

OUTDOOR ALLIANCE

March 27, 2023

Rep. Tom Tiffany
Chairman, Subcommittee on Federal Lands
451 Cannon HOB
Washington, DC 20515

Rep. Joe Neguse
Ranking Member, Subcommittee
2400 Rayburn HOB
Washington, DC 20515

RE: March 28th Federal Lands Subcommittee legislative hearing on outdoor recreation.

Dear Chair Tiffany, Ranking Member Neguse, and members of the subcommittee,

Thank you for holding the March 28th legislative hearing to consider multiple bills of significance to the human-powered outdoor recreation community. A number of proposals before the subcommittee would greatly improve sustainable recreation access on federal public lands while providing strong public health and economic benefits to local communities. We also have concerns with several of these proposals, which we have noted below. We encourage you to work with the recreation community and other stakeholders to pass a strong bipartisan package of recreation policy in the 118th Congress.

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.

Outdoor recreation is the most common way that Americans come to know their public lands and waters. It contributes immeasurably to people's lives and supports



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vibrant communities through better health, well-being, and the ability of recreation access and amenities to attract businesses and workers across a range of industries, particularly in rural communities.

Participation in outdoor recreation is on the rise nationally. The total number of participants in outdoor activities has increased nearly 7% since the beginning of the COVID-19 pandemic, with the newest cohort of recreationists being more diverse in terms of age and ethnicity.¹ This trend is also reflected in visitation data from federal land management agencies including the Forest Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service, which all show a steady increase in recreational visits over the past decade.² The increase in recreational use on federal public lands also supports the growing outdoor recreation economy, which accounted for \$862 billion in gross economic output, 1.9 percent of U.S. gross domestic product, and 4.5 million jobs in 2021.³

There is a need for Congress to modernize outdoor recreation policy on federal public lands and beyond in order to account for increased visitation, modern technology, and growing concerns about the resilience of public lands. During the 117th Congress, the Senate made considerable progress towards passing a bipartisan package of recreation policy via America's Outdoor Recreation Act.⁴ Outdoor Alliance is encouraged to see the Federal Lands Subcommittee build on this progress, and we are committed to working with the Subcommittee to refine and build support for a recreation package in 2023.

Our comments on individual bills are provided below.

¹ Outdoor Industry Association, *2022 Outdoor Trends Report (2022)*. Available at <https://outdoorindustry.org/wp-content/uploads/2015/03/2022-Outdoor-Participation-Trends-Report-1.pdf>.

² Gwendolyn Aldrich and Evan Hjerpe, *The Conservation Funding Crisis*, Conservation Economics Institute (2022), *available at* <https://www.conservationalecon.org/public-lands>.

³ Bureau of Economic Analysis, BEA 22-55, *Outdoor Recreation Satellite Account, U.S. and States, 2021 (2022)*, *available at* <https://www.bea.gov/news/2022/outdoor-recreation-satellite-account-us-andstates-2021>.

⁴ The Senate version of America's Outdoor Recreation Act has been reintroduced in the 118th Congress as America's Outdoor Recreation Act of 2023.



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Protecting America's Rock Climbing (PARC) Act (H.R. 1380)

Outdoor Alliance strongly supports the PARC Act, which would safeguard Wilderness climbing opportunities by directing the establishment of national-level guidance for the placement and maintenance of fixed climbing anchors in Wilderness areas. Wilderness areas are integral to America's climbing history, and climbers were among the original supporters of the Wilderness Act. Many of America's most iconic climbing areas, including Yosemite's El Capitan and the Diamond in Rocky Mountain National Park, lie within federal Wilderness areas, and climbers benefit greatly from the Wilderness character found in these areas.

Fixed anchors are essential tools in a climber's safety system. These include bolts, slings, pitons, and other tools long used by climbers to safely and sustainably ascend and descend technical terrain. Fixed anchors are found in Wilderness areas throughout the country, and many pre-date the Wilderness Act. Despite climbing's longtime status as an established use in Wilderness areas, there has never been a consistent federal policy for managing fixed anchors within Wilderness across agencies.

The PARC Act would restate Congress's intent that climbing is an allowable use within Wilderness areas and would require both the Department of Interior and the USDA Forest Service to establish consistent, national-level guidance on managing fixed anchors in Wilderness. The bill also clarifies that federal agencies must provide an opportunity for public comment on proposed changes to fixed anchor policy while providing agencies with authority to take emergency actions related to fixed anchor management if it is necessary to protect natural resources or public safety. These changes will provide certainty that climbers can continue to enjoy sustainable access to some of the world's most treasured climbing areas without amending the Wilderness Act or changing long established Wilderness management. We thank the bill sponsors for their attention to this critically important issue.

Simplifying Outdoor Access for Recreation (SOAR) Act (H.R. 1527)

Outdoor Alliance strongly supports the SOAR Act, which would facilitate meaningful outdoor experiences by improving the recreational permitting systems for outfitters and guides. For many people, guided outdoor experiences provide a first



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exposure to more adventurous forms of outdoor recreation and to the natural world. These opportunities are essential for allowing new participants to experience outdoor recreation activities in a safe environment that allows for skill building and helps participants become more conscientious visitors to sensitive landscapes.

The ability for facilitated access providers to offer these experiences is dependent 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. We are particularly supportive of provisions in the SOAR Act that would:

- Direct the Secretaries of Agriculture and Interior to identify opportunities to improve the special recreation permitting process;
- Allow outfitters' unused surplus service days to be made available to other potential permittees;
- Make information about the availability of the special recreation permits available online;
- Allow outfitters and guides to engage in activities that are substantially similar to the activities specified in their permit;
- Allow agencies to provide permits for multi-jurisdictional trips under a single joint permit;
- Encourage agencies to allow purchasers to buy a federal and state recreation pass in a single transaction;
- Make the America the Beautiful Pass and other federal recreation passes available for purchase online;
- Extend the duration of the recreation season to cover a broader period of the year where recreational activities are occurring;
- Require the Forest Service and BLM to adopt recreation performance metrics that better reflect the quality and sustainability of the recreation experience;
- Encourage federal agencies to enhance recreation opportunities through private-sector volunteer programs.

Together, these changes would simplify and modernize recreation permitting to make guided outdoor experiences more easily accessible to the American public.



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We strongly support this bill, which reflects years of thoughtful input from facilitated access providers, conservation organizations, and others.

Biking on Long-Distance Trails (BOLT) Act (H.R. 1319)

Outdoor Alliance strongly supports the BOLT Act, which would promote mountain biking as a sustainable recreation activity on federal lands by identifying opportunities for long-distance bike trails. This bipartisan legislation would diversify outdoor infrastructure by expanding long-distance bike trails across America's federal public lands. By providing opportunities for trail users, Congress 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.

Ski Hill Resources for Economic Development (SHRED) Act of 2023 (H.R. 930)

Outdoor Alliance supports the intent behind the SHRED Act, to keep ski area fees within the National Forest system, but we have reservations over how the funds in the Ski Area Fee Retention Account would be disbursed. In general, ski areas effectively convert public land into highly developed private businesses; while these businesses provide a valued service to many outdoor recreationists, it is appropriate that these businesses pay for their essentially exclusive use of public lands, and those fees must serve a public purpose broader than facilitating additional development. Further, because we understand the bill to come with a budget score, we are concerned that any offset would likely come from elsewhere within the Forest Service's budget, effectively replacing resources that can go where most needed with money narrowly targeted for ski area permitting purposes.

As currently drafted, the SHRED Act would direct at least 60% of ski area permit fees back into the Forest Service ski area program for the direct benefit of the ski



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area(s) on the unit from which these fees were collected. This distribution does not match the agency's actual needs nor the act's intent to invest ski area fees into Forest Service recreation management for the benefit of all Americans and our natural resources.

This committee has previously received testimony from Outdoor Alliance, and many others, concerning the dire state of the Forest Service's recreation program. Outdoor recreation participation is at an all-time high, but agency staffing and resources are insufficient to meet public expectations, maintain infrastructure, or protect the resources the Forest Service is tasked with stewarding. The Ski Area Fee Retention Account could provide an important source of funds to supplement Congressional appropriations and help the Forest Service meet its capacity challenges, but as written, the SHRED Act fails to live up to this intent. We are not opposed to directing some portion of the Ski Area Fee Retention Account to the Forest Service ski area program as described in 5(A), but this amount should not exceed 40% of the fees collected. This would still provide ample funds and capacity for the agency's ski area program, which is considerably smaller and more narrowly focused than the Recreation, Heritage, and Volunteer Resources program in which it is housed. Likewise, the Act should direct at least 60% of the Ski Area Fee Retention Account to the activities described in paragraph (5)(B). Furthermore, we suggest expanding the activities described in paragraph (5)(B) to include

(vi) avalanche information and education activities carried out by the Secretary, state government, or nonprofit partners;

and

(ix) over-snow travel management planning under 36 CFR part 212, subpart C.

As currently written (5)(B)(vi) appears to not include state-run avalanche information centers, such as the Colorado Avalanche Information Center and the Utah Avalanche Center. Our suggested addition to (5)(B)(vi) will ensure these critical partners are eligible for Ski Area Fee Retention Account funds. Furthermore, by including over-snow travel management planning in the activities eligible for Ski Area Fee Retention Account funds, the SHRED Act can help to support a critical winter recreation management need.



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Federal Interior Land Media (FILM) Act (H.R. 1576)

Outdoor Alliance appreciates the FILM Act's intent to update the permitting process for commercial filming to account for modern technology and modern formats for distributing media that blur the distinction between commercial and noncommercial activities. We appreciate the improvements made to H.R. 1576 from the version of the FILM Act introduced in the 117th Congress, particularly lowering the size threshold for film crews that require a permit. We support adding an additional requirement that commercial film crews acquire an online, no-cost permit that would provide an opportunity to educate production crews about best practices for filming on federal lands and establish a point of responsibility between film crews and federal agencies. This would provide an important opportunity to help minimize impacts on recreational, cultural, and ecological resources.

Range Access Act (H.R. 1614)

Outdoor Alliance supports judiciously sited designated shooting ranges on public land, as unmanaged and unregulated target shooting on public lands is a safety and resource protection hazard in many locations across the United States. Designated areas for this activity would improve public safety and reduce impacts to public lands. We are concerned, however, by several aspects of the Range Access Act.

First, we are concerned through Section 2(c)(2), could prevent closing areas of Federal land to shooting unless a target shooting range is made available. This creates a potential public safety hazard, especially given the Forest Service and BLM's limited ability to quickly designate target shooting ranges due to capacity constraints. 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 We request that the text be amended to allow for closures for public safety or resource protection in addition to "emergency situations."

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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Second, we believe that the presence of a minimum of one range per National Forest or BLM unit is arbitrary, and the legislation should, rather, encourage agencies to evaluate the need for additional developed shooting areas.

Finally, we would strongly support the addition of provisions to require planning for shooting area cleanup, including lead removal. Given these likely costs, we strongly support the elimination of the exemptions for these areas from collecting fees under the Federal Lands Recreation Enhancement Act, both as a matter of ensuring resources for management and as a matter of equitability with other public land users.

* * *

Thank you for holding this important hearing. We look forward to working with you to advance outdoor recreation policy in the 118th Congress.

Best regards,



Louis Geltman
Policy Director
Outdoor Alliance

cc: Adam Cramer, Chief Executive Officer, Outdoor Alliance
Chris Winter, Executive Director, Access Fund
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