

**Statement of
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**Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining
S. 3427 Modernizing Access to Our Public Lands Act
September 16, 2020**

Thank you for the opportunity to testify on S. 3427, the Modernizing Access to Our Public Land Act, which would direct the Department of Interior (Department), the U.S. Forest Service (USFS), and the Army Corps of Engineers to jointly develop and adopt interagency compatibility standards for Federal databases for the collection and dissemination of public lands recreation data.

The Department supports the overall goals of the bill which align with the Secretary's priority to increase access and promote recreational opportunities on public lands. Public lands have value for recreation only when people can access those lands, and the Department has issued several Secretary's Orders to pursue this priority, such as Secretary's Order 3347, *Conservation Stewardship and Outdoor Recreation*; Secretary's Order 3356, *Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories*; Secretary's Order 3366, *Increasing Recreation Opportunities on Lands and Waters Managed by the U.S. Department of the Interior*; and Secretary's Order 3373, *Evaluating Public Access in Bureau of Land Management Public Land Disposals and Exchanges*.

We believe that this bill has the potential to address some long standing challenges surrounding public access and data management, and we look forward to working with the sponsor and the Committee to address a number of technical issues in the measure, as discussed further below.

Background

Federal land management agencies oversee approximately 640 million surface acres. The Bureau of Land Management (BLM) manages approximately 245 million of those surface acres while the USFS manages another 193 million. Most other Federal land is managed by the U.S. Fish and Wildlife Service (FWS), with over 89 million surface acres as part of the National Wildlife Refuge System, and the National Park Service (NPS), with approximately 80 million surface acres. The Bureau of Reclamation (Reclamation) and the Army Corps of Engineers also manage Federal lands that are used for recreation. The Department is committed to the Administration's priority of expanding access for the American people to the vast recreation opportunities on public lands, including hunting, fishing, and many other uses.

Federal Geographic Data Committee

The Federal Geographic Data Committee (FGDC) is an interagency committee which leads the development, implementation, and review of Federal policies, practices, and standards related to geospatial data. The U.S. Geological Survey serves as its Executive Secretariat. Under the Geospatial Data Act (GDA; P.L. 115-254), the FGDC undertakes its mission with the understanding that jointly developing standards promotes the interoperability of Federal data and makes it more useful to more citizens.

For example, as part of the Federal Data Strategy FY2020 Action Plan, the FGDC and the Chief Data Officers Council will develop machine interpretable processes to better relate data that are kept in different databases. Also, the Department of the Interior has agreements with the U.S. Forest Service to improve interagency data management. Lastly, the Geoplatform, the Federal government's geospatial shared service, provides one place for national-level data to be registered and accessed by users. These ongoing efforts are improving the accessibility and usefulness of existing data assets.

Under the FGDC organizational structure, the BLM leads the FGDC Cadastral Subcommittee, which develops and implements plans to coordinate cadastral data-related activities among Federal, state, tribal, and local governments, and the private sector. The BLM publishes two key datasets through the FGDC: the Public Land Survey System (PLSS), which is a coordinate dataset based on cadastral survey information used for parcel level mapping, and the Surface Management Agency (SMA) dataset, which captures the best available Federal ownership information. Both of these datasets support large scale depiction of Federal ownership information and will enhance our ability to depict parcel level data for many purposes, including public access.

There are currently several ways for the public to access the National Park Service (NPS) Land Resources Program's geospatial boundary and land ownership data through web map services and data downloads on platforms like the NPS Integrated Resource Management Applications (IRMA) data store and Data.gov. Additionally, the NPS provides web-based information to the public for all park units, including the routes of roads and trails, location of campgrounds, and safety information. Digitization of all maintained routes across NPS land may not meaningfully add to the visitor experience and would be a significant undertaking.

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The Department shares the sponsors' interest in improving geospatial data for Federal land management. We are working towards this objective using the authorities of the GDA. The U.S. Army Corps of Engineers is not covered by the GDA, but nonetheless have been active FGDC participants and supportive of its efforts.

Data Consolidation, Digitization, and Publication

Most of the data attributes identified in the bill will require agencies to coordinate across many locations and levels, and some of them are likely to change regularly or may not currently exist in a digital format. These requirements are similar but smaller in scope to those listed in S.1295, the Federal Land Asset Inventory Reform (FLAIR) Act. The capacities of the FGDC will help agencies meet such challenges. However, several provisions within Section 5(a) of this bill

appear to overlap with the requirements of the Dingell Act, which requires the BLM to publish public lands access priorities every two years. The BLM Public Lands Access Project has already begun an internal initiative to digitize recreational access information into geospatial files and make that information available to the public.

In 2019, the BLM also initiated an effort to consolidate and modernize the BLM land status records systems, through the development of the Mineral and Land Records System (MLRS). The future MLRS will replace the current systems used by BLM – the Legacy Rehost 2000 (LR2000) case management system, the Alaska Land Information System (ALIS), and the older status records, such as master title plats, historical indexes, and tract books. MLRS will be a customer-centric, geospatially-enabled land information system that employs nationally standardized business practices. The new system will help ensure the quality and accuracy of land and mineral records and data while securely delivering land records information to relevant BLM employees, customers, and the public.

Definitions of Key Terms & Concepts

The Department believes that additional definitions of key terms and concepts would provide clarity to the bill. Specifically, “outdoor recreation data relating to Federal land” as used in Section 4 could be interpreted to mean lands that are open to certain types of recreational activities, miles of roads and trails open to motor vehicles, or information referenced expressly in Section 5 of the bill. The meaning of “regulated” or “closed” as used in Section 5(a)(5), including any temporal restrictions on “closed” (e.g., short-term closures, long-term closures, seasonal closures, etc.), if intended, would also be helpful. The Department is happy to provide any requested technical assistance.

The Department also suggest that with the popularization of e-bikes, that section (5)(a)(4)(C) be revised to read “non-motorized bicycles” to distinguish traditional bicycles from e-bikes. Sponsors should consider including e-bikes as a standalone category in section 5(a)(4) given that several bureaus within the Department have proposed e-bike rules and, in the future, there may be roads and trails that are open to e-bikes and traditional, non-motorized bicycles but not off-road vehicles, and other roads and trails that are open to non-motorized bicycles but not e-bikes or off-road vehicles.

Implementation Timeframe

Regarding timeframes in the bill, Section 4 provides only 18 months to develop inter-agency geospatial data and/or metadata standards. Based on past experience, this effort could take 24-36 months to complete. Section 5(a) requires the Secretaries to digitize and make publicly available the GIS data within 3 years after enactment of the bill. If agencies fail to meet this deadline, agencies named in the bill could be open to failure to act claims brought under 5 U.S.C. § 706(1). The extension of timeframes in this bill would provide more reasonable and achievable deadlines.

Digitization of Roads & Trails Data

Section 5(a)(2-4) requires the digitization of information regarding roads and trails. The BLM uses a travel and transportation planning process to incorporate roads and trails into its transportation system, which includes determining the status and usage information identified by

Section 5(a)(2-4). To date, the BLM has incorporated 90,000 miles of roads and trail routes into its transportation system through completion of 153 travel plans, which is about 18% of the travel plans needed to inventory, evaluate, and incorporate the remaining 400,000 miles of routes into the transportation system. Given the sheer volume of roads and trails on BLM lands and the lengthy process required to complete a single travel plan, it may not be feasible to obtain the required road and trail information within three years, let alone digitally publish it.

Historic & Archaeological Resource Data

The Department also recommends the addition of a provision to Section 5 stating that the GIS data made publicly available pursuant to section 5(a) should not divulge information regarding the “location, character, and ownership” of historic resources and the “nature and location” of archaeological resources, the disclosure of which is prohibited by the National Historic Preservation Act, 54 U.S.C. § 307103, and the Archaeological Resources Protection Act, 16 U.S.C. § 470hh, respectively.

Conclusion

The Department appreciates the Committee’s interest in this important topic. The Department strongly supports efforts to promote recreational use of public lands and looks forward to working further with the sponsors and the Committee on these issues.