

**STATEMENT OF MICHAEL T. REYNOLDS, DEPUTY DIRECTOR,  
CONGRESSIONAL AND EXTERNAL RELATIONS, NATIONAL PARK SERVICE,  
U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE HOUSE NATURAL  
RESOURCES SUBCOMMITTEE ON FEDERAL LANDS CONCERNING H.R. 1319,  
BIKING ON LONG DISTANCE TRAILS (BOLT) ACT, H.R. 1380, PROTECTING  
AMERICA’S ROCK CLIMBING (PARC) ACT, H.R. 1527, SIMPLIFYING OUTDOOR  
ACCESS TO RECREATION (SOAR) ACT, H.R. 1576, FEDERAL INTERIOR LAND  
MEDIA (FILM) ACT, AND, H.R. 1642, LAW ENFORCEMENT OFFICER AND  
FIREFIGHTER RECREATION PASS ACT.**

**MARCH 28, 2023**

---

**Public Land Recreation Bills**

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of the Interior on H.R. 1319, Biking On Long Distance Trails (BOLT) Act, H.R. 1380, Protecting America’s Rock Climbing (PARC) Act, H.R. 1527, Simplifying Outdoor Access To Recreation (SOAR) Act, H.R. 1576, Federal Interior Land Media (FILM) Act, and H.R. 1642, Law Enforcement Officer and Firefighter Recreation Pass Act.

H.R. 1319 requires the identification of long-distance bike trails on Federal lands. H.R. 1380 would require the Secretary of Agriculture and the Secretary of the Interior to issue guidance on climbing management in designated wilderness areas. H.R. 1527 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. H.R. 1576 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. Finally, H.R. 1642, Law Enforcement Officer and Firefighter Recreation Pass Act, would amend the Federal Lands Recreation Enhancement Act to provide for an annual National Recreational Pass for law enforcement officers and firefighters.

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 of the Interior's (Department) 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 nation's 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 bureaus 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.

### **H.R. 1319, Biking On Long Distance Trails (BOLT) Act**

H.R. 1319 would require 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 the Forest Service to provide opportunities for mountain biking, road biking, touring, and gravel biking. H.R. 1319 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, H.R. 1319 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 bureaus 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 consultation with Tribal Nations, as appropriate, 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.

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

Recreational climbing is a legitimate and appropriate recreational activity that is growing in popularity on lands administered by the Department, including in designated wilderness areas. Promoting recreational climbing and ensuring public participation in the development of climbing policies are goals the Department shares and fully supports. Currently, Departmental guidance allows climbing and provides for the placement of fixed anchors in designated wilderness in accordance with the Wilderness Act, and the Department has no intention to change that.

It is unclear whether H.R. 1380, as drafted, achieves the goal of supporting recreational climbing and may actually have the opposite effect of imposing more significant administrative burdens and unnecessarily lengthening the permitting process. The Department is concerned that H.R. 1380, as drafted, may be interpreted to require public notice and comment for every action the Department undertakes, including the placement and replacement of individual fixed anchors in addition to actions necessary to fulfill its broader mandate to administer the designated wilderness under its jurisdiction and preserve wilderness character while allowing recreation where appropriate in accordance with the Wilderness Act. Departmental policy already requires public notice and comment for climbing management plans in wilderness areas. The Department remains committed to ensuring that tribal consultation and an appropriate level of public review and participation occur in management planning and policy development processes and decisions related to climbing.

Furthermore, mandating particular uses in designated wilderness, as H.R. 1380 would do, has the practical effect of amending the Wilderness Act, which is not only unnecessary but could potentially have serious deleterious consequences. The Department feels it has sufficient authorities under the Wilderness Act to fully support recreational climbing opportunities in designated wilderness opportunities in a manner that balances tribal, recreational, environmental, and wilderness preservation values and interests and therefore does not believe legislation is necessary.

For these reasons, the Department opposes H.R. 1380. The Department welcomes the opportunity to work with the sponsor and the Committee on ways to further promote recreation climbing.

### **H.R. 1527, Simplifying Outdoor Access to Recreation (SOAR) Act**

H.R. 1527 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 106 of H.R. 1527 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. H.R. 1527 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. The Department would like to continue to work with the sponsors to address opportunities to improve permitting efficiency that minimize the potential for conflicts involving divergent regulatory mandates and to determine appropriate cost recovery options.

#### ***Alignment of Permitting Authorities & Fees***

Section 102 of H.R. 1527 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 (to which parts of the bill apply) under the authority of the National Park Service Concessions Management Improvement Act of 1998, not under FLREA. The Department would like to continue to work with the sponsors and Subcommittee on modifications to these provisions.

### ***Expedited Permitting***

H.R. 1527 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 is fully deploying RAPTOR for the issuance of SRPs in 40 field offices in 2023 and has already issued 68 permits through the system to date. The BLM is targeting to have RAPTOR in use at all field offices by the end of calendar year 2025.

H.R. 1527 authorizes permittees to voluntarily return unused service days to be available for other permittees. The bill also authorizes the 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 105 of H.R. 1527 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 Subcommittee 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 108 of H.R. 1527 determines the terms under which agencies require permittees to waive the liability of the United States for permitted recreation activities. Section 109 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, which is particularly problematic for the NPS, as under current authorities, NPS can recover the

full costs of these activities. 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 Subcommittee 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.

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

H.R. 1576 would provide exceptions from permitting and fee requirements for content creation, regardless of distribution platform, including still photography, 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 pending litigation, a filmmaker argues that aspects of the existing commercial filming statute for the NPS violate the First Amendment. A federal district court ruled in his favor, but last year the U.S. Court of Appeals for the District of Columbia Circuit reversed that ruling. His petition for writ of certiorari is pending before the U.S. Supreme Court, *Price v. Garland*, No. 22-665. Judicial resolution of this pending litigation will 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 the litigation is concluded to consider legislative or other approaches to balance the interests and rights of those engaged in filming, photography, and audio recording activities with the government's interest in protecting lands and resources.

### **H.R. 1642, Law Enforcement Officer and Firefighter Recreation Pass Act**

Law Enforcement Officers and Firefighters make tremendous sacrifices and contributions to this country every day. We have the utmost respect for their work because we see it first-hand: Federal recreational land agencies employ and work side-by-side with law enforcement officers and firefighters. The Department supports the intent of the bill to honor the service of our law enforcement officers and firefighters.

If passed, H.R. 1642 would result in a reduction to available funding that would otherwise be available for maintaining these Federally managed parks and recreational sites. It would hamper efforts to maintain operational capacity in the National Park System that, since FY 2011, has seen over 30 new units and additional authorized sites added, and visitation increase by more than 30 million. Ensuring that Federal lands continue to play a vital role in American life and culture requires that we maintain and repair visitor facilities and enhance visitor services and opportunities. Recreation fee revenues are an important source of funding that enhances our efforts to address the deferred maintenance backlog at our National Parks, better manage other federal lands, and respond quickly to changes in visitation levels and service requirements.

We highlight that almost a quarter of all Americans (58 to 79 million) are eligible for a free or low-cost Annual or Lifetime America the Beautiful—National Parks and Federal Recreational Lands Pass. Additionally, the NPS and other participating agencies have made available several fee-free days for all visitors, including law enforcement officers and firefighters.

We would welcome the opportunity to discuss these issues with the bill sponsor and the Committee.

Chairman Tiffany, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.