

OUTDOOR ALLIANCE

June 26, 2024

Sen. Catherine Cortez Masto
Chair, Subcommittee on Public Lands, Forests, and Mining
520 Hart Senate Office Building
Washington, DC 20510

Sen. Mike Lee
Ranking Member, Subcommittee on Public Lands, Forests, and Mining
363 Russell Senate Office Building
Washington, D.C. 20510

RE: June 12th Public Lands, Forests, and Mining Subcommittee Hearing to Receive Testimony on Pending Legislation.

Dear Chair Cortez Masto, Ranking Member Lee, and members of the Subcommittee:

On behalf of the human-powered outdoor recreation community, thank you for the opportunity to provide input on June 12th's hearing on public lands legislation.

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.

Healthy, climate-resilient public lands provide the settings for outdoor recreation opportunities across the country and form the foundation of America's growing \$1.1 trillion outdoor recreation economy. A number of bills before the Subcommittee would protect public lands and waters for their conservation and recreation values, while others seek to improve how public land managers provide sustainable recreation access. We appreciate the Subcommittee considering these aspects of public lands policy together. We have noted our support for several



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pieces of legislation below, as well as our opposition to one bill, and in other cases we have requested changes to better address sustainable recreation management. We encourage you to advance the bills noted below and include them in a comprehensive public lands package this year.

Our comments on specific bills are below.

S.4451 - Review and Evaluation of Strategies for Equal Reservations for Visitor Experiences (RESERVE) Federal Land Act

Outdoor Alliance strongly supports the RESERVE Act, which would require the National Academy of Sciences (NAS) to study reservation systems for outdoor recreation activities on federal lands. Reservation systems and fees for outdoor recreation activities, as well as demand for recreation permits, have increased in recent years, directly affecting how members of our community access recreation opportunities on public lands and waters. In many cases, we support these reservation systems as a means to control overcrowding, protect a high-quality visitor experience, and mitigate natural or cultural resource concerns. However, as reservation systems (and associated fees) become more widely used, we are concerned to minimize the addition of complexity and cost to the outdoor recreation experience and avoid inequitable outcomes for public lands access. To mitigate this possibility, we strongly support a comprehensive review of public lands reservation systems as directed by the RESERVE Act.

Members of our community have direct experience with public lands reservations systems that can inform how these systems can be improved to support fairness, transparency, and responsible management of public lands. For example, a recent survey of whitewater paddlers found that a majority of paddlers (71%) feel that the chances of receiving a permit on the river that they most want were unacceptable and revealed a preference for weighted lotteries that increase one's chance of success with each year of failure (though few agencies have adopted this approach).¹ Relatedly, a 2022 survey found that climbers are most supportive of reservation systems and fees when they are clearly targeted to address

¹ American Whitewater, *American Whitewater River Permit Survey Results*, 63(5) American Whitewater Journal, 10-18 (2023), available at <https://www.americanwhitewater.org/content/Journal/get-journal-pdf/issue/5/year/2023/raw>.



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environmental and cultural resource impacts from climbing,² and similar research found that climbers are most resistant to management tools that impose financial burdens without providing clear benefits for public lands in return.³

We appreciate the list of considerations and questions for an NAS study outlined in Section 2 of the bill, though we recommend that the Subcommittee consider how a study could be targeted most strategically to meet the bill's intent. Specifically, the RESERVE Act's requirement that NAS review all public lands reservation systems may be unnecessarily time and cost-intensive. There are likely too many reservation systems to describe them all in any detail. We suggest that a data driven approach mixed with case studies could best describe the historical and current conditions, and that emphasis should be placed on the other questions, including transparency regarding odds and fee allocation and recommended best practices.

We also recommend expanding the bill's scope to include permit systems (such as river permits), which affect public lands access similarly to reservation systems. For example, Sec. 3 (a)(2)(B)(iv) currently only refers to reservation systems, but an NAS might similarly consider best practices for permit system design. Similarly, Sec. 2 (4)(B) could be broadened to include permit and quota systems. In particular, we would support adding language directing the NAS to consider how permit systems affect equitable access to public lands.

We recommend that Section 2 of the bill be updated to direct the NAS to study how emerging technologies like geofencing affect reservation systems. This should include a review of the resilience of online reservation systems to cyber concerns such as bots purchasing reservations, or third-party websites monitoring and reselling reservations. For example, are reservation-seekers able to evade geofences through the use of VPNs? An NAS study might include best practices to mitigate these and other concerns related to emerging technologies.

Finally, we recommend that the NAS study include strategies to mitigate the impacts of "no shows" on public lands reservations in order to ensure that

² David P. Carter, *Permits, Fees, and Quotas Climber Survey Summary Report*, Access Fund (2023).

³ David P. Carter and Juniper Katz, *Land management policy tools and institutionally contingent types of goods: understanding rock climbers' resistance to and desire for public lands fees and quotas*, 26 *Journal of Environmental Policy and Planning*, 264 (2024), available at <https://doi.org/10.1080/1523908X.2024.2330531>.



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campsites and other recreation resources are actually being used during times of high demand.

We appreciate the bill sponsor's attention to this issue and offer our support and collaboration in ensuring that the bill's intent is realized.

S.3123 - Modernizing Access to Our Public Waters Act

Outdoor Alliance supports the intent of the Modernizing Access to Our Public Waters Act (MAPWaters Act) to standardize and modernize how federal agencies collect information related to access to federal waterways and make this information readily available to the public. We also respectfully request several technical changes to the bill language to ensure that the Act does not trigger new access restrictions and to better reflect the full range of recreational users on America's waterways. These requests, which echo the comments of the whitewater paddling community, are outlined below:

Request #1: Add That the Congressional Intent of the Act Is Not to Trigger New Restrictions

We share the whitewater paddling community's concern that the MAPWaters Act could inadvertently lead to river closures. Federally-managed rivers are generally open for boating and other recreational activities unless they are explicitly closed or restricted. By requiring federal land managers to identify rivers that are open to public access, the MAPWaters Act creates an opportunity by which land managers might decide to restrict access (despite this being counter to the overall intent of the Act). To account for this possibility, we recommend adding to Section 8 that nothing in this Act - "(4) shall result in new Federal waterway restrictions." To track this issue, we request that the following be added to the existing reporting requirement in Section 6 of the Act: "The Secretary shall disclose any Federal waterway restrictions instituted since the passage of this Act in the report."

Request #2: Include a Broader Range of River Craft

We request that the list of craft in Section 4(a)(6) be expanded to be inclusive of other common craft used on public waters like kayaks, packrafts, and stand-up paddleboards. The inclusion of these craft types, or a more general term like



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“paddle craft,” which is inclusive of these craft as well as rafts, will ensure the data outputs of the MAPWaters Act are comprehensive and clear to public land visitors.

Request #3: Require Citations for Federal Waterway Restrictions

It is currently difficult for members of the public to discern where federal waterway restrictions originate. It is important that the public be able to validate and understand the details, rationale, purpose, and origin of the restrictions. To meet these objectives we request that the following language be added to the end of Section 4(a)(1) of the MAPWaters Act: “ ... and including citations for any closures.”

S. 4424 – National Prescribed Fire Act of 2024

Outdoor Alliance strongly supports the National Prescribed Fire Act of 2024 (NPFA), which would increase the pace and scale of prescribed fire across our nation’s fire-adapted and fire-dependent landscapes.

In recent decades, an increase in the size and severity of wildfires—particularly in the western U.S.—has affected outdoor recreation and the outdoor economy through closures, smoke, damage to scenic values, and other economic and ecological impacts.⁴ This trend is in part due to the widespread exclusion of fire (including cultural burning) from fire-adapted ecosystems over the past two centuries, which caused an unnatural buildup of fuels and increased structural homogeneity across numerous western ecosystems (particularly forests).⁵ Prescribed fire is a critically-important tool for addressing this fire deficit, and in turn mitigating wildfire risk to communities. Indeed, prescribed fire (and “beneficial fire” more broadly) was identified as a key wildfire resilience strategy in the recent Wildland Fire Mitigation and Management Commission report, with multiple commission recommendations focusing on increasing prescribed fire and cultural burning.⁶

⁴ See, Jamie Ervin, *Wildfire and Outdoor Recreation in the West: How Recreationists Can Support a Fire-Resilient Future*, Policy Report, Outdoor Alliance, Washington, D.C. (2023).

⁵ *Id.*

⁶ See, Wildland Fire Mitigation and Management Commission, *ON FIRE: The Report of the Wildland Fire Mitigation and Management Commission*, at 55-63 (2023). Commission recommendations 10-16 emphasize increasing beneficial fire use.



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Despite its importance, prescribed fire is greatly underused, particularly in the West, due to a long list of barriers to implementation, including inadequate workforce capacity, lack of incentives for land managers to plan and implement prescribed burns, lack of dedicated funding, perceived risk among land managers and the public, issues with permitting for smoke emissions, challenges with weather windows, and more.⁷ The NPFA comprehensively addresses these barriers so that land managers can expand prescribed fire to levels commensurate with the wildfire crisis where it is safe and ecologically appropriate. Key components of the bill include:

- *Dedicated prescribed fire accounts:* The NPFA would simplify agency budgeting for prescribed fire by establishing and authorizing funds for dedicated accounts at the Departments of Agriculture and Interior.
- *Prescribed fire targets and incentives:* Section 102 of the NPFA instructs land managers to increase prescribed fire use annually over the next decade.
- *Shared stewardship:* Section 201 establishes new pathways for non-federal partners like Tribes, nonprofit organizations, and local governments to conduct prescribed burns on federal lands.
- *Workforce capacity:* The NPFA would build the prescribed fire workforce by improving work benefits, establishing pay incentives, and allowing land managers to convert seasonal firefighters to permanent employees.
- *Liability for fire managers:* The NPFA improves liability protections for qualified prescribed burners who follow established best practices on federal lands, consistent with some states with successful prescribed fire programs. Relatedly, Section 204 would require a study on the effectiveness of a federal prescribed fire claims fund to cover liability costs related to prescribed fire.
- *Smoke management:* The NPFA would ease air quality permitting for prescribed fires in strategic locations that follow basic smoke management practices.

We encourage the Subcommittee to advance this important legislation.

⁷ See, Crystal Kolden, *We're Not Doing Enough Prescribed Fire in the Western United States to Mitigate Wildfire Risk*, 2(2) *Fire* (2019); See also, Courtney Schultz et. al., *Policy barriers and opportunities for prescribed fire application in the western United States*, 28(11) *Int. J. Wildland Fire* (2019).



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S.3346 - Montana Headwaters Legacy Act

Outdoor Alliance strongly supports the Montana Headwaters Legacy Act. The MHLA would add 20 rivers to the Wild and Scenic River System, all of which our members cherish for their recreational and other values that will be protected through this legislation. These river corridors are important for protecting recreational uses and a way of life for local citizens, and they are also critical for protecting fish and wildlife as the climate changes and Montana's population grows. Many of our members voiced support for Wild and Scenic eligibility for the rivers in the MHLA during the recent Forest Planning process, and are delighted to now see them under consideration for congressional protection. Wild and Scenic designation is a great fit for the flexible management and conservation of these wonderful rivers and streams.

S.4449 - River Democracy Act

Outdoor Alliance strongly supports the River Democracy Act, which would expand Oregon's network of designated Wild & Scenic Rivers. This bill is the product of an extensive public input process whereby nearly 2,500 Oregonians nominated rivers and stream segments for Wild & Scenic River Act protection.

Several provisions of this bill would provide increased protections for newly-designated Wild and Scenic Rivers that go beyond the existing protections in the Wild and Scenic Rivers Act to protect these rivers' outstandingly remarkable values. We especially appreciate the strengthened protections for new designated rivers in Section 5, including expanding the protective buffer for designated rivers to 640 acres per mile, and withdrawing designated river corridors from mineral entry.

We also appreciate that the River Democracy Act takes the ongoing stewardship of Wild and Scenic River corridors seriously. For example, Section 3 of the bill allows for states, local governments, and Tribes to enter into cooperative agreements with federal agencies to participate in administration of a designated river segment. Further, through implementation planning, the bill requires federal agencies to consider wildfire resilience in Wild and Scenic River Corridors, while emphasizing prescribed fire as a management strategy where appropriate. We support these



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measures, which will improve the agencies' ability to sustain the outstandingly remarkable values of new Wild & Scenic Rivers in Oregon.

S.3148 - Historic Roadways Protection Act

Outdoor Alliance opposes the Historic Roadways Protection Act, which would prohibit the BLM from completing or implementing certain travel management plans in Utah until a list of 22 court cases involving historic roads has been adjudicated. The travel management areas affected by this bill include numerous outdoor recreation opportunities that members of our community value and enjoy. 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. Tying these travel management plans to separate, uncertain, and potentially lengthy court decisions will unnecessarily prevent the BLM from modernizing recreation management in areas where it is needed to address resource impacts.

* * *

Thank you for considering our community's input. We look forward to working with you to refine and pass a robust public lands package in the 118th Congress.

Best regards,



Louis Geltman
Vice President for Policy and Government Relations
Outdoor Alliance

cc: Jamie Ervin, Senior Policy Manager, Outdoor Alliance
Adam Cramer, Chief Executive Officer, Outdoor Alliance
Heather Thorne, Executive Director, Access Fund
Beth Spilman, Executive Director, American Canoe Association
Clinton Begley, Executive Director, American Whitewater
Kent McNeill, CEO, International Mountain Bicycling Association



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David Page, Executive Director, Winter Wildlands Alliance

Tom Vogl, Chief Executive Officer, The Mountaineers

Ben Gabriel, Executive Director, American Alpine Club

Rebekah Phillips, Executive Director, the Mazamas

Madeline Bachner Lane, Chief Executive Officer, Colorado Mountain Club

Chad Nelsen, Chief Executive Officer, Surfrider Foundation

