

Testimony of the  
*Theodore Roosevelt Conservation Partnership*

***Modernizing Access to our Public Lands Act (S.3427)***

Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, and Mining  
Legislative Hearing

September 16, 2020

The Theodore Roosevelt Conservation Partnership (TRCP) is a national hunting and angling conservation organization working to guarantee all Americans quality places to hunt and fish. We appreciate the time you have dedicated to numerous pieces of legislation through this hearing and, of those bills, we formally support S. 3427, the Modernizing Access to our Public Land (MAPLand) Act; S. 1765, the Blackfoot Clearwater Stewardship Act; and S. 1295, the Federal Land Asset Inventory Reform Act. However, the focus of TRCP's written testimony will be the MAPLand Act, a priority of our organization and the hunting, fishing, and outdoor recreation community.

Public lands are critical to outdoor recreation in America, helping to fuel the \$778 billion outdoor recreation economy. According to the U.S. Fish and Wildlife Service, 36 percent of all hunters in the nation use public lands for their hunting access. During the current pandemic, many Americans have turned to recreation on public lands as a way to enjoy themselves while socially distancing, and additional access opportunities could make it easier for the public to enjoy healthy activities with family and friends.

Over the past decade, handheld GPS devices and smartphone applications have transformed the way the public accesses and navigates public lands. No longer do people rely solely on paper maps and trailheads; smartphone applications can tell a user within nine feet where they are standing in proximity to property boundaries, creeks, trails, roads, campgrounds, and other features.

This technology has been a game changer, enabling the public to discover new areas to explore and experience, all while navigating the sometimes-tangled web of public/private property boundaries with confidence that they are remaining on public lands and staying legal and safe. These GPS mapping technologies are so popular that private sector navigation products are now available for hunters and anglers, skiers, bicyclists, paddlers, off-highway vehicle enthusiasts, and other recreationists. Real-estate agents, game wardens, helicopter pilots, and a host of other professionals have similarly come to rely on these products and technologies.

Unfortunately, when it comes to public lands, incomplete and inconsistent mapping data prevents outdoor recreationists as well as land management agencies—including the Forest Service, Bureau of Land Management, National Park Service, and Corps of Engineers—from utilizing the full benefit of these technologies. The MAPLand Act would help fix this problem by moving our federal land management agencies into the modern era so that public land users of all types can use digital mapping systems and smartphone applications to identify new opportunities for access and recreation while understanding the rules to help reduce unintentional conflicts and violations of the law.

Most recreational opportunities on public lands are identified in agency management plans and may appear on agency-produced paper maps that show, for instance, roads and trails open to different types of motorized and non-motorized vehicles. Sometimes alongside a national forest road you'll see a sign marking a zone where hunting or shooting is restricted, such as near a campground or forest service ranger station. Other times you'll pull up to a mountain lake parking lot and a sign is posted that specifies horsepower restrictions for boats.

While some of this information might, in certain places, be available in a GPS-compatible format, in many places it is not. As a result, it is difficult for the general public to find specific information about

available recreation opportunities on their public lands without spending considerable time ground-truthing areas or poring over volumes of agency documents—something most people aren't willing to do. Sometimes, a person might avoid hunting in an area altogether simply because they can't tell by looking at a sign where the no-shooting boundary starts and ends. Many members of the public might also avoid driving on an open road because the existing sign long ago went missing and they don't want to inadvertently break the rules.

A case in point can be found in the BLM Butte Field Office in Montana where the agency completed a travel management plan (TMP) for the Upper Big Hole area in 2009, which established comprehensive rules for vehicle travel on specific routes and during specific times of the year. In 2015, the BLM created a national transportation data layer called the Ground Transportation Linear Features (GTLF) Data Standard, an access layer that delineates BLM administered route type and allowed vehicle type. Despite this national dataset, geospatial mapping data for the Upper Big Hole area have not been made publicly available in the GTLF format, and transportation information for this area is very difficult to find and use. Under these circumstances, the average Butte area elk hunter wanting to understand and follow agency transportation rules must rely on good signage on the ground—a difficult thing for the BLM to maintain with limited budgets and considerable miles of road.

This challenge is not limited to the Upper Big Hole area. In searching the [BLM Navigator](#), TRCP found that GTLF geospatial transportation data is not publicly available for the states of Montana, Wyoming, California, Nevada, New Mexico, Oregon, Washington, and Utah. Additionally, the BLM national GTLF data layer does not include attributes for temporal restrictions and, because of this, important information such as seasonal route restrictions on crucial big game winter range are not provided. The MAPLand Act would fix this information shortfall by requiring the BLM to digitize these existing transportation layers in the GTLF and make them publicly available within three years. It would also require that pertinent seasonal restriction information be provided. GPS mapping companies could then add these data to their smart phone applications and make detailed access information available to the public in real time.

In addition to supporting public access and recreation opportunities, the MAPLand Act would ensure that the federal agencies can meet the requirements of Section 4105 of S. 47, the Dingell Act, and it would enable them to strategically use three percent of Land and Water Conservation Fund (LWCF) dollars that must be directed toward securing or improving access to public lands.

Through a [2018 study](#) conducted by TRCP and onX, a leading GPS mapping company, it was found that in the West alone, more than 9.52 million acres of federal public lands have no permanent legal means of access, and public access to these public lands requires permission from neighboring private landowners. [Further research](#) in 2020 discovered that landlocked federal lands can be found in other areas of the country, demonstrating that this is a nationwide access challenge. Additionally, it should be noted that millions of acres of non-landlocked federal public lands across the country have restricted or limited access, particularly in areas with mixed public and private land ownership.

In many places where public land trail and road access exists across private land, that access was established through an interest in land known as an easement (or a reservation for some BLM records where access was retained upon disposal of a parcel), in which an agency such as the BLM or Forest Service formally acquired the permanent right-of-way for the public to travel a designated route (such as a road or trail) across that private land, connecting a public highway to public land.

Unfortunately, the majority of federal land agency access easement records are still held on paper files at local offices and cannot be integrated into digital mapping systems that are foundational to public lands management in the twenty-first century. The USFS alone has an estimated 37,000 recorded easements, but only 5,000 have been digitized and uploaded into an electronic database. Region 1 of the USFS is slowly digitizing easements with a modest budget, yet some USFS regions have not taken steps to start completing this task. The BLM has an estimated 20,000 easements and reservations, of which 500 have been uploaded into their digital system. While the BLM recently made it a priority to begin digitizing these records, they have considerable work remaining. In fact, we are unaware of any of the federal agencies completing or nearing completion of the digitization of their public access easements.

As a result of this shortfall in electronic record keeping, the agencies are precluded from taking a holistic look at where access exists, where it doesn't exist, and where it could be improved. And until this work is completed, it will be very difficult for the agencies to do a thorough job completing the requirements of Section 4105 of S. 47, to develop a database of public lands where there is 1) no public access or where access is significantly restricted, and 2) develop a prioritized list for opening these public lands for public access. It'd be a missed opportunity if the 10-year sunset for Section 4105 came before several of the agencies finished digitizing their easements.

Additionally, thanks to the hard work of this committee, a minimum of three percent of all Land and Water Conservation Fund dollars must be directed each year to establish and expand access on federal lands. That sum starts at \$27 annually given the recent passage of the Great American Outdoors Act and full funding of LWCF at \$900 million. While land trusts and the federal agencies have been successful to-date at identifying worthy access projects in partnership with private landowners, this effort would be more strategic and sophisticated if the agencies could instantly identify access gaps in their holdings using modern mapping software to display public access easements and access shortfalls on a computer screen, rather than manually pulling paper files out of dusty filing cabinets. Digitizing these records would also make it possible for the public to better understand where they have access to public lands and where they do not, including areas that are not landlocked, but where access might be limited. Because everyone would have factual information about access allowances and restrictions, public access opportunities would be daylighted and landowner conflict reduced.

Finally, federally held easements across private land are not only important for public access, they are important for administrative access, such as to complete needed vegetation management projects, and digitizing easements is critical in determining where the agencies need to acquire—through voluntary agreements with willing landowners—new access for administrative uses as well as public access purposes.

Several additional points to consider about the MAPLand Act are as follows:

- While each agency can point to some accomplishment of the mapping requirements proposed in the MAPLand Act, these accomplishments are generally inconsistent from one agency to the next and none of the agencies have completed all of these proposed requirements. For example, the USFS has done a really good job with its transportation layers, while other agencies like the Bureau of Reclamation have considerable work left to do.

- With the exception of the U.S. Fish and Wildlife Service, we are unaware of any comprehensive digital information being developed for areas with shooting restrictions, and we do not know of any standardized digital information being available on watercraft restrictions. These management decisions have been made in agency land use plans, however.
- Some existing data layers may not benefit recreational access to the extent that they should. For example, the existing USFS easement/rights-of-way layer in the agency's Land Status Record System does not determine if an easement is restricted to administrative use or if it is open to the public. Because of this oversight, the existing data layer is of little value to the public, and it'd be a waste of resources if the agency had to later go back and amend all 37,000 of their easement records to include specifics about access. The MAPLand Act would ensure that data layer design fully considers public access and help prevent the need for do-overs in the future.
- As we interpret it, the MAPLand Act would not require the agencies to complete their remaining unfinished travel management plans within the three-year period because the bill requires that these tasks be completed "to the maximum extent practicable," and it would be impracticable to accelerate all TMPs to be completed under this timeframe.

The TRCP thanks you for your consideration of this important legislation that would help accelerate efforts to digitize recreational access information into geospatial files and bring public land access into the twenty-first century. We also thank the committee members who have already sponsored and cosponsored this legislation and encourage Senate ENR to move swiftly to markup S. 3427 so that it can be advanced into law. As always, we remain ready and willing to assist this committee as you continue to evaluate and consider this legislation.