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Latest cash cow? Your own backyard

* Congress' extension of the Adventure Pass program opens the door to a steady commercialization of public land.

It's a chilly morning at Switzer's picnic area along the Angeles Crest Highway, about 9 miles beyond Pasadena, and if you're not going to step lightly, you'll have to move aside. I'm trying to keep up with Congress, and it takes fancy footwork.

The trail runs along the creek. I sidestep muck and golden alder leaves. This is a handsome stretch but not quite what I need. I need more panorama, more oomph, more something. So I hike a little farther, hop stone to stone across the creek, gaze up at a mountain peak dusted with snow. A priceless view, some would say. But that's the wrong adjective today.

On Nov. 20, with a quiet vote tucked into their authorization of an annual spending bill, Congress decided that for the next decade, the feds can charge user fees to anybody who visits federal public land with such improvements as toilets, picnic tables and trash receptacles.

Some people will tell you that the Federal Lands Recreation Enhancement Act — funny, they forgot to mention fees in the name — is merely the refinement of a test measure that goes back to the Clinton years. That "fee demonstration" program since the late '90s has required visitors to pay \$5 per car per day or \$30 per year for Adventure Passes to Southern California's national forests. But the new measure is more than that.

It's an embrace of commercialization and a rebuke to guys like John Muir and Frederick Law Olmsted, quaint old duffers who dared to think a stroll in the park should be free. Pay to play: This is our new creed.

The plan is meant to assure a permanent stream of revenue for maintenance and improvements. Fee amounts will be decided later, and in most cases, 80% of the income will be spent on lands where the fees are paid.

This includes territory managed by the U.S. Forest Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service and the Bureau of Reclamation. The National Park Service is included too, but since it has charged entrance fees for decades, that agency is the least controversial part of this new law.

Sure, there are complications. Congress is abdicating its responsibility to manage these lands with existing tax revenues. Workaday Americans are denied open access to the wilderness they own. The recreation industry, invited to help sell passes and manage some of this land, is likely to recognize a cash cow.

So you don't like the idea of privatizing public land? What? Are you a communist? Are you one of those malcontents who call this "the first new tax of President Bush's second term"? Are you the Denver Post editorial writer who called this "lawmaking at its worst"? Or maybe you're just like Scott Silver, executive director of Bend, Ore.-based Wild Wilderness and crusader against fees, who calls this law the Recreation Access Tax. As in: "The RAT cannot survive, not if the American birthright of free access to our mountains, rivers, deserts and lakes is to survive."

The canyon narrows around me. The air feels cooler, and the tinkle of the creek echoes more loudly. Not quite loudly enough, though. A helicopter is hovering somewhere overhead, searching for criminals or corpses, and the throb of the rotors makes the trees tremble. I'm not there yet.

The first step down this path was taken during the Clinton administration, when feds wanted to wean the Forest Service off its dependence on income from logging, mining and grazing.

In 1996, Congress agreed to a Recreation Fee Demonstration Program at a limited number of parks and forests. The Forest Service discounted reports of dissent, but the new fees raised howls from thousands of the land's most devoted visitors. Complainers ranged from the Sierra Club to scores of local biking, river-running and fishing groups across the country, especially in the West, where most public lands lie. Boycott campaigns sprouted, and scofflaws dared the feds to prosecute. And so, in a few cases, they did.

By 2003, legislators had extended the "demonstration" a few times, and revenue topped \$170 million yearly. But it was all still an experiment.

Enter U.S. Rep. Ralph Regula (R-Ohio). For most of this year, Regula had been pushing a bill to extend the fees, arguing that they give citizens a better recreational experience "for the price of less than a movie ticket." Further, Regula asserted that "because visitors have a financial stake in the land, they are much less likely to commit vandalism and property damage."

Then when Regula's bill ran into trouble in the Senate, Sen. Ted Stevens (R-Alaska), who chairs the Senate Appropriations Committee, worked a little D.C. magic. Regula's bill sneaked in. On Dec. 6, Congress chiseled it into stone along with the rest of the spending bill, which Bush signed into law.

The measure forbids agencies to collect fees from anybody who is merely parking or passing through and limits fees to areas with toilets, picnic tables, trash cans and other

facilities that need maintenance. Aides to Regula say they don't expect fees to reach beyond areas covered by the "demo" programs. The bill establishes public advisory committees to weigh in on fee plans, and it calls for creation of a single pass that will give visitors access to all affected federal land for an annual fee. But plenty is still to be settled.

Sure, it's inconvenient that this decision was made without an honest public conversation. Sure, there might be trouble if local officials across the land started charging for admission to Central Park or Golden Gate Park or Griffith Park. But here we are.

I'm on the overlook trail now, and the creek tinkle is gathering force, growing into a roar that bounces and echoes between canyon walls. Past the gnarled limbs of that manzanita, I can see Switzer Falls below, its 50-foot spout as narrow as the stream from a big teapot. This is good. On this spot, overlooking all this scenery we once considered priceless, I propose we raise a monument to the 108th U.S. Congress. A great big cash register.