

Fees have become a public-lands shakedown

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Scarcely anyone objected in 1996, when Congress authorized the Forest Service, Bureau of Land Management, National Park Service and U.S. Fish and Wildlife Service to charge the public new or increased fees for accessing its own land to fish, hunt, boat, drive, park, camp or walk. After all, it was going to be an experiment -- a three-year pilot program. Hence the name: "Fee Demonstration."

But when it comes to federal revenue, intermittent streams have a way of becoming perennial. Fee demo was extended in 2001, and again in 2004, when it was expanded into the Recreation Enhancement Act. RAT, for short, enabled the agencies to charge even more. The system places federal land managers in the business of attracting crowds, and it may motivate them to ignore the needs of fish and wildlife. Recreation becomes a business.

The big beneficiary of these access fees has been the motorized recreation industry to which they've provided standing and representation. Sponsoring Fee Demo through a cost-share partnership with the Forest Service was the powerful American Recreation Coalition, whose membership is comprised mainly of manufacturers of all-terrain vehicles, motorized trail bikes, jet skis and recreation vehicles. And joining the coalition in lobbying aggressively for both Fee Demo and RAT have been the National Off Highway Vehicle Coalition, the National Snowmobile Manufacturers Association and consumers of all things motorized who band together as the Blue Ribbon Coalition.

With little public or congressional oversight the Forest Service assesses recreational facilities for profitability. The ones that generate least revenue -- remote campgrounds and trailheads, places to which lovers of wildness and quiet would naturally gravitate -- are now first to get disappeared. Bulldozers are knocking down campgrounds, dismantling latrines, removing fire pits. You won't even be able to park. The agency is financing the process with \$93 million in fee receipts; in effect, charging you for the rope it hangs you with.

As abusive as RAT fees are in their own right, the Forest Service is abusing them further by playing fast and loose with the law. The Recreation Enhancement Act requires that fees be charged only if there has been "significant investment," defined as six amenities:

security services, meaning staffers who check to see if you've paid, parking, toilets, picnic tables, trash receptacles, and signs.

A site has to have all six. But the Forest Service has dreamed up a way of getting around the law by designating sections of forest as "High Impact Recreation Areas" (HIRAs). One corner of a HIRA might have a sign; another, perhaps two miles away, a trash can. Three miles from both might be a parking lot; the law makes no reference to anything like an HIRA. The Forest Service flouts even this bizarre interpretation of the law. Last year it admitted to Congress that 739 HIRAs didn't have the six amenities. Moreover, there are at least 3,000 former Fee Demo sites outside HIRAs that are still charging fees, many of them illegally.

When Christine Wallace, a Tucson legal secretary, refused to pay a fee on a Coronado National Forest HIRA in Arizona, she was prosecuted for what amounted to hiking without a license. While the law allows the Forest Service to charge all manner of fees, it specifically prohibits entrance fees. Accordingly, a court found that the agency had acted illegally.

But the Forest Service appealed, and in January 2007, won a reversal. If the ruling is not struck down by Wallace's motion to reconsider or by the 9th U.S. Circuit Court of Appeals, where it seems headed, case law will criminalize exiting your vehicle on your own public land without first finding a ranger station, if one is open, and coughing up money that even the motorized-recreation axis that hatched RAT fees never intended for you to pay.

RAT fees are more than just a ripoff. They've become a replacement for squandered wealth, an incentive for continued profligacy, and an excuse for the White House to keep slashing appropriations for public-lands management.

Summing up the whole sorry mess is district ranger Cid Morgan of the Angeles National Forest in California: "We're going to have to do more with less until we do everything with nothing."

If Morgan and other forest advocates hope for relief from the Forest Service's new director, Abigail Kimbell, who took office in February 2007, they shouldn't. Kimbell says she wants to /increase/ fees.

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