

Testimony of the
Theodore Roosevelt Conservation Partnership

Colorado Outdoor Recreation and Economy Act (S. 173)
Ruby Mountains Protection Act (S. 609)
Modernizing Access to our Public Land Act (S. 904)

Senate Energy and Natural Resources Committee
Public Lands, Forest, & Mining Subcommittee
Legislative Hearing

June 16, 2021

The Theodore Roosevelt Conservation Partnership (TRCP) is a national hunting and fishing conservation organization working to guarantee all Americans quality places to hunt and fish. We greatly appreciate the Senate Energy and Natural Resources Committee Public Lands, Forest, & Mining Subcommittee taking the time to consider numerous pieces of legislation important to fish and wildlife habitat conservation and public access. The TRCP's testimony is limited to the Colorado Outdoor Recreation and Economy (CORE) Act, Ruby Mountains Protection Act, and the Modernizing Access to our Public Land (MAPLand) Act. We look forward to working with the Committee to see these bills signed into law.

Colorado Outdoor Recreation and Economy Act (S. 173)

The TRCP supports S. 173, the Colorado Outdoor Recreation and Economy Act, because it would conserve landscapes in western Colorado that include headwaters and habitats crucial to the health of Colorado River cutthroat trout, Rocky Mountain bighorn sheep, elk, mule deer, desert bighorn sheep and many others. The future of our hunting and fishing traditions and the North American Model of Wildlife Management depend on our ability to conserve quality habitat and to address the needs of wildlife in the face of dynamic challenges with increasing complexities.

Important to hunters and anglers is that the CORE Act safeguards some 2,416 miles of streams, 100 miles of native cutthroat trout stream habitat, 12 cutthroat trout lakes spanning 804 acres, nearly seven miles of Gold Medal fishing water and an additional 88 miles of Gold Medal waters downstream of protected headwater landscapes. The bill would also protect hundreds of thousands of acres of vital elk and mule deer range and nearly 100,000 acres of important migration corridors at a time when both the state and federal government have focused on conserving wildlife migration routes. Further, the bill would open about 12 miles of public fishing access in the Gunnison River basin. Finally, the bill also has strong grassroots support—from the broader conservation community to hundreds of Colorado businesses and local governments in the areas directly impacted by the proposed land designations.

Ruby Mountains Protection Act (S. 609)

S. 609, the Ruby Mountain Protections Act, offers an important opportunity to conserve habitat and our outdoor traditions in one of the most spectacular places in our nation, and the TRCP thanks the committee for considering this legislation. The Ruby Mountains of Nevada support breathtaking views and valuable fish and wildlife resources, including Rocky Mountain bighorn sheep, mule deer, elk, mountain goats, and Lahontan cutthroat trout. We are thankful that the Ruby Lake National Wildlife Refuge, a vital stopover of the Pacific Flyway, has been included in the leasing withdrawal area.

Of its many wildlife resources, the Rubies' mule deer herd might be its greatest resource; the Ruby Mountains are home to the largest mule deer herd in Nevada, which migrates more than 100 miles from its summer habitats to winter range. Much of this migration occurs along the western slope of the Ruby Mountains just outside the proposed protections that would be provided by S.609. Extension of the leasing withdrawal boundary by a mere two miles would help secure a positive future for this iconic and important mule deer herd. Similarly, a buffer to the south and east of the Ruby Lake National Wildlife Refuge would add an extra measure of protection for that wetland. We encourage you to consider these modest yet meaningful additions to the bill in the future.

Modernizing Access to our Public Land Act (S. 904)

The TRCP supports S. 904, the Modernizing Access to our Public Land (MAPLand) Act, which is a priority for the hunting, fishing, and outdoor recreation community.

Public lands are critical to outdoor recreation in America, helping to fuel the \$788 billion outdoor recreation economy. According to the U.S. Fish and Wildlife Service, 36 percent of all hunters in the nation and 72 percent of Western hunters use public lands for some or all of their hunting access. During the Covid pandemic, millions of Americans turned to recreation on federal public lands, and additional access opportunities could make it easier for the public to enjoy healthy activities with family and friends, while helping to disperse crowding on public lands.

Over the past decade, handheld Global Positioning Satellite (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, while navigating the sometimes-tangled web of public/private property boundaries with confidence that they are within bounds and following any usage guidelines. 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, farmers, ranchers, game wardens, firefighters, helicopter pilots, and a host of other professionals have similarly come to rely on these technologies. And these navigation products are affordable, often costing under \$30 a year—less than a tank of gas.

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 current system also makes public information about recreational access a privilege for the few people who have the relationships or the research skills to acquire it. The MAPLand Act would help address these challenges and inequities 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 easily identify new opportunities for access and recreation while understanding the rules to reduce conflict with private landowners, prevent resource damage, and avoid violations of the law.

Most recreational access opportunities on federal 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, such as along a national forest road, physical signs are posted indicating where hunting or shooting is restricted, typically in areas near a campground or forest service ranger station. In the case of public boating access, boaters sometimes encounter physical notices such as a sign at a mountain lake parking lot that specifies horsepower restrictions for boats.

While some of this information might, in certain places, be available in a geographic information system (GIS) compatible format, in many places it is not. In these cases, pertinent information about recreational access is not available through the GPS mapping applications that millions of Americans

depend on to access and use their public lands. This makes it difficult or even prohibitive for the general public to find specific information about available recreation opportunities on public lands or even follow the rules that the agencies have spent millions of dollars creating. Unfortunately, this may result in the average person avoiding hunting in an area altogether simply because they cannot 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 or trail because the existing sign long ago went missing and they do not want to inadvertently break the rules.

While some geospatial data layers have been made available by the agencies, they are not all designed to benefit recreational access to the extent that they could and should. For example, in 2015 the BLM created a national transportation layer called the [Ground Transportation Linear Feature](#) data standard, or GTLF, which is a digital mapping layer that delineates BLM-administered travel routes. The GTLF, however, does not provide enough information for the public to understand access opportunities and restrictions because it does not require attributes for allowed vehicle type and seasonal restrictions. As a result, the investment that went into this dataset is ultimately lost on hunters, anglers, and most other recreationists.

For example, the BLM Butte Field Office in southwest Montana 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. The field office created a travel plan that provides adequate public access while conserving important deer and elk habitat. However, because the national GTLF is lacking in important attributes, detailed transportation information for the Upper Big Hole area can only be found by those with the skills to locate and review an environmental impact statement. Under these circumstances, an elk hunter or any other member of the public 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 roads and trails to physically mark.

This challenge is not limited to Montana. The BLM has completed travel management planning on approximately 20 percent of the 245 million acres administered by the agency, yet useful geospatial transportation data is not publicly available for most areas. In fact, the only places where helpful geospatial transportation information has been made available is where local BLM offices have taken it upon themselves to develop more thorough transportation layers than required by the national office.

The MAPLand Act would fix this information shortfall by requiring the BLM to add access specific attributes to the GTLF and make them publicly available within three years. 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.

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. This, paired with the millions of acres of non-landlocked federal public lands across the country that have restricted or limited access—often areas with mixed public and private land ownership—demonstrates an urgent need to improve the way access data is managed and made available to the public.

In many places where public land trail and road access exists across private land, access was established through an easement (or a reservation for 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, most federal land agency access easement records are still held on paper files at local offices and have not been integrated into digital mapping systems that are foundational to public lands management in the twenty-first century. In June 2019, the USFS informed the Senate Energy and Natural Resources Committee that it had an estimated 37,000 recorded easements, and that 32,000 remained on paper files and needed to be 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 also has a significant number of easements and reservations, of which only those for the Montana-Dakota state office have been uploaded into their [digital system](#). While the BLM recently made it a priority to begin digitizing these records, they have limited resources and considerable work remaining. In fact, we are unaware of any of the federal agencies completing the digitization of their public access records.

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 does not, and where it could be improved. 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, the Dingell Conservation Act, to develop a priority list for opening public access to public lands where there is no public access or where access is significantly restricted. A rare opportunity to improve the public's access to land managed in the federal trust will be missed if the 10-year sunset for Section 4105 arrives before the agencies finish digitizing their easements.

Thanks to the foresight of the Senate Energy and Natural Resources Committee, a minimum of three percent of Land and Water Conservation Fund (LWCF) dollars must be directed each year to establish and expand recreational access on federal lands. A total of \$67.5 million in LWCF funding was appropriated toward recreational access in FY21, and those dollars are being utilized by the U.S. Forest Service, BLM, National Park Service, and U.S. Fish and Wildlife Service to provide increased access to all Americans. While land trusts and the federal agencies have been successful to-date in identifying access projects in voluntary partnership with private landowners, these efforts 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 reviewing paper files stored in nearly-forgotten 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 clear information about legally binding access allowances and restrictions, public access opportunities would be daylighted and landowner conflict reduced.

Finally, federally held easements across private land are important for administrative access, such as to complete needed vegetation management projects and to fight wildfires. The task of digitizing easements is critical in determining where agencies need to acquire—through voluntary agreements with willing landowners—new access agreements for administrative uses as well as for public access purposes.

The MAPLand Act would provide the direction and funding to the federal land management agencies to digitize records of easements (rights-of-way) and reservations across private lands, making it possible for the public and agencies themselves to understand where public access has been formally secured in legal records, reduce conflict with private landowners, ensure sound management of our public lands, and prioritize future access acquisition opportunities.

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 good job with its travel management plan layers, while other agencies like the Bureau of Reclamation have considerable work left to do.
- 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, and making those management decisions available to the general public is common sense.
- The MAPLand Act directs federal agencies to complete these tasks to the “maximum extent practicable,” and should not be interpreted as a mandate for transportation management planning to be completed within a three-year period. It is about making existing information available for public consumption in a GIS-compatible format.