WHERE IS THE HOUSE BILL?

Congress Needs to Walk the Talk on Recreation Fees

By Bill Schneider, 7-03-08

On June 18, finally, Congress started seriously looking into the runaway recreational fee charging policy of federal agencies, primarily the U.S. Forest Service (FS), but it’s still just talk. We’ve had enough of that, so let’s just spike this pay-for-play policy, which is at best an extreme stretch of the legal authority given agencies by Congress—"given," sort of, I should say, since our elected leaders never even debated it or voted on it.

The hearing, held in the House Subcommittee on National Parks, Forests and Public Lands, chaired by Representative Raúl Grijalva (D-AZ), was the first real look Congress has taken at the implementation of the Federal Lands Recreational Enhancement Act (FLREA)—or Recreation Access Tax (RAT) to its critics, including myself, by the Forest Service, Bureau of Land Management and National Park Service.

At the hearing, according to Kitty Benzar, President of the Western Slope No-Fee Coalition (WSNFC), the main nonprofit organization organizing opposition to the RAT, several representatives “expressed serious concern about recreation fees.”

In his opening statement, Subcommittee Chair Grijalva set the tone by saying, “I firmly believe that the American public should not have to pay additional fees to have access to our world class system of parks, forests, refuges and public lands—whether it be listening to a ranger program in a national park, hiking the wilderness, or enjoying a picnic in the woods in a national forest.”

Grijalva also said the subcommittee has been “inundated” by calls from citizens urging Congress to repeal the FLREA.

From that point on, it was an uphill struggle for the two major defenders, Interior Department Deputy Secretary Lynn Scarlett and Agriculture Department Undersecretary Mark Rey. Probably thinking about their next jobs or upcoming retirements due to start when the Bush Administration’s reign of terror ends at the end of the year, they defended their fee programs, answered or sidestepped a barrage of tough questions from subcommittee members and then beating a hasty retreat.

Congressman George Eskridge (R-ID) told the subcommittee how badly recreation fees hurt Idaho’s efforts to promote and develop tourism in the wake of job losses in the declining timber industry. “We have attempted to adjust to this loss of a major industry by promoting a more robust tourist industry that in part relies on the public taking advantage of the recreational opportunities on the federal lands in our state,” Eskridge said. “The improper implementation of fees for use of these facilities not only is resulting in opposition and dissatisfaction from our Idaho citizens, but I believe will result in a decrease in use of these facilities by the general public, and will result in a significant negative impact to the tourist industry in Idaho, not to mention in the nation in general.”
Congressman William Sali (R-ID) joined his Gem State colleague in criticizing the agencies, noting again that his state has had a tough time recovering from the loss of the timber industry and that Idahoans weren’t being unreasonable by objecting having to pay to picnic or hike in the same national forests that “once supported their jobs, put money into their schools, and used to sustain their local economy.”

Continuing the bipartisan bludgeoning of the RAT, Jay Inslee (D-WA) claimed the national forests in Washington are “falling apart” and wondered why, despite fee revenue, roads and trails in the backcountry are not kept open and in good repair. He said that the national forests in his state are “a disaster from a recreational standpoint.”

Rob Bishop (R-UT) questioned why the agencies are spending fee revenues building new facilities when “we can’t maintain what we already have.”

Peter DeFazio (D-OR) expressed concern about the FS’s accounting for fee revenue, which he says is “disappearing into the maw of the bureaucracy.” He said his staff has been unable to get an accounting of $350 million in FS fee revenue. “The numbers just don’t add up properly.”

Several witnesses claimed the public has never had a chance to support the new fee policy, mainly because FLREA was attached to a must-pass, midnight-hour spending bill and never debated or voted on by Congress.

Both Scarlett and Rey disagreed, telling the subcommittee that there has been “ample public participation” in fee decisions, but California teacher and kayaker Peter Wiechers disagreed.

Wiechers told the tale of his efforts to obtain information from the Sequoia National Forest that have been “thwarted at every turn.”

“They (Scarlett and Rey) didn’t even stay to hear my testimony,” Wiechers observed. “As soon as they were done speaking, they left. I don’t think they care at all what the public says, and they sure didn’t care to hear what I had to say. It was just rude.”

Benzar took aim at the questionable legality of the FS’s use of High Impact Recreation Areas (HIRAs), widely used by the FS even though they aren’t authorized in FLREA. Within a HIRA, the FS puts up toll booths and requires a fee for entering the area, often hundred of thousands of acres, and for all uses, even those specifically exempted by FLREA from fees such as roadside parking, using scenic overlooks or driving on state highways through national forests.

The HIRA discussion lead to perhaps the most interesting exchange of the hearing.

Lois Capps (D-CA) whose district contains the Los Padres National Forest and Santa Barbara, where hatred of fees runs deep, asked Rey one of the best questions of the day. She referred to his testimony to the Senate in 2005 acknowledging that HIRAs were controversial. She reminded him that he had promised to submit all HIRAs to the Recreation Resource Advisory Committees (citizen committees set up by the FS) for approval. Then, she asked if he submitted the HIRAs and if they had been approved.

Rey said all HIRAs have been submitted and approved, but “that is not true,” claims Benzar. “I follow this closely, and there has never been a HIRA submitted for approval.”

So, like I said many times in previous articles and as is so clear by the bipartisan testimony at the hearing, it’s time to stop talking and start acting. I hope one or more of these obviously concerned members of the U.S. House of Representatives can back up their words with actions by introducing and passing a bill to repeal the RAT, something similar to the Baucus-Crapo Bill, S. 2438, slowly (too slowly, incidentally) making its way through the Senate.

To watch the entire, two-hour hearing, click here.
To read the written statements of all the witnesses, [click here.]

To learn how you can submit comments for the hearing record, [click here.]

To read more of my articles on the recreation fee issue, [click here.]

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