive information, including the presence of historic, paleontological, or archaeological resources.

Section 6. Cooperation and coordination

Subsection (a) permits the Secretaries to enter into agreements with a third party to carry out the provisions in this Act.

Subsection (b) permits the Director of the U.S. Geological Survey to collect, digitize, standardize, or publish data on behalf of the Secretary of the Interior to meet the requirements of this Act.

Section 7. Reports

Section 7 requires the Secretaries to submit a report to Congress on the progress made within one year of the date of enactment of this Act, and annually each year thereafter through September 30, 2031.
Sec. 8. Authorization of appropriations

Section 8 authorizes a total of $47 million to be appropriated to the Department of the Interior, the Forest Service, and the Army Corps of Engineers through fiscal year 2025.

COST AND BUDGETARY CONSIDERATIONS

The Congressional Budget Office has not estimated the costs of S. 904 as passed by the Senate. The Committee has requested, but has not yet received, the Congressional Budget Office’s estimate of the cost of S. 904 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the Internet at www.cbo.gov.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 904. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 904, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 904, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

EXECUTIVE COMMUNICATIONS

The testimonies provided by the Department of the Interior and the Department of Agriculture at the June 16, 2021, hearing on S. 904 follow:

STATEMENT OF NADA WOLFF CULVER, DEPUTY DIRECTOR, POLICY & PROGRAMS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify on S. 904, the Modernizing Access to Our Public Land Act. The bill directs the Department of the Interior (Department), the U.S. Forest Service (USFS), and the Army Corps of Engineers to jointly develop and adopt interagency compatibility standards for Federal databases for the collection and dissemination of public lands recreation data. S. 904 also requires Federal agencies to digitize geographic information system (GIS) mapping data related to recreational access and travel management and make it available to the public.

The Department supports the goals of the bill, which align with our vision to increase access to outdoor recreation opportunities for all Americans. Improving equitable access to the outdoors for all people and offering opportu-
ties to fully enjoy our nation’s public lands, including to communities that have disproportionately less access to nature, is an important priority for Secretary Haaland, and consistent with President Biden’s call to action in Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, to conserve, connect, and restore 30 percent of our lands and waters by 2030 for the sake of our economy, our health, and our well-being. Achieving these goals will involve working collaboratively to pursue conservation approaches that benefit local communities, improve access to recreation, and expand economic growth.

Investing in technologies to help visitors locate and safely access public lands is essential to supporting a variety of recreational activities such as hunting, fishing, mountain biking, climbing, kayaking, camping, and hiking. We believe this bill has the potential to address some long-standing challenges surrounding public access and data management and we look forward to working with the sponsor and the Committee to address a number of technical issues in the legislation.

**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 USFS 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 that are used for recreation.

*Geospatial Data Management/Federal Geographic Data Committee*

The Federal Geographic Data Committee (FGDC) is an interagency committee established in 1990 that leads the development, implementation, and review of Federal policies, practices, and standards related to geospatial data. The U.S. Geological Survey serves as its Executive Secretariat. Under the Geospatial Data Act (GDA; P.L. 115–254), the FGDC undertakes its mission with the understanding that jointly developing standards across agencies promotes the interoperability of Federal data and makes it more useful to more citizens.

For example, as part of the Federal Data Strategy FY 2020 Action Plan, the FGDC and the Chief Data Officers Council will develop machine interpretable processes to better relate data kept in different databases. The Department also has agreements with the USFS to improve interagency data management. Lastly, Geoplatform, the Federal government’s geospatial shared service, provides one place for national-level data to be registered and accessed by users. These ongoing efforts are improving the accessibility and usefulness of existing data assets.
Under the FGDC organizational structure, the BLM leads the FGDC Cadastral Subcommittee, which develops and implements plans to coordinate cadastral data-related activities among Federal, state, tribal, and local governments, and the private sector. The BLM publishes two key datasets through the FGDC: the Public Land Survey System (PLSS), which is a coordinate dataset based on cadastral survey information used for parcel level mapping, and the Surface Management Agency (SMA) dataset, which captures the best available Federal ownership information. Both datasets support large scale depiction of Federal ownership information and enhance our ability to depict parcel level data for many purposes, including public access.

S. 904

S. 904 directs Federal land management agencies to develop interagency standards to ensure compatibility among Federal databases related to outdoor recreation. The bill requires Federal agencies to digitize geographic information system (GIS) mapping data related to recreational access and travel management and make it available to the public.

Data Consolidation, Digitization, and Publication

Most of the data attributes identified in the bill will require agencies to coordinate across many locations and levels, and some attributes are likely to change regularly or may not currently exist in a digital format. The capacities of the FGDC will help agencies meet such challenges. The BLM notes several provisions within Section 5(a) appear to overlap with the requirements of the Dingell Act, which requires the BLM to solicit input from the public and other stakeholders every two years to identify and publish a priority list of BLM parcels with high recreational values that are either inaccessible or have significantly restricted public access.

The BLM is currently reviewing more than 2,000 public priority access nominations for potential inclusion on the list to be published later this year. The BLM Public Lands Access Project has already begun an internal initiative to digitize recreational access information into geospatial files and make that information available to the public by the end of FY 2022.

In 2019, the BLM also initiated an effort to consolidate and modernize the BLM land status records systems, through the development of the Mineral and Land Records System (MLRS).

STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Chairman Cortez Masto, Ranking Member Lee and members of the subcommittee, thank you for the opportunity to appear before you today to present the views of
the U.S. Department of Agriculture (USDA) on several public land bills.

S 904: MODERNIZING ACCESS TO OUR PUBLIC LAND (MAPLAND) ACT

The Modernizing Access to Our Public Lands Act would direct DOI, the USDA Forest Service, and the U.S. Army Corps of Engineers to jointly develop and adopt inter-agency standards to ensure compatibility and interoperability among federal databases for the collection and dissemination of outdoor recreation data related to federal lands. Specifically, the bill would require DOI, the USDA Forest Service, and the Army Corps of Engineers to digitize and publish geographic information system mapping data that includes:

- federal interests in private land, including easements and rights-of-way;
- status information as to whether roads and trails are open or closed;
- the dates on which roads and trails are seasonally opened and closed;
- the types of vehicles that are allowed on each segment of roads and trails;
- the boundaries of areas where hunting or recreational shooting is regulated or closed; and
- the boundaries of any portion of a body of water that is closed to entry, is closed to watercraft, or has horsepower limitations for watercraft.

USDA supports the goal of enhancing access to National Forest System lands by providing the specified data digitally for online use by the public. The Department would like to work with the bill sponsors and the Committee to address some remaining issues posed by this bill.

Some of the information and classes of data are currently available and accessible in Forest Service databases, including easements and rights-of-ways, and whether and when roads and trails are open or closed to various classes of motorized vehicles. Additionally, the Sportsmen's Access to Federal Land provisions in the John D. Dingell, Jr. Conservation, Management and Recreation Act (Public Law 116–9) requires annual reporting of National Forest System lands temporarily or permanently closed to hunting, fishing or recreational shooting under the Act but does not require the closures to be provided in digital form for use in online mapping.

Currently, the Forest Service does not maintain information on water bodies that are closed to watercraft or have horsepower limitations. Additionally, on water bodies where states, counties, or other governmental entities have jurisdiction over watercraft use, it would be exceedingly difficult for the Forest Service to build and keep current an accurate database of those restrictions. We recommend the bill language clarify that the Agency not be required to collect and compile information on watercraft restrictions imposed by other governmental entities.
We additionally recommend the date for reporting be changed to allow upward reporting after the end of the fiscal year, so units can prioritize keeping facilities open for public use and maintaining preparedness for emergency response such as wildfires during summer and early fall.

USDA appreciates the Committee’s interest in these important topics and strongly supports efforts to foster recreational use of federal lands. We look forward to working with the bill sponsors and the Committee to promote these important goals.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill as ordered reported.