

# RECREATION FEES

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## HEARING BEFORE THE COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

### **S. 2473**

TO ENHANCE THE RECREATIONAL FEE DEMONSTRATION PROGRAM  
FOR THE NATIONAL PARK SERVICE, AND FOR OTHER PURPOSES

### **S. 2607**

TO AUTHORIZE THE SECRETARY OF THE INTERIOR AND THE SEC-  
RETARY OF AGRICULTURE TO COLLECT RECREATION FEES ON  
FEDERAL LANDS, AND FOR OTHER PURPOSES

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JUNE 19, 2002



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## RECREATION FEES

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WEDNESDAY, JUNE 19, 2002

U.S. SENATE,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:33 a.m., in room SD-366, Dirksen Senate Office Building, Hon. Jeff Bingaman, chairman, presiding.

### OPENING STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

The CHAIRMAN. The hearing will come to order.

The purpose of the hearing is to consider the issue of recreation fees on Federal lands, specifically to review two fee bills that are pending in the committee. The bills are S. 2473, which is Senator Thomas' bill to authorize admission and recreation use fees at units of the National Park System, and S. 2607, which is my legislation, to authorize recreation fees for the Park Service, Fish and Wildlife Service, Bureau of Land Management, and the Forest Service.

In 1996, an amendment was included in the Interior and Related Agencies Appropriations Act establishing the Recreation Fee Demonstration Program. This program authorized the three Department of the Interior land management agencies and the Forest Service to establish a fee program "to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands."

Unlike the existing fee authority in the Land and Water Conservation Fund Act, which was developed by this committee and its predecessor, the Interior and Insular Affairs Committee, the Fee Demonstration Program did not place any restrictions on the Federal agencies either in the amount or the type of fees that were charged. Instead, the program authorizes the agencies to collect fees, notwithstanding any other provision of law.

Since its creation in 1996, the Fee Demonstration Program has twice been extended. It now runs through the end of fiscal year 2004. There have been several proposals to make the Fee Demonstration Program permanent. I believe that if we do not address this issue in the authorizing committee this year, there is a good chance the Fee Demonstration Program will be made permanent in the next appropriations cycle or, at the very least, be extended once more.

While I think it is important for us to move a fee bill this year, I understand that recreation fees can be controversial, especially in certain areas of the country, and I want to take a minute to explain the criteria I think we should use for a recreation fee bill.

First, any bill must ensure that recreation fees are fair and affordable and that visitors are not prevented from using public lands because of fees.

Second, a bill should allow the land management agencies to use fee revenues without further appropriation and ensure that most fees are spent in the area where they are collected.

Third, recreation fees should supplement and not offset existing appropriations.

Fourth, all Federal agencies should establish a consistent fee policy and we should have a single legislative authority for fees.

Fifth, Congress should set limits on the agencies' authority to charge fees in specific circumstances, and toward that end, we should include statutory prohibitions on specific activities for which fees should not be charged.

And finally, consistent with these goals, we should allow Federal land managers flexibility to manage their fee programs.

I do not believe that simply making the Fee Demonstration Program permanent will achieve these goals. I know there is some confusion about my bill being an extension of that program. I want to clarify what the bill tries to achieve.

I do believe there is general support for ensuring that fees collected are spent primarily at the collection site, whether for resource protection or addressing maintenance backlogs or other critical funding needs. The legislation I have introduced continues to align the agencies to keep fee revenues instead of returning them to the general treasury.

At the same time, I do not agree with the broad authority in the Fee Demonstration Program that allows Federal agencies to charge a fee for anything without any limitations. To address that concern, S. 2607 includes many provisions that were originally included in the Land and Water Conservation Fund fee authorities and some other limitations as well, including restrictions on the types of areas for which an entrance fee may be charged and restrictions on the types of activities for which a daily use fee may be charged.

For example, the bill prohibits levying a use fee for access to a visitor center, for access to a dispersed area with little Federal investment and for stopping at a scenic overlook among other restrictions. I believe the Forest Service's efforts to charge fees in some cases for these types of activities have met with considerable opposition from many visitors, and that is justifiable opposition.

A major concern I have with the recreation fee issue as a whole is that I do not want these fees to be a deterrent to public use of our public lands, especially for those with lower incomes. I have tried to ensure in this bill that all fees be fair and equitable. If we need to clarify that fees must also be affordable, then I would be anxious to do that.

We have representatives from both the Department of the Interior and the Agriculture Department here this morning. I hope we will be able to explore the fee issue in detail with these witnesses.

I think it is important that as the authorizing committee, we finally begin the discussion on this issue.

With S. 2607, I have tried to address what I believe are some of the major concerns with the existing fee policies. I look forward to working with other members of the committee and particularly Senator Thomas and the bill he has in the committee to produce a good resolution on this issue.

We received several hundred statements for the record, all of which have expressed opposition to the Fee Demonstration Program, and we will include all those statements in the record.

Senator Campbell, did you have any opening statement?

[A prepared statement from Senator Baucus follows:]

PREPARED STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM MONTANA

Thank you, Mr. Chairman, for allowing me to testify here today regarding the Recreation Fee Demonstration Program.

As you know, the Recreational Fee Demonstration Program was originally designed as a short-term trial program. This program allows the four major federal land management agencies, the Bureau of Land Management, the United States Forest Service, the National Park Service, and the United States Fish and Wildlife Service, to test the feasibility of using new fees to recover some of the costs associated with operating and maintaining federal recreation sites.

Montana has millions of acres of federal land. We have a long hunting, fishing and recreation tradition that is a way of life for folks from every walk of life in Montana, from farmer to logger, to businessman to conservationist. Charging the average Montanan to use the National Forest in his or her own backyard, land that they've used freely for generations just doesn't seem fair. Public lands have to remain open and accessible to all Montanans, for this generation and the next.

Although I understand that, particularly in the case of National Parks, fees may be necessary in areas of heavy recreational use, I urge you to be extremely cautious in authorizing agencies to rely on fees to pad their budgets, or promote unnecessary projects in areas that don't see much recreational use.

Recreation fees could have a disproportionate impact on Montana's working class men and women, particularly when compared to out-of-state tourists with higher incomes. A lot of hard-working Montanans already pay taxes to manage our public lands. We should not price these people off of their public lands, nor should we require them to subsidize a federal agency's desire to cater to out-of-state "customers," in the guise of addressing "critical" maintenance backlogs.

I firmly believe that recreation fees should never replace the Federal Government's responsibility to take care of the lands that it holds in trust for the public. I don't believe we should encourage agencies to set high fees so that they can build unnecessary developments. Similarly, I just can't support lifting the 100-project limit that currently restrains the Forest Service and other federal land management agencies from relying too heavily on recreation fees to supplement their budgets.

I believe that it is not in our interest to make the Recreation Fee Program permanent right now. Because the Program was designed in 1996, neither Congress, nor the affected agencies have had a good opportunity to analyze the effectiveness of the Recreation Fee Program. Before we make this program permanent, we need to have a better understanding of how monies collected from the program are being spent and where they are being spent.

For example, I think we'd all agree that the federal land management agencies have vastly different needs when it comes to recreation. In Montana, we have a lot of land maintained by the Forest Service. I can guarantee you that the Flathead National Forest or the Kootenai National Forest don't see anything even close to the several million visitors that come to Yellowstone and Glacier National Parks each year, demanding good roads, lodging, food, campsites, interpretive centers, maintained walkways, and other visitor services.

I can understand why the Park Service might need to levy fees in order to maintain many of their customers' recreational needs. However, the Forest Service simply isn't the same kind of animal when it comes to recreation. If it were, all of our forests would be National Parks. I believe it would be a real injustice for Montana residents to treat the two agencies as if they had equal recreational needs in any permanent Recreational Fee Program.

Mr. Chairman, I appreciate S. 2607's attempt find a compromise between the interests involved in this debate. However, I strongly believe that we need to take a good look at the current demo program and see how effective it is before we make it permanent. With this in mind, I strongly urge this committee to postpone consideration of S. 2607 until we can be absolutely sure that we have a program that meets the legitimate needs of the agencies involved while still allowing Montanans and all Americans to freely enjoy their public lands.

Thank you again for the opportunity to testify before you today.

**STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL,  
U.S. SENATOR FROM COLORADO**

Senator CAMPBELL. Mr. Chairman, I have a conflict, so I have to leave pretty soon.

But let me just say that this is a very difficult issue out West. Coming from our neighboring State, New Mexico, I am sure you have heard from many of your constituents, as I have and as Senator Thomas has, those who believe any kind of a fee is a form of double taxation, and others who demand better and better facilities.

My own view has been that if you are taking something from the land, or there is something you are using there, mining or timber or so on, I understand that you have to have fees. In a national park, obviously if you wanted upgraded facilities, bathrooms, campgrounds, and so on, I think they very clearly need the revenue to do it.

I am concerned somewhat, though, on a fee proposal that would be enacted for those who just want to go out and look at the forest. You mentioned the caveats in your bill, for instance, an overlook where people could drive through and they would not be charged. I think that is good.

I have a big book at home that lists all of the campgrounds in the United States, public and private campgrounds, where you can go with your RV and camp. If you look at the difference between the private ones that provide different services and barbecue pits and all kinds of things and look at the ones that are in the national forest, I mean it is different as night and day. The ones in the forests, there just is not anything there. There is a place to pull off literally. Most of them, at best, might have a port-a-potty or two, but other than that, there is almost nothing in any of those campgrounds. So, if you are not doing anything more than just pulling off the road and parking for a while, I do not know what the fee would be for unless it is to try to improve things, if that is what people are demanding. On the other hand, if they do, then I wonder if they are not getting in competition with the private campgrounds. So, it is a very difficult problem.

Certainly in all three of our States, the tourism is at least one of the backbones of our State economics. When you tell people that you are going to start charging to go into the forest or onto the public land, other than the parks, I think there might be some concerns from the standpoint of what it is going to do to our tourism industries.

I would just mention that I have some further statements and a couple of questions.

The CHAIRMAN. Thank you very much.  
Senator Thomas.

**STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR  
FROM WYOMING**

Senator THOMAS. Thank you, Mr. Chairman. Thank you for having this hearing. I think it is very important and timely that we do something to, in my view, make permanent this Fee Demonstration Program.

Obviously, there have been mixed reviews in the 5 or 6 years that it has been out there. I think it has been a demonstration, and from that demonstration, we ought to have learned how we can best do this. I think the Forest Service ought to be congratulated, for they probably did more on demonstrations and trying different things than any other agency, frankly. Now, some of those were not very well received, as a matter of fact, so there is some criticism. But nevertheless, that is what this was, a demonstration.

So, as you pointed out, Mr. Chairman, I have a bill. Mine limits it to the National Park Service. I am not totally dedicated to that idea, but as Senator Campbell was talking about, I think we have to be very selective about the kinds of places in which charges are made. There have to be some services there that are unusual. It sort of bothers me to be talking about fees on public lands. Public lands in Wyoming means the BLM, it means miles and miles of stuff with nothing on it. Now, I know that technically is not probably right, but that is the view we have. Parks are not seen as public lands in the same category as the open space or much of the Forest Service.

I believe that we can work out something here. I think there ought to be some criteria, as you have suggested, as to where this takes place. I think it is too bad when we have a facility and you have a sequence of five or six different fees for different things in the same place. I think that is not good. You certainly ought not to have to have a permit or charge a fee to go on Forest Service or BLM land just to be there.

So, I have some questions about where we are on it. I think there ought to be more accountability of the funds. I am not quite sure the 80 percent has ever gotten to where it is supposed to be. We talk of having 32 percent costs to be able to collect this money. That is way too high. But I look forward to it, Mr. Chairman, and I am sure we can work out something that will be good for the lands and good for the visitors. Thank you.

The CHAIRMAN. Thank you very much.

Senator Akaka, did you have an opening statement?

**STATEMENT OF HON. DANIEL K. AKAKA, U.S. SENATOR  
FROM HAWAII**

Senator AKAKA. Yes, thank you very much, Mr. Chairman, and thank you very much for holding this hearing on the recreational fee program.

I would like to add my welcome to our two witnesses, welcome to the committee. I have met both of you before and worked with Mr. Rey during his years on the committee. So, welcome back.

The recreational fee demo programs under consideration today are temporary programs managed by the Federal land management agencies. In examining whether to permanently authorize fee authority, we must assess the benefits and weaknesses of the rec-

reational fees and their uses. Fees are charged for commercial uses of the public lands such as grazing and logging. I believe it is appropriate to authorize fees for recreational uses of public lands as part of our responsibility to be stewards of our natural resources, particularly with the increasing demand for access to public areas.

In my State, Mr. Chairman, the fee demo program has been a successful venture for our national parks. We have two national parks in our State that have raised net revenues of over \$1 million in fiscal year 2000. We are in the top 10 of fee demo parks with Hawaii Volcanoes National Park raising \$3.2 million and Haleakala raising \$2.1 million in net revenue. These amounts are equivalent to 70 percent and 66 percent of the unit budgets by those parks. The fees are relatively simple—entrance fees for buses and individuals—and they fluctuate over time. The fees are very important for our parks to defray costs of maintenance for trails, interpretation, and facilities in these two parks. Under current law, we share 20 percent of the revenue with other parks across the Nation.

One of my concerns, Mr. Chairman, is the restricted use of fee demonstration revenues. In Hawaii, we have an invasive species/endangered species challenge. One of our parks' most consistent problems is the threat of invasive species. Miconia is a fast-growing, aggressive tree that forms dense stands and pushes aside native growth. Miconia, which has devastated Tahiti, is our number one resource problem in Hawaii's parks. This threat is eminent at Haleakala and is most efficiently dealt with before it enters park boundaries. As we examine both bills today, I hope consideration can be given to the use of fee demonstration funds to help parks protect native vegetation and animals against invaders like Miconia, even if it is technically outside the boundary of the park.

There are many other important issues regarding recreational fee authority for land management agencies. We must consider the issues of equity among fees, coordination of fees across agencies, and the public's perception of multiple fees which confront them.

Mr. Chairman, I look forward to the testimony from our witnesses. Thank you very much.

The CHAIRMAN. Well, thank you very much.

Why do we not go ahead with both of our witnesses here. Our first witness will be the Honorable Lynn Scarlett who is the Assistant Secretary for Policy, Management, and Budget with the Department of the Interior, and then the Honorable Mark Rey who is the Under Secretary for Natural Resources and Environment in the Department of Agriculture. Please go right ahead.

**STATEMENT OF P. LYNN SCARLETT, ASSISTANT SECRETARY FOR POLICY, MANAGEMENT, AND BUDGET, DEPARTMENT OF THE INTERIOR**

Ms. SCARLETT. Thank you, Mr. Chairman and members of the committee and thanks for this opportunity to present the Department of the Interior's views on S. 2473, as well as S. 2607, both of which address, as we have been discussing, recreation fees. The Department of the Interior thinks this is an extraordinarily important and timely topic, and we appreciate this opportunity.

The Department of the Interior strongly supports the efforts through both of these bills to establish rec fee authority. In particular, we support the efforts of both of them to allow for reinvestment of the majority of fees into facilities and services at the sites where the fees are charged.

A little bit of background. As we all know, of course, Federal lands are very important to Americans and other visitors for recreation values, for values of reflection and solace, for education purposes. We want to ensure that our Federal lands managed under the Department of the Interior continue to play this important role and we view recreation fees as a very important part of pursuing that mission.

We would like to share some our experiences and lessons learned through the Fee Demonstration Program and our experience in general with fees at our public lands. This is experience drawn from across all of our agencies and, indeed, also from an inter-agency effort with the Department of Agriculture and the Forest Service. We recently created an Interagency Recreation Fee Leadership Council. I chair the council with Mark Rey. It has been a valuable opportunity across agencies to garner information and share those experiences and try to develop coordinated and better management of the fee programs.

Let me share some of the achievements first and then move to lessons learned and some of the challenges that we view as necessary to be addressed in any forthcoming legislation.

First on the achievement, we view these demonstration fees and recreation fees as having allowed us to actually improve and provide additional benefits to recreationists for local and other visitors to parks and local communities. Let me give you a couple of examples.

At the South Fork of the Snake River, we had a pilot fee project there. It was a partnership with the Bureau of Land Management, the Forest Service, the Idaho Department of Fish and Game, and three counties, all working jointly together. The money there has been used for making facilities more accessible to those with disabilities. It has also replaced and improved vital facilities such as toilets and parking and so forth. Interestingly enough, in this particular demo program, local communities and users of these parks and other facilities have been participants in determining how the fees would be expended.

Cedar Mesa, Utah, another example here drawn from the BLM experience, used its fee demo monies to support volunteers and seasonal staff, as well as other resources to invest in recreation improvements.

The BLM has partnered with the Grand Canyon Boaters Association to aid in river cleanup, a cooperation that has resulted in the cleanup of 2 tons of trash over the last 2 years from the rivers.

The Fish and Wildlife Service, in just one example at Back Bay Wildlife Refuge, had an agreement with the city of Virginia Beach on programs to help serve 34 summer youth camps serving over 2,000 youths in education programs.

And finally, drawing from the National Park Service, Mount Rainier National Park undertook a major restoration and expansion of its amphitheater, expanding to be able to accommodate 300

people, a more than doubling of that facility, and invested in major campground improvements.

So, these give you a kind of a glimpse at the kinds of things that have been done with recreation fee programs.

What have we learned through these efforts? Well, we have learned, bottom line, that the recreation fees have been pivotal to improving our ability to serve and enhance the visitor experience. Last year alone at the Department of the Interior, the fees raised as much as \$130 million, much of which, the largest proportion of which, actually went into on-the-ground improvements.

But we have learned ways to improve the program, and we have heard some of the comments about the challenges here this morning from the Senators. But let me highlight several key concerns that we have come to understand.

These range from lack of consistency in terms of the application of fees not only among our agencies, but from one unit to another. And lack of clarity, people being confused regarding why they are charged one kind of fee for a particular service in one location and a different fee for the same service in another location. There is some confusion over too many fees, a layering of fees. And then finally, as Senator Thomas had pointed out, is the importance of accountability and to date some lack of transparency in how the fees have been utilized, where these monies are going, whether the monies raised have been fully obligated and so on.

Based on these concerns, the Fee Council that I mentioned has come up with what we believe are seven guiding principles that should help us move forward with a positive recreation fee program in the future, one that is centrally focused on benefits to the visiting public. We agree with all the Senators that that has to be at the core of any program.

But consider other guiding principles. Rec fees need to be fair and equitable, with some degree of consistency across units for like activities. We believe they need to be collaborative not only among our agencies so that we are taking into account what other agencies are doing as we set our fees, but also with the local communities and other park units from States and counties. They need to be convenient both in how they are able to be accessed and in how they are implemented. They need to be accountable and transparent, as I just mentioned. And finally, as some of the Senators have indicated, we believe efficiency is important in their implementation and we believe we need to strive better at achieving those efficiencies.

So, what does this mean for the future and any possible recommendations relating to the two bills before us today? We have five suggestions to supplement the proposals that are on the table today.

First, we think the Recreation Fee Program should be an inter-agency one. We are increasingly learning that the public does not distinguish between one land unit and another land unit. Often, they are not even aware of the distinctions between one agency and another. When they are seeking a recreation experience, it is that experience that they are seeking. So, we think that we need an interagency effort that enhances coordination among the agencies

that has like fees for like kinds of activities regardless of who is the manager of that particular location.

Secondly, we would like to explore the creation of an interagency national pass. We think that the National Park Passport that was developed under Senator Thomas' leadership is an excellent model. We think it was a path-breaking and pioneering effort. What we have learned from that leads us to believe that we should try to expand on that success. We would like to propose a new annual interagency pass to expand the National Parks Passport to include all participating agencies and seamless service to the citizen, provided that there is that common recreation opportunity and that common investment in enhanced facilities in the particular units that would be covered.

Third, we would like to establish an improved system of fees to replace the entrance and use fees. Over the years, starting with the Land and Water Conservation Fund fees and then building through the demonstration projects, we have had several decades of evolved fees, and they have become blurred, people being somewhat confused about what an entrance fee is, what a use fee is. Sometimes the entrance fee actually gets you use of certain activities, sometimes not. So, we think both that language has become a little bit blurred and we would like to propose a more consistent fee system across agencies.

We are proposing what we call a basic fee system which would provide entry to those areas with a certain level of agreed upon investment, and that would provide you access to the basic opportunities and features of that park, but then also the opportunity for what we are proposing to be called expanded fees for those activities that involve kind of above and beyond investments for specific kinds of activities with special costs related to that particular user.

Fourth, and in full concurrence with all of the Senators today, we believe better reporting on use of fees is necessary and should be established and formalized. Through our experience, acceptance by visitors hinges on that reporting and that accountability. We find from 84 to 90 percent acceptance of the fees when the public can see that the fee really has benefitted them, has gone to enhance their opportunities.

And fifth, we would like the authority to establish also some site-specific or regional multi-entity passes, for example, to benefit regular visitors who live in a particular location, so in a seamless way they can go across the lands from one agency to another, all of which have like or similar recreation activities. We think this would promote partnering with States. We have a couple of examples, as I mentioned, one in Idaho already. We would like to build on that experience.

In conclusion, I would like to take this opportunity to announce, in support of the President's Healthier United States Initiative, that the National Park Service will be waiving all entrance fees on June 22 and 23 of this year, in keeping with the longstanding tradition of providing fee-free days periodically. The parks and Federal lands are important contexts in which Americans seek to lead healthier lives. We thank you for your interest in recreation fees and their tie to making those opportunities to American citizens better.

Thank you. I would be happy to answer any questions.  
[The prepared statement of Ms. Scarlett follows:]

PREPARED STATEMENT OF P. LYNN SCARLETT, ASSISTANT SECRETARY OF POLICY,  
MANAGEMENT, AND BUDGET, DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 2473, a bill to enhance the recreational fee demonstration program for the National Park Service, and S. 2607, a bill to authorize the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees on federal lands. We thank the Committee for the opportunity to discuss this important issue.

The Department strongly supports the efforts through S. 2473 and S. 2607 to establish recreation fee authority and, in particular, allow for the reinvestment of the majority of those fees into facilities and services that enhance the visitor experience.

Congress established recreation fee authority in 1965 under the Land and Water Conservation Fund Act, and more recently, in 1996, under the Recreational Fee Demonstration (Fee Demo) program. In enacting these bills, Congress acknowledged that the visitors to federal lands receive some benefits that do not directly accrue to the public at large and that charging a modest fee to that population is both equitable and fair to the general taxpayer. Congress took that idea one step further when establishing the Fee Demo program for the National Park Service (NPS), the Bureau of Land Management (BLM), the U.S. Fish and Wildlife Service (Fish and Wildlife Service), and the U.S. Forest Service (Forest Service). During the 105th Congress, a House Appropriations Committee Report noted that the Fee Demo program was developed in direct response to the federal agencies' concern over their growing backlog maintenance needs. Thus, the Fee Demo program allowed participating agencies to retain a majority of recreation fees at the site collected and reinvest those fees into enhancing visitor services. This authority was deliberately broad and flexible to encourage agencies to experiment with their fee programs.

As the Committee is aware, our federal lands boast scenic vistas, breathtaking landscapes, and unique natural wonders. On these lands, many patriotic symbols, battlefields, memorials, historic homes, and many other types of sites tell the story of America. Federal lands have provided Americans and visitors from around the world special places for recreation, education, reflection and solace. The family vacation to these destinations is an American tradition.

We want to ensure that the federal lands continue to play this important role in American life and culture. Fulfilling this mission requires that we maintain visitor-serving facilities and services, preserve natural and historic resources, and enhance visitor opportunities. Such efforts require an adequate and steady source of funding.

We would like to share some of our experiences and lessons learned through the Fee Demo Program with you and offer several suggestions about the types of provisions that we believe would be important to include in any future recreation fee program. The agencies did experiment with fees during the demonstration phase. This experience has provided them with important information about the type of fee program that will meet the intended goal of enhancing the visiting public's enjoyment of our federal lands. In addition to continual efforts to evaluate, study, and improve fee programs within individual agencies, the agencies also have made tremendous efforts to coordinate and share experiences among all the participating agencies.

To facilitate coordination and consistency among the agencies on recreation fee policies, the agencies recently created an Interagency Recreation Fee Leadership Council (Fee Council). The members of the Fee Council from the Department of the Interior include four Assistant Secretaries, four Bureau Directors, and the Director of Congressional and Legislative Affairs. The USDA is represented by the Under Secretary for Natural Resources and Environment, the Chief Forester for the Forest Service, and the Director of Legislative Affairs for the Forest Service. As Assistant Secretary for Policy, Management, and Budget, I co-chair the Council along with USDA's Under Secretary for Natural Resources and Environment, Mark Rey. The Fee Council is developing its first annual work plan, which tentatively includes coordinating project evaluation and expenditure guidelines and determining what types of joint research projects may be necessary to assist in setting sensible recreation fee policies.

The agencies also worked together on the *Recreational Fee Demonstration Program Interim Report to Congress*, a comprehensive analysis of the Fee Demo Program sent to Congress in April 2002. This process, coupled with input from the Fee Council, has provided an unprecedented opportunity to evaluate the progress of the Fee Demo program. We would like to share with you today some of the achievements of the program, the lessons learned regarding our implementation of the pro-

gram, and what we have discovered are the critical elements of a successful future for the recreation fee program.

#### ACHIEVEMENTS

Consider first how the Department has worked with the public to ensure that the Fee Demo program benefits recreationists, the federal lands visitors, and local communities. Efforts to seek out public input are consistent with Secretary Norton's "Four C's"—Communication, Consultation, and Cooperation, all in the service of Conservation. Given our experience with cooperative decisionmaking within the Fee Demo program, we believe that any future fee program should foster collaborative opportunities.

At the South Fork of the Snake River Pilot Fee Project, a joint partnership of the BLM, the Forest Service, Idaho Department of Fish and Game, and the counties of Bonneville, Madison, and Jefferson, Fee Demo money was used to replace non-functional toilets, expand and elevate the parking lot, and make the facility accessible to individuals with disabilities at Menan Boat Access. A working group at this site, composed of representatives of the agencies and other stakeholders, allocates revenues and produces a public report illustrating projects and expenditures. The report is distributed to previous season pass holders, businesses throughout the area, and staff. Completed projects are listed on the back of annual season passes and a news release is issued. Throughout the year participating agencies seek input from the public, outfitters and guides, and fishing clubs on what projects to fund with the collected fees.

The BLM Eagle Lake Field Office in California entered into a cooperative venture with a local bus company to provide, for a small fee, shuttle service to bring bikes and riders back to their vehicles. On board the shuttle is an interpreter who explains resource features and sites of interest along the route. The BLM has established a strong link with the community because local residents frequently ride the shuttle. This shuttle supports the local economy through the venture with the local bus company and by increasing tourism in the rural area.

At Cedar Mesa, Utah, the BLM has used Fee Demo funds to provide support for volunteers and seasonal staff who supervise the various recreation improvement projects. The BLM has created a strong working relationship with the Grand Canyon Private Boaters Association to aid in San Juan River clean-up, which has resulted in removal of almost two tons of trash from the river and its banks over the last two years. In addition, the BLM worked with three separate service groups—the Wilderness Volunteers, the Sierra Club, and the American Hiking Association—to mitigate trail damage created by early season flooding.

At the Back Bay National Wildlife Refuge, the Fish and Wildlife Service has established a cooperative agreement with the City of Virginia Beach to provide environmental education programming for 34 summer youth camps, serving more than 2,000 young recreationists.

At Mount Rainier National Park, the high volume of use at campground facilities had worn down interpretive facilities, contributed to visitor health and safety problems, and resulted in the general feeling of dissatisfaction of campground users. In Cougar Rock campground, the 125-seat amphitheater was too small to accommodate current visitation and was determined to be located too close to geo-hazards. Fee demo funds were used to relocate the facility and increase seating capacity to 300. Fee demo funds also were used to ensure that the White River Campground restroom facilities could meet peak-season demand.

#### LESSONS LEARNED AND GUIDING PRINCIPLES

Through the fee program, agencies have been able to fund many important visitor projects. At the same time, the Department also has learned about ways to improve the fee program. Some concerns expressed about the program include:

- Recreation fees are not consistent across sites with similar features and facilities;
- The distinction between recreation fees charged for "entrance" and those charged for "use" is unclear;
- Use of recreation fees for improvements to facilities and services often is not apparent to the visiting public;
- The current pass system is confusing to the public;
- Recreation fees should not be charged in areas with little or no improvements aimed at enhancing the visitor experience;
- Visitors should not be "nickel and dimed" through too many separate recreation fee charges.

In response to the criticisms received, the Fee Council has identified seven guiding principles that address these and other concerns and are critical to a successful fee program. Any long-term fee program should be beneficial to the visiting public, fair and equitable, efficient, consistent, collaborative, convenient, and accountable.

*1. Beneficial to the Visiting Public*

The first guiding principle is that the ultimate goal of a fee program must be to benefit the visiting public by enhancing the resources, facilities, and programs utilized by those paying the fees. A majority of fee revenue should be kept at the site where the fee is collected and fees should help provide the sites with adequate resources to enhance and address unmet visitor service needs, reduce the backlog of deferred maintenance, and restore and enhance impacted or endangered resources. The success of a fee program lies in the delivery of these services, not merely in revenue generation.

*2. Fair and Equitable*

Fees also should be fair and equitable—they should be affordable for all members of the public and not significantly affect visitation. Fees should be based on coherent framework that considers the relationship between who pays and who benefits from the services provided by a recreation program.

*3. Efficient*

The third guiding principle is that fees should be collected and administered in a cost efficient, enforceable, and business-like manner.

*4. Consistent*

The fourth guiding principle is that a recreation fee system should, where possible, be consistent. Visitors should expect a similar fee for similar activities, facilities, and services across agencies and in a given geographic area. The costs and benefits associated with a fee or pass should be clearly illustrated and easily understood by the visiting public.

*5. Collaborative*

As you know, collaboration lies at the center of Secretary Norton's "Four C's"—Communication, Consultation, and Cooperation, all in the service of Conservation. Consistent with this philosophy is the notion that input from local communities, constituencies and other stakeholders is vitally important in establishing reasonable fees. Wherever possible or appropriate, agencies should coordinate fees with private entities, local, state, and other federal agencies to minimize overlapping costs and simplify fees for the visiting public.

*6. Convenient*

Fees should be convenient to pay and passes easy to obtain. A variety of payment and location options (including by credit card, internet, automated fee machines, and vendor sales) should be made available as appropriate and feasible.

*7. Accountable*

Finally, agencies should be accountable to the public and Congress. Agencies should collect data and publish annually public documentation showing how the fee program is administered. Agencies should evaluate fee programs to consider cost of collection, adherence to policy, fiscal safeguards, how well they achieve organizational, site, or community goals, and how fee revenues have been spent to enhance the visitor experience.

THE FUTURE OF THE RECREATION FEE PROGRAM

Through our experience with the Fee Demo program, we now have the knowledge and tools to establish a successful fee program. Delay could result in a lost opportunity to implement a more productive, streamlined recreation fee system for the future designed to enhance the visitor's experience. The Department is ready for that challenge.

In addition to the efforts of the individual agencies and the Fee Council, we have a few suggestions on legislative provisions that would adhere to the guiding principles and address some of the criticisms levied at the program.

*1. The Recreation Fee Program Should Be An Interagency One*

We have found that the visiting public does not distinguish between lands managed by different federal agencies. Enhancing coordination between agencies is extraordinarily important in creating a sensible and efficient fee program with seam-

less services that is well-understood by the public. For these reasons, we are willing and ready to take on the challenges of an interagency program.

Although the nature of some agencies makes the collection of fees easier than for others, we believe that the relevant policy question of whether recreation fee authority should be given to an agency is whether the visiting public would benefit from enhanced recreation facilities and other visitor services that would result from such fees being charged. For example, the Bureau of Reclamation's 288 lakes accommodate 90 million visits a year. Just as in the case with other agencies, their visitors could benefit from improvements to facilities and services that could not otherwise be accomplished without recreation fee authority. As noted above, the BLM, the Fish and Wildlife Service, and the Forest Service have utilized their fees in creative and productive ways to enhance the visitor experience. Other agencies outside the Department of the Interior and USDA may also benefit from such a program.

### *2. An Interagency National Pass Should Be Established*

For reasons that include those above, we also should explore the creation of a new interagency national pass that would provide visitors with a convenient and economical way to enjoy recreation on federal lands while at the same time, serve to educate the American public about their federal lands and available recreational opportunities. We believe that the National Park Passport developed by Mr. Thomas a few years ago is an excellent model for such a program, and we would like to expand on its successes—the image competition as well as the modern marketing, and innovative, administration provisions. Therefore, we propose creating a new annual interagency pass would expand the National Parks Passport to include all participating agencies and would consolidate the Golden Passes established under the Land and Water Conservation Act. By consolidating these passes, the interagency pass would decrease visitor confusion about passes and shift the emphasis to recreation opportunities on our federal lands rather than an agency-centric view. We envision the interagency pass would include new and expanded standard benefits that are consistent across agencies and more inclusive than benefits under the Golden Eagle Pass; we envision the pass to be provided to seniors at steep discounts and to the disabled community free of charge; and we envision the pass retaining the look and program qualities of the National Park Passport. The distribution formula of pass revenues would be data-driven, established, and periodically reevaluated through the Fee Council. We look forward to working with the Committee to determine the appropriate formulas.

### *3. An Improved System of Fees to Replace Outdated "Entrance" and "Use" Fees Should Be Created*

Each of the agencies have molded and shaped the LWCF definitions of "entrance" and "use" fees differently over the last several decades, thereby blurring the distinction between these fees and affecting how the Golden passes are used. The lack of consistency between and within agencies has led to visitor confusion and frustration. For this reason, we propose creating a new system of fees that will have consistent application across all agencies.

Instead of an "entrance" fee, agencies would be authorized to charge a "basic recreation" fee only at designated units or areas where a substantial investment has been made by the agency to enhance the visitor experience at that location. Under this system, restrictions would be put in place to ensure that the visiting public would not be charged if the agency is not making a certain level of investment in visitor services. All passes established would cover the basic recreation fee at all sites. Thus, basic recreation activities that were once inappropriately charged a "use" fee would now be covered by the passes.

While the Department would like to make as many efforts as possible to streamline the recreation fee system, fairness and equity concerns argue against the elimination of all layering of fees. The notion behind charging a fee beyond the basic recreation fee is that certain recreation activities require additional attention by agency staff or involve costs that should not be borne by the general public through taxpayer funds or by the rest of the visiting public through the basic recreation fee. The system must balance fairness and equity principles by carefully considering the relationship between who pays and who benefits.

Instead of a "use" fee, as now charged, we suggest that a fee for enhanced services, activities, and facilities be charged as an "expanded recreation" fee. The types of activities for which an expanded recreation fee may be charged will, to the extent possible, be consistent across agencies. Specific prohibitions and guidance will safeguard against blurring the two categories of fees to ensure that: 1) the system is understandable to the public; 2) the public is not "double charged" when enjoying

the primary attraction of the site; and 3) passes, which are proposed to cover the basic recreation fees, retain full value.

*4. Better Reporting on the Use of Fee Revenues Should Be Established*

The purpose of the recreation fee program is to improve the visitor's recreation experience. Visitor acceptance of fees depends upon: 1) whether improvements to the site are visible to them and, 2) whether a majority of the fee revenues stay at the site visited. For this reason, the Department would like to develop a meaningful reporting requirement to Congress to ensure that fee revenues are used efficiently and effectively for the benefit of the visiting public. We also are making efforts to better demonstrate, on site, to the visiting public how and where their recreation fees are being spent and to explore more creative ways to seek public input on visitor projects that fee revenues should fund.

*5. Authority to Establish Agency Site-Specific and Regional Multi-entity Passes Should Be Provided*

A well-structured, appropriately priced regional multi-entity pass can provide certain types of visitors with a value option as well as provide important opportunities for the federal government to partner with state and private entities to promote tourism and improve the experience of their shared visitors. Both the site-specific and regional multi-entity passes also could provide regular visitors, often residents of nearby communities, with convenient and economical pass alternatives.

These concepts result from a great deal of analysis and discussion within the Department and with the Department of Agriculture through the Fee Council. We believe these concepts would positively contribute to any legislation that moves forward on recreation fee authority. We look forward to working with the Committee and our interagency partners to further discuss and explore these ideas.

I would like to take this opportunity to announce that, in support of the President's Healthier U.S. Initiative, the National Park Service will waive all entrance fees on June 22-23, 2002. The National Parks and all our federal lands provide an important context on which Americans are seeking to lead healthier lives. We hope you will join us this weekend at your nearest National Park.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you or other members of the subcommittee may have.

The CHAIRMAN. Thank you very much.  
Mr. Rey, why do you not go right ahead.

**STATEMENT OF MARK REY, UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE**

Mr. REY. Thank you. I am here today to present the Department's views on S. 2607 and S. 2473. In addition, I would like to discuss with you the results of the Forest Service's implementation of the Recreation Fee Demonstration Program.

Assistant Secretary Scarlett has provided you testimony on the interagency coordination and accomplishments that I will not repeat. They are in her statement for the record. I will only add my agreement with her testimony and my hope that the legislative framework that you may provide us will further the interagency cooperation we strive for in delivering a seamless Federal lands recreation program.

The Department supports S. 2607 with the modifications that Assistant Secretary Scarlett indicated and that have been provided to your staff.

The Department would also support S. 2473 with the hope that Congress would include in the bill authority for the Forest Service along with the Interior agencies that have recreation responsibilities to charge and retain recreation use fees.

More detailed views are included in my statement for the record on both measures.

Let me talk a little bit about our experience with the Recreation Fee Demonstration Program. That program has provided a tremendous opportunity for Forest Service managers to meet the expectations of recreation visitors to the national forests. The authority for the Fee Demonstration Program was enacted in 1996 to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites on Federal lands. Through fiscal year 2001, nearly \$106 million in new funding has been generated above congressional appropriations to enhance the visitor experience at 87 national forest projects across the United States. Program funds are making a crucial difference in providing quality recreation services, reducing the maintenance backlog, enhancing facilities, enhancing safety and security, and conserving natural resources.

With the authorization of a long-term recreation fee retention program, the Forest Service, along with the Interior agencies with which we work, can build further on these successes. Improvements in payment convenience, accountability, market analysis and research, partnerships with interested groups, interagency coordination, and consistency in program delivery will be possible with long-term authorization.

We believe the important elements of long-term recreation fee authority should include: first, providing enough flexibility in the program to meet the unique needs of visitors with a solid framework for consistency among agencies involved in the program; second, retaining all fees without offset for direct reinvestment into recreation sites, facilities, and services to benefit visitors; third, allowing for cooperative efforts with other entities, particularly Federal, State, tribal, local and private entities, in sharing pass programs, fees and revenues; fourth, allowing for retention of recreation special use permit fees to provide additional enhancements; and fifth, providing enforcement capability for fair and equitable program implementation.

The Visit Idaho Playgrounds pass is just one example of cooperative efforts to benefit visitors. This annual pass is valid at over 100 recreation sites operated throughout Idaho by the Forest Service, the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, and the Idaho Department of Parks. Passes are available for purchase via a web site or by a toll-free telephone number for visitor convenience. Revenues are shared according to a formula developed for the business plan and revenues are directed back to the recreation sites for improvements in facilities and services.

Additional examples of the benefits to visitors made possible by the Recreation Fee Demonstration Program include: about \$23 million to reduce backlog maintenance and improve health and safety through repair and replacement of inadequate facilities; over \$11 million for new and improved interpretive and informational materials and services such as signs, brochures, campfire talks; about \$4 million for habitat enhancement and resource preservation such as improvements for wildlife viewing and fishing, erosion control devices, and historic building restoration; about \$3 million for law enforcement to enhance the safety and security of all users; over \$8 million for facility enhancements such as new trails, new camp-

sites, and accessibility for the disabled; and about \$28 million for annual operations, including visitor services, litter removal, water sampling, supplies, and services such as reserved permits, camping reservations, and heritage expeditions.

Initiation of fees has clearly stirred some controversy and generated media interest. The Forest Service has made a number of changes to projects based on public comments, including consolidating fees, providing better information on expenditures, and conducting market studies prior to implementation.

In fact, in response to the concerns we have heard, we have developed a number of principles to guide our implementation of the Fee Demonstration Program through the remaining years of its current authorization. These principles are included in my statement for the record and are reflected, in pertinent part, on the principles that we developed together with the Department of the Interior in trying to evaluate what would make a good permanent fee authorization program.

In addition, we have identified sites and services where no fees should be charged. For example, we would not charge a fee for general access to national forests or national grasslands. We would not charge a fee for undesignated parking along roadways, for overlooks, or for scenic pullouts. We would not charge a fee for dispersed recreation areas with low or no expenditures in facilities or services, and we would not charge a fee for general information services and visitor centers.

I look forward to working with you, Mr. Chairman, and the other members of the committee and our agency partners to implement a permanent fee program. This concludes my statement, and I would be happy to answer any questions that you might have.

[The prepared statement of Mr. Rey follows:]

PREPARED STATEMENT OF MARK REY, UNDER SECRETARY OF RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you today. I am Mark Rey, Under Secretary of Agriculture for Natural Resources and Environment. I am here today to present the Department's views on two bills, S. 2607, the Federal Lands Recreation Fee Authority Act, and S. 2473, the Recreational Fee Authority Act of 2002. In addition, I would like to discuss with you the results of the Forest Service's implementation of the Recreational Fee Demonstration Program that is authorized by section 315 of Public Law 104-134.

Assistant Secretary, Lynn Scarlett, who co-chairs the Interagency Recreation Fee Leadership Council with me, has provided testimony on interagency coordination and accomplishments that I need not repeat. I will only add my agreement with her testimony and my hope that the legislative framework you provide will further the interagency cooperation we strive for in delivering a seamless Federal lands recreation program.

The Department supports S. 2607. The Department also would support S. 2473 if Congress were willing to include in the bill authority for the Forest Service, along with Interior agencies that have recreation responsibilities, to charge and retain recreation use fees.

S. 2607

S. 2607 authorizes the Secretary of the Interior and the Secretary of Agriculture to collect recreation fees at units or areas of Federal lands, such as national parks, national recreation areas, and national monuments. In addition, the Secretaries are authorized to collect fees at other areas if they are managed primarily for recreation purposes and contains at least one major recreation attraction; have had substantial Federal investments; and if fees can be efficiently collected at public access points. The bill authorizes the collection of recreation use fees for specialized recreation

sites, facilities, equipment, or services such as campgrounds, boat launches, and reservation services and authorizes the collection of special recreation permit fees for groups and commercial activities.

S. 2607 contains language similar to the Land and Water Conservation Fund Act that authorizes the sale of Golden Eagle, Golden Age, and Golden Access Passports. This bill also retains authority for the Secretary of the Interior to sell the National Parks Passport.

S. 2607 authorizes the Secretaries to retain and spend 80 percent of the fees collected at the unit or area at which they were collected for resource preservation, backlogged repair, maintenance, and other specified uses. The remaining 20 percent is available for expenditure at other high priority agency recreation sites.

The Department supports S. 2607 and would like to work with the Committee on language to clarify the application of recreation use fees and to correct certain conforming amendments.

#### S. 2473

S. 2473 authorizes the Secretary of the Interior to charge and retain fees for admission and use of units and areas administered by the National Park Service for the purposes of repair, maintenance, interpretation, resource preservation, and other similar uses.

The Department would like to work with Mr. Thomas to amend the bill to include authority for the Forest Service, along with Interior agencies that have recreation responsibilities, to charge and retain fees. This change would permit the agencies to continue successful implementation of the Recreational Fee Demonstration Program authorized by section 315 of Public 104-134.

#### RECREATIONAL FEE DEMONSTRATION PROGRAM

The Recreational Fee Demonstration Program has provided a tremendous opportunity for Forest Service managers to meet the expectations of recreation visitors to the national forests. The authority for the Recreational Fee Demonstration Program was enacted in 1996 to "demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites" on Federal lands. Through fiscal year 2001, nearly \$106 million in new funding have been generated above Congressional appropriations to enhance the visitor experience at 87 national forest projects across the United States. Program funds are making a crucial difference in providing quality recreation services, reducing maintenance backlog, enhancing facilities, enhancing safety and security, and conserving natural resources.

With authorization of a long-term recreation fee retention program, the Forest Service, along with the Interior agencies with which we work, can build further on its successes. Improvements in payment convenience, accountability, market analysis and research, partnerships, interagency coordination, and consistency in program delivery will be possible with long-term authorization.

Important elements of long-term recreation fee authority would include: providing enough flexibility in the program to meet the unique needs of visitors, yet a solid framework for consistency among agencies in program delivery; retaining all the fees without offset for direct reinvestment into recreation sites, facilities, and services to benefit visitors; allowing for cooperative efforts with other entities (federal, state, tribal, local, and private) in sharing pass programs, fees, and revenues; allowing for retention of recreation special use permit fees to provide additional enhancements; and providing enforcement capability for fair and equitable program implementation.

The Visit Idaho Playgrounds pass is just one example of cooperative efforts to benefit visitors. This annual pass is valid at over 100 recreation sites throughout Idaho operated by the Forest Service, Bureau of Land Management, Bureau of Reclamation, National Park Service, and Idaho Department of Parks. Passes are available for purchase via a website or by a toll-free telephone number for visitor convenience. Revenues are shared according to a formula developed for the business plan, and revenues are directed back to the recreation sites for improvements in facilities and services.

Additional examples of the benefits to visitors made possible by the Recreational Fee Demonstration Program include:

- About \$23 million to reduce backlog maintenance and improve health and safety through repair and/or replacement of inadequate toilets, picnic tables, building roofs, water and sewer lines, trails, and other facilities. Examples include maintenance of 940 miles of trails in Oregon and Washington; repair or replacement of four toilets, 300 shade ramadas, 25 picnic tables, and 50 fire ring/grills

at Roosevelt Lake in Arizona; and repair of a sewer line at Sitting Bull Falls in New Mexico.

- Over \$11 million for new and improved interpretive and informational materials and services, such as signs, brochures, campfire talks, and visitor center staffing. Visitor centers at Mount St. Helens National Volcanic Monument in Washington operated for longer hours with additional interpretive talks than otherwise possible; Evans Notch Visitor Center in New Hampshire contacted 34,000 visitors and provided numerous children's programs; El Portal Visitor Center in Puerto Rico reached some 8,400 visitors through the "Rent-A-Ranger" and "Forest Adventure" programs; and over 250,000 visitors to Palatki Ruins in Sedona, Arizona enjoyed interpretive talks.
- About \$4 million for habitat enhancement and resource preservation such as improvements for wildlife viewing and fishing, erosion control devices, and historic building restoration. The Pack Creek bear viewing platform in Alaska allowed more than 1,400 visitors to safely view brown bear. Historic cabins throughout Arizona and New Mexico were rehabilitated for public rental.
- \$3 million for law enforcement to enhance the safety and security of all users, including 157,368 additional visitor contacts, 2030 public "emergency assists", and extinguishing 4795 abandoned campfires in southern California. At Canyon Creek in Colorado, visitor contact increased 80 percent;
- Over \$8 million for facility enhancements such as new trails, new campsites, and accessibility for the disabled. Some examples include improved wheelchair accessibility at 6 restrooms, 3 boat ramps, 2 fishing piers, and a beach on the Chequamegon-Nicolet National Forest, Wisconsin, and new restrooms and interpretive shelter at Keown Falls, Georgia;
- About \$28 million for annual operation including visitor services, litter removal, toilet pumping, water sampling, supplies, and services such as reserved permits, camping reservations, and heritage expeditions. One ton of refuse and abandoned materials were removed from wilderness areas in Idaho and Montana; Boundary Waters Canoe Area in Minnesota maintained 660 wilderness campsites and 333 miles of trails; the Allegheny National Forest in Pennsylvania increased visitor contacts at boat launches and increased recreation site maintenance; and in numerous additional ways throughout the nation, National Forest visitors enjoyed enhanced services.

Initiation of fees has stirred some controversy and generated media interest. The Forest Service has made a number of changes to projects based on public comment, including consolidating fees, providing better information on expenditures, working with other agencies, conducting market studies prior to implementation, and continuing to listen, learn, and change.

In fact, in response to concerns we have heard, we have developed principles to guide our implementation of the demonstration program through the remaining years of its current authorization. These principles include the following:

- A seamless fee program across agencies that is designed for visitor convenience;
- Fees are part of a larger financial plan for recreation that includes appropriations, volunteers, partnerships, and interagency cooperation;
- Each national forest and grassland will continue to provide areas where a variety of outdoor recreation opportunities are available free of charge;
- Fee revenues are retained at the site where they are collected to provide desirable and visible benefits to the visitor;
- Program implementation will be based on consistent criteria rather than through a set number of sites;
- Communities of place and interest are consulted on decisions and informed on how the revenues are invested.

In addition we have considered the types of sites and services where no fees would be charged. We would not charge a fee for general access to National Forests or Grasslands. We would not charge a fee for undesignated parking along roadways, for overlooks, or for scenic pullouts. We would not charge a fee for dispersed recreation areas with low or no expenditures in facilities or services. We would not charge a fee for general information services and centers.

I look forward to working with you, Mr. Chairman, other members of the Committee, and our interagency partners to implement a permanent fee program. This concludes my statement. I would be glad to answer any questions that you may have.

The CHAIRMAN. Thank you all very much.

Let me start by asking each of you about this issue of affordability of these fees by the general public. I think you both make

the case that fees need to be set at a level that does not discourage any of the public from using our public lands, that that is a primary goal. How do we know that that is the case? If we set a fee, how do you determine that that fee is not discouraging people from coming to that recreational area or, if they come and pay it the first time, that it is not a reason why they will not come back?

Secretary Scarlett.

Ms. SCARLETT. Senator, we have a variety of measures by which we try to make that determination and assessment. First, at the national parks and Bureau of Land Management and Fish and Wildlife Service locations, we do surveying of all of those who attend the facilities and ask the question whether the fees are too high, too low, whether they would come back, whether they are supportive of them. The response rate to those, in terms of positive response, runs between about 84 percent and 90 percent, in terms of the fee level, as well as the uses of the fees.

In addition, we use an administrative process to set the fees. It varies slightly from one agency to the other, but we do some comparability analysis with other locations and other kinds of private and other fee-charging areas to assess comparability and make sure that we are appropriately priced. Then, of course, we also have a lot of public engagement. We do not change fees without appropriate discussion, a plan in place, a communication effort, and a two-way communication with the public. So, we are acutely cognizant of that problem.

I should conclude with one final point. We also track to see whether the fees have any impact on attendance, and one of our abiding principles is that whatever the fee is, it should not adversely affect attendance. So, we have tracked that and we have been able to show that the fee, when charged, does not result in a drop in attendance. So, we are very carefully monitoring that across our bureaus.

The CHAIRMAN. Mr. Rey, did you have anything to add?

Mr. REY. Yes. In our case, each of our 87 national forest recreation fee demo sites is preceded by a business analysis, including a civil rights impact analysis. The survey work we have done is providing results comparable to the Department of the Interior's in terms of visitor acceptance of the fees and the fee amounts.

Additionally, in many areas, we publicize free days throughout the year, as well as work with local social service agencies to distribute fee passes when we know we are serving a significant cross section of low income or disadvantaged populations.

The CHAIRMAN. I think both of you mentioned this. Mr. Rey, you mentioned it more specifically perhaps. Are there some pilot projects, since this has been a fee demonstration program, that you tried that clearly were mistakes and we clearly should not continue in or permit them in any legislation that we enact in this area?

Mr. REY. I think a couple of things we have learned from the demonstration program are first, that the public resistance to multiple fees crossing among agency jurisdictions is perhaps the most prominent outcry of opposition that we have heard. With regard to national forest sites specifically, we have heard, with very few exceptions, that a general access fee is highly resisted by the public for many of the reasons that Senator Thomas indicated. I think

those are probably the two biggest lessons that we took away from our experimentation with the program.

The CHAIRMAN. One of the concerns that I think people have had about charging fees and particularly charging fees which we intend to be kept at the local level is that it builds in an incentive for local land managers to jack up fees and look for new opportunities to impose fees. Are there safeguards against that happening? Is there a way that you ensure we do not have such an adverse incentive here, that a particular location sort of prices itself out of the public's reach?

Mr. REY. I think that the amount of opposition that generates is the principal safeguard. We hear very quickly and very loudly from the public when they suspect that they are being charged too much for something or being charged for something where the service that is being delivered is out of line with the amount that is being charged.

I also think that the limitation on the amount that could be spent for development in any one area that is included in the current recreation fee demonstration legislation is a safeguard against a forest supervisor deciding that he is going to build a Taj Mahal or Disneyland on his particular national forest.

The CHAIRMAN. Did you have any thought on that, Ms. Scarlett?

Ms. SCARLETT. Some of the measures that I discussed, as it relates to concern about access by all Americans, apply in this instance too. We do develop business plans before moving forward with any fee changes and they must be approved administratively beyond the individual unit. So, the decision does not reside solely within that unit, and that provides a certain safeguard.

In addition, as Mr. Rey said, we are constantly engaging in surveys and public input and advance notice before any fees or fee changes are implemented to ensure that we get that feedback and keep the fees in line.

I should say also with respect to fees, in the business plan discussion, one of the elements we look at is what would be the impact on visitorship. So, that again is a constraining factor. If you raise that fee to a point where you are going to adversely affect visitors, then that would result in the non-approval of that proposed increase.

The CHAIRMAN. Senator Campbell.

Senator CAMPBELL. Thank you, Mr. Chairman.

Maybe I missed something when I stepped out of the room for a bit. I am wondering about how we police this. Every piece of legislation has some form of enforcement mechanism. From where I live in southwest Colorado near Durango—we have a little ranch there—within 50 miles in literally every direction, certainly east and north and west, maybe not south, there are probably between 10 and 15 entrances into the forest. There are little roads. There will be a little sign there saying, entrance to San Juan National Forest or Un Compadre or something. How do you intend to monitor all those places where people can go in the forest?

Mr. REY. We do not.

Senator CAMPBELL. You do not. So, do you do it on the honor system or something?

Mr. REY. We do not propose an entrance fee for the national forests. What we propose is a basic use fee for sites which have a reasonable amount of development.

Senator CAMPBELL. That means if somebody wanted to go in with his snow mobile or something, there is no fee for that?

Mr. REY. That is correct.

Senator CAMPBELL. No fee for any passive things like taking pictures or whatever. No fee for that, only for something active like cutting a Christmas tree before Christmas.

Mr. REY. There is a fee for that.

Senator CAMPBELL. There is already a fee. They have got to get a permit for that.

Mr. REY. Now, as far as snow mobile use is concerned, there are some national forests where we have developed snow mobile trails, and the amount of investment in those trails could be an area where we not only have justified an investment to provide a quality user experience, but we also have a means of monitoring access because there are specific trail heads and parking lots. But there are also a lot of areas where snow mobile use is allowed in a cross-country fashion. We would not be trying to charge a fee for those.

Senator CAMPBELL. Well, then what would you define as use? An improved facility where you would stay for a period of time?

Mr. REY. I define it slightly more broadly, but that would certainly be one kind of facility that would qualify for a fee in our proposal. I think where we are providing an additional benefit to a recreational visitor that inures as a result of a hard investment in infrastructure, that is the kind of place where we would be talking about a basic recreation fee.

Senator CAMPBELL. Okay, and maybe one last question. A couple of times in the last 10-15 years, we have dealt with increased fees with parks and other facilities. There has been at least concern from some people that if we increase fees, on the one hand, you increase the fees to improve the facilities. On the other hand, some people are saying, if you charge the fees, what will happen is Congress will back out of an obligation of appropriating the amount of money that is needed to maintain and upgrade the facilities. Do you see any danger of that?

Mr. REY. Well, that is something we would hope you would not do if you pass the fee legislation.

Senator CAMPBELL. I would too, but I know it has been a concern that we would not accept our responsibility. Of course, we do not now, that is why we have got such a backlog, unfortunately, of purchasing and maintaining public lands.

Mr. REY. I suppose that is the answer to the quandary. The reason we are here talking about fees is that the backlog does exist.

Senator CAMPBELL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Akaka.

Senator AKAKA. Thank you very much, Mr. Chairman.

Ms. Scarlett, I was talking about invasive species. The delay of even 1 year can make a big difference in the vegetation inside our national parks. Historically there has been resistance to spending park fees on projects outside park boundaries due to fears that the practice might lead to spending for non-park priorities.

However, on Maui, we have an imminent threat to park resources, and as I mentioned, Miconia is encroaching from outside the park into the park. We have responsible State and local partners willing to work with the Park Service to ensure that funds are spent on park priorities.

My question to you is what are your recommendations for using park resources such as recreational fees to help protect parks against an imminent threat lying just outside its boundaries?

Ms. SCARLETT. Thank you, Senator. Let me give a two-pronged response to that. We would be very interested in working with you and working with the Senate in exploring the opportunity in general for some of the kinds of investments that you describe. It is my understanding that the National Park Service, in contrast to the Bureau of Land Management and Fish and Wildlife Service, actually does not currently have the authority to expend any monies, as opposed to recreation fee monies, outside of the park boundaries.

As it relates to the recreation fee specifically, our view is that those fees need to be expended on visitor enhancing opportunities within the units where the fees are charged. However, we certainly would be interested in exploring whether other opportunities would be available for the kind of investment you are talking about and, in fact, have proposed in our 2003 budget a cooperative conservation initiative, the very idea of which, at its centerpiece, would be to do that sort of thing. So, we would look forward to working with you on that.

Senator AKAKA. Thank you very much for that.

You both have been talking about plans. Mr. Rey, what suggestions or plans does the agency have for streamlining the processes that are being used now on these fees?

Mr. REY. I think we have done a pretty good job in the years that we have used the Fee Demonstration Program in streamlining processes. In the last full year of implementation, we were down to only 14 percent of the money actually being used to administer the program, the remaining 86 percent for use on the recreation sites.

I think one of the most important proposals for streamlining the processes which will assist not only the public, but the agencies as well, is a consistent program of fee administration across all Federal agency ownerships. I think by combining our efforts, we are going to bring additional administrative efficiencies out of the administration of the program beyond what we have experienced so far.

Additionally, I think that with a longer-term authorization with the certainty that the program is not subject to the vagaries of the appropriations debate each year, you will see us being able to implement some investments that will reduce cost of implementing the program as well.

Senator AKAKA. Thank you very much. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator THOMAS.

Senator THOMAS. Thank you, Mr. Chairman.

First of all, I want to thank both of you and the agencies that you are with because I think you have done a lot of work on this demonstration aspect of it and we can learn from that certainly.

We need to have a more efficient way to administer. I guess that is the main reason I started out with parks because parks, just by their nature, you collect the fee. Forests, on the other hand, and particularly BLM—it is terribly difficult to do that. Mark, you mentioned 14 percent. I think there is some evidence some collection has been as much as high as 35 percent of collection fees were used to collect. And that is too high.

Mr. REY. That is clearly too high.

Senator THOMAS. We certainly, I do not think, can have it that way.

And you have already suggested this broad application has to be narrowed to some suitable sites. We need clear definitions and criteria for those sites, which we have not had in the past.

I am a little concerned. I see some of BLM's here, for example, where the revenues in the year were \$1,000. Now, when you take out the cost of that, is that worth doing? Lynn?

Ms. SCARLETT. Senator, we share your concern on the efficiency and, of course, early on some of our cost of collection was high relative to the overall portion. We right now have that down not quite as low as the Forest Service, but averaging about 20 percent, 21 percent. There are some sites where the amount generated relative to the cost remains high, and we are going back and actually working on policy guidance and administration guidance to address that question.

Senator THOMAS. Let me ask you this. Yosemite, I am told, had 97 employees dedicated to fee collection, supervised by a GS-12 and a GS-11. Now, is there not a way to collect fees when you have a gate that people have to go through that is a little less expensive than that?

Ms. SCARLETT. We think there is. We think there are substantial improvements. As I noted, while on average we are now at about 21 percent cost of collection relative to overall, there are some sites that go as high as 60-65 percent, and clearly that is not satisfactory. So, we would like to go back to the drawing boards and make those improvements.

I should affirm what Mark Rey said which is we think that an extended authorization would actually help us in that effort because it would allow us to make some investments in automation and other practices that are more difficult to do when we are on a 1-by-1-year basis.

Senator THOMAS. Well, when you do this—of course, you know this, but I have to say it—you have to accept the responsibility for oversight and accountability on this thing. Quite frankly, quite often the top layers of these agencies are not doing that, and your regional people and so on. So, that is something you have to do.

We have advertised that 80 percent of the fees go back to where they are collected, and that has not always been the case. You cannot continue to say that, falsely, 80 percent is going there when it is not.

Ms. SCARLETT. Yes. There are a couple of things that we are trying to do to improve that accountability and the actual investment

back into the sites where the investment is made. One, in terms of cost accounting and cost management, we are moving towards a very transparent system where the actual breakdown of the revenues collected and how specifically they are expended will be made available on a regular and very transparent basis. We think that will provide not only better information to the public, but better discipline to those actually implementing the program. And then we are going back and reviewing some of the very problems you identified.

Senator THOMAS. The Friends Group at Sequoia Kings Canyon gives tours of the park and collects the fee under this program and then the private organization keeps the fee. Is that the way you are going to operate?

Ms. SCARLETT. That is not our general intent. I am not familiar with that particular circumstance. I would have to look into what they are doing and why they are doing it. In general, I would say, according to the guidance that we are developing, we believe it is very important that the fees go back to the investments in the visitor enhancing activities. The Sequoia incident I am not familiar with.

Senator THOMAS. We all agree with going back there, but there has been a slowness in the obligation of the funds. There are still funds out there now that have been collected and they have not decided what to do with them. If visitors are going to see the impact of their fee, there has to be some push to get that done.

Ms. SCARLETT. The good news is the obligation rates are dramatically improved. This past year, the National Park Service was at about 92 percent obligation of the revenues generated in 2001. At our Fish and Wildlife and BLM, it is 75 percent or above. You are correct, however, historically that obligation rate was much lower.

Some of that resulted from the early-on projects actually having a substantial design and planning element, so it took a while to get them up and running. We are now in catch-up and getting closer to full obligation. Some of it, however, does require greater streamlining in that planning and development process which we have undertaken.

Senator THOMAS. Well, as you know, I am very supportive of this idea, but it is going to take management to do that, and we are going to have to have clear criteria for where these sites are particularly, Mark, in the Forest Service. BLM, I think, is especially so. We cannot just have the notion that you have to pay to go on public lands because that is not what we are doing here, I hope. Half of Wyoming is public lands, and they are not going to pay to go there to look for an antelope. So, there has to be some real management on this.

I think we can work that out, and I am certainly looking forward to working with the chairman. I think we can make this better for visitors and help make these visitations more useful.

So, thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Mr. Rey, let me ask. You say at the end of your statement here that "we would not charge a fee for general access to national forests or national grasslands. We would not charge a fee for undesig-

nated parking along roadways, for overlooks, or for scenic pullouts. We would not charge a fee for dispersed recreation areas with low or no expenditures in facilities or services, and we would not charge a fee for general information services and centers." Is that current policy? Are we safe in assuming that the Forest Service is not charging fees for any of those at this time?

Mr. REY. With a few exceptions. Probably the most notable exception is the Adventure Pass that has been developed by the four national forests that surround the Los Angeles basin and the unique circumstances that exist there. The four national forests that surround the Los Angeles basin provide roughly 76 percent of the total amount of open space available for recreation for the residents of the Los Angeles basin. The canyons that are on the south- and west-facing slopes of those forests are canyons that are within a half an hour's drive of downtown Los Angeles.

With a strong degree of local support, the forests there have developed an entry pass and have used the pass successfully not only to improve recreation quality, but to demonstrably change the visitor use of those four national forests, essentially driving out Los Angeles gangs and restoring family-centered recreation to Forest Service campsites and other recreation facilities that were law enforcement problems prior to the initiation of the Adventure Pass. So, that is sort of an exception to the general rule.

But for the most part, that exception aside, the things that I indicated that we would not charge fees for are things that we are not charging fees for.

The CHAIRMAN. Ms. Scarlett, let me ask you about how this interagency program would work. At the current time, each of the various land management agencies sets its own fee schedule and then meets with others, to the extent that you have described here, but there is no formal interagency program.

Would the authority of the individual land management agencies to set their fees be given over to some interagency group? Is that the way you envision it, or how much centralization of authority would you anticipate as part of this?

Ms. SCARLETT. We would anticipate a kind of a two-tiered approach, if you will. Number one, under the interagency approach that we are proposing, we would require or ask that the two Secretaries, respectively, of the Department of the Interior and Department of Agriculture be given authority to work together to review fees and to establish common policies relating to those fees to ensure that coordination.

On a second tier, we would also in a more—

The CHAIRMAN. They have that authority now, do they not? If the Secretary of Agriculture and the Secretary of the Interior decide over lunch this afternoon or this noon that they would like to do this jointly, there is no prohibition against their doing it, is there?

Ms. SCARLETT. There is no prohibition to my understanding. We believe that it would be helpful to actually have that requirement as part of the process to ensure in all instances the appropriate coordination and cooperation. In addition, that effort would be supplemented by the work of the Interagency Recreation Fee Leader-

ship Council that we discussed in terms of evaluating fees and coming to some common guidelines and conclusions.

The CHAIRMAN. One example you give here is that the Bureau of Reclamation might want to establish a fee structure. I gather that there may be additional Federal agencies that you would anticipate this interagency program covering. Could you elaborate on that some?

At the current time, the BLM, the Fish and Wildlife Service, the Forest Service, and I guess the Park Service are the four agencies that charge fees. Is that correct?

Ms. SCARLETT. Bureau of Reclamation also charges some fees for its boating and related facilities at lakes and dams.

The CHAIRMAN. But as part of the creation of an interagency program, do you anticipate that additional agencies would be given the authority to charge fees?

Ms. SCARLETT. We would like the interagency authority and coordination to be among the agencies that you mentioned, but also to explicitly include the Bureau of Reclamation and also, of course, our partners at the Department of Agriculture, the Forest Service.

The CHAIRMAN. All right.

Let me defer to Senator Thomas for any additional questions he has.

Senator THOMAS. Do I understand that what you look forward to is sort of a national pass that would cost \$50, or whatever it costs, and you use it everywhere? Is that kind of like the park pass we have now?

Ms. SCARLETT. That is correct. We think that the National Park Passport that actually occurred under your leadership has been tremendously popular and very successful also in terms of some of the implementation of it, some of the efficiencies in its implementation.

One of the things that we learned from our citizenry that go to these facilities is that for like facilities—that is, for Bureau of Land Management, not open access kinds of lands, but for facilities that have that same kind of enhanced investment in visitor-serving infrastructure—that they have equal access with the pass to all of those facilities. And we think for convenience, for clarity, for ease of implementation, having a single national interagency pass for like facilities would be very attractive to the American public.

Senator THOMAS. There is one area that I think requires a little consideration, and that is the gateway private facilities. If you use these additional funds to create, for instance, camps within the park that have all kinds of technical facilities, which we really would like to have people use outside the park—I think that needs to be part of the planning. Yosemite is one where we are trying now to keep more and more activities outside of the park rather than in the park. It would be a shame to use this money to create a competitive situation that moved people in the park as opposed to outside the gateway in certain parks. Does that make sense?

Ms. SCARLETT. I think it does. In fact, we would like to explore those opportunities. There have been a couple of examples to date in the fee demo program in which we have cooperated with local providers of recreation services and created a kind of coordinated program or activity, and we would be very interested in further exploring those opportunities.

Senator THOMAS. Mr. Chairman, I do not think I have any more questions.

The CHAIRMAN. Well, as we move ahead and try to refine this legislation and combine our efforts, we will get back in touch with you with additional questions. Thank you both very much. I think it was a useful hearing.

[Whereupon, at 10:37 a.m., the hearing was adjourned.]



## APPENDIX

### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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[Due to the enormous amount of material received, only a representative sample of statements follow. Additional documents and statements have been retained in committee files.]

*Temple City, CA, June 17, 2002.*

Senator JEFF BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee, Washington, DC.*

DEAR SENATOR BINGAMAN: I am vehemently opposed to recreation fees for the use of America's public land. I ask you to cancel the Recreation Fee Demonstration Program immediately. I also ask that such recreation fees on public lands NEVER be made permanent. Our public lands, which belong to the People of the United States, should be free of user fees, parking fees, and fees for basic access. Public funding, which has been systematically and deliberately slashed over the past decade, must be FULLY RESTORED to the land management agencies so that they can fulfill both on-going and backlogged maintenance.

Please include this letter in the public record for the hearing on June 19, 2002. Thank you.

Sincerely,

DEBORAH Y. NAKAMOTO.

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*Crawford, CO, June 18, 2002.*

Senator JEFF BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee, Washington, DC.*

Subject: Public Comment for the Record, Recreation Fee Hearing

DEAR SENATOR BINGAMAN: Senate Bill 2607 seems to have been introduced on a FAST-TRACK SCHEDULE TO AVOID PUBLIC SCRUTINY; and, with the intent to make Fee Demo permanent.

While your bill on the surface seems to assure that specific activities or areas would not have fees, the entire bill is vague, can be broadly interpreted, and has no limit on the number of sites where fees can be charged. It is one big loophole. An area or use that does not require fees can be redesignated to fall under the category of an area that would require fees, such as a national monument, scenic, or recreation area. This is likely to happen with land that was once freely accessible and now has become part of the newly designated national monuments, for example. And, there is nothing to stop an area with, say, hiking trails or jeep roads from being developed with some amenity, facility, or structure that would then require or allow fees. In fact, it appears this is the intent of the bill to allow enormous flexibility of government to apply fees when, where, and how it wants to.

As for fee collection, it is stated that public access to areas be provided in such a manner that entrance fees could be efficiently collected at centralized locations. This would maximize revenue and make law enforcement easier. But does this also mean areas might be fenced, or roads and trails closed to funnel us through a few collection booths? Regarding multiple fees, it is stated that the Secretary of Agriculture will, to the extent possible, minimize them. So would we still be—not nickeled and dimed to death—but dollored to death? Will we see growth in new fees and increasing prices for established ones? Probably both.

It is also stated that recreation use fees may not be charged for general access to an area, a visitor center, a scenic overlook, drinking fountains, restrooms, or undeveloped parking. But this plan to make public lands profit-driven and supposedly self-sustaining means infrastructure could be built with tax dollars and then des-

ignated as an area which would require fees. Is there any doubt that a fee will be added when special facilities “constructed with significant federal (read taxpayer) dollars” are built in an area, when a trailhead already exists there or is added, when an entrance fee must be paid to get to the ‘free’ visitor center location, when a fee must be paid to access roads with ‘free’ scenic overlooks, when fees must be paid for access to an area to use the ‘free’ drinking fountains and restrooms (such as campgrounds), when fees must be paid for developed parking because roads and pull-offs have ‘no parking’ signs? This is already going on in some states. It is not my imagination at work.

Fees can be charged for “enhanced interpretive programs”. So, if you are low-income can you only enjoy and learn from lesser programs? There is no mention of the studies that show low-income people can not afford the access and use of public land that wealthier people can. Access and use should be for all. The USDA April 2002 Interim Report to Congress on Fee Demo mentions that some low income citizens may be deterred from visiting public lands, but this is not addressed in this bill. Obviously these people don’t count. For Seniors of various incomes, the Golden Age Passport remains protected, yet in the Interim Report its future seems in doubt. It is obvious that concerns exist that significant revenue will be lost if seniors continue to be allowed to a one-time, life-long purchase of a public lands pass. Read that to mean that the public is now considered a revenue source for the federal government; also, read that to mean increased taxes via the term “user fees.”

To add insult to injury to all of us, it is stated that “. . . the appropriate secretary shall establish at least one day each year during periods of high visitation as a ‘Fee Free Day’ when no entrance fee shall be charged.” So we should be grateful that whatever our incomes, work schedules, or family duties, that we get one ‘free day’ out of an entire year to access with our families our own tax-supported lands. This is outrageous! When fees are being collected, you can volunteer to collect them! What a deal. Will those of us who can still afford to visit public lands still want to when faced with so many rules, regulations, and fees?

Remember the 80% of fees that were to remain on site? Now a reduction to 60% would be permissible. The “seamless” payment idea of a national fee is contradictory to this proponent. The idea that collected monies from a site must be spent in one year, or go into the Recreation black hole takes us back to where we are now—spend it or lose it.

Many people suspected some time ago that one goal of recreation fees is to have all public lands off budget completely, surviving on fees alone. Any attempt to make fees widespread and permanent may be just the next step in a series towards that end.

Your intentions might be one thing; but Senator, you are opening the door for future Senators to do as they please. In reality, while the Forest Service has claimed that fee money goes back to the land, nearly half goes to concessionaires, administration, and enforcement. Also, the broad and vague wording leaves the impression that further supplemental appropriations from government would not be forthcoming. If so, this means higher and new fees would be needed to meet the needs of an area. The meaning and intent of this wording and the document as a whole is unclear and means we can not be sure what to expect.

One thing we do know. Congress already has a simple tax collection method that has been used for years to provide money for public lands. It has done this through World Wars and Depressions, through good and bad economic times; but some time ago, in the 1950’s, began cutting budgets and underfunding public land agencies—diverting these tax monies to other uses. Now the cry is heard that there is not enough money for public lands. If Congress had acted wisely and responsibly over the years, continuing to allocate needed tax dollars to our public lands, we would not be facing the ramifications of this new bill.

Regardless of the various Senate bills’ contents, the bottom line is that fees are wrong. They discriminate against the poor, keep people out of their own lands, their commons, their national heritage, and, are just another tax. But don’t forget what will follow a permanent fee program if this bill passes. The proud corporate backers of Fee Demo, The American Recreation Coalition, who dreamed up this idea back in 1979, can then make their final move in their final profit-driven goal to develop, commercialize, and privatize the undeveloped, natural areas we treasure. Investments in public lands by for-profit, private interests was not allowed nor financially wise under the temporary Fee Demo program.

To emphasize this I would like to end with the following:

The just concluded Great Outdoors Week, an annual event sponsored by the ARC; was just another lobby week put on by a Special interest organization to celebrate, praise and further advance an ongoing campaign to commercialize and privatize recreational opportunities on America’s federally-managed Great Outdoors. While

ARC's lobbyists were entertaining elected officials and public servants in Washington DC, with tax exempt funding, the American public was protesting ARC's Corporate Takeover of Nature in locations from coast to coast funded out of pocket by citizens and without tax benefit.

In addition the Federal Government appears to be wasting what little credibility it retains in posting onto a publicly-financed web site a spurious sales pitch for a lobbyists gala event? Why didn't this federal web site promote them Citizens' National Day of Action to End Forest Fees with the same enthusiasm it showed the ARC. Check it out for yourself at <http://www.recreation.gov/outdoors.afm>

Senator, I do not yet know your reasons for sponsoring your bill, S. 2607. I do not know what your hurry is in holding legislative hearings with little or no public notice regarding fee demo given that this program has been authorized through Sept. 2004. But, as a former government public servant: 7 years in the USAF, a public school teacher and 9 years with the BLM as a seasonal river ranger, I continue to have faith in government and the democratic process. Senator, the fee program is wrong. We, citizens, stand to lose far too much and forever, if this program continues and evolves in size. We are turning a corner in how public lands are funded and managed that will never be regained. Think seriously about what this means to us and all future generations of Americans. I ask that you do the hard, yet noble, thing and recall your bill and end Recreation Fees.

With respect to you and faith in government,

SKIP EDWARDS.

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*Prospect, OR, June 18, 2002.*

Senator JEFF BINGAMAN,  
*Chair, Senate Energy and Natural Resources Committee.*

Re: Fee Demo Bill—S. 2607

DEAR SENATOR BINGAMAN: I hike, backpack and cross-country ski; and as a volunteer have logged many hours building and maintaining trails in our national forests. Even in the first year of Fee Demo I contracted to "volunteer" in exchange for a season trail park pass.

But then I started researching fee demo: Who is promoting and supporting it? I find that the Forest Service wants to go into partnership with the American Recreation Coalition to privatize our public lands. I realize now that by purchasing a trail pass I was "demonstrating" my support for the accelerated industrialization and motorization of our national forests.

Until now there was no way to legally oppose this program. My objections are threefold:

1. The Forest Service would have us think that we need to privatize our forests in order to provide for the maintenance and protection of our natural and undeveloped areas. We cannot protect the integrity of natural areas through privatization. This is not even logical, and I don't want my national forests developed.
2. It is an insult and an outrage to be asked to pay for a concept that I feel is fundamentally flawed, deceptive and immoral.
3. The National Forests belong to all Americans. Free access to undeveloped public lands is part of my national heritage. It belongs to my children, my grandchildren and their children.

We pay taxes that should continue to fund Forest Service recreation budgets. Please end the fee demo program so that all Americans can enjoy our undeveloped public lands free of charge and excessive development.

Although I am 72 years old I still visit my national forests and I feel so strongly about this issue that I will willingly go to jail before I will pay to park my car on undeveloped land near a trailhead.

Please make this letter part of the public record for The Senate Energy and Natural Resource Committee's public hearing on Fee Demo on June 19th. Thank you for considering this opinion.

Respectfully,

JANE G. COX.

WILD WILDERNESS,  
Bend, OR, June 18, 2002.

Senator JEFF BINGAMAN,  
Chair, Senate Energy and Natural Resources Committee.

Re: Public Opposition to Recreation Fee Demonstration Program

DEAR SENATOR BINGAMAN: The appended article from Saturday's Spokesman Review (Spokane Washington) was one of the few Day of Action articles to quote Derrick Crandall, President of the American Recreation Coalition.

Crandall's comments are important, and so I encourage you to read what he has to say. I'd also like to specifically respond to the following most-important point and invite you to respond to it as well.

Quoting from the article:

Crandall said his group proposes giving free permits to anyone who can prove a financial need or is willing to volunteer for trail maintenance work.

Recreation fees are discriminatory and exclusionary. These are undisputed facts emphasized by each and every one of the 30 groups of protesters who participated in Saturday's National Day of Action ([www.wildwilderness.org](http://www.wildwilderness.org)). Crandall and the USFS have, in effect, acknowledged that these fees are discriminatory when they propose creating "second-class citizens passes" and when they suggest that poor people should be allowed to earn passes by working at sub-minimum, virtually-slave, wages.

If there is a proven need for going to a recreation fee system (which there is not!) then the fees should be voluntary such that no one must suffer the stigma of having to prove themselves to be poor. And if volunteer passes are to be earned, then I hope Mr. Crandall will support compensating all volunteers with a "living wage" of at least \$15 per hour in exchange for their labor.

I find it extraordinary that the USFS and Mr. Crandall believe that the current USFS practice of offering a scant handful of "free days" a year is anything less than grossly elitist—if not outright racist.

I also find the current USFS practice of compensating "volunteers" at less than minimum wages as detestable. Creating user-fees which serve as an artificial barrier to poor persons and then using these fees as a mechanism for recruiting virtual slave-labor from these same excluded-persons, is reprehensible—I advise everyone reading this message to be on the sharp lookout for additional "Volunteer"-related legislation from ARC and the Bush Administration. "Volunteerism," as the concept is being abused by these people, is NOT to be supported.

And one last point upon which I'd like to draw attention: What does Mr. Crandall mean when he says that his coalition is helping the agencies work out the challenges in collecting and distributing money? Who empowered ARC to be engaged in this role—and what ever happened to Democracy in this country?

"Fee-Demo is Un-Democratic"

That was the theme for this year's Day of Action.

Mr. Bingaman—on behalf of everyone who protested on Saturday, I challenge you to try and prove us wrong I challenge you to explain how these "free days" and "volunteer passes" are solutions worthy of a Democratic society.

Sincerely,

SCOTT SILVER,  
Executive Director.

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WESTERN SLOPE NO-FEE COALITION,  
Norwood, CO, June 18, 2002.

Hon. JEFF BINGAMAN,  
Chair, Senate Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: I would like to share with you the serious concerns that the Western Slope No-Fee Coalition has with Senate Bill 2607, or any bill that would make the Recreational Fee Demonstration Program (Fee Demo) permanent.

The Western Slope No-Fee Coalition is a broad-based group consisting of motorized recreational interests, environmental groups, conservatives and liberals, Republicans and Democrats, elected officials and JUST plain citizens. Together we've been working to end Fee Demo and encourage those of you in Congress to fund our public lands adequately through the regular appropriations process.

We believe that there are monies already allocated to the management agencies that, with reprioritization, can be used to pay down the maintenance backlogs in

the four agencies and eliminate the verb reason for the fees. Appropriated funds should be spent first for resource protection, backlogged maintenance and day-to-day management before being used for capital improvements. Yet all of the agencies continue to build new facilities and infrastructure that only add to the maintenance needs in the future.

American citizens own the public lands and pay for their maintenance through our taxes. These same citizens are being denied access to their lands unless they are able and willing to pay additional taxes in the form of fees. Worse, these fees are creating a direct revenue stream to the agencies that bypasses congressional oversight and leads to waste, fraud, and abuse.

We are working with Representative Scott McInnis to insure that a GAO audit of the FCC Demo program takes place. We're looking for accountability and responsibility from our land stewards. We also expect Congress to live up to their responsibility to oversee and prioritize spending of our taxes. Without a complete financial review of the maintenance backlogs and a review of the fee program as a whole, showing how appropriated funds and Fee Demo funds are being spent, no judgment of the program can be complete.

The American public is clearly and overwhelmingly against making this program permanent. Resolutions of opposition have been sent to Congress by the state legislatures of Colorado, Oregon, California, and New Hampshire. In Colorado alone, nine counties and numerous towns and cities have passed similar resolutions condemning the program. Over 240 organized groups oppose the program, and civil disobedience to it is rampant.

There are substantial funds already available to the land management agencies for maintenance and day-to-day management. Fee-based funding for recreational use is unpopular, inefficient, and unnecessary. We oppose Senate Bill 2607 or any bill that would make Fee Demo permanent. We call on this committee and all of Congress to let the Recreational Fee Demonstration Program expire in 2004. This program cannot be "fixed." It is fundamentally wrong.

Sincerely,

ROBERT FUNKHOUSER,  
*President.*

June 18, 2002.

Senator JEFF BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee.*

DEAR SENATOR BINGAMAN: My wife and I strongly oppose the Recreation Fee Demo Program. Please do NOT make it permanent. In our opinion, there should be no fees for use, access to, or parking on public lands. A volunteer program and public funding could be established/increased for the maintenance backlog. Please include this letter in the public record for the 6.19.02 public hearing. Thank you.

Yours sincerely,

GARY AUTH.

North Hollywood, CA, June 19, 2002.

Senator JEFF BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee.*

DEAR SENATOR BINGAMAN: I strongly oppose the Recreation Fee Demo Program and am deeply concerned over plans to turn some form of it into law. The federal government holds our public lands in trust for all its citizens: therefore, recreational access to National Forests should be provided for by tax dollars, not by exclusionary user fees. This land was bought and paid for by taxes from current and preceding generations, to be held inviolate and in trust for future generations.

The notion of forest rangers as enforcers is antithetical to the great outdoors. Last year in Colorado, armed forest rangers driving SUV's (paid for by the fee demo) forcibly "policed" the fee by arresting protesters. Ironically, the protesters are technically exempt from the fee because they were not "recreating." This heavy-handed, fiefdom mentality is literally a century away from what Teddy Roosevelt intended . . . today, we need his vision more than ever.

I urge Congress to provide adequate (and traditional) funding for Forest and Park Service budgets to ensure that there will never be fees for access or parking on public lands. Everything from the wilderness to the Capitol Mall is our priceless heritage . . . how poor in spirit we will be if we charge people who seek to know their county better.

Please include this letter in the public record for the 6/19/02 public hearing.  
Yours sincerely,

DAVID WILLIAMS.

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*Sandpoint, ID, June 20, 2002.*

Senator BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee.*

We are writing you, and thus your committee, to strongly oppose S. 2607—making the Recreation Fee Demo Program permanent.

Rather than charging individual users new fees for use of our traditionally free lands, public funding should be restored and increased for needed maintenance and improvements. Charge us through the tax system.

There should be no fees for non-commercial use of non-commercial access to or non-commercial parking on National Forest and BLM public lands.

Please include this letter in the public record for the 6/19/02 public hearing. Thank you.

Sincerely,

STEVE LOCKWOOD AND MOLLY O'REILLY.

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*Norco, CA, June 21, 2002.*

Senator JEFF BINGAMAN,  
*Energy and Natural Resources Committee, Dirksen Building, Washington, DC.*

DEAR SENATOR: I want these comments included in the record for the hearing of June 19, 2002 on recreation fees:

I stopped recreating in the Lytle Creek area 15 years ago because of the lack of security, graffiti on the rocks and trees, and the piles of trash that blanketed the canyon floor. I know the Adventure Pass has made a difference first hand. I use this area a lot now and feel safe because of the constant attention of the Rangers. It would be a shame to lose this program.

Sincerely,

DANIEL EDWARD KERR.

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*Boise, ID, June 21, 2002.*

Senator JEFF BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee.*

DEAR SENATOR BINGAMAN: I strongly oppose the Recreation Fee Demo Program and your bill to make it permanent, S. 2607. Please cancel this bill and work to terminate this increasingly unpopular program.

There should be no fees for the use of, access to or parking on public lands. Please work with the Appropriations Committees to restore accountable public funding for the maintenance of our public lands.

Please include this letter in the public record for the June 19, 2002 public hearing. I look forward to your response. Thank you.

Yours sincerely,

LARRY E. SMITH.

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*Asheville, NC, June 23, 2002.*

Senator JEFF BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee.*

DEAR SENATOR BINGAMAN: I strongly oppose the Recreation Fee Demo Program and your bill to make it permanent, S. 2607. Please cancel this bill and work to terminate this increasingly unpopular program.

There should be no fees for the use of, access to or parking on public lands. It is a sneaky form of taxation. Beyond this fact, the user fees that have been collected at the Nantahala River and at the Upper Ocoee River (Nantahala Forest and Cherokee Forest, respectively) have been used to build structures that are not needed, not wanted, and hurtful to the environment. They have made massive parking lots, which means more pollution in the rivers that I boat on—from cars (motor oils and anti-freeze wash into the rivers from the parking lots after it rains). They have made put ins and take outs on the rivers that are not user-friendly, or needed. I split the stern of my kayak on the put in on the Upper Ocoee. The Nantahala have

a take-out that is across the river from the change rooms and parking lots. It also looks like a bomb shelter without a door. They have built expensive pit restrooms and changing rooms that, in my opinion (I go there a lot) are not needed.

I see user fees as being another form of taxation: and the fact that these taxes are used so wastefully disgusts me. Our nation needs to focus on what is important and necessary, not on how the US Forest Service can promote businesses and build, and build, (and build!) in our national forests. We need to spend our tax dollars on fighting terrorism and providing health care to our children, for example. Not on unneeded parking lots and changing rooms in the middle of nowhere. Or building cement put ins on our rivers that damage boats.

Please include this letter in the public record for the June 19, 2002 public hearing. I look forward to your response. Thank you.

Sincerely,

SUSAN OEHLER.

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*New York, NY, June 24, 2002.*

Senator JEFF BINGAMAN,  
*Senate Energy & Natural Resources Committee.*

DEAR SENATOR BINGAMAN: I strongly oppose the Recreation Fee Demo Program and your bill to make it permanent, S. 2607. Please cancel this bill and work to terminate this increasingly unpopular program. There should be no fees for the use of, access to or parking on public lands. Please work with the Appropriations Committees to restore accountable public funding for the reasonable and respectful maintenance of our public lands. Please include this letter in the public record for the June 19, 2002 public hearing. I look forward to your response.

Thank you.

Sincerely,

ALAN ZDINAK.

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SIERRA CLUB,  
*Washington, DC, July 25, 2002.*

DEAR SENATOR BINGAMAN: On behalf of Sierra Club's more than 700,000 members, I am writing to express serious concerns with S. 2607, the Federal Lands Recreation Fee Authority Act. While we appreciate your efforts to remove controversial components of the Recreation Fee Demonstration Program, we feel this legislation will continue to encourage the proliferation of fees on our public lands. This legislation authorizes new fees to be charged at areas that are currently open and free.

Sierra Club opposes the Recreation Fee Demonstration Program and is working to end the program. Americans have a long tradition of enjoying our public lands as special places to hike, hunt camp and fish. Basic access to our nation's public forests, rivers and deserts is not a commodity to be manipulated as a means of generating revenue. Congress should fully fund our public lands through the appropriations process instead of looking at new ways to charge visitors fees. Sierra Club works to ensure that our land management agencies receive all of the funding they need to protect and restore our public lands.

Sierra Club opposes user fees for the following 5 reasons.

- Americans already own and pay for the professional management of our public lands, we should have free and equal access to them. We pay taxes every April 15th to support the federal management of our public lands.
- It is unjust for Congress to continue to subsidize industries that damage our public lands and waters while charging families to visit these lands.
- There is evidence that the requirement to pay on-site access falls especially heavily on those least able to pay. (More, Thomas & Stevens, Thomas. (2000) Do User Fees Exclude Low-income People from Resource-based Recreation Journal of Leisure Research. Volume 32, No. 3 pp 341-357.)
- This program could create an economic dependence on motorized recreation and excessive commercial development of public lands.
- If the public lands become even more dependent on user fees, they may lose the federal funding needed to maintain and protect these lands.

While we recognize that you attempted to address some of these issues in your legislation, this bill fails to assure that inappropriate fees will not continue to be charged for visitors to our public lands. Broad language and lack of definitions in

the bill could allow land managers the discretion to set up unlimited fee collection sites on our public lands. While the legislation attempts to steer fee collection sites to developed facilities, language still allows additional fee collection at undeveloped areas on National Forest and Bureau of Land Management land.

We are particularly concerned about the impact of this legislation on dispersed recreation sites such as National Forests, National Monuments and BLM land. Since the Recreation Fee Demonstration Program was created, it has been met with broad and increasing opposition especially when fees have been imposed merely for hiking on National Forest land. For example, the Forest Service's Red Rock Pass in Arizona and the Adventure Pass in Southern California have both created significant opposition in surrounding communities, general confusion about fee structures and the perception that the fees are unfriendly to tourists and local communities. S. 2607 could allow these controversial and unpopular fees to continue indefinitely and does not place any restrictions on the number of new sites. This could allow for unprecedented expansion of new fee sites.

In addition, the legislation says fees may be charged for "an activity where a permit is required to ensure resource protection or public safety." This language could also be broadly interpreted to mean almost any visit to our public lands. Although a valid concern public safety should not be used as a loophole to justify fees for hiking, canoe launches and similar sites.

While the intention of the bill appears to be to keep user fees on site for maintenance, the language allows broad discretion to use fees for "facility enhancement." Including prohibitions on fee use for development such as the proliferation of fee parking sites and the creation of damaging, revenue driven recreation attractions such as off-road vehicle trails and mechanized ski-lifts is crucial. Our concern is that fee programs will create incentives for land managers to develop new facilities in order to qualify to set up new fee collection sites and use the revenue to expand recreation sites. Our land managers should be focusing on protecting the land, not creating attractions to bring in revenue for their site.

The lack of definitions creates other problems in the legislation and could allow for broad interpretation of the bill. The bill does not provide an explanation of the meaning of the terms "use fee," "fee," "entrance fee," and "permit fee". It would appear that an entrance fee could be charged in order to reach an area where fees are restricted such as a scenic overlook or visitors center. The terms "major recreation attraction" and "recreation purposes" are also not defined.

The Recreation Fee Demonstration Program was originally put in place as a rider and has never received appropriate debate and public hearings. While last Wednesday's hearing was a good first step, we would prefer the committee not move legislation without first hearing from the public, conducting field hearings and fully reviewing all the comments. The fast timeline that this bill is moving on will not allow necessary review.

We look forward to working with you to fully fund our public lands without resorting to inappropriate and prohibitive user fees.

Sincerely,

DEBBIE SEASE,  
*Legislative Director.*

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*Corona del Mar, CA, June 25, 2002.*

Senator JEFF BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee.*

DEAR SENATOR BINGAMAN: I want to let you know of my opposition to the continuation of the Recreational Fee Demo program. While I have abided by the program and purchased a tag, I do not believe it is right to continue the program or make it permanent. This is public land and it should be open for reasonable public use. I can see no direct correlation to a fee program and direct improvement in any single forest or national recreation area. The program's administrative expenses are exorbitant and with Government accounting, very little money ever gets back to where it was raised.

Public funding should be raised for projects that directly improve these facilities and not more personnel or endless fleets of new vehicles.

Please include this faxed letter in the public record for the June 19, 2002 public hearings.

Sincerely,

DONALD R. AND SUSAN R. LAWRENZ.

June 25, 2002.

Senator JEFF BINGAMAN,  
Chair, Senate Energy & Natural Resources Committee.

DEAR SENATOR BINGAMAN: We strongly oppose the Recreation Fee Demo Program—called in our area the “Adventure Pass.” This program should NOT be made permanent. Rather, the Congress needs to allocate the funds necessary to manage our National Forests adequately. Our local Los Padres National Forest area has gone from over 20 employees 10 years ago to less than 10 employees. There is no fee in the world that can possibly make up for such a drastic reduction in congressional budget allocation.

Public funding should be increased to provide for maintenance and personnel in our National Forests which are held in trust by all of us for future generations. This is not a matter of users and nonusers but a matter of stewardship for the future of the United States of America.

Please include this letter in the public record for the 6.19.02 public hearing.

Sincerely,

LAURA AND STUART WILSON.

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GREATER YELLOWSTONE COALITION,  
Bozeman, MT, June 26, 2002.

Senator JEFF BINGAMAN,  
Chair, Senate Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the Greater Yellowstone Coalition (GYC) and our 12,500 members nationwide, I offer these comments on S. 2607, the Federal Lands Recreation Fee Authority Act, which would make permanent the recreation fee demonstration program.

GYC has a long history of advocating for conservation of the natural resources in the Greater Yellowstone Ecosystem. Our mission is to preserve and protect the Greater Yellowstone Ecosystem and the full range of its life, now and for future generations. Many of our members have deep concerns about this fee program and its possible permanency.

Congressional budget cuts are creating a management crisis for federal land management agencies. On its surface, fee demonstration sounds reasonable in light of ever-shrinking budget allocations for our national parks, forests, and other recreational areas. As more people visit and recreate on our publicly-owned lands, more pressures are being placed upon those lands. The budgets of our publicly-owned lands must be adequate to counter these pressures.

As a first and critical step, adequate funding must be provided by Congress for the protection, conservation, and restoration of these lands. Funding should be additive and for resource protection (i.e., not for construction of additional restroom facilities or boat launches), and not substitutive for existing budgets. The fee demonstration program has created perverse incentives by encouraging more development and additional visitor services for sites and activities that generate more revenues.

Private/public ventures should be minimized, regulated, and consistent with the public mandate to protect and preserve publicly-owned lands.

General access to public lands, such as Forest Service and Bureau of Land Management lands, should be without cost to users. Reasonable fees for access to national parks and wildlife refuges (those sites where access fees have historically been charged) may be appropriate, so long as such fees are applied toward protection, conservation, and restoration of natural resources. Where permits are necessary to regulate visitor use to protect sensitive resources (i.e., wilderness areas and river corridors), a nominal fee associated with administration of the permit system could be allowed.

Rigorous and unambiguous criteria for the use of fees should be developed. Fees should not create economic barriers to use. And, most importantly, fees should in no way create economic incentives for increased development, commercialization or privatization of public resources.

The proposed Federal Lands Recreation Fee Authority Act is not consistent with these principles. Until such time as a process is in place to thoroughly assess this program, it should not be made permanent.

We appreciate this opportunity to comment.  
With regards,

MELISSA D. FROST,  
*Conservation Organizer.*

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THE SENATE OF THE STATE OF NEW HAMPSHIRE,  
*Concord, NH, June 26, 2002.*

Senator JEFF BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee.*

DEAR SENATOR BINGAMAN: I write to express the strong opposition of myself and the New Hampshire State Legislature to the Recreation Fee Demonstration Program in the National Forests that you apparently are proposing to make permanent in SB 607.

On April 25th of this year the New Hampshire General Court passed House Concurrent Resolution 23 (HCR 23) calling upon Congress to abolish the Recreational Fee Demonstration Program. I have enclosed a copy of that resolution, which was passed unanimously in our State Senate (23-0) and with overwhelming bipartisan support in our House on a voice vote.

One strong objection that stands out for me is the fact that Congress consistently fails to fully fund payments in lieu of taxes to counties and municipalities in which the White Mountains National Forest is located. These counties and towns provide emergency and other services to and within the National Forest without full reimbursement, often with the use of many local volunteers and yet the taxpaying citizens of this state have to make up the difference through our state and local taxes and then they are also asked again to pay a fee to park their cars to be able to access our public lands in the National Forest. This also discourages all of the volunteers who help maintain trails.

Instead of giving tax cuts to the rich why doesn't Congress adequately fund the National Forests and make full payment to localities of authorized payments in lieu of taxes to support local services?

Thank you for your attention to this matter.  
Yours truly,

CLIFTON C. BELOW.

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THE MOUNTAINEERS,  
*Seattle, WA, June 26, 2002.*

Hon. JEFF BINGAMAN,  
*Chairman, Senate Energy and Natural Resources Committee, Washington, DC.*  
Re: Comments on S. 2607 "Federal Lands Recreation Fee Authority Act"

DEAR MEMBERS: We submit these comments for the Congressional Record.

The Mountaineers, with nearly 15,000 members, is the largest outdoor muscle power recreation and conservation club in the Pacific Northwest and the third largest in the nation. As a recreation club we sponsor about 5,000 trips a year. The vast majority of these trips are to destinations in the federal Wildernesses and backcountry here in Washington State. We are very concerned with access to, maintenance of, and safety in these public lands.

We are very pleased that you have brought the issue of recreational user fees before the committee for review. This offers the opportunity to evaluate and debate the merits. Since 1996 the Mountaineers has been very actively involved evaluating and commenting on the Users Fee Demonstration Program (Fee Demo). We have worked closely with Region 6 of the Forest Service and in particular here locally with the Mount Baker Snoqualmie National Forest. We have also worked with the National Park Service, especially Mount Rainier National Park. We believe that our enduring involvement gives us valuable insight into many aspects of recreational user fees.

The Mountaineers offer these general comments on S. 2607:

Fees collected should not be a budgetary offset for inadequate congressional appropriations. The fees must be a supplement used to address the vast backlog of deferred maintenance. For example, the Mount Baker Snoqualmie National Forest serving the Seattle metropolitan area's three million citizens, has a backlog of 10 million dollars of deferred maintenance on 1,500 miles of trails.

The fees should not be used for the construction of new infrastructure; those costs should only be authorized by appropriations.

The fees should be broad based and equitable. Discrete user groups should not be targeted for fees simply because they are easily identified.

Broad area, national and regional, passes are a necessity. Here in the Pacific Northwest, Region 6 of the Forest Service is selling a NW Forest Pass, valid at all Region 6 forests. Addition of National Parks to these wide area passes would be an improvement. Duplicate passes for individual forest would be costly, redundant and overly burdensome to the "frequent user."

Fees must not be used to restrict access to public lands. If there are valid reasons to limit visitation (ecological restoration, etc.) they should be handled separately.

The bill should include strong guidelines for public involvement regarding fee structures and most particularly with decisions on how generated funds will be spent. Also, public oversight at the local level, by those users who paid the fees, is a necessity to account for expenditures.

The Mountaineers is concerned with the heavy emphasis both in S. 2607 and the Forest Services "Blueprint" on front country infrastructure, visitor's centers, developed parking lots, etc. The backcountry trails and campsites are heavily used and greatly in need of maintenance to preserve and protect them, the environment, and to provide a safe experience for the using public. There needs to be more balance in S. 2607, recognizing the needs in the "undeveloped" backcountry.

One of the positive developments of Fee Demo has been a greatly increased commitment of volunteer stewardship, that is, trail maintenance work parties. By contributing sweat equity, not only do these volunteers improve and repair trails at very low cost, but they also earn credit toward passes. S. 2607 should address this directly and encourage volunteer participation by a program of recognition and rewards. The Mountaineers believe that an annual pass for two days, or ten hours, of labor is appropriate and reasonable.

The Mountaineers has the following comment on a specific section of S. 2607:

Sec. 2, sub section (d) RECREATION USE FEES, sub paragraph (2) cites (D) a managed parking lot for which fees may be charged, while sub paragraph (3) cites (A) general access to an area and (F) undeveloped parking as items for which recreation use fees may not be charged. As Fee Demo has developed in the Pacific NW, "undeveloped" parking lots at trailheads are the points of general access to an area for which fees have been charged. Who will determine the difference between developed and undeveloped parking? And what exactly is general access? Do trails and pit toilets constitute a developed facility? This language is too vague and wide open to multiple interpretations and misinterpretations.

Once again thank you for reviewing the issue of recreation user fees. The issue was entirely inappropriate in the appropriations process. The Fee Demo program has generated a great deal of data on the collection, administration and spending of user fees. Any legislation on recreational user fees should take full advantage of the experience gained with Fee Demo by doing a full evaluation of the successes and failures of that program. As any program of recreational user fees will impact a wide range and great number of users of our public lands, we encourage Congress to provide ample opportunity for public input and debate.

Thank you for this opportunity to comment on S. 2607.

Sincerely,

GLENN EADES,  
*President.*

*Durango, CO, June 26, 2002.*

Senator JEFF BINGAMAN,  
*U.S. Senate, Washington, DC.*

Re: Senate Bill 2607 to make the Fee Demonstration Program permanent

DEAR SIR: I have studied this bill thoroughly as well as kept myself well informed regarding the Fee Demo. Program since it's inception. As President of Seniors Outdoors!, a very active club of 430 members, we use the trails and parks for recreation at least three times a week year round. I also belong to 4 Corners Backcountry Horsemen, Trails 2000, and San Juan Mountain Association. All of these organizations voluntarily build, repair and maintain trails as do hundreds of other organizations.

Trail-users are generally very responsible in their use of natural resources. Many of us use the outdoors for free recreation since we can't afford and don't like commercial encroachment into pristine natural environments.

Please, put a permanent STOP to the FEE DEMO PROGRAM. Return taxes to funding the FS, BLM and DOW and give your generous support to FREE PUBLIC LANDS. Charging fees for the use of public land is unethical and excludes the poor

from an important resource for their enjoyment. There are better ways to maintain these lands and plenty of volunteers are available. Come observe what Durango is doing; see the real story of ways to "Share the Trails", "Leave No Trace" "Colo. Trail Work Projects" etc. etc. THERE ARE BETTER WAYS TO KEEP OUR LANDS FREE!!!

Sincerely,

DELL MANNERS.

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*Chino Hills, CA, June 27, 2002.*

Senator JEFF BINGAMAN,  
*Energy and Natural Resources Committee, Dirksen Bldg., Washington, DC.*

DEAR SENATOR: I am treasurer and secretary of The Angeles Volunteer Association, a non-profit organization dedicated to the preservation and care of the Angeles National Forest. Our volunteers assist the Forest Service in the care and maintenance of our National Forest. AVA is also a vendor of the Adventure Passes.

The Adventure Pass program increased dramatically the numbers of forest visitors whom we contacted. We were much better able to explain not only the Adventure Pass program but also forest regulations and precautions to make the visit for everybody more enjoyable. Most of the time we hear positive comments for the Adventure Pass program especially as most of the money is used to improve the local National Forest.

One other advantage of the Adventure Pass program is the reduction of gangs in the forest and less gravity and trash. Before the introduction of the Adventure Pass program our trails and environment suffered from thoughtless destruction by gang or gang related people. Now most trails are clean and it is safe to hike again. You can enjoy nature at its best.

As a non-profit volunteer organization we are always strapped for funds. Being a vendor of the Adventure Passes gave us income that we use to improve the environment and to advance the education of the forest visitors.

I have seen many improvements in the Angeles National Forest which were only possible through the Adventure Pass program as Congress does not dedicate enough funds to enable the Forest Service to provide adequate services. We have more patrols in the Forest by Forest Service employees, we have improved trailheads with paved parking lots, restrooms, bear proof trash containers and much more. All these advancements were financed with money from the Adventure Pass program.

I fully support the Adventure Pass program as a Forest Service volunteer and a private citizen. Please, continue the program permanently.

I want this statement in the record for the hearing of June 19, 2002 on recreation fees.

Sincerely,

DORIT QUAAS.

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*Ontario, CA, June 27, 2002.*

Senator JEFF BINGAMAN,  
*Energy and Natural Resources Committee, Dirksen Building, Washington, DC.*

DEAR SENATOR BINGAMAN: I am writing in support the U.S. Forest Service's Adventure Pass. In our local mountains (San Bernardino National Forest) it is revenue derived from the sales of the Passes has been used to assist with maintenance of picnic areas by providing trash receptacles, portable restrooms, picnic tables and other items.

It is also used to help regulate the numbers of people who use our public Forest areas. This hot very, very dry Southern California summer will be especially important as our local forests are in grave danger of wild fires that can cause destruction, injury and in extreme circumstances death.

I want these comments included in the record for the hearing of June 19, 2002 on recreation fees.

Thank you,

MARGARET STAMM.

*Twin Falls, ID, June 25, 2002.*

Senator JEFF BINGAMAN,  
*Chair, Senate Energy & Natural Resources Committee.*

DEAR SENATOR BINGAMAN: I strongly oppose the Recreation Fee Demo Program and your bill to make it permanent, S. 2607. Please cancel this bill and work to terminate this increasingly unpopular program.

There should be no fees for the use of, access to or parking on public lands. Please work with the Appropriations Committees to restore accountable public funding for the maintenance of our public lands.

Please include this letter in the public record for the June 19, 2002 public hearing. I look forward to your response. Thank you.

Yours sincerely,

CHRISTOPHER R. YOST.

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FREE OUR FORESTS—OJAI,  
*Ojai, CA, June 17, 2002.*

Senator JEFF BINGAMAN,  
*Chairman, Senate Energy & Natural Resources Committee, Dirksen Bldg., Washington, DC.*

Re: S. 2607, Federal Lands Fee Authority

DEAR SENATOR BINGAMAN: Thank you for your efforts on this bill. To roam freely on our public lands is a treasure that needs guarding for future generations.

Many don't mind a fee for services offered, however, we do need to adequately fund these lands, and our tax dollars should be the source.

Our Region 5 Forest Service has had their budget cut by about 45% in 21 years, this translates to about 69% manpower, with an ever increasing population usage upon these lands. Please provide the proper tax dollar funding badly needed.

We want our Forest Service to protect our heritage and not use private concessionaires. Return the dignity of these lands to its rightful stewards.

Thank you again,

P.S. "For every dollar that is paid in Federal taxes, only .00018 of a penny is spent on recreation, heritage and wilderness programs, on Forest Service lands." (U.S.F.S., 1998 document)

HEIDI MAUER,  
*Chairman.*

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STATEMENT OF ANDREW O. MOORE, VICE PRESIDENT, PUBLIC AND GLOBAL AFFAIRS,  
NATIONAL ASSOCIATION OF SERVICE AND CONSERVATION CORPS

The National Association of Service and Conservation Corps, a membership organization of state and local youth corps that collectively engage 23,000 young adults in conservation service nationwide, appreciates the opportunity to submit brief written testimony on S. 2473 and S. 2607 for the hearing record.

The National Association of Service and Conservation Corps (NASCC) supports permanent authorization of a Recreation Fee program to reduce the maintenance and restoration backlog on Federal lands and facilities, and to engage qualified youth conservation and service corps to complete projects. To these ends, NASCC recommends:

- Congress should encourage each collecting agency or bureau to allocate 10% of Recreation Fee collections for partnership projects with state, local, and non-profit youth corps in a manner consistent with the Public Lands Corps Act of 1993.
- Recreation Fee legislation should ensure—as Senator Bingaman and Administration witness stated at the hearing—that the application of fees takes place in a manner that is consistent and equitable, and that continues to encourage and allow all Americans and international visitors to enjoy our nation's public lands.

The National Park Service already effectively uses Recreation Fees to engage youth in reducing the maintenance backlog with its Public Land Corps (PLC) program. Since 1999, PLC has directed a total of \$14 million to local partnership projects involving youth corps or other youth groups and the Park Service. To date, two National Park Service Directors have utilized PLC for 916 projects on over 150 parks and monuments. Youth corps affiliated with NASCC have carried out 40% of these projects.

Region 6 of the Forest Service also recently demonstrated its strong commitment to involving youth in Fee Demo-funded projects by increasing the percentage of Recreation Fees dedicated to youth groups from 17% to 22%. In 2001, \$500,000 of the \$3 million generated by the Northwest Forest Pass went to youth corps such as EarthCorps, Student Conservation Association, and Northwest Youth Corps. This year Region 6 plans to underwrite \$650,000 in partnerships with youth employment programs.

Linking a portion of Recreation Fees to youth program partnership projects offers multiple advantages to the federal land agencies. These include:

- Youth corps complete labor-intensive backlog maintenance projects early or on time, at or under budget, and to exacting Federal specifications.
- Youth corps typically provide up to 25% matching funds for projects.
- Providing youth corps participants from communities near forests, parks, and wildlife refuges with paid employment keeps wages and spending in local communities and helps train the next generation of conservation stewards.
- Partnerships with corps permit Federal agencies to reach out effectively to those who historically have not been frequent users of public lands.
- Many corps members come from disadvantaged backgrounds or are people of color.
- Recreation Fees can provide an ongoing source of support that helps make corps more sustainable, and operations more predictable.

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STATEMENT OF JENNIFER LAMB, PUBLIC POLICY DIRECTOR, NATIONAL OUTDOOR  
LEADERSHIP SCHOOL

Mr. Chairman and members of the committee, thank you for the opportunity to submit this statement to the Committee on Energy and Natural Resources regarding the collection of recreation fees on federal lands. We ask that this statement be included in the official record of the hearing on June 19, 2002.

The National Outdoor Leadership School (NOLS) is a non-profit organization that teaches outdoor skills, leadership and ethics to more than 8,800 students each year. Founded in 1965 and headquartered in Lander, Wyoming, NOLS employs more than 800 instructors and staff at nine branches and two professional institutes worldwide. Our annual revenues exceed \$19 million. NOLS' mission is to be the leading source and teacher of wilderness skills and leadership that serve people and the environment.

From our five U.S. branches, NOLS is a permitted commercial operator in 19 National Parks, 23 National Forests, three National Wildlife Refuges and 20 Bureau of Land Management areas in nine western states. The core of our educational programs includes extended backcountry expeditions of 28 to 93 days in length—our instructors and students spend significant amounts of time on public land. Our management staff has considerable experience working with permitting and fee operations of each of the four Federal land management agencies. In 2001, NOLS spent roughly \$200,000 on permit fees to operate on federal land in the U.S.

In addition to being an accountable and responsive commercial operator, NOLS has been an active participant in the recreation fee demonstration program since its inception in 1996. We have provided verbal and written testimony at congressional hearings and worked with the agencies to identify both the positive and negative elements of the fee experiment. "On the ground", NOLS has experienced first hand both the positive aspects of the program—many critical maintenance projects that would otherwise remain on a backlog list have been funded to completion—and the pitfalls of a loosely structured experiment—many fees are inconsistent, complex, expensive and inconvenient for visitors.

This letter addresses the following topics:

Specific comments on the two bills currently being considered by the committee, five key principles that NOLS believes are critical to a permanent fee program, and general considerations regarding recreation fee policy.

*1. Recreation Fee Bills Under Consideration*

NOLS believes that the bills introduced by Senator Bingaman (S. 2607, the Federal Lands Recreation Fee Authority Act) and by Senator Thomas (S. 2473, the Recreational Fee Authority Act of 2002) offer a promising starting point for recreation fee collection. However, both bills need further definition and clarification in a number of critical ways outlined below.

*What We Like About the Bills*

NOLS will support a reasonable permanent fee program that applies to all four of the Federal land management agencies. We realize that the National Park Service, with its already established entrance fee collection system, is in a better position to implement an efficient collection program. However, a significant portion of the nation's outdoor recreationists visit lands managed by the Forest Service and the Bureau of Land Management (BLM). These two agencies need considerable support in managing recreation impacts. The Forest Service alone manages 133,000 miles of trail, while the BLM, the National Park Service and the Fish and Wildlife Service are responsible for 16,500, 13,000 and 1,500 miles respectively.

It is reasonable for visitors to pay limited fees for access to developed recreation sites. We approve of both bills' attempts to focus fee collection on those sites where recreation impacts are greatest. That said, we have concerns about the inadequacy of funding for backcountry areas that we will address later in this letter.

*What Needs To Be Improved or Clarified*

- Definitions: Both bills use many qualifiers, such as "major" recreation attraction, "efficiently" collected, and "substantial" Federal investment to define sites at which fees are appropriate. Realizing that it was an experiment, a large part of the problem with the fee demonstration program resulted from the inconsistency with which fees were applied. Unless specific guidance is provided regarding when fees are appropriate, NOLS fears that a permanent program will be fraught with the same inconsistency experienced with the demonstration.
- "Layering" of fees: Both bills offer language to "minimize multiple fees within specific units or areas." (Section 2c(3)). We favor stronger language that seeks to prevent the collection of multiple or layered fees. As the demonstration program has shown, a fee program that allows layering of charges will receive strong criticism from both the general public and commercial operators.
- Section 2(e) of Senator Bingaman's bill identifies a "Special Recreation Permit Fee." Will this fee be in addition to or take the place of existing fees for commercial permits such as the Forest Service's Special Use Permit or the Park Service's Incidental Business Permit? Will commercial outfitters pay more than one fee for each permit?
- In Section 2(b), Prohibition of Fees in the Bingaman bill, what defines a "bona fide educational institution?" Does this include educational organizations such as NOLS with 501(c)(3) status?
- Distribution of revenue: In an attempt to simplify the collection process, both bills suggest that fees may be collected under a national pass system. While we understand that a pass system has been recommended in the interest of collection efficiency and ease of use, we are concerned that fee revenue will not be appropriately distributed to the areas of greatest need.
- Will critical projects that currently enjoy the support of fee demonstration revenue continue to be funded through other sources if they are not covered under a new permanent program? We believe this question warrants thorough consideration to prevent further deterioration of backcountry resources, and we present more detail in section three of this letter.

*2. Fee Principles*

NOLS believes the following principles should guide the development of a national recreation fee program.

- Appropriation: Federal appropriations should fully fund proper care and management of our public lands. Given that this is unlikely in the near future, we believe that a recreation fee collection program should provide an increased revenue stream to supplement but not supplant appropriations for public land management. As many other outdoor recreation and conservation organizations have expressed publicly, NOLS would not support a fee program that represents a substitute for congressional appropriations.
- Limitation: The use of recreation fees should be limited to essential site maintenance and improvements that directly benefit recreational visitors. Fee revenue should not be applied to other public lands management needs.
- Simplification and Efficiency: NOLS operates in many different public land areas across the west. As a result, we have experienced a broad variety of fee scenarios. We comply with all of them, though the complexity and incremental expense of some is alarming. In some cases, we pay a commercial franchise or permit fee (usually a percentage of gross revenue), and then a series of fees related to the activity; for example, an entrance fee, a backcountry fee, or a per person/per day visitor or river-travel fee—all for one student course.

Scenarios such as this raise questions about the efficiency of the system. With so many different collection efforts, how much of this revenue actually makes it to the ground where it will provide benefit to the resource?

Given the opportunity to re-design a fee program, NOLS strongly recommends the elimination of this kind of layering of fees. NOLS also urges that fees be consistent and reasonable across agencies and across different units within the same agency. We recommend that the Congress consider placing a cap on the total dollar amount that a commercial operator may pay in fees.

- Fees should remain with the resource where collected: The primary purpose of a recreation fee program is to generate funds for maintaining the quality of the natural resource that supports recreation. The original premise behind the fee demonstration program—and the aspect of the program that is most readily accepted by fee payers—is the concept that fee revenue will be applied to the site where it is collected. Visitors will see and experience the benefits of their contribution. NOLS supports a fee system that keeps revenues in the agencies and units that generate them.

In both of the bills being considered, however, there is a strong emphasis on the use of a national pass system. While such a system may be the only way to make recreation fees palatable and feasible for the public, it blurs the original intent—apply the fees where you charge them. We encourage the committee to carefully consider the merits and the potential pitfalls of a national pass in this context.

- Retention: As a permittee on national forests throughout the west, NOLS strongly encourages Congress to consider allowing the Forest Service—as it does the Park Service and the BLM—to retain fees collected from commercial outfitters and guides. This shift would provide the agency with access to an existing source of revenue from which the other two agencies already benefit.

### 3. Policy Considerations

#### *Funding for Backcountry and Wilderness Areas*

There seems to be a general opinion—and the bills being considered reflect—that the public should not be charged for visiting dispersed backcountry areas on public land. However, these areas need additional funding—it costs money to manage wilderness. NOLS, Outward Bound, and commercial outfitters and guides have for many years paid fees to visit backcountry and wilderness areas. More and more frequently, we learn from local land managers that they don't have the funding or the staff to complete basic resource management tasks. Often, they lack the resources to take advantage of our offers to provide volunteer assistance—they cannot provide staff time even to coordinate an effort that will leverage volunteer resources.

If a recreation fee program is designed solely to fund front-country highly developed recreation areas, Congress must carefully consider methods to distribute funds to all areas of need, or develop alternative ways to properly support backcountry and wilderness lands. Some ideas are presented in the section that follows.

#### *The Fee Demonstration—Apply What Has Worked*

While the fee demonstration program evoked sharp criticism from some corners and solid support from others, some good came out of it and some very positive lessons were learned. We encourage Congress and the agencies not to throw out the entire program and start again, but to incorporate the positive elements of the demonstration. Why else perform an experiment?

Most important of these elements is the development of effective partnerships between public and private entities that were created to leverage volunteers and dollars to perform critical projects on public lands. For example, on one Forest Service District in the Pacific Northwest in 2000, Northwest Forest Pass revenue—Fee Demo dollars—allowed the agency to clear 788 miles of trail and establish agreements with five non-profit organizations that performed work on the Forest valued at \$614,000. With revenue from the fee program available as a match, the Forest successfully competed for state funds through the National Recreation Trails Program, bringing in an additional \$100,000 for maintenance.

There are numerous examples in which fee demonstration revenue enables the completion of annual maintenance projects through the development of partnerships with volunteer organizations that leverage the agencies' ability to perform critical work. These efforts should continue and more should be established.

NOLS works closely with numerous Districts within 23 different National Forests in the mountain west. In many cases, we have partnered with the agency to perform volunteer service projects that give our students hands-on experience with the challenges of land management and help the agency complete maintenance work in the backcountry. We are concerned that projects that are currently possible with the use

of fee demonstration revenue—projects that leverage both money and volunteers—will fall by the wayside under a new permanent program that does not address backcountry areas. We encourage the Congress to consider carefully the impact of a new fee system on existing programs currently funded with fee demonstration revenue. Perhaps through the development of Memorandums of Understanding or programs such as Challenge Cost Share, agencies can maintain the momentum they have gained with existing partnership programs.

*Volunteer Support and Management*

A number of organizations, including NOLS, have actively followed the evolution of the fee demonstration program and have requested that the agencies increase their level of involvement with volunteer groups. As described above, NOLS has witnessed on many occasions that partnerships between agencies and non-governmental organizations can bring enormous benefits to public land and to the people who visit it. We strongly encourage the Congress to develop provisions in a permanent program that enhance the agencies' ability to partner with volunteers, not only for the collection of fees, but also for the performance of work projects.

NOLS appreciates the level of effort and analysis that the Congress and the agencies continue to give to the recreation fee program. In addition, we appreciate the opportunity to provide our opinion on recreation fees and on a possible permanent program. We are always available for additional information and input.

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