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Federal Recreation Fees Under Bipartisan Fire in Washington

Washington, DC - In a public hearing on Wednesday, June 18th, the U.S. House of Representatives Subcommittee on National Parks, Forests and Public Lands, chaired by Representative Raúl Grijalva (D-AZ), expressed serious concern about recreation fees that are being imposed by the Forest Service, Bureau of Land Management, National Park Service, and other federal land management agencies.

The hearing was entitled “Paying to Play – Implementation of Fee Authority on Public Lands.” Chairman Grijalva set the tone in his opening statement when he said, “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.”

Five invited witnesses presented evidence of powerful public opposition to recreation fees, lack of accountability for fee revenue, and efforts to exclude the public from fee proposals. The Subcommittee is also taking testimony from the general public by email until July 2nd. According to Grijalva, the Subcommittee has been “inundated” by messages from citizens calling on Congress to repeal the Federal Lands Recreation Enhancement Act (FLREA). Fee authority has been governed by the FLREA since it replaced the Fee Demo program in December 2004.

Idaho State Representative George Eskridge testified about the harm that fees are doing to 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 in the public taking advantage of the recreational opportunities on the federal lands in our state,” said Eskridge. “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.”

Western Slope No-Fee Coalition President Kitty Benzar spoke about the increasing number of fee sites and the questionable legality of many fees. She took special aim at the Forest Service’s use of High Impact Recreation Areas, or HIRAs, which are being widely used by the Forest Service although they are not authorized in the law. Within a HIRA, a fee is required for all uses, even those specifically exempted by law from fees such as roadside parking and scenic overlooks.

Testifying as an ordinary citizen, California teacher and kayaker Peter Wiechers told the tale of his efforts to obtain information from the Sequoia National Forest that have been “thwarted at every turn.” In his judgment as a teacher, Wiechers said, “the Forest Service has failed their program.”
On the whole, the legislators’ questions were critical of claims by the public lands agencies that there is public support for fees, and that the fees being charged for access to large tracts of public land are within the scope of the law. Agency witnesses Interior Department Deputy Secretary Lynn Scarlett and Agriculture Department Undersecretary Mark Rey defended their fee programs, but faced tough questions from the Subcommittee.

Hearing co-chair Grace Napolitano (D-CA) observed that, when she was raising her family, they frequently visited public lands. “I doubt that I would have been able to afford them, with five children, if we’d had to pay an additional cost to travel into those areas,” she said.

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

Lois Capps (D-CA) told Rey that, despite his statements that visitors are only charged for amenities they actually use, she has heard from many constituents that the Los Padres National Forest requires them to pay fees for amenities that are far from the places they visit. “It would seem to me that with these HIRAs, the Forest Service is simply using them to get around the letter of the law,” Capps said.

William Sali (R-ID), noting that his state has had a tough time recovering from the loss of the timber industry, said that Idahoans are not unreasonable when they object to having to pay fees 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.”

Jay Inslee (D-WA) said the National Forests in Washington state are “just falling apart” and wondered why, despite fee revenue, roads and trails in the backcountry are not being kept open and in good repair. He said that the 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.”

Both Scarlett and Rey told the Subcommittee that there is ample public participation and that public input into fee decisions is actively sought by the agencies they oversee, but Wiechers disagreed.

“They didn’t even stay to hear my testimony,” he 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.”

WSNFC President Benzar expressed satisfaction with the hearing. “The Subcommittee showed great interest in hearing about the kinds of abuses that are brought to my attention daily from all over the country,” she said. “I am optimistic that one or more members will act to end this failed experiment and introduce legislation to repeal the FLREA. Anyone who does that will be a hero in their home District.”

A bill to repeal FLREA is currently pending in the Senate with bipartisan sponsorship led by Max Baucus (D-MT) and Mike Crapo (R-ID). No House version has yet been introduced.

Video of the hearing and the written statements of all the witnesses, are posted at [http://resourcescommittee.house.gov/index.php?option=com_jcalpro&Itemid=54&extmode=view&extid=190](http://resourcescommittee.house.gov/index.php?option=com_jcalpro&Itemid=54&extmode=view&extid=190)

Information on how the public can submit comments for the hearing record until July 2 is at [http://westernslopenofee.org/index2.php?display=yes&pageid=22](http://westernslopenofee.org/index2.php?display=yes&pageid=22)

Royalty-free photos of fee sites and fee signs are available at [http://westernslopenofee.org/index2.php?gallery=yes&query=&page=0&limit=10&catid=1](http://westernslopenofee.org/index2.php?gallery=yes&query=&page=0&limit=10&catid=1)