

**Statement of
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**House Committee on Natural Resources
Subcommittee on Energy and Mineral Resources**

**H.R. 3113, Modernizing Access to Our Public Land Act
June 8, 2021**

Thank you for the opportunity to testify on H.R. 3113, the Modernizing Access to Our Public Land Act. The bill directs the Department of the 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. H.R. 3113 also requires Federal agencies to digitize geographic information system (GIS) mapping data related to recreational access and travel management and make it available to the public.

The Department supports the goals of the bill, which align with our vision to increase access to outdoor recreation opportunities for all Americans. Improving equitable access to the outdoors for all people and offering opportunities to fully enjoy our nation's public lands, including to communities that have disproportionately less access to nature, is an important priority for Secretary Haaland, and consistent with President Biden's call to action in Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, to conserve, connect, and restore 30 percent of our lands and waters by 2030 for the sake of our economy, our health, and our well-being. Achieving these goals will involve working collaboratively to pursue conservation approaches that benefit local communities, improve access to recreation, and expand economic growth.

Investing in technologies to help visitors locate and safely access public lands is essential to supporting a variety of recreational activities such as hunting, fishing, mountain biking, climbing, kayaking, camping, and hiking. We believe 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 legislation.

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 USFS 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 that are used for recreation.

Geospatial Data Management / Federal Geographic Data Committee

The Federal Geographic Data Committee (FGDC) is an interagency committee established in 1990 that 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 across agencies 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 kept in different databases. The Department also has agreements with the USFS to improve interagency data management. Lastly, 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 datasets support large scale depiction of Federal ownership information and enhance our ability to depict parcel level data for many purposes, including public access.

H.R. 3113

H.R. 3113 directs Federal land management agencies to develop interagency standards to ensure compatibility among Federal databases related to outdoor recreation. The bill requires Federal agencies to digitize geographic information system (GIS) mapping data related to recreational access and travel management and make it available to the public.

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 attributes are likely to change regularly or may not currently exist in a digital format. The capacities of the FGDC will help agencies meet such challenges. The BLM notes several provisions within Section 5(a) appear to overlap with the requirements of the Dingell Act, which requires the BLM to solicit input from the public and other stakeholders every two years to identify and publish a priority list of BLM parcels with high recreational values that are either inaccessible or have significantly restricted public access. The BLM is currently reviewing more than 2,000 public priority access nominations for potential inclusion on the list to be published later this year. 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 by the end of FY 2022.

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 allowing land records information to be securely delivered to BLM customers and the general public.

The NPS notes there are several additional ways for the public to access the NPS Land Resources Program's geospatial data through web map services and data downloads on platforms like the NPS Integrated Resource Management Applications data store and Data.gov. The NPS provides such web-based information to the public for all park units, including the routes of roads and trails, location of campgrounds and safety information. However, digitization of all maintained routes across NPS land may not meaningfully add to the visitor experience and would be a significant and costly undertaking.

The public can access FWS data using web maps and services that include National Wildlife Refuge System Land, National Fish Hatcheries, and Wilderness Areas. Hunting and fishing opportunities, along with visitor services amenities information are shared with the public through the “Find Your Hunt” interactive web map. Public FWS data is available on Data.gov and through FWS websites.

Definitions of Key Terms & Concepts

The Department believes 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. Further, we would like to ensure definitions are consistent with BLM’s regulations for off-road vehicles and policy guidance for travel and transportation management.

The Department also suggests that with the increased popularity of e-bikes, 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 recently completed efforts to modify existing regulations to better define and manage e-bikes. Moving forward, there may be roads and trails that are open to e-bikes and traditional, non-motorized bicycles but not off-road vehicles, while other roads and trails may be open to non-motorized bicycles but not e-bikes or off-road vehicles.

Implementation Timeframe

Section 4 provides only 18 months to develop interagency geospatial data and/or metadata standards, but based on past experience this effort could take 36-48 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, the government could be open to liability through 5 U.S.C. § 706(1) claims being brought against named agencies. 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, but there are an estimated 400,000 miles of routes remaining that would need to be inventoried, evaluated, and incorporated into the transportation system. Given the sheer volume of roads and trails on BLM lands and the process required to complete each 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 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.

Authorization of Appropriations

Finally, Section 7 authorizes appropriations of equal amounts to the Department of the Interior and the Department of Agriculture, with a smaller amount to the Secretary of the Army to carry out the bill’s requirements.

Conclusion

The Department is committed to expanding equitable access for the American people to the vast recreation opportunities on public lands and forming healthy connections between people and the outdoors, while strengthening local communities, working landscapes, and rural economies. The Department shares the sponsors’ interest in improving geospatial data to facilitate recreational access to Federal lands, and we look forward to working further with the sponsors and the Committee on these issues.