

**STATEMENT OF
CHRIS FRENCH
DEPUTY CHIEF, NATIONAL FOREST SYSTEM
U.S. DEPARTMENT OF AGRICULTURE – FOREST SERVICE
BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FEDERAL LANDS**

Regarding

H.R.____, the “Expanding Public Lands Outdoor Recreation Experiences Act”

November 30, 2023

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for inviting the U.S. Department of Agriculture’s (USDA), Forest Service, to discuss the “Expanding Public Lands Outdoor Recreation Experiences Act” or the “EXPLORE Act.”

The Forest Service provides countless opportunities for the public to connect with the outdoors by recreating on National Forests and Grasslands. Equitable access is important for so many reasons including community well-being and economic opportunity. USDA appreciates the recognition by this Subcommittee of the importance of recreation on Federal lands to our national economy, as well as the sustained interest in finding solutions to recreation management challenges. We understand these challenges, and we know we can further enhance recreation opportunities on Federal lands. We are building our vision, called Reimagine Recreation, by engaging with new and diverse audiences to develop a national recreation action plan that sets clear priorities for the agency and identifies the conditions and pathways to get us there. The Reimagine Recreation effort is built on a Forest Service-, community-, and partner-driven collaborative planning effort aimed at coalescing shared interests and maximizing the greatest good. USDA is building on the momentum created through the Great American Outdoors Act as well as the Bipartisan Infrastructure Law (BIL). Under the BIL, the Forest Service received \$35 million to improve infrastructure at developed recreation sites where visitation demands are affecting public safety, the environment, and the visitor experience, as well as \$20 million to support Forest Service regions in implementing a comprehensive recreation cabin strategy, including renovating existing cabins and historic buildings and constructing new cabins. We look forward to keeping you apprised of all these efforts and believe they can address many of the issues targeted by the proposed legislation we are discussing today.

BACKGROUND

The USDA Forest Service manages 155 national forests and 20 national grasslands, comprising 193 million acres in 41 states and Puerto Rico. National forest and grassland outdoor recreation offers the widest possible array of opportunities to experience Federal lands, and are home to three million acres of lakes, 400,000 miles of streams, 130 Wild and Scenic Rivers for rafting, kayaking and other watersports, and 163,706 miles of trails for horseback riding, hiking, snowmobiling,

mountain biking, hunting, and more.

The Forest Service is deeply committed to connecting all Americans to the outdoors, and the agency values the important role played by outfitters and guides, resorts, non-profit organizations, and other concessioners 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. In Fiscal Year 2021, recreation on National Forest System (NFS) lands contributed more than \$13.7 billion to America's gross domestic product and supported more than 161,500 full- and part-time jobs, the vast majority of which are in gateway and rural communities.

In Fiscal Year 2021, there were 156 million recreation visits to national forests and grasslands. When we include the number of people who pass through these beautiful forests and grasslands to enjoy the scenery and travel on scenic roads and byways, that number increases to 456 million visits. Recreation pressure has been particularly significant in national forests close to urban areas. Moreover, the recreation program on NFS lands sustains more private sector jobs per program dollar than any other Forest Service program. 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. The Forest Service administers over 30,000 commercial recreation special use authorizations for activities that generate nearly \$2 billion in revenue for special use authorization holders. In particular, the Forest Service administers 127 ski area permits and approximately 8,000 outfitting and guiding permits. According to the Bureau of Economic Analysis, as of November 2023, the outdoor recreation economy accounted for 2.2 percent (\$563.7 billion dollars) of America's gross domestic product.

USDA recognizes the important role and needs of gateway communities in sustaining the recreation economy. We are helping to invest in community well-being, expand the outdoor recreation economy, and enhance accessibility on NFS trails and at developed recreation sites. The Forest Service partnered with the U.S. 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. USDA's Forest Service, Rural Development, and the National Institute for Food and Agriculture are also collaborating to target the recreation economies of rural forest gateway communities for technical expertise and funding to develop recreation infrastructure and capacity beyond the boundaries of NFS lands. We have identified a strong need to engage across jurisdictions in more comprehensive recreation planning to identify sustainable solutions to the growing demand for outdoor recreation on Federal lands.

EXPLORE ACT

The discussion draft of the EXPLORE Act sets out to "improve recreation opportunities on, and facilitate greater access to, Federal public land." The draft bill compiles several separate recreation-related bills that relate to public recreation on Federal lands, gateway communities, access, permitting, and other provisions included in the following titles.

Title I: Outdoor Recreation and Infrastructure

The first title of the draft bill would include a declaration of policy that states the Federal

Government's interest in fostering and encouraging recreation, would direct Federal land management agencies to identify recreation opportunities, would formally establish the Federal Interagency Council on Outdoor Recreation, and would require the Office of Management and Budget to produce a budgetary report about outdoor recreation.

This title would also address many important recreation issues on Federal lands and waters, including biking on long-distance trails, rock climbing, camping, commercial filming, invasive species prevention, and other important recreation management issues. The bill would address overcrowding and gateway community issues, as well as broadband connectivity on Federal recreation lands and waters. In addition, this title would address public-private partnerships on Federal Lands and waters, including such issues as Federal employee housing, campground modernization, and parking opportunities at Federally owned developed recreation sites.

Title II: Access America

The second title of the draft bill would require the Federal land management agencies to conduct a comprehensive assessment of outdoor recreation facilities under their jurisdiction with the goal of enhancing access for individuals with disabilities. This title would also direct the Federal land management agencies to work with the Secretary of Veterans Affairs and the Secretary of Defense to promote outdoor recreation to veterans and military servicemembers and to coordinate with the Department of Veterans Affairs on that effort. This title would also direct the Federal land management agencies to develop a joint strategy for increasing the number of young people visiting Federal recreational lands and waters and would extend the Every Kid Outdoors authority for seven years.

Title III: Simplifying Outdoor Access for Recreation

The third title of the draft bill would change authorization of outfitting and guiding on Federal lands. The draft bill would also amend the Federal Lands Recreation Enhancement Act and reauthorize that Act until 2031. This title would revise issuance of special recreation permits for new and existing uses and replace and amend the existing Service First authority used by Federal land management agencies to streamline their operations and enhance customer service. This title would further make changes to concessioner liability and insurance requirements as well as cost recovery authorities. Additionally, this title would make changes to Federal land management agencies' volunteer programs. Finally, this title would establish good neighbor authority for recreation services and make other amendments to authorities governing commercial recreation permits issued by Federal land management agencies.

With certain exceptions, USDA has previously testified before this subcommittee and the Senate Energy and Natural Resources Committee in support of the goals and intent of several provisions of the draft EXPLORE Act. USDA would like to note some high-profile issues and concerns from its prior testimony. For instance, Forest Service recently published for public comment proposed guidance on climbing opportunities on NFS lands, including in wilderness, consistent with requirements described Section 122 of this Act, and the Joint Explanatory Statement that accompanied the 2021 Consolidated Appropriations Act. Additionally, the draft EXPLORE Act extends the Federal Lands Recreation Enhancement Act through 2031. Should that authority expire, implementation of many elements of this Act would be impacted. The EXPLORE Act also includes the Federal Interior Land Media Act, which USDA continues to believe would create

confusion for permit administrators and the public, would impose unnecessary paperwork burdens on the public, and could result in resource damage. The provision in Section 311 allowing concessioners to choose their land use fee calculation method would be inconsistent with existing federal law requiring land use fees based on fair market value, would be extremely challenging to implement, and would cause wide variation in permit administration.

The Forest Service also strives to ensure developed recreation sites on all NFS lands, including the Ouachita National Forest, are located outside the 100-year floodplain for visitor safety reasons and litigation risk. USDA would like to work with the committee and bill sponsors to explore how best to maximize the visitor experience and address public safety at developed recreation sites operated and maintained by the Forest Service while minimizing the potential liability of the United States.

USDA appreciates the interest from the committee in working with the Forest Service to address concerns previously identified in testimony and concerns identified in new provisions of the draft bill. USDA looks forward to further reviewing the draft bill to better understand how these issues have been addressed as well as to analyze the implications of new provisions for recreation opportunities on National Forest System lands. After this review, we would like to provide additional recommendations and comments, including technical amendments, before the committee moves forward with this legislation.

CONCLUSION

Thank you for the opportunity to testify on the draft bill. USDA looks forward to continued work with the Committee and bill sponsors as they further develop the legislation.