

Testimony of

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**United States Senate
Committee on Energy and Natural Resources**

**Hearing to Examine Opportunities to Improve
Access, Infrastructure, and Permitting for Outdoor Recreation**

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Good morning Chairman Murkowski, Ranking Member Manchin, members of the Committee. Thank you for the opportunity to testify today about ways to improve access and infrastructure for outdoor recreation. My name is Whit Fosburgh and I am the president and CEO of the Theodore Roosevelt Conservation Partnership, a national coalition of sporting and conservation organizations, plus 92,000 individual members and supporters, united to ensure that all Americans have quality places to hunt and fish.

My comments today will focus on the importance of hunting and fishing as a part of the \$887 billion outdoor recreation economy, and the challenges with access and infrastructure that must be overcome to sustain and grow that economy.

According to the United States Fish and Wildlife Service (USFWS), more than 40 million Americans over the age of 16 hunt and/or fish. Collectively, expenditures on hunting and fishing total about \$61 billion a year, and 483,000 Americans are directly employed by the hunting and fishing industries. To put that number in context, 180,000 Americans are directly employed by the oil and gas industries.

Yet there are warning signs about the future health of the hunting and fishing economy, especially on the hunting side. According to the US Fish and Wildlife Service, in 2011, 13.7 million Americans hunted. In 2016, that number had declined to 11.5 million. There are several reasons for this decline that are outside the focus of this hearing, but most studies show that when hunters are asked why they stopped hunting, the two most common answers are 1) the loss of access to places to hunt, and 2) too little time to hunt. Of course those two answers may well be related. As close to home access is lost, people are forced to travel longer distances to get quality access opportunities.

So what is changing?

First, nearby access opportunities disappear when fish and wildlife habitat is lost. But lost access doesn't always mean a locked gate. When fields in northern Virginia are turned into subdivisions or shopping malls, habitat and access are lost. Access is lost when a South Dakota CRP field is converted to row crops. Access is lost when a waterfowl marsh in Louisiana disappears into the Gulf of Mexico because we've built levees along the Mississippi River that starve those wetlands of the sediments they need to survive. In Florida, boat launches sit empty in the face of algal blooms and red tides. Everyone can share their own examples of how habitat and access are lost or degraded.

Second, demographic changes have had profound changes on access, especially in the West, where 72% of hunters depend on public lands for their hunting access. Private land claims in the West were often staked on more productive ground in the river bottoms and foothills, while the mountains and areas less suitable for agriculture remained in the public domain. For much of the last century, a knock on the door and a friendly smile were often all it took to access or cross private lands in pursuit of fish and game. But in recent years, many working farms and ranches have changed hands. Some were subdivided, while others became second homes or recreational properties where "no trespassing" signs and locked gates replaced defacto open access. This effectively made large swaths of public land inaccessible to the public. Moreover, it has concentrated pressure on legal public access sites, such as national forest trailheads.

In 2018, TRCP released a report entitled *Off Limits, but within Reach*, in partnership with OnX maps, a handheld GPS app used by many hunters to know where they are located on the map and to stay legal when accessing public and private lands. According to our study, which I have submitted for the record,

there are 9.52 million acres of primarily BLM and US Forest Service public lands in the West that are entirely inaccessible to the public because there is no legal, permanent access across private lands to those public lands. In addition to landlocked lands, there are millions of additional acres of public lands with significantly restricted public access.

Fortunately, efforts are underway to open these lands to public access. Both chambers of Congress recently passed S. 47, the John D. Dingell, Jr. Conservation, Management, and Recreation Act, to help address this issue. Thanks to the leadership of many on this Committee, there are requirements that 3 percent of the Land and Water Conservation Fund be used each year to establish or improve public access to public lands. Further, this legislation directs the Forest Service and BLM, within one year, 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.

Unfortunately, neither the Forest Service nor the BLM are currently equipped to reliably identify where they do or do not hold access across private lands, or where they should prioritize access acquisitions. This is because many of the agencies' 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. As a result, the agencies are precluded from taking a holistic look at where access could be improved system-wide. While both agencies recognize the need to address this issue, the problem is national in scope, and will not be addressed for decades under current budgeting and staffing scenarios. We simply cannot wait that long.

Finally, maintenance backlogs among the various federal agencies impact access. The maintenance backlogs are generally broken out as follows: \$11.6 billion for the National Park System; \$2.2 billion for the USFWS/BLM, and \$5 billion for the Forest Service. Much of this is unrelated to access, such as rebuilding Memorial Bridge here in Washington, DC, or repairing the roof on a visitor center somewhere. But for the Forest Service, for example, much of the \$5 billion backlog manifests itself in degraded roads, trails, and campgrounds, all of which directly relate to quality access.

As the committee thinks about actions that Congress can take to support and expand public access and recreation, I have several recommendations.

1. Fully fund the Land and Water Conservation Fund. First, Congress did all of us who care about the outdoors a huge favor when it permanently reauthorized the LWCF. Thank you. What we now need is to fully fund the LWCF. This can help solve the issue of landlocked public lands, and it can create new (or historical but not legal) access routes to public lands across the country.
2. Direct the Forest Service and BLM to digitize all easements into electronic databases. It is 2019. The public should not have its knowledge about legal access routes across private lands reliant on someone finding a document in the basement of a rural office. The agencies should be directed to digitize all of their access records as soon as possible and the agencies should be specifically given the resources needed to make this happen. Strategic access retention and acquisition depends on it.
3. Address the maintenance backlog on public lands. Because Congress fixed the fire funding mess in 2018, the Forest Service should have additional resources to fix degraded roads, trails and campgrounds beginning in 2020. But if Congress decides to move forward with a maintenance

backlog or infrastructure bill, this is an opportunity to promote recreational access and address the access infrastructure on our public lands, such as roads, trails, boat launches, and campgrounds. Congress should also focus on nature-based solutions in an infrastructure package and approaches such as barrier islands to protect coastal communities and provide important fish and wildlife habitat instead of more short-term solutions like seawalls.

4. Support changes to include recreational access considerations in the BLM land disposal process. For the past year, 22 hunting, fishing, and conservation organizations have been encouraging the Department of the Interior to require that public access for outdoor recreation be added as a required consideration when the BLM evaluates lands for potential disposal through individual resource management plans. We see such measures as critical to preventing the sale of public lands important to the public, and we hope that you would support and encourage such direction from the interior department. Further, if and when FLPMA is reauthorized or amended, we request that this change be codified in statutory law.
5. Address climate change with smart public lands policies. Perhaps the biggest threat to quality access and the outdoor economy is climate change. Hunters and anglers are on the front lines of our changing climate, with shifting migratory patterns, fishing closures due to heat, low flows, or algae blooms, invasive species, and longer wildlife seasons, to name just a few of the most obvious impacts. Our nation's public lands, if properly funded and managed, can serve as a bulwark against the worst impacts of climate. As this committee considers how to legislate on climate change, it would do well to look to our public lands; the policies that help get us to our climate goals are generally good for fish and wildlife, and as such, are good for America's hunters and anglers.

The loss of access to the outdoors and public lands has happened over decades, and it won't turn around without a concentrated effort by Congress and the administration. We thank you for your attention to this issue and we are eager to work with you and your colleagues to take the next steps that will keep Americans in the woods, fields, and waters and contributing to the outdoor recreation economy.