

# Western Slope No-Fee Coalition

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3 November 2015

Representative Tom McClintock, Chair  
Representative Niki Tsongas, Ranking Member  
House Committee on Natural Resources  
Subcommittee on Federal Lands  
Washington, D.C. 20515

Dear Chairman McClintock and Ranking Member Tsongas:

The Western Slope No-Fee Coalition opposes the discussion draft legislation to replace the Federal Lands Recreation Enhancement Act that was considered at the Subcommittee hearing on October 28, 2015. Please enter these comments into the official record of the hearing.

We agree with several of the statements made by Committee Chairman Bishop in his opening statement: that fees are actually taxes requiring congressional oversight and approval, that specific definition of where fees are appropriate is essential, and that federal lands should be available, open, and inviting to American families.

We emphatically disagree that the draft language proposed would accomplish any of these objectives. The language offered would instead be a big step backward from current law and would allow the federal land agencies virtually unlimited authority to levy a tax on anyone to do anything, anywhere on federal land.

For example, FLREA prohibits the Forest Service, BLM, and Bureau of Reclamation from charging a fee solely for parking, picnicking along roadsides, passing through federal lands and waters without using facilities and services, camping in dispersed undeveloped areas, and use of scenic overlooks and pullouts. The discussion draft would strike all of those prohibitions. Widespread evasion of those restrictions, by the Forest Service in particular, has resulted in costly litigation in which the courts have found that the Forest Service has been exceeding its authority by charging fees for all of those activities. Yet these violations continue in many places. The discussion draft, instead of strengthening these important protections, would instead remove them. It would address agency behavior that the courts have found to be illegal by simply legalizing it.

The discussion draft's authority for Day Use Fees and Special Recreation Permit fees is so riddled with undefined and ambiguous terms that one or the other of those could be charged anywhere at all.

The elimination of any discount on camping fees for holders of Senior and Access passes during the three most popular summer holidays amounts to punitive treatment of elderly and disabled citizens and would be a breach of promise on the part of the federal government.

Title 2 has nothing to do with FLREA and does not belong in any legislation to reform it.

Title 3 would confer preferential treatment on the use of concessionaires, and extend that use to the BLM as well as the Forest Service. Concessionaire management is widely unpopular with the general public. The Forest Service is well aware of this because in every instance where they have sought public comment about their use of concessionaires that's what the public has told them. The only voices describing the concessionaire system as a "success" are the companies that are profiting from it. If the Forest Service chooses to use private contractors anyway, then that should be transparent to the visitor as to pass acceptance and discount policies. Extending an unpopular program to yet another agency – one which manages more federal land than any other – makes no sense.

Title 3 would also allow taxpayer-funded facilities to pass into private ownership, either de facto by the issuance of 30-year permits or by outright sale. The American public is proud of our system of federal public lands and does not want these treasured places to pass into private control. In any case this is an issue that has nothing to do with FLREA and does not belong in legislation to reform it. If Congress desires to take up the idea of divesting federally owned recreation facilities they should do so in separate legislation, subject to full public consideration and open debate.

This discussion draft lacks any commitment to our public lands as places where everyone has access and is welcome. It reads as a hodgepodge of disconnected ideas with no unifying theme or vision. It would expand the agencies' ability to charge fees (taxes) to anyone for doing anything at all on federal lands, as well as encouraging the agencies to transfer ownership of federal assets into private ownership.

We would be happy to work with you to craft legislation that establishes recreation fee authority that benefits both the federal land agencies and the public; this draft does not.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kitty Bazar', with a long horizontal flourish extending to the right.

Kitty Bazar  
President